

## LIQUOR CONTROL AGENDA

To: Liquor Control Committee  
Commissioner Dave Piepkorn  
John Stibbe  
Robert D Nelson  
Scott Brekke  
Tatiana Hackman

FROM: City Auditor Steven Sprague

DATE: December 20, 2023 Meeting

SUBJECT: Liquor Control Committee Meeting

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The Liquor Control Committee will be meeting on Wednesday December 20, 2023 at 1:30 p.m. in the City Commission Chambers at City Hall, 225 4<sup>th</sup> Street North

### Agenda items are:

1. Approve minutes of the November 15, 2023 regular meeting and the October 24 2023 special meeting.
2. Review Liquor Applications
  - a. Fargo Air Museum – A-Club license - manager change
  - b. Uncorked Lounge LLC d/b/a Uncorked Lounge – adding class C license
  - c. Up North Hospitality d/b/a CJ’s Tavern located at Rose Creek Parkway – Class FA-Golf
  - d. Downtown Tavern LLC d/b/a Marge’s Bar 210 Broadway, Suite 90 – Class Z
3. Police Department Monthly Report
  - a. General Report
4. Other Items
  - a. Other – De-Escalation Training with ND Safety Counsel – January 24 2024 – limited to 50 per session, two sessions – cost \$30 per person
  - b. Follow up on scanners
  - c. Discussion regarding annual background check and manager changes.

## LIQUOR CONTROL MINUTES

Liquor Control Committee  
Commissioner Dave Piepkorn  
John Stibbe  
Robert D Nelson  
Scott Brekke  
Tatiana Hackman

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The Liquor Control Committee will be meeting on Wednesday November 15, 2023 at 1:30 p.m. in the City Commission Chambers at City Hall, 225 4<sup>th</sup> Street North

### Agenda items are:

1. Approve minutes of the October 18, 2023 regular meeting.  
Moved Stibbe  
Second Hackman  
Passed Unanimously
2. Review Liquor Applications
  - a. El Vaqueros d/b/a El Vaqueros to be located at 3001 13<sup>th</sup> Avenue South for a Class F alcoholic beverage license. Sprague presented. Existing restaurant wanting to add full alcohol, no physical bar, food must be 50%, no background issues. Will not be on City Commission Agenda until December.  
Moved Brekke  
Second Nelson  
Passed Unanimously
3. Police Department Monthly Report
  - a. General Report presented by Chief Zibolski, recognized Bison Turf staff and the way they handled a situation that happened at that establishment. Special Hearing on Nov 29<sup>th</sup> @ 2pm for Windbreak.
4. Other Items
  - a. Other – De-Escalation Training with ND Safety Counsel – January 24 2024, 9:30am and 1:30pm at the Civic Center. Sprague presented, this training is limited to 50 per session, two sessions – cost \$30 per person, Sprague will be meeting with the IS department to setup a website. PD will have a representative at classes.
  - b. Additional Z and B-Limited licenses – one application received for Z Sprague presented, the time period has closed for applications for

additional licenses, the one application received is an existing business with food sales requirements, a Z license would not require any.

- c. Follow up on scanners Sprague presented, still doing research and looking for education in regards too. Sprague stated review of the license type as well as the business itself will determine what places should be required, or would it be easier to have everyone across the board have to have one? Does not make sense for some of the smaller businesses or restaurants to have to scan IDs. There will be a brown bag with Commission on Dec 20<sup>th</sup> at noon to discuss some of these items.
- d. Discussion regarding annual background check and manager changes. Presented by City Attorney Nancy Morris, proposed Ordinance changes in regards to background check information, quarterly renewals to keep workload from becoming too much, existing owners/managers grand fathered in, more discussion on this at the next meeting.

Adjourned 2:00pm

**LIQUOR CONTROL BOARD**  
**Special Meeting**  
**October 24, 2023 2:30 A.M.**

Present: Commissioner Dave Piepkorn, Robert Nelson, Scott Brekke, Tatiana Hackman, John Stibbe

Meeting was called to order at 2:30 P.M.

