

LICENSE HEARING MINUTES
University of St. Thomas, 2115 Summit Avenue
Thursday, December 8, 2011, 10:00 a.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:05 a.m.

Staff Present: Christine Rozek and Larry Zangs, Department of Safety and Inspections (DSI)

Applicant: Doug Hennes, Vice President of Government Relations, University of St. Thomas (UST)

Others Present: John Hershey, Neighborhood Liaison for UST; Leo Viktora, representing Mac-Groveland Community Council and West Summit Neighborhood Advisory Committee (WSNAC); Rachel Westermeyer, 1935 Summit Avenue (Co-Chair of WSNAC Board and member of SARPA); David Redmond, WSNAC; and Tom Percich, 2250 Princeton Avenue

University of St. Thomas: Liquor On Sale – 291 or more Seats

Ms. Vang stated that Councilmember Stark had referred this matter back from Council on November 23, 2011 to this license hearing due to language clarification in the ordinance concerning neighborhood notification. Since the hearing in October, she had received six new/additional comments from neighbors concerning the license application.

Mr. Hennes stated that he would address the concerns of the neighbors as well as the concerns of Councilmember Stark. The councilmember, through his aide, had questions concerning condition #9 regarding the nine different locations and the automatic lapse after one year. They had agreed that for the first year, they would limit the outdoor locations to only three areas; however, after the first year and upon review, this condition would lapse and all nine locations would then be considered for outdoor sales. He said that after the review process toward the end of the first year, they would be willing to consider continuing the limitation on outdoor sales location to the three locations for another year depending upon what is determined after the review. They would also consider whether this condition could lapse and outdoor service could be made at all nine locations as listed in the license application. Ms. Rozek responded that the department did not have any objection to making this language change to the license condition.

Mr. Hennes stated that the councilmember also had concerns regarding the process for outdoor sales prior to football games over the past season. It was his understanding that no one was allowed in the restricted area if they were not 21 years old or older. This decision had been changed beginning with the game on September 17 where families with underage children were allowed in the restricted area; however, anyone purchasing a beer would have to present an ID indicating they were 21 years old or older. It was his understanding that all future outdoor events would allow families in the area of beer sales; however, all individuals who wished to purchase a beer would be required to show ID that would be scanned and verified through the card reader before they would be allowed to make their purchase.

Mr. Hennes addressed the concerns raised in emails submitted by the neighbors. After reviewing the concerns, it was his opinion that the issues raised did not pertain to the issuance of the liquor

license and instead asserted that the University was not a good neighbor. Currently, St. Thomas had the ability to hire an external vendor to provide sales of alcohol on campus; if St. Thomas had the license to sell alcohol rather than having to hire a vendor, it would result in a major cost savings. St. Thomas also believed it would streamline events using their own catering staff to sell alcohol since they were already providing food service; there would also be more control and accountability over the sales of alcohol.

Ms. Vang read into the record letters/emails of concern regarding the issuance of the license from the following: Cherie Riesenberg, 162 S Mississippi River Blvd; Ann, who did not provide a last name or address and reiterated the issues raised by Ms. Riesenberg; Debbie Givot, 2188 Fairmount Avenue; Maria Sera, 2220 Goodrich Avenue; J. Lawrence McIntyre and Mary McIntyre, 208 Mississippi River Blvd. Said letters/emails are made a part of this record.

Mr. Hennes addressed the parking issues which were raised by the neighbors and it was his belief that since the construction of the ramp, there was more parking available on campus; however, he was aware that people still likely preferred parking on the neighboring streets for football games as it made for easier exiting after a game.

Ms. Vang invited the audience to testify.

Mr. Percich stated that he grew up on Mississippi River Blvd and when he was in high school, he encountered a drunken student while walking down the street one evening. The drunken student punched him in the face and knocked him into Grand Avenue which was an extremely traumatic experience for him. He was opposed to the issuance of the liquor license to St. Thomas considering that it was more cost prohibitive to hire an external vendor thus reducing the likely number of events on campus which would also reduce the likely amount of student drinking on campus.

