



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Room 220 City Hall

Jerry Hendrickson,
Deputy City Attorney

Meeting Agenda Charter Commission

Chair Richard Kramer
Vice-Chair Deborah Montgomery
Commissioner Brian Alton
Commissioner Bridget Faricy
Commissioner Amy Filice
Commissioner George Johnson
Commissioner Sigrid Johnson
Commissioner Jeff Maas
Commissioner Joyce Maddox
Commissioner David Maeda
Commissioner Gladys Morton
Commissioner Charles Repke
Commissioner Virginia Rybin
Commissioner John Van Hecke
Commissioner Carrie Wasley

Tuesday, November 10, 2015

4:30 PM

Room 220, City Hall

ROLL CALL

1 APPROVAL OF AGENDA

2 APPROVAL OF THE MINUTES

[CCI 15-1](#) Approving the minutes of the June 2, 2015 meeting.

Attachments: [Charter Commission Meeting Minutes 6-2-15](#)

3 CITIZEN COMMENTS

4 REPORTS OF THE STANDING COMMITTEE

Communications Committee

Charter Review Committee

5 UNFINISHED BUSINESS

6 NEW BUSINESS

[CCI 15-2](#) Proposed amendment to the Charter relating to liquor licenses (first reading).

Attachments: [Proposed Charter Amendment Executive Summary \(003\)](#)
[Hendrickson Memo Re:Suspending the Rules Availability-Full OnSale Liquor Licenses \(002\)](#)
[17.07 charter resolution](#)
[Proposed Restaurant On-Sale Liquor Charter Amendment \(002\)](#)
[Cervantes Email to Charter Commission](#)
[City Clerk Transmittal Letter](#)
[City Council File RES 15-1801](#)
[2015RestaurantOn-SaleLiquorLaws](#)
[ProposedRestaurantDefintionOrdinanceChange](#)
[LiquorRestaurantDefintionComparison9-20151](#)
[Email Exchange](#)
[Chamber of Commerce Letter of Support](#)
[District 1 Letter of Support](#)
[Niziolek Email](#)
[Business Review Council letter of support](#)
[Minnesota Licensed Beverage Association Letter](#)
[Highland District Council Resolution](#)

Review of Procedures related to amending the Charter and reading waiver requirements.

City Attorney Staff Report

Department of Safety & Inspections Staff Report

Public Hearing

Set future reading dates

[CCI 15-3](#) Number of Signatures Required on Petitions

Attachments: [memo to charter commission on petition signatures](#)

7 OTHER BUSINESS

8 NEXT MEETING DATE

9 ADJOURNMENT

For More Information

Jerry Hendrickson, Deputy City Attorney, jerry.hendrickson@ci.stpaul.mn.us, 651-266-8710



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

Legislation Details (With Text)

File #: CCI 15-1 **Version:** 1 **Name:**
Type: Charter Commission Items **Status:** Agenda Ready
In control: Charter Commission
Final action:

Title: Approving the minutes of the June 2, 2015 meeting.

Sponsors:

Indexes:

Code sections:

Attachments: [Charter Commission Meeting Minutes 6-2-15](#)

Date	Ver.	Action By	Action	Result
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Approving the minutes of the June 2, 2015 meeting.

Charter Commission Meeting Minutes
June 2, 2015

Chair Richard Kramer called the meeting to order at 4:30 p.m.

ROLL CALL

Chair Richard Kramer – Present
Vice-Chair Deborah Montgomery – Present
Commissioner Brian Alton – Present
Commissioner Bridget Faricy – Present
Commissioner Amy Filice – Present
Commissioner George Johnson – Present
Commissioner Sigrid Johnson – Present
Commissioner Joyce Maddox – present
Commissioner David Maeda – Present
Commissioner Jeff Mass – Present
Commissioner Gladys Morton – Present
Commissioner Charles Repke – Present
Commissioner Virginia Rybin – Absent
Commissioner John Van Hecke – Present
Commissioner Carrie Wasley – Present

APPROVAL OF THE AGENDA

Approval of the agenda moved by Commissioner Repke, seconded by Amy Filice, adopted by unanimous vote

APPROVAL OF THE MINUTES

Commissioner Alton moved to approve minutes, seconded by Sigrid Johnson, adopted by unanimous vote

CITIZEN COMMENTS

1 – Invited Speaker – The Honorable Ruby Hunt

Ms. Hunt summarized an article that she wrote titled, “History of the Charter Commission”, explaining the original purpose in establishing the Charter Commission and their involvement with the Mayor and the City Council.

She explained her current concerns of the charter, and why there needs to be more involvement in the Mayor’s and City Council’s operations. Ms. Hunt explained that the St. Paul Issues Forum (SPIF) talked about a lack of transparency with issues such as Black Bear and Lilydale Park. Also the issue of abandoned swimming pools – she believes the City of Saint Paul should be embarrassed that the State had to take over the inspection of swimming pools, and the Mayor should have asked for a review of why we fail to meet the safety needs. The City Council needs

to become more active in ensuring that city departments, especially the Department of Safety and Inspections, are working properly and accurately to ensure proper performance by the departments. The Council Research department should be able to help the Council do the research to help oversee the affairs of the City beyond the Mayor, to work as a check and balance between the Council and the Mayor.

Commissioner Repke commented on past work of the Council Research team to help DSI get work done. At that time, all members of the Council Research team had Master's Degrees and did a large report.

Commissioner Faricy asked Ms. Hunt's opinion of having a part time Council, and its effectiveness on the Council. Ruby Hunt explained that this has been asked previously, and based on the complexity of the power of the City Council and the Mayor, that it should be considered a Full Time Council.

Vice-Chair Montgomery commented that being a part time Council Member isn't a matter of the amount of work that the individual does, because the issues that she addressed as a Council Member took full time hours.

Commissioner George Johnson reinforced Vice-Chair Montgomery's comment, and states that the pay for Council Member's should be increased from part time to full time to justify a good faith effort.

Ms. Hunt was thanked for her time and dismissed at 4:59 p.m.

