LICENSE HEARING SUMMARY MINUTES
University of Saint Thomas, 2115 Summit Ave
Monday, October 13, 10:00 AM
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Legislative Hearing Officer

The hearing was called to order at 10:05 AM

Staff Present: Tom Ferrara, Department of Safety and Inspections (DSI) Licensing Inspector; YaYa Diatta, DSI Zoning Manager (remote participation); Greg Weiner, License Hearing Executive Assistant

Licensee: Amy McDonough, Applicant/ University of Saint Thomas (UST) Chief of Staff; Phil Esten, UST Athletic Director; Tracy Vopatek, UST Director of Operations for Levy Restaurants; Peter Shaw, UST Associate General Counsel; Abigail Crouse, UST General Counsel; Cory Chapman, UST Senior Associate Athletic Director

License Application: Adding Liquor On Sale – Sunday and Entertainment (B) licenses to the existing Liquor On Sale - 291 or more Seats License and to modify the existing liquor service area

Also in attendance: Craig Roen, 183 Mount Curve Blvd, Tom Moss, 175 Woodlawn Ave; Ginny Housum, 2229 Fairmount Ave; Don Waage, 2229 Fairmount Ave; Terry Brueck, 2279 Summit Ave; Kathryn Mitchell, 2279 Summit Ave; Gail Lundeen Brand, 2132 Sargent Ave

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. Ultimately, the City Council is the final authority on whether the license application is approved or denied.

Minutes:

Tom Ferrara, Department of Safety and Inspections (DSI) - Licensing, gave a staff report for licensee University of Saint Thomas, (License ID# 20110002908), d/b/a same, located at 2115 Summit Avenue. The application is for adding Liquor On Sale – Sunday and Entertainment (B)

licenses to the existing Liquor On Sale - 291 or more Seats License and to modify the existing liquor service area. DSI is recommending approval with the following existing license conditions:

1. The University of Saint Thomas (UST) agrees that service and consumption of alcohol will only be allowed within the areas outlined on the UST Campus Liquor License Locations Map (Locations Map) dated 07/15/2025. UST understands and agrees that modifications to the Locations Map must occur in accordance with the procedural guidelines for modification of liquor licensed premises outlined under the Saint Paul Legislative Code.
2. The licensee is responsible for taking all appropriate measures to ensure that the sale/service/consumption of alcohol is contained within the designated UST campus liquor service area(s) on file with DSI.
3. There shall be no permanent bar and/or liquor service area established by UST. The intent of this condition is to prohibit UST from conducting business in a manner similar to operations such as, but not necessarily limited to the following: a restaurant with regular hours which also serves alcohol, a bar, etc.
4. All employees/managers/servers providing alcoholic beverages under the UST license shall undergo yearly Alcohol Awareness Training through an agency approved by DSI to operate such a program. All new employees/managers/servers shall be required to undergo training within two (2) weeks of their starting date. The licensee shall have proof of each person who has completed this training on-site, and this proof shall be made available to DSI upon request.
5. Licensee will adopt procedures to ensure that alcohol is not served to anyone under the age of twenty-one (21).
6. The sale of alcoholic beverages shall occur between the hours of 10:00 a.m. and midnight, with last call at 11:30 p.m. NOTE: The sale/service of alcoholic beverages on Sunday is permitted with this license.
7. There shall be an annual review of the license and conditions. As part of the review, UST will provide documentation from the previous year regarding events at which liquor was sold, including calls to UST security regarding patron behavior at these events.
8. UST will provide to the West Summit Neighborhood Advisory Committee (WSNAC) and/or to DSI upon request a log of events where sales of alcoholic beverages have occurred. UST will cooperate with WSNAC and DSI to address any complaints filed with the City regarding sales of alcoholic beverages by UST, including discussing the need for new or modified conditions at the time of annual license renewal.
9. The sale of alcoholic beverages outdoors at events with more than 150 attendees shall occur only in the following outdoor locations: (a) Monahan Plaza-lower academic quadrangle; (b) Upper (residential) quadrangle; (c) Sabo Plaza (in front of science center); (d) Science center rear plaza; (e) North Athletic Fields; and (f) Palmer Athletic Field.
10. UST will position trash receptacles at each exit of events attended by more than 150 individuals with signage encouraging trash to be discarded upon exit.
11. UST will control access to and from each authorized service and consumption area outlined on the Locations Map to prohibit individuals from exiting those areas with open containers of alcohol.

