

**RAY CITY COMMISSION  
SPECIAL MEETING MINUTES  
Ray City Hall**

**June 25th, 2024, 6:00 PM**

A special meeting of the Ray City Commission was called to order by President Kupper at 6:04 PM, with the following Commissioners present: Eric Barman, Casey Brunner, and Richard Liesener.

Absent: Andrew Nelson. Also in attendance: Lori Nowlan, Dean Vass, Kevin Chapman, Brian Moe, Jesse Opsal, Brady Viall, Adam Weyrauch, Ann Velo, Craig Ketelsen, Kiara Bergstrom, Sydney Larson, Chad Ellis, Mark Weyrauch, Charlie Anderson, Brad Nygaard (The Journal-via zoom), Police Chief Pinski and Auditor, Ronda Rustad.

Kupper read: **RESOLUTION 2024-01-A RESOLUTION FIXING THE NUMBER OF ANNUAL ALCOHOLIC BEVERAGE LICENSES IN THE CITY OF RAY IN ACCORDANCE WITH RAY ORDINANCE § 4-67.**

WHEREAS, the City of Ray, North Dakota (the "City") is a municipal corporation and a political subdivision of the State of North Dakota, authorized to regulate and license the use and sale of alcoholic beverages subject to the provisions contained in N.D.C.C. Title 5 and to fix the fees, number, terms, conditions, duration, and manner of issuing and revoking licenses in the exercise of its governmental police powers. See N.D.C.C. § 40-05-01(29) and Ray Home Rule Charter Article I, § 1.0301.

WHEREAS Ray Ordinance § 4-67 provides: "The number of annual alcoholic beverage licenses issued shall be set by resolution of the city commission." All alcoholic beverage licenses are issued for a period of not more than one year and expire on June 30th of each year. Ray Ordinance § 4-73.

NOW THEREFORE BE IT RESOLVED BY THE RAY CITY COMMISSION: Effective for the period of July 1, 2024 – June 30, 2025, the maximum number of annual alcoholic beverage licenses issued for the City of Ray shall not exceed 4 (four).

APPROVED AND ADOPTED by the Ray City Commission on January 8<sup>th</sup>, 2024.

Kupper opened public comment:

Kevin Chapman, attorney for Lori Nowlan asked commission why there was a limitation on the number of liquor licenses. Kupper replied, there was no limit before. Chapman was there a reason why you set a limit? Kupper, we did not have one before that. Chapman: was there any problems with the establishments in town where law enforcement was called or anything like that? Kupper: this is for public comments, not to interrogate me on the

decisions made by the resolution. If you could keep it to your feelings on this topic, I would appreciate it. Chapman: I'm just trying to find out the reason or justification for setting the number. Kupper: we had no set limit and in looking over our ordinance it was decided numbers needed to be reviewed and that was what was decided. Barman: in my opinion we decided it was better to be proactive instead of reactive. Chapman: I just wanted to find out the rational why the city had gone that way.

Kupper calling for public comments three times, having none, closes the public hearing.

Kupper asks commissioners if they feel the need to readdress Resolution 2024-01? Barman states: "it is my opinion that when we set this resolution, we took Chief Pinskis recommendation, that with our population and liquor license #'s at 4, is a good number, since nothing has changed, in my opinion it's good where it is at, 4 liquor licenses".

Brunner states- "I was not for the limit, the number of businesses that are going to come into our town, if someone wanted to start like a steakhouse, they are going to want to serve alcohol. By limiting license were halting new business; in my opinion."

Liesener states- "I certainly believe that we need to have number limit of licenses in the city. I am not opposed amending the resolution to add one license, but I would never be in favor for more than 5. The only reason that I'm open to discuss this, is that one of the four we have is seasonal. We definitely need a limit, and I would never be in favor of more than five, for the size of our community and for the reasons Chief Pinski has discussed with Barman and I."

Kupper states, "I agree in taking the recommendation of Chief Pinski; but struggles with it at the same time, do not want to be hindering business development in town, at the same time it is hard to say what the right number is."