1. Review Possible Liquor Violations

- a. Determine possible liquor violations for Old Broadway: employment of minors in an liquor establishment in a non-excluded capacity and failure to have staff server trained. Steve Sprague presented. This incident was brought to attention after an incident that occurred at Old Broadway in which a security officer assaulted a person, it was discovered that one of the security guards was under 21 years of age and had not obtained server training. Section 25-1511 in the Ordinance states mandatory server training, while 25-1509 lists excluded jobs from server training, food waiter/waitress/busgirl/busboy. Warren Ackley, owner/manager of Old Broadway for 46 years was present and stated in this isolated incident there was an individual who did not follow procedure to obtain server training, new procedures have been put into place to ensure this will not happen in the future. Employment of a person under 21 the Code does not include, door person, cooks, dishwashers, bar backs, they are not involved with serving, pouring, delivering alcohol beverages. Warren feels the Code should include these positions and be updated due to antiquated terms such as busboy/busgirl/waitress. Due to the ambiguous terms in the Code it makes it difficult to hire certain positions.

Suggested Motion: Move to find the Old Broadway violated Fargo Municipal Code Chapter 25-1511 and 25-1509 by employing a minor and not providing server training. Administrative penalty is \$500.00 per violation. Commissioner Piepkorn asked if the City Ordinance server training section can be modified so they all match up. City Attorney Nance Morris stated the Ordinance does state that server training must be completed before the employee participates in the stream of service. As far as the underage door attendant the Ordinance does state no one under the age of 21 shall enter except as provided in Sections C & D, which is consistent with State law, to make changes would require state Legislature change, she does agree with antiquated language, in her opinion this position would be required to be 21 years of age. Stibbe made the motion that Old Broadway violated Fargo Municipal Code by not requiring server training.

Moved Stibbe  
Second Nelson  
Passed Unanimously

- b. Determine possible liquor violations for the Windbreak serving obviously intoxicated or impaired persons, Fargo Municipal Code 25-1509.2. Chief Zibolski presented along with Sargent Golos, Sgt. Golos serves as the liason for Windbreak. Chief Zibolski stated that since September they have 16 over intoxication incidents. Sgt. Golos stated he has been the Windbreak liason for 1 ½ -2 years, which involves him reviewing any call at the establishment, he will review their security footage as it pertains to a specific situation. This particular incident involved a female that was arrested for a DUI outside of the Windbreak. BAC was just under .3, she later contacted police stating her drink may have been tampered with, but that was not found to be the case.
- August 18, 2023 10:47 ID check, wristband purchased, appears fine at that point  
10:55 first drink.  
11:10 second drink.  
In between drinks she is talking to other people and taking sips of their drinks  
11:37 Windbreak employee walks her to the smoking area and makes a drink in a "beer" glass, does not charge her for this drink.  
11:47 pool area, orders another drink paid for by gentleman, now has 2 drinks, goes to the dance floor and dances by herself, very exaggerated.  
Midnight appears intoxicated on the dance floor, puts her head on the stage in a resting position.  
12:36 a gentleman takes her to the bar and orders 3 drinks, she is all over the gentleman, he gets a beer a shot and a drink, she does the shot and drink, she passes out at the table and security comes over with a bottle of water, she needs assistance to walk out.  
She leaves just before 1am and the accident occurred around 2am.  
Tim O'Keefe was present. He pointed out that the Windbreak is more of a destination establishment, meaning you do have to drive there and the staff does a good job of trying to help people not drive away, they also have security cameras and take security very seriously. The employees of the Windbreak have all been server trained. O'Keefe mentioned that the female took one drink to the smoking area, where there is no camera, she came in without it and went out to her car, appeared fine when she came back in. 2 drinks were purchased for her by other patrons, she did appear to be drinking from other peoples drinks. The Windbreak feels they did have adequate staff for this particular evening. After security took the drinks away and brought her water and she sat for a while, they assisted her out and tried to get her a cab or Uber. She sat in her car and became belligerent and refused to tell them if she had an Uber coming. O'Keefe stated that during the times she was in her car the Windbreak staff would not know what she was doing at those times, he believes these are important factors. Key

words in the Ordinance are you can't serve someone who is "obviously intoxicated". The Windbreak feels they have adequate staff and training, when it was recognized that she was intoxicated they took appropriate measures to remove her from the establishment. They ask that the board does not find the Windbreak in violation. City Attorney Nancy Morris stated that according to the Ordinance, the officer's recitation of the facts that were found on the video. Chief Zibolski wanted to bring to the board's attention that this is not an isolated incident.

Motion: Fine the establishment

Moved Nelson

Second Piepkorn (gave up chair to make second)

Hackman, Stibbe No

Passed 3 to 2

There being no further business to come before the Liquor Control Board, the meeting was adjourned at 3:34 P.M.

