

LICENSE HEARING MINUTES
Shadey's Tavern, 674 Dodd Rd
Monday, August 1, 10:00 AM
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 1:58 PM

Staff Present: Ross Haddow, Department of Safety and Inspections (DSI), Eric Hudak, DSI Licensing Manager, YaYa Diatta, DSI Zoning Manager (remote participation)

Licensee: Lee Sontoya, Applicant/Owner

License Application: Liquor On Sale-100 Seats or Less, Liquor On Sale-Sunday, Entertainment (A), and Gambling Location licenses

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them with an opportunity to submit comments. The City received correspondence of concern/objection, 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; the City Council is the final authority on whether the license is approved or denied.

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 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.

Minutes:

Ross Haddow, Department of Safety and Inspections (DSI) gave a staff report for licensee Shadey's Tavern (License ID #20210000229), d/b/a same, located at 674 Dodd Road. The application is to add Liquor On Sale-100 Seats or Less, Liquor On Sale-Sunday, Entertainment (A), and Gambling Location licenses. There are no existing conditions. DSI is recommending approval with license conditions. Condition recommendations are as follows:

1. Per City of Saint Paul Legislative Code 411.02. Entertainment 'A' license does not allow for patron and/or performance dancing.

2. License holder agrees to operate the business in a manner consistent with the Business Summary dated 1/20/2021 and floor plans on file with the Department of Safety and Inspections (DSI). Licensee agrees to obtain written approval from DSI before making any substantive changes to the approved method of operation and/or floor plan.
3. License holder will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. License holder will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, license holder will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded videos. License holder will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, license holder shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, license holder shall have the technology, materials and staff available to immediately make the copy. In all other cases, license holder shall provide a copy of the surveillance video to the requestor within 48 hours.
4. License holder will use an identification card scanner system to record and retain for a minimum of thirty (30) days the identification of all patrons who enter or re-enter the licensed establishment after 10:00 p.m. until closing during any day of operation. If an incident is deemed serious by SPPD, license holder shall make identification card scanner information immediately available for viewing by SPPD. In all other cases, license holder shall provide recorded card scanner information to the requestor within 48 hours.
5. License holder shall retain clearly identifiable security personnel. Clearly identifiable security personnel shall mean a uniform or marked outerwear. Security personnel shall be assigned to each entrance of the license premises starting at 10:00 p.m. during any day of operation and shall remain until all patrons have left the property of the licensed business. While on duty security personnel shall screen each patron upon entry using a metal detection device and check all handbags and packages carried by patrons to effectively detect and prohibit weapons from entering the licensed premises. The requirement to screen patrons includes those who have left for any duration of time and return to re-enter the licensed premises. Security personnel shall verify the age of patrons by checking state or federally issued photo identification cards using the method outlined in condition #4. License holder shall establish and require that security personnel enforce a no picture identification/no entrance policy.
6. Security or staff will conduct outside sweeps of the building and parking lot at least twice an hour to disperse and discourage loitering from 9:00 p.m. during any day of operation until closing and shall remain at the licensed premises until all patrons have left the property/parking lot. All customers/patrons must be off the property/parking lot within 15 minutes after closing time.
7. Whenever the establishment is open past 10:00 p.m. no patrons shall be admitted into the establishment 30 minutes prior to closing time. Last call will be given 30 minutes prior to closing time.
8. License Holder shall ensure no alcoholic beverages leave the licensed premises unless in conjunction with an approved temporary liquor extension of service area license.
9. License holder will remove any litter, trash, debris, or similar materials around exterior of licensed premises daily.

10. Doors and windows will remain closed. No bottle dumping after 9:00 p.m. or before 8:00 a.m. License holder will monitor sounds levels to ensure any noise generated does not exceed limits contained in City of Saint Paul Legislative Code Sec. 293.
11. Signage shall be prominently posted at all exits stating, "You are exiting into a residential neighborhood - please leave quietly".
12. License holder acknowledges that prior to a change in ownership of the business, the new owner must obtain a City license.
13. Tammi Vazquez, David Jacob Thelen and Michelle Lynn Albrecht shall not be employed by, manage, participate in, engage in, oversee, represent, or have an interest in any aspect of the licensed business or operations of the licensed premises.
14. License holder agrees to close the establishment at or before 10:00 p.m. each day of operation for the initial 365 days from date of license issuance.

There has been no correspondence received from any neighborhood organization to recommended or object. Building conditions, approved under vacant building process 04/27/2022; License approved with conditions; and Zoning approved.

