

LIQUOR CONTROL COMMITTEE MEETING

June 17, 2016

1:30 P.M.

Present: Commissioner Piepkorn, Police Chief Dave Todd, Director Environmental Health Grant Larson, City Auditor Steve Sprague
Absent: Commissioner Gehrig
Others Present: Rick Carik, Rick's; Dean Bachmeier, Buffalo Wild Wings, Dave Erickson, Bulldog Tap; Joe Burgum, Aaron Duma, Sanctuary concerned citizens and other members of the industry.

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 May 18, 2016. There were no additions or corrections to the minutes of May 18, 2016. Moved by Larson, seconded by Todd to approve the minutes of the May 18, 2016 meeting of the Liquor Control Board; all voted in favor, motion passed unanimously.
2. A. The first application to be considered today is for the transfer of a Class FA alcoholic beverage license from QSL-Fargo LLC d/b/a Quaker Steak & Lube to Fargo Grill Management, LLC d/b/a Wild Bill's Sports Saloon to be located at 1776 45th Street South. The reports gathered during the background check indicted the company works cooperatively with law enforcement.

Moved by Sprague seconded by Larson to approve the transfer of a Class FA alcoholic beverage license from QSL-Fargo LLC d/b/a Quaker Steak & Lube to Fargo Grill Management, LLC d/b/a Wild Bill's Sports Saloon to be located at 1776 45th Street South. All voted in favor, motion carried.

3. Sprague explained the penalty matrix, it provides for more consistency and displays the penalties in a simple to read table so you no longer need to read the text of ordinances. The biggest changes are going from 7 steps over 12 months to 5 steps over 18 months. Jim Swanick, Empire, asked why this new system, he stated the City Commission issues licenses and has the power to revoke the license. Arlette Preston, Downtown Neighborhood Association, has concerns around downtown liquor establishments, the number one concern being police calls, are the call monitored, are they considered in the license renewal process? Problems need to be handled before they end up on the sidewalk, it is a public safety concern. Chief Todd indicated the Department continues to track calls for service and differentiates between self-reported and non-bar initiated. In answer to why these penalties are needed, it is to address behavior issues. Randy Thorson, Old Broadway, said he thinks the timeline for compliance check failures should be a 12 month look back not 18 months as proposed. The question of what happens to a minor that gets caught, City Attorney Erik Johnson said the minor would face a \$300 penalty in Municipal Court unless they are under 18 in which case it would be referred to juvenile court.

Moved by Larson, seconded by Sprague to accept the matrix and direct the city attorney to prepare the ordinance changes. Motion carried, Fargo Cass Public Health agreed to research compliance failures to see the effect of 12 versus 18 month look back.

4. Sprague indicated he received a request from Drekker to amend their licensed premise to include a portion of the public sidewalk adjacent to their business. Jesse Feigum, Drekker Brewing, indicated they received a conditional sidewalk dining permit from the City, they only needed to receive State approval. The State only required that the serving of alcohol take place on the licensed premise. Their business has grown and evolved and they want to add space to accommodate that growth. Piepkorn commented that other businesses in the downtown are enjoying the use of the outdoor space. Chief Todd pointed to 25-1509-J which defines the license classes that are allowed outdoor dining. Mark Bjornstad, Drekker, said they started this process in February and continue to be shuffled from department to department. Sprague said the request before the Liquor Board is to amend the licensed premise, he further commented that he can't support adding public right of way to an establishments licensed premise.

Moved by Sprague, seconded by Larson to deny the request to amend the licensed premise of Drekker Brewing Company. Motion passed.

5. Sprague stated in the past he has had a very liberal interpretation of when an E permit could be used. Recent events have caused him to research State and local laws for a definition of an events permit and prepare a definition of what an "Event" is. After preparing and distributing the draft he received some comments that will be taken into consideration for amending the proposed definition. Sprague agrees and understands that we only have a short amount of time each year to enjoy the outdoors and thinks it is appropriate to include areas immediately adjacent to the permanent licensed premise as an area that should be allowed to have an E permit issued. Joe Burgum commented that E permits have not been problematic in the past and market demand is driving the use of the E permits. He felt we should allow small businesses to be creative and do business ongoing within reason. Joel Kath, Proof Distillery, commented that there are different definitions of an event depending on your license type, the State has a definition of "Event" for manufacturers. Randy Thorson said he doesn't think E permits have been misused, except it was not intended to operate a second location with one license. He suggested allowing events in adjacent parking lots but perhaps limiting them to 8 to 12 a year. Aaron Duma, Sanctuary Events Center, suggested adding the Civic and concerts as permitted uses. Sprague commented he will re-write the definition based on this feedback.
6. Sprague commented that as part of the liquor license renewal process the City requires attendance at a mandatory meeting. Meeting times were at 9:30, 1:30 and 6:30 on

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<http://www.cityoffargo.com/Business/Licensing/Alcohollicensing/LiquorControlBoard/>

Wednesday June 1st. There were 8 licensees that failed to attend, in order to renew the licenses in a timely manner, those licensees were notified to appear today before the Liquor Board. Sprague called each licensee and asked for an explanation why they failed to attend. Uncle Maddio's Pizza did not appear, Sprague commented Uncle Maddio's would be have their license suspended and be ineligible to sell alcohol until they attend a Liquor Board meeting, pending a hearing before the City Commission.

There being no further business to come before the Liquor Control Board, the meeting was adjourned at 2:20 p.m. The next regular meeting will be held Wednesday, July 20, 2016 at 1:30 p.m. in the City Commission Room.

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