

Spenard Community Council

Meeting Minutes

April 3, 2013

Meeting began at 7:07 p.m. The minutes from March were approved. The agenda was approved with some slight amendments.

The chair, Jim Bowers, discussed how to resolve issues without tabling as a means to make them go away. He feels it would be better to discuss and come to a decision rather than put it off to another month. He'd like to have the agenda out a week before the meeting so people have notice and there's an opportunity to discuss and vote that evening on an issue rather than having to wait until the following meeting. Bob Auth concurred and said that if things are properly noticed we should be able to vote on the same evening as long as there is opportunity for both sides of an issue to present their case, especially if it's something controversial.

Jim announced that he is moving and leaving the council. Our by-laws are such that when the chair cannot fulfill their terms the vice-chair takes over as the chair, but Jason is busy with other obligations and can't do that. We need to have an election to take over as chair. It will be on the agenda for next month.

Assembly report- Ernie Hall remarked that his race still hasn't been decided. The decision of AO37 caused a lot of bad feeling with comments of the testimony "having been cut off too soon". He said he is working with the ACLU to come to a resolution of what is considered a reasonable amount of time. He said that will be inserted as part of municipal code. The ASD budget work session was done in a very well organized presentation. He said that there is no inflation proofing and at the rate we are going there will be \$141 million shortfall by 2025. The Assembly changed the way bars operate. They can stay open until 3:00 a.m. and they can elect to stay open for another hour as long as they don't serve any more alcohol. This will affect bars with more than 100 people. The idea is to have cabs available for bar patrons. Debbie Ossiander is working on a separate taxicab ordinance.

Mr. Hall mentioned another item of concern to our council, the license for In and Out Liquor. It was passed by the Assembly without protest because things were not done in time by some unnamed persons. In and Out does not have a conditional use permit and never has had one. In fact, there are many liquor serving and selling establishments that have never had conditional use permits in Spenard. We get another chance to do something in 2014 about In and Out. Legal is looking at ways to help with the conditional use protest. Tom and Jason both talked about monies, both in grants that have to be used by June and otherwise that are for community safety. These can be used for cameras to monitor the patrons of In and Out.

Coastal Trail project - Maev Nevins, parks planner: Municipality spent \$90 thousand for a pilot project to see what would be the best way to fix the problems with the Coastal Trail. Voters passed a \$1.25 million bond to fix portions of the trail. There will be alternative routes and detours as the project moves along.

TSAIA - John Johansen: The airport working group met today at CIRI. The next Part 150 meeting is June 4 to discuss and identify impacts of airport noise. The next technical advisory meeting will be April 4 talking about airport requirements and land use considerations around the airport. The public open house is tentatively set for May 23 at the Coast International. Runway 7-R was done 2 years ago and there are problems with the concrete panels, so they will be closing down 7 and 8 for perhaps a month.

Airport Committee - Bob Auth attended the working group today. The group broke down into sub-groups to brainstorm what areas of the airport are "off-limits" to development and what areas are best for airport use. He is also on the Part 150 group and at the next meeting they will be talking about noise mitigation. The airport communications committee of which he is also a member is coming up with ways for the airport to have a representative at each of the community council meetings and making themselves available for updates and questions from the public. The solutions they come up with will be included as a part of the Airport Master Plan.

Minnesota Billiards - Jim thanked Phil Isley for his work interviewing the

mall neighbors of MB and finding out if they have any issues with the liquor license and what they might be. Fred Odsen as counsel for MB said they were asked to come back to the council with conditions we could live with. He read from a lengthy document which said having a liquor license is a property right and the owner would be allowed due process. That means if we have a problem with MB, we would have to go through the same process as we have been going through with In and Out liquor. He said that whereas the draft resolution was subject to input from the council and Assembly he did not believe it would solve any issues if the SCC wanted a quick resolution if MB failed to live up to the conditions. He based this on his contention we or they, the Assembly, would have a court challenge by MB. So they would not have to uphold to that condition because of their right to due process. What they would be willing to limit themselves to: They would have TAMS or equivalent training for their alcohol serving personnel.

