

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, Sharon Citino; Sgt. James Mines and Secretary, Jeannie Weaver.

**1. MINUTES**           The minutes of the July 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. Old World Foods, LLC d/b/a Café Athens  
5865 Skypond Drive Sp. G-101  
Hotel and Restaurant License Renewal  
August 24, 2013 to August 24, 2014           **RENEWED**
  
- b. 7-Eleven Inc. d/b/a Seven Eleven Store #17142  
2081 West Eisenhower Blvd.  
3.2% Off-Premises Retail Beer License Renewal  
October 5, 2013 to October 5, 2014           **RENEWED**
  
- c. 7-Eleven Inc. d/b/a Seven Eleven Store #27094  
105 East 37<sup>th</sup> Street  
3.2% Off-Premises Retail Beer License Renewal  
September 3, 2013 to September 3, 2014   **RENEWED**
  
- d. Brinker Restaurant Corporation d/b/a Chili's Grill & Bar  
1425 Rocky Mountain Avenue  
Hotel and Restaurant License Renewal  
September 2, 2013 to September 2, 2014   **RENEWED**
  
- e. S & B Systems LLC d/b/a 29<sup>th</sup> Street Wing Shack  
158 East 29<sup>th</sup> Street  
Beer and Wine License Renewal and Manager Registration  
August 6, 2013 to August 6, 2014           **RENEWED & APPROVED**
  
- f. Ju Moon d/b/a Thirty Four Liquors  
1205 East Eisenhower Blvd.  
Retail Liquor Store License Renewal  
September 26, 2013 to September 26, 2014   **RENEWED**
  
- g. Barneveldt Inc. d/b/a McGraff's Restaurant  
1602 East Eisenhower Blvd.  
Hotel and Restaurant License Renewal  
September 12, 2013 to September 12, 2014   **RENEWED**
  
- h. Kobe Sushi, Inc. d/b/a Kobe Sushi  
1569 Fall River Drive Ste. 169  
Hotel and Restaurant License Renewal

July 22, 2013 to July 22, 2014

**RENEWED**

- i. Ovations Food Services, LP d/b/a Ovations Hot Dog Cart  
5290 Arena Circle  
Hotel and Restaurant with Optional Premises Renewal and  
Corporate Report of Changes  
September 3, 2013 to September 3, 2014 **PULLED FROM CONSENT**

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

#### SPECIAL EVENTS PERMITS

- a. Loveland Sertoma Club, Inc.  
Downtown 4<sup>th</sup> Street between Railroad and Lincoln Avenues (2 locations)

The applicant applied for the Corn Roast Festival on August 23, 2013 from 5 p.m. to 10 p.m. and August 24, 2013 from 10:30 a.m. to 8:00 p.m.

Board President, Christian Bordewick appeared to address the Authority and answer questions regarding management of the event. Loveland Chamber of Commerce President & CEO, Mindy McCloughan also appeared to address the concerns of the Police Department and explain that security and adequate staffing have been hired to ensure that alcohol does not leave the premises; the hours of serving alcohol have been reduced by one hour; Traffic Masters will provide metal fencing; and all the areas will be well lit. The City requested the Authority to make seven conditions part of issuing the permit. Other parties in interest appeared to express support for the Chamber's sponsorship and requested not using barricades to block off the doorways of the businesses along Fourth Street. A petition signed by the Downtown Loveland Association and business owners was submitted for the record. The Authority affirmed the use of the front of the buildings along 4<sup>th</sup> Street as the sides of the premises. Sgt. Mines expressed appreciation to the Chamber and Sertoma members for the meetings held and their willingness to comply with the conditions requested for issuance of the permit. The Authority approved the Special Event Permit with the attached conditions: 1) Private security is posted at all entrances/exits; 2) Workers do not consume alcohol while working; 3) 7' width for entrances/exits; 4) last call one hour before end of event; 5) lighting at all entrances/exits; 6) Alcohol service will not start until 11 a.m.; and 7) clearly marked cups to be used for alcohol beverages.

- b. Engaging Loveland, Inc.  
500 East 3<sup>rd</sup> Street (Civic Center Park)

The applicant applied for the Loveland OktoberFest event on September 20, 2013 from noon until 10 p.m. and September 21, 2013 from 11 a.m. until 10 p.m.

William Delmar and Russell Fruits appeared to address the Authority and answer questions. The Authority was informed that the Event Manager listed on the permit resigned. Mr. Delmar will amend the application and will become the Event Manager. Professional security will check ID's at the gate and TIPs trained servers will serve the beer. Serving will stop one hour early. Sgt. Mines expressed serious concerns about the event and that there has been no contact from the applicant. The City requested a continuance of the application to the September meeting to allow for a thorough review. The Authority asked if conditional approval would meet the City's request if the meeting with the Police Department is held and resolution is made. The applicant agreed to amend the application and set a meeting as soon as possible with the Police Department. The Authority gave conditional approval of the permit upon an amendment being made to the application and notification to the

Authority that resolution of the Police Department's concerns has occurred or if not, notification to the applicant will be sent to appear at the September 19, 2013 meeting.

