



Administration Department

DATE: May 14, 2024

FROM: Jason Tomanek, City Administrator

ITEM: Application for a new Class E - Sale at Retail of Beer Only Liquor License

REQUEST:

Introduction of and call for a public hearing on a request for a new Class E - Sale at Retail of Beer Only Liquor License for Tri-Energy Cooperative (dba) Tri-Energy Cenex - Expressway at 3801 East Rosser Avenue.

BACKGROUND INFORMATION:

Tri-Energy Cooperative (dba) Tri-Energy Cenex - Expressway is requesting the issuance of a new Class E - Sale at Retail of Beer Only Liquor License at 3801 East Rosser Avenue.

Class E. To any applicant for the sale at retail of beer only. The total number of Class E licenses issued in any year may not exceed sixteen plus one additional license for each 2,500 people in excess of 60,000 people, as shown by the most recent official estimated census. New Class E licenses or Class E licenses revoked or not renewed may be issued only pursuant to section 5-01-06.

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends approval of the introduction of and call for a public hearing on the request for a new Class E - Sale at Retail of Beer Only Liquor License for Tri-Energy Cooperative (dba) Tri-Energy Cenex - Expressway at 3801 East Rosser Avenue, with the public hearing scheduled for Tuesday, May 28, 2024.

Staff also recommends approval of the new Class E - Sale at Retail of Beer Only Liquor License.

STAFF CONTACT INFORMATION:

Whitnie Olsen, Senior Administrative Assistant, wolsen@bismarcknd.gov

ATTACHMENTS:

1. Tri-Energy Cooperative Application

[Print](#)**Retail Alcohol Beverage License - Submission #22753**

Date Submitted: 5/1/2024

**License Information:****Application Type***

New License Application

License Type*

Please select the type(s) of license(s) you are applying for.

- | | | | |
|--|--|---|---|
| ☐ Class A: Nationally Organized Fraternal Order or Club - \$3,700 | ☐ Class B-4: Sale of Beer & Wine at the Bismarck Event Center - \$650 | ☐ Class D: Sale at Retail of Alcoholic Beverages - \$4,100 | ☐ Class H-1: Domestic Winery - \$800 |
| ☐ Class B-1: Operator of the Beverage Concession at the Airport Terminal Building - \$650 | ☐ Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations - \$650 | ☒ Class E: Sale at Retail of Beer Only - \$800 | ☐ Class H-2: Domestic Brewery - \$800 |
| ☐ Class B-2: Concession at the Bismarck Municipal Country Club - \$650 | ☐ Class B-6 : Commercial Airline - \$650 | ☐ Class F-1: Restaurant - Alcoholic Beverages - \$3,500 | ☐ Class H-3: Domestic Distillery - \$800 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-1: Hotel or Motel Full Service - \$3,800 | ☐ Class F-2: Restaurant - Beer & Wine Only - \$1,100 | ☐ Class I-1: Senior Living Community - \$350 |
| ☐ Class B-3: Commercial passenger vessels on the Missouri River - \$650 | ☐ Class C-2: Hotel or Motel - \$1,000 | ☐ Class G: Catered Retail Beer, Wine, & Liquor - \$650 | ☐ Class I-2: Complimentary - \$350 |

Location Information:**Legal Business Name:***

Tri-Energy Cooperative

Doing Business As (DBA) Name, if Applicable:*

Tri-Energy Cenex - Expressway

Date of Incorporation:*

1-1-1989

State of ND Liquor License No.:**If out of state corporation,
is corporation registered in
North Dakota?**

- ☐ Yes
☐ No
☒ N/A

Location Address:*

3801 E Rosser Ave

City:*

Bismarck

State:*

ND

Zip:*

58501

Phone No.:*

701-222-2300

Name and Title of Person Completing Form (must be the person listed in ownership information or manager):

Sarah Tschider - Retail Operations Manager

Contact Information (Where correspondence is to be sent):**Primary Contact:***

Sarah Tschider

Email Address:*

[REDACTED]

Mailing Address:*

[REDACTED]

City:*

Bismarck

State:*

ND

Zip:*

58502

Phone No.:*

[REDACTED]

Manager's Name:*

Mike Goldade

Date of Birth:*

[REDACTED]-1975

**Percentage of
Ownership:***

0

Driver's License No.:***State Issued:*****Gender:****Race:****Home Address:*****City:*****State:*****Zip:*****Phone No.:*****Occupation:*****Title:*****Email Address:***

List all officers, directors, and stockholders of corporation and percentage of ownership:

Name:***Date of Birth:*****Percentage of Ownership:*****Driver's License No.:*****State Issued:*****Gender:****Race:****Home Address:*****City:*****State:*****Zip:*****Phone No.:***

