

LICENSE HEARING MINUTES
University of St. Thomas d/b/a the same, 2115 Summit Avenue
November 15, 2021, 10:00 a.m.
Remote Hearing
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

In light of the COVID-19 health pandemic, a remote hearing was held by telephone or other electronic means. It was called to order at 10:02 a.m. A roll call was made to confirm attendees.

Staff Present: Department of Safety and Inspections (DSI) Licensing Staff, Ross Haddow, and Eric Hudak.; Nhia Vang, Hearing Officer, Dominique Archiebald, Recording Secretary. Therese Skarda, City Attorney.

Licensee: University of St. Thomas (License ID# 20110002908), d/b/a the same, University of St. Thomas Staff, Mitchell Karstens, Associate Vice President of Auxiliary Services, Amy McDonough, Executive Assistant, Amy Gage, Director of Neighborhood and Community Relations.

Other Parties: Tim Rowell, 2040 Laurel Avenue, and Richard Varco, 102 Exeter Place.

License Application: to add an Expansion of the existing Liquor on Sale – 291 seats liquor service area, located at 2115 Summit Avenue.

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a Class N license application. This license application required notification to nearby residents and businesses, including the affected District Council about the application and provide them with an opportunity to submit comments. The City received correspondence of concern/objection within the notification period, which triggered this hearing.

The hearing will proceed as follows: DSI staff will explain their review of the application and state their recommendation. The applicant will be asked to discuss their business plan. Members of the community will be invited to testify as to whether they object to or support the license application. At the end of the hearing, the Legislative Hearing Officer will develop a recommendation for the City Council to consider. The recommendation will come before the City Council as a resolution on the Consent Agenda.

There are three possible results from this hearing: 1) a recommendation that the City Council issue this license without any conditions; 2) a recommendation that the City Council issue this license with agreed upon conditions; or 3) a recommendation that the City Council does not issue this license but refer it to the city attorney's office to take an adverse action on the application, which could involve review by an administrative law judge. The City Council is the final authority on whether the license is approved or denied.

Minutes:

Ross Haddow, Licensing Inspector for the Department of Safety and Inspections (DSI) gave a staff report for licensee University of St. Thomas (License ID# 20110002908), d/b/a the same, located at 2115 Summit Avenue, applying for an Expansion of the existing Liquor on Sale – 291 seats or more liquor service area.

DSI is recommending the following conditions for the Expansion of the existing Liquor on Sale – 291 seats or more liquor service area license:

1. The liquor service area is restricted to the specific indoor and outdoor University of St. Thomas (UST) on-campus locations, identified in the revised map of the University of St. Thomas St. Paul Campus, Liquor License Locations, dated August 31, 2021.
2. The licensee is responsible for taking all appropriate measures to ensure that the sale/service/consumption of alcohol is contained within the designated UST campus liquor service area(s) on file with DSI.
3. There shall be no permanent bar and/or liquor service area established by UST. The intent of this condition is to prohibit UST from conducting business in a manner similar to operations such as, but not necessarily limited to the following: a restaurant with regular hours which also serves alcohol, a bar, etc.
4. All employees/managers/servers providing alcoholic beverages under the UST license shall undergo yearly Alcohol Awareness Training through an agency approved by DSI to operate such a program. All new employees/managers/servers shall be required to undergo training within two (2) weeks of their starting date. The licensee shall have proof of each person who has completed this training on-site, and this proof shall be made available to DSI upon request.
5. Licensee will adopt procedures to ensure that alcohol is not served to anyone under the age of twenty-one (21).
6. The sale of alcoholic beverages shall occur between the hours of 10:00 a.m. and midnight, with last call at 11:30 p.m. NOTE: The sale/service of alcoholic beverages on Sunday is permitted with this license.
7. There shall be an annual review of the license and conditions. As part of the review, UST will provide documentation from the previous year regarding events at which liquor was sold, including calls to UST security regarding patron behavior at these events.
8. UST will provide to the West Summit Neighborhood Advisory Committee (WSNAC) on a monthly basis and to DSI upon request a log of events where sales of alcoholic beverages have occurred. UST will cooperate with WSNAC and DSI to address any complaints filed with the City regarding sales of alcoholic beverages by UST, including discussing the need for new or modified conditions at the time of annual license renewal.
9. The sale of alcoholic beverages outdoors at events with more than 150 attendees shall occur only in the following outdoor locations: (a) Monahan Plaza-lower academic quadrangle; (b) Upper (residential) quadrangle; (c) Sabo Plaza (in front of science center); (d) Science center rear plaza; (e) North Athletic Fields; and (f) Palmer Athletic Field.