**4. SHOW CAUSE HEARINGS – posting and publication not required**

The purpose of this hearing is to consider the suspension or revocation of said license for alleged violations by the Licensee; or by any of the agents, servants, or employees of said Licensee, of the provisions of the Colorado Liquor Code, or any of the rules or regulations adopted pursuant thereto. The Authority read the procedures for all the hearings into the record.

- a. Kum & Go, LP d/b/a Kum & Go #995  
1600 East Eisenhower

Vickie Brigham appeared to address the Authority and answer questions. Ms. Citino read the proposed stipulation whereby the Licensee will admit the violation and a 15 day suspension will be imposed. Ten days of the suspension will be held in abeyance for one year provided that the Licensee does not violate the Colorado Liquor Code or the Colorado Code of Regulations at the licensed premises during the year; agrees to have employees attend TIPS training with 60 days; and pay the fine in lieu of serving a 5 day suspension. Ms. Brigham admitted the violation, waived the right to a hearing and is eligible to pay the fine. The Authority accepted the stipulation and found that the admission is voluntary and not the result of any undue coercion. The fine was set at \$200.00 and is due by 8/30/13.

- b. Nu, Inc. d/b/a 1<sup>st</sup> Street Liquors  
1104 East 1<sup>st</sup> Street

Chieun Hwang appeared to address the Authority and answer questions. Ms. Citino read the proposed stipulation whereby the Licensee will admit the violation and a 15 day suspension will be imposed. Ten days of the suspension will be held in abeyance for one year provided that the Licensee does not violate the Colorado Liquor Code or the Colorado Code of Regulations at the licensed premises during the year; agrees to have employees attend TIPS training with 60 days; and pay the fine in lieu of serving a 5 day suspension. Ms. Hwang admitted the violation, waived the right to a hearing and is eligible to pay the fine. The Authority accepted the stipulation and found that the admission is voluntary and not the result of any undue coercion. The fine was set at \$1,629.00 and is due by 8/30/13.

- c. Anthology Book Co.  
422 East 4<sup>th</sup> Street

Stephanie Stauder appeared to address the Authority and answer questions. Ms. Citino read the proposed stipulation whereby the Licensee will admit the violation and a 15 day suspension will be imposed. Ten days of the suspension will be held in abeyance for one year provided that the Licensee does not violate the Colorado Liquor Code or the Colorado Code of Regulations at the licensed premises during the year; agrees to have employees attend TIPS training with 60 days; and pay the fine in lieu of serving a 5 day suspension. Ms. Stauder admitted the violation, waived the right to a hearing and is eligible to pay the fine. The Authority accepted the stipulation and found that the admission is voluntary and not the result of any undue coercion. The fine was set at \$200.00 and is due by 8/30/13.

- d. Consignment Barn 66 d/b/a Tommy Gun's Hideout  
111 East 5<sup>th</sup> Street

Cassandra Breen appeared to address the Authority and answer questions. Ms. Citino read the proposed stipulation whereby the Licensee will admit the violation and a 15 day suspension will be

imposed. Ten days of the suspension will be held in abeyance for one year provided that the Licensee does not violate the Colorado Liquor Code or the Colorado Code of Regulations at the licensed premises during the year; agrees to have employees attend TIPS training with 60 days; and pay the fine in lieu of serving a 5 day suspension. Ms. Breen admitted the violation, waived the right to a hearing and is eligible to pay the fine. The Authority accepted the stipulation and found that the admission is voluntary and not the result of any undue coercion. The fine was set at \$457.00 and is due by 8/30/13.

- e. Kensara, Inc. d/b/a Thompson Valley Liquor  
1195 Eagle Drive

Sara Buchholtz appeared to address the Authority and answer questions. Ms. Citino read the proposed stipulation whereby the Licensee will admit the violation and a 15 day suspension will be imposed. Ten days of the suspension will be held in abeyance for one year provided that the Licensee does not violate the Colorado Liquor Code or the Colorado Code of Regulations at the licensed premises during the year; agrees to have employees attend TIPS training with 60 days; and pay the fine in lieu of serving a 5 day suspension. Ms. Buchholtz admitted the violation, waived the right to a hearing and is eligible to pay the fine. The Authority accepted the stipulation and found that the admission is voluntary and not the result of any undue coercion. The fine was set at \$5,000.00 and is due by 8/30/13.

