

Local Licensing Authority
May 16, 2013

Municipal Judge, William E. Starks called the regular meeting of the Local Licensing Authority to order at 8:30 AM on the above date. Also present were: Assistant City Attorney, Tree Ablao; Officer Jeff Mayers and Secretary, Jeannie Weaver.

1. **MINUTES** The minutes of the April 18, 2013 meeting were approved as submitted.

2. **CONSENT AGENDA**

The items on the Consent Agenda did not require an appearance by the licensee and were approved by the Authority. The approved applications will be forwarded to the Department of Revenue for State approval and issuance of the licenses.

RENEWALS - (Appearance not required)

- a. Valero Diamond Metro, Inc. d/b/a Diamond Shamrock #1186
126 South Taft Avenue
3.2% Off-Premises Retail Beer License Renewal
June 2, 2013 to June 2, 2014 **RENEWED**
- b. Valero Diamond Metro, Inc. d/b/a Diamond Shamrock #698
1040 South Lincoln Avenue
3.2% Off-Premises Retail Beer License Renewal
June 2, 2013 to June 2, 2014 **RENEWED**
- c. Valero Diamond Metro, Inc. d/b/a Diamond Shamrock #1130
3675 North Garfield Avenue
3.2% Off-Premises Retail Beer License Renewal and
Manager Registration
June 2, 2013 to June 2, 2014 **RENEWED**
- d. Brix Wine and Spirits, Inc. d/b/a Brix Wine and Spirits
6130 East Crossroads Blvd.
Retail Store License and Tastings Permit Renewal
June 23, 2013 to June 23, 2014 **BOTH RENEWED**

END OF CONSENT AGENDA

- e. Island Grill 2 LLC d/b/a Island Grill Loveland
110 East 29th Street
Hotel and Restaurant License Renewal
June 22, 2013 to June 22, 2014 **RENEWED**

This matter was removed from the Consent Agenda. Hal Walker appeared to address the Authority and answer questions regarding an incident on April 13, 2013. Officer Mayers recommended that future events have adequate staffing or additional security for special events held at the restaurant and to keep the Police Department informed ahead of time to help if needed. There were no further concerns and the Authority approved the renewal.

3. **REGULAR AGENDA** – (Appearance Required)

RENEWALS

- a. CJ's Patio Grill, Inc. d/b/a CJ's Patio Grill
1331 Eagle Drive
Hotel and Restaurant License Renewal
July 23, 2013 to July 23, 2014

RENEWED

Tom Modlich appeared to address the Authority and answer questions. There were no concerns from the City or the Police Department. The Authority approved the license renewal. The application will be mailed to the Department of Revenue for issuance of the license.

SPECIAL EVENTS PERMITS

- a. Loveland Sertoma Club, Inc.
201 East 5th Street Employee Parking Lot (Reporter Herald)

The applicant applied for the "Loveland Loves BBQ, Bands and Brews" on July 12, 2013 from noon to 10 p.m and July 13, 2013 from 11 a.m. to 10 p.m. Kristine Koschke appeared to address the Authority and answer questions at the request of the City. Ms. Koschke explained that additional barriers were ordered for the events and bracelets will be used to help with control. The Authority informed the applicant that the monitors at the event should not be consuming alcohol while working. There were no other concerns from the City or the Police Department. The Authority approved the Special Event Permit.

- b. Community Radio for Northern Colorado (KUNC)
5971 Sky Pond Drive (Main Plaza)

The applicant applied for the "Tuna and Peanut Butter" concert on June 15, 2013. Robert Leja and Lauren Ross appeared to address the Authority and answer questions. The Authority informed the applicants that the monitors at the event should not be consuming alcohol while working. There were no concerns from the City or the Police Department. The Authority approved the Special Event Permit.

