Green Sheet Green Sheet Green Sheet Green Sheet Green Sheet Green Sheet

Department/Office/Council:	Date Initiated:
CO _ Council	26 MAY 2010

Green Sheet NO: 3113356

Contact Person & Phone:
Nhia Vang
266-8566

Must Be on Council Agenda by (Date):
02-JUN-10

Doc. Type: RESOLUTION

E-Document Required: Y
Document Contact: Jean Birkholz
Contact Phone: 266-8673

Assign Number For Routing Order

	Department	Sent To Person	Initial/Date
0	Council		
1	Council	Department Director	
2	City Clerk	City Clerk	
3			
4			
5			

Total # of Signature Pages _____ (Clip All Locations for Signature)

Action Requested:

Approving the license application with conditions, per the Deputy Legislative Hearing Officer, to add a Liquor Outdoor Service Area (Patio) license (to permit the extension of liquor service onto an existing patio) for Grand American Restaurant Company, doing business as The Wild Onion, 788 Grand Avenue.

Recommendations: Approve (A) or Reject (R):

_____ Planning Commission
_____ CIB Committee
_____ Civil Service Commission
_____ _____
_____ _____
_____ _____
_____ _____

Personal Service Contracts Must Answer the Following Questions:

1. Has this person/firm ever worked under a contract for this department?
   Yes No
2. Has this person/firm ever been a city employee?
   Yes No
3. Does this person/firm possess a skill not normally possessed by any current city employee?
   Yes No

Explain all yes answers on separate sheet and attach to green sheet.

Initiating Problem, Issues, Opportunity (Who, What, When, Where, Why):

Advantages If Approved:

Disadvantages If Approved:

Disadvantages If Not Approved:

Total Amount of Transaction:

Cost/Revenue Budgeted:

Funding Source:

Activity Number:

Financial Information: (Explain)

Council File # 10-780
Green Sheet # 3113356

Amended 7/28/2010

RESOLUTION
CITY OF SAINT PAUL, MINNESOTA

Presented by

WHEREAS, Grand American Restaurant Company, doing business as **The Wild Onion (I.D. #19990002357), 788 Grand Avenue**, has applied for a class N license to add a **Liquor Outdoor Service Area (Patio) license (to permit the extension of liquor service onto an existing patio)** to its existing Liquor on Sale -- 181-290 Seats, Liquor on Sale -- Sunday, Liquor on Sale -- 2 AM Closing, Entertainment (B), Gambling Location, Restaurant (5) -- 151 and Over, Restaurant (D) -- Add-on (Bar Only), Sidewalk Cafe, and Cigarette/Tobacco licenses; and

~~WHEREAS, the Wild Onion's residential properties are within a 300 feet radius of licensee's proposed patio and outdoor liquor service area; and licensee must seek consent of neighboring residential properties and demonstrate that s/he were able to obtain 90% approval or, in the lesser case, 60% or more approval; and~~

~~WHEREAS, licensee sought support from a list of private residences provided by the Department of Safety and Inspection by mailing letters and conducted follow up surveys and licensee was unable to obtain the ninety percent (90%) consent or, in the lesser case, sixty percent (60%); and~~

WHEREAS, § 409.06 (g) requires that an applicant for a liquor outdoor service area (patio) license submit with his or her application a statement in writing with the signatures of as many owners of private residences, dwellings and apartment houses within three hundred (300) feet of such premises as he or she can obtain to the effect that they have no objection to the granting of the license; and

WHEREAS, § 409.06 (g) further explains that in the event the applicant obtains signatures from less than sixty (60) percent of the above-mentioned property owners, that the license will not be granted unless the licensee can demonstrate a good faith effort was made to fulfill petition requirements, the results of attempts to fulfill the petition requirements demonstrated a generally favorable disposition toward the licensed activity and that the district council representing the area supports the request for the license; and

WHEREAS, the license applicant in this case presented signatures from only thirty three (33) percent of the above-mentioned property owners; and

~~WHEREAS, Council finds that the Wild Onion's efforts constitute a good faith effort to fulfill all petition requirements per City of Saint Paul Legislative Code 409.06(g) (2) (c), and that the results of the attempts to obtain signatures showed a generally favorable disposition from the surrounding community (thirty-three percent (33%) of residential owners and the Summit Hill Association) toward the proposed licensed activity;~~ and

~~WHEREAS, Council finds that issuance of the license will not unduly interfere with the reasonable use and enjoyment of neighboring property and residences and will not bear adversely on the health, safety, morals and general welfare of the community; and~~

WHEREAS, following the legislative hearing conducted on April 15, 2010, there was an agreement relating to certain conditions made between Grand American Restaurant Company, doing business as **The Wild Onion (I.D. #19990002357)**, and the Summit Hill Association that would make the application to add a **Liquor Outdoor Service Area (Patio) license (to permit the extension of liquor service onto an existing patio)** workable for the **Grand Avenue** location; and