Mr. Viktora asked for clarification on the area for the license notification. Mr. Zangs responded that it was standard to notify all residents within 350 feet of the licensed establishment. In the case of St. Thomas, he checked the file and confirmed that residents within 350 feet of the University of St. Thomas campus were notified of the license application.

Ms. Rozek asked for clarification regarding the meeting involving neighborhood review process prior to the anniversary date for the renewal of the license. It was her understanding that DSI would facilitate the notification; however, she asked whether WSNAC would be willing to hold the meeting in the neighborhood rather than the more formal hearing process. Mr. Viktora responded that it was preferable to hold the meeting at WSNAC in the evening with DSI staff being present at this meeting.

Ms. Rozek asked for clarification on the issues that would be addressed at the meeting to review the license. It was her understanding that this would include a review of the license conditions, the area of outdoor locations and to discuss any complaints from the neighbors. Ms. Westermeyer responded that this was correct. Mr. Hennes asked when this meeting would occur. Ms. Rozek responded that it would be scheduled for some time in November prior to the time of the license renewal.

Ms. Westermeyer presented a document from the neighborhood caucus dated August 8, 2011 regarding the recommendations for conditions on the liquor license for St. Thomas. She said that

the only outdoor location the neighbors agreed to was for the homecoming weekend at Monahan Plaza or the Lower academic quadrangle, which were basically the same area. The reason they recommended allowing this location and the outdoor service was because of school tradition. It was her contention that they had been informed throughout the meeting process that the outdoor locations for liquor service would be in a ‘tent’ which to her meant that it would have a roof, with four sides and would include a door. When she attended her 1981 class homecoming weekend at St. Thomas, she noticed that there was no tent and the area was more of a ‘corral’ for people to mill around. This was visible to anyone on campus and she also took issue that no one carded her to determine whether she was of legal drinking age to enter this corral area. She was told when she entered that she only needed an ID if she was going to purchase alcohol. It was her information throughout the meetings during the neighborhood review process that alcohol would only be sold in a tent and that all IDs would be checked before entering the tent where alcohol was being sold. She again brought up the fact that consumption of alcohol was visible to anyone on campus who was walking by the area and that this visibility promoted underage drinking. This was extremely disturbing to her. She again pointed out the facts as documented and presented at the hearing on October 6.

Mr. Hennes responded to the issue of the ‘tent’ and said they had never had a tent and instead used a canopy to cover the service area. He believed this was simply a colloquial term to describe the area where beer was being served. It had been his understanding that everyone entering the alcohol service area was being carded; however, he noted that this policy had changed beginning with the September 17 home football game where anyone could enter the area but were required to present ID to purchase alcohol. He agreed that it was an open area which was visible to anyone walking by the area but disputed the fact that it contributed to underage drinking.

Ms. Westermeyer pointed out that on the weekend of her homecoming, there was a tent for gambling which had been set up and was located next to the corral where alcohol was being served. It was her contention that they could erect tents for service of alcohol at events and again relayed the “monkey-see-monkey-do” mentality of students who came across people drinking on campus.

Mr. Hennes responded that the reason a tent was used at this particular homecoming event was because people were playing bingo where paper was involved and they didn’t want the paper blowing around on a windy day. He was opposed to having to set up tents for every outdoor event where liquor was sold as it would be an inconvenience and would not provide protection for anyone. Ms. Vang asked how much of a hardship it would be to set up tents for alcohol service areas. Mr. Hennes responded that it would be an added cost which he was opposed to and he also believed putting up tents for a service area were unnecessary.

Mr. Zangs stated that erecting a tent for every event, depending upon the size, would require a permit from Fire. There was also the difference between a tent and a canopy. He believed the requirement for a tent would complicate the process and did not aid in enforcement. Ms. Rozek stated that the only purpose for a tent as opposed to a corral or canopy would be purely visual and did not add any value. It was her experience that a tent definitely did not assist in any enforcement measures.

Mr. Zangs reviewed the map of outdoor service areas in relation to campus buildings. It appeared that the three areas currently being proposed for outdoor sales were mostly obscured from public viewing by the confines of the buildings.