REPORTS OF THE STANDING COMMITTEES

1 – Communication Committee

Has not met

2 – Charter Review Committee

Has not met

UNFINISHED BUSINESS

Two years ago, in 2013, Charter Commission proposed to the City Council a proposal to amend the Charter, striking the words part time and eliminating the language on how many Legislative Aides each Council Member is allowed, also proposed to eliminate the salary language. City Council did adopt the salary amendment, but Mayor at the time did not want to remove the word part time or restrictive Legislative Aide language. The Council thought the Charter Commission should not have that much control and micro-management power. Chair Richard Kramer is recommending to approach this issue again after the upcoming election, where it can be sent to City Council for a required unanimous if so desired.

NEW BUSINESS

1 - Election of Charter Commission Officers

Chair – Commissioner Alton nominates Richard Kramer, elected by unanimous vote

Vice-Chair – Commissioner Repke nominated Deborah Montgomery, elected by unanimous vote

Secretary – Commissioner Repke nominated Virginia Rybin, elected by unanimous vote

OTHER BUSINESS

- 1- Commissioner Mass addressed the question from last meeting about his role as Charter Review chair. He agreed to do so. Chair Kramer recommended reconstituting the Charter Review Committee, and passed around a sheet for those interested to sign up. The two issues will be those already discussed for now, part time language and Legislative Aide restriction language.
- 2- Set November meeting –
Tentatively November 10th, 2015

ADJOURNMENT

Meeting adjourned at 5:07 p.m.



Legislation Details (With Text)

File #: CCI 15-2 **Version:** 1 **Name:**

Type: Charter Commission Items **Status:** Agenda Ready

In control: Charter Commission

Final action:

Title: Proposed amendment to the Charter relating to liquor licenses (first reading).

Sponsors:

Indexes:

Code sections: Sec. 17.07. - On-sale liquor licenses.

Attachments: [Proposed Charter Amendment Executive Summary \(003\)](#)
[Hendrickson Memo Re:Suspending the Rules Availability-Full OnSale Liquor Licenses \(002\)](#)
[17.07 charter resolution](#)
[Proposed Restaurant On-Sale Liquor Charter Amendment \(002\)](#)
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[Chamber of Commerce Letter of Support](#)
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[Niziolek Email](#)
[Business Review Council letter of support](#)
[Minnesota Licensed Beverage Association Letter](#)
[Highland District Council Resolution](#)

Date	Ver.	Action By	Action	Result
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Proposed amendment to the Charter relating to liquor licenses (first reading).

Department of Safety and Inspections

Proposed Amendment of Charter Section 17.07 relating to
On-Sale Liquor Licenses issued to restaurants

Over the past year, the Department of Safety and Inspections (DSI) worked with Council Members, District Councils, the City's Business Review Council, business owners, and residents to evaluate restaurant market conditions impacting Saint Paul's vibrant restaurant market. One major issue identified was the ability of existing or new restaurant operators to obtain an on-sale liquor license in the City of Saint Paul. The proposed Charter Amendment addresses that issue.

Background:

- Changing restaurant market conditions have resulted in liquor (beyond wine and beer) being a greater part of customers' expectations for their dining experiences.
E.g. a craft cocktail with dinner or a Bloody Mary with brunch.
- City Charter limits the number of on-sale liquor licenses allowed per Council Ward and Citywide. (Licenses issued to bars and restaurants are both counted towards the limits.)
 - Currently, three Wards generally have no on-sale liquor licenses available.*
 - Each of these Wards involve major new development opportunities; including the Ford Site, West Side flats, and the new soccer stadium site.
- State law limits the number of on-sale liquor licenses allowed in cities, but does not count licenses issued to restaurants towards those limits. (Minneapolis' law mirrors State law.)
- City Charter on-sale liquor license limits are based on pre-1990s development patterns.
- Current City Ordinance prohibits the issuance of a new on-sale liquor license to a bar outside of downtown Saint Paul or Council approved Commercial Development Districts.
- Restaurant operators are requesting on-sale liquor licenses to expand or create new restaurants in the City of Saint Paul. Lack of licenses thwarts these restaurant activities.

Proposed Changes:

- Amend the City Charter to remove on-sale liquor licenses issued to restaurants from the Council Ward and Citywide limits. This change would:
 - Reflect existing City Charter language which excludes wine and beer licenses from the on-sale liquor license limits.
 - Align Saint Paul liquor laws with Minnesota State liquor laws.
 - Increase the number of on-sale liquor licenses available to restaurants.
 - Level the regional playing field to strengthen Saint Paul's ability to attract businesses and meet existing restaurant market demands.
- In addition, the City Council is in the process of amending the City Code of Ordinances' definition of restaurant to ensure restaurants do not operate as bars.

* Accompanying this letter is a chart showing the available full on-sale liquor licenses by Ward and Citywide. One license in Ward 3 and one in 4 became available in the past 45 days. There is significant interest, especially in Ward 3 where it has been many years with no availability. One application is already being processed.

MEMORANDUM

TO: Rich Kramer
Chair, St. Paul Charter Commission

FROM: Jerry Hendrickson
Deputy City Attorney, Office of the City Attorney

RE: Process for Amending the Charter by Ordinance and Waiving Second Reading

DATE: October 20, 2016

It is my understanding that the city government is asking the Charter Commission for a recommendation to amend the St. Paul City Charter with regard to liquor licensing. You have asked for a brief summary of the process for the Charter Commission. In particular, you asked about the Commission's ability to waive its standard process of two readings of a proposed amendment.

As you know, state law provides several methods for amending the City Charter. State law provides, "Upon recommendation of the charter commission the city council may enact a charter amendment by ordinance." Minn. Stat. § 410.12. In this case, the city government, by resolution adopted by the Council and approved by the Mayor, has asked the Charter Commission recommend an amendment to the Charter by a unanimous vote of the Council and approval of the Mayor. The Charter Commission may consider this request and recommend or not recommend the amendment as it sees fit.

The process of the Charter Commission is governed by the Standing Rules of the Charter Commission of the City of Saint Paul, as revised and adopted on June 19, 2000. Rule 5 of these rules provides,

The adoption of any proposed changes in language to the Charter shall be final when passed by a majority vote of all members of the Commission. No such vote shall be taken until the proposed changes in language have been presented in written form and have been read at two(2) separate meetings of the Commission.

