



MINUTES
LOCAL LICENSING AUTHORITY
Thursday October 17, 2024 – 8:30 A.M.
City Council Chambers – 500 E. Third Street
Loveland, Colorado

IN ATTENDANCE:

Judge Brandi Nieto, Local Licensing Authority
Vincent Junglas, Acting City Attorney
Adriana Mazur, Local Licensing Authority Secretary
Sterling Wilson, Assistant City Clerk

1. CONSENT AGENDA

A. Approval of Minutes from LLA Meeting on September 19th, 2024.

There were no protests filed in response to any item on the consent agenda. The minutes were approved in their current form.

2. PUBLIC HEARING

A. Special Event Permit – Loveland Economic Development – Winter Wonderlights

The Winter Wonderlights Live event nights are free and open to the public, and will feature live musical and dance performances, holiday activities, food trucks, festive vendors, and a holiday-themed musical light show. The events will take place at Chapungu Sculpture Park, located at 5995 Sky Pond Dr. in Loveland, on November 23rd, December 13th, and December 14th, 2024, from 4:30 p.m. to 9:00 p.m. Alcohol services will be managed by Peak Beverage Catering, and proceeds from the events will benefit the Visit Loveland Division to offset overall event costs.

In Attendance: Chris Bierdeman, Loveland Economic Development, Tannea Musselman, Executive Director of operations for Peak Beverage (virtual appearance)

Findings and Action Taken:

This is Mr. Bierdeman described the event and his organization, as requested by the Mr. Junglas. The event will feature a “Winter Beer Garden” differently from years prior to help offset overall event costs and allow participants to enjoy adult beverages. The event will benefit Visit Loveland, which is part of Loveland’s Economic Development department, by boosting lodging and sales tax revenues. The event is expected to host about 3,500 attendees, a mix of adults and children. Several food items will be available: food trucks will be available in addition to prepackaged snacks. All mobile vendors will be licensed by the City of Loveland.

Ms. Musselman described Peak Beverage’s role in the event and the number of staff hired to cover the event. Beer will be available as well as spiked hot chocolate and cider.

Peak Beverage will also provide non-alcoholic beverages. All Peak Beverage personnel are TIPS trained and know how to handle liquor enforcement.

Mr. Bierdeman described the event perimeter, as requested by Mr. Junglas. One LPD off duty Police Officer has been requested and a security company has been contracted for the events. Security staff will make sure participants do not bring outside alcohol into the event space, as well as make sure participants do not leave the event space with alcohol.

No one in the gallery was present to speak about this item and the Clerk's Office did not receive protests for the event, therefore the public hearing was closed.

The Authority approved the event and directed the applicants to coordinate issuance of permits with the Clerk's Office.

B. Special Event Permit – Northern Colorado Regional Airport – Terminal Grand Opening Event

The Terminal Grand Opening is a community event featuring food trucks, live music, static aircraft displays, and other family-friendly activities. There will be a ribbon-cutting ceremony from 3:30 p.m. to 4 p.m., and all event activities will take place at the Northern Colorado Regional Airport, located at 4831 Earhart Rd. in Loveland on November 7th, 2024, from 3:30 p.m. to 6:30 p.m. Alcohol will be provided by a sponsor, Ditesco, and will be available at no charge for eventgoers 21 years and older. Sapphire Events will provide TIPS-certified personnel who will administer the alcohol service.

In Attendance: Katherine Morgan, Exec. Assistant, and Emma Speshock, Business Services Technician

Findings and Action Taken:

The City of Loveland manages the Northern Colorado Regional Airport. The Authority clarified a few points with the applicant: alcohol will be served free of charge to participants, and the applicant had nothing to add regarding the late submission of the application but thanked the Authority for considering their application.

Mr. Junglas asked the applicant to describe the event. The event celebrates the culmination of the long-time endeavor that was the construction of the Airport Terminal building. The event also serves as a thank you to the community and other representatives for their collaborative efforts. The Grand Opening will be free of charge and open to the public. It will feature family-friendly activities, giveaways, and static displays. 300 participants are expected throughout the duration, and food will be available while alcohol is served. The food trucks participating will be from the City's approved mobile vendor list. Canned beer and wine will be provided by Sapphire Events, which has worked with the Airport in the past. This vendor will also provide two TIPS-certified bartenders who will check IDs, administer and monitor alcohol consumption throughout the event with the help of three TIPS-certified Big Deal Events staff members. Signage will be posted in the bar service area (state minor warning signs) and

MINUTES
LOCAL LICENSING AUTHORITY
Thursday October 17, 2024 – 8:30 A.M.
City Council Chambers – 500 E. Third Street
Loveland, Colorado

bartenders will ID all participants. No limit to the number of drinks served has been established with the expectation that Sapphire Events will monitor consumption.

