



Legislation Details (With Text)

File #: RES 11-236 **Version:** 2
Type: Resolution **Status:** Passed
In control: City Council
Final action: 8/24/2011

Title: Approving the application with conditions, per the Legislative Hearing Officer, for a Gas Station, Malt Off Sale, Cigarette/Tobacco, Restaurant (1) - No Seats, and Retail Fd (C) Grocery 1001-3000 sq. ft. licenses (Note: this is for a change in ownership of an existing location), for Northern Tier Retail LLC, d/b/a Superamerica #4039 (ID #20100004246) at 1146 Payne Avenue.

Sponsors: Dan Bostrom

Indexes:

Code sections:

Attachments: 1. Minutes 03-10-11, 2. Minutes 01-20-11, 3. Signed Conditions Affidavit 08-17-11, 4. Signed Conditions Affidavit 02-03-11, 5. Contested Letters, 6. Staff Summary, 7. Floor Plan, 8. Photos, 9. STAMP Activities Report, 10. Police Activities Report, 11. Superamerica's Exceptional Customer Experience Worksheet Form

Date	Ver.	Action By	Action	Result
8/31/2011	2	Mayor's Office	Signed	
8/24/2011	2	City Council	Adopted	Pass
2/23/2011	1	City Council	Referred	Pass

Approving the application with conditions, per the Legislative Hearing Officer, for a Gas Station, Malt Off Sale, Cigarette/Tobacco, Restaurant (1) - No Seats, and Retail Fd (C) Grocery 1001-3000 sq. ft. licenses (*Note: this is for a change in ownership of an existing location*), for Northern Tier Retail LLC, d/b/a Superamerica #4039 (ID #20100004246) at 1146 Payne Avenue.

WHEREAS, the Legislative Hearing Officer recommends that the application for Superamerica #4039 for a Gas Station, Malt Off Sale, Cigarette/Tobacco, Restaurant (1) - No Seats, and Retail Fd (C) Grocery 1001-3000 sq ft licenses, be approved with the following conditions:

1. Hours of operation are 6:00 a.m. to 12:00 midnight 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 licensee 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.

(NOTE: The original Conditions Affidavit was signed on February 3, 2011.)

This item was referred back by Council on February 23, 2011 for a new license hearing and a new hearing was conducted on March 10, 2011. The following reflects new license conditions that were agreed to by the applicant:

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.

(NOTE: The Conditions Affidavit was signed on August 17, 2011.)

THEREFORE, BE IT RESOLVED that the Council of the City of Saint Paul hereby approves this license application with the aforementioned agreed-upon conditions signed by the applicant on August 17, 2011.