

567 Payne Avenue, St. Paul MN 55130 www.paynephalen.org 651-774-5234 district5@paynephalen.org

Agenda for the Community Meeting

Tuesday, July 23, 2019 6:30 p.m.

Arlington Hills Community Center, 1200 Payne Avenue, St. Paul (Payne and Maryland Avenues)

Board of Directors Roll Call

Welcome: Introductions and Review of the Agenda

5 minutes

Planning, Zoning, and License Entitlements:

15 minutes

- North Star Bar and Grill, 883 Payne Ave. Liquor license application for Reitan LLC, doing business as North Star Bar and Grill, Presentation by Craig Reitan, Summit Supply, Inc.
- Community of Peace Academy, 471 East Magnolia Street. Zoning Application for expansion of the school building and construction of a new surface parking lot (on the corner of Magnolia and Arkwright). Presentation by J. Kou Vang, JBVang Real Estate Advisors and Project Management.

Presentations and Discussion:

30 minutes

3. <u>Swede Hollow Master Plan:</u> Progress Report. Presenter: Cheeneng Yang, Project Manager, City of St. Paul, Department of Parks and Recreation.

Board Deliberation, Votes, and Reports

40 minutes

- 4. Approval of Minutes: Board Minutes for March through May Meetings
- 5. Discussion: Upcoming Public Meeting on Citywide Trash Collection:
 - Update on preparations; Brainstorming of topics and issues to be covered
- 6. Update: Arcade Street Working Group
- 7. Community Events and Activities:
 - o China Garden Society Awards Banquet: Thank you and de-brief
 - o Dragon Festival: Thank you and de-brief
 - Citywide Trash Collection Meeting: Board Volunteers needed!
 - o National Night Out, August 6th: Board Volunteers needed!
 - o Back to School Event at BruceVento School, August 28th: Board Volunteers needed!
- 8. Additional Board items for discussion
- Updates: Executive Director and Board President

ADJOURN

8:00 PM

Next meeting: July 30, 2019 at the Arlington Hills Lutheran Church, 1115 Greenbrier Street



CITY OF SAINT PAUL

375 Jackson Street, Suite 220 Saint Paul, Minnesota 55101-1024 Telephone: 651-266-8989 Facsimile: 651-266-9124 Web: www.stpaul.gov/dsi

Dear Resident and/or Neighborhood Organization:

The Department of Safety and Inspections (DSI) has received an application for a license for a business in your area. You are being notified because this request requires neighborhood notification.

Details regarding this matter are given on the reverse side of this letter. You will have 45 days from the date this notice was mailed to express any objections. The response deadline is given on the reverse side of this document. If you have any objections to the application as described on the reverse side, please send your objection(s) (with your telephone number) in writing to:

Legislative Hearing Officer 310 City Hall 15 West Kellogg Blvd. Saint Paul, MN 55102

Or email to: LH-Licensing@ci.stpaul.mn.us

If objections are received, a hearing will be scheduled before a legislative hearing officer. If you have sent in an objection, you will receive notice of the time, place and date of the scheduled hearing. At that hearing, the Legislative Hearing Officer will take testimony from all interested persons. At the end of this hearing, the Legislative Hearing Officer will make a recommendation to the City Council as to whether the license request should be approved or be referred to an administrative law judge for further review. The City Council will have the final authority to grant or deny the license.

If you have any questions regarding this matter, please contact Kris Schweinler, DSI Inspector III, at 651-266-8989, or me at 651-266-9106.

Sincerely,

Jeff Fischbach DSI Inspector III

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LICENSE APPLICATION NOTIFICATION

License Number:

20190001311

Application for:

Liquor On Sale - 101-180 Seats, and Liquor On Sale - Sunday

License at:

883 Payne Ave

Licensee:

Reitan LLC, doing business as North Star Bar And Grill

Craig Reitan, owner, 701-651-7694

Recommended License Conditions:

1. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a "Restaurant".

2. Licensee agrees to close the establishment at 12:00 a.m. midnight. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per City Zoning Code (parking requirement) and Section 409.02 of the City of Saint Paul Legislative Code.

3. License acknowledges that no entertainment may be provided unless prior written authorization from the Department of Safety and Inspections (DSI), and the required City license is first obtained.

Deadline for Response Date: Friday, August 30, 2019 at 4:30 p.m.

If you have any objections to the license application, you must respond in writing by Friday, August 30, 2019 to:

Legislative Hearing Officer 310 City Hall 15 West Kellogg Blvd. Saint Paul, MN 55102

Or email to: LH-Licensing@ci.stpaul.mn.us

If you have any questions, please contact DSI Inspectors Ross Haddow or Jeff Fischbach at 651-266-8989.

Notice Mailed: Thursday, July 11, 2019



CITY OF SAINT PAUL

375 Jackson Street, Suite 220 St Paul, Minnesota 55101-1806 Telephone: 651-266-8989 Facsimile: 651-266-9040 Web: www.stpaul.gov/dsi

July 11, 2019

North Star Bar And Grill Attn: Craig Reitan 5246 Emerson Ave N Minneapolis MN 55430

RE: License Application for Reitan LLC, doing business as North Star Bar And Grill, ID # 20190001311, Located at 883 Payne Ave / Liquor On Sale - 101-180 Seats, and Liquor On Sale - Sunday

Dear Applicant:

Our review of your application for a license is in process. Notification has been sent to the community organization and neighbors for the area in which you intend to operate giving them until Friday, August 30, 2019 to voice any objections to your license application. If no objections are received, your license will be issued (pending any requirements not completely met) approximately one week past the date given above.

If objections are received a hearing will be scheduled before a legislative hearing officer. You will receive notice of the time, place and date of the scheduled hearing from the Legislative Hearing Officer. At that hearing, the hearing officer will take testimony from all interested persons and will make a recommendation to the City Council as to whether the license(s) should be approved or be referred to an administrative law judge for further review. The City Council will have the final authority to grant or deny this license application.

Requirements including the following must be met prior to the issuance of your licenses:

- Sign and return one copy of the enclosed license condition affidavit acknowledging the conditions that will be placed on your license(s). A return envelope has been included for your convenience.
- Obtain DSI Fire Inspection Certificate of Occupancy (CofO) inspection approval. Please contact DSI Fire Inspector George Niemeyer at 651-266-8991 to schedule an inspection if you have not already done so.
- Provide proof of having obtained a restaurant license from the Minnesota Department of Health (MDH), who may be contacted at 651-201-4500 for information about their licensing process if you have not already done so.
- Provide a copy of the entire signed asset purchase agreement between you and Jon Marcus Ashton.
- Contact Kris Schweinler, DSI Senior License Inspector, at 651-266-9110 to schedule the required in-house review of DSI's Liquor License Manual, <u>and</u> your last 3 years of State tax returns (you only provided your Federal tax returns at time of license application submission).

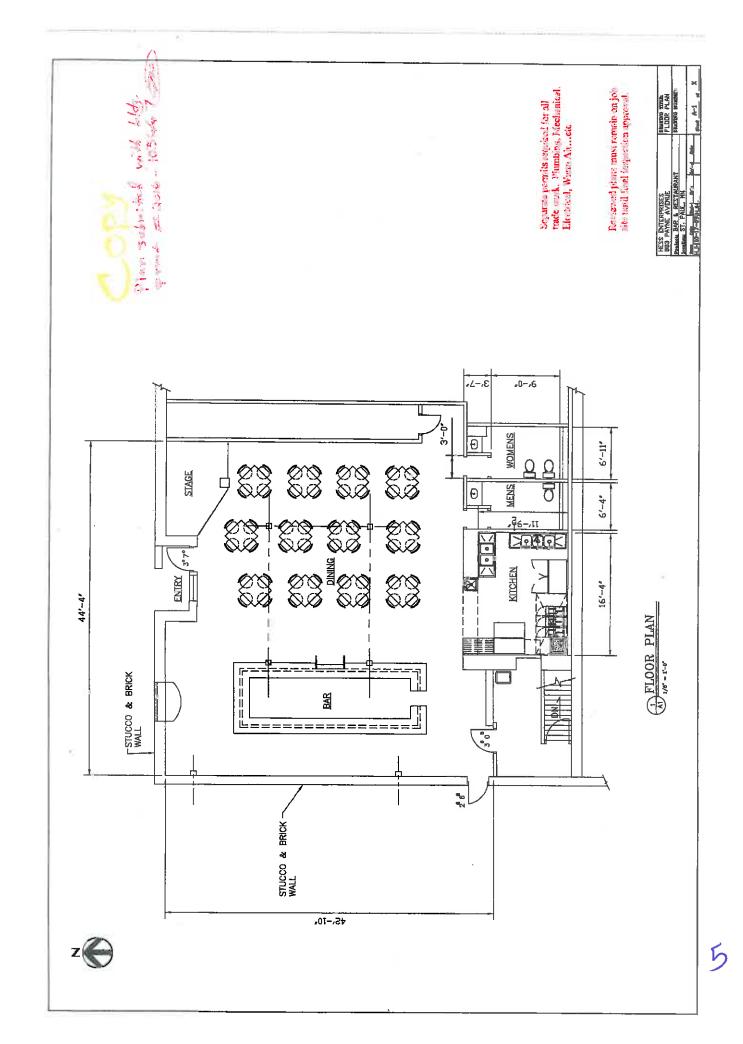
If you have any questions, please contact Ms. Schweinler at 651-266-9110 or me at 651-266-9106.

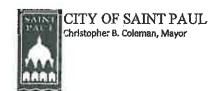
Sincerely.

Jeff Fischbach DSI Inspector III

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Disclaimer: This letter is not an indication that your application will be granted. This letter is intended simply as notice of the ongoing process of your pending application.