Liesener, "in my opinion if we were to amend resolution to add a fifth license, if we have incidents where law enforcement needs to be brought in... of course a liquor license could be revoked."

Brunner states, "I do not think we need more bars, were a small community, we have 2 full time bars...that is enough options in my opinion. I do not want to see business developments halted in the community because of limits, but we should not have unlimited licenses."

Lisener, "if we were to amend the resolution to include 1 more license, my opinion is we would do this on a 1-year basis and see what kind of history the establishments- keeping all paperwork and everything required up to date with the state and city".

Barman, "I see Ray as similar to Powers Lake, not Tioga. We have one cop. Powers lake has one cop, they have one bar and 1 restaurant that sells food and wine, not off sale. I think 4 is enough".

Kupper, "I have spoken with a variety of folks in town, I'm going to go with judgement of Law Enforcement Commissioner and agree to 4". Kupper asked if there was any action wanting to be taken in regard to resolution 2024-01, *Fixing the number of annual alcoholic beverage licenses in the City of Ray*.

Liesner, asked Barman; the current applicants and applications is everything in order, are there any issues. Barman asked Lori Nowlan if she has her state liquor license as of today. Nowlan states, she had her health inspection done today and should be receiving certification tomorrow by email, which is then sent to state.

Liesener moved to amend the resolution to include 1 more liquor license, on a temporary basis of 1 year. After 1 year we analyze the license holder's that apply, if there are issues with any of them, we would look at resolution and take it back to 4 licenses. Seconded by Brunner, Roll call vote: Liesener-aye; Brunner-aye; Barman-nay; Kupper-nay.

*Kupper asked, each applicant:*

- 1. Does any aspect of the applicant's business (for example hours of operation, outdoor seating, available parking, etc.) may adversely affect neighboring businesses or residents?*
- 2. Do employees receive any responsible alcohol service training?*

*3. How the applicant's business contributes positively to the Ray economy (for example, through job creation, tax revenues, etc.)?*

Chad Ellis, representing Horizon Resources. Liesener asks about having minors unable to sell off sale. Manager makes sure there is always someone over 21 working and able to handle the off sale. Answers to #1- NO. #2 we have RTO/alcohol sales training. #3 yes.

Ann Velo, representing Northside, LLC. #1- NO. #2 I have had training and train my employees. #3- positively, donate, donate, donate from gaming fund.

Jesse Opsal, representing O&M Solutions/Club Ray. #1- NO, when we have an event with a beer garden, we get a city permit and close off a small portion of the parking lot. #2- We do have internal training, and about to do online training again. No. #3- contribute to any city events, Gnarly Barley, concerts, etc. The gaming in the bar, able to donate. We have a good working relationship, with Ann at the Northside.

Charlie Anderson, representing Ray Golf Association. #1, NO; #2, general alcohol knowledge, signs of over drinking, being aware of how much is poured, etc. #3- business fun days, company fun days, women's night, men's night- people come to Ray to golf, and end up supporting local business is in Ray.

Lori Nowlan, representing Trax 22, LLC. "I just want to open a bar, I am limited until I get my kitchen in, my second phase- I plan to serve, steaks, fish, different meals." #1-NO. #2- Any bartenders I am hiring, we have all taken the bartender classes, along with drug overdose classes. I have purchased 2 of the government ID card readers. #3- I want gaming donations to stay in Ray. I have licensed security to help with big events.

Liesener moves to approve a liquor license for Ray Golf Association, seconded by Barman. RCV MCU.

Barman moves to approve a liquor license for Horizon Resources, seconded by Liesener. RCV MCU.

Liesener moves to approve a liquor license for Northside, LLC, seconded by Barman. RCV MCU.

Barman moves to approve a liquor license for O&M Solutions, LLC, seconded by Brunner. RCV MCU.

Next Regular Meeting - July 8<sup>th</sup>, 2024, 7:00 PM

Liesener moved to adjourn, seconded by Brunner; MCU, meeting adjourned at 6:44 PM.

RCV MCU = roll call vote motion carries unanimously

Ronda Rustad-  
Auditor, City of Ray

Troy Kupper,  
President Ray City Commission