



ROLL CALL

The Regular Meeting of the Broomfield Local Licensing Authority was called to order by Chairperson Claussen at 5:30 p.m. on April 6, 2016, in the Council Chambers of the George Di Ciero City and County Building.

Present: Mr. Gary Berlin
Mr. Ken Claussen
Mr. Leon Murray
Councilmember Mike Shelton
Mr. Jacob Starkovich, Alternate

Absent: Councilmember David Beacom
Councilmember Martha Derda, Alternate

Also present were: Deputy City and County Attorney Pat Gilbert
Records and Licensing Administrator / Deputy Clerk Tricia Kegerreis

ORGANIZATIONAL MEETING

Local Licensing Authority Selection of Chairperson and Vice-Chairperson

Chairperson Claussen stated that at the March 8, 2016, Council Meeting, Council appointed Gary Berlin as the Regular Member and Jacob Starkovich as the Citizen Alternate Member to the Local Licensing Authority. He thanked all members for their time given serving on this Board.

Chairperson Claussen opened the floor for nominations for the selection of the Chairperson and Vice-Chairperson for 2016.

Authority Member Claussen moved and Councilmember Shelton seconded to nominate Leon Murray for Chairperson. There were no further nominations, and Authority Member Murray was appointed Chairperson by unanimous vote.

Authority Member Murray moved and Councilmember Shelton seconded to nominate Ken Claussen as Vice-Chairperson. There were no further nominations, and Authority Member Claussen was appointed Vice-Chairperson by unanimous vote.

DISPOSITION OF MINUTES

- (a) Minutes of the Regular Meeting of March 2, 2016.

Since there were no corrections or additions, the Minutes of the Regular Meeting of March 2, 2016, were approved as submitted.

LOCAL LICENSING AUTHORITY BUSINESS

a) Pemberton Family Liquor LLC d/b/a High Five Liquor – Retail Liquor Store - Request for a Tastings Permit

Pemberton Family Liquor LLC d/b/a High Five Liquor, 5099 W. 120th Avenue, Suite C 4-6, Broomfield, Colorado, has applied for a Tastings Permit. Dennis Pemberton, Owner, and Amber Wadkins, Manager, were present on behalf of the applicant.

In response to Authority Member questions, Amber Wadkins stated that while she and her dad, Dennis Pemberton, were conducting the tastings, other employees would be running the cash register. She noted that, at this time, samples of only one wine at a time would be dispensed at each tastings, and customers taking part in the tastings would be tracked using a sign-in sheet with the number of tastings received. Mr. Pemberton responded that after tastings are completed, opened bottles of wine would be disposed of by pouring the remaining wine down the drain or having the vendor take the opened bottle with him. After questions by the Authority, Ms. Wadkins stated he could change the Control Plan to dispose of all remaining alcohol down the drain if that was the only way to dispose of the remaining alcohol. Authority Members questioned whether opened bottles of wine could be removed from the premises and questioned the practice of pouring the remainder of expensive alcohol down the drain. Deputy City and County Attorney Gilbert reported that she would research the practice of removing alcohol from the premises after tastings and would have the Licensee amend the Control Plan, accordingly.

AUTHORITY MEMBER CLAUSSEN MOVED AND AUTHORITY MEMBER BERLIN SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE A TASTINGS PERMIT FOR THE RETAIL LIQUOR STORE LICENSE OF PEMBERTON FAMILY LIQUOR LLC D/B/A HIGH FIVE LIQUOR ON THE CONDITION THAT AN AMENDED CONTROL PLAN BE SUBMITTED TO THE CITY CLERK PRIOR TO ISSUANCE OF THE PERMIT. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS BERLIN, CLAUSSEN, MURRAY, AND SHELTON VOTING AYE.

(b) SNS, Inc. d/b/a Arista Wine & Spirit – Retail Liquor Store – Request for a Tastings Permit

SNS, Inc. d/b/a Arista Wine & Spirit located at 8200 Arista Place, #110, Broomfield, Colorado, has applied for a Tastings Permit. Purna Gurung, Owner, was present on behalf of the applicant. In response to Authority questions, Mr. Gurung stated that, in addition to him, his wife and another relative, as well as the vendor, will be in attendance while tastings are conducted. He also responded that he would amend the Control Plan to add more information and would also track the number of tastings for each customer with a sign-in sheet.