Mr. Ross Haddow stated that there was no correspondence received from the neighborhood association. There were no building inspections performed, and the license is approved with conditions, and Zoning was approved. DSI is recommending approval with conditions. Zoning approves the license with conditions, and DSI recommends approval with conditions.

Ms. Vang next asked Mr. Karstens if he understands the conditions and if he has any questions, then she gave Mr. Karstens the opportunity to testify. She asked him to talk about the business: history, hours of operation, number of employees, floor plan etc.

Mr. Karstens stated that he does not have any questions regarding the conditions of the license. He began by stating that the University has gone through several changes and additions and now has several new buildings and event spaces, which is why they have requested the expansion of the existing license. He stated that since 2011, the University has served alcohol in all of the approved areas and has done so very well. The staff is trained thoroughly to make sure all of the conditions are met and abided. Mr. Karstens testified that the average person consuming alcohol is 65 years of age as the alcohol is being served at donor and alumni events, and there are very few students involved in these events or drinking on campus. He stated that Public Safety makes sure that the events and alcohol is secure, and watches service and for disruptions.

Ms. Vang then asked Ms. Amy McDonough to describe her role at the University of St. Thomas.

Ms. McDonough stated that she serves as the Chief of Staff in the President's office, and that she works closely with Ms. Amy Gage and the Neighborhood association, NEC to respond to issues and concerns of neighbors. She stated that she is in attendance on behalf of the President's office.

Ms. Vang stated that she was a bit concerned not to see West Summit Neighborhood Advisory Committee (WSNAC) in attendance at the hearing as they were so involved in the beginning of the licensing process.

Ms. McDonough advised that the University had brought the licensing to WSNAC several times throughout the year so they would be familiar with the process. She testified that the University and WSNAC had a hearing to discuss concerns they expressed in making sure that the University of St. Thomas had staff trained properly as there have been a lot of complaints regarding underage drinking, over the years. However, there have not been any complaints about the events sponsored on campus.

Ms. Vang then asked about the number events that have taken place since COVID and if there would be an uptick in events once things go back to normal. She also asked if the community would be involved and be made aware of the events taking place, the kind of training that will continue to be provided to staff, and if WSNAC will continue to be a part of the conversation. Ms. Vang also asked Ms. McDonough the number of SEO companies the University will be hosting.

Ms. McDonough responded that pre-COVID, the University sponsored roughly 250 events per year, and the majority of those events were under 50 people. She explained that the events are usually attended by the President or VP of the Athletics department.

Mr. Karstens then referenced the Expansion map, which was shared with the group, and described which buildings would be used as event spaces: Tommy North that is just below Iverson Center for Faith and is mostly a residence hall. The Service Center that is used to hold the printing services but was moved during the pandemic and will not be used as an event space. The North Campus which includes both baseball and football fields, which have been used for

marathons, sporting events but would not include student concessions. He also testified that there are two certified trainers on campus who provide tips and serve-safe alcohol training, which includes dated records of all the trained staff that serve. This also includes student employees. All trainings are done in the first two weeks of employment, and if an employee hasn't been trained, they cannot serve. Mr. Karstens stated that there is a total of 105 professional staff, most of whom are in the residential dining facilities and do not serve in this capacity. The Catering staff operates all of the bars and event opportunities which includes five (5) professional staff, four (4) kitchen staff, and five (5) student staff which is usually around 20-25. All are trained and up to date on service even though they may not be serving. Training takes place regardless of where the employee is located, such as the catering line or plate and table service.

