

MPLS Draft 3-17-15



City of Minneapolis
Licenses and Consumer Services Division
350 South Fifth Street Room 1-C City Hall
Minneapolis, Minnesota 55415
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FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS

In the Matter of License No. L159 51496 MCDONALD'S
for FOOD RESTAURANT for MCDONALD'S, 2929 Hennepin Avenue

Held by:
MIKE DARULA
IMAGINE TOMORROW, INC
883 MEANDER COURT
MEDINA, MN 55340

15-1098436

This matter came before a License Settlement Conference on Thursday, March 12, 2015.
Appearing for the Department were Manager Grant Wilson, and License Inspectors Julie Casey
and Amanda Chavez Thao. Appearing for Minneapolis Police were Lt Amelia Huffman, Lt
Todd Gross and CPS Chelesa Adams. Appearing for the license holder were Mike Darula and
his attorney, Susan Gaertner. Appearing for the McDonald's corporation were Jennifer Schaefer
and Mike Rush. Based on the information provided at the license settlement conference, the
department makes the following findings of fact.

FINDINGS OF FACT

- 1. After the notice for the license settlement conference was sent, the Business License
Division was made aware that the ownership of the McDonald's at 2929 Hennepin
Avenue had changed. A new application was made by Imagine Tomorrow, Inc. The
new application met ordinance requirements for the issuance of a new license. The
current owner, Mike Darula was involved in the previous corporation, LD Foods, Inc.
2. In 2012, a license settlement conference was conducted with LD Foods, Inc. concerning
criminal activity at the McDonald's lobby and parking lot. License conditions were not
adopted until the spring of 2014. Those conditions were:

1. LD Foods, Inc., dba McDonald's, shall update their security plan and review it with the Minneapolis Police 5<sup>th</sup> precinct. The security plan shall be turned into the Licenses and Consumer Services within 30 days of signing this agreement.
  2. LD Foods, Inc. shall install additional security cameras to cover their parking lot area. LD Foods, Inc. shall provide a copy of the digital material (on a dvd or flash drive) upon request from the Minneapolis Police Department or Licenses and Consumer Services within 24 hours of the request.
  3. "NO TRESPASSING" signs will be posted. The business employees and management shall ask people that are not patronizing the business to leave. If they refuse, the employees and management shall call 911 for assistance.
  4. The business will create a system for issuing and tracking 90-day "No Trespass Notices" complete with pictures of trespassed people, if they are available.
  5. LD Foods, Inc. agrees to create a towing policy regarding individuals, other than patrons, using their parking lot within 30 days of signing this agreement. This policy shall be reviewed by the Licenses and Consumer Services Division. A private towing company shall be contacted to post a notice announcing the removal of all unauthorized vehicles. Signs shall be posted at both entrances informing the public of their towing policies.
  6. LD Foods, Inc. agrees to install a steel fence from driveway to driveway in front of their current landscaping. No temporary signs can be posted from this fence without a temporary use permit from the Minneapolis Zoning Division other than the towing policy signs.
  7. Between May 1, 2014 and October 1, 2014, LD Foods, Inc. agrees to hire one off duty police officer on Fridays and Saturday from 11:00 p.m. to 3:00 a.m. one professional security guard on Thursday from 11:00 p.m. to 3:00 a.m. This requirement shall be reevaluated after May 1, 2015 to determine if it is in the best interest of public safety to discontinue or alter the additional security requirement.
3. In November 2014, McDonald's changed from off duty police to a security guard. Soon after the security change, an incident with McDonald's staff and a person described as intoxicated resulted in police intervention. Concerns continued over the criminal activity occurring at McDonald's. Business License Inspectors observed people sleeping in the lobby, the lobby was unkempt, and observed people loitering without consuming food. A review of past police incidents showed a high number of patrons that were described as intoxicated and having drug paraphernalia. Statistics showed there were 400 police responses to 2929 Hennepin in 2014. This was almost double any other McDonald's restaurant located in the City of Minneapolis.
  4. A license settlement conference was held on March 12, 2015 to discuss the concerns about criminal activity on the premises. The license holder, Mike Darula presented a written plan to address the concerns of the Business License Department. Mr. Darula agreed to consider an alternative plan presented at the conference.

## CONCLUSION

1. Excessive criminal activity was recorded at the McDonald's restaurant in violation of Minneapolis Code of Ordinances 259.250.

## RECOMMENDATIONS

1. Imagine Tomorrow, Inc. agreed to institute one of the following plans in addition to the business license conditions signed in 2014.

### Alternative Plan 1

1. McDonald's Restaurant would hire off duty Minneapolis Police Friday and Saturday nights from 11:00 p.m. to 3:00 a.m. On Thursday nights, professional security, as defined by Minnesota Statute, would be available from 11:00 p.m. to 3:00 a.m.
2. The restaurant lobby would be closed from 2:00 a.m. to 5:00 a.m. on Friday and Saturday nights. The drive through window would be allowed to be open 24 hours per day.
3. The Minneapolis Police would conduct a survey of the security cameras on the premises to determine if the entire premises had surveillance camera coverage.
4. Minneapolis Police would agree to train the employees of McDonald's on security issues.

### Alternative Plan

1. McDonald's Restaurant will close the lobby on Thursday through Saturdays from 1:00 a.m. to 5:00 a.m. The drive through window can be open with security coverage separate from the staff of the restaurant.
  2. The Minneapolis Police would conduct a survey of the security cameras on the premises to determine if the entire premises had surveillance camera coverage.
  3. Minneapolis Police would agree to train the employees of McDonald's on security issues.
2. 2014 business license operating conditions.
    1. Imagine Tomorrow, Inc. shall provide a copy of the digital material (on a dvd or flash drive) upon request from the Minneapolis Police Department or Licenses and Consumer Services within 24 hours of the request.
    2. "NO TRESPASSING" signs will be posted. The business employees and management shall ask people that are not patronizing the business to leave. If they refuse, the employees and management shall call 911 for assistance.
    3. The business will create a system for issuing and tracking 90-day "No Trespass Notices" complete with pictures of trespassed people, if they are available.
    4. Imagine Tomorrow, Inc. agrees to create a towing policy regarding individuals, other than patrons, using their parking lot within 30 days of signing this agreement. This policy shall be reviewed by the Licenses and Consumer Services Division. A private towing company shall be contacted to post a notice announcing the removal of all

unauthorized vehicles. Signs shall be posted at both entrances informing the public of their towing policies.

- 5. Imagine Tomorrow, Inc. agrees to maintain a steel fence from driveway to driveway in front of their current landscaping. No temporary signs can be posted from this fence without a temporary use permit from the Minneapolis Zoning Division other than the towing policy signs and hours of operation for the lobby area.

Imagine Tomorrow, LLC understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

Business

Mike Parula

By: [Signature]  
(signature)

Its: Owner/Operator  
(title)

Dated: April 10, 2015

For the City of Minneapolis:

[Signature]  
Grant J. Wilson  
Manager

Dated: APRIL 13, 2015