DEPARTMENT OF SAFETY AND INSPECTIONS Ricardo X. Cervantes, Director 375 Jackson Street, Suite 220 Saint Paul, Minnesota 55101

> Phone: 651-266-8989 Fax: 651-266-9124 Web: <u>www.stpaul.gov/dsi</u>

Business Plan Addendum

All applicants must provide details related to the business plan for the establishment for which a license is being requested. Please complete the following document and attach supporting documents. (Supporting documents should not replace completing this form)

a. Description of Business

We plan to deliver delicious fresh foods and alcohol to the neighborhood and community in a very needed location. I plan on using my previous business knowledge and experience, along with my military background to create a venue that re-brands previous businesses, and eliminates prior issues and negative stereotypes. I plan on utilizing current relationships with business partners in the food and beverage industry along with personal relationships within the St. Paul Police Department in order to revive and revitalize this area of the city with a fun, safe gathering place for members of the community.

b. Hours of operation (Sunday - Saturday)

The hours of operation would be, Sunday - Saturday 10:00 am until 12:00 am.

c. Food service (If applicable)

Include description of food to be served, how prepared, hours offered, and type of kitchen equipment. Attach copy of your menu.

Food will be prepackaged American style bar food and appetizers. Food will be heated and cooked to order. Kitchen equipment includes one fryer, one flat top grill, and one griddle. Food will be offered from 10:00 am to 10:00 pm. **See attached menu

d. Alcohol sales training and management

include training and management activities designed to ensure proper service of alcohol.

Training and management will be conducted by Shaun Holley who has over 10 years in the food and beverage industry as both a lead chef and lead bartender. Shaun is my current business partner in "The Fabled Rooster" food truck. Shaun is considered by many of his colleagues as an expert in his field.

e. Outside usage

Include any anticipated patio's or sidewalk cafés, as well as when they are expected to be in use. Explain the usage of outside areas including any potential activities and entertainment.

I do not plan to have any outside usage.

6

f. Entertainment (if applicable)

Include description of any planned entertainment as well as days and hours provided.

i. If you plan on providing entertainment, the following are the types of entertainment licenses available:

Entertainment A

Amplified or non-amplified music and/or singing by performers without limitation as to number, and group singing participated in by patrons of the establishment.

Entertainment B

All activities allowed in Class A, plus dancing by patrons to live, taped or electronically produced music, and which may also permit volleyball and broomball participated in by patrons or guests of the licensed establishment plus stage shows, theater, and contests. In all of the activities in Classes A and B, all of the participants, including patrons, shall be fully clothed at all times.

Entertainment C

All activities allowed in Classes A and B, plus performance by male or female performers without limitations as to number, where clothing is minimal but in compliance with Chapters 409.09 and 410.05 of the Legislative Code.

Note: Per Legislative Code 411.04(f) Only establishments holding on sale intoxicating liquor licenses are eligible for class B and class C entertainment licenses. A holder of a wine and/or intoxicating malt liquor licenses may only obtain a class A entertainment license. Any licensee with a wine and/or intoxicating malt liquor license that holds an entertainment B or C license on the date this paragraph is effective may continue to hold that license unless or until the license is revoked or expires.

N/A

g. Safety, noise, and neighborhood livability

include description of activities to be taken to address safety and neighborhood livability, including a security plan.

I plan to have security on staff every evening beginning at 8:00pm. Security will be provided by a respectable security company who specializes in the bar/restaurant industry. I also plan on utilizing personal relationships with the St. Paul Police Department to have off duty officers on site as needed and at random times at our discretion in order to show the reighborhood and the City that safety and security of our patrons and the neighborhood is of utmost importance to us. Security will search each patron who enters after 8:00 pm and entry/exit will only be allowed through the west facing entrance. Appropriate lighting and video cameras will be situated outside. Video surveillance will be operational 24/7 and will always be available and accessible to police. Outside loitering and noise will not be tolerated.

	nt name) Craig Reitan, an authorized corporate officer, partner or owner, hereby wledge and agree to the following:	
	The attached business plan addresses all items listed above, includes complete documentation, and is a true and correct refleof the undersigned's intentions;	
•	Any material change in the business plan must be submitted to and approved by the Department of Safety and inspections	*0

Violation of this business plan may result in suspension, revocation, or refusal to renew the license and/or a civil fine.

Ittle: Date:	Signature:		Title:	Date:	
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COMMUNITY OF PEACE ACADEMY - PARKING ANALYSIS JANUARY 2019
2019 FULL TIME EMPLOYEES - 104
2025 PROJECTED FTE - 13.6
EXISTING ON SITE PARKING STALLS - 13

EMPLOYEE PECCENTAGE USING RIDE SHARING, PUBLIC TRANSPORTATION OR ALTERNATE TRANSPORTATION TO SITE - 15%

HIGH SCHOOL STUDENTS OF DRIVING AGE 130 (1 PER 10 REQ) = 13 PARKING STALLS REQ FOR STUDENTS

PARRING STALLS CURRENTLY UTILIZED THRU AGREEMENTS WITH ST.PATRICK'S OF ST. PAUL - 10 AT LOT A, 39 AT LOT B

SCHOOL PLANS TO MAINTAIN ITS CURRENT PATKING AGREEMENTS AND AS PART OF PROJECT CONSTRUCT A NEW 18 STALL LOT AT THE CURNER OF MAGNOLIA AVENUE AND ARKWRIGHT ST. NORTH TO OFFSET LOSS OF 13 STALLS DUE TO EXPANSION. SCHOOL WILL ALSO BE MAINTAINING ON SITE? ADA PARKING STALLS ONE OF WHICH WILL BE VAN ACCESSIBLE.

SCHOOL WILL PROVIDE 32 BICYCLE PARKING RACKS ON SITE - STALL REDUCTION OF 1 PER 👚 8 STALL REDUCTION

REQUIRED PARKING -124 STAFF + 13 STUDENT = 137

REDUCTION TO STAFF DUE TO ALTERNATIVES 15% - 18 STALLS

REDUCTION DUE TO BICYCLE PARKING - 8 STALLS

STALLS PROVIDED BY AGREEMENT WITH ST. PATRICK'S --9 STALLS STALLS PROVIDED BY NEW CFA PARKING LOT - 18 STALLS

ADA STALLS PROVIDED ON SITE # 2 TOTAL UNMET PARKING REED # 42 STALLS





ST. PATRICK'S LOT A VIEW FROM DESOTO STREET



EXISTING ASPHALT LOT B. 91. PATRICKS OF 91. PAUL. PROVIDES 39 VEHICLE STALLS CURRENTLY



ST. PATRICK'S LOT B VIEW FROM MAGNOLLA AVE

COMMUNITY OF PEACE ACADEMY

471 MAGNOLIA AVE. E. St. Paul, MN 55101 018129.00

PROJECT NUMBER:

ABBREVIATIONS

CITY OF ST. PAUL SITE PLAN RE-SUBMITTAL COMMUNITY

OF PEACE ACADEMY

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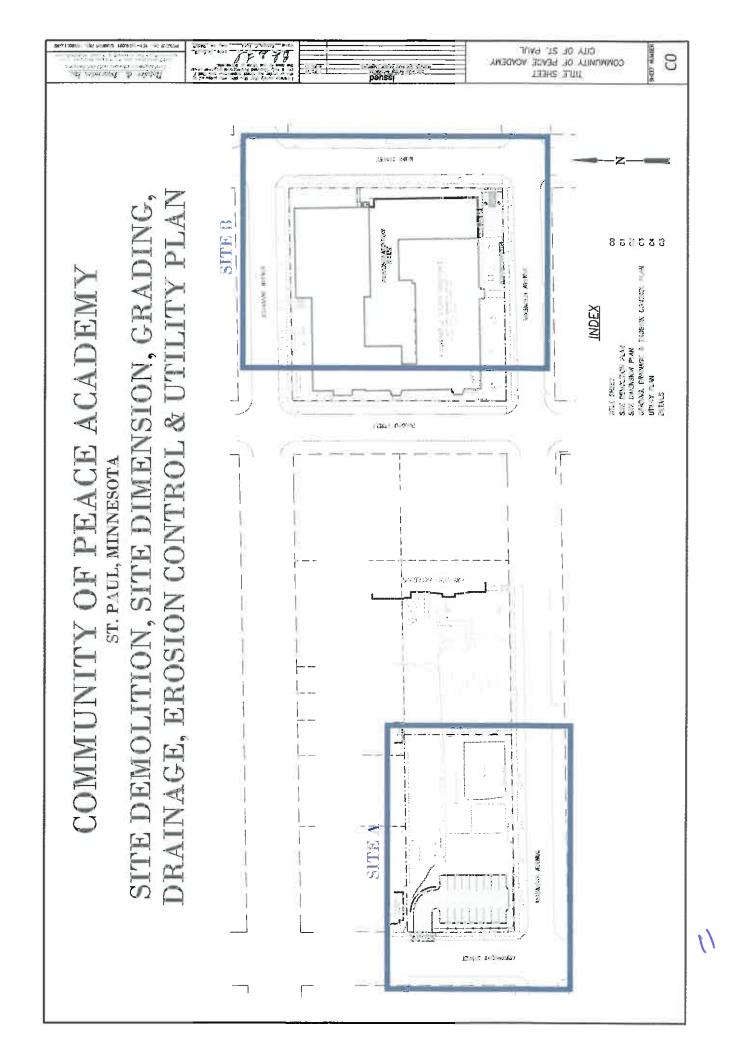
ARCHITECTURAL GENERAL NOTES