AUTHORITY MEMBER CLAUSSEN MOVED AND AUTHORITY MEMBER BERLIN SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE A TASTINGS PERMIT FOR THE RETAIL LIQUOR STORE LICENSE OF SNS, INC. D/B/A ARISTA WINE & SPIRIT ON THE CONDITION THAT AN AMENDED CONTROL PLAN BE SUBMITTED TO THE CITY CLERK PRIOR TO THE ISSUANCE OF THE PERMIT. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS BERLIN, CLAUSSEN, MURRAY, AND SHELTON VOTING AYE.

Mr. Purna was given a copy of Agenda Item 4(a) for a sample of a Control Plan with more information included.

(c) United Chinese Restaurant II, Inc. d/b/a United Chinese Restaurant – Manager Registration / Change of Corporate Structure - Hotel & Restaurant License

There was no representative present on behalf of the Licensee. This item was moved to the end of the Business Items, after Item 4(g), to give time for a representative to attend. A representative did not appear.

AUTHORITY MEMBER BERLIN MOVED AND AUTHORITY MEMBER CLAUSSEN SECONDED THAT THIS ITEM BE POSTPONED UNTIL THE NEXT REGULARLY SCHEDULED LOCAL LICENSING AUTHORITY MEETING AND THE APPLICANT BE NOTIFIED TO APPEAR. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS BERLIN, CLAUSSEN, MURRAY, AND SHELTON VOTING AYE.

(d) GB Acquisition, Inc. d/b/a Gordon Biersch Brewery Restaurant – Modification of Premises – Brew Pub License

James Weiland, General Manager, was present on behalf of the Applicant. The Application was for the expansion of the patio premises for the Thursday evening summer concerts at FlatIron Crossing. In response to Authority questions, Mr. Weiland confirmed that the modification being requested is the same as last year's modification application. He advised that Mall security and members of the Broomfield Police Department would be on site during the event. Mr. Weiland stated that all employees working in this expanded area are trained and have been ServeSafe certified.

AUTHORITY MEMBER BERLIN MOVED AND AUTHORITY MEMBER CLAUSSEN SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE MODIFICATION OF PREMISES FOR THE BREW PUB LICENSE FOR GB ACQUISITION, INC. D/B/A GORDON BIERSCHE BREWERY RESTAURANT. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS BERLIN, CLAUSSEN, MURRAY, AND SHELTON VOTING AYE.

(e) Forgotten Inc, LLC d/b/a Inks and Drinks – Modification of Premises – Beer and Wine License

Neysa Cromer, Owner, was present on behalf of the Applicant. Ms. Cromer's plans are to permanently modify the premises to include the addition of an outdoor patio. In response to Authority questions, Ms. Cromer stated that control of the premises would be handled by the painting teacher who would be outside when conducting classes and by other employees who would be going in and out of the building to help customers. She stated that she would add a sign on the gates stating that outside alcohol could not be brought onto the premises, as well as a sign stating that alcohol from Inks and Drinks could not be removed from the premises.

AUTHORITY MEMBER CLAUSSEN MOVED AND AUTHORITY MEMBER SHELTON SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE MODIFICATION OF PREMISES FOR THE BEER AND WINE LICENSE FOR FORGOTTEN INK, LLC D/B/A INKS AND DRINKS. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS BERLIN, CLAUSSEN, MURRAY, AND SHELTON VOTING AYE.

(f) N & S Inc. d/b/a Liquorville – Renewal – Retail Liquor Store License

Rabi Alnimri, Owner / Manager, was present on behalf of the applicant. In response to Authority questions, Mr. Alnimri stated that all employees have attended the Broomfield Police Department training after the February 3, 2016, hearing.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER BERLIN SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE RENEWAL OF THE RETAIL LIQUOR STORE LICENSE FOR N & S INC. D/B/A LIQUORVILLE. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS BERLIN, CLAUSSEN, MURRAY, AND SHELTON VOTING AYE.

(g) Avellino LLC d/b/a Follow the Ruel - Application for a Hotel & Restaurant License

Chairperson Murray opened the public hearing at 5:58 p.m. and advised that the purpose of the hearing was to permit all parties in interest an opportunity to be heard regarding the application submitted by Avellino LLC d/b/a Follow the Ruel for a Hotel and Restaurant License. He explained the hearing procedures as set forth in the Authority's Rules of Procedure.

Constance Ruel, Owner, and Max Scott, Oedipus, Inc., were present on behalf of the Applicant and sworn in prior to testimony.