The District 13 Union Park District Council and the District 14 Macalester-Groveland Community Council (MGCC) were both informed of the application by the applicant and have submitted letters of support. Building conditions, N/A; Licensing approved with conditions; Zoning approved.

The state provides exemptions for Liquor On Sale – Sunday license for campuses like UST, allowing their liquor service areas to be non-contiguous. This application primarily addresses the

addition of the new arena. Additionally, an Entertainment B license is being requested. Similar licenses exist at venues such as the Xcel Energy Center and Allianz Field, allowing music and entertainment to be broadcast on a jumbotron. At UST, this license would also permit school band concerts. There is no indication that UST intends to host events like rock concerts. Colleges are also exempt from requiring a specific license to allow Sunday liquor sales. A staff error initially included this requirement, based on the mistaken assumption that Levy Restaurants would hold the liquor license for the area rather than the university itself. For today's application, the matters before us are solely the Entertainment B license and the expansion of the liquor service area.

YaYa Diatta, Department of Safety and Inspections (DSI) - Zoning, gave a staff report. This is a permitted use. There are no parking minimum requirements for this application.

Hearing Officer Vang referenced Row 2 of the "2115 Summit Complaints" attachment which lists an issue related to student count and parking in UST's Conditional Use Permit (CUP) and asked whether the status is still under review.

Diatta: About a year or so ago when they were building the new arena, Advocates for Responsible Development (ARD filed a complaint challenging the site plan due to a violation of the CUP. The city treated the site plan and alleged Conditional Use Permit (CUP) violation as two separate things. Staff from Planning and Economic Development (PED) are reviewing the alleged violation and talking with the City Attorney's Office (CAO) to see what options there are with parking no longer being required. The condition says you need to give us your student count to see how parking should be added, or can removed, depending on the numbers. Josh Williams at PED was looking into that matter.

Hearing Officer Vang: So, it is still being reviewed?

Diatta: Yes. I reached out to Josh, but no answer yet. Without records from the AMANDA system due to the cyberattack, checking on violation history is difficult. He said he remembered the complaint being filed but knows it is not yet resolved.

Amy McDonough: I don't think we were ever told about this issue. This is new to us.

Hearing Officer Vang noted McDonough's comment and then asked the applicants to introduced themselves and to talk about the business: history, hours of operation, number of employees, etc.

McDonough read from the "UST Submitted - Legislative Hearing presentation" document up to slide #8.

McDonough: We have an area of the arena that looks like a bar and restaurant. It's permanent but will only operate when the arena is open for events. The language is a little bit unclear on allowing this. Our general counsel suggested the additional language to add clarity.

Hearing Officer Vang: This relates to the arena under location 70?

McDonough: Yes.

Hearing Officer Vang: Does this area operate like a restaurant?

McDonough: It serves food.

Phil Esten: This is customary with athletic facilities. They often have a premium space like a club room with fixed bars that serve alcoholic and non-alcoholic drinks during athletic events. It won't be open daily.

Hearing Officer Vang: Is the arena the only location with something like this?

McDonough: Yes. It's the only one that serves alcohol.

Hearing Officer Vang: Would the condition then only be limited to this location?

McDonough: That's why we need it but I'm not sure the language we're suggesting restricts it to just that area.

Hearing Officer Vang: The language speaks to the whole campus.

McDonough: Just for athletic facilities. The arena is the reason, though.

Hearing Officer Vang: I'm wondering about its application to the whole campus.

McDonough continued reading through "UST Submitted - Legislative Hearing presentation" slide #9-10.

McDonough: We included the Fowler Veranda and O'Shaughnessy Stadium in our 2023 license application and should have requested this update to the conditions affidavit then.

Hearing Officer Vang: The change to Condition 9 makes sense. I will need to do more research on your requests regarding Conditions 3 and 4. Do you intend to build more club rooms beyond the one at the arena?

McDonough: We want to have that flexibility because the language is vague.

Hearing Officer Vang: For Condition 3, what makes this type of club room distinct from a bar or restaurant?

Ferrara: The regularity of hours is the big distinction. While the structure is permanent, and they need secure storage for liquor, they wouldn't be considered as operating in the manner of a restaurant or bar if they're only open for special events. I'm unsure what the reason was for the condition, but it may have been out of concern that liquor service areas would be open regularly.