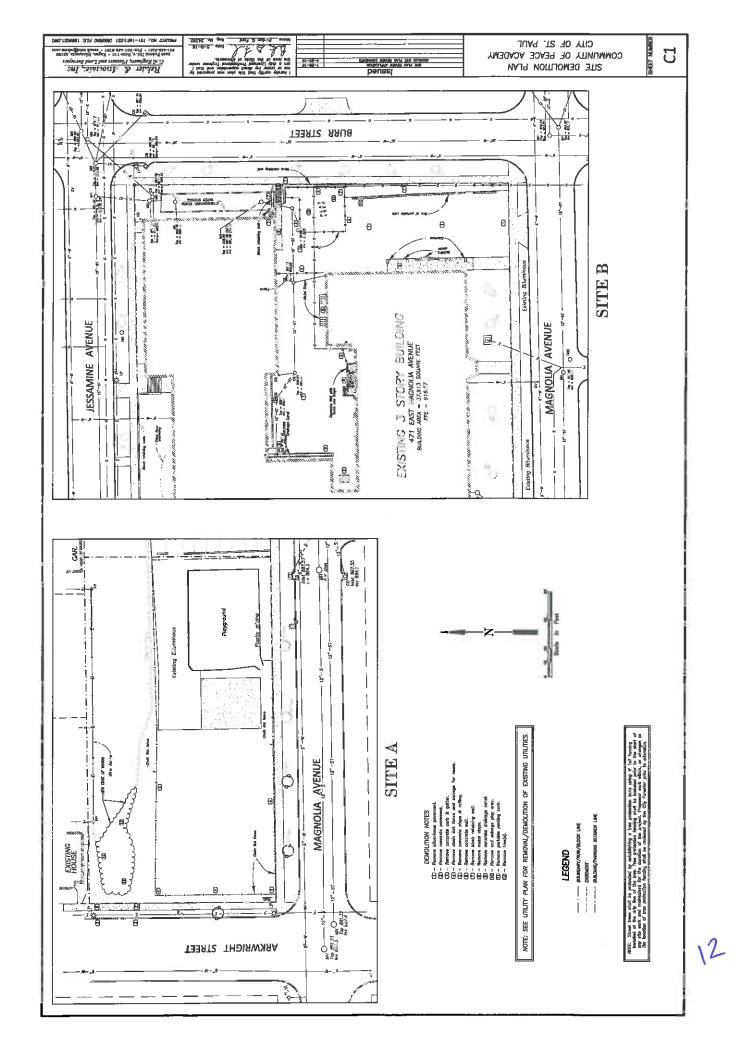
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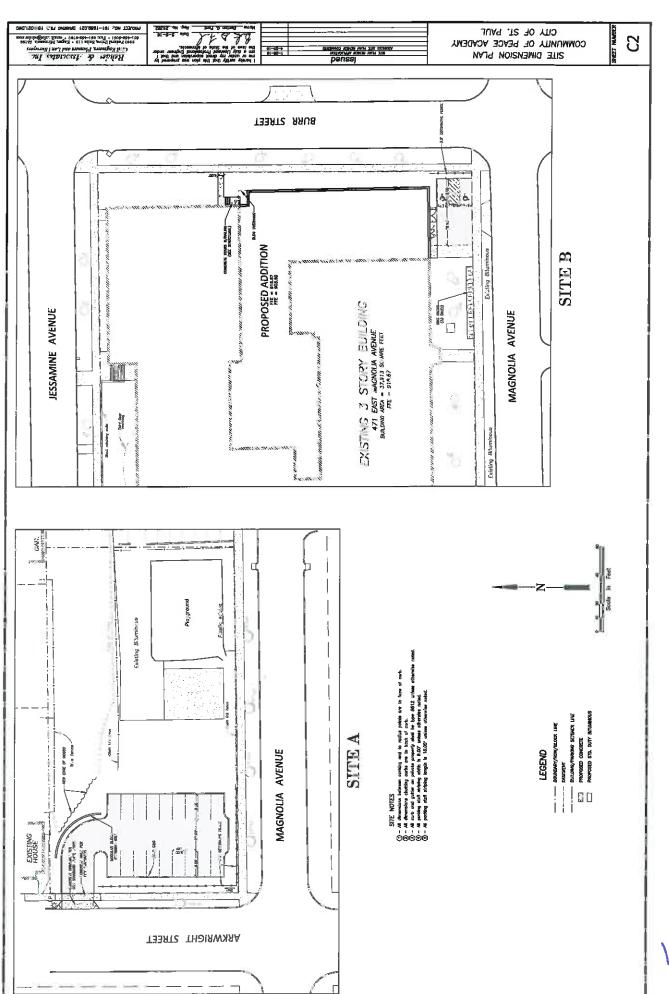
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PERSPECTIVE VIEWS	Soundary 1999

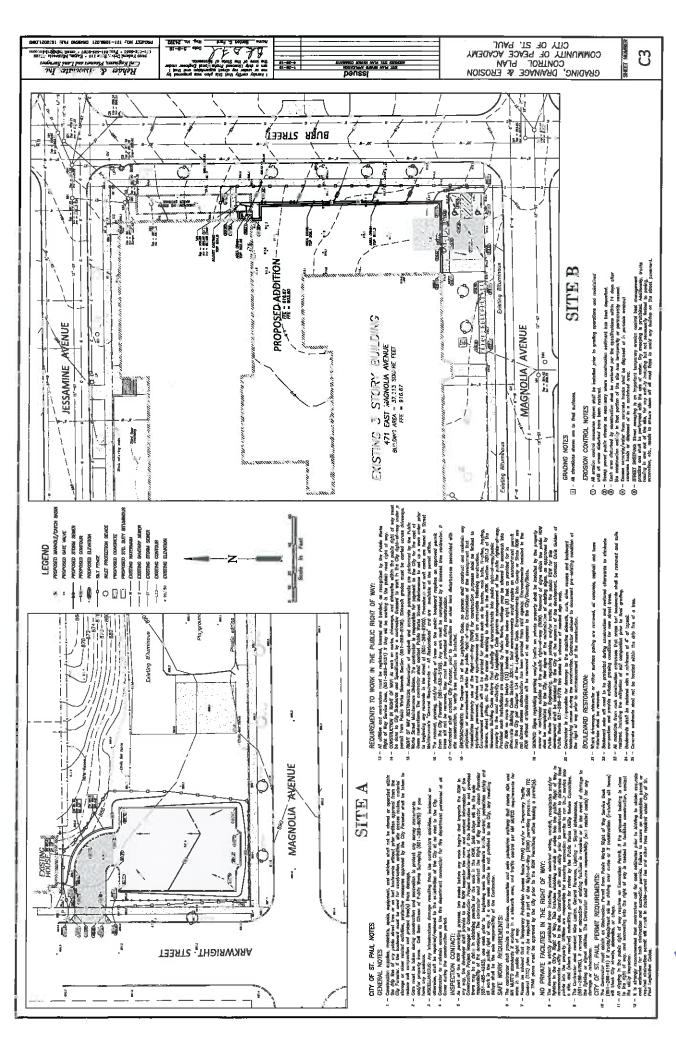
The Sheet

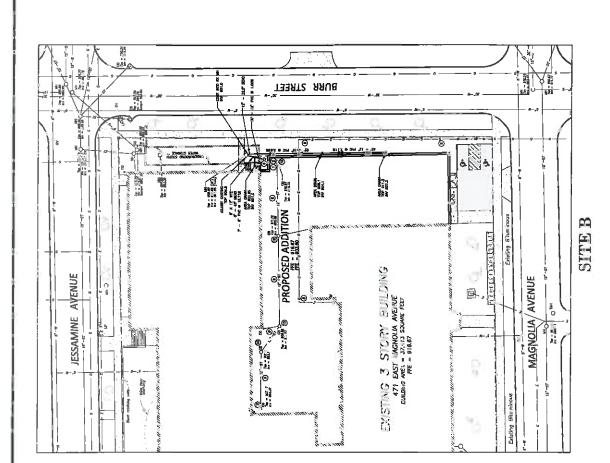
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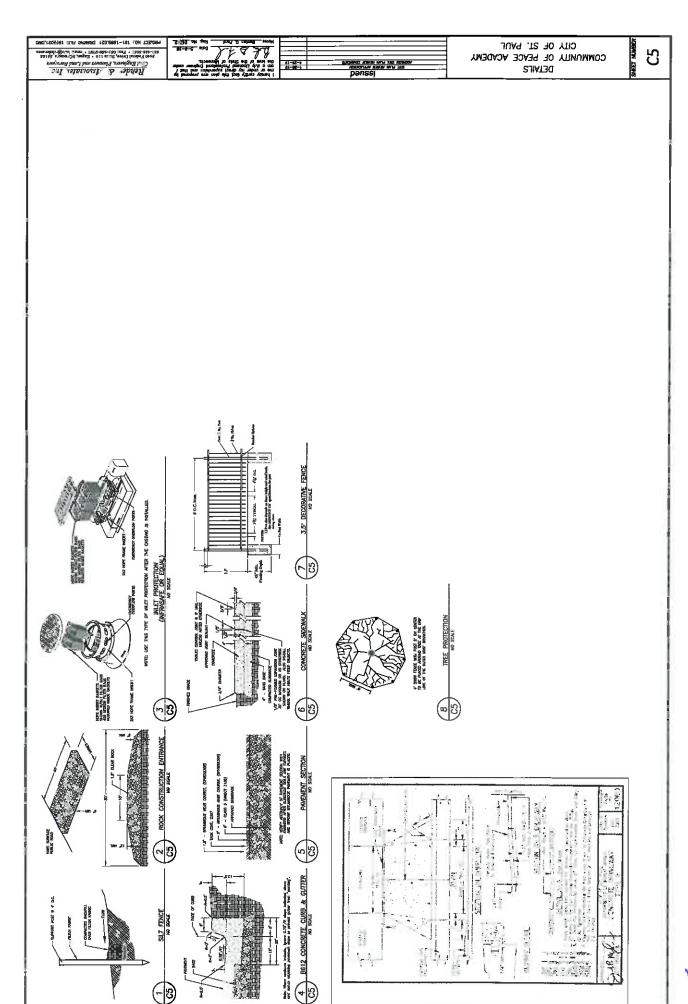