Ms. Vang asked if Mr. Sontoya had questions about the conditions and whether he agreed to the conditions to which his response was in the affirmative and that he had no questions. She then asked about Condition #3, and whether Mr. Sontoya had been in touch with SPPD Sgt. Graupman regarding video surveillance plan.

Mr. Sontoya confirmed yes, and Mr. Haddow confirmed that Sgt. Graupman had told him that he had heard from Mr. Sontoya. Mr. Sontoya next stated that an inspection would take place after the license hearing.

When asked about the number and location of cameras. Mr. Sontoya said there will be 8 cameras inside, including one being added to monitor a back room, and 3 cameras outside. The system is wired. He shared a recent incident where a recording caught garbage being illegally dumped on the property. He posted the video on Facebook, and then the camera wires were cut. He wants to switch to wireless so that he and his bartenders will be able to easily share the video whenever it's requested.

Regarding staffing, Mr. Sontoya said that there will be one bartender per shift. Besides drinks, the business serves frozen pizza, chicken wings, and fries. Because of this, he does not need a MN State restaurant license as long as there is a pizza oven and a self-contained frier. He was also required to remove certain kitchen equipment.

Ms. Vang then clarified that a restaurant license would not apply to the establishment.

Regarding times of business operations and closing time, Mr. Sontoya confirmed that the hours would be 10am – 10pm. He cares about his neighbors and wants to do right for the neighborhood. He understands that the business is surrounded by residential homes and, even after the first year, he does not intend to be open past 10pm. He stated that there was no reason for people to be out until 2am in that neighborhood.

When asked if there were similar business nearby, Mr. Sontoya named a few bars but they were located in Dakota County or on the outskirts with none being in Saint Paul or in Ramsey County.

Ms. Vang next asked about the number of security and what days of the week they would be present.

Mr. Sontoya said security would only be provided if they opened past 10pm. Since he does not plan to open past 10pm, there would be no security. Security would be provided for special outdoor events, which he is allowed 12 times per year to hold. He adds that he does not anticipate having outdoor events.

Mr. Haddow and Mr. Hudak both confirmed the security requirement for Condition #5 and noted Condition #14 that Mr. Sontoya agreed to voluntarily close before 10pm each day of operation for the initial 365 days.

Ms. Vang asked where security staffing would be hired from and Mr. Sontoya said he would hire off-duty Saint Paul police. He also has connections through the Ramsey County Sheriff's Department since he is a Sheriff there.

When asked about how the parking lot would be monitored, Mr. Sontoya said the wireless cameras he wants to install will allow him and the bartenders to monitor anything going on in the parking lot. The parking lot would easily be viewed by the bartender because the monitor is right behind the bar.

Ms. Vang asked about trash and debris, relating to Condition #9.

Mr. Sontoya said he has someone who comes in every morning to clean, and trash gets picked up as part of that, including the sidewalk.

Ms. Vang asked about the presence of 2 dumpsters in the parking lot.

Mr. Sontoya said the dumpsters has been removed to deter illegal dumping but return when the business is open. The two dumpsters will return to their previous location. Recycling will be 10 indoor containers. Both the trash and recyclables will get picked up on the same day so as to not unduly disturb the neighbors.

Ms. Vang asked if there would be a fence around the dumpsters to prevent illegal dumping.

Mr. Sontoya said no since he wasn't concerned about it once the bar opens. People being around helps prevent dumping.

Ms. Vang asked about signage on the exits.

Mr. Sontoya confirmed that signage per Condition #11 will be at both exits.

Ms. Vang asked staff to explain Conditions #12 and #13.

Mr. Hudak said that Condition #12 was so that if the business is sold, the license is nontransferable.

He said that Condition #13 was added because the city had concerns about the people named and their behavior in the past.

Ms. Vang asked about Mr. Sontoya's relationship to the named people.

Mr. Sontoya said he knows the named people and have known them his whole life. They are his friends since childhood. He acknowledged that Tammy owns the building and that he once dated her for some time and that he grew up with her brothers. He understands the condition and would not allow them to work at the building. He does not want to risk losing his license.

Ms. Vang said that since his application does not include a manager onsite, she asked how he would manage the business with his job at the Sheriff's Office and whether management responsibility would fall on the bartender.

Mr. Sontoya said the bartender is just a bartender. He will be personally managing the business on a daily basis in addition to his job with the Sheriff and his painting business. He wants to go part time at the Sheriff's office once the business is running. The bar will be his top priority.

Ms. Vang asked about the vacant building status and the resolution of that.