McDonough continued reading through "UST Submitted - Legislative Hearing presentation" until the end.

Hearing Officer Vang: How often do you update your event management plan? Do you review events and update it accordingly? Is it responsive to residents who may have contacted you for information?

McDonough: We have a dedicated neighborhood relations office to communicate with nearby residents. We also communicate with the city by having a meeting every month to provide an update, especially after big events.

Hearing Officer Vang: Do big events ever overlap?

McDonough: As part of our Environmental Assessment Worksheet (EAW), one of our mitigation strategies is that when we have major events at the arena, we will not host other events on campus. We've gone through a scheduling system so that our big rooms on campus are on hold when we know we're going to have a men 's basketball home game or a men's home hockey game.

Hearing Officer Vang: Do Best Security and the off-duty police you hire coordinate with each other? Does Best Security help with traffic mitigation?

McDonough: Off-duty police manage traffic and parking, and our Public Safety Department is also on call.

Esten: Best Security handles security within the walls of the arena. Police do the work outside the arena.

Hearing Officer Vang: How do they communicate with each other?

Esten: There will be a point person.

Hearing Officer Vang: For Levy Restaurants, what is your history of liquor service on college campuses? Is your training every 3 years and is that industry standard?

Tracy Vopatek: Yes, every 3 years. That is industry standard. There are three big training programs: ServeSafe, TIPS, and UServe. Every employee needs to pass those tests. We work internationally and have very strict standards. Our larger schools operate with little to no incident. I will also note that per the current condition affidavit, if it remains unchanged, our training for people working at UST will be yearly. The standard is 3 years, though.

Hearing Officer Vang: Are your employees from the community, students, or from elsewhere?

Vopatek: It’s a mix.

Hearing Officer Vang: Will 18–20-year-olds be serving liquor?

Vopatek: Yes.

Esten: They do food service along with beverages.

Hearing Officer Vang: With UST wanting to lower the frequency of required trainings, what is standard for the number of years we require in a condition requiring recurring alcohol awareness trainings?

Ferrara: It is not standard for us to have a condition like this, so I can’t say.

Hearing Officer Vang: I’ll need to talk to CAO staff about this.

McDonough: I will also not that Condition 6 talks about hours, and we are not asking to amend that.

Hearing Officer Vang next invited interested parties to speak.

Craig Roen, 183 Mount Curve Blvd: I have submitted a document for today's hearing, and I will be reading from that for my comments. I'm opposed to this license application. DSI lost sight of the City's mission of neighborhood safety and livability. This isn't a downtown stadium. It's in a residential area. The football stadium seats 5,000 people and the arena will seat 5,500. Now they want to introduce alcohol service to these. The issues that come with that don't end at their property line. The surrounding neighborhoods are a free parking lot during those big events. UST says they have on-site parking, and that they will require people to where they will park when they buy tickets. The problem is that their EAW says that in-and-out parking can be as long as a half-hour. Why would anyone do that when they can park on the street for free and get out easier? People even park illegally in our neighborhoods, in permit-only spots. Sometimes they get a ticket. Sometimes they don't. I think it's a resource issue for the Police Department. Many blocks in my neighborhood don't have parking restrictions, so people par there. UST has historically had 5 big home football game events. With the arena, they will be moving to about 55 events each year. That doesn't include concerts, which we don't know anything about. The chart in the document I submitted and am showing on the poster here shows how we got to this point. I describe the City's response to UST's application as passive compliance. (Roen continued reading from "Materials submitted during hearing," page 5.) This is a massive change and DSI is not recommending any new conditions. I asked DSI for all documents related to the 2025 application after the notice went out. I realize there was the cyberattack that made that difficult. I either got a response deflecting me or was told by someone in DSI that they don't have the applications, that they were somewhere else. I said that didn't seem right and then was ghosted. UST was kind enough to provide the documents, but I don't know why the city didn't produce them. Was there nothing else submitted beyond UST's cover letter? There has been no investigation and no communication with Police. The city needs to show evidence for their decision, otherwise the decision may well be arbitrary and capricious, in violation of Minnesota law. For traffic control, UST says they have a plan. We don't know if it will work, though. This application should be denied so that we can see how the plan works without alcohol being involved. If it works well, I'll be coming back here next year and saying I have no issues with this liquor service.

