



City Administration

DATE: June 23, 2022

FROM: Jason Tomanek, Assistant City Administrator

ITEM: Application to transfer the Class E Beer Only License to Tri-Energy Cenex (dba) Runway Express Mart at 1740 Airport Road

REQUEST:

Introduction of and call for a public hearing on a request to transfer the Class E Beer-Only On/Off-Sale License to Tri-Energy Cenex (dba) Runway Express Mart at 1740 Airport Road.

Please place this item on the June 28, 2022, City Commission meeting agenda.

BACKGROUND INFORMATION:

Tri-Energy Cenex (dba) Runway Express Mart is in the process of purchasing Runway Express Mart at 1740 Airport Road. Part of the purchase includes transferring the Class E alcohol license.

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.

5-01-12. Transfer Restricted. A license may not be transferred except in accord with this section. Licenses may be transferred, with the prior approval of the Board of City Commissioners, only as follows:

5. Class E - A Class E license may be transferred to another person only with the prior approval of the board of city commissioners.

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends approval of the introduction of and call for a public hearing on the request from Tri-Energy Cenex (dba) Runway Express Mart at 1740 Airport Road, with the public hearing scheduled for Tuesday, July 12, 2022. Staff also recommends approval of the new Class E Beer Only License.

STAFF CONTACT INFORMATION:

Jason Tomanek | Assistant City Administrator | 701-355-1300 | jtomanek@bismarcknd.gov



APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

Phone: 701-355-1300 • Fax: 701-221-6470 • TDD 711
221 N 5th St • Bismarck, ND 58501

Note: The \$200 application fee is due when the application is submitted.

(Fee does not apply to renewal applications)

LAST REVISED: 2/23/2022

License Type:		<input type="checkbox"/> Individual	<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Partnership
<input type="checkbox"/> New Application	<input type="checkbox"/> Renewal	<input checked="" type="checkbox"/> Transfer	<input type="checkbox"/> Relocation	
A-Nationally Organized Fraternal Order or Club \$3,700.00 <input type="checkbox"/>	B-Airport Terminal Building \$650.00 <input type="checkbox"/>	C-Hotel or Motel Full Service \$3,800.00 <input type="checkbox"/>	C2-Hotel or Motel \$1,000.00 <input type="checkbox"/>	D-Sale at Retail of Alcoholic Beverages \$4,100.00 <input type="checkbox"/>
E-Sale at Retail of Beer Only \$800.00 <input checked="" type="checkbox"/>	F1-Restaurant - Alcoholic Beverages - 55/45 Split \$3,600.00 <input type="checkbox"/>	F2-Restaurant - Beer/Wine Only - 55/45 Split \$1,500.00 <input type="checkbox"/>	F3-Restaurant - Beer Only - 55/45 Split \$900.00 <input type="checkbox"/>	G-Concession Bismarck Municipal Country Club \$725.00 <input type="checkbox"/>
H-Commercial vessels on the Missouri River \$725.00 <input type="checkbox"/>	I1-Restaurant - Alcoholic Beverages - 70/30 Split \$3,450.00 <input type="checkbox"/>	I2-Restaurant - Beer and Wine Only - 70/30 Split \$1,450.00 <input type="checkbox"/>	I3-Restaurant - Beer Only - 70/30 Split \$800.00 <input type="checkbox"/>	J-Non-profit Organization Club or Establishment \$100.00 <input type="checkbox"/>
K-Beer and Wine at the Bismarck Event Center \$650.00 <input type="checkbox"/>	L-Beer & Wine at Parks & Recreation Locations \$350.00 <input type="checkbox"/>	M-Catered Retail Beer, Wine, & Liquor \$650.00 <input type="checkbox"/>	N-Domestic Winery \$800.00 <input type="checkbox"/>	O-Microbrewery \$800.00 <input type="checkbox"/>
P-Event Site \$650.00 <input type="checkbox"/>	Q-Restaurant On-Sale and Off-Sale Wine \$3,800.00 <input type="checkbox"/>	R-Commercial Airline \$75.00 <input type="checkbox"/>	S-Beer Arcade \$850.00 <input type="checkbox"/>	T-Senior Living Community \$350.00 <input type="checkbox"/>
U-Domestic Distillery \$800.00 <input type="checkbox"/>				

