

LIQUOR CONTROL AGENDA

To: Liquor Control Committee
 Commissioner Dave Piepkorn
 Kay Schwarzwalter
 John Stibbe
 Lydia Tackett
 Robert D Nelson

FROM: City Auditor Steven Sprague

DATE: January 18, 2023 Meeting

SUBJECT: Liquor Control Committee Meeting

The Liquor Control Committee will be meeting on Wednesday January 18, 2023 at 1:30 p.m. in the City Commission Chambers at City Hall, 225 4th Street North

Agenda items are:

1. Approve minutes of the December 21, 2022 regular meeting and the January 5, 2023 Special meeting.

2. Review Liquor Applications –
 - a. Slice, LLC d/b/a Duane’s House of Pizza to be located at 1629 South University Drive – Class GH
 - b. Plaza Azteca 52, Inc. d/b/a Plaza Azteca Mexican Restaurant to be located at 5081 Timber Parkway South – Class FA
 - c. Application to add a new owner to Fargo Billiards LLC d/b/a Fargo Billiards & Gastropub to be located at 3234 43rd Street South – Class FA-Entertainment

3. Police Department Monthly Report
 - a. General Report (distributed via email)

4. Memo for recommending ordinance changes
 - a. Recommendation to require Owner/Manager changes, reporting requirements.
 - b. Request from Fargo Park District to add FA Golf to seasonal licenses under 25-1507 H
 - c. Direct the City Attorney to prepare ordinance changes addressing self-serve dispensing

5. Other Items
 - a. Other

LIQUOR CONTROL BOARD
December 21, 2022 1:30 P.M.

Present: Commissioner Piepkorn, Lydia Tackett, Robert Nelson, John Stibbe

Others Present: City Auditor Steve Sprague, City Attorney Nancy Morris

Absent: Kay Schwarzwalter

Meeting was called to order at 1:30 P.M.

1. Commissioner Piepkorn called the meeting to order and asked if there were any additions or corrections to the minutes of November 16, 2022. Moved by Stibbe , Seconded by Tackett, Passed Unanimously

2. Review Liquor Applications –
 - a. ZaChase LLC d/b/a Crafty Taps to be located at 3902 13 Ave S (West Acres Food Court) – Class CWM This is a self service tap beer business, they are applying for beer and wine with growlers, no food requirements, physical bar is allowed, located in the food court area, no minors allowed. Piepkorn asked if they can walk around with alcohol and can food be brought in their location. Sprague said alcohol must be consumed within the confined area, food can be brought in from the food court. Tackett asked the owners what the limit is on the beer card, they responded that they are able to decide and set limits on the ounces, it is currently programmed for three 16 ounce pours. Tackett asked if this was per day, they said it was per visit and they will have a server trained manager that will be in charge of determining if the customer should be allowed to have more. Tackett asked if the managers only responsibility will be monitoring who comes in and they said Yes, it is the managers responsibility to oversee the sight. Stibbe asked what the hours will be, they said the hours will coincide with the food court hours. Nelson asked if it is enclosed, it was explained that it is an Open Air concept, 23x27, capacity of 42 people maximum. Sprague stated that there were 2 issues on the background check that were dated, other than that they were clear. Nelson stated he had received some concerns from people in the industry. Owners stated they are hoping for a March 1st opening when asked their timeline. Tackett would like to see a more formalized plan of action. Nelson moved to continue, Tackett seconded, Piepkorn and Stibbe opposed. Stibbe moved to approve with a caveat to have a formal action plan at next meeting with answers to concerns brought up today ie. Number of people working during

weekends/busy hours, growlers, process if people leave and come back.
Seconded by Piepkorn, Passed 3-1

- b. LYH, LLC d/b/a Little Brother to be located at 117 Broadway-Class GH Sprague stated this is a beer and wine license with service at the table or booth, food sales must exceed alcohol sales. No concerns with background check. Moved by Tackett Seconded by Nelson, Passed Unanimously
- c. Transfer application from 3803 Hospitality LLC d/b/a Holiday Inn Fargo to 3803 Spirits LLC d/b/a Holiday Inn Fargo to be located at 3803 13 Ave S-Class ABH Sprague stated this is a full service hotel license, allows guests to bring beverages back to their hotel room. New ownership, background check showed 1 issue outside the range of time, 1 account charge off that did not bring up any concerns. Piepkorn asked if they had a good track record with server training, Sprague stated there have never been issues. Moved by Stibbe, Seconded by Tackett, Passed Unanimously
- d. Transfer application from 3803 Hospitality LLC d/b/a Holiday Inn Express Fargo to 3803 Spirits LLC d/b/a Holiday Inn Express Fargo to be located 1040 40 St S – Class ABH-Limited Sprague stated that they had just received communication that they no longer want to have alcohol at this location and the item has been pulled from the Agenda
- e. Transfer application from Concessions Management LLC d/b/a Concessions Management to Fargo Force Hockey Club LLC d/b/a Fargo Force to be located at 5225 31 Ave S – Class N-Stadium License Sprague stated the previous owner has passed away, the stadium license allows full alcohol, beer and wine, no food requirement, minimum number of seats required. Piepkorn asked about server training. Sprague said there have not been any issues, background check had 2 issues which again, were outside the range of time. Moved by Tackett, Seconded by Nelson, Passed Unanimously
- f. KSB Syndicate, Inc d/b/a Mangata Wine & Raw Bar to be located at 1666 1 Ave N – Class I Sprague mentioned this business is pronounced “Moon-gata” This plan was presented at the last meeting, selling beer and wine within their license premise but will be able to take out to the other licensed premise. No background check issues. Piepkorn asked the owners to come up and asked them if this is a “food court” concept and can they order and bring home. Owners stated it falls under a Food Market concept which is a community space,