Tom Moss, 175 Woodlawn Ave: I'm opposed to this license application. If this was a convention center or casino with 5,500 seats in a residential area, that would be controversial. I don't know why people are asleep on this. In the neighborhood, we feel these things more acutely. There's also no upward limit on events. They could have events 365 days a year. Was it clarified that Sundays are allowed?

Ferrara: Yes. They already have that ability, and this is an application to extend the service area of that.

Moss: So, they can do this all from 7am until 1am.

Hearing Officer Vang: Condition 6 lists the hours to restrict to 10am – 12am.

Moss: 365 days a year, though. That could include rock concerts.

Ferrara: That is not in their business plan.

Moss: But it will be allowed any day of the year.

McDonough: Yes.

Moss: They could operate a lot more than what is indicated in the proposal. No rock concerts would be appreciated. Enforcement is another concern. How do you enforce 2 drinks per ID? Can I get 2 drinks each at 2 concession stands? It's a good intent but how is it enforced? Allowing this any night of the year is overwhelming for the neighborhood and this should be slowed down.

Ginny Housum, 2229 Fairmount Ave: There's a lot of confusion and uncertainty about this. The MGCC board voted to approve the application, and I asked: Why not go back and study this more? I was told that I was confused. I was told it was not being proposed that they allow alcohol from 10am – 12am, but rather that alcohol would only be served during hours that other venues serve. However, Condition 6 allows those hours. Our neighborhood is under stress. Parking is already a problem, and this will make it worse. A voluntary agreement from UST is not enough. I support tabling this to see how things work out before alcohol is served. I deeply regret that we have not heard from the Police Department about their plans

Hearing Officer Vang: These conditions are voluntary, but they are imposed and enforced. If there are violations, DSI can enforce that, which could lead to adverse action including penalties up to revocation.

Ferrara: There are other violations beyond just the conditions, like state and local laws.

Housum: The cost of violations can be people getting hurt or losing their life. Why would we wait until then?

Terry Brueck, 2279 Summit Ave: I am opposed to this application. Fall parking is already terrible. Having this in the winter will make things worse. The event management plan was supposed to be there when they built the arena. I've never seen this before. I have no idea what is in it, it's not going to be sufficient when there are 5,000 people in an arena that's jammed into a space with no parking. They've already had to add new parking at the seminary because they removed 300 parking stalls where the arena is now. The new parking area created additional traffic before events even started. Also, what if the alcohol vendor changes in the future? What are the appropriate conditions that would apply? The license itself says you can serve alcohol from 10am – 12am. How do these other standards exist. Is there a standards board that does venues around the world? I have no idea. There is nothing written into the current license that would refer to that kind of thing, if it does exist. I also got 3 letters in the mail about 3 temporary liquor license extensions when they don't even have a license yet. The events are on October 23, 24, and 25. I'm flabbergasted that this could be done when we hadn't had a hearing yet. I understand the City had a cyberattack, but that should not be the reason why UST gets to do whatever they want in terms of serving liquor as early as next week

Ferrara: For the record, those dates are for a temporary extension of the liquor service area for their current license. This is allowed in city ordinance and is done administratively. 12 days per year are allowed, and this would use 3 of them.

Brueck: That wasn't clear to me.

Gail Lundeen, 2132 Sargent Ave: We will be putting drunks in our neighborhood. Closing off alcohol sales well before a game ends won't stop that. I assume the two-drink limit is per purchase and not per person. People always go and get more during the 3rd quarter of a football

game to plan their drinking for the 4th quarter. How will they make sure people don't drink underage? There is not adequate control. This is all within a block of a working family-oriented neighborhood. This will cause noise and disruption. UST should be protecting its neighborhood. They should have policies they expect from a vendor rather than pass that responsibility on to a vendor.

Hearing Officer Vang then gave the applicant the opportunity to respond to the verbal comments.

McDonough: We worked on the event management plan thoroughly with the Police Department and other City departments. Our EAW was found valid by the Minnesota Court of Appeals, and the event management plan stems from that. This has been thoroughly vetted. Separating that out from what we are asking for today is important. We take concerns about traffic and parking very seriously and know our neighbors will monitor that closely. Craig mentioned 55 events. We won't have that many sold-out arena events. Half of those events are basketball games that we already have on a different building on campus, so those aren't new. We already sell alcohol in premium spaces at basketball games at the Anderson Recreation Complex. That will be moving to the new arena, but it won't be new for the campus. Half of the games in the arena are expected to be 500 or fewer people. There will only be 10-12 large events per year.