Occupation:*

Agriculture

Title:*

Farmer

Email Address:**Name:**

George Ferderer

Date of Birth:

-1961

**Percentage of
Ownership:**

0

Driver's License No.:**State Issued:**

ND

Gender:

Male

Race:

White

Home Address:**City:**

Mandan

State:

ND

Zip:

58554

Phone No.:**Occupation:**

Agriculture

Title:

Farmer

Email Address:**Name:**

Kevin Schmidt

Date of Birth:

-1957

**Percentage of
Ownership:**

0

Driver's License No.:**State Issued:**

ND

Gender:

Male

Race:

White

Home Address:**City:**

Mandan

State:

ND

Zip:

58554

Phone No.:**Occupation:**

Agriculture

Title:

Rancher

Email address:

Please submit all officers that will not fit on this form.

Board of Directors.docx

The undersigned states that the following information is true and correct.

1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?*

- ☒ Yes
☐ No

If no, please explain:

2. Have any of the persons listed above been convicted of any crime within the past five years? *

- ☐ Yes
☒ No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements?*

- ☒ Yes
☐ No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? *

- ☐ Yes
☒ No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?*

- ☒ Yes
☐ No
☐ N/A

If yes please, give details:

We currently sell alcohol at five of our other convenience stores.

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? *

- ☐ Yes
☒ No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?*

- ☐ Yes
☒ No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?*

- ☐ Yes
☒ No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?*

- ☒ Yes
☐ No

If yes please, give details:

We have 5 other c-stores that sell beer in Bismarck, Mandan, Sterling, and Lincoln, ND.

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?*

- ☒ Yes
☐ No

If yes please, give details:

Retail Convenience Store & Gas Station

11. Have all property taxes and special assessments currently due been paid?*

- ☒ Yes
☐ No

If not please, explain why:

Special Requirements:

All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.

Upload Gross Food Sales Report:

No file chosen

Liquor License Site Diagram Requirements:

- ☒ Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- ☒ The agency name shall be included on the diagram.
- ☒ The direction "North" shall be included on the diagram.
- ☒ The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- ☒ The diagram may be hand drawn, but it must be neat and reasonably accurate.
- ☒ If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:*

Expressway Floorplan.docx

Liquor License Transfers

Download Required Form for License Transfer:

[Alcoholic Beverage License Transfer Form](#)

Upload Notarized Alcoholic Beverage License Transfer Form

No file chosen

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances,*

☒ I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.*

☒ I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.*

☒ I agree

Signature of Applicant:*

Sarah Tschider

//

By checking this box I acknowledge that I am electronically signing this liquor license application.***Date:***

5/1/2024

☒ Electronic Signature

Payment Options:*

Credit Card Authorization Form

**NOTE: This application must be accompanied by required fees.**

The \$200 application fee is due when the application is submitted. (Fee does not apply to renewal applications)

Credit Card[Credit Card Authorization Form](#)**Upload Credit Card Authorization Form**

CC auth form.pdf

Mail Payments To:

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501

Board of Directors

Dan Belohlavek



Mandan, ND 58554

Elwood Barth



Solen, ND 58570

George Ferderer



Mandan, ND 58554

James Schmidt



Menoken, ND 58558

Kevin Schmidt



Mandan, ND 58554

Jeff Perkins



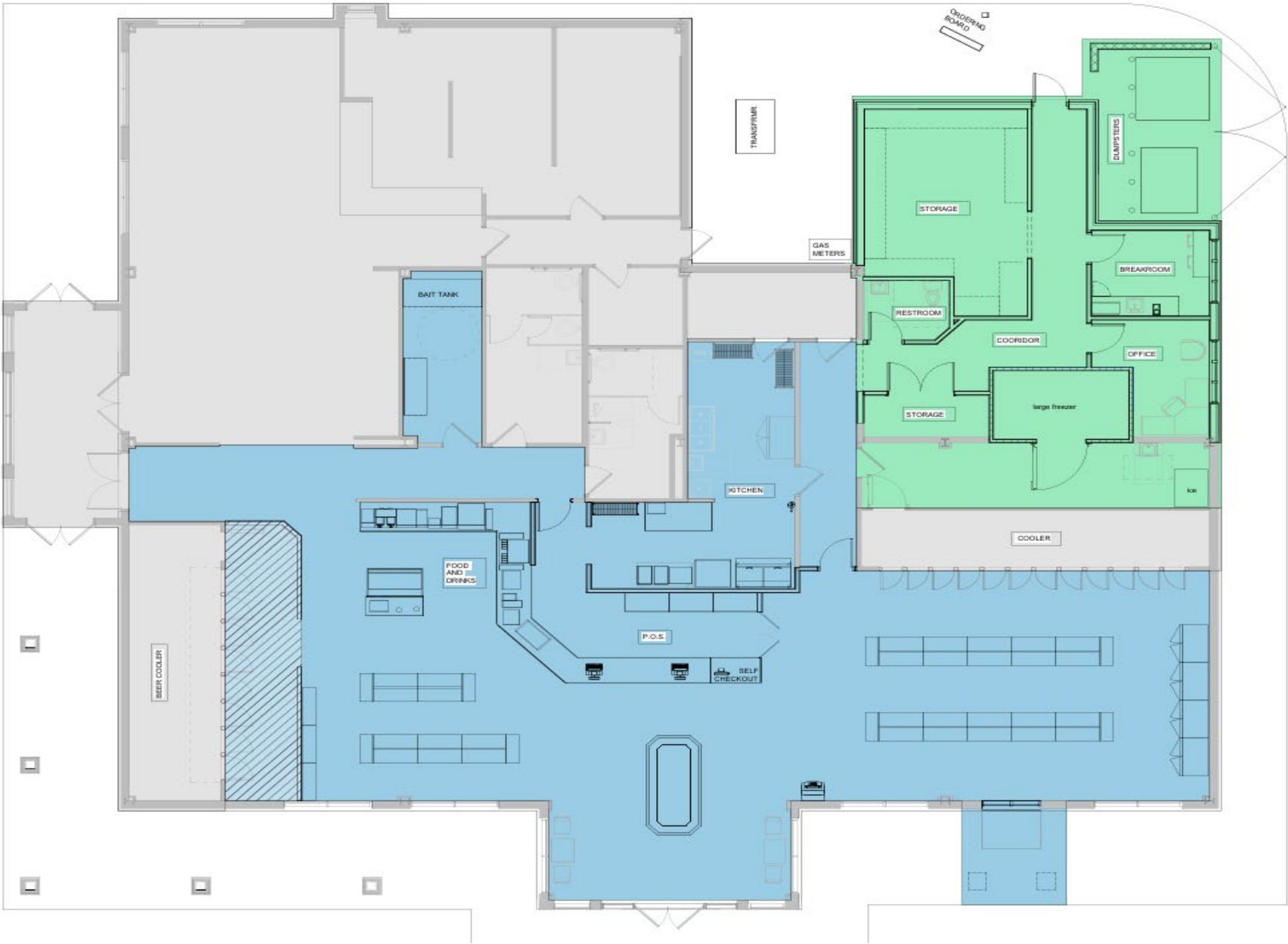
Bismarck, ND 58503

Doug Boehm



Bismarck, ND 58501

Tri-Energy Cenex - Expressway



North



October 9, 2023

Tri-Energy Cooperative
ATTN: Sarah Tschider
219 North 20th Street
Bismarck, ND 58501

Dear Ms. Tschider,

Please accept this letter as acknowledgment of the submitted bid for the Class E Beer-Only On/Off-Sale alcohol license. Bids were received and opened on Friday, October 6, 2023. The bid submitted by Tri-Energy Cooperative in the amount of \$51,000 is the highest bid received. Two additional bids were also submitted in the amounts of \$38,001 and \$40,000.

The high bid submitted by Tri-Energy Cooperative will be presented to the Board of City Commissioners at the Tuesday, October 24, 2023 commission meeting for review and acceptance.

Tri-Energy Cooperative will need to submit an application to implement the license before it can become active. For more information on this process, please feel free to contact Whitnie Olsen at wolsen@bismarcknd.gov or by calling 355.1300.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jason Tomanek".

Jason Tomanek
Assistant City Administrator
City of Bismarck



**BID FORM
CLASS E ALCOHOL LICENSE**

To: The Bismarck Board of City Commissioners.

From: Tri-Energy Cooperative

1800-29

I hereby submit my bid for a Class E Liquor License to be issued by the City of Bismarck. I understand that award of the license will be based upon the highest sum bid that meets or exceeds the minimum bid of \$30,000 and upon meeting the qualifications for licensure and approval of my application. I agree to honor my bid for a period of 60 days after the time of opening. I certify that I have not submitted or participated in more than one bid and that I am submitting this bid on my own behalf or in my official capacity as an employee or owner of a company. I have included a certified check or money order in the amount of \$200 as bond security.

Amount of Bid: \$ \$ 51,000.00

Dated this 25 day of October, 2023.

Tri-Energy Cooperative

Company name

219 N 20th St, Bismarck, ND 58501

Address (Street, City, State, Zip)

(701) 223-8707

Telephone Number

sarah.tschider@trienergycoop.com

Email

Sarah Tschider

Printed Name

Sarah Tschider

Signature