Location Information:				
Name of Partnership or Corporation: Tri-Energy Cooperative		Date of Incorporation: 01/01/1989	State Business ID Number: 45-0132610	
Name of business for which license is requested (DBA): Runway Express Mart		If out of state corporation, is corporation registered in North Dakota? Yes <input type="checkbox"/> No <input type="checkbox"/>		
Location Address: 1740 Airport Rd	City: Bismarck	State: ND	Zip: 58502	Phone Number: (701) 202-7436
Owner of Building or Premises: Tri-Energy Cooperative				

Correspondence Information (Where correspondence is to be sent):			
Primary Contact: Sarah Tschider		Phone Number: [REDACTED]	Email Address: [REDACTED]
Mailing Address: [REDACTED]		City: Bismarck	State: ND
		Zip: 58502	

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

Manager's Name: Jeff Dick		Date of Birth: [REDACTED]	Percentage of Ownership: 0
Driver's License Number: [REDACTED]	State Issued: ND	Gender: M	Race: White
Home Address: [REDACTED]	City: Bismarck	State: ND	Zip: 58501
Occupation: Retail	Phone Number: [REDACTED]	Title: Store Manager	Email Address: [REDACTED]

Name: Dan Belohlavek		Date of Birth: [REDACTED]	Percentage of Ownership: 0
Driver's License Number:	State Issued: ND	Gender: M	Race: White
Home Address: [REDACTED]	City: Mandan	State: ND	Zip: 58554
Occupation: Agriculture	Phone Number: [REDACTED]	Title: Farmer	Email Address:

Name: George Ferderer		Date of Birth: [REDACTED]	Percentage of Ownership: 0
Driver's License Number:	State Issued: ND	Gender: M	Race: White
Home Address: [REDACTED]	City: Mandan	State: ND	Zip: 58554
Occupation: Agriculture	Phone Number: [REDACTED]	Title: Farmer	Email Address:

Name: Kevin Schmidt		Date of Birth: [REDACTED]	Percentage of Ownership: 0
Driver's License Number:	State Issued: ND	Gender: M	Race: White
Home Address: [REDACTED]	City: Mandan	State: ND	Zip: 58554
Occupation: Agriculture	Phone Number: [REDACTED]	Title: Rancher	Email Address: [REDACTED]

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 not, 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 a new application, has applicant or any of the persons listed above, engaged in the sale or transportation of alcoholic beverages previously? Yes No If yes, please give details:

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:

Tri-energy Cooperative will become the owner of Runway Express effective 7/1/22. The current owner will remain on staff to manage the store.

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 currently sell beer at four of our c-stores located in Bismarck, Mandan, Lincoln, and Sterling, 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

11. Have all property taxes and special assessments currently due been paid? Yes No
If not, please explain:

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 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 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.

North Dakota

State of

Burleigh

County of

Sarah Tschider

Signature of Applicant

Sarah Tschider

Print Name

License transfers require signatures from both parties.

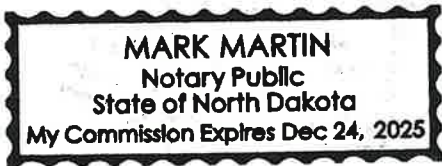
The Class F license owned by me is transferred to Applicant upon successful application.

[Signature]

Signature of Current Owner of Liquor License

Sarah Tschider

Signature of Applicant



Subscribed and sworn to before me this 14th

day of June 2022

Mark Martin

Notary Public

Note: Each application needs to be signed and notarized.

Restaurant Requirements:

All applications for Class "F", Class "I" (restaurants), Class "M" (caterer), Class "P" (event site) and Class "Q" (Restaurant On-Sale and Off-Sale) licenses MUST be accompanied by a sworn statement executed by the licensee and a certified public accountant retained by the licensee certifying that gross food sales and liquor sales for the previous calendar year meet the requirements of Chapter 5-01-04 of the City Code of Ordinances.

Liquor License Site Diagram Requirements:

- Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size. There shall be one-inch margin left clear on all edges of the diagram.
- The licensed area shall be identified within the margins.
- 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. Do not submit copies of construction blueprints.
- If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.
- Do not use reference or hi-lite markers to identify areas as they do not reproduce when copied.

Roadway Express Est. Area

North ↑

Beer Room

Office

Rest Room

Pop cooler

Beer Room Entrance

Juice cooler

Back Room

East Entrance Door

Store Area

Sales counter

South Entrance Door