In my opinion, the Commission may suspend this rule and allow a final vote after one reading. Rule 4 of the Standing Rules provides that motions will be governed by Robert's Rules of Order. Robert's provides that a rule of order may be suspended by a two-thirds vote. RONR (10th ed.) p. 256, l. 15-25.

Full On-Sale Liquor License Availability

Overview

Saint Paul City Charter and City Ordinance limit the number of Full On-Sale Liquor Licenses available Citywide and within City Council Wards. There is no limit on the number of Wine and Beer only licenses that can be issued in the city.

Availability

Citywide Full On-Sale Liquor Licenses			
Year	Limit	Issued	Available*
2015	200	187	13
2014	200	181	19
2013	200	177	23
2012	200	175	25
2011	200	169	31
2010	200	174	26
2009	200	177	23

City Council Ward On-Sale Full Liquor Licenses			
Ward	Limit	Issued	Available*
1	26	19	7
2	41	42	0
3	7	6	1
4	16	15	1
5	18	9	9
6	26	13	13
7	18	9	9

- Locations within Commercial Development Districts are not limited by the Ward cap.
- The Citywide Limit is a total cap and does not allow for all available Ward and Commercial Development District licenses to be issued.

*Availability as of 9/30/2015

Resolution: #

RESOLVED: The Council of the City of Saint Paul hereby requests the Saint Paul Charter Commission to review the proposed ordinance attached hereto regarding the amendment of Charter Section 17.07 regarding On-Sale Liquor Licenses issued to restaurants and recommend its adoption pursuant to Minnesota Statutes § 410.12, subd. 7.

Attach the following:

An ordinance pursuant to Minnesota Statutes § 410.12 subd. 7, amending Charter Section 17.07 regarding On-Sale Liquor Licenses issued to restaurants.

The Council of the City of Saint Paul does Ordain:

Section 1.

Pursuant to Minnesota Statutes § 410.12, subd. 7, on _____, 2012, the Saint Paul Charter Commission recommended to the City of Saint Paul that certain charter amendments, as more fully stated below, be made by ordinance. Public notice has been given, and a public hearing has been held according to law. The Council of Saint Paul, by unanimous vote, hereby amends Charter Section 17.07 as follows:

Section 2.

Sec. 17.07. – On-sale liquor licenses.

The issuance and location of on-sale intoxicating liquor licenses shall be subject to the provisions of this section; provided, that this shall not apply to or include on-sale wine licenses, or on-sale liquor licenses issued to restaurants.

Section 3.

This ordinance shall take effect ninety (90) days after passage, approval, and publication.

Department of Safety and Inspections
On-Sale Liquor Law Changes

Proposed Charter Amendment (Highlighted in red.)

Sec. 17.07. - On-sale liquor licenses.

The issuance and location of on-sale intoxicating liquor licenses shall be subject to the provisions of this section; provided, that this shall not apply to or include on-sale wine licenses **or on-sale liquor licenses issued to restaurants.**

From: ricardo.cervantes@ci.stpaul.mn.us
To: brian@mcclay-alton.com, bridget@bridgetfaricy.com, amyfilice@gmail.com,
leenegeolela@gmail.com, Sigrid.johnson@comcast.net, rjfkrumer@aol.com, jeffreymaasesq@gmail.com,
Joycea0805@gamil.com, demaeda@msn.com, debmontgomery@comcast.com, gladysmort@aol.com,
Chuckrepke@aol.com, vrybin@infoline.net, John_vanhecke@yahoo.com, carriejwasley@q.com,
jerry.hendrickson@ci.stpaul.mn.us, Wendy.vanduyne@courts.state.mn.us
CC: dan.niziolek@ci.stpaul.mn.us, Eric.Hudak@ci.stpaul.mn.us, kristina.schweinler@ci.stpaul.mn.us,
geoffrey.karls@ci.stpaul.mn.us
Sent: 10/26/2015 1:27:56 P.M. Central Daylight Time
Subj: Proposed Restaurant On-Sale Liquor Charter Amendment

Commissioners,

As you are all fully aware, it's an exciting time for the City of Saint Paul. Increasing population and resulting robust housing growth, a record-setting \$718 M in 2014 private sector development investment, implementation of the Green Line and the opening CHS field clearly indicate the City is in the middle of a vibrant resurgence. Continued and emerging business opportunities along the Green Line, the Schmidt Brewery development district, the 120-acre Ford site and now the upcoming new 20,000 Midway seat soccer stadium all place the City in an attractive position for unprecedented growth and development. In order to sustain this momentum and encourage continued reinvestment, we are challenged to revisit our codes and prudently adjust barriers to marketplace opportunities where necessary. To stay competitive with Minneapolis and surrounding communities we are proposing changes to how the City manages liquor licenses for restaurants in Saint Paul.

Over the past year, the Department of Safety and Inspections worked with Council Members, District Councils, the City's Business Review Council, business owners, and residents to evaluate restaurant market conditions impacting Saint Paul's vibrant restaurant market. One major issue identified was the ability of existing or new restaurant operators to obtain an on-sale liquor license in the City of Saint Paul. This work has brought us to the Charter Amendment language before you. The attached documents provide additional information on the proposed Amendment.

The Mayor and all Council Members have expressed their support for the language. The current Council is interested in completing this work before the end of their current terms. To achieve this, we are requesting that if you support the amendment, please vote to not require a second reading by the Charter Commission. This will allow the City Council to have their Public Hearing on December 2, 2015.

Please let me know if you have any questions, need any additional information, or would like to meet prior to your November 10 Charter Commission. You can direct all questions and inquiries to my Deputy Director Dan Niziolek (651-266-9108) who is leading our efforts on this amendment.

Sincerely,

Ricardo



Ricardo X. Cervantes

Director

Department of Safety and Inspections
375 Jackson St, Suite 220
Saint Paul, MN 55101-1806

P: 651-266-9101

ricardo.cervantes@ci.st.paul.mn.us



Making Saint Paul the Most Livable City in America

“DSI’s Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all.”



CITY OF SAINT PAUL
CITY CLERK'S OFFICE

October 28, 2015

Saint Paul Charter Commission Members:

On October 14, 2015, the Saint Paul City Council adopted a resolution requesting the Saint Paul Charter Commission to review the proposed ordinance amending Charter Section 17.07 regarding On-Sale Liquor Licenses issued to restaurants.