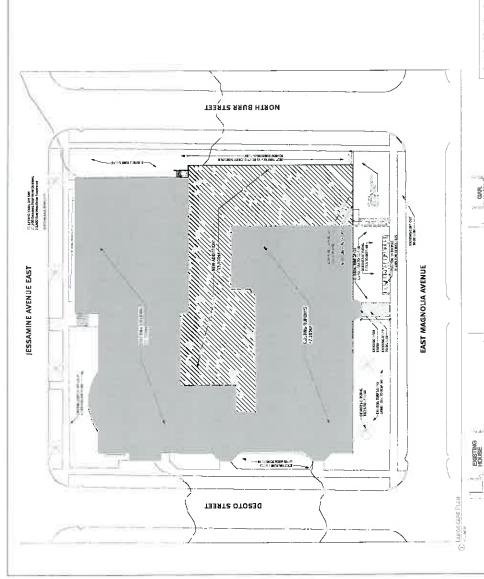








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DECIDIOUS TREE PLANTING DETAIL

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CITY OF ST.PAUL REQUIREMENTS

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COMMUNITY

St. PARL, MN 55501 ACADEMY OF PEACE

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PLANTING NOTES:

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4 2007 2019

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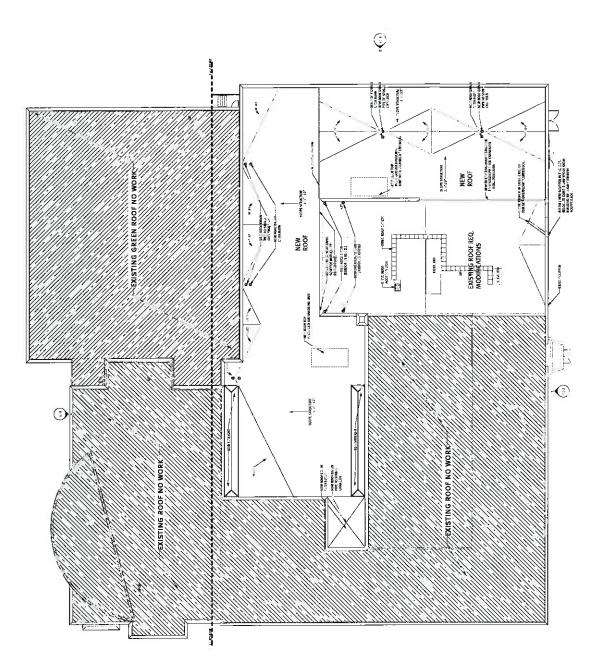
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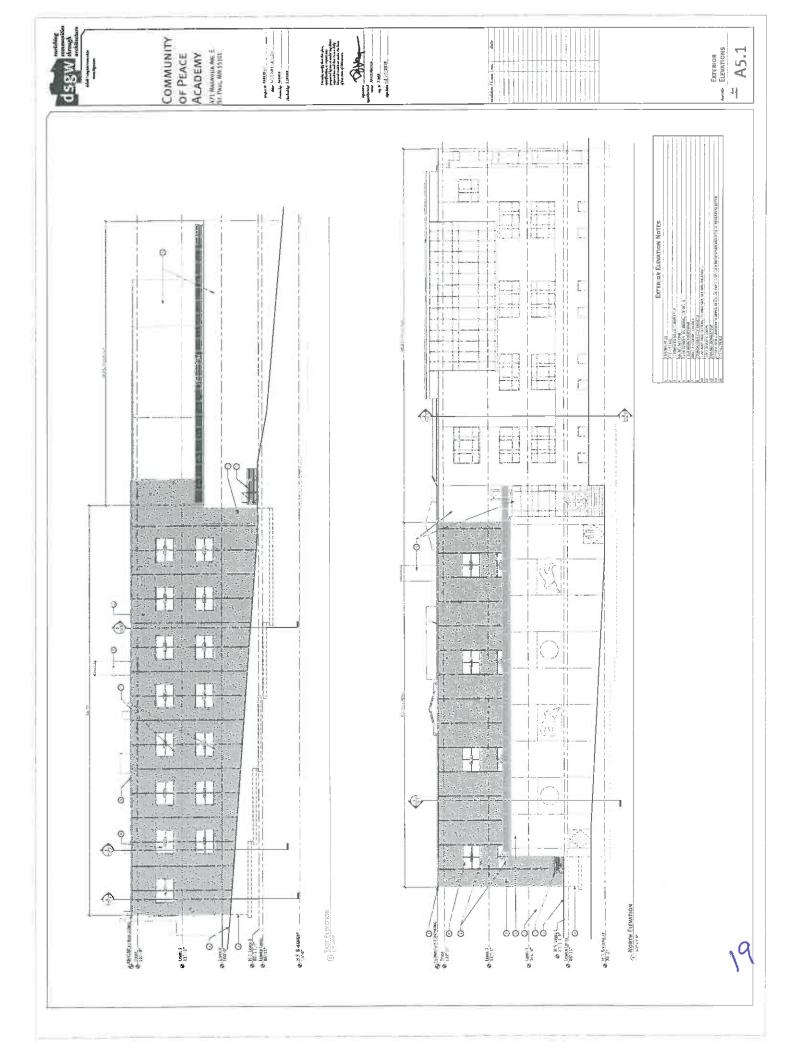
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ARKWRIGHT STREET

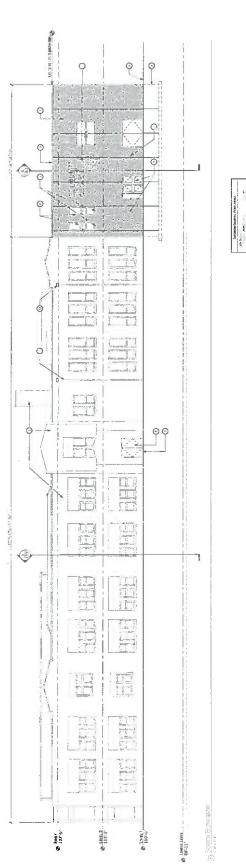
MAGNOLIA AVENUE

(5, PARKING LOT LANDSCAPE PLAN











REFINED CONCEPT

Based on goals, priorities, and comments



BUSH



21

SWEDE HOLLOW PARK

A NATURAL CORRIDOR

Goals & Priorities

- 1. PARK INTERPRETATION & SIGNAGE
- + Natural, historical, & cultural stories
- Migratory Bird Flyway, Dakota culture, Immigrants
 - + Locate strategic location
- + Connection to other destinations
- Bruce Vento Nature Sanctuary, Downtown Saint Paul, East Side
 - Heritage, Hamm Park + Opportunity for creative public art

2. ACCESS TO WATER

- + Daylighting Phalen Creek
- + Water quality with additional investigation on water source
 - + Creative design by the water and education opportunity
 - + Alternate trail type i.e. Boardwalk

3. NATURAL RESOURCE MANAGEMENT

- + Removal of invasive species i.e. Buckthorns, green ashes, Siberian elm, low quality vegetation
- + Enhance wildlife habitat i.e. Rusty Patched Bumble Bee, planting native plant species

4. VISIBILITY/SAFETY

- + Lighting
- + Emergency Call-Boxes
- + Removal of low quality vegetation
- + Activating the park brings more awareness i.e. partnering with Planning & Economic Development (PED) to activate north part of the park
 - + Equitable Park Access

5. SPACE

- + Provide space to gather & events
 - + Spiritual/Cultural healing space
- + Activating spaces with passive recreation & programming

5. OTHER

- + Trail improvements
 - + Public Art
- + Play Space







Future Land Acquisition

+ 3 acre land in Housing Pedovelopment Authority (HRA) properly transfer to City for parkland

Natural Resources Management

- + Remove invasive and low quality vegetation Enhance wildlife habital i.e. Bee Lawn. Pollinating Garden
 - + Use Swede Hollow Target Plant Communities. document as a guide

Foundation Remnants

- + Historical Significance
- + Community wants remnants to be protected &
 - historical status
- Can be driven by community + Consult with HPC for process

Acquire Future Land

+ Recommendation to acquire land, if and when private owner decides to sell

- + Low dun amber light along Bruce Vento Regional Trail
 Option to automatically turn off when park closes
 - + Park fight on bluff (active space) + Emergency Call Box

Park Signage

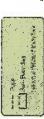
- + Interpretative Signs
- High impartance to tell the stones of Swede Hollow Park
- -Natural Migratory Bird Flyway & Urban Wildlife -Flistorical Dakota Tribes & Immigrants & Park Development
 - -Cultural Dakota Inbes & Immigrants - Restore lost interpretative signs
 - + Wavfinding Sign
- Park Maps and directional maps.
- Remove and replace park signs with name and + Park Name Sign
- RECINED CONNERN current acdress.