- f. G-N-K-S LLC d/b/a George's Pizza & Gyros  
104 East 29<sup>th</sup> Street, #2 (Unit C)

George Keramidis appeared to address the Authority and answer questions. Ms. Citino read the proposed stipulation whereby the Licensee will admit the violation and a 15 day suspension will be imposed. Ten days of the suspension will be held in abeyance for one year provided that the Licensee does not violate the Colorado Liquor Code or the Colorado of Regulations at the licensed premises during the year; agrees to have employees attend TIPS training by 12-31-13; and pay the fine in lieu of serving a 5 day suspension. Mr. Keramidis admitted the violation, waived the right to a hearing and is eligible to pay the fine. The Authority accepted the stipulation and found that the admission is voluntary and not the result of any undue coercion. The fine was set at \$200.00 and is due by 8/30/13.

## 5. PUBLIC HEARINGS – posting and publication required

### NEW LICENSES

- a. 7-Eleven, Inc. d/b/a Seven Eleven Store #35708H  
4277 North Taft Avenue

The applicant applied for a new 3.2% Off-Premises Retail Beer license. The Public Hearing date and neighborhood boundaries (N-West 57<sup>th</sup> Street; S-West 29<sup>th</sup> Street; E-N. Garfield Ave.; and W-N. Wilson Ave.) were sent to the applicant by certified mail on June 21, 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.

Attorney Kevin Coates appeared to address the Authority and answer questions. The Authority read the procedures to be followed for the hearing. No other parties in interest appeared. Carol Johnson and Curtis Douglas were sworn in to testify. Ms. Johnson of Esquire Petitioning Services, testified about performing the survey of the neighborhood and the results obtained. The Authority noted that it might be a poor business practice for Ms. Johnson to notarize the circulator affidavits. Mr. Douglas testified that

he will work with the store for compliance and training of employees for alcohol service. The new manager will attend the alcohol server training class. Ms. Ablao noted that the building hasn't been built yet so inspections and reviews by the Building Division, Fire Department and Planning have not been completed. There were no other parties in interest appearing. 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 Authority approved the new license conditionally upon the building being completed and inspections passed.

- b. Taqueria Los Comales, LLC d/b/a Taqueria Los Comales  
1518 North Madison Avenue, Units A & B

The applicant applied for a new Hotel and Restaurant license. The Public Hearing date and neighborhood boundaries (N-East 29th Street; S-East 1st Street; E-Mountain Lion Drive and W-N. Garfield Ave.) were sent to the applicant by certified mail on July 19, 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.

Graciela Lopez and Efrain Gonzales appeared to address the Authority and answer questions. The Authority read the procedures to be followed for the hearing. No other parties in interest appeared. Ms. Lopez and Mr. Gonzales were sworn in to testify. Mr. Gonzales submitted a lease amendment for the trade name of the business, Taqueria Los Comales, and testified about performing the survey of the neighborhood and the results obtained. Graciela Lopez and Victoria Villavencencio will attend the alcohol server training class. Ms. Ablao requested an amendment of the diagram to include the cooler area and noted that the Fire Department had not completed the final inspection of the property. Mr. Gonzales stated that the final inspection would be done by 8/30/13. There were no other parties in interest appearing. 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 Authority approved the new license conditionally upon completion of the final inspections and a certificate of occupancy submitted for the file.

#### RENEWAL PULLED FROM CONSENT AGENDA

- i. Ovations Food Services, LP d/b/a Ovations Hot Dog Cart  
5290 Arena Circle  
Hotel and Restaurant with Optional Premises Renewal and  
Corporate Report of Changes  
September 3, 2013 to September 3, 2014

Phil Hossler appeared to address the Authority and answer questions. The Authority stated that the Licensee was informed to submit an application for a temporary modification of premises for the Optional Premises license over three weeks ago. At that time the Authority called the State investigator, Jim Alderden, regarding use of the Optional Premises and the call still has not been returned. This morning, the Licensee filed the application for a temporary modification of premises. Ms. Citino suggested that a continuance to a Special Meeting date would allow for a complete review of the application. Mr. Hossler then withdrew the application and confirmed the use of the previously filed notification to maintain the activation of Optional Premises 2, which would not allow alcohol beverages to cross between Optional Premises 1 and 2.

Local Licensing Authority  
August 15, 2013

There were no concerns from the City or the Police Department regarding the renewal and corporate report of changes of the license. The Authority approved both applications.

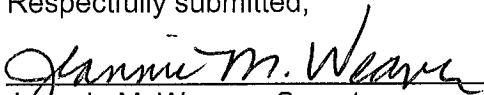
**6. OLD BUSINESS/NEW BUSINESS**

None.

**7. ADJOURNMENT**

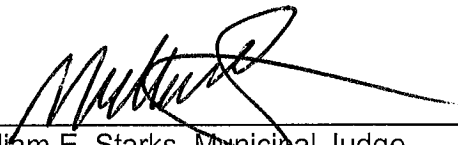
The next regularly scheduled Local Licensing Authority Meeting will be **September 19, 2013 at 8:30 AM** in the City Council Chambers. Having no further business, the meeting adjourned at 12:17 p.m.

Respectfully submitted,

  
Jeannie M. Weaver, Secretary



Approved:

  
William E. Starks, Municipal Judge  
Liquor Licensing Authority