Ms. Vang asked if there were larger events held in the range of 150 to 200 persons as there were complaints that were submitted regarding trash, and parking.

Mr. Karstens responded that he does not have an exact number of events, but he believes it to be around fifty (50). He testified that all complaints are handled internally by the University's Public Safety staff which is a team of almost thirty (30) officers that is utilized across campus. He stated that it is rare to need external officers but may be needed for events such as commencement ceremonies and other large events, which is usually handled by external safety tech firms. Mr. Karstens testified that trash cans are available at all the exits. He stated that he understands and wants to recognize that there is trash out in the neighborhoods and that the students can contribute to that. However, that does not happen from these events due to the way that the event staff controls the alcohol, spaces, and the types of events.

Ms. Vang then asked Ms. Gage and Ms. McDonough how they have engaged with WSNAC to address affected neighbors, and what kind of strategies have been decided to resolve issues such as noise, trash, and nuisance behavior.

Ms. McDonough stated that she and her team are very proud of the relationship they have with the neighborhood and referred to Mr. Karstens statement about not receiving complaints regarding nuisance behavior or other issues for events that happen on campus. She stated that they receive complaints for issues that happen off campus, and the University is trying to mitigate these issues to ensure that the students are good neighbors. She testified that Ms. Gage runs a STEPS program, which teaches resident students how to be good neighbors, and how to live as respectful adults in society. Ms. McDonough stated that the University has instituted a new residency requirement at the university which states that if you are a Freshman or Sophomore student, you are required to live on campus, which will take effect for the 2022-2023 Freshman and Sophomore classes. She stated that this is something that will help students with development, and she believes it will mitigate some of the issues that have happened in the surrounding neighborhood. Ms. McDonough added that one of the large events that the University St. Thomas sponsored is no longer taking place – the Tommy Johnny game, which entailed preparing the neighborhood and instituting plans for mitigation. The University staff will take those plans and use them to mitigate any issues that may arise from football games and homecoming events in the future.

Ms. Gage added that she's been with the University of St. Thomas for seven (7) years as the Director of Neighborhood and Community Relations. During that time, she also Chaired the WSNAC. Ms. Gage stated that during her time at WSNAC, she was responsible for gathering liquor reports from a member of the team, which included how many glasses of wine was served to the community group that was meeting in an event space. Ms. Gage stated that during her time with the University, there has never been a complaint received regarding alcohol service on campus. However, there are issues encountered with student behavior that are addressed proactively through education and consequences rather than punishment. Ms. Gage described her role as on-call 24 hours a day and 7 days a week to engage with students. She also stated that there is a new program called Renter 101 which aims to provide information to students who are looking to move off campus. The University provides two different types of renter education. Ms. Gage testified that she provides a detailed monthly neighborhood relations report and meets with two assistant Dean's on a weekly basis. She also stated that she is responsible for meeting out the consequences if students violate the Code of Conduct off campus, which happens if they violate any Federal, State, or Municipal law. An example of such violations would include noise ordinance, underage drinking, or a gathering that is perceived to have gotten out of hand.

Ms. Vang then open the next part of the hearing for public input. There were five (5) letters of objection which triggered the hearing. Three (3) interested parties were in attendance to testify. Ms. Vang noted that Mr. Karstens, Ms. McDonough, and Ms. Gage would be given an opportunity to respond to the objection letters. Ms. Vang also noted that all letters of objection for non-present parties and testimony from residents present during the hearing were accepted and received into the record.