NOTE: Numbers on map refer to acreages per plant community unit



JE HOLLOW PARK MASTER PLAN

NATURAE RESOURCE MANAGEMENT

- + Removal of invasive and low quality vegetation
- + Removal will most tikely happen in phases. Future opportunities to coordinate and involve volunteers removal in a Tree Trust
- + Opportunity to enfrance wildlife habitat i.e. Rusty Patched Bumble Bee, migratory birds
- + Target plant communities compiled by Friends of the Mississippi River in 2011
- + Document is a guide only. More extensive work is required for site preparation when the time comes
- + Swede Hollow Park documents are available on the project website





T PLANT COMMUNITIES MIDE RECOMMENDATIONS

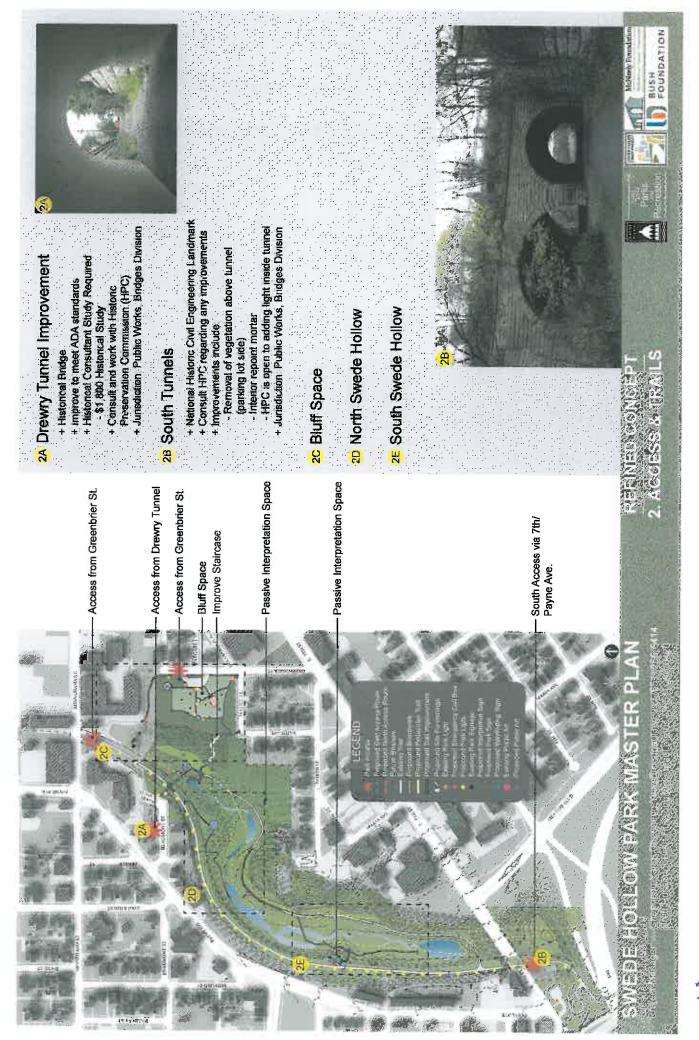


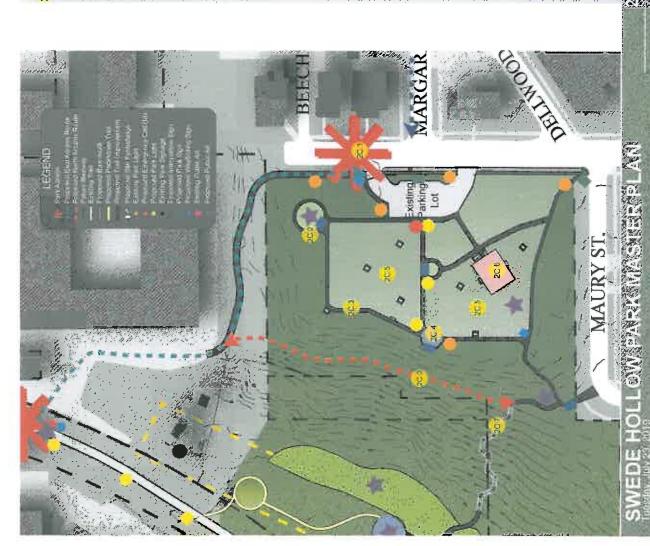




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FOUNDATION





2C Bluff Space

- + Active Space
- + Existing parking lot to remain
- + Addition of (3) new light posts + Restore existing interpretative signs
 - + Future bikeway on Margaret St

201 Access from Greenbrier St

- + Add side sidewalk to connect to shared path
- + Feasinie to go down the slope and exit in HRA property & connect to regional trail
 - + Future opportunity for federal funding

202 Wood Land Garden

- * Maintained by Friends of Swede Hollow
 - + Opportunity to enhance garden
- A destination point with opportunity for education

203 Improvement to Trails

- + Opportunity to enhance human circulation.
- + Remove and replace existing trails 9.270 SF + Potential North-South Pathway connecting to
 - Minnehaha Ave 400 Ft

2CA Overlook Improvement

- + Open view to hottom of park, 700 SF (30' diameter (DIA))
 - + Create a more welcoming space

Picnic Area

+ Activate bluff space with family friendly area for picnicking - 8 Picnic Tables, 5 Beriches

20 Nature Theme Play Area

- + Addition of a play area for the East Side
 - + 2 000 SF
- + Opportunity to expose children and youths to the natural pasts of Swede Hollow Park

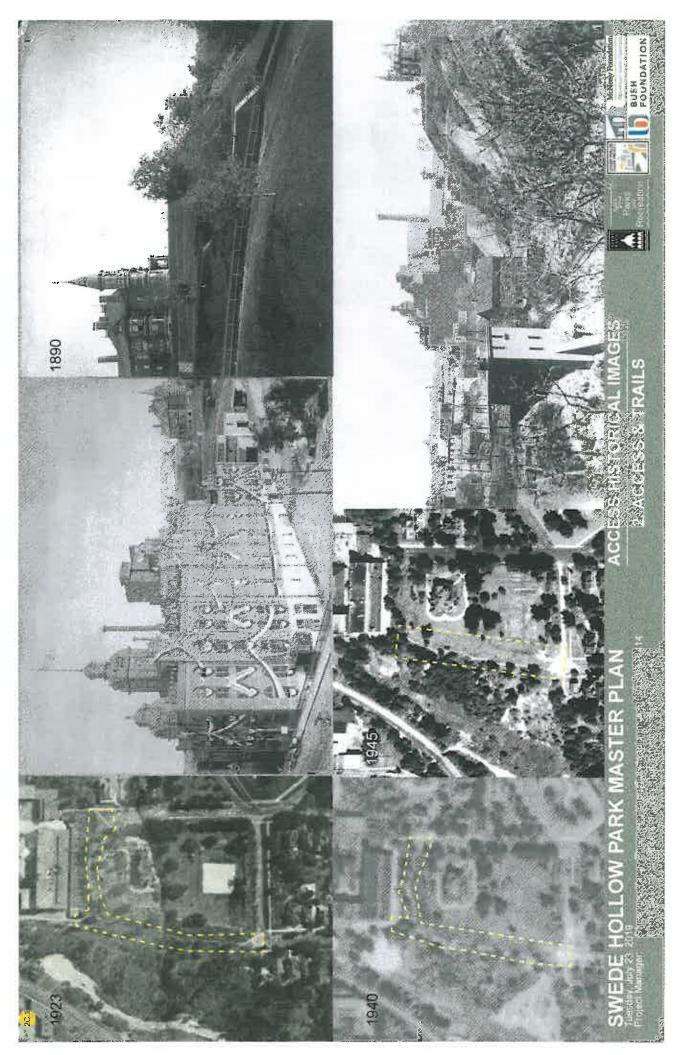
207 Staircase Improvement

· Opportunity to improve staircase

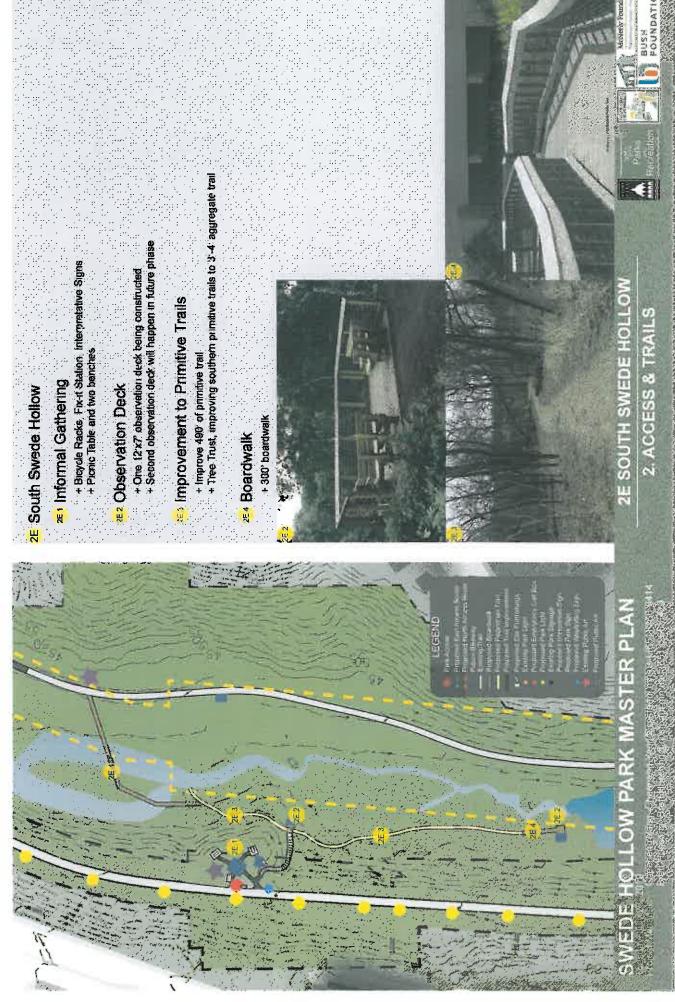




POUNDATION











Creek Inlet

- + Open and improve view to creek
- + Close off Public Works stormsewer
- + Feasibility study required for water filtration system or water recirculation

Creek Confinement

+ Increase water movement & visibility

Creek Outlet

- + Continuous water movement
- + Reduce dredging & enhance quality in middle pond

Create Riffles

 Furally and prometer for aquatic habital
 Creek Crossings
 Faces ignit to the creek
 Fasine interactions with water
 Follower park user expenence + Create and provide a variety of water movement

Enhance Water & Wetland

- + Middle pond and lower pond are registered as National Wetlands
 - MN Pollution Control Pollution Control Agency (MPCA), and guidelines such as Environmental Protection Agency (EPA). + Future improvements to or near wetlands need to follow all other agencies as required
 - other agencies at Enhance aguatic habitet for wildlife
- + Educational opportunities + Celebrate the water natural historical, and cultural significance







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AMENITIES

TO PASSIV



567 Payne Avenue, St. Paul MN 55130 www.paynephalen.org 651-774-5234 district5@paynephalen.org

Board of Directors Meeting

Draft Minutes

Tuesday, March 26, 2019 - 6:30 p.m.