TRANSFER OF OWNERSHIP

- a. Locomotive Liquors LLC d/b/a Blue Moon Wine & Spirits
2228 West 1st Street

The applicant has applied to transfer ownership from Blue Moon Wine & Spirits LLC to Locomotive Liquors LLC. A temporary transfer permit was issued April 15, 2013. Matt Hammond appeared to address the Authority and answer questions detailing his experience and alcohol server training. The Authority announced that due to the backlog at CBI, the approval of all the transfer of ownership and the new license applications will be conditional on receipt of satisfactory results from CBI/FBI. There were no concerns from the City or the Police Department. The Authority approved the transfer of ownership. The application will be sent to the Department of Revenue for State approval and issuance of the license.

- b. Dream Machines Events, Inc.
4270 Byrd Drive

The applicant has applied to transfer ownership from Loveland Entertainment Inc. to Dream Machines Events, Inc. A temporary transfer permit was issued April 8, 2013. Attorney Dick Gast

appeared to address the Authority and answer questions. Mr. Gast explained the leases and what lots in the Optional Premises area were covered by each lease. An updated permission letter for Lot 4 from Thunder Mountain Hooters specifically granting permission to Dream Machines Events, Inc. was also submitted for the record. There were no concerns from the City or the Police Department. The Authority approved the transfer and the application will be sent to the Department of Revenue for State approval and issuance of the license.

4. PUBLIC HEARINGS – Posting and Publication required

TRANSFER OF OWNERSHIP & TASTINGS PERMIT

- a. GXA Holdings LLC d/b/a Jax Liquor
1581 North Taft Avenue

The applicant has applied to transfer ownership from Bee's Incorporation to GXA Holdings LLC and a Tastings Permit was also applied for to dispense malt, vinous and spirituous liquors by the sample for consumption on the premises. The premises was posted with a sign advertising the Public Hearing and a notice was published in the Reporter Herald as the law requires. The Authority read the procedures for the Public Hearings. George Attiyeh appeared to address the Authority and answer questions regarding his experience and alcohol service training. The Authority noted that the Tastings Permit log also requires documenting the amount of alcohol served. Mr. Attiyeh stated that after consulting with the Police Department, a home delivery service will not be offered by the store. There were no other parties in interest appearing. There were no other concerns from the City and the Police Department. The Authority approved the transfer and Tastings Permit. The transfer application will be mailed to the Department of Revenue for State approval and issuance of the license.

MODIFICATION OF PREMISES

- a. Mo' Betta Gumbo, Inc. d/b/a Mo' Betta Gumbo
141 East 4th Street

The applicant submitted a modification of premises application to add a bar to the licensed premises. The premises was posted with a sign advertising the Public Hearing on the application and a notice was published in the Reporter Herald as the law requires. Clay Caldwell appeared to address the Authority and answer questions. There were no other parties in interest appearing. There were no concerns from the City or the Police Department. The modification of premises was approved by the Authority and the application will be sent to the Department of Revenue for State approval.

- b. B C Grille Inc. d/b/a Baja Cactus Grille
119 East 4th Street

The applicant submitted a modification of premises application to add a patio area to the licensed premises. The premises was posted with a sign advertising the Public Hearing on the application and a notice was published in the Reporter Herald as the law requires. Christen French appeared to address the Authority and answer questions. Ms. French described the patio area and how the alcohol service would be monitored. The Authority questioned the wording in the encroachment permit. Ms. French agreed to contact Public Works to correct the wording to include the patio. There were no other parties in interest appearing. There were no other concerns from the City or the Police Department. The Authority conditionally approved the application. At the end of the meeting and upon receipt of the corrected encroachment permit from the Licensee,

the modification of premises was approved by the Authority. The application will be sent to the Department of Revenue for State approval.

- c. Walnut Brewery Inc. d/b/a Rock Bottom Restaurant & Brewery
6025 Sky Pond Drive

The applicant applied for a modification of premises to increase the patio area of the licensed premises. The premises was posted with a sign advertising the Public Hearing on the application and a notice was published in the Reporter Herald as the law requires. Chris Grauer and Courtney Mowry appeared to address the Authority and answer questions. A new diagram of the modification was submitted for the record due to a small decrease, from 84 seats down to 70, in the size of the patio required by the landlord. Mr. Grauer explained that he would be doing the hiring and training of the new employees and monitoring of the alcohol service in the patio area. There were no parties in interest appearing. There were no concerns from the City or Police Department. The Authority approved the modification of premises and the application will be sent to the Department of Revenue for State approval.