Mr. Sontoya said he went through the requirements from the city to rehabilitate the building including plumbing, electricity, and structural replacements. He also worked on roofing and siding.

Ms. Vang asked if the Category 2 Vacant Building status for the building has gone away, meaning that it was no longer in the Vacant Building Program.

Mr. Haddow said the building no longer had a Vacant Building status as of April 27, 2022, which will be revisited in April 27, 2023.

Ms. Vang asked how many floors are in the building.

Mr. Sontoya said there is a second floor with upstairs only accessible through his locked office. The top floor is emptied, sealed off, and completely unused. There are 3 unused rooms in the basement as well that have been emptied out.

Ms. Vang asked if there was anything outstanding to be inspected.

Mr. Sontoya said no.

Ms. Vang referred to the STAMP Activities report and asked Mr. Sontoya to review it so that he understood the received complaints and how it impacts or would affect the operation of the business.

When asked about how complaints are received, investigated and whether complaints would immediately result in a revocation, Mr. Hudak said DSI operates on a complaints-based system. DSI's approach is typically to educate and rectify first, rather than take things to adverse action, which only occurs after repeated offenses. He mentioned the consequences of multiple violations increasing the likelihood of a penalty. For example, 4 violations occurring within 24 months would be cause for revocation. DSI can also recommend upward or downward departure; however, Council has final determination.

Ms. Vang then asked Zoning staff for their report.

Mr. YaYa Diatta, Zoning Manager, stated that since this property was an existing business, there was not much to review in terms of zoning. If there was a new parking lot added, they would need to take a closer look.

Ms. Vang asked if their review would require the parking lot to be repainted and would the lot require zoning approval.

Mr. Diatta stated that zoning would need to look at it if Mr. Sontoya makes changes to the existing parking lot.

Ms. Vang asked if there was any striping on the parking lot plan to denote parking spots.

Mr. Sontoya said striping was only for the handicapped.

Ms. Vang asked if Zoning was ok with that.

Mr. Diatta answered that if it was already done then it was okay.

Mr. Sontoya said that they just painted the handicapped spot during the rehabilitation.

Ms. Vang asked Mr. Diatta to clarify if zoning then needs to inspect it given that it was not previously marked.

Mr. Diatta went over the requirements of the handicapped spot.

Mr. Sontoya said the fire safety inspector gave him the guidance and he did it on his own. Based on his understanding from the fire safety inspector, he did not need zoning review.

Mr. Diatta said that was fine if was done at the behest of the fire safety inspector.

Ms. Vang asked about the fence and inquired as to who was responsible for the installation and upkeep (Mr. Sontoya or the neighbors).

Mr. Sontoya said the neighbor owned the fence.

Ms. Vang asked Mr. Diatta if the fence would have any bearing on the business.

Mr. Diatta confirmed that the fence has no bearing on the business. The only time the fence would require zoning review is if the fence was newly installed. Since the neighbors put up the fence on their own to separate from the business, the fence has no bearing on the business.

Ms. Vang asked Mr. Sontoya to talk about the business: history, hours of operation, number of employees, etc.

Mr. Sontoya talked about living in the West Side since he was 3 years old. He is involved in West Side Boosters and cares about his community. He wants to keep bad people out of the bar and will be checking for a valid ID. Young people under 21 will not be able to enter the establishment without a parent. He wants his business to be a watering hole for the neighborhood, especially the Mexican community. There will be a jukebox for music. Pull-tabs and meat raffle are what he is planning for the lawful gambling and is what his community is interested in. The funds would go to the community. One of the meat raffles' proceeds will go to Our Lady of Guadalupe Church and another will give proceeds to the West Side Boosters. Because the meat raffles will likely cause standing room, not everyone will be allowed in the bar. He said his work for the Sheriff's Dept will affect his work on the business and knows from experience who the bad actors are and does not want them jeopardizing his business.

Ms. Vang asked for details on the charitable gambling.

Mr. Sontoya stated that the charitable organization to manage the gambling location license is West St Paul Hockey and the Gambling Manager is Casey Wiemer.

Ms. Vang asked about the location of the pull-tab machines, and if it would be visible from the bar.

Mr. Sontoya said the machines are within full view of the bar.

Ms. Vang asked when pull tabs will be open.

Mr. Sontoya said the pull tabs are open when the bar is open. He or a bartender can turn the machine on and off; however, only the Gambling Manager can get access to machines. The charitable organization will also handle the meat raffle. The E-pull tabs are located behind the bar and anyone can take their tickets back to their table. There will be 8 machines. The Gambling Manager will be responsible for training the staff on the system but wasn't sure exactly about the training schedule. Funds from the charitable organization would go towards hockey equipment and ice time.

