

LICENSE HEARING MINUTES
Element Boxing & Fitness, 655 Fairview Avenue North
Thursday, June 6, 2013, 2:00 p.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 2:40 p.m.

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI)

Applicant: Dalton Outlaw-Soderlind, Owner/Applicant

Element Boxing & Fitness: Health/Sport Club

Ms. Vang stated that this was an informal legislative hearing for a license application. This particular license required a Class N notification which means the neighborhood was notified and people had the chance to voice their concerns. The City received a letter of concern/objection which triggered the hearing. There were three possible results from this hearing: 1) recommend the City Council issue this license without any conditions; 2) recommend the City Council issue this license with agreed upon conditions; or 3) recommend the City Council not issue this license but refer it to the city attorney to take an adverse action on the application, which could involve review by an administrative law judge. The applicant will be required to sign a Conditions Affidavit demonstrating the understanding of the conditions.

DSI staff will explain their review of the application and state their recommendation. Ms. Vang said she will then ask the applicant to discuss their business plan. At the end of the hearing, she will make a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

Mr. Fischbach stated that the recommended license conditions were as follows:

1. At least one employee or manager, trained and qualified in first aid and CPR according to standards established by rule by the Department of Safety and Inspections shall be on duty at all times that the licensed premises are in operation or open to members of the public. Such standards shall be in conformity with standards and guidelines established by the American Red Cross with respect to water safety instructors or by the American Heart Association for similar purposes.
2. No food or beverages may be served or sold unless and until appropriate food licenses are obtain from the City.
3. This license only allows training and exercise activities. No Boxing or other events where patrons are charge admission is allowed.

No correspondence was received from the district council. DSI recommended approval with the proposed conditions. Mr. Fischbach stated that he looked at the website for Element Boxing and found an event for a fundraiser on May 21, 2013 posted. He asked whether the event had occurred and whether an admission had been charged as this would be in violation of condition #3.

Mr. Outlaw-Soderlind responded that the event did occur on May 21 and was a shared fundraiser for A.S.P.I.R.E. Youth Agency and Element Boxing. The event was basically for people to walk through their new location and to find out about their future plans. He understood by the conditions that they could not hold events at the gym where an admission fee was charged to the general public.

Ms. Vang asked Mr. Outlaw-Soderlind whether he understood the license conditions or had any questions concerning the conditions. Mr. Outlaw-Soderlind responded that he did not and had already signed the conditions affidavit.

Ms. Vang read into the record an email in opposition received from Sara Oxtan, 1789 Blair Avenue (*said email is made a part of this record*). Ms. Vang asked Mr. Outlaw-Soderlind to explain his business plan.

Mr. Outlaw-Soderlind explained that he had been at his current location for approximately two years and was moving to the new location as it was a larger facility. He anticipated increasing their membership from 20 to approximately 50 to 60 members, serving adults and youths between the ages of 8 years old to 18 years old. The hours of operation were Monday through Friday, 4 p.m. to 8 p.m. and Saturday, 10 a.m. to 2 p.m.; they were closed on Sunday. He expected to employ up to 8 people with all being certified in CPR. He explained the floor plan to Ms. Vang. He said they had contracted with A.S.P.I.R.E. Youth, a non-profit organization who provide services for at-risk youth, for referrals to their boxing program for those who could not otherwise afford to pay a membership. Youths are expected to be supervised by staff in a separated area from the main gym.

Ms. Vang asked whether the parking at this location would be adequate given the potential increase in patrons. Mr. Fischbach responded that according to Zoning, no additional parking was required. Ms. Vang asked about the required sign offs for inspections by Environmental Health in addition to the Building Official. Mr. Fischbach responded it was his understanding that Environmental Health had inspected the building with one correction needing to be made which was to have a mop sink. He believed an inspector would need to re-inspect the property for compliance and sign off. He was unsure whether the building plans had been approved by the Building Official which needed to be done before the license could be issued. Since Mr. Outlaw-Soderlind had been working with Larry Zangs in DSI, Mr. Fischbach suggested he contact Mr. Zangs to see if there were any other additional requirements that needed to be met.

After reviewing all of the documents of record, Ms. Vang said she will recommend to the City Council that they approve the license with conditions. The proposed conditions were agreed to by Mr. Outlaw-Soderlind and are as follows:

1. At least one employee or manager, trained and qualified in first aid and CPR according to standards established by rule by the Department of Safety and Inspections shall be on duty at all times that the licensed premises are in operation or open to members of the public. Such standards shall be in conformity with standards and guidelines established by the American Red Cross with respect to water safety instructors or by the American Heart Association for similar purposes.
2. No food or beverages may be served or sold unless and until appropriate food licenses are obtain from the City.

3. This license only allows training and exercise activities. No Boxing or other events where patrons are charge admission is allowed.

The hearing adjourned at 3:05 p.m.

The Conditions Affidavit was signed and submitted on April 24, 2013.