**MEMORANDUM**

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TO: Liquor Control Board

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Fargo Air Museum

DATE: December 26, 2023

The following application for a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board for a Manager change:

License Class: A-Club – Club must have 200 members and 20 years in existence  
Business Name: Fargo Air Museum  
Location: 1609 19<sup>th</sup> Ave North  
Applicants: Amy Ott

This application is for a manager change for a Class A-Club liquor license. To qualify for a Club license the organization must be in existence for 20 years and have 200 members. There are no food sales requirements and they are allowed to have a physical bar.

Being no significant concerns, staff & Liquor Control recommend approval of the manager change for a Class A-Club alcoholic beverage license to Fargo Air Museum d/b/a Fargo Air Museum. The complete application is available for review in the Auditor's Office.

**Recommended Motion:**

**Move to approve the manager change for a Class A-Club alcoholic beverage license to Fargo Air Museum, LLC d/b/a Fargo Air Museum.**



# FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

## CRIMINAL INVESTIGATIONS DIVISION

# MEMORANDUM

To: Chief David Zibolski

From: Sergeant Adam Melquist *Am*

Date: 11/21/2023

RE: Transfer of Alcoholic Beverage License Application, Class "A-Club", Fargo Air Museum

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Application for a transfer of class "A-Club" Alcoholic Beverage License to a new owner for  
Fargo Air Museum, Located at 1609 19<sup>th</sup> Ave N.

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation, I examined the applicants' credit reports and public record criminal backgrounds.

The following information was discovered through this investigation:

### Ott, Amy

#### **Criminal History -**

A search of Fargo Police Department criminal records, North Dakota public records ([publicsearch.ndcourts.gov](http://publicsearch.ndcourts.gov)) and Minnesota public records (<https://chs.state.mn.us>) showed no criminal history.

#### **Credit History -**

Ott's credit history was reviewed. There are no recent past due accounts or debts turned over to collections. Ott disclosed she filed for bankruptcy in 2013 and explained "Substantial debt from a divorce in 2013 after my ex husband filed for bankruptcy. I unfortunately could not take on that amount of debt alone." This bankruptcy was not listed on my credit history.



**Investigation Notes**

This application is for a transfer of a class "A-Club" alcoholic beverage license (Authorizes the licensee to sell spirits, beer and wine "On-Sale" only, bar is allowed. This license is for an organization for civic, fraternal, social or business purposes with at least 200 members and in existence for at least 20 years) to new ownership for Fargo Air Museum.

**Business Location**

Fargo Air Museum is located at 1609 19<sup>th</sup> Ave N. Other businesses in the area with alcoholic beverage licenses include Applebees, Buffalo Wild Wings, Homewood Suites, Labby's Grill & Bar, and Happy Harry's Bottle Shop.

**Conclusion**

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

RECEIVED  
FARGO POLICE DEPARTMENT  
  
NOV 22 2023  
  
MATT CHRISTENSEN  
LIEUTENANT  
REF: CAPT AHLFELDT

RECEIVED  
FARGO POLICE DEPARTMENT

NOV 27 2023

WILLIAM S AHLFELDT  
CAPTAIN  
REF: A. C. STEFONOWICZ

- Forward

RECEIVED  
FARGO POLICE DEPARTMENT  
  
NOV 27 2023  
  
TRAVIS STEFONOWICZ  
ASSISTANT CHIEF OF POLICE  
REF: Chief Zibolski - FIC

RECEIVED  
FARGO POLICE DEPARTMENT  
  
NOV 28 2023  
  
DAVID B ZIBOLSKI  
CHIEF OF POLICE *DZ*  
REF: J. Spangue

- Recommend Approval

**NOTICE OF HEARING**

**Application for Alcoholic Beverage License Transfer**

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Tuesday, December 26, 2023 at 5:15 o'clock p.m. to consider an application for ownership change of a Class "A-Club" Alcoholic Beverage License for Fargo Air Museum to be located at 1609 19<sup>th</sup> Avenue North.

Any interested person may appear and will be heard.