They would not serve alcohol before Crystal Child Development Center closes Monday through Friday at 6:00 p.m. and the closing would be as late as allowed by law. Included in the document, they would be allowed to go for a modification without complaint from the council if the developmental center moved.

They won't operate before the Tenant Improvements are done. Everything else he proposed would be legal remedies which would require the SCC and Municipality would have to go through a lengthy and expensive legal process.

They agree to serve popcorn and nuts within the bar area.

The backdoor would only be used for emergencies.

The other businesses could call them if they had a problem.

He stated that MB would vigorously defend themselves before the Assembly if they were given notice of "bad guy acts". They would have wrist bracelets to monitor how much alcohol people have consumed. They would ask for valid I.D. which is required by law anyway. He said they would not be required by the city under the conditional use.

Phil Isley talked to the owners or managers of the businesses in the mall. Three businesses had concerns about female personnel leaving late at night. His suggestion, which would not have to be a condition, would be for them to call MB for an escort to their cars. The businesses with small children involved didn't want smoking near their businesses or serving alcohol before they close. Peter's Sushi Spot and City Diner were opposed. He did not talk to Kobo although he left messages.

A motion was made and seconded to discuss the resolution. Allen said there was a question as to the legality of recreational liquor licenses being used for these kinds of businesses. Bob Auth said regardless of whether it is legal or not, they are still required to have a conditional use. We do not have to approve the license, there are four in the mall now, this would make it five in a single parking lot area. This is in addition to the other 68 licenses in Spenard. Jason agreed, but thought it would be better to have conditions when it goes before the ABC board. Another member the said the ABC board is making up their own rules in allowing a recreational liquor license for an ongoing business. This is not a baseball or hockey game. It feels like just another bar in Spenard. A member asked Derryl can anyone can go in for a drink? He said there is a cover charge. Ji Soon said you have to be a pool player and no spectators can come in and drink. Jim asked for clarification on the condition that they previously agreed to on limiting the amount that can be served. Fred Odsen speaking for his client said it would be a "house" rule rather than a condition. Derryl said they have changed their minds about limiting service to five drinks, their competitor has no limit tied to their license, so they believe they shouldn't either. Question: Would the license be transferable? Bonnie Jack said any transfer would entail another conditional use, so yes, they can sell their license.

Jim said discussion was ended and it was time to vote. Question of what a "no" vote meant? Jim said a no vote was to not support the resolution. The vote was 6-6, Jim broke the deadlock with a "no" vote. Resolution 7-6. Tom stated that if this goes before the ABC board, we will not have any protection. Other questions: Can we pass with a protest? Entertain a motion to pass with a five beer limit? Motion made and seconded. They serve wine, so it would be a five servings of alcohol limit. Bob said we did not pass the resolution so we can't add conditions. There was no agreement with MB on the five beer limit. Peggy said in last month's meeting that Shirley Cote said that as a community we had the right to oppose the license as being bad for the neighborhood. Discussion about what conditions the Assembly can put on it. Jason asked for a reconsideration. Stan asked when MB will go before the Assembly. Fred Odsen said they are not currently scheduled, but they would ask planning to assist them with that. They would discuss this, go before the Assembly and then before the ABC board on May 30.

The resolution for approval with a five drink minimum did not pass. Jason argued for the reconsideration. Bob said we have a resolution that was already passed in January and if this resolution would negate that one. Jim said that a lot of the stuff we were opposed to were addressed in the resolution prepared by MB and that this resolution addresses that. Bob said this will make it still another liquor license in addition to the 68 we already have. Jim said, yes, this will make it 69. There was confusion about which motions were being considered, but the vote for reconsideration passed, 7-4. The resolution passed, 6-5 with the chair abstaining. The chair announced he would entertain a motion to approach the ABC board with the legislature's help saying that the ABC exceeded their boundaries in creating. It was moved and seconded. Discussion: The ABC is misinterpreting State statute to set their policy. It was mentioned that the ABC was taken out of Public Safety and put into the Department of Commerce. The resolution passed, 7-2.

The meeting was adjourned.