

**LICENSE HEARING MINUTES**  
**D & L Food And Gas, 626 Larpenteur Avenue West**  
**Thursday, October 31, 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 2:00 p.m.

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

Applicant: Raees and Amna Chohan, Owners/Applicants

D & L Food And Gas: Gas Station, and Cigarette/Tobacco Licenses (Note: This is for a change in the corporate name of the business, the ownership of the establishment will remain the same.)

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 letters 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.

Ms. Schweinler stated that the recommended license conditions were as follows:

1. Licensee agrees not engage in the business of cashing checks, drafts, money orders, or travelers' checks for a fee at this location unless prior written approval is obtained from the Department of Safety and Inspections and any other necessary governmental agency(ies).
2. Temporary window signs placed between the heights of four (4) to seven (7) feet above grade shall not cover more than thirty (30) percent of this window space area, and cannot block views into the clerk or cashier station.

Staff was recommending an additional condition on the license which states: "The licensee shall pick up trash, litter, and empty bottles and/or cans in the immediate vicinity of the licensed business, whether on public or private property, at least on a daily basis." Staff was also requesting the owner/applicants sign a graffiti waiver for the city to be able to remove graffiti on the property at no charge to the owners. Mr. Chohan agreed and signed the form (*a copy of which is made a part of this record*).

The Como Park District 10 Community Council submitted a letter of support with a recommendation the business repair and maintain the public sidewalks (including timely removal of weeds and graffiti), and obey the City ordinance regarding signs (including flashing signs and temporary signs).

Ms. Vang invited the Chohans to explain their business plan. Mr. Chohan stated that the license was merely for a change in their corporate name and that they had owned and operated the business for approximately the past three years.

Ms. Chohan referred to an email submitted by Janet Bailey which she wished to address (*said email is made a part of this record*). She disputed the allegation that they had bugs inside the store. They had a pest control service who treated the property, inside and outside, on a regular basis. She presented a copy of a receipt from Guardian Pest Solutions Inc. (*a copy of said receipt is made a part of this record*).

Mr. Chohan addressed the issues concerning litter, trash, dumping and the donation boxes. There were two donation boxes located by their fence abutting a rental property. The charity typically picked up the items in the boxes on a bi-weekly basis. There were occasions when people would drop off donations in bags too large to fit in the box. When this occurred, they would call the charity to come and pick up the items prior to the normal pick-up date. There were also occasions when people would pilfer through the bags and take donated items. They did have trash service which was picked up on a weekly basis. Since they were located at a busy intersection, they were subject to frequent dumping of large items such as sofas, mattresses, etc. When these large items were dumped on their property, they would call their trash service to come and pick up the extra items which was at an additional cost to them. As far as litter, they did pick up discarded litter in and around their property on a daily basis.

Ms. Schweinler asked whether they kept a log of when the grounds were picked up. Mr. Chohan responded that they did not. Ms. Schweinler suggested that they begin keeping a log and initialing the date by the person who picked up the litter so that they could show the inspector that they were indeed abiding to this condition that was being placed on their license. Mr. and Ms. Chohan agreed to keep a log.

Ms. Vang asked what their hours of operation were and whether they had security cameras on the property. Mr. Chohan responded that they were open seven days a week from 6:00 a.m. to 10:00 p.m. They did have security cameras inside and outside the store and had consulted with the SPPD on the best locations for locating the cameras. Unfortunately, it was difficult to discern from the video the responsible parties who were dumping on their property.

Ms. Schweinler stated that all outdoor temporary and permanent signs require a permit. Ms. Chohan had talked to Mr. Fischbach and Ms. Zacho regarding the requirements for signage. They did remove the signs which were not in compliance and would apply for the appropriate permits for any signs they wish to install.

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. and Ms. Chohan and are as follows:

The recommended license conditions were as follows:

Existing

1. Licensee agrees not engage in the business of cashing checks, drafts, money orders, or travelers' checks for a fee at this location unless prior written approval is obtained from the Department of Safety and Inspections and any other necessary governmental agency(ies).
2. Temporary window signs placed between the heights of four (4) to seven (7) feet above grade shall not cover more than thirty (30) percent of this window space area, and cannot block views into the clerk or cashier station.

New

3. The licensee shall pick up trash, litter, and empty bottles and/or cans in the immediate vicinity of the licensed business, whether on public or private property, at least on a daily basis.

The hearing adjourned at 2:40 p.m.

The Conditions Affidavit was signed and submitted on November 8, 2013.