By this letter, I am transmitting the City Council resolution to you.

Sincerely,

A handwritten signature in black ink that reads "Shari Moore". The signature is written in a cursive, flowing style.

Shari Moore, MMC
City Clerk



City of Saint Paul

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Signature Copy

Resolution: RES 15-1801

File Number: RES 15-1801

Requesting the Saint Paul Charter Commission to review the proposed ordinance amending Charter Section 17.07 regarding On-Sale Liquor Licenses issued to restaurants.

WHEREAS, the Saint Paul City Council is interested in amending Charter Section 17.07 regarding On-Sale Liquor Licenses issued to restaurants; and

WHEREAS, all changes to the City Charter must be recommended by the Saint Paul Charter Commission; therefore, be it

RESOLVED: The Council of the City of Saint Paul hereby requests the Saint Paul Charter Commission to review the proposed ordinance attached hereto regarding the amendment of Charter Section 17.07 regarding On-Sale Liquor Licenses issued to restaurants and recommend its adoption pursuant to Minnesota Statutes § 410.12, subd. 7.

At a meeting of the City Council on 10/14/2015, this Resolution was Passed.

Yea: 7 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney, and City Council President Stark

Nay: 0

Vote Attested by
Council Secretary Trudy Moloney
Trudy Moloney

Date 10/14/2015

Approved by Mayor Chris Coleman
Chris Coleman

Date 10/15/2015

Department of Safety and Inspections

Proposed Changes to Restaurant On-Sale Liquor Laws

Current Situation:

Saint Paul is a destination with highly regarded and award winning chefs and restaurants in Lowertown, downtown and neighborhoods across the city. In addition, Saint Paul is experiencing record levels of business and development activity. To support the momentum of interest to do business in Saint Paul, the City is evaluating changes to restaurant on-sale liquor laws. These changes recognize new restaurant market conditions that are creating challenges for restaurants with or desiring an on-sale liquor license in the City. In particular:

- Customer alcohol choices (boutique cocktails craft brews and premium wines) have grown restaurant alcohol revenues at a greater rate than food revenues.
 - City Ordinance requires 60% of restaurant sales be attributed to food.
 - State law changed 2 years ago to eliminate the 60% requirement; other metro cities have or are in the process of eliminating the requirement.
- Liquor, beyond wine and beer, is now a greater part of the dining experience.
 - City Charter restricts the number of on-sale liquor licenses per Ward.
 - Three Wards currently have essentially no licenses available.
 - State law does not count on-sale liquor licenses issued to restaurants towards the number of liquor licenses allowed in cities.

Proposed Changes

Over the past year, the Department of Safety and Inspections (DSI) engaged the City's Business Review Council and District Councils to develop proposed language to amend the City Charter and the Legislative Code. The proposed changes will provide opportunities for existing and new restaurant operators as well as ensure a high quality of life in Saint Paul.

- Amend City Ordinance to change the definition of restaurant.
 - Replace 60% food sales requirement with stronger requirements reflective of a changing restaurant market. Requirements include:
 - Provide full menu service to people seated at eating surfaces.
 - Only serve alcohol to customers seated at tables.
 - Promote food sales and have substantial amount of food sales.
 - End service by midnight.
 - Create a regulatory tool to ensure restaurants do not operate as bars.
 - Current restaurant definition's reliance on a 60% requirement is not an effective tool.
 - Total food sales may not reflect how establishments operate during all hours of operation.
 - Authenticating records can be difficult.
 - New definition to include clear enforceable requirements.
- Amend City Charter to remove restaurant on-sale liquor licenses from the City's Ward and Citywide limits.
 - This is similar to the current Charter language which excludes Wine and Beer licenses from the limits.

An Ordinance amending the definition of “restaurant” in Legislative Code section 409.02.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN

Section 1

That **Sec. 409.02. - Definitions** is amended by changing the definition of “restaurant” as follows:

Restaurant shall mean an establishment other than a hotel, whose food and liquor services are under the control of a single proprietor or manager, ~~having appropriate facilities for the serving of meals for no fewer than fifty (50) guests at one (1) time, having a full service kitchen and a menu, offering meals and full menu service on a daily basis to at least 11:00 p.m. or to the closing time of the entire establishment, and whose gross receipts are at least sixty (60) percent attributable to the sale of food during each and every calendar month. A full service kitchen for the purpose of this chapter shall include at the least a cooking line with mechanical ventilation, having two (2) or more ovens and ranges; food preparation areas having sinks, cutting boards, and facilities and equipment for the preparation, holding at safe temperatures, and processing of food on site; refrigerators and/or coolers for the safe storage of food; and mechanical dishwashing facilities and equipment; all of the foregoing meeting the requirements of Chapter 331 of the Legislative Code and NSF International standards.~~ serving food and beverages, meeting the definition in Minnesota Statutes section 157.15, subd. 12, and classified as a high- or medium-risk establishment under Minnesota Statutes section 157.20, subd. 2a, that meets the following additional criteria:

- a) Derives a substantial amount of its income from the sale of foods and non-alcoholic beverages.
- b) Has a full-service kitchen, including:
 1. at least one cooking line with required ventilation;
 2. one (1) or more ovens and ranges, or other cooking equipment as approved by the director;
 3. food preparation areas having sinks;
 4. refrigerators and/or coolers for the safe storage of food;
 5. all of the above elements meeting relevant NSF International standards.
- c) Maintains all food- and health-related licenses and permits necessary to operate as a high or medium risk establishment as defined in Minnesota Statutes section 157.20, subd. 2a.
- d) Offers adequate interior seating for not less than thirty (30) guests at a time.
- e) Prepares meals on-premises, which are served to guests seated at tables or other eating surfaces.