Ms. Vang asked for the charitable organization information and contact to be emailed to staff after the hearing.

Ms. Vang then asked what type of entertainment would be offered under the entertainment A license.

Mr. Haddow said the Entertainment A license allows for live bands, DJ, karaoke and does not allow dancing or other very active things, which would require different code requirements. Dart boards are allowed under this license.

Ms. Vang next referenced the letters of objection and noted for the record that this application was previously applied for in July 2021. She asked what happened in 2021 and added that the City had to re-notice and previous objectors were also contacted

Mr. Sontoya said the building rehabilitation caused a delay, which was costly and took time to bring it up to code. As a result, he was unable to move forward to attend a hearing last year.

Ms. Vang asked about his contact information and if it was current.

Mr. Sontoya confirmed his updated email and phone number.

Ms. Vang then read into the record submitted emails and letters in opposition and support of the license application from:

- Duffy Pearce, 683 Dodd Rd
- Julie Scanlon, 644 Winslow Ave
- Troy & Karen Palmen, 675 Dodd Rd

(The received letters/emails were made a part of the record and Mr. Sontoya was provided an opportunity to respond to the concern(s) raised.)

Ms. Vang began with the email from Duffy Pearce dated June 7, 2022, regarding:

- Potential consequences for violation of conditions (discussed and addressed earlier, refer to page 6).
- Time spent between repeat violations (discussed and addressed earlier, refer to page 6).
- Regarding how quickly complaints are addressed, Mr. Haddow explain the complaints process. He said that complaints go to him, and he typically tries to respond within a couple of days. His first focus is on education and correction. He recommends that neighbors contact police for emergencies. If the complaint is not an emergency, the telephone number to call is 651-266-8989. Complaints will then be routed and handled by the relevant department.

Mr. Hudak added that complaints can also be submitted online at [at](http://www.stpaul.gov/report-incident) www.stpaul.gov/report-incident.

Ms. Vang also read Duffy Pearce’s previously submitted email dated August 12, 2021, regarding:

- Vacant building concerns (discussed and addressed earlier, refer to page 5).
- Trash, Ms. Vang encouraged Mr. Sontoya to address the illegal dumping as soon as possible, which Mr. Sontoya stated he is committed to doing.

- Methods of enforcement (discussed and addressed earlier, refer to page 6).
- Concerns about what will make this business different than the one that came before, Ms. Vang pointed to Condition #13, (discussed and addressed earlier, refer to page 5), as it should help with the raised concern.

Mr. Sontoya confirmed that the individuals listed in Condition #13 would have no role in the business' day-to-day operation other than being guests.

Ms. Vang next read the email sent from Julie Scanlon dated June 7, 2022. Similar to Duffy Pierce's concerns, Julie Scanlon's comments raised concerns that this business would have the same problems as the previous business. Ms. Vang asked about what happened under the previous license holder.

Mr. Sontoya said the lack of video recordings, and not providing recordings to police and DSI were the big concerns. Mr. Hudak confirmed Mr. Sontoya's statement and added that there were repeated violations from 2018 through 2020.

Ms. Vang asked what enforcement actions had been taken against the previous license holder.

Mr. Hudak said the previous license holder surrendered her licenses to the city to resolve adverse actions. The licenses were not revoked. Because the licenses were given back to the city, Mr. Sontoya was able to apply.

Ms. Vang asked where the complaints originated.

Mr. Hudak said complaints came from Saint Paul Police Department (SPPD) and neighbors.

Mr. Sontoya said that he has a good relationship with SPPD and will stop bar service if the police was involved. He is committed to getting their issues resolved before continuing service.

Mr. Hudak said Mr. Sontoya voluntarily agreed to the list of 14 conditions and is encouraged by the work Mr. Sontoya has demonstrated so far. It helps that Mr. Sontoya has a law enforcement background. He advised Mr. Sontoya to call the police, when necessary, instead of handling it himself and that calls to SPPD would not be held against the business.

Ms. Vang echoed that statement and said that staff and patrons should not be put at risk where safety is a concern.

Regarding Julie Scanlon's comment on the vacant building status, Ms. Vang said the concern was previously discussed and addressed (refer to page 5). Regarding the lengthy conditions being difficult for the City to enforce, she asked staff for clarification and also referenced the police incident report, which would help address the raised concern.