Arlington Hills Community Center, 1200 Payne Ave., St. Paul (Payne and Maryland Avenues)

Board Directors Present:

Valentine Awasom	P	Tara Borton	P	Athena Hollins	P
Stuart Knappmiller	P	Britt Kringle	Р		Î
Crystal Norcross	A	Wintana Melekin	\top L \top	Krishna Natarajan	Р
Rebecca Nelson	Р	Lynette Pineda Tamayo	P	Eric Saathoff	P
Chris Schweitzer	Р	Danielle Swift	P	Seanne Thomas	L
Maychy Vu	E	Bill Zajicek	Р		

P= Present, L= Late, A= Absent, E = Excused Absence,

Community Participants & Guests: Jimmy Gerding, Amy Speare (Railroad Island), Damian Schaab (Railroad Island), Regina Rippel, Bryan Murphy (St. Paul Parks & Rec), Chou Thao (Payne Oriental Market), Sage Passi (Ramsey-Washington Metro Watershed District), Margot Ashmore (Minneapolis-St. Paul Home Tour), Joann Ellis (Commissioner McDonough's office) Staff: Executive Director Jack Byers, Admin. Assistant Robin Horkey

Welcome, Introductions, Review of the Agenda - Board President

Development related: Year-Round Star Grant Application to repair air conditioner at 567 Payne Ave. *Jack Byers ED Payne Phalen Community Council*

Landlord of CC office, Jim Morelli, and City Council Pres. Amy Brendmoen agreed that Amy would like to support an application for a Star grant for our Air Conditioner for half the repairs and Mr Morelli would pay the other half of those costs of repairs to the unit. This should be \$1500 to \$2500.

Britt moves to write a letter of support, Chris seconds and motion passes.

Planning, Zoning & License Entitlement:

Payne Oriental Market, 1048 Payne Ave, Mr. ChouThao

Update to conditions of Existing Liquor License

Mr. Thao contacted Jack Byers for help in getting an update to conditions for his liquor license in order to provide better service to his clients. There are two conditions current on his license: 1. That 3.2 beer cannot be sold by individual bottle or can, and 2. Sales of 40 Oz bottle is not permitted. Due to changes in State liquor laws and the availability of beer products now, he

cannot obtain 3.2 beer by local distributors. Therefore, he cannot accommodate his customers fully, especially Hmong funeral homes.

Tara moves to write a letter of support, Valentine seconds. Motion passes.

Application for Site Plan Review, Lake Phalen Parking Lot reconstruction. Bryan Murphy (Landscape architect with City of St Paul, Dept of Parks & Rec).

Providing an update on the Phalen Regional Park multimodal transportation study, stemming from 2010 Master Plan. This study completed a year ago gave several areas to improve on, with construction to begin in the fall. The Beach House, Lakeside Center, Picnic Pavilion, area by picnic island with the Chinese Pavilion that has been worked on already, Boat Launch, Wildlife viewing platform, small parking lot by south end of the lake.

These changes include moving the Boat Launch to the North end of the Lake to prevent congestion and allow only bike and pedestrian access beyond that, changing access to the park from Arcade St. entrance with turn lane and better access & parking to Round Lake. At Picnic Pavilion, widening entrances to parking lots, then making parking stalls narrower to allow more cars to park, providing better access to pedestrian walkways and screening dumpsters better. At the Beach House, it is difficult to cross over the turn-around, therefore, it will be removed, and the parking lot will be pulled in to create better ped/bikeways. Bike racks will be moved closer to the beach. The parking lot stalls will narrow to standard width to create more parking.

Construction begins in later August, with push starting after Labor Day.

Bill asks if all four parking lots will be completed this year? Hopefully, but will do Beach House and Lakeside Center as base bid. Cost estimates are increasing but there is more funding coming in.

Lynnette asks about handicap parking, yes, it is accounted for in all areas.

Presentation: Mural Project for Lake Phalen

Ramsey-Washington Metro Watershed District (RWMWD), Sage Passi, Outreach Director

This is a collaboration with/introduced by Friends of the Mississippi with the purpose of educating the community about the water quality. They looked for an area last fall in order to do something in conjunction with WaterFest. Decided on the pedestrian bridge near the picnic pavilion in Jan/Feb. Wanted community input, held a workshop and discussed many options. L'Etoile du Nord and Farnsworth schools were also included in this process. Design is created from all the input provided by these many groups and community. Will finalize the design, get approval from the City and are looking for letter of support from the District Council.

Mural will only last for maybe five years due to foot traffic. Painting will start the day before WaterFest. It will be on the bridge deck.

Bill makes motion to write a letter if support, Stuart seconds and motion passes.

Public comment and input:

Regina would like to know how long it would last? Maybe five years as foot traffic will influence, salt too. Will talk to Park & Recs. Google says murals last ten to twenty years. Joanne would like to know who cleans up inappropriate language if this gets vandalized; Parks & Rec. Department does.

Margot Ashmore from Minneapolis-St. Paul Home Tour! April 27 & 28. Payne Phalen does have three houses on the tour. Cookie Cart (1st commercial Blend award) can help promote the Blend award (blending in with the surrounding Architecture) and is a few blocks from one of the houses.

Board deliberation and votes

Waterfest 2019 staffing for table? Decline, as no one is available? Tabled for further discussion.

2019 Budget update by Jack - City Council & Mayor have adopted 2019 budget which includes a bump in funds for all the District Councils which work out best for Payne Phalen. Jack recommends that all the additional money that is given goes to our primary project which is updating the district plan. All numbers will remain the same based on analysis done last fall with bookkeeper.

Bill motions to approve the budget, Stuart seconds and motion is passed.

Annual meeting planning – Preparations, game plan & assignments.

Recommit form to be signed or not signed. Britt passed out participation list as suggestion for nominations along with letters to be distributed to people we think may be interested. We are all to recruit. Nominations working group: Britt, Stuart, Bill, Valentine, Tara & Joanne E. Fundraising group: Athena, Seanne, Bill, Chris. Hospitality group: Wintana, Lynette, Rebecca, Krishna.

Seanne will MC the event.

Adjourn Britt makes motion, Chris seconds and motion passes.

Minutes submitted by

Rebecca Nelson, Board Secretary



Annual Meeting 2019 Minutes

Our mission is to improve our Payne Phalen neighborhoods by engaging, educating, and empowering all residents in our diverse community.

5:30	Registration and social time	
6:00	Call to Orderand Welcome	City Council President Amy Brendmoen
6:05	Review of the Agenda	Seanne Thomas, Board Member
6:15	Introductions: Candidates running for seats on the Community Council	Britt Kringle, Board Vice-President
6:30 6:45	Board Elections for open seats We had 10 people running for 6 open seats on the Payne-Phalen Community Council Board. Community Report	Athena Hollins Roard President
0:43	Community Report	Adiena Hollins, Board Fresident
	Update to the District Plan	Jack Byers, Executive Director
	Treasurer's Report	Bill Zajicek, Treasurer
	Proposed: Motion to approve the FY-2018 Annual Financial Statements as presented The Board approved Financial Statements by voice vote.	
	Recognition of donors to tonight's event	Seanne Thomas
	Recognition of past and present Board Members	Seanne Thomas
7:15	Remarks by Elected Officials	
7:30	Announcement of Silent Auction Winners	Chris Schweitzer, Board Member
7:45	Announcement of newly elected Board Directors Those elected to the Board by residents: Ikram Ali, Janey Atchison, Athena Hollins, Chris Schweitzer, Seanne Thomas, and John Thompson. Congratulations!	Britt Kringle, Board Vice-President
8:00	Closing Remarks	Athena Hollins and Seanne Thomas



567 Payne Avenue, St. Paul MN 55130 www.paynephalen.org 651-774-5234 district5@paynephalen.org

Board of Directors Meeting

Draft Minutes

Tuesday, May 28th, 2019 - 6:30 p.m.

Arlington Hills Community Center, 1200 Payne Avenue, St. Paul (Payne and Maryland Avenues)

Board Directors Present:

Ikram Ali	P	Crystal Norcross	Α	Athena Hollins	Р
Stuart Knappmiller	E	Britt Kringle	Р	John Thompson	Р
Patricia Enstad	Р	Wintana Melekin	A	Krishna Natarajan	Р
Rebecca Nelson	Р	Lynette Harris	Р	Eric Saathoff	Р
Chris Schweitzer	Р	Seanne Thomas	E		
Janey Atchison	Р	Bill Zajicek	Р		

P= Present, L= Late, A= Absent, E = Excused Absence,

Community Participants & Guests: Jim Erchul (Dayton's Bluff Neighborhood Housing Services), Russ Stark (Mayor's Office), Hnuchee Vang (Sen. Foung Hawj's office), Don Lorr, Greg Copeland, Kevin Brauer, Roger Allmendinger, Katherine Schilling, Regina Rippel, MariEtta Wood (St. Paul Parks & Rec), Marjorie Otto, Alexander Bourne

Staff: Executive Director Jack Byers, Administrative Assistant Robin Horkey

Welcome, Introductions, Review of the Agenda

For Presentation and Discussion

City of St Paul Climate Action & Resilience Draft Plan – Presentation by Russ Stark, Chief Resilience Officer

2015 Mayor's Climate contract a commitment from cities around the country.

Climate change could also be referred to as Climate crisis. Greenhouse gases are creating warmer climates resulting in drastic disasters including fires and flooding. This also costs the City of St Paul money.