Nancy Garrett, 2221 Riverwood Pl, St. Paul

Ms. Garrett testified that she spoke with Ms. Amy McDonough and now understands that there would not be more alcohol served in the future than there is now, however, she still has concerns regarding the new classification of the Football team as Division 1 and how it may affect the neighborhood with more football game attendees. She stated that she has no issue with Private events but believes that the large events are potential cause for concern due to alcohol use, trash, and nuisance behavior.

Mr. Karstens stated that the University has no plans to expand liquor use at any of the games and that part of this is regulated by the NCAA. He testified that some alcohol is served in the VIP donor areas, but not in the stadium stands. He reiterated that the University has no plans to expand into athletic facilities at this point, for concessions purposes.

Ms. Garrett then asked if the license was granted, would the University have the potential to expand the serving of alcohol and if so, would the neighborhood need to be notified of such a change?

Mr. Haddow of DSI stated that DSI is a primarily a complaint-based organization when it comes to business licenses. If anyone has a matter of complaint about anything that is going on in the City of St. Paul, they may call 651-266-8989. Which is the general contact number for the City of St. Paul. From there, they can say they have a complaint, then the call center staff will either immediately put the complaint into the system, or the complainant would be transferred to the appropriate staff member. All of the complaints are taken into consideration with the renewal

comes through, however, DSI does not have to wait until license renewal to make modifications if there are complaints. Mr. Haddow stated that DSI works in a compliance-based nature, which first includes education and trying to bring the effective party into compliance. If that does not work, DSI moves forward to the Adverse Action matrix, which dictates what kind of fine would be imposed based on when the complaint happened, the severity of the complaint, and how often.

Ms. Vang then Mr. Richard Varco, the opportunity to testify. She noted that his testimony was recorded and accepted into the record.

Mr. Richard Varco, 102 Exeter Street, St. Paul

Mr. Varco testified that Ms. Garrett's concerns are not met by the discussion that we've had here. And in fact, her concerns are reinforced by what the staff member said, which is in effect that although St. Thomas has no plans to develop the sale of liquor beyond what they currently offer, that could change as soon as the license is granted. He testified that statement of having no plans to expand does nothing to prevent them from doing exactly that. He stated that he thinks that clarification ought to be fully noted before permission is given to expand. He testified that he is mainly concerned about trash in the neighborhood and suggested that there were a few simple ways in which to eliminate this issue such as signs telling people that they can't take the alcohol off the campus. Also, that containers and receptacles in which they could put trash in. He suggested that be included as one of the conditions.

Mr. Karstens responded that no beverages or containers can leave the service area, and the University posts that information at all the exits. Also, there is security that is present to make sure taking containers into restricted areas does not happen. Mr. Karstens stated that the University has an expansive program to capture trash and recycling and compost in all of areas, both inside and outside. He stated that the University Facilities department has several trash receptacles that are brought out for use in diverting trash and litter. He reiterated that people cannot leave the designated area with alcohol containers.

Ms. McDonough added that the University would not start selling concessions without notifying the neighborhood and has no intention to do so. She stated that adding this as a condition to the license would be fine if it were helpful.

Ms. Vang stated that she'll have the DSI Licensing staff draft a list of conditions to present to the University of St. Thomas.

Ms. Vang then Mr. Tim Rowell, the opportunity to testify. She noted that his testimony was recorded and accepted into the record.

Mr. Tim Rowell, 2040 Laurel Ave, St. Paul

Mr. Rowell testified that he would like to reiterate what Ms. Garrett and Mr. Varco mentioned. He stated that he met with Ms. McDonough and Ms. Gage and they assured him that there would not be an expansion of concessions. He stated that the University is now a Division 1 school which means the events are going to get bigger and have more alumni, and more fans from other teams. He believes it is going to get bigger and more intense. He testified that he appreciates the condition being added for the language of notifying the neighborhood. But being notified doesn't help if we're opposed to it. He testified that he is opposed to expanding the liquor license, if it

gives the University the option of serving large events. He stated that he was under the impression from previous discussion that it was just going to be alumni events and St. Thomas events. But now if Palmer field or the baseball field can be rented to an external group, and have liquor events there, it will cause issues and problems in the neighborhood with trash, parking and more. He stated that he lives across the street on Laurel Avenue from Tommy north. He reiterated that when the Tommy Johnny games were happening that weekend was very uncomfortable for the neighborhood. It seemed to be a carte blanche for the students and alumni with alcohol. There were people sitting in his yard with cases of beer, people urinating on the garages.