Mr. Hudak described the police incident report and how to understand it. He said that incidents with the 674 House Number cannot be attributed to the property itself. The report captures the intersection where the business is located. It should be noted that proactive visits from an

incident report have no inherent negative consequences for the license holder. The acronyms used in the report Disposition column are identified as follows:

- GOA (G on incident report document) – gone on arrival
- ADV (A)– advice, meaning there wasn’t anything serious enough to create a report.
- RR – a report was written
- PCN (PC) – previous case number, referencing a previous report.

Mr. Haddow added that a proactive visit could just be a quick walkthrough when police are in the neighborhood. He reiterated that proactive visits are not held against the business owner and is not an indication of a negative presence.

Ms. Vang next read Troy & Karen Palmen’s email dated July 9, 2022. The Palmens raised 5 concerns in their objections:

- #1, relationship to the previous license holder – Ms. Vang said the concern has already been discussed and addressed (refer to page 5).
- #2, the author of list of conditions – Ms. Vang said that DSI drafted the conditions with the City Attorney’s Office and noted that the recommended conditions was voluntarily agreed to by Mr. Sontoya. He has already signed the conditions affidavit.
- #3, vacant building status, the concern has already been discussed and addressed (refer to page 5).
- #4, history of violence at the location (discussed below).
- #5, what the bar will add to the community (discussed below).

Ms. Vang then asked Mr. Sontoya to address the history of violence at the location and what he will do to keep the place safe.

Mr. Sontoya said closing at 10pm will be a big change towards keeping out bad clientele. Security will be present if they stay open past 10pm after the first year but does not anticipate needing to stay open later. The ID scanning will also help to know who goes in and out if they do decide to stay open past 10pm.

Ms. Vang asked about the intentions for opening past 10pm in the future.

Mr. Sontoya reiterated that he does not anticipate staying open past 10pm. He doesn’t want the trouble of opening later because it could jeopardize his business and his law enforcement job.

Ms. Vang asked about concern #5 from the Palmens asking “what does the bar add to the community?”

Mr. Sontoya said he is a part of the community, which is different from the other bars nearby because they are not a part of the west side community. He said this bar directly will give back to the West Side community.

Ms. Vang asked about the Palmens’ concerns previously raised from an email dated August 26, 2021, regarding violence and drug dealing.

Mr. Sontoya said he can't control what happens in the community, but he can control what happens at his location and provide videos to police as needed.

Ms. Vang asked that his bartenders remind patrons about keeping volume down as they exit the establishment.

Mr. Sontoya said they would be doing that as people leave the building.

Ms. Vang clarified that the conditions are binding and would only change if Mr. Sontoya asked to remove the conditions; Mr. Sontoya acknowledged his understanding.

Ms. Vang then said that she did not believe, at this time, that additional conditions needed to be added to the list of recommended conditions as proposed by DSI and already agreed to by Mr. Sontoya. She reminded Mr. Sontoya that he and his staff need to go through alcohol awareness training with DSI, including when there are staff turnover. Ms. Vang also asked if Mr. Sontoya has reach out to his neighbors who objected to his application.

Mr. Sontoya said he knows some of the neighbors and wants to get to know them better.

Ms. Vang also recommended that he reach out to the district council so that he would work better with the community.

Ms. Vang stated that after reviewing the records and testimonies from all parties, she will recommend to the City Council that they approve the license with the following conditions proposed by DSI and already agreed to by Mr. Sontoya:

1. Per City of Saint Paul Legislative Code 411.02. Entertainment 'A' license does not allow for patron and/or performance dancing.
2. License holder agrees to operate the business in a manner consistent with the Business Summary dated 1/20/2021 and floor plans on file with the Department of Safety and Inspections (DSI). Licensee agrees to obtain written approval from DSI before making any substantive changes to the approved method of operation and/or floor plan.
3. License holder will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. License holder will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, license holder will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded videos. License holder will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, license holder shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, license holder shall have the technology, materials and staff available to immediately make the copy. In all other cases, license holder shall provide a copy of the surveillance video to the requestor within 48 hours.

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11. Signage shall be prominently posted at all exits stating, "You are exiting into a residential neighborhood - please leave quietly".
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13. Tammi Vazquez, David Jacob Thelen and Michelle Lynn Albrecht shall not be employed by, manage, participate in, engage in, oversee, represent, or have an interest in any aspect of the licensed business or operations of the licensed premises.
14. License holder agrees to close the establishment at or before 10:00 p.m. each day of operation for the initial 365 days from date of license issuance.

The hearing adjourned at 3:26 p.m.

The Conditions Affidavit was signed and submitted on August 18, 2022