St Paul is getting warmer, 6° more in average winter temp. St Paul is getting wetter, average annual precipitation increase 7 inches (30% increase).

Vulnerabilities: People, especially lower income with no heat or no A/C, people with disabilities, isolated, seniors. Places, with no tree cover, areas that can flood easily.

Reduction of emissions: reduce by 50% by 2030 (drastic). If we don't, we won't be able to keep climate change to a "normal" level. 42% come from Commercial & Industrial buildings/20% Residential bldgs./30% travel.

Energy from bldg. use (Residential & Industrial & Commercial) and Transportation make up 90% of where our emissions come from, so what do we do? Use less energy:

Energy priorities: Sustainable bldg. policy (making bldg. development seeking funding, become more efficient), Renewable energy (wind, solar);

Transportation goals: reduce single occupant car trips, increase transit ridership, increase walking & biking, electric cars. Create Electric Vehicle Community Mobility Hubs, Car Share.

What can you do? Climate Resilience Prep Emergency Disaster kit, stay informed, know who your vulnerable neighbors are, cool down from extreme heat, switch to LED light bulbs.

Contact Russ Stark Chief Resilience Officer <u>russ.stark@ci.stpaul.mn.us</u>, 651-266-8511. You can google Climate action plan too.

Land Use and Zoning

Village on Rivoli Bluff, Plat for 660 Rivoli, Dayton's Bluff Neighborhood Housing Services (DBNHS) – Presentation by Jim Erchul

Initially contaminated by the railroads and the City itself. Old stuff was dug out and new clean fill was brought in for a total cost of \$3 million. Urban Roots has community garden there, with access to the garden via "pedestrian route." Privately owned public space (bike trail). Price range for houses 1-7 under \$200,000. 1500 square feet.

Athena motions to support the development with caveat to the city to address the upkeep of privately owned public space. Eric seconds. Don Lorr would like to take into consideration other developments (in bullet point of memo) amended by Athena and seconded by Eric. Motion passes.

Board Deliberation and Votes:

No minutes to approve yet, they didn't get submitted in time.

Election of Officers and Naming of Executive Committee

- -Overview of what it means to be an officer and a member of the Executive Committee
- -Election for 2019-2020 Executive Committee and Officers

Election: Athena is nominated by Britt for President. Chris motions to accept Athena as President, Britt seconds and Board accepts. Athena remains President.

Britt nominates Eric for VP, Eric will decline. John nominates himself. John voted in as Vice President.

Eric nominates Bill as Treasurer, Bill declines. Athena nominates Janey. Lynette nominates Rebecca, Rebecca declines. Britt nominates Patricia, Patricia declines, Britt nominates Ikram, Ikram declines. Janey voted in as Treasurer.

Britt nominates Rebecca. Rebecca voted in as Secretary.

At-Large Executive committee members (three are needed) Stuart self nominates. Britt nominates Ikram, Ikram declines. Lynette self nominates, Chris self nominates. Seanne self nominates. Bill nominates Britt, Britt declines.

Ballot vote taken, Chris, Lynette and Seanne voted in!

Ad hoc Trash Committee

Update to Full Board

Rebecca & Bill met with Scott Renstrom & Chris Swanson, and Chris would like to present his power point about the trash collection program. People can write in and ask questions that we will pose and get answered. Time, date and venue to be determined. Goal is to give people an idea of how complicated this is and serve as an explanation. Would like to be in the beginning of June if possible.

Debrief of Annual Meeting in April

Tabled until next month.

Adjourn

Athena motioned to adjourn, Lynette second. Motion passes

Minutes submitted by

Rebecca Nelson, Board Secretary

How is it going with...?

Trash Collection in Payne-Phalen



Community Information Meeting

July 30, 2019 * 6:30 - 8:00 p.m.

Arlington Hills Lutheran Church, 1115 Greenbrier Street, Saint Paul

The Payne-Phalen Community Council is hosting a community information meeting about the citywide Trash Collection System. Please join us to hear updates about the City's current system of trash collection from Chris Swanson of the City of St. Paul Public Works Department. Time will be made available for the public to ask questions, share your thoughts about what's working well so far, and *share your good ideas* about what improvements could be made in the future.

We need your help gathering good ideas and possible solutions!

If you can't make it but would like to share your thoughts and ideas anyway, please send them to District5@Paynephalen.org



www.paynephalen.org



TOCSETHER WE BUILD STRONG. HEALTHY FAMILES.

BACK TO SCHOOL CELEBRATION EVENT Free school supplies!

Children must be present!





WEDNESDAY, AUGUST 28, 2019 4:30PM - 7:30PM

BRUCE VENTO ELEMENTARY SCHOOL 409 CASE AVE. ST. PAUL, MN 55130

This 9th Annual Back To School Event will include: School Supplies, Community Resources/East Side Businesses, Family Fun Filled Activities, Games and Food. You don't want to miss it. No pre-registration is required. Parents or guardian must accompany children at the time of receive a backpack and supplies.

Family Values For Life
1280 Arcade St. Saint Paul, MN 55106
(651) 774 - 6663 or Info@familyvaluesforlife.org
www.FVFLMN.org

For Your Information



567 Payne Avenue, St. Paul MN 55130 www.paynephalen.org 651-774-5234 district5@paynephalen.org

July 11, 2019

Steve Magner, Manager of Code Enforcement
City of Saint Paul, Department of Safety and Inspections (DSI)
375 Jackson St, Suite 220
Saint Paul, MN 55101

Re: City Council Resolution ordering the repair or removal of the building(s) located at 1146 Payne Avenue

Dear Mr. Magner:

I am writing to you on behalf of the Board of Directors of the Payne-Phalen Community Council. The Board of Directors met in regular session on Tuesday, June 25, 2019 at the Arlington Hills Community Center. On the agenda was the Notice of Public Hearing with a Legislative Hearing Officer on the matter of the Council Resolution ordering the repair or removal of the building(s) located at **1146 Payne Avenue**.

Your letter about this matter, dated June 14, 20-19 was included in the Board Packet and it was used as the basis of a discussion by the Board about the subject property. The letter was reviewed, community input was taken, and the Board deliberated and took a vote on the matter.

More specifically, the Board voted to support the City and recommend that the former Super America Gas Station at 1146 Payne Avenue is demolished, its tanks removed, necessary environmental clean-up undertaken and completed, and the site prepared for future development that is in keeping with the use, scale, and design of the surrounding commercial corridor on Payne Avenue that stretches between Phalen Boulevard on the south, and Maryland Avenue on the north. Furthermore, the Board recommends that the design and construction of any new development on this site must conform with the policies and standards of pedestrian-oriented, commercial retail and mixed-use development in accordance with the Land Use guidance for this stretch of Payne Avenue as called for in the City's recently adopted Comprehensive Plan. The Board also made a deliberate point of saying

Steve Magner, Manager of Code Enforcement July 11, 2019 Page Two

that future new development on this site *should not be* auto-oriented in the future, nor should it contain a drive-through facility of any kind.

We appreciate you including this letter in the packet of materials for the upcoming public hearing. And we thank you in advance for taking the position of the Payne-Phalen Community Council into full consideration as the City makes a decision.

Please feel free to contact me if you have any questions or require further clarification.

Sincerely

Jack Byers

Executive Director

cc. Athena Hollins, PPCC Board President Council President Amy Brendmoen, Ward 5 Council Member Kassim Busuri, Ward 6 Bill Dermody, City of St. Paul PED Vicki Sheffer, City of St. Paul



567 Payne Avenue, St. Paul MN 55130 www.paynephalen.org 651-774-5234 district5@paynephalen.org

Mr. Jeff Fischbach

DSI Inspector III – Licensing Division

City of Saint Paul, Department of Safety and Inspections (DSI)

375 Jackson St, Suite 220

Saint Paul, MN 55101

June 20, 2019

Re: Liquor License for Brunson's Pub, 956 Payne Avenue

I am writing to you on behalf of the Board of Directors of the Payne-Phalen Community Council. The Executive Committee of the Board of Directors met to discuss regular business requests. On the agenda was the request for support in seeking an extension of the service area for serving liquor at Brunson's Pub, 956 Payne Avenue, from 4-8 p.m. on August 12, 2019 for their "Dog Days of Summer" event. We understand that the extended service area will be in Brunson's parking lot and that 4-foot tall fencing will be installed to enclose this area. The request was reviewed, and the Executive Committee authorized me to write this letter of support to you on behalf of the organization.

We appreciate you including this letter in the record related to this request. And we thank you in advance for taking the position of the Payne-Phalen Community Council into full consideration as you make your decision.

Please feel free to contact me if you have any questions or require further clarification.

Sincerely,

Jack Byers

Executive Director

cc. Athena Hollins, Board President Tom La Fleche, Owner, Brunson's Pub

Jill Lebrun, Event Coordinator

Hello,

I would like to request a Liquor - Extension of Service Area for liquor/entertainment permit.

