A. Approve Order of Agenda
B. Approval of Minutes – September 10, 2019 (Pg. 2)

Agenda
1. 8:00am Public Hearing for New Liquor License Application – Thunder Coffee (Pg. 3-11)
2. Discuss Retail Liquor License – Harley Davidson (Pg. 12)
3. Special Event Permit Discussion – Rookies (Pg. 13-15)
4. Adjourn
The City of West Fargo Liquor Control Board met at 8:00am on Tuesday, September 10, 2019.

Those present and voting were City Administrator Tina Fisk, Commissioner Eric Gjerdevig and West Fargo Police Chief Heith Janke. Commissioner Simmons and Code Enforcement Officer Pierre Freeman were absent.

Those present and not voting were City Attorney John Shockley, Executive Assistant Courtney Williams, Finance Director Jim Larson, and Finance Assistant Stanna Flom.

City Administrator Fisk moved and Chief Janke seconded to approve the Order of Agenda as presented. No opposition. Motion carried.

City Administrator Fisk moved and Chief Janke seconded to approve the minutes of the August 13, 2019 meeting. No opposition. Motion carried.

Commissioner Gjerdevig opened the 8:00am Public Hearing for a new Liquor License Application for WF Philanthropy Promotions LLC. The Public Hearing was opened. There was no Public Comment. The Public Hearing was closed. Executive Assistant Courtney Williams stated that there was one change from the first application – WF Philanthropy, Inc has been changed to WF Philanthropy Promotions, Inc. City Administrator Fisk moved and Chief Janke seconded to approve the New Liquor License Application for WF Philanthropy Promotions, Inc. as presented. No opposition. Motion carried.

Commissioner Gjerdevig opened discussion for a Special Event Application for Northwest Tire. Chief Janke moved and City Administrator Fisk seconded to approve the application as presented. No opposition. Motion carried.

There was no correspondence.

Chief Janke moved and City Administrator Fisk seconded to adjourn. No opposition. Meeting adjourned.

________________________________________        _________________________________________
Eric Gjerdevig, Commissioner               Tina Fisk, City Administrator
LIQUOR LICENSE APPLICATION - PRE-APPROVAL REVIEW (FORM A)

Pre-approval application fee is non-refundable

Requests for Liquor Licenses require an administrative review prior to consideration by the City Commission. Administrative fees are utilized to offset the cost of this process and are non-refundable. If your license request is granted, you will be asked to complete a Post Approval Liquor License form to calculate final license fees.

For period beginning 8-24-19 and ending June 30, 2020

Business Name: Thunder Coffee
DBA/Name: Thunder Coffee
Business Address: Currently: 1950 Burlington Dr. Future: 300 Sheyenne St Ste 190
Phone #: 701-630-4749  Cell Phone: 701-799-7021  Email: thundercoffeefargo@gmail.com

I. TYPE OF LICENSE(S) APPROVED:
(CIRCLE THE APPROPRIATE LICENSES AND CALCULATE TOTAL FEES)

Application Review Fees

- Retail Bar On and Off Premises Liquor/Wine/Beer $750
- Retail Convenience/Grocery Store Off Sale $125
- Retail Bar On Premises Liquor/Wine/Beer $500
- Retail Business On Premises Beer/Wine $300
- Retail OffSale Premises Liquor/Wine/Beer $500
- Retail Club/Lodge On Sale Liquor/Wine/Beer $500
- Wholesale $500
- Public Facilities License $500
- Restaurant On and OffSale Liquor/Wine/Beer $500
- Restaurant On Premise Liquor/Wine/Beer $500
- Cabaret License $250

Total Due $500

* If you are applying for a Club License, how many members do you have at this time? NA

* If you are applying for a On-Premises Liquor License and plan to serve food:
  Will you allow people under the age of 21 in your establishment? YES  If yes, do you anticipate that the sale of food will exceed the sale of alcoholic beverages? YES
  (In future years you will be required to provide proof of food to alcohol sales)
II. APPLICANT DATA: (individual filling out application for license):

Your Full Name: (First, Middle, Last): Skyler Joseph Dutton

Applicant Legal Address: 1950 Burlington Dr. West Fargo, ND 58078

Date of Birth: 11-10-1981 Social Security #: _____________________ US Citizen ☐ or ☑

Applicant Phone #: 701-630-4749 How long have you been a resident of ND? 18 years Have you ever
been convicted of any violation, or any law, other than a traffic offense in the U.S.? No If yes, what crime?

