

**LICENSE HEARING MINUTES**  
**SuperAmerica #4039, 1146 Payne Avenue**  
**Thursday, March 10, 2011, 10:00 a.m.**  
**330 City Hall, 15 Kellogg Boulevard West**  
**Nhia Vang, Deputy Legislative Hearing Officer**

The hearing was called to order at 10:05 a.m.

Staff Present: Kris Schweinler, Department of Safety and Inspections (DSI)

Applicant: Lesley Zaun, attorney, Faegre & Benson; and Chris Hawkins, District Manager, representing Northern Tier Retail LLC, owner

SuperAmerica #4039: Gas Station, Cigarette/Tobacco, Restaurant (1) – No Seats, and Retail Food (C) – Grocery 1001-3000 sq. ft., Malt Off Sale licenses

Ms. Vang stated this license application went before the City Council and Councilmember Bostrom referred the matter back for a legislative hearing to discuss placing additional or modified conditions on the license. This particular store had been a problem in the neighborhood and the request was to change the closing time from midnight to 11 p.m. In reviewing the police incident reports, the Councilmember wanted to see if closing an hour earlier would alleviate some of the problems related to a later closing time. Another concern was picking up trash/litter from the parking lot and the abutting boulevard; the Councilmember would like this to be done three times per day rather than once daily.

Ms. Zaun responded that she would need to discuss the earlier closing time with her client to see how it may affect revenue for the store. As far as picking up trash, they already agreed to extending picking up trash on the boulevard and didn't believe they should have to do so more than on a daily basis. Mr. Hawkins responded that generally, the trash was picked up three times per day on a as needed basis. Ms. Vang responded that the 56 Snelling location had a condition on the license which stated: "staff will police the site at least three times a day to remove any litter..." and requested that this language be included as a condition on the license. Ms. Zaun responded that they would be agreeable to the language so long as it did not include having to pick up litter on the boulevard more than once daily.

Ms. Vang stated that another condition the Councilmember requested be added to the license was to provide security at the store; the same language as the 390 Maryland location which stated: "to the extent practicable, clearly identifiable and licensed security will be on duty a minimum of two nights a week at varying times and hours." Ms. Zaun responded that she would need to confer with her client.

The hearing recessed at 10:30 a.m. and reconvened at 10:40 a.m.

Ms. Zaun stated that she was unable to speak to her client during the recess. She suggested they voluntarily close the store at 11 p.m. to see how it affected revenue. If it appeared there was no significant impact on sales, they may choose to close an hour earlier without having to change the hours of operation on the condition to the license. Concerning the provision to provide security, she needed to confirm this with her client before making any commitment. She said she would contact staff after she spoke to her client concerning the modified conditions to the license.

The hearing adjourned at 10:50 a.m.

The signed conditions affidavit was submitted on August 17, 2011 and are as follows:

1. Hours of operation are 6:00 a.m. to 11:00 p.m. Monday through Sunday.
2. 3.2 Beer and beer products that are originally packaged with the intent to be sold together in multiples cannot be separated and sold by the individual bottle or can. Only 3.2 beer and beer products that are purchased from a licensed distributor, and are intended to be sold by the individual bottle and/or can, may be sold as an individual bottle and/or can.
3. The sale of 40 ounce bottles and/or cans of beer is not permitted.
4. The sale of wine and/or strong beer is not permitted with a Malt Off Sale license.
5. The license holder shall maintain video surveillance cameras inside and outside the establishment. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Department (SPPD) immediately upon request. In addition, if the SPPD responds to a call at the licensed premises, and due to the serious nature of the crime, requests that a copy of the surveillance footage be immediately provided, license holder shall have technology available to make the copy at the time of the request and shall have it for the police without delay. In other cases, if the SPPD or the Department of Safety and Inspections requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies.
6. The licensee shall remove trash, litter, and/or bottles and cans from the parking lot and public sidewalks and blvd. abutting the property daily.
7. To the extent practicable clearly identifiable and licensed police officers will be on duty at a minimum of 2 nights a week at varying times and hours.

Submitted by:  
Vicki Sheffer