City Auditor's Office  
(December 6, 2023)

*Please return to Michelle in  
the Auditors office by 12/11/23.  
Thanks!*



**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE**

**Legal Company Name:** Fargo Air Museum  
(Must match State of North Dakota registration name)

**DBA Name:** Fargo Air Museum

Is the establishment applying for (or has) a food license under the same name? Yes \_\_\_ No X

**Business location address:** 1609 19th Avenue North

**Mailing address:** 1609 19th Avenue North

**Business E-mail address:** communication@fargoairmuseum.org

**Local Manager E-mail address:** amy@fargoairmuseum.org

**Best Contact Phone number:** (701) 293-8043

**Anticipated Date of Opening:** 1/1/2024

*Please contact the Auditor's Office at 701-241-1301 or 241-8108 to determine the appropriate License Classification Type that would fit your business model.*

The following section to be completed by City Staff:

*New Management*

**Date Received:** 10-23-23 **Class of License:** A Club **Transfer:** X Yes \_\_\_ No

**Investigations Fee Paid (\$250)** X Yes \_\_\_ No **Date Paid:** 10-27-23

**Police Department review completed by:** CC **Date:** \_\_\_\_\_

(Attached recommendation report):

X **Approval Recommendation**  
*David B. J...*  
Chief of Police

\_\_\_ **Denial Recommendation**  
11-28-23  
Date

**MEMORANDUM**

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TO: Liquor Control Board

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Uncorked Lounge

DATE: December 20, 2023

The following application for a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: C – Beer - bar allowed, No food requirement – adding to the Class W  
Business Name: Uncorked Lounge  
Location: 5601 33<sup>rd</sup> Ave S  
Applicants: Jessica Medler

This application is for the issuance of a Class C liquor license. This facility will be an upscale wine bar & lounge also offering beer.

Being no significant concerns, staff & Liquor Control recommend approval of the issuance of a Class C alcoholic beverage license to Uncorked Lounge LLC d/b/a Uncorked Lounge, this will add to the Class W. The complete application is available for review in the Auditor's Office.

**Recommended Motion:**

**Move to approve the issuance of a Class C alcoholic beverage license to Uncorked Lounge, LLC d/b/a Uncorked Lounge.**



# FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

## CRIMINAL INVESTIGATIONS DIVISION

### MEMORANDUM

To: Chief David Zibolski

From: Sergeant Adam Melquist *AM*

Date: 11/23/2023

RE: Alcoholic Beverage License Application, Class "C", Uncorked Lounge

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Application for a class "C" Alcoholic Beverage License from  
Uncorked Lounge, LLC d/b/a Uncorked Lounge, Located at 2820 Uptown Way, Fargo.

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation, I examined the applicants' credit reports and public record criminal backgrounds.

The following information was discovered through this investigation:

**Medler, Jessica**

**Criminal History -**

A search of Fargo Police Department criminal records, North Dakota public records ([publicsearch.ndcourts.gov](https://publicsearch.ndcourts.gov)) and Minnesota public records (<https://chs.state.mn.us>) showed no criminal history.

**Credit History -**

Medler's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections.

**Investigation Notes**

This application is for a class "C" alcoholic beverage license (Authorizes the licensee to sell beer "on-sale" only, bar is allowed) for Uncorked Lounge, LLC d/b/a Uncorked.

Uncorked Lounge already holds a class "W" alcoholic beverage license. This application is to add a class "C" license to allow the sale of beer.

**Business Location**

Uncorked Lounge is located at 2820 Uptown Way. Other Businesses in the area with alcoholic licenses include Plaza Azteca.

**Conclusion**

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

RECEIVED  
FARGO POLICE DEPARTMENT  
  
NOV 28 2023  
  
MATT CHRISTENSEN  
LIEUTENANT  
REF: CAPT AHLFELDT

RECEIVED  
FARGO POLICE DEPARTMENT

NOV 30 2023  
  
WILLIAM S AHLFELDT  
CAPTAIN  
REF: A.C. STEFONOWICZ  
- FORWARD  
- INFORMATIONAL

RECEIVED  
FARGO POLICE DEPARTMENT  
  
NOV 30 2023  
  
TRAVIS STEFONOWICZ  
ASSISTANT CHIEF OF POLICE  
REF: CWET ZIBOLSKI - FYE

RECEIVED  
FARGO POLICE DEPARTMENT  
  
NOV 30 2023  
  
DAVID B ZIBOLSKI  
CHIEF OF POLICE  
REF: S. SPRABUE

- Recommend Approval

**NOTICE OF HEARING**

**Application for Alcoholic Beverage License**

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Monday, December 26, 2023, at 5:15 o'clock p.m. to consider an application for a Class "C" Alcoholic Beverage License for Uncorked Lounge d/b/a Uncorked Lounge to be located at 5601 33 Ave S.