- f) Only sells intoxicating liquors to patrons who are seated at an eating surface, unless the patron being served is on a bona fide waiting list for available seating.
- g) Ends all food and beverage service no later than 12:00 a.m., and closes no later than 12:30 a.m.
- h) Offers a menu including at least 4 entrees, or as otherwise approved by the department.
- i) Offers full menu service during all hours of operations, with the exception of the hour prior to closing.
- j) Actively promotes food sales to all guests within the licensed premises of the restaurant during all hours of full menu service.
- k) Maintains a kitchen open for meal service, which is appropriately staffed and supplied to fulfill orders from the menu in effect during all hours of full menu service.
- l) Allows no greater than 10% of the area of the licensed premises to be used for entertainment purposes, including, but not limited to, dancing or musical performance.
- m) Makes business records, including, but not limited to, federal and state tax returns, available for inspection by the Director or the Director's designee at all reasonable times.

The failure of a restaurant holding an on-sale liquor license to abide by the above criteria shall constitute grounds for adverse action against said license.

Section 2

These ordinance amendments shall take effect and be in force thirty (30) days from and after their passage, approval and publication.

Department of Safety and Inspections

2015 – Proposed On-Sale Liquor Law Changes

Proposed “Restaurant” Definition

An establishment serving food and beverages, meeting the definition in Minnesota Statutes Section 157.15, subd. 12, and classified as a high or medium risk establishment under Minnesota Statutes 157.20, subd.2a which meets the following criteria:

1. Derives a substantial amount of its income from the sale of foods and non-alcoholic beverages.
2. Has a full-service kitchen, including all of the following:
 - a. At least one cooking line with required ventilation:
 - b. One(1) or more ovens and ranges or sufficient approved cooking equipment:
 - c. Food preparation areas having sinks:
 - d. Refrigerators/coolers for the safe storage of food:
 - e. all meeting relevant NSF International standards
3. Maintains all food and health related licenses and permits necessary to operate as a high or medium risk establishment and defined in Minnesota Statutes section 157.20.
4. Seating for not less than thirty (30) guests.
5. Prepares meals on-premises, which are served to guests seated at tables or other eating surfaces.
6. Does not sell intoxicating liquors to patrons who are not seated at an eating surface, unless the patron being served is on a bona fide waiting list for available seating.

Current “Restaurant” Definition

An establishment other than a hotel, whose food and liquor service are under the control of a single proprietor or manager.

1. An establishment whose gross receipts are at least sixty (60) percent attributable to the sale of food during each and every calendar month.
2. A full service kitchen for the purpose of this chapter shall include at the least a cooking line with mechanical ventilation, having two (2) or more ovens and ranges; food preparation areas having sinks, cutting boards, and facilities and equipment for the preparation, holding at safe temperatures, and processing of food on site; refrigerators and/or coolers for the safe storage of food; and mechanical dishwashing facilities and equipment; all of the foregoing meeting the requirements of Chapter 331 of the Legislative Code and NSF International standards.
3. No fewer than fifty (50) guests.

Department of Safety and Inspections

2015 – Proposed On-Sale Liquor Law Changes

Proposed “Restaurant” Definition (Cont.)

7. End all food and beverage service no later than 12:00 a.m. (mid-night) and closes no later than 12:30am.
8. Offers a menu including at least 4 entrees or as otherwise approved by DSI.
9. Offers full menu service during all hours of operations, with the exception of the hour prior to closing.
10. Actively promotes food sales to all guests within the licensed premises of the restaurant during all hours of full menu service.
11. Maintains a kitchen open for meal service, which is appropriately staffed and supplied to fulfill orders from the menu in effect during all hours of full menu service.
12. Up to 10% of the public area of the licensed establishment may be for the exclusive use of entertainment, for the enjoyment of customers of seated tables.
13. Makes business records, including, but not limited to, federal and state tax returns, available for inspection by the Director or the Director’s designee at all reasonable times.

Current “Restaurant” Definition (Cont.)

4. No sale of intoxicating liquor shall be made after 1:00 a.m. (unless a 2:00am license is obtained.)
5. Offering meals and a full menu service on a daily basis to at least 11:00 p.m. or to the closing time of the entire establishment.
6. Having appropriate facilities for the serving of meals.

From: ricardo.cervantes@ci.stpaul.mn.us
To: amyfilice@gmail.com
CC: brian@mcclay-alton.com, bridget@bridgetfaricy.com, leenegeolela@gmail.com,
Sigrid.johnson@comcast.net, rjfkramer@aol.com, jeffreymaasesq@gmail.com, Joycea0805@gamil.com,
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jerry.hendrickson@ci.stpaul.mn.us, Wendy.vanduyne@courts.state.mn.us, dan.niziolek@ci.stpaul.mn.us,
Eric.Hudak@ci.stpaul.mn.us, kristina.schweinler@ci.stpaul.mn.us, geoffrey.karls@ci.stpaul.mn.us
Sent: 11/3/2015 3:36:42 P.M. Central Standard Time
Subj: RE: Proposed Restaurant On-Sale Liquor Charter Amendment

Amy,

Thank you for the question.

With the proposed Charter Amendment, the availability of on-sale liquor licenses by Ward will be as follows:

- Restaurants - unlimited availability of on-sale liquor licenses.
 - o Similar to the current situation with Wine and Beer Only Licenses.
- Bars – no availability except within the Downtown Business District and Council defined and approved Commercial Development Districts. (No change from existing situation.)
 - o Saint Paul Ordinance stipulates that outside of the Downtown Business District and Council defined and approved Commercial Development Districts, liquor licenses can only be issued to restaurants, hotels*, and private non-profit colleges.
- Hotels* and private non-profit colleges – increased availability by 1 or 2 licenses per Ward.
 - o The demand for hotels and private non-profit colleges is extremely low.

The current number of Wine and Beer Only Licenses by Ward are:


Ward 1:	13	Ward 5:	1
Ward 2:	17	Ward 6:	3
Ward 3:	31	Ward 7:	7
Ward 4:	19		

The higher number of Wine and Beer Only licenses in some Wards are in part due to the lack of on-sale liquor licenses in those Wards. DSI expects some of these license holders to seek on-sale liquor licenses.