What Court? __________________________

Have you ever been convicted of any violation of laws governing the manufacture, sale, consumption or possession of intoxicating beverages? No If yes provide details:

______________________________________________________________

Please list any current or previous liquor licenses held: NA ____________________________________________________

Have you ever had a liquor license revoked or rejected by any municipality or state? No
If yes, provide details:

______________________________________________________________

Will you be engaged in any other form of business besides the sale of liquor under the applied license? Yes If yes provide
details: The primary function of my business will be as a coffee shop. Our focus will be on
coffee sales. We would like to offer alcohol sales in the afternoon and evening hours.
Regular hours do not include any night hours.
List names, addresses and phone numbers of three business references (at least one bank), and state the extent of your
business relations with each:

1. Gate City Bank 837 31st Ave E West Fargo, ND 701-298-2808
   GCB has handled all of Thunder Coffee’s business banking needs since our inception in 2017
2. Drekker Brewing 1666 1st Ave N. Fargo 701-532-0506 We have been mentored and
developed a working relationship with Drekker since 2018.
3. Proof Artisan Distillers 414 4th Ave N. Fargo 701-353-5853 Over the last two years we
   have worked several events side by side with proof and have collaborated on drink
   creations combining our respective products

III. RESIDENT MANAGER INFORMATION:

Name: Skyler Dutton Date of Birth: 11-10-1981

Address: 1950 Burlington Dr. West Fargo, ND Phone #: 701-630-4749

List resident manager’s previous employment for past five years:
March 2018-Present: Self Employed (Thunder Coffee/2 Arrows Consulting LLC)
February 2017- March 2018: North Dakota Safety Council
Sep 2016-Dec 2016: EW Wylie April 2016-September 2016: Industrial Builders Inc.
June 2014-Feb 2016: Pioneer Wireline (Williston, ND)
IV. BUSINESS DATA:

Name of Business (DBA): Thunder Coffee Inc.
Mailing Address of Licensed Establishment: 1950 Burlington Dr. West Fargo, ND
Establishment Phone #: 701-630-4749
Business Type: (Sole Proprietorship, Partnership, Corporation) Corporation

Based on the business type above provide below the names, addresses and dates of birth of ALL individuals, partners, officers and directors. Include all persons with 1% or more interest in the business and indicate percentage of ownership: (add additional pages if necessary):

Nicole Steen-Dutton 1950 Burlington Dr. West Fargo, ND DOB: 11-22-82 (33% ownership)

Dexter Dutton 15 1/2 8th St. S. Apt 2 Fargo, ND 58103 DOB: 2-18-1996 (33% Ownership)
Skyler Dutton 1950 Burlington Dr. West Fargo, ND DOB: 11-10-81 (33% ownership)

If Incorporated: Date of Charter: June 27th 2017 State of Charter: North Dakota

List any person (including name, address, date of birth and association with business), other than the applicants listed, with any right, title, estate or interest in the leasehold, furniture, fixtures or equipment in the premises for which the license is requested:

City of West Fargo (due to Enterprise Grant)
Dakota Business Lending 5630 36th Ave S. Fargo, ND (financier)

Does the business have any interest, directly or indirectly, with any other liquor establishment in any state? No

If yes give names and addresses of the establishments:

Does this business plan to have any live music, performers, or other entertainment more than 1 day per week? If so, a cabaret license is required. Yes ☐ No ☑

V. ATTACH A DETAILED FLOOR-PLAN OF BUSINESS

(HAND DRAWN FLOOR PLANS WILL NOT BE ACCEPTED)

VI. EMPLOYEE ROSTER LIST - SERVER TRAINING (SEE ATTACHED FORM)

For new establishments, you will be given 90 days from date of opening to submit a server training roster which will list servers with completed training, as well as a detailed plan for completion of training for those who have not. Employee server training must be kept current and is subject to periodic review.

