

SPECIAL CITY COUNCIL PROCEEDINGS
OCTOBER 24, 2011
5:30 P.M. – CR#1

City Council President Libert called the meeting to order at 5:30 pm in CR#1 of City Hall. The purpose of the meeting was to consider a tobacco license application for Ahmed S. Mohamaud dba “One Stop Only” at the location of 3429 3rd Street North, St. Cloud, Minnesota.

Those in attendance were Council members Goerger, Gohman, Hontos, Johnson, Libert, and Masters, and City Attorney Matt Staehling and City Clerk Gregg Engdahl. (Council member Berg arrived at 5:40p.m.)

Two representatives from “One Stop Only” were in attendance. (Note: Applicant Ahmed S. Mohamaud was not in attendance.)

City Attorney Staehling gave a brief history of events leading up to the hearing. The application was originally on the consent agenda for September 12, 2011. However, responding to a citizen complaint, the SCPD conducted a compliance check at the store that date. Individuals were allowed to purchase cigarettes on that day even though the establishment was not licensed for tobacco sales. As a result, the item was removed from the September 12th agenda that evening.

On October 10, 2011, the application was again placed on the agenda for Council consideration. At that time the Council moved to conduct an administrative hearing regarding the license and set the Special Meeting date for October 24, 2011.

Councilmember Goerger asked for clarification regarding this violation counting as a “first strike.” City Attorney Staehling confirmed that this would be considered the first violation and that additional violations within a 12-month period could result in suspension or revocation of the license.

A representative from One Stop Only was asked to explain how the illegal sale occurred and for any additional input he might have in this regard.

Councilmember Hontos expressed disappointment and emphasized the importance of a license holder knowing the rules and regulations. He further asked the City Attorney Staehling to summarize the options available to the Council. Staehling responded that the Council may choose to approve, deny, or approve the license for a later date. He added that a separate hearing would be held to determine a fine amount.

While concerned with the violation, Councilmember Johnson felt that the nature of this issue was not of such significance to cause undue hardship for the applicant as a result. He suggested that given the current economic conditions, a substantial delay in issuing the license could have a serious effect on the viability of the business.

It was moved by Councilmember Goerger to approve the tobacco license as requested effective November 1, 2011. Councilmember Hontos seconded the motion. The motion unanimously carried.

The Special Meeting was adjourned at 5:45 pm

City Council President John Libert

Gregg Engdahl
City Clerk