



Legislation Details (With Text)

File #: RES 22-1298 **Version:** 1

Type: Resolution
Status: Passed
In control: City Council
Final action: 9/7/2022

Title: Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Shadey's Tavern Inc. (License ID# 20210000229), d/b/a Shadey's Tavern, for a Liquor On Sale 100 seats or less, Liquor On Sale - Sunday, Entertainment (A) and Gambling Location licenses, located at 674 Dodd Road.

Sponsors: Rebecca Noecker

Indexes:

Code sections:

Attachments: 1. Signed Conditions Affidavit, 2. Minutes, 3. Class N Application, 4. Partial Certificate of Code Compliance 04-27-2022, 5. Revised Certificate of Code Compliance, 6. Floor Plan, 7. Street Photos, 8. STAMP Activity Report, 9. Incident Report, 10. Objection #1, 11. Objection #1 follow-up, 12. Objection #2, 13. Objection #3, 14. Aerial Photo, 15. Zoning Map, 16. Plat Map, 17. 100' Property Ownership, 18. AMANDA Print Screen, 19. Class N Notification, 20. Notification of License Hearing, 21. License Hearing Sign-In Sheet, 22. RES 22-1298 Troy Palmen public comment, 23. RES 22-1298 Duffy Pearce public comment, 24. RES 22-1298 Duffy Pearce public comment #2, 25. RES 22-1298 Craig David public comment

Date	Ver.	Action By	Action	Result
9/13/2022	1	Mayor's Office	Signed	
9/7/2022	1	City Council	Adopted	Pass

Approving the application with conditions, per the Deputy Legislative Hearing Officer, for Shadey's Tavern Inc. (License ID# 20210000229), d/b/a Shadey's Tavern, for a Liquor On Sale 100 seats or less, Liquor On Sale - Sunday, Entertainment (A) and Gambling Location licenses, located at 674 Dodd Road.

WHEREAS, Shadey's Tavern Inc. (License ID# 20210000229), d/b/a Shadey's Tavern, located at 674 Dodd Road, has applied for a Class N license for Liquor On Sale 100 seats or less, Liquor On Sale - Sunday, Entertainment (A) and Gambling Location licenses; and

WHEREAS, a notification regarding the license application was sent from the Department of Safety and Inspections to the affected neighborhood for the period of May 31, 2022 to July 15, 2022; and

WHEREAS, during the notification period, objections were received which triggered the hearing and a hearing was held on July 28, 2022; and

WHEREAS, the objections were related to safety, liquor sales concerns, connections to previous owner, etc.; and

WHEREAS, in response to the concerns raised, the licensee has agreed to work with the City to comply with the necessary requirements to minimize nuisance activities that would disturb the surrounding residential neighborhood by closing the business early, timely provide videos as requested by the City and ensure that the named individuals are not involved in the day-to-day operation of the business; and

WHEREAS, §409.21 of the Saint Paul Legislative Code permits issuance of a gambling location license to an

on-sale licensee to allow lawful gambling conducted by a qualified charitable organization; and

WHEREAS, the license will allow Shadey's Tavern to conduct lawful gambling as defined by §409.21 (a) (1) of the Saint Paul Legislative Code at 674 Dodd Road; and

WHEREAS, the West St Paul Hockey is a nonprofit organization licensed by the state to conduct lawful gambling and is in compliance with Minnesota Statute §349; and

WHEREAS, after conducting the hearing and considering the testimonies and evidence, the Deputy Legislative Hearing Officer recommends that the application for a Liquor On Sale 100 seats or less, Liquor On Sale - Sunday, Entertainment (A) and Gambling Location licenses, located at 674 Dodd Road, for Shadey's Tavern Inc. (License ID# 20210000229), d/b/a Shadey's Tavern, be approved with the following conditions:

CONDITIONS #1 - 14

1. Per City of Saint Paul Legislative Code 411.02. Entertainment 'A' license does not allow for patron and/or performance dancing.
2. License holder agrees to operate the business in a manner consistent with the Business Summary dated 1/20/2021 and floor plans on file with the Department of Safety and Inspections (DSI). Licensee agrees to obtain written approval from DSI before making any substantive changes to the approved method of operation and/or floor plan.
3. 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.
4. 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.
5. 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 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 #4. License holder shall establish and require that security personnel enforce a no picture identification/no entrance policy.
6. 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.
7. Whenever the establishment is open past 10:00 p.m. no patrons shall be admitted into the establishment 30 minutes prior to closing time. Last call will be given 30 minutes prior to closing time.

8. License Holder shall ensure no alcoholic beverages leave the licensed premises unless in conjunction with an approved temporary liquor extension of service area license.
9. License holder will remove any litter, trash, debris, or similar materials around exterior of licensed premises daily.
10. Doors and windows will remain closed. No bottle dumping after 9:00 p.m. or before 8:00 a.m. License holder will monitor sounds levels to ensure any noise generated does not exceed limits contained in City of Saint Paul Legislative Code Sec. 293.
11. Signage shall be prominently posted at all exits stating, "You are exiting into a residential neighborhood - please leave quietly".
12. License holder acknowledges that prior to a change in ownership of the business, the new owner must obtain a City license.
13. Tammi Vazquez, David Jacob Thelen and Michelle Lynn Albrecht shall not be employed by, manage, participate in, engage in, oversee, represent, or have an interest in any aspect of the licensed business or operations of the licensed premises.
14. License holder agrees to close the establishment at or before 10:00 p.m. each day of operation for the initial 365 days from date of license issuance.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Saint Paul hereby approves this license application with the aforementioned agreed-upon conditions and finds that the license conditions are reasonable, and the application is in order and there are no grounds to deny approval of the licenses.

The Conditions Affidavit was signed and submitted on August 18, 2022.