WHEREAS, the Deputy Legislative Hearing Officer recommends that the application for a **Liquor Outdoor Service Area (Patio) license (to permit the extension of liquor service onto an existing patio)** for Wild Onion be approved with the following conditions:

Existing License Conditions

1. The management of The Wild Onion shall provide security in the parking lots Tuesday through Saturday at bar closing to ensure that the patrons leave the premises and the parking lots without causing a disturbance in the surrounding neighborhoods. Patrons shall be advised of the necessity of leaving in an orderly manner and shall not be permitted to loiter outside the bar or in the parking lots.
2. The sidewalk cafe is an extension of the restaurant operation onto a part of the public sidewalk which immediately adjoins the licensed premises.
3. No sidewalk cafe shall be permitted in any portion of the public sidewalk where normal pedestrian traffic flow is obstructed. A minimum clearance width of thirty-six (36) inches must be maintained on the public sidewalk at all times.
4. No tables, chairs or any other furnishings, except plant tubs, shall be placed in the area used for the sidewalk cafe during any period when the sidewalk cafe is not open and being operated. White such cafe is in operation, all tables and chairs shall be kept in a clean, sanitary condition.
5. The use of a portion of the public sidewalk as a sidewalk cafe shall not be an exclusive use. All public improvements, including but not limited to trees, light poles, traffic signals, pull boxes or manholes, or any public-initiated maintenance procedures, shall take precedence over said use of the public sidewalk at all times.
6. It shall be the duty of the licensed food establishment to maintain each plant tub at all times in a safe condition at its proper location and to inspect each such tub periodically in order that it may be properly maintained. Trees or plants and their tubs shall at all times be kept in a neat, clean and presentable condition. No advertising matter or sign or writing of any kind shall be displayed upon any tree or plant or its tub.
7. No liquor sales and/or service is allowed on a public sidewalk without prior approval and additional licensing from the Department of Safety and Inspections (DSI).
8. No outdoor food and/or beverage preparation is allowed on a public sidewalk without prior approval and additional licensing from DSI.

Additional License Conditions

9. The outdoor patio seating area shall closed at 9:30 p.m. each night of the week, and there shall be no customers, patrons and/or employees (other than management and security personnel patrolling the area) allowed on the patio for any reason after this time. These restrictions do not include the smoking area.
10. There shall be no music (recorded or live) on the patio.
11. The licensee shall implement sufficient security measures to insure that alcohol is not consumed in the parking lot or public right-or-way. The Wild Onion will assign full-time security to continuously monitor all Wild Onion patron parking lots from 9:30 p.m. to ½ hour after 2 AM closing, five (5) days per week, Tuesday night through Saturday evening/early Sunday morning.
12. There shall be no bar (temporary or permanent) outside on the patio unless prior written approval and the proper license(s) are first obtained from DSI.
13. The Wild Onion will provide food and drink service on the patio only to patrons seated at tables. No stand-up service will be provided for any patron and no loitering is allowed by patrons who are not seated.
14. No liquor service will be provided to patrons who do not order food.
15. The Wild Onion will participate in a task force to be created by the Summit Hill Association (SHA) to address and minimize problems associated with late night patron behavior.
16. The patio liquor license will expire on November 14, 2010. The licensee will be required to reapply one (1) time for the patio liquor permit to continue liquor service in 2011 and future seasons. In order to get the license reissued, the licensee will be required to go through the regular license application process for patio liquor licenses with the exception of the requirement for submission of a petition. Standard notification procedure will be followed for neighborhood review. After review, a recommendation on the application will be made by SHA to the city council. The Saint Paul City Council has the final authority to reissue the license.

~~THEREFORE, BE IT RESOLVED that the Council of the City of Saint Paul hereby approves this license application.~~ Now, therefore be it

RESOLVED, that the Council finds that the Wild Onion's efforts constitute a good faith effort to fulfill all petition requirements per City of Saint Paul Legislative Code 409.06(g) (2) (c); and be it

FURTHER RESOLVED, that the district council representing the area supports the request for the license; and be it

FURTHER RESOLVED, that the license applicant has failed to show that the results of the attempts to satisfy the signature requirements showed a generally favorable disposition toward the licensed activity; and be it

FINALLY RESOLVED, that the license application is referred to the City Attorney for adverse action.

	Yeas	Nays	Absent
Bostrom	✓		
Carter	✓		
Harris	✓		
Helgen	✓		
Lantry	✓		
Stark	✓		
Thune	✓		
	7	0	0

Adopted by Council: Date 4/26/2010

Adoption Certified by Council Secretary

By: Mary Erickson

Approved by Mayor Date 8/3/2010

By:

Requested by Department of:

By:

Approved by the Office of Financial Services

By:

Approved by City Attorney

By:

Approved by Mayor for Submission to Council

By: