



## Legislation Text

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**File #:** RES 17-1666, **Version:** 2

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Approving the application with conditions, per the Deputy Legislative Hearing Officer, to add a Liquor-Outdoor Service Area (Patio) license to the existing Liquor On Sale - 291 or more seats, and Liquor On Sale - Sunday licenses for the City of Saint Paul Parks and Recreation Department, d/b/a City House (License ID #20160002228), at 258 Mill Street.

WHEREAS, the City of Saint Paul Parks and Recreation Department, doing business as City House (License ID #20160002228), at 258 Mill Street has applied to add a Liquor-Outdoor Service Area (Patio) license to the existing Liquor On Sale - 291 or more seats, and Liquor On Sale - Sunday licenses; and

WHEREAS, two hundred thirty-eight (238) of residential residential properties are within a 300-foot radius of licensee's proposed license to add a Liquor Outdoor Service Area (Patio) license to the existing licenses 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 signatures of approval on petitions; and

WHEREAS, licensee was unable to obtain the 90 percent (90%) consent but did obtain sixty percent (60%) or more consent; and

WHEREAS, licensee, per City of Saint Paul Legislative Code 409.06(g) (2) (c), was able to receive positive consent from one hundred forty-three (143) of residential owners (or 60.8%) of the possible two hundred thirty-eight (238) of residential properties, including support with conditions from the Fort Road Federation 9th District Council, and

WHEREAS, the Council finds that these efforts constitute a good-faith effort to fulfill all petition requirements, and that the results of the attempts to obtain signatures showed a generally favorable disposition from the surrounding community toward the proposed licensed activity; and

WHEREAS, the majority of the objections were related to the Entertainment B license application which the applicant withdrew on September 13, 2017, and not consider in this legislative hearing review; and

WHEREAS, in response to notification from the Department of Safety and Inspections for the application to add a Liquor-Outdoor Service Area (Patio) license to its existing licenses, the City received three (3) contested letters/emails and five (5) supportive letters/emails (including the district council); and

WHEREAS, the Council finds that issuance of the license will not 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, the Deputy Legislative Hearing Officer recommends that the application for the City of Saint Paul Parks and Recreation Department, doing business as City House, to add a Liquor-Outdoor Service Area (Patio) license to the existing Liquor On Sale - 291 or more seats, and Liquor On Sale - Sunday licenses, be approved with the following conditions:

1. Any events exceeding the A-2 limits of 150 will be required to provide restroom fixtures to accommodate the additional occupants.
2. All countertops used for the public must meet the 2015 Accessibility code. 8/3/16: Conditions added by Council Resolution16-1293.
3. Sales shall occur only during the hours and days of service permitted by State law, and within the liquor service area determined by the Department of Safety and Inspections.
4. Prudent care will be taken to ensure that all sales are made only to persons age 21 and over.
5. Prudent care will be taken to ensure that no sales are made to individuals who are or appear to be intoxicated.
6. Red River Kitchen agrees to defend and hold harmless the City of St. Paul, it's agents, officials, and employees from any and all liability for claims of injury, death or property damage relating to or resulting from the sale, use, consumption, or distribution of alcoholic beverages on or about the premises managed and under control of Red River Kitchen. Red River Kitchen specifically agrees that it will take all steps required by the State of Minnesota to ensure that all persons involved in the sale, use, or distribution of alcoholic beverages on or about the premises, have received the required State of Minnesota training for serving and distributing alcohol. Such training shall include, but not be limited to: checking for proper identification before selling alcohol, not serving to minors, recognizing the signs of excessive consumption, and how to refuse to serve someone.
7. Any failure or negligence on the part of Red River Kitchen to comply with any rules, regulations, or training relating to the sale, use, or distribution of alcoholic beverages shall be the exclusive and sole liability of Red River Kitchen and in no way shall the liability be transferred onto the City of Saint Paul.
8. Red River Kitchen shall obtain and keep in force dram shop insurance that names the City of Saint Paul, its employees, agents, and officers as additional insureds. This policy is in addition to any other insurance required by the Management Agreement.

THEREFORE, BE IT RESOLVED that the Council of the City of Saint Paul hereby approves this license application with the aforementioned agreed-upon conditions.

The Conditions Affidavit was signed on October 10, 2017.