Deputy City and County Attorney Gilbert reviewed the Staff memorandum and advised that the information submitted by the Applicant was offered as Exhibits A-1 through A-10 for purposes of the public hearing. Information provided by Staff was also offered as B-1 through B-3.

Chairperson Murray admitted Exhibits A-1 through A-10 and Exhibits B-1 through B-3 since there were no objections.

Constance Ruel testified that she has had four licenses in the past and was TIPS trained and now has become a TIPS trainer. She is now a part-time instructor at Front Range Community College and teaches Bar Management, training students how to correctly serve and store alcohol. She explained this business would be a unique coffee café not focusing on alcohol, and in the evenings, events such as brewmaster dinners, winemaker dinners, and painting and cooking classes would be held.

Max Scott distributed the petitions for the businesses and residential neighborhoods within the prescribed one-mile radius and summarized the survey results and the petitioning procedure used. He testified that a total of 188 signatures were obtained with no businesses opposed. Of the total signatures, 180 were in favor of the license and eight residents were opposed, which consisted of two indicating no need, three indicating abhorrence to alcohol and three gave no reason. The results were 96% in favor of the application.

In response to Authority questions, Ms. Ruel stated that the hard liquor would probably be sold at special dinners rather than at the brewmaster / winemaker dinners. She also reported that there was seating for approximately 14 to 15 people. Most of the facility would be used for cooking classes and then the students could have alcohol with the food they had prepared. She reported that other tenants in the area are an antique store, burrito house, and retail liquor store. Parking can be accommodated because most of the events will be held at night when most of the other businesses are closed. She noted that she has never had a violation with any of her other previous liquor licenses. The Authority commented that they were glad to see such a unique business coming to Broomfield but cautioned Ms. Ruel that Highway 287 is very busy and suggested that she not send anyone home intoxicated.

There was no party in interest in attendance who appeared in opposition or in support of the application.

The public hearing was closed at 6:18 p.m.

Deputy City and County Attorney Gilbert presented the proposed Findings, as amended.

AUTHORITY MEMBER CLAUSSEN MOVED AND AUTHORITY MEMBER SHELTON SECONDED THAT THE PROPOSED FINDINGS BE ADOPTED, AS AMENDED. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS BERLIN, CLAUSSEN, MURRAY, AND SHELTON VOTING AYE.

AUTHORITY MEMBER CLAUSSEN MOVED AND AUTHORITY MEMBER BERLIN SECONDED THAT, HAVING REVIEWED THE EVIDENCE IN ITS ENTIRETY, THE AUTHORITY FINDS THAT THE APPLICANT HAS SUSTAINED ITS BURDEN OF SHOWING THAT THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD OR THE DESIRES OF THE INHABITANTS WERE NOT SATISFIED BY EXISTING OUTLETS. ACCORDINGLY, THE APPLICATION IS APPROVED AND THE LICENSE WILL BE ISSUED PENDING ISSUANCE BY THE STATE AND INSPECTION AND APPROVAL OF THE PREMISES BY THE CITY. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS BERLIN, CLAUSSEN, MURRAY, AND SHELTON VOTING AYE.

Mr. Max Scott noted that he has been certified by the State to conduct alcohol trainings and that the State had explained to him that removal of alcohol from the premises after tastings can be accomplished by pouring the remaining alcohol out or resealing and removing opened bottles of alcohol from the premises, but it cannot be given to patrons.

PETITIONS AND COMMUNICATIONS

- (a) Quik Way Retail Associates II, LTD d/b/a Empire Valero Quik Way – Change of Manager – 3.2% Beer License (Off-Premises)

The Authority acknowledged receipt of the notice of Change of Manager. No motion by the Authority was required.

POLICE DEPARTMENT REPORT

- (a) Liquor Training – March 13, 2016

Authority Member Murray noted that there were 45 participants from multiple employers who attended the last Broomfield Police Department training, which was very good to see. He stated the Police Department is doing a good job with this training.

CITY & COUNTY ATTORNEY'S REPORT

Applications for Manufacture Sales Room Permits - Update

Deputy City and County Attorney Gilbert reported that the State has requested that the applications for Manufacture Sales Room Permits be marked approved or not approved, so the Clerk will mark those applications as approved since the timeline for approval is needed before a Local Licensing Authority meeting can be held.

ADJOURNMENT

The meeting was adjourned at 6:22 p.m.

APPROVAL

Minutes Prepared by

Jessica Kogenes
Deputy City and County Clerk

Approved by

L. M. P.
Chairperson