NEW LICENSE

- a. Encore LLC d/b/a The Encore Lounge
314 East 4th Street, Suite A

The applicant applied for a new Tavern license. The Public Hearing date and neighborhood boundaries (N-Eisenhower Blvd.; 14th Street/Hwy 402; E-Boise Ave.; W-N. Duffield Ave.) were sent to the applicant by certified mail on April 11, 2013. The premises was posted with a sign advertising the Public Hearing and a notice was published in the Reporter Herald as the law requires. The Authority read the procedures for the Public Hearing. Sebastian Birch appeared to address the Authority and answer questions. The Secretary's file was admitted into evidence for the record. Two other parties in interest appeared, Bob and Heidi Whitney, co-tenants of the building in which the application is sought. Mr. Birch was sworn in to testify. He testified as to his experience, alcohol service training and how he will operate the business. Heidi and Bob Whitney addressed the Authority with concerns about noise in the building, parking issues and construction being a detriment to their photography business. They asked for a UBC standard sound barrier system to be installed on both common walls for acoustical reduction. Mr. Birch had no issue in complying with the request. Mr. Birch described the process he used to gather signatures on the petitions. For the petition submitted by the deadline, 88 signatures were qualified and there was no opposition. Ms. Ablao was concerned with the relatively low number of signatures on the petitions that were timely filed. The Authority did not consider the petition and signatures submitted after the deadline. The Public Hearing was closed. There were no other parties in interest appearing. The Authority ruled that the petition evidence supports that the needs of the neighborhood are met because it meets the statutory requirement. The Authority found that the adult inhabitants of the neighborhood desire the issuance of the license; the reasonable requirements of the neighborhood and the type of license being sought are not being met; the number, type and availability of liquor outlets located in or near the neighborhood do not preclude the issuance of the license; and the applicant is qualified to conduct the type of business proposed. The signed application will be faxed to the Department of Revenue for completion of the concurrent review process.

A brief recess was taken at this time.

5. OLD BUSINESS/NEW BUSINESS

Local Licensing Authority
May 16, 2013

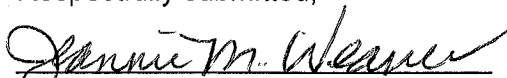
The Authority reviewed the status of SB 43-2013. The Secretary will start the cost analysis for the year and present it at a regular meeting when it's ready. No fee increases have been authorized by the legislature, so it will not need Authority action.

6. ADJOURNMENT

The next regularly scheduled Local Licensing Authority Meeting will be **June 27, 2013 at 8:30 AM** in the City Council Chambers and is one week later than the normal scheduling on the third Thursday of the month.

Having no further business to come before the Authority, the meeting was adjourned at 10:15 A.M.

Respectfully submitted,



Jeannie M. Weaver, Secretary

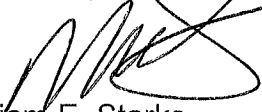
Approved:

William E. Starks, Municipal Judge
Liquor Licensing Authority

Approval of minutes for May 16, 2013 meeting of the Loveland Local Licensing Authority

I, William E. Starks, sat as the Local Loveland Liquor Licensing Authority on May 16, 2013. I have reviewed the minutes of the May 16, 2013 Liquor Authority meeting as submitted and find they are accurate and acceptable to be approved. I will not be present at the next regular meeting of the Liquor Authority, June 27, 2013, and therefore unable to approve the minutes on the record. I approve them as submitted and authorize Judge Packard, presiding over the June 27, 2103 meeting of the Authority, to approve the minutes as submitted on my behalf.

Done this 12th day of June 2013


William E. Starks
Presiding Loveland Municipal Judge and Local Licensing Authority

