



## Legislation Text

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**File #:** RES 22-161, **Version:** 1

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Approving adverse action against the Liquor On-Sale 100 Seats or less, Liquor On-Sale Sunday, and Gambling location license held by Anvil Properties Inc. d/b/a The Foundry Pub (License ID #20040004132), for the premises located at 1201 Jackson Street and the acceptance of the settlement agreement and addition of the conditions to the licenses held by Anvil Properties Inc. d/b/a The Foundry Pub (License ID #20040004132).

WHEREAS, the Liquor On-Sale 100 Seats or less, Liquor On-Sale Sunday, and Gambling location license held by Anvil Properties Inc. d/b/a The Foundry Pub (License ID #20040004132) for the premises located at 1201 Jackson Street in Saint Paul was the subject of a Notice of Violation and Request for Upward Departure ("Notice") sent November 10, 2021 (herein incorporated as Exhibit 1); and

WHEREAS, the Notice stated that based on the following violations that occurred on April 24, 2021:

- Complaints of excessive noise while patrons are leaving the bar after 10pm
- The assault of a customer by staff which included striking a patron with a bottle
- Denying Saint Paul Police officers entry into the bar
- Problems of trash and litter, loitering and drinking in the parking lot

WHEREAS, due to the number of violations the City of Saint Paul Department of Safety and Inspections requested an upward departure from the first to the second box on the penalty matrix as laid out in Saint Paul Legislative Code § 310.05(m)(2) which is a \$1,000.00 fine; and

Per Saint Paul Legislative Code § 310.06, the Department of Safety and Inspections also recommended that conditions be added to the Licenses held by Licensee; and

WHEREAS, the License conditions recommended by the Department were:

1. License holder will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. License holder will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, license holder will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. License holder will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, license holder shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, license holder shall have the technology, materials and staff available to immediately make the copy. In all other cases, license holder shall provide a copy of the surveillance video to the requestor within 48 hours.

2. License holder will use an identification card scanner system to record and retain for a minimum of thirty (30) days the identification of all patrons who enter or re-enter the licensed establishment after 10:00 p.m. until closing during any day of operation. If an incident is deemed serious by SPPD, license holder shall make identification card scanner information immediately available for viewing by SPPD. In all other cases, license holder shall provide recorded card scanner information to the requestor within 48 hours.

3. License holder shall retain clearly identifiable security personnel. Clearly identifiable security personnel shall mean a uniform or marked outerwear. Security personnel shall be assigned to each entrance/exit of the license premises starting at 10:00 p.m. during any day of operation and shall remain until all patrons have left the property of the licensed business. While on duty security personnel shall screen each patron upon entry using a metal detection device and check all handbags and packages carried by patrons to effectively detect and prohibit weapons from entering the licensed premises. The requirement to screen patrons includes those who have left for any duration of time and return to re-enter the licensed premises. Security personnel shall verify the age of patrons by checking state or federally issued photo identification cards using the method outlined in condition #2. License holder shall establish and require that security personnel enforce a no picture identification/no entrance policy.

4. Security or staff will conduct outside sweeps of the building and parking lot at least twice an hour to disperse and discourage loitering from 9:00 p.m. during any day of operation until closing and shall remain at the licensed premises until all patrons have left the property/parking lot. All customers/patrons must be off the property/parking lot within 15 minutes after closing time.

5. License holder will remove any litter, trash, debris, or similar materials around exterior of licensed premises daily.

6. Signage shall be prominently posted at all exits stating, "You are exiting into a residential neighborhood - please leave quietly".

WHEREAS, the Licensee agreed to the imposition of the additional conditions and signed a Settlement agreement on December 12, 2021 (herein incorporated as Exhibit 2); and

WHEREAS, the Department agreed to waive \$500 of the requested fine associated with the license condition violations; and

WHEREAS, The settlement agreement was approved by council by Resolution (NUMBER) on January 5, 2022 (herein incorporated as Exhibit 3); and

WHEREAS, the Council finds that the that the imposition of these conditions will serve to reinforce industry standard operational practices that improve safety and help ensure the well-being of staff, patrons and the surrounding community; now, therefore, be it,

RESOLVED, that the Liquor On-Sale 100 Seats or less, Liquor On-Sale Sunday, and Gambling location with the conditions recommended by the Department of Safety and Inspections are hereby approved and issued to Anvil Properties Inc. d/b/a The Foundry Pub (License ID #20040004132) for the premises located at 1201 Jackson Street in Saint Paul and is hereby ordered to pay the agreed \$500 matrix penalty.

Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.