Any interested person may appear and will be heard.

City Auditor's Office  
(December 6, 2023)

*Please return to Michelle @  
Auditors by 12/11/23.*

*Thank You*



# APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: Uncorked Lounge LLC  
(Must match State of North Dakota registration name)

DBA Name: \_\_\_\_\_

Is the establishment applying for (or has) a food license under the same name? Yes \_\_\_ No X

Business location address: 5601 33rd Ave S Suite 105

Mailing address: 6091 66th St S

Business E-mail address: Hello@uncorkedlounge.social

Local Manager E-mail address: JessMedler@outlook.com

Best Contact Phone number: (701) 541-9800

Anticipated Date of Opening: March 2024

**Please contact the Auditor's Office at 701-241-1301 or 241-8108 to determine the appropriate License Classification Type that would fit your business model.**

**The following section to be completed by City Staff:**

Date Received: 11-14-23 Class of License: C (ADD TO EXISTING) Transfer: \_\_\_ Yes X No

Investigations Fee Paid (\$250) X Yes \_\_\_ No Date Paid: \_\_\_\_\_

Police Department review completed by: \_\_\_\_\_ Date: \_\_\_\_\_

(Attached recommendation report):

X Approval Recommendation  
[Signature]  
Chief of Police

Denial Recommendation  
\_\_\_\_\_  
Date



**MEMORANDUM**

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TO: Liquor Control Board

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – CJ's Tavern – Rose Creek

DATE: December 20, 2023

The following application for a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: FA-Golf – Full Service liquor license for Golf Course  
Business Name: CJ's Tavern  
Location: 1500 Rose Creek Parkway  
Applicants: Cody Townsend, Jordan Erpelding, Brett Erpelding, Bradley Erpelding

This application is for the transfer of a Class FA Golf liquor license. This facility will continue to operate as a full service golf course.

Chief Zibolski is recommending **DENIAL** due to an invalid application for a Class FA Golf alcoholic beverage license to Up North Hospitality LLC d/b/a CJ's Tavern. The complete application is available for review in the Auditor's Office.

**Recommended Motion:**

**Move to DENY the issuance of a Class FA Golf alcoholic beverage license to Up North Hospitality, LLC d/b/a CJ's Tavern.**



# FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

## CRIMINAL INVESTIGATIONS DIVISION

### MEMORANDUM

To: Chief David Zibolski

From: Sergeant Adam Melquist *Am*

Date: 12/7/2023

RE: Alcoholic Beverage License Transfer Application, Class "FA-GOLF", CJ's Tavern

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Application for transfer of a class "FA-GOLF" Alcoholic Beverage License from Kjerbeersten, LLC d/b/a 19<sup>th</sup> Hole at Rose Creek to Up North Hospitality, LLC d/b/a CJ's Tavern, Located at 1500 East Rose Creek Parkway S, Fargo.

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation, I examined the applicants' credit reports and public record criminal backgrounds.

The following information was discovered through this investigation:

#### Townsend, Cody

##### **Criminal History -**

A search of Fargo Police Department criminal records, North Dakota public records ([publicsearch.ndcourts.gov](http://publicsearch.ndcourts.gov)) and Minnesota public records (<https://chs.state.mn.us>) showed no criminal history.

##### **Credit History -**

Townsend's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections.

Erpelding, Jordan

**Criminal History -**

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us) showed he received an open container citation in 2014. This charge was disclosed on his application.

**Credit History -**

Jordan Erpelding's credit history was reviewed. There are no prior bankruptcies, or debts turned over to collections. Jordan has two credit card accounts that show they are currently 30 days delinquent. However, the monthly notation shows the delinquencies were 1-2 years ago and both accounts are current with one having zero balance.

Erpelding, Brett

**Criminal History -**

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us) show Brett Erpelding was arrested for a DUI in June of 2012. Brett was also issued a citation for driving under suspension on the same day. Brett disclosed the DUI on the application (he indicates it happened in 2013) but does not mention the DUS citation. Brett disclosed that his driver's license was suspended after the DUI arrest, but it must have also been suspended at the time of the arrest to receive the citation. ND public records shows this DUS citation was dismissed. Both police records and ND public records show Brett pled guilty to "smoking in a prohibited location" in 2015. According to the case report, Brett was an employee at E-Cig Empire and his friends were smoking inside of the shop during business hours. This charge is a criminal infraction in ND. This charge was not disclosed on the application.