Mr. Viktora again stated that it was the desire of the district councils, the neighborhood caucus, and WSNAC was to limit the outdoor sales of alcohol to one event, the homecoming football game, and at the one location. Ms. Vang responded that St. Thomas had compromised in their request to have nine outdoor sales areas which they then revised to seven and were now going to limit it to three outdoor sales areas for the first year. She believed St. Thomas needed to have the opportunity to operate with their liquor license during the first year to see how events were handled. With the neighborhood review process, they would be able to address any problems or issues that may occur and if necessary, the license conditions could be modified at the time.

Mr. Redmond stated that no matter how controlled the sale of alcohol was by St. Thomas, the main objection the neighborhood had was to the outdoor sale of alcohol at all.

Ms. Westermeyer stated under condition #11, it indicated that trash would be picked up after football games in the neighborhood blocks abutting the campus. She asked if this could be defined to clarify which blocks were going to be cleaned up after the games. Mr. Hennes responded that it was his opinion it would be across the street around the perimeter of the campus. Mr. Zangs stated that the code suggested that abutting meant property across the street or alley. He clarified that the blocks would include the following: Cretin, Selby, Cleveland and Grand avenues. Mr. Hennes stated that he was agreeable to defining the streets as suggested by Mr. Zangs.

Ms. Rozek asked for clarification concerning tents. Ms. Vang responded that she did not want to be too restrictive by requiring that tents be erected for every outdoor event. Mr. Zangs stated that in looking at the locations, if the main objective was to visibly obscure the service of alcohol, most areas would be covered by two walls of buildings which would then require the covering of the other two sides, one of which would require an entrance/exit.

Mr. Hershey stated that he lived in the neighborhood and attended the home football games. He attended one football game with a friend over the past fall and asked the friend if alcohol was being sold. The friend responded that he could not tell if beer was being sold. It was his opinion that if tents were erected for the sale of alcohol, it would be counter-productive to blocking any visual impact since it would then be very clear where alcohol was being served.

Mr. Viktora suggested that instead of erecting a tent, perhaps screening could be used on four sides, with no cover, and would include an area for entrance. This would diminish the visual impact to students. Mr. Zangs responded that depending upon the height of any screening, it would likely need to be anchored due to wind concerns; this could result in more of a problem than a benefit. He again said that he did not see any advantage to obscuring the consumption of alcohol as he believed the control was where it was being served and who it was being served to, which responsibility would fall on St. Thomas.

Ms. Vang stated that given the information presented by staff, she was not in agreement to place the requirement of having a tent, or other screening material, surrounding the outdoor liquor service areas.

Ms. Rozek asked for clarification regarding the proposed changes to the conditions. Ms. Vang responded that #9 would include the following: after the first year and upon review, this condition would lapse and all nine locations would then be considered for outdoor sales. After the review

process toward the end of the first year, St. Thomas would be willing to consider continuing the limitation on outdoor sales location to the three locations for another year depending upon what is determined after the review. St. Thomas would also consider whether this condition could lapse and outdoor service could be made at all nine locations as listed in the license application.

Concerning the meeting involving the neighborhood review process prior to the anniversary date for the renewal of the license, DSI would facilitate the notification which would be a WSNAC meeting held in the neighborhood. The issues that would be addressed at the meeting would include a review of the license conditions, the area of outdoor locations and to discuss any complaints from the neighbors. The other requested modification was to condition #11 concerning the pick up of trash after the football games. This would include the names of the streets abutting the campus which would be: Cretin, Selby, Cleveland and Grand avenues. Ms. Vang also requested Mr. Hennes provide a map of the outdoor locations delineating with an asterisk which areas would allow liquor service during the first year of the issuance of the license. She said that since this map was included as part of the materials with the resolution, it would be helpful to more accurately depict the exact locations where outdoor liquor service would be provided during the first year of sales.

The hearing adjourned at 11:50 a.m.

The Conditions Affidavit was submitted on January 13, 2012.

Submitted by:
Vicki Sheffer