Information on signup and training is available online at Fargo Cass Public Health Department's Website:
www.fargocasspublichealth.com
VII. VALIDATION/SIGNATURES

Do you agree not to permit the sale of alcohol on said premises to a minor, incompetent person, or a person who is inebriated or a habitual drunkard? Yes ☑  No ☐

Do you understand that any license granted with this application will not be transferable except by specific authority of the governing body and will authorize the sale of products as applied for only at the place and premises designated in the application and said license? Yes ☑  No ☐

Have you reviewed the Alcoholic Beverage Ordinances(s) of the City of West Fargo and are familiar with the conditions and requirements of these ordinances? Yes ☑  No ☐

If granted an alcoholic beverage license, will you comply with the State of North Dakota Liquor Control Act and the City of West Fargo Alcoholic Beverage Ordinances, as well as any amendments to either of these, which may be made in the future? Yes ☑  No ☐

I(We) am (are) familiar with the information in this completed application, the answers and information contained herein are, to the best of my (our) knowledge true, complete and accurate

All signatures must be notarized.

List owner(s) names (In case of a Corporation only President and Secretary are required):

Name : Skyler J. Dutton
Title: President
Signature: 
Date: 8-5-19

Name : Nicole Steen-Dutton
Title: Secretary
Signature: 
Date: 8-5-19

Before me personally appeared: (list names from above) Skyler J. Dutton & Nicole Steen-Dutton

Subscribed and sworn before me on this 5th day of August, 2019

MCKENZIY OLSON
Notary Public
State of North Dakota
My Commission Expires March 20, 2023

(McKenzy Olson)
Signature of Notary Public

My Commission expires: March 20, 2023 Notary Public for State of ND
VIII. BACKGROUND CHECK AUTHORIZATION

To: ____________________________________________

(Please leave blank - for use of WF Police Department)

YOU ARE HEREBY AUTHORIZED to release to the bearer of this authorization, any and all information concerning my dealings as a customer of your institution. Said information is to be given in connection with the investigation by the West Fargo Police Department in relation to a liquor license request.

PRINTED NAME OF APPLICANT: Skyler Joseph Dutton

By releasing this information to the West Fargo Police Department, I understand that my information may be subject to North Dakota open record laws.

Signature of Applicant: __________________________ Date: 8-1-19

Please forward the records for the above investigation for a City liquor license to:

West Fargo Police Department
ATTN: License Investigations
800 4th Avenue East, Ste 2
West Fargo, ND 58078
Fax: 701-433-5508

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**Internal Use Only**

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<th>Building Inspector Approved</th>
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<th>No</th>
<th>Liquor Control Board Approved</th>
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Check #: 5242 Date Paid: 8/6/19 Amount: 500.0
Blue highlighted area is the alcohol serving counter.

Serving counter, counter is 42" tall

1/8" = 1'-0"
Good evening,

We should also be provided a diagram of the store showing were the drinks are to be mixed and how that is separated from the rest of the store so that minors cannot sit at the counter by the location that drinks are being mixed. Recall, they need at least a bar and minors cannot sit at the bar.

Kind regards,

John T. Shockley
West Fargo City Attorney

Liquor Control Board members,

In preparation for the October 8th public hearing for the Thunder Coffee alcohol license we have reached out to Thunder Coffee to respond to the questions that were raised at our last LCB meeting. The questions are in red and the response from Thunder Coffee are in black text.

We have received the insurance as required. The only open items we are still working on is with Building Inspections and background checks. Excluding these two areas everything else has come back with no issues.

Please feel free to let us know if there are any additional questions you would like to have responded to.

-How to identify which drinks have alcohol and which do not? Identification of alcoholic drinks will be accomplished through using non coffee drink ware, different packaging (such as an appropriately labeled can, or bottle) or different colored drink ware.

-Will you be selling any alcoholic beverages through the drive through? Absolutely not.