- * Hotel shall mean an establishment with resident proprietor or manager, where, for payment, food and lodging are regularly furnished to transients, and which maintains, for use of its guests, no fewer than fifty (50) guest rooms with bedding and other suitable and necessary furnishings in each room, and which has a main entrance with suitable lobby, desk and office for the registration of guests on the ground floor and which employs an adequate staff to provide suitable and usual service, and which maintains, under the same management and control as the rest of the establishment and as an integral part thereof, a dining room with appropriate facilities for seating not less than thirty (30) guests at one (1) time, where the general public is, in consideration of payment, served with meals at tables, whose gross receipts from the sales of food and liquor are at least sixty (60) percent attributable to the sale of food during each and every calendar month, and having a full service kitchen and a menu, offering meals and full menu service on a daily basis to at least 11:00 p.m. or to the closing time of the entire establishment. A full service kitchen shall meet the definition of full service kitchen under the definition of restaurant below.

Please let me know if you have any additional questions.

Ricardo



Ricardo X. Cervantes
Director
Department of Safety and Inspections
375 Jackson St, Suite 220
Saint Paul, MN 55101-1806
P: 651-266-9101
ricardo.cervantes@ci.st.paul.mn.us

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Making Saint Paul the Most Livable City in America

“DSI’s Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all.”

From: Amy Filice [<mailto:amyfilice@gmail.com>]

Sent: Wednesday, October 28, 2015 9:55 AM

To: Cervantes, Ricardo (CI-StPaul)

Cc: brian@mccloy-alton.com; bridget@bridgetfaricy.com; leenegeolela@gmail.com; Sigrid.johnson@comcast.net; rjfkramer@aol.com; jeffreymaasesq@gmail.com; Joycea0805@gamil.com; demaeda@msn.com; debmontgomery@comcast.com; gladysmort@aol.com; Chuckrepke@aol.com; vrybin@infoline.net; John_vanhecke@yahoo.com; carriejwasley@q.com; Hendrickson, Jerry (CI-StPaul); Wendy.vanduyne@courts.state.mn.us; Niziolek, Dan (CI-StPaul); Hudak, Eric (CI-StPaul); Schweinler, Kristina (CI-StPaul); Karls, Geoffrey (CI-StPaul)

Subject: Re: Proposed Restaurant On-Sale Liquor Charter Amendment

Ricardo -

I think it makes sense to be aligned with the State and Minneapolis in this matter, but to better understand the impact in the City, as these changes are considered, It would be helpful to know what the new availability of full on-sale liquor licenses would be, by Ward, if these changes are adopted. And again, for reference, how many wine and beer only licenses have been issued by Ward in the City?

thanks,

Amy

On Mon, Oct 26, 2015 at 2:27 PM, Cervantes, Ricardo (CI-StPaul) <ricardo.cervantes@ci.stpaul.mn.us> wrote:

Commissioners,

As you are all fully aware, it’s an exciting time for the City of Saint Paul. Increasing population and resulting robust housing growth, a record-setting \$718 M in 2014 private sector development investment, implementation of the Green Line and the opening CHS field clearly indicate the City is in the middle of a vibrant resurgence. Continued and emerging business opportunities along the Green Line, the Schmidt Brewery development district, the 120-acre Ford site and now the upcoming new 20,000 Midway seat soccer stadium all place the City in an attractive position for unprecedented growth and development. In order to sustain this momentum and encourage continued reinvestment, we are challenged to revisit our codes and prudently adjust barriers to marketplace opportunities where necessary. To stay competitive with

Minneapolis and surrounding communities we are proposing changes to how the City manages liquor licenses for restaurants in Saint Paul.

Over the past year, the Department of Safety and Inspections worked with Council Members, District Councils, the City's Business Review Council, business owners, and residents to evaluate restaurant market conditions impacting Saint Paul's vibrant restaurant market. One major issue identified was the ability of existing or new restaurant operators to obtain an on-sale liquor license in the City of Saint Paul. This work has brought us to the Charter Amendment language before you. The attached documents provide additional information on the proposed Amendment.

The Mayor and all Council Members have expressed their support for the language. The current Council is interested in completing this work before the end of their current terms. To achieve this, we are requesting that if you support the amendment, please vote to not require a second reading by the Charter Commission. This will allow the City Council to have their Public Hearing on December 2, 2015.

Please let me know if you have any questions, need any additional information, or would like to meet prior to your November 10 Charter Commission. You can direct all questions and inquiries to my Deputy Director Dan Niziolek ([651-266-9108](tel:651-266-9108)) who is leading our efforts on this amendment.

Sincerely,

Ricardo



Ricardo X. Cervantes
Director

Department of Safety and Inspections
375 Jackson St, Suite 220
Saint Paul, MN 55101-1806

P: [651-266-9101](tel:651-266-9101)

The Most Livable
City in America ricardo.cervantes@ci.st.paul.mn.us



Making Saint Paul the Most Livable City in America

“DSI’s Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all.”



November 5, 2015

Richard Kramer
Chair, Charter Commission
1471 Barclay Street
Saint Paul, MN 55106

VIA EMAIL

Re: Proposed Restaurant On-Sale Liquor License Amendments

Dear Chair Kramer:

As the State's largest local chamber and a strong supporter of facilitating economic development through streamlined regulations, the Saint Paul Area Chamber of Commerce (SPACC) strongly supports the proposed Restaurant On-Sale Liquor License Amendments. These amendments will increase the opportunities for restaurants to obtain on-sale liquor licenses as well as ensuring a strong definition of "restaurant" that provides DSI the ability to promote and protect public health, safety, and livability.

Additionally, SPACC wishes to commend the city for the strong and transparent public process that went into forming the proposed amendments. The public process was inclusive, thoughtful, and it reflects the current economic realities of liquor and food sales. These amendments are an example of local government at its best and by approving them the city of Saint Paul will facilitate additional private investment throughout the city. In short, SPACC is completely supportive of the proposed amendments and we believe they will be a major factor in encouraging development and vibrancy throughout Saint Paul.

Sincerely,

Matt Kramer
President & CEO

Community Council Office

(651) 578-7600 (phone)
(651) 578-7404 (fax)
district1council@aol.com

Youth Programming

(651) 578-7400 (phone)
(651) 578-7404 (fax)
district1CPC@aol.com

October 28, 2015

Dear Councilmember Finney,

The District 1 Community Council would like to express our support for the proposed charter amendment and ordinances regarding liquor licenses for restaurants. We agree with excepting restaurants from the license cap and for modernizing the definition of what constitutes a restaurant.

We are excited to see the new restaurants that have opened on the East Side and for the economic revitalization that these establishments have brought to their neighborhoods. As we look ahead to the construction of the Gold Line, we anticipate substantial investment in the redevelopment of District 1. We hope that new restaurants will be part of this redevelopment, and the proposed changes will support that.

We encourage the Department of Safety and Inspections to keep monitoring the conditions in restaurants should this proposal be adopted. We hope that additional discussions can be entertained regarding further expanding late-night service and other options not allowed under the proposed changes if conditions warrant in the future. We expect new establishments to benefit the community and are confident that nuisances can be addressed through the regulatory process.

Sincerely,

Paul Sawyer
President, District 1 Community Council

From: dan.niziolek@ci.stpaul.mn.us
To: JeffreyMaasEsq@gmail.com, ricardo.cervantes@ci.stpaul.mn.us
CC: brian@mcclay-alton.com, bridget@bridgetfaricy.com, amyfilice@gmail.com, leenegeolela@gmail.com, Sigrid.johnson@comcast.net, rjfkramer@aol.com, demaeda@msn.com, debmontgomery@comcast.com, gladysmort@aol.com, Chuckrepke@aol.com, vrybin@infoline.net, John_vanhecke@yahoo.com, carriejwasley@q.com, jerry.hendrickson@ci.stpaul.mn.us, Wendy.vanduyne@courts.state.mn.us, Eric.Hudak@ci.stpaul.mn.us, kristin.a.schweiner@ci.stpaul.mn.us, geoffrey.karls@ci.stpaul.mn.us, joycea0805@gmail.com, debmontgomery@comcast.net, libby.kantner@ci.stpaul.mn.us, trudy.moloney@ci.stpaul.mn.us
Sent: 11/7/2015 12:34:48 P.M. Central Standard Time
Subj: RE: Proposed Restaurant On-Sale Liquor Charter Amendment...

Mr. Maas,

Great question.

The current effort began with a meeting in Highland. DSI was invited by representatives from the Highland District Council and Highland Business Association to meet and discuss availability of on-sale liquor licenses for restaurants in Highland. The conversation focused on the lack of licenses available for restaurants and the resulting impact to the area, especially with the pending Ford Site redevelopment.

Here is the chronology of the public meetings.

January 2015

Met with Highland District Council (15) and Highland Business Association representatives.

DSI invited to discuss lack of restaurant on-sale liquor licenses available in Highland.

April 2015

Met with the City's Business Review Council – Regulatory Subcommittee.

Discussed current restaurant market and educated on restaurant on-sale liquor laws.

Approximately 8 people present; mostly business people, although the chair of the subcommittee is a resident.

May-June 2015

Met individually with Council Members.

June 2015

Met with the City's Business Review Council – Regulatory Subcommittee.

Discussion of regional context and potential solutions.

Approximately 10 people attended, including representatives from State Restaurant Association and City of Minneapolis.

June 2015

Met with District Councils

DSI invited all District Councils to participate in a discussion on the changing restaurant market and current restaurant on-sale liquor license laws. (Invite attached.)

Approximately 12 people attended. At least 3 District Councils represented and one business owner.

July 2015

Met with District Councils staff at their monthly meeting.

Approximately 12 people were present.

August 2015

Met with Hamline Midway Coalition (District Council 11) Development Committee.

Approximately 10 people were present. Unsure of composition of the committee, but believe most were residents.

August 2015

Met with Union Park (District Council 13) Land Use Committee.

Approximately 15 people present. Unsure of composition of committee, but believe most were residents.

August 2015

Met with District Council 5 staff person.

September 2015

Met with Saint Anthony Park (District Council 12) Land Use committee.

Approximately 20 people present. Unsure of composition of committee, but believe most were residents.

September 2015

Meeting with the City's Business Review Council – Regulatory Subcommittee (invited additional restaurant operators).

Approximately 15 people attended, mostly businesses.

September 2015

Met with District Councils.

DSI invited all District Councils to participate in a discussion on proposed Charter and Ordinance Amendment language. (Invite attached.)

Approximately 15 people attended. At least 5 District Councils were represented.

October 2015

Met individually with Council Members.

October 2015

Met with Highland Business Association

Approximately 12 people attended, mostly businesses.

During this time, there were also media stories on the initiative.

In reviewing our e-mails, Director Cervantes and I did not find any in opposition to the proposed Charter change. I have included one e-mail that questioned the need for the change (correspondence attached). The positive e-mail correspondences we found included support from District Councils (see attached resolutions), and the Saint Paul Area Chamber of Commerce (resolution attached). DSI is aware of at least 2 more district councils that will likely send letters of support (District Councils 5 and 14). The Business Review Council is also in process of forwarding a resolution supporting the proposed changes.

During these public meeting conversations, residents and businesses both concurred with the need for a balanced solution which supported restaurants ability to be successful with a high quality of life in Saint Paul. Discussions focused on restaurant market conditions impacting

restaurants as well as ways to ensure restaurants are properly managed. In the end, DSI believes that the proposed changes provide a solution that offers opportunities for existing and new restaurant operators as well as ensures a high quality of life in Saint Paul.

Please let me know if you need additional information or have any other questions.

Thanks!!

Dan

From: adam.e.szymanski@gmail.com

To: rjfkrumer@aol.com

Sent: 11/8/2015 3:20:06 P.M. Central Standard Time

Subj: Business Review Council Support for the On Sale Liquor License Amendment

Dear Richard,

I am writing on behalf of the Saint Paul Business Review Council (BRC). The BRC urges you to adopt the proposed City Charter amendment excluding restaurants from the on sale liquor license limit. We believe this change will foster greater dining experiences, encourage the establishment of new restaurants, and make our city competitive in the region.

Over this past year, the BRC has worked with the Department of Safety and Inspections (DSI) to evaluate Saint Paul laws that challenge and restrict restaurant owners operating in or looking to operate a restaurant in our city. Two clear problems emerged:

- The unavailability of on sale liquor licenses for restaurants.
- The food to alcohol sales requirement that fails to reflect changing alcohol choices (premium wines and craft beers and cocktails) of customers.