Hearing Officer Vang: Is that starting in 2025 or 2026?

McDonough: It's per academic year, so about October through May.

Esten: Women 's basketball and women 's hockey average less than 500 attendees per event. Those are not major. Basketball has been on campus for over 100 years, so this is not new.

Hearing Officer Vang: How far is the current site from the new arena?

Esten: 2.5 blocks.

McDonough: #23 on the map is the current site. Also, we have gotten feedback from neighbors about our event management plan. We did a lot of outreaches because we knew of the traffic and parking concerns. We got some good ideas from our neighbors and those are being implemented. We pulled together a committee of neighbors and the district councils. It was a good group.

Brueck: I live across the street and never heard about it

McDonough: We have about 1000 people on our email list and are always looking to broaden it. We want people on the list. The inbox is neighbors@saintthomas.edu.

Catherine Mitchell, 2279 Summit Ave: We are on that email list never knew about this. We are a parking lot and people are blocking driveways and urinating on lawns and doing drugs in alleys.

McDonough: We are always wanting to improve neighborhood relations. We have a fulltime Neighborhood Relations Director in Jerome Benner. We also encourage neighbors to call our public safety office at UST or St Paul Police when the need arises. Our public safety patrols go off campus as well. I will also state that inebriated people not served liquor

Hearing Officer Vang: How do you very 2 drinks per ID? Can that be gotten around by going to different concession stands.

Vopatek: ID checks are done each time.

Esten: To clarify, it's 2 drinks per visit per person, so they can come back after finishing those two drinks. This is an industry standard.

Hearing Officer Vang: Is the arena going to have its own bar locations or concession stands?

McDonough: It will also have concession stand. The bar area is just for the premium members. In the arena's first year, we will only serve alcohol in the premium area.

Esten: That may expand. The plan is to start small

Hearing Officer Vang: What changes might you make in response to concerns raised today?

Esten: Our plan is a solid plan.

Hearing Officer Vang: Are there any issues you've dealt with already that will inform how you go forward?

McDonough: There have been no issues yet about our liquor service. The issues we have are about off-campus drinking. Those don't relate to our license.

Hearing Officer Vang: Will there be advertisements about liquor service?

McDonough: Signage is posted that talks about acceptable identification.

Hearing Officer Vang: How big is the signage?

Vopatek: It's 8.5x11inches

Hearing Officer Vang: Will you have advertisements from the liquor industry posting brands?

Esten: Not now, but it will all include responsible drinking messaging. We do that for Tiffany's Bar & Restaurant's advertisement.

Peter Shaw: I just want to clarify one thing, because traffic and parking has come up a lot today. I just want to make sure you know we're focusing on the alcohol license. Traffic has already been the subject of review as part of approval of the arena. The City conducted an environmental review, which included traffic and parking mitigation measures that UST is required to abide by as a condition of operating. A neighborhood association challenged that environmental review and brought a lawsuit. The Court of Appeals recently issued a decision finding that the traffic and parking mitigation measures adopted by the City for the arena are legally sufficient.

Hearing Officer Vang: For the conditions asks, I need to review #3 and #4 with CAO staff. Does UST have a contract with Levy Restaurants now? What are your plans for selecting another vendor if this one doesn't work out.

McDonough: UST holds the liquor license, and we are responsible for it.

Shaw: Levy is contractually obligated to follow UST liquor license. Also, we just recently sent a corrected map of the campus liquor map that is similar to the City's one in today's packet. We

just want to ensure that the whole west side of Stadium is highlighted, along with the seminary buildings. These are a part of the current license and this was an oversight.

Greg Weiner: My mistake. I thought it was the same as the one we already had in the record when you sent it to me. I will attach the corrected map when the hearing concludes.

Hearing Officer Vang: Tom, could you walk me through the temporary liquor license extensions in October?

Ferrara: Location #63 on the campus map will have a small outdoor area that will be fenced off for consumption. Chapter 409 of the legislative code allows this type of extension 12 days per year. This is an extension of a currently licensed building and will be part of the expanded area under this license application. Temporary licenses are approved administratively. This one was done on Friday but just not finalized. It will be approved.

Hearing Officer Vang stated that after reviewing the records and considering the testimonies from all parties, her recommendation will be forthcoming.

The hearing adjourned at 11:41 AM.