Mr. Karstens responded the University is fine adding a condition to the license not to sell concessions. It holds the university accountable to make sure that we notify the neighborhood if and when concessions are sold.

Ms. McDonough added that the University staff will not pretend like there are not problems in the neighborhood. And they will continue to try to proactively address them. Also that residence requirement is going to help. There has been a lot of work done to mitigate what happens, including taking the Tommy Johnny games off of campus several years ago. She stated that they will be mindful of what issues those events what other events cause in the neighborhood.

Ms. Vang asked DSI staff if there were any complaints that resulted in enforcement action from the City.

Mr. Haddow stated that he would have to look up whether there were reports related to alcohol service use, but the majority of the complaints that he's seen from the neighborhood have been noise and trash related, specifically for large events. He stated that he doesn't believe there has been any adverse action since the license was granted in 2011 and reiterated that he will have to verify.

Ms. Vang acknowledged Ms. McDonough and Mr. Karstens willingness to add two (2) conditions to the license to reassure the residents of those concerns.

Ms. Vang then read the letters and emails of objection into the record for non-present interested parties and the applicant was given an opportunity respond.

Mr. Robert Nechal, 2169 Selby Ave, St. Paul

Mr. Nechal objects to specific parts of the license. He opposes any alcohol being offered on the North Athletic Field as two sides of the field adjoin the neighborhood housing with no means for containment of noise. It is also visible from the neighbor's homes. Secondly, he is not objecting to alcohol being served in Palmer field, but he asked that the University honor the noise ordinance and stop serving alcohol at 9:30 p.m.

Mr. Karstens responded that they University does abide by the sound ordinance and if there is going to be an event, the University applies for special exemption. He also stated that the Public Safety team monitors the noise level with a decibel reader to ensure the University is within legal

noise limits. He stated that there has been mesh fencing installed at the baseball field to minimize the noise level but believes sound would carry regardless of alcohol being served.

Mr. Kevin Leuthold, 2221 Riverwood Pl, St Paul

Mr. Leuthold objects as he believes there is already too much alcohol at parties and around campus during sporting events. He believes the worst is the high school games on Friday nights at the University of St. Thomas campus, and states that before and after every game there are lots of drunk people walking and driving near campus. He believes allowing the sale of alcohol on campus during these events will make these issue worse.

Mr. Karstens responded that the University does not sell any alcohol ever. And that there was only one high school game on campus this year. He stated that the University does not have Cretin and Durham coming back to campus next year. Athletics has also confirmed this. He stated that even if the University did have high school games on campus, they have never nor will we ever serve alcohol at a high school football game.

Ms. Vang then gave interested parties an opportunity to ask follow-up questions.

Mr. Varco stated that the response from the University staff is still unclear and would like clarification of whether the University is promising that they will not sell concessions without getting prior permission from the neighborhood to do so, or are they saying they will only notify the neighborhood when they decided to expand selling concessions?

Ms. McDonough responded that they may need some help from the city as she doesn't know what the process would be. There are two (2) ways to do it; a restriction can be added that says the University can't sell concessions. And if they ever wanted to change it in the future, there would have to be some process to change it. Or a condition can be added to the license that says the University would not sell concessions until they notified the neighbors a certain number of days ahead of time so that they would have an opportunity to come before the city.

Mr. Eric Hudak of DSI responded that concessions would first have to be defined. If DSI were looking at a condition that would restrict additional concessions beyond what is already in place, they would have to know what the baseline of 'concessions' is. He stated that conditions are difficult to create and word but they need to be enforceable. Conditions should be reasonable and meaningful, and they shouldn't be burdensome, yet they should address the community's concerns. He stated that the conversation that was had regarding alcohol and/or containment or leaving the premises - that that is required by the University of St. Thomas to ensure that that does not happen. If a condition were listed that would state something of that nature would just be a reiteration of what's already in State statute and City ordinance of which they're obligated to follow.

Ms. Therese Skarda of the City Attorney's Office added that she is present to advise Nhia and the DSI staff, and she believes everything has been covered. She stated that she is available to give legal advice and advised that a basis to impose conditions, and they need to be fair and enforceable.

Ms. Vang closed the public hearing and noted that there are two (2) items for follow-up: DSI will work with the City Attorney's office and the representatives from the University of St. Thomas to draft the two additional conditions regarding alcohol containers and trash, and concessions. She stated that she will be recommending the City Council approve the Expansion of the existing Liquor on Sale – 291 seats liquor service area license, located at 2115 Summit Avenue with the nine (9) existing conditions, with modification to condition 1 and two additional conditions. Following the hearing, the following were agreed-upon conditions:

1. The University of Saint Thomas (UST) agrees that service and consumption of alcohol will only be allowed within the areas outlined on the UST Campus Liquor License Locations Map (Locations Map) dated August 31, 2021. UST understands and agrees that modifications to the Locations Map must occur in accordance with the procedural guidelines for modification of liquor licensed premises outlined under the Saint Paul Legislative Code.
2. The licensee is responsible for taking all appropriate measures to ensure that the sale/service/consumption of alcohol is contained within the designated UST campus liquor service area(s) on file with DSI.
3. There shall be no permanent bar and/or liquor service area established by UST. The intent of this condition is to prohibit UST from conducting business in a manner similar to operations such as, but not necessarily limited to the following: a restaurant with regular hours which also serves alcohol, a bar, etc.
4. All employees/managers/servers providing alcoholic beverages under the UST license shall undergo yearly Alcohol Awareness Training through an agency approved by DSI to operate such a program. All new employees/managers/servers shall be required to undergo training within two (2) weeks of their starting date. The licensee shall have proof of each person who has completed this training on-site, and this proof shall be made available to DSI upon request.
5. Licensee will adopt procedures to ensure that alcohol is not served to anyone under the age of twenty-one (21).
6. The sale of alcoholic beverages shall occur between the hours of 10:00 a.m. and midnight, with last call at 11:30 p.m. NOTE: The sale/service of alcoholic beverages on Sunday is permitted with this license.
7. There shall be an annual review of the license and conditions. As part of the review, UST will provide documentation from the previous year regarding events at which liquor was sold, including calls to UST security regarding patron behavior at these events.
8. UST will provide to the West Summit Neighborhood Advisory Committee (WSNAC) on a monthly basis and to DSI upon request a log of events where sales of alcoholic beverages have occurred. UST will cooperate with WSNAC and DSI to address any complaints filed with the City regarding sales of alcoholic beverages by UST, including discussing the need for new or modified conditions at the time of annual license renewal.
9. The sale of alcoholic beverages outdoors at events with more than 150 attendees shall occur only in the following outdoor locations: (a) Monahan Plaza-lower academic quadrangle; (b) Upper (residential) quadrangle; (c) Sabo Plaza (in front of science center); (d) Science center rear plaza; (e) North Athletic Fields; and (f) Palmer Athletic Field.
10. UST will position trash receptacles at each exit of events attended by more than 150 individuals with signage encouraging trash to be discarded upon exit.
11. UST will control access to and from each authorized service and consumption area outlined on the Locations Map to prohibit individuals from exiting those areas with open containers of alcohol.

The hearing adjourned at 11:08 a.m.

The Conditions Affidavit was signed on January 4, 2022 and submitted on January 5, 2022.