The applicant was asked to describe the perimeter for the event. Alcohol will be provided within the interior of the terminal building and the TSA ramp area, which will be barricaded and monitored. Eight Airport staff will be present. No volunteers. Security will be provided by Airport staff, and the applicant is looking to contract a temporary staff member to monitor outside perimeter.

The City recommended approval of the application. No complaints were filed with the Clerk's Office, and no one was present to protest; the public hearing was closed.

The Authority will grant the permit finding that all measures are appropriate for the size of the event. Alcohol will not be charged, and vendors are on the approved list.

C. Permanent Modification – Oceans Bistro Inc. dba Durbar Nepalese & Indian Bistro

An application for the Permanent Modification of the Hotel & Restaurant Liquor License issued to Oceans Bistro Inc. dba Durbar Nepalese & Indian Bistro, located at 1525 W Eisenhower Blvd. in Loveland, was filed on September 20, 2024. The Licensee appeared at the September 19, 2024, Liquor Licensing Meeting to address matters regarding compliance with Regulation 47-302(A) of the Colorado Liquor Rules: Modification of Premises.

In Attendance: Mahatma Gautam, Owner/Manager

Findings and Action Taken:

The licensee was required to submit a Report of Changes for a Modification of Premises. The square footage decreased because the landlord altered the building to create additional suites. The Report of Changes application was received along with an amended diagram reflecting the current liquor boundaries, as well as a diagram reflecting the premises before the modification was done. The applicant described the new liquor boundaries and reduction of space/load occupancy. The Building Division and the Loveland Fire and Rescue Authority both signed off on permits for this establishment after changes were made by the landlord. No additional changes were made since the last appearance before the Authority.

No one in the gallery was present to protest this application and the Clerk's office received no written protests.

The Authority will approve this Permanent Modification of Premises application finding that the applicant provided all the necessary documentation: updated Lease Agreement,

the Report of Changes form, and the appropriate diagrams. The applicant possesses a valid Liquor License that is in good standing, as well as current City and State Sales Tax Licenses, and is in compliance with Zoning, Fire and Building. The applicant provided additional testimony during today's public hearing regarding the modification, and no one was present to speak against this modification. No written protests were filed with the Clerk's Office. The Authority further finds that the applicant is qualified to hold a Liquor License as he has been the continuous owner of the license. The applicant has only decreased the square footage of the establishment, and that modification application has been filed, therefore the Authority will grant the modification of premises.

D. Transfer of Ownership – Eisenhower Wine & Spirits

An application was filed on August 16th, 2024, for the transfer of the Retail Liquor Store License currently issued to A&C Enterprises, Inc., d/b/a Eisenhower Wine & Spirits, to Tajpal Enterprises Inc., d/b/a Eisenhower Wine & Spirits, for the license located at 1710 W. Eisenhower Blvd., Unit 9, in Loveland. A temporary transfer permit was issued on August 22nd, 2024, and is valid for 120 days thereafter. A notice of public hearing was posted in the Reporter Herald as the law requires.

In Attendance: Tajinder Singh, Owner/Manager

Findings and Action Taken:

The retail liquor store was purchased in August of this year, and no modifications have been made to the licensed premises. Alcohol is available for sale throughout the store on shelves and in coolers. The applicant described the space where alcohol is stored. The applicant does not have prior experience owning a liquor store but managed a liquor store in Gary, IN for four years. Currently there are 4 additional employees who have worked at the establishment under the previous license. These employees have liquor experience ranging from six years to one and a half years. The applicant described the liquor safety training received by the employees regarding checking IDs and dealing with intoxicated patrons. Furthermore, the store is equipped with security cameras that record continuously. None of the employees are under the age of 21 years old. The applicant described the store's hours of operation.

The City recommended approval of the application. No one in the gallery was present to speak about this item and no protests were filed with the City Clerk's Office. The public hearing was closed.

The Authority finds that the applicant has been subject to a complete criminal history and background check. It appears from the evidence submitted that the applicant is legally entitled to the premises and that selling liquor in the manner proposed is in compliance with the Zoning regulation of the City of Loveland. The business does not appear to be within 500 feet of any parochial school, college, university or seminary. The applicant applied for City and State Sales Tax Licenses. The preliminary report from the Fire Marshal indicates that the premises comply with the fire code. The preliminary report from the Chief Building Official indicates that the premises comply with the building code. As stated previously, the criminal history is complete and there is nothing prohibiting the applicant from holding the liquor license.