**Credit History -**

Brett Erpelding's credit history was reviewed. There are no prior bankruptcies, or debts turned over to collections. Brett Erpelding has two accounts that were 30 days past due, but are now both current.

Erpelding, Bradley

**Criminal History -**

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (https://chs.state.mn.us) showed Bradley was arrested for a DUI in 2000. This charge was disclosed on the application. North Dakota public record also shows Bradley received a "hunting without non-resident license" in 1996. The disposition is listed as "deferred dismissal".

**Credit History -**

Bradley Erpelding's credit history was reviewed. There are no recent past due accounts or debts turned over to collections. Bradley disclosed on his application that he filed for bankruptcy about 15 years ago. This bankruptcy did not show up on my credit report.

**Investigation Notes**

This application is for the transfer of a class "GA-GOLF" alcoholic beverage license (Authorizes the licensee to sell beer, wine, and spirits, on sale only and located on a 9 hole or more USGA golf course. A bar is allowed and 25% of sales must be from food from April-October, and 50% of sales must be from food from November-March) from Kjerbeersten, LLC d/b/a 19<sup>th</sup> Hole at Rose Creek to Up North Hospitality, LLC d/b/a CJ's Tavern.

I spoke with Brett Erpelding over the phone with regards to the missing information on his application. I told him I found some criminal charges that were not disclosed on his application. I brought up the smoking in a public space charge. Brett responded asking if it was 2007. I said it was from 2015 and asked if he remembered the charge. Brett said he did not. I read him the circumstances from the police report and added that the charge would have required him to appear in court and Brett said he still doesn't remember, but said he probably did it. I also asked Brett if his driver's license has ever been suspended other than the DUI noted on the application. Brett said it probably was from driving without insurance. This would explain the DUS citation issued during the DUI arrest in 2012.

I asked Brett why these charges were not disclosed on the application. Brett said he did not fill out the application, adding that one of the other applicants, maybe Cody, must have filled it out for him. I asked if this co-applicant asked him for the correct information to put on the application for him and he said they did not, and they must have looked it up or just remembered the information. I followed up asking if he signed the documents that have his signature and he said he did, but couldn't remember what he signed exactly. A closer review all of the handwritten applications shows it's likely that all 4 applications were filled out by individual people, and the person who filled out Brett's portion did not complete any of the other paperwork.

I called Cody Townsend to talk about Brett's application. Cody said he received a text message from Brett after I talked to him saying Brett put the wrong date of his DUI in the application. I asked Cody if he filled out Brett's paperwork for him and he said he did not, and Brett did fill it out himself. Cody was not able to give an explanation of why Brett would have been untruthful about not completing the application, other than it's possible he did not remember filling it out.

**Business Location**

CJ's Tavern will be located at 1500 East Rose Creek Parkway S at the Rose Creek Golf Course. There are no other businesses with an alcoholic beverage license in the area.

**Conclusion**

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

RECEIVED  
FARGO POLICE DEPARTMENT

DEC 12 2023

WILLIAM S AHLFELDT  
CAPTAIN

REF: CHIEF ZIBOLSKI

- BOTH CHRISTENSEN  
AND STEFONOWICZ ON  
VACATION.

- FORWARD

RECEIVED  
FARGO POLICE DEPARTMENT  
DEC 12 2023  
DAVID B ZIBOLSKI  
CHIEF OF POLICE  
REF: S. SPRADUE

- RECOMMEND DENIAL DUE  
TO INVALID APPLICATION

**NOTICE OF HEARING**

**Application for Alcoholic Beverage License**

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Monday, December 26, 2023, at 5:15 o'clock p.m. to consider a transfer for a Class "FA-GOLF" Alcoholic Beverage License from Kjerbeersten, LLC, d/b/a 19<sup>th</sup> Hole at Rose Creek to Up North Hospitality, LLC d/b/a CJ's Tavern to be located at 1500 East Rose Creek Parkway South.

Any interested person may appear and will be heard.