-Can you be more specific on what hours each day of the week you plan on having alcohol sales? We would like to run alcohol sales from Noon to 6 (or whatever closing time is). It is very important to us that we maintain our identity as a coffee shop. We want to be a coffee shop that has unique drink options. Not a bar with coffee. With that in mind we will run coffee shop hours. This means not staying open past 8pm unless we are part of an event. As it stands right now we will be setting our hours at 6am-6pm.

-Provide better description on what you intend to do for alcohol sales. In our phone discussion you mentioned canned beer and bottled wine. I might have miss understood but that was not provided as part of your application. Please provide a more specific description to what you will be providing for alcohol sales. Before I answer the question directly, I'll give you some background information. For the last two years Thunder Coffee has collaborated on occasion with Proof Artisan Distillers and created coffee cocktails for special events. When we've done that we've always operated under Proof's liquor license and had someone from proof managing
the alcohol aspect of the drink. We thought that since we are in our own space that it would be convenient to operate under our own liquor license. We’ve built a coffee brand around creating unique drinks and experiences while pushing the envelope with what peoples expectation and experience is regarding coffee. With all of that in mind we would like to offer the following:
- A small selection of craft beer (4-6 rotating by season)
- A small selection of wine (a house red and a house white)
- A small rotating coffee cocktail list that combines our coffee with liquor featuring 4-5 drinks.

The intent is to provide a unique experience for people and to utilize our beautiful space in the morning and afternoon hours.

-Your thoughts on competition with the Silver Dollar bar being the alcohol sales were included in your business plan when you applied for the Enterprise Grant process? This is a non issue for everyone involved. We are excited about operating Thunder Coffee in this area because of the West Fargo 2.0 comprehensive plan to breathe new life into this area of West Fargo. Us offering new and unique experience for this area and our region will make this area of West Fargo stand out, attract new visitors to the area and be good overall for all West Fargo businesses on this section of Sheyenne. As I’m sure you are aware, breathing new life into this area will mean appealing to a broader audience to attract and retain the 2.0 plan's targeted demographic. Our space, our environment and our menu will help West Fargo accomplish that goal. Secondly, Thunder Coffee and the Silver Dollar aren’t even close to an apples to apples comparison. Our hours are different, food menus are different, our drink menus are different and our overall environment is different. I don’t believe we are "competitors." Rather, Thunder Coffee will be complimentary to the existing businesses in the area. The more people we can draw to West Fargo, the more people will become familiar with other businesses in the area. If they come grab a coffee, or have a meeting with us and decide - "hey I want to go across the street and have supper at the Silver Dollar" then everyone wins. We don’t see pursuing an alcohol permit as a cut throat or undercutting move, we are just trying to do what we can to pay our rent and do our part to attract people to this area of West Fargo for everyone's benefit.

- Have they applied and received a license with the State? This is in progress but not complete.

- Liquor liability insurance, letter or document from insurance company that you are able to secure the required amount of insurance. Insurance was received 9/24/2019

Courtney Williams
Executive Assistant
IAAP Member
800 4 Ave E, Suite 1, West Fargo, ND 58078
701.433.5317
courtney.williams@westfargond.gov

City of WEST FARGO

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Will you add this issue to the next LCB agenda.

Tina Fisk  
City Administrator  
800 4th Ave E. Suite #1  
West Fargo, ND 58078  
(701) 433-5301  
tina.fisk@westfargond.gov

From: Mark Housh <mark.housh@mooreengineeringinc.com>  
Sent: Friday, September 20, 2019 2:05 PM  
To: Tina M. Fisk <Tina.Fisk@westfargond.gov>  
Subject: WF Harley Davidson

Tina,

Some issues that I have with Harley Davidson being issue a permanent liquor license is that the business could be in non-conformance with the building code.

It would not be a concern if there were some regulation as to how often they would be serving, but with a license that allows them to serve at will and that would put them in a different use group being a A-2 which covers eating and/or drinking establishments not a retail and service and repair shop. A detailed plan shown where the drinking would take place including the outside area which needs to be add occupant load for toilet fixture count.

The building for the most part would be in compliance with the exception that the occupant load would increase and the restroom fixture count would meet what is required.