MINUTES
LOCAL LICENSING AUTHORITY
Thursday October 17, 2024 – 8:30 A.M.
City Council Chambers – 500 E. Third Street
Loveland, Colorado

The Authority will grant this application for a Transfer of Ownership and recommends the applicant completes TIPS training if he has not already done so.

E. Voluntary Appearance - Sushibox LLC dba Sushirito

The Licensee appeared at the September 19, 2024, Liquor Licensing Meeting to address matters related to the legal possession of the Hotel & Restaurant Liquor License issued to Sushibox LLC, dba Sushirito. At this meeting, the applicant was asked to have the prospective transfer applicant, Annie Sushi LLC, file a completed Transfer of Ownership with the Clerks' Office within 5 days from the meeting and pay all associated fees with Certified funds. The Applicant was also asked to contact City Sales Tax to establish a concrete timeline for the payment plan identified during the meeting.

In Attendance: No representative from this business appeared before the Authority.

Findings and Action Taken:

An application and fees for a transfer of ownership was submitted by Annie Nugn Sui (Annie Sushi LLC) at around 3:30pm on October 16th. The City of Loveland Sales Tax Department has stated that the new ownership possesses a valid City sales tax license and will not be held liable for any outstanding balances attributable to Sushibox LLC.

The Authority established a deadline of 5 business days for the filing of a transfer application to encourage the new applicants to submit the correct materials in a timely manner. Annie Sushi LLC is owned by Patcharin Nilabon's cousin, who has requested a temporary transfer permit request along with the application submitted on October 16th. This application was reviewed by the Authority at the hearing.

The Authority stated that the applicant needs to come to a liquor licensing meeting to get the transferred approved, and asked Mr. Junglas if he had any objection to issuing the temporary permit. The City Attorney's Office did not have an objection to the issuance of a temporary permit and deferred to the Authority for a determination. The Authority will grant the temporary permit, but raised two questions, one regarding what is currently going on in the business, and the other regarding the terms of the lease.

The City Attorney gave a brief history of the timeline of events according to the paperwork submitted, and noted that the current owner of Sushibox LLC, d/b/a Sushirito, was previously warned that sales tax violations could result in the suspension or revocation of that business's sales tax license. Under the municipal code, the City Manager has the right to revoke a business' sales tax license, which would affect the business' ability to hold a liquor license. While Annie Sushi LLC has held possession of

the business since June of this year, to this day, there is no clear distinction of who truly owns or operates the establishment.

Annie Sushi LLC is fundamentally a different business from Sushibox LLC and there are concerns regarding the liability of sales tax balances due to the City. Annie Sushi LLC may later become liable for outstanding amounts under Sushibox LLC. Mr. Junglas stated that he feels the temporary permit is okay to issue going by the statements provided at the September 19, 2024, hearing where the applicant appeared, as requested.

The Authority approved the request for a temporary permit as the transfer applicant has fulfilled the requirements to apply for a transfer. The applicant has also provided Wholesaler Affidavits of Compliance, which indicate that all wholesaler accounts have been paid in full. The temporary permit will expire in 120 days and the Authority will require the applicant to appear for consideration of the transfer of ownership application. The applicant is now authorized to sell alcohol under the temporary transfer permit, and is encouraged to attend a TIPS training course, along with her employees, as soon as possible so that they are in compliance. The Authority will have a conversation with the applicant about filing deadlines.

The Clerk's Office has been directed to accommodate the applicants' need for a translator. The Authority does not want there to be additional confusion because of the language barrier. The applicant must understand the responsibilities that come with holding a liquor license, as such a license is a privilege.

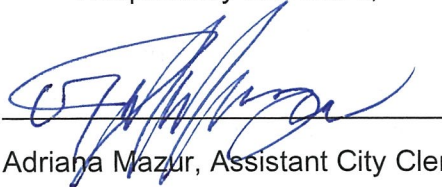
3. STAFF REPORT

- A. City Clerk's Office: the Local Liquor Rules Review meeting has been scheduled for October 30, 2024, from 9:30am to 11:30am, in Council Chambers.
- B. City Attorney's Office: no reports at this time.

ADJOURN

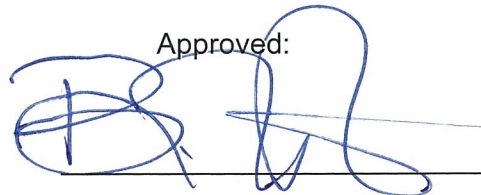
The next regularly scheduled Local Licensing Authority Meeting will be held on Thursday November 21st, 2024, at 8:30 AM, in the City Council Chambers.

Respectfully submitted,



Adriana Mazur, Assistant City Clerk
Liquor Licensing Secretary

Approved:



Brandi Nieto, Judge
Liquor Licensing Authority