City Auditor's Office  
(December 6, 2023)

*Please return to Michelle @  
Auditors by 12/11/23.*

*Thank You*

30676



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: Up North Hospitality LLC  
(Must match State of North Dakota registration name)

DBA Name: CJ's Tavern

Is the establishment applying for (or has) a food license under the same name? Yes  No

Business location address: 1500 East Rose Creek Pkwy S. Fargo, ND 58104

Mailing address: 201 5th St. N. Ste 1600. Fargo, ND 58102

Business E-mail address: Cody.h.townsend@gmail.com

Local Manager E-mail address: Cody.h.townsend@gmail.com

Best Contact Phone number: (701) 306-9546

Anticipated Date of Opening: 1-1-24

Please contact the Auditor's Office at 701-241-1301 or 241-8108 to determine the appropriate License Classification Type that would fit your business model.

The following section to be completed by City Staff:

Date Received: 9-21-23 Class of License: FA-GOLF Transfer:  Yes  No

Investigations Fee Paid (\$250)  Yes  No Date Paid: 9-21-23

Police Department review completed by: \_\_\_\_\_ Date: \_\_\_\_\_

(Attached recommendation report):

Approval Recommendation  Denial Recommendation

Daniel B. Juhl  
Chief of Police

12-12-23  
Date

\* APPLICATION FILLED OUT BY ONE PERSON INVALIDATING PROCESS - SEE INVESTIGATION<sup>2</sup>



Steve Sprague, City Auditor  
City Auditor's Office  
225 N 4<sup>th</sup> Street  
Fargo, ND 58102-4817

Dear Mr. Sprague:

I am writing on behalf of the Fargo Park District to notify you and the Liquor Control Board that it is our intent to develop a lease arrangement with CJs Tavern to operate the food and beverage at Rose Creek Golf Course starting in January 2024. We have met with the ownership group, including Brad Erpelding, Brett Erpelding, Codi Townsend and Jordan Erpelding to discuss their interest in operating the restaurant year-round. They would also have exclusive right to serve food and beverage in the grill and beverage cart(s) on the golf course.

We are currently drafting a lease and our intent is to discuss this at the December 12, 2023 Park Board meeting. The lease will be contingent upon the ownership group's ability to gain approval for a liquor license from the City of Fargo. The Park District is aware that Cody Townsend and Andy Skatvold have made a request for the transfer of the 19<sup>th</sup> Hole liquor license.

As per our phone discussion, the Fargo Park District would support this transfer and, if possible, ask that the application be considered at your December 2023 meeting.

Please contact me if you have any concerns regarding this lease at Rose Creek Golf Course.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Carolyn", is written over a light blue horizontal line.

Carolyn Boutain  
Director of Community Relations  
Fargo Park District  
701-499-6075  
cboutain@fargoparks.com

**MEMORANDUM**

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TO: Liquor Control Board

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Application – Marge's Bar

DATE: December 20, 2023

The following application for a liquor license was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: Z – Full alcohol - bar allowed, No food requirement  
Business Name: Marge's Bar  
Location: 210 Broadway, Suite 90  
Applicants: Dan Hurder, David Hurder, William Hurder, Jennifer Olson

This application is for the issuance of a Class Z liquor license. This license will separate the sales from Marge's Bar and The Boiler Room that are currently occurring under one license.

Being no significant concerns, staff & Liquor Control recommend approval of the issuance of a Class Z alcoholic beverage license to Downtown Tavern LLC d/b/a Marge's Bar. The complete application is available for review in the Auditor's Office.

**Recommended Motion:**

**Move to approve the issuance of a Class Z alcoholic beverage license to Downtown Tavern , LLC d/b/a Marge's Bar.**





# FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

## CRIMINAL INVESTIGATIONS DIVISION

# MEMORANDUM

To: Chief David Zibolski

From: Sergeant Adam Melquist *Am*

Date: 12/4/2023

RE: Alcoholic Beverage License Application, Class "Z", Marge's Bar

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**Application for a class "Z" Alcoholic Beverage License from  
Downtown Tavern, LLC d/b/a Marge's Bar, Located at 210 Broadway Suite 90, Fargo.**

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation, I examined the applicants' credit reports and public record criminal backgrounds.

The following information was discovered through this investigation:

### Hurder, Dan

#### **Criminal History -**

A search of Fargo Police Department criminal records, North Dakota public records ([publicsearch.ndcourts.gov](http://publicsearch.ndcourts.gov)) and Minnesota public records (<https://chs.state.mn.us>) showed no criminal history. Dan Hurder disclosed a DUI in 2005 on his application. This DUI was also disclosed on a prior alcoholic beverage license application.