Event name: Dog Days of Summer

Event date: August 12th, 2019 4:00pm-8:00 pm

Location of liquor service: Brunson's Pub parking lot

Moun To Flack

Enclosures: 4 foot high fencing

Security: persons at the fencing to monitor event participants to prevent anyone from leaving the area with liquor

Ward 6 City Council has been notified of this event and the plan to apply for this permit. They expect to hear from the Dept. of Safety and inspections once the permit is received.

Thank you,

Thomas LaFleche

OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division 400 City Hall and Court House 15 West Kellogg Boulevard Saint Paul, Minnesota 55102

Telephone: 651 266-8710 Facsimile: 651 298-5619

June 24, 2019

NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF \$1,000 MATRIX PENALTY

Walgreen Co. #11421 1180 Arcade Street Saint Paul, MN 55106 Attn: Walgreen CO

RE:

Cigarette/Tobacco license held by Walgreen CO d/b/a Walgreen Co. 11421 for the premises located at

1180 Arcade Street in Saint Paul License ID #: 20070004951

Dear Walgreen CO:

The Department of Safety and Inspections ("Department") will recommend adverse action against the Cigarette/Tobacco license held by Walgreen CO ("Licensee") for the premises known as Walgreen Co. 11421 located at 1180 Arcade Street in Saint Paul. ("Licensed Premises").

Saint Paul Legislative Code §310.05(m)(2) provides for a presumptive penalty of \$1,000 for a second-time violation of a provision of the legislative code related to the licensed activity.

Records on file at the Department indicate that a previous matrix penalty of \$500 was requested after a April 23, 2018 inspection found price and flavor violations. That penalty was paid on July 13, 2018.

Saint Paul Legislative Code §324.07(f) prohibits a licensee from selling, offering for sale, or otherwise distributing any flavored products.

The Department asserts the following facts along with attachments herein constitute proof of a violation of Saint Paul Legislative Code §324.07(f) by a preponderance of the evidence.

On April 4, 2019 all cigarette/tobacco licensees in the City of Saint Paul were notified by letter that cigar pricing, flavored tobacco, temporary window sign and tobacco display requirement compliance checks would be conducted during the week of April 8th through May.



On April 16, 2019, Inspector Muhammad conducted a cigarette/tobacco and price compliance inspection at 1180 Arcade Street, Saint Paul, MN 55106. Inspector Muhammad observed and documented violations of Saint Paul Legislative Code §324.07(f). Specifically, he observed a flavored product: Shadow Cut Vape Juice being offered for sale.

As the Licensee you have four (4) options:

- 1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **July 15, 2019**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **August 7, 2019** City Council Consent Agenda for approval of the proposed remedy.
- 2. You can admit to the violation and pay the \$1,000.00 matrix penalty. If this is your choice, send the payment directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **July 15, 2019.** A self-addressed envelope is enclosed for your convenience. Payment of the \$1,000.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.
- 3. If you wish to admit the facts but you contest the \$1,000.00 matrix penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing no later than **July 15, 2019**. The matter will then be scheduled before the City Council to determine whether to impose the \$1,000.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
- 4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than July 15, 2019. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing, per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me by July 15, 2019, I will assume that you do not contest the imposition of the \$1,000.00 matrix penalty. In that case, the matter will be placed on the August 7, 2019 City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact Shawn McDonald, my Legal Assistant at (651) 266-8729.

Sincerely,
Therese Shards s.m.

Therese Skarda

Assistant City Attorney License No.: 0240989

d/b/a Walgreen Co. #11421 June 24, 2019 Page 3

cc: Walgreen CO; PO Box 901; Deerfield, IL 60015 1180 Arcade LLC, 1180 Arcade Street, Saint Paul, MN 55106 Jack Byers, Executive Director, Payne Phalen Community Council; 567 Payne Avenue; Saint Paul, MN 55130

Attachments: Inspector's report and supporting documentation for request for adverse action

OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division 400 City Hall and Court House 15 West Kellogg Boulevard Saint Paul, Minnesota 55102 Telephone: 651 266-8710 Facsimile: 651 298-5619

June 26, 2019

NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF \$500 MATRIX PENALTY

Maryland Super USA 1198 Earl Street Saint Paul, MN 55106 Attn: Anwar A, Karmal

RE:

Cigarette/Tobacco license held by Anwar A. Karmal d/b/a Maryland Super USA for the premises

located at 1198 Earl Street in Saint Paul

License ID #: 20140000999

Dear Anwar A. Karmal:

The Department of Safety and Inspections ("Department") will recommend adverse action against the Cigarette/Tobacco license held by Anwar A. Karmal ("Licensee") for the premises known as Maryland Super USA located at 1198 Earl Street in Saint Paul. ("Licensed Premises").

Saint Paul Legislative Code §310.05(m)(2) provides for a presumptive penalty of \$500 for a first-time violation of a provision of the legislative code related to the licensed activity.

Saint Paul Legislative Code §324.07(f) prohibits a licensee from selling, offering for sale, or otherwise distributing any flavored tobacco products.

The Department asserts the following facts along with attachments herein constitute proof of a violation of Saint Paul Legislative Code §324.07(f) by a preponderance of the evidence.

On April 4, 2019 all cigarette/tobacco licensees in the City of Saint Paul were notified by letter that cigar pricing, flavored tobacco, temporary window sign and tobacco display requirement compliance checks would be conducted during the week of April 8th through May.



On April 16, 2019, Inspector Muhammad conducted a cigarette/tobacco and price compliance inspection at 1198 Earl Street, Saint Paul, MN 55106. Inspector Muhammad observed and documented violations of Saint Paul Legislative Code §324.07(f). Specifically, he observed a flavored product: Zig-Zag Green Wraps being offered for sale.

As the Licensee you have four (4) options:

- 1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **July 17, 2019**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **August 7, 2019** City Council Consent Agenda for approval of the proposed remedy.
- 2. You can admit to the violation and pay the \$500.00 matrix penalty. If this is your choice, send the payment directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than July 17, 2019. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.
- 3. If you wish to admit the facts but you contest the \$500.00 matrix penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing no later than **July 17, 2019**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
- 4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than July 17, 2019. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing, per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me by July 17, 2019, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. In that case, the matter will be placed on the August 7, 2019 City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact Shawn McDonald, my Legal Assistant at (651) 266-8729.

Therese Sharda S. m.

Therese Skarda

Assistant City Attorney License No.: 0240989

d/b/a Maryland Super USA June 26, 2019 Page 3

cc: Anwar A. Karmal; 1198 Earl Street; Saint Paul, MN 55106 Embassy Earl LLC; 5200 Wilson Road, #150; Minneapolis, MN 55424 Jack Byers, Executive Director, Payne Phalen Community Council; 567 Payne Avenue; Saint Paul, MN 55130

Attachments: Inspector's Report with supporting documentation.

OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division 400 City Hall and Court House 15 West Kellogg Boulevard Saint Paul, Minnesota 55102

Telephone: 651 266-8710 Facsimile: 651 298-5619

July 5, 2019

NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF \$500 MATRIX PENALTY

Speedway #4038 390 Maryland Avenue Saint Paul, MN 55130

Attn: Northern Tier Retail LLC

RE:

Cigarette/Tobacco license held by Northern Tier Retail LLC d/b/a Speedway #4038 for the premises

located at 390 Maryland Avenue in Saint Paul

License ID #: 4038

Dear Northern Tier Retail LLC:

The Department of Safety and Inspections ("Department") will recommend adverse action against the Cigarette/Tobacco license held by Northern Tier Retail LLC ("Licensee") for the premises known as Speedway #4038 located at 390 Maryland Avenue in Saint Paul. ("Licensed Premises").

Saint Paul Legislative Code §310.05(m)(2) provides for a presumptive penalty of \$500 for a first-time violation of a provision of the legislative code related to the licensed activity.

Saint Paul Legislative Code §324.07(f) prohibits a licensee from selling, offering for sale, or otherwise distributing any flavored products.

The Department asserts the following facts along with attachments herein constitute proof of a violation of Saint Paul Legislative Code §324.07(f) by a preponderance of the evidence.

On April 4, 2019 all cigarette/tobacco licensees in the City of Saint Paul were notified by letter that cigar pricing, flavored tobacco, temporary window sign and tobacco display requirement compliance checks would be conducted during the week of April 8th through May.

On April 16, 2019, Inspector Muhammad conducted a cigarette/tobacco and price compliance inspection at 390 Maryland Avenue East. Inspector Muhammad observed and documented violations of Saint Paul Legislative Code §324.07(f). Specifically, he observed a flavored product Optimo Sweet Cigars – Blue Vanilla being offered for sale.

As the Licensee you have four (4) options:

- 1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **July 19, 2019**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **August 7, 2019** City Council Consent Agenda for approval of the proposed remedy.
- 2. You can admit to the violation and pay the \$500.00 matrix penalty. If this is your choice, send the payment directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than July 17, 2019. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.
- 3. If you wish to admit the facts but you contest the \$500.00 matrix penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing no later than **July 19, 2019**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
- 4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than July 19, 2019. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing, per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me by July 19, 2019, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. In that case, the matter will be placed on the August 7, 2019 City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact Shawn McDonald, my Legal Assistant at (651) 266-8729.

Therese Skarly 5m

Therese Skarda

Assistant City Attorney License No.: 0240989

d/b/a Speedway #4038 July 5, 2019 Page 3

cc: Northern Tier Retail LLC; 19100 Ridgewood Parkway; San Antonio, TX 78259
Realty Income Properties 3 Llc; 11995 El Camino Real, Ste 101; San Diego, CA 92130
Jack Byers, Executive Director, Phalen Community Council; 567 Payne Avenue; Saint Paul, MN 55130

Attachments: Inspector's Report and supporting documentation.