It would be good to impose some stipulations as to how they can use the license and not have to do any changes to meet the code.

Thank you,

Mark Housh  
Commercial Plan Reviewer / Inspector  
moore engineering, inc.

Phone 701.433.5480 | Direct 701.433.5482 | Cell 701.799.3737  
800 4th Avenue East, West Fargo, ND 58078  
Mark.Housh@mooreengineeringinc.com | www.mooreengineeringinc.com
I am comfortable with option 2. Courtney please add this to the next LCB agenda for approval and for discussion on the changes and who should be appointed. See below in yellow.

Tina Fisk
City Administrator
800 4th Ave E, Suite #1
West Fargo, ND 58078
(701) 433-5301
tina.fisk@westfargond.gov

---

Tina, I agree with Stanna if you are comfortable with the 2nd option.

Sincerely,

Jim Larson, CPA
Finance Director
City of West Fargo

701-866-4502 cell
701-433-5302 Office

Jim.Larson@WestFargoND.gov
WWW.Westfargond.gov

Sent from my iPad

On Sep 16, 2019, at 8:29 AM, Stanna J. Flom <Stanna.Flom@westfargond.gov> wrote:

Tina,
I vote Option 2, to create an Exec approval process.
Jim is out this week, let me know what to tell Rookies. Thanks,
Stanna

From: John T. Shockley <jShockley@OhnstadLaw.com>
Sent: Saturday, September 14, 2019 9:38 AM
To: Jim L. Larson <jim.larson@westfargond.gov>
Cc: Tina M. Fisk <Tina.Fisk@westfargond.gov>; Stanna J. Flom <Stanna.Flom@westfargond.gov>
Subject: RE: Special Event application received 9/11/19

Good morning,

There are two potential ways to get this special event application approved. (1) call a special meeting of the LCB; [one of the considerations for having a LCB was make the process more efficient and dynamic.] (2) have Tina and the Chair of the LCB give an executive approval of the application and put it on the next regular meeting of the LCB for concurrence, with the explanation of the form vs. on-line system.

With respect to and executive review process, because the LCB has three staff members, I would prefer to go with option one as an executive approval process could turn into an accidental serial meeting with staff involved. As an alternative, if we want to create an execute approval process, we should have the board authorize one person to approve the special event applications that meet all conditions and are routine so that we avoid the open meeting issue.

Hope this helps

John T. Shockley
West Fargo City Attorney

From: Jim L. Larson <jim.larson@westfargond.gov>
Sent: Saturday, September 14, 2019 7:01 AM
To: John T. Shockley <jShockley@OhnstadLaw.com>
Cc: Tina M. Fisk <Tina.Fisk@westfargond.gov>; Stanna J. Flom <Stanna.Flom@westfargond.gov>
Subject: Special Event application received 9/11/19

Good morning John,

We received an alcohol special event application on September 11th. The event is to be September 27-29, 2019. The issue that has occurred here is we still have the old language for the alcohol special event application which states the application only needs to be submitted no more than 7 days prior to the event. The online downloadable forms are correct but the actual online application is not.

Based on all of this the applicant was not aware of all of the changes we have made and did not submit the application in time for it to be considered at the Liquor Control Board meeting held in September.

The applicant has been very understanding and good to work with. I have reviewed this with Tina and our question, Is there a way to provide an executive type approval and have it affirmed at the next LCB meeting or something on that line? We believe that the applicant is not at fault as we had incorrect information on the website. On a quick side note, we are working to have this corrected ASAP.
Stanna has had all of the reviews completed with no issues for the application. Please let either Tina or myself know what options we might have to approve the application.

We also would like to see what we might be able to put in place for a more timely review/approval process for the alcohol special event application approval. E.g. An executive group of Tina/Heith/Pierre reviews/approves and have it affirmed by the LCB?

Thanks John,

Jim

Jim Larson, CPA
Finance Director

800 4 Ave E. Suite 1
West Fargo, ND 58078
W: 701-433-5302 | C: 701-866-4502
Jim.Larson@westfargond.gov

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