#### **Credit History -**

Dan Hurder's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections.

**Hurder, David**

**Criminal History -**

A search of Fargo Police Department criminal records, North Dakota public records ([publicsearch.ndcourts.gov](http://publicsearch.ndcourts.gov)) and Minnesota public records (<https://chs.state.mn.us>) showed no criminal history.

**Credit History -**

David Hurder's credit history was reviewed. There are no prior bankruptcies or recent past due accounts. David Hurder has one collections account for \$155.

**Hurder, William**

**Criminal History -**

A search of Fargo Police Department criminal records, North Dakota public records ([publicsearch.ndcourts.gov](http://publicsearch.ndcourts.gov)) and Minnesota public records (<https://chs.state.mn.us>) showed no criminal history.

**Credit History -**

William Hurder's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections.

**Olson, Jennifer**

**Criminal History -**

A search of Fargo Police Department criminal records, North Dakota public records ([publicsearch.ndcourts.gov](http://publicsearch.ndcourts.gov)) and Minnesota public records (<https://chs.state.mn.us>) showed no criminal history.

**Credit History -**

Jennifer Olson's credit history was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections. Olson had an account that was 120 days delinquent, but was paid in full in 2020.

**Investigation Notes**

This application is for a class "Z" alcoholic beverage license (Authorizes the licensee to sell "on-sale" beer, wine, and spirits, bar is allowed) for Downtown Tavern, LLC d/b/a Marge's Bar.

I spoke with David Hurder over the phone in regards to the \$155 collections account. David said he was aware of the account and said it stemmed from around 2007 when he tried to cancel a television subscription. The company had sent him a check in the mail and then sent a bill later claiming he still owed money on the account. David said he spent hours on the phone with the company to try and get it resolved, which was not successful. David said he was aware the account went to collections and would not settle with the credit companies when they contacted him due to him not agreeing with the debt.

**Business Location**

Marge's Bar is located at 210 Broadway N Suite 90. Other businesses in the immediate area with alcoholic beverage licenses are Beer and Fish Company, Rosewild, Blackbird Wood Fire Pizza, Teddy's, and Dempsey's. Marge's Bar is also located in the downtown area with several other businesses with alcoholic beverage licenses to the north and south.

**Conclusion**

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

RECEIVED  
FARGO POLICE DEPARTMENT

DEC 12 2023

WILLIAM S AHLFELDT  
CAPTAIN

REF: CHIEF ZIBOLSKI

- LT. CHRISTENSEN  
AND A.C. STEFANOWICZ  
ON VACATION.  
- FORWARD

RECEIVED  
FARGO POLICE DEPARTMENT  
DEC 12 2023  
DAVID B ZIBOLSKI  
CHIEF OF POLICE *DB*  
REF: S. SPRAGUE

+ ReLemmond Approval

**NOTICE OF HEARING**

**Application for Alcoholic Beverage License**

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Monday, December 26, 2023, at 5:15 o'clock p.m. to consider an application for a Class "Z" Alcoholic Beverage License for Downtown Tavern, LLC d/b/a Marge's Bar to be located at 210 Broadway, Suite 90.

Any interested person may appear and will be heard.

City Auditor's Office  
(December 6, 2023)

*Please return to Michelle @  
Auditors by 12/11/23.*

*Thank You!*



# APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Legal Company Name: Downtown Tavern LLC  
(Must match State of North Dakota registration name)

DBA Name: Boiler Room Marge's Bar

Is the establishment applying for (or has) a food license under the same name? Yes  No

Business location address: 210 Broadway Suite 90

Mailing address: 670 4th Ave N

Business E-mail address: dan.hurder@greatplainshospitality.com

Local Manager E-mail address: jenny@boilerroomfargo.com

Best Contact Phone number: (701) 3181080

Anticipated Date of Opening: already open

*Please contact the Auditor's Office at 701-241-1301 or 241-8108 to determine the appropriate License Classification Type that would fit your business model.*

The following section to be completed by City Staff:

Date Received: 10/26/23 Class of License: 2 Transfer:  Yes  No

Investigations Fee Paid (\$250)  Yes  No Date Paid: 10/26/23

Police Department review completed by: \_\_\_\_\_ Date: \_\_\_\_\_

(Attached recommendation report):

Approval Recommendation  
David S. Juhl  
Chief of Police

Denial Recommendation  
12-12-23  
Date