These challenges are due to changes in the restaurant market. The State and other cities in the region have recognized these changes and have amended their laws accordingly. The proposed Charter amendment would align Saint Paul liquor laws with state statute and other cities in the region. We strongly believe that the current laws are detrimental to business in our city.

The BRC has worked with DSI on the proposed language before you and believes the adoption of this amendment is important to support Saint Paul's vibrant restaurant market.

Thank you for your time and consideration,

Adam Szymanski
St. Paul Business Review Council Member
Chairman of the Regulatory Subcommittee



November 9, 2015

Richard Kramer
Chair
Saint Paul Charter Commission
15 Kellogg Blvd. W.
Saint Paul, MN 55102

Dear Saint Paul Charter Commission:

Thank you for the opportunity to weigh in on proposed changes to the Saint Paul City Charter regarding on-sale liquor licenses.

The Minnesota Licensed Beverage Association (MLBA) represents more than 1,200 on-sale and off-sale liquor license holders across our state, including many in Saint Paul.

We appreciate the City's work over the past year to discuss these proposed changes with a variety of audiences. The MLBA believes that updating Saint Paul's regulations to encourage investment and growth while maintaining a strong and fair environment for existing businesses is a laudable goal.

The vast majority of MLBA's members support removing the cap on on-sale liquor licenses. As on-sale licenses are approved in the future, we encourage city staff and policymakers to ensure that new license holders are carefully screened and commit themselves to running professional, high-quality establishments like those current found across Saint Paul.

Our members have expressed some concerns with elements of the proposal that would require some bar/restaurants to close at midnight, rather than 2:00 am. Doing so could create public safety issues if patrons decide to leave a bar/restaurant that closes at midnight to find another that is open later.

In addition, the midnight closing time could have a stifling effect even as the city desires to encourage more growth. If a new bar/restaurant is required to close at midnight, while their established neighbors are open until 2:00 am, an operator might choose not to invest in a new facility only to start off at a competitive disadvantage.

Overall, we want to express our appreciation for the process and for the City's willingness to work with the business community on this issue. We hope that we can continue to work together to ensure that these changes are implemented smartly and fairly.

Sincerely,

Tony Chesak
Executive Director
Minnesota Licensed Beverage Association
tony@mlba.com



Highland District Council
1978 Ford Parkway Saint Paul, Minnesota 55116
651-695-4005 Fax 651-695-4019
Email: hdc@visi.com

Building a More Vibrant, Welcoming, and Safe Neighborhood

Resolution Supporting On-Sale Liquor License Language Changes to the City Charter

WHEREAS, the Highland District Council's (HDC) Board of Directors has met with the Department of Safety and Inspections (DSI), on January 7, June 10, and October 6 of 2015 to engage in a process to help Ward 3 open up liquor licenses for existing businesses, as well as new development, and

WHEREAS, if the St Paul City Charter is changed to allow on-sale liquor licenses for restaurants to be exempt from the Charter limits of on-sale liquor licenses, such as is already the case in Minneapolis and Minnesota State statutory language; and

WHEREAS, if the City of St Paul Zoning code is changed to redefine a restaurant to help distinguish a sit down restaurant from a bar, to support established neighborhood restaurants and encourage the development of more quality restaurants; therefore

BE IT RESOLVED, that the HDC's Board of Directors supports a change to the City Charter, in an effort to allow more restaurants the ability to obtain an on-sale liquor license.

Approved November 5, 2015
By the Highland District Council Board of Directors



Legislation Details (With Text)

File #: CCI 15-3 **Version:** 1 **Name:**
Type: Charter Commission Items **Status:** Agenda Ready
In control: Charter Commission
Final action:

Title: Number of Signatures Required on Petitions

Sponsors:

Indexes:

Code sections:

Attachments: [memo to charter commission on petition signatures](#)

Date	Ver.	Action By	Action	Result
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Number of Signatures Required on Petitions

November 6, 2015

TO: Members of the Saint Paul Charter Commission

FROM: Joseph Mansky
Ramsey County Elections Manager

SUBJECT: NUMBER OF SIGNATURES REQUIRED ON PETITIONS

The Charter includes several provisions that enable the voters to submit petitions as a part of the overall elections process. These petitions include the following.

<u>Petition</u>	<u>Signatures Required</u>
Initiative or referendum	8% of total voting for mayor at the previous city general election
Recall - mayor	20% of the total voting for mayor at the previous city general election
Recall – council member	Either 20% of the total voting for council member at the previous city general election or 15% of the number of registered voters in the ward, whichever is greater

All the petitions listed here rely, in whole or in part, on the number of persons voting in city elections. That number has been in decline for the better part of two decades. To illustrate this point, the number of persons voting in the most recent city general election on November 3 was the smallest in recent memory, representing approximately 12.5% of the city's eligible voters. In 1999, the total voting in the city general election was approximately 36% of those eligible.

There is also considerable variation in the number of votes cast from one ward to another. At the November 3 general election, more than three times as many votes were cast in Ward 2 (5,807), than were cast in Ward 7 (1,879).

The consequence of these trends is that, in many instances, the number of signatures required by petitions is significantly smaller than originally envisioned when the Charter was adopted.

To restore the signature formula to the effect that it had when the charter provisions on petitions were originally adopted, it may be more useful to use a percentage of the number of persons registered to vote at 7:00am on the date of the most recent general election conducted in the city. Such an election occurs every year – the state general election in even-numbered years and the city general election in odd-numbered years. This number has been far more stable over the years, ranging from a high of 162,873 in 2006 to a low of 138,198 since 1990. The current registration in the city is 150,614.

To accomplish this, the charter could be amended as follows.

<u>Petition</u>	<u>Signatures Required</u>
Initiative or referendum	3% of the number of persons registered to vote at 7:00am on the date of the most recent general election conducted in the city, or alternatively 4,500.
Recall - mayor	8% of the number of persons registered to vote at 7:00am on the date of the most recent general election conducted in the city, or alternatively 12,000.
Recall – council member	2% of the number of persons registered to vote at 7:00am on date of the most recent general election conducted in the city, which could be collected only in the affected ward, or alternatively 3,000.

Please let me know if you have any questions concerning this matter.

cc: Jerry Hendrickson
Shari Moore