allowing food, retail concepts. Sprague asked for the businesses they plan to have, Mark Bjornson stated they are Blackbird Pizza, Thunder Coffee Roastery, Groups from KBS, which include Unicorn Park Fine Foodery, Luna Market, Magnata, Cows & Co Creamery, Living the Dream Pottery, Red River Refillery, Bark & Biscuit, Unglued. None of the alcohol would be Off Sale, so it would not leave the premise. Moved by Tackett Seconded by Stibbe, Opposed by Nelson Passed 3 to 1

3. Police Department Monthly Report

- a. General report distributed via email Presented by Chief Zibolski, he will be putting together an end of year analysis, Piepkorn asked if they notice a decrease in issues in regards to the cold weather, Chief Zibolski said things still happen within businesses or residences, Tackett asked about a meeting with Windbreak, Chief Zibolski mentioned that the assigned officer most likely had that meeting after an incident where there was less than great cooperation. Piepkorn asked what the plan of action is with this establishment, Chief Zibolski mentioned that with the direction of the Liquor Control Board to issue ordinance changes so they have more control over these situations. Piepkorn said that they can discontinue a liquor license if they choose. Nelson asked if they can put the license on probation, Piepkorn asked City Attorney Nancy Morris if they are able to do something like that right now, City Attorney Nancy Morris stated that a motion could be made to provide notice of a hearing in the future to consider a violation of the license, a recommendation could be made to the City Commission. Chief Zibolski stated he could present the yearend report and the Board can determine what they would like to do with the data. Piepkorn asked City Attorney Nancy Morris to put in writing what the Board's options would be. Tackett believes the ordinance changes will make things easier. Stibbe asked the status of the potential ordinance changes, City Attorney Nancy Morris stated the server training has been the only motion made to go to City of Commission, there is a list of recommendations, but no action has been taken as of now. A list of those recommendations had been provided.

4. Memo for recommending ordinance changes

- a. Recommendation to require Owner/Manager changes, reporting requirements (request from board members to postpone until January) Sprague stated that Schwarzwalter would like to be present for these discussions.

5. Other Items

- a. Tavern Grill and Tavern Grill Grotto Sprague stated that is was brought to the attention of the Auditor's office that Tavern Grill Grotto was serving mixed drinks when they are not licensed to do so, took a little bit of investigating and there is no substantial proof that this was happening, Sprague did go out and look at the

facility and came to a solution that they should acquire a CW license which is beer and wine but does not require food sales, they would like to move forward with this and they now understand they should not serve mixed drinks. Tackett asked if there is a fine associated with this, Sprague said after speaking to City Attorney Nancy Morris there were no charges because of lack of evidence, a letter was issued asking them to stop serving mixed drinks and had Police follow up and no evidence was found that they were doing so. Tackett does not feel that a license holder not knowing what type of license they have is an acceptable excuse.

b. Other

There being no further business to come before the Liquor Control Board, the meeting was adjourned at 2:43

LIQUOR CONTROL BOARD
Special Meeting
January 5, 2023 11:30 A.M.

Present: Commissioner Dave Piepkorn, Kay Schwarzwalter Lydia Tackett, Robert Nelson, John Stibbe

Others Present: City Auditor Steve Sprague, City Attorney Nancy Morris, Chief Zibolski, Chase Raymond, Zachary Schnitzler

Meeting was called to order at 11:30 A.M.

1. Review Liquor Applications-
 - A. ZaChase LLC d/b/a Crafty Taps to be located at 3902 13 Ave S (West Acres Food Court)-Class CWM
 - i. Review Business Plan – Sprague stated that the owners no longer wish to do Growlers so the class will be CW.
 - ii. Approve agreement regarding business plan – Applicant agrees to follow the business plan presented today until the Ordinance is changed to represent Tap Wall businesses.

Schwarzwalter asked if there are arrangements made if a customer would like to get food, Chase responded that if a customer would like food, they would have to de-activate their card and re-active it if they come back, they have had discussions with Crave and possibly having food delivered and could have those discussions with other vendors in the food court. Schwarzwalter mentioned concerns with only one employee at a time, Chase stated that the GM will be there the majority of a shift, but there will be a split shift so one person isn't there the entire time alone. Zach stated that they are going to start strongly staffed until they understand traffic patterns and have 2 employees when there are peak times, the mall has provided them with some information to help determine those times.

Stibbe moved to approved contingent upon the business plan presented, Nelson seconded, passed unanimously.

There being no further business to come before the Liquor Control Board, the meeting was adjourned at 11:39 A.M.