



**MINUTES**  
**LOCAL LICENSING AUTHORITY**  
**Thursday March 21<sup>st</sup>, 2024 – 8:30 A.M.**  
**City Council Chambers – 500 E. Third Street**  
**Loveland, Colorado**

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**IN ATTENDANCE:**

**Geri Joneson, Local Licensing Authority**  
**Michael Bailey, Assistant City Attorney**  
**Emilie Loomis, Liquor and Tobacco Enforcement Officer**  
**Sterling Wilson, Local Licensing Authority Secretary**  
**Adriana Hernandez, Local Licensing Authority Secretary**

**CONSENT AGENDA**

Approval of Minutes:

- A. Minutes from LLA Meeting on February 20<sup>th</sup>, 2024.**
- B. Governor's Art Show 2024 Special Event Permit**
- C. Permanent Modification of Premises – Dillon Companies LLC, dba King Soopers #74**

**The Minutes were approved and signed by the Authority in their current form in addition to items B and C.**

**2. PUBLIC HEARING**

**A. Tobacco License – Super Smoke Shop LLC, dba Super Smoke Shop**

An application for a new tobacco license was filed on January 31<sup>st</sup>, 2024, by Super Smoke Shop LLC, dba Super Smoke Shop, located at 410 E. Eisenhower Blvd., in Loveland, CO. The applicant seeks to obtain a license to sell tobacco products from the location formerly occupied by an unlicensed tobacco retailer.

**In Attendance:** Matthew Rimmer, Owner/Manager

Findings:

Mr. Rimmer was asked a series of questions pertaining to the nature of his application and his business plan. He stated that while he intends to operate this tobacco and vape shop selling cigarettes, pipes, vaporizers, and related items, he had no knowledge that the location was previously denied application for a tobacco license for one calendar year as of January 18<sup>th</sup>, 2024. Mr. Rimmer holds more than five years of experience operating a gas station with a tobacco and liquor license. He has previously had one violation related to underage sales at his gas station in Fort Collins. Mr. Rimmer has attended training programs mandated by this violation.

The City Attorney inquired as to how Mr. Rimmer intends to control his premises: the applicant replied that he intends to operate the establishment with age-restricted entry, and all customers must present ID to prove that they are over 21 years of age. He does not plan to use any scanners or record-keeping to screen identification.

The shop will operate from 10am to 10pm, with at least one employee present up to 6pm, at which point an additional employee will be present. Mr. Rimmer intends to be present on site during the day and will likely work a significant number of shifts.

When questioned about the ownership of the premises, Mr. Rimmer stated that he is taking over ownership of the space and enterprise from Mr. Yash Kapoor, who was denied a tobacco license by the Local Licensing Authority. It was determined that while Mr. Rimmer plans to operate Super Smoke Shop, the premises is still the legal property of Yash Kapoor, owner of Lit Super Smoke Shop. Without legal hold on the property, Mr. Rimmer technically does not possess it – he intends to sign the lease once licensed by the City to sell tobacco.

The Authority explained that Mr. Rimmer must have legal possession of the property in order to be issued a tobacco license. Until he is legally entitled to the premises, a tobacco license cannot be issued, nor can an inspection be performed.

**Action Taken:**

Mr. Rimmer must obtain legal possession of the property in order to be issued a tobacco license. He has met all of the previous requirements with the exception of legal possession of the property. Mr. Rimmer has been requested to return to the April 22<sup>nd</sup> Local Licensing Authority Meeting in order to complete the tobacco licensing process. Additional items will be addressed regarding previous violations.

**B. Tobacco License – Mellow Yellow Loveland LLC, dba Mellow Yellow Loveland**

An application for a new tobacco license was filed on January 10<sup>th</sup>, 2024, by Mellow Yellow Loveland LLC, dba Mellow Yellow, located at 125 E 37<sup>th</sup> St., in Loveland, CO. The applicant seeks to obtain a license to sell tobacco products from the location described. Numerous inspections have been made and reports have been filed indicating that tobacco products were being sold from the location without first obtaining a license.

**In Attendance:** Andrew L. Bertrand, Attorney at Law, Yash Kapoor, Owner/Manager

**Findings:**

Mr. Bertrand provided an opening statement prior to beginning the hearing and requested that this item be continued to the May Hearing in order to resolve pending criminal matters slated for court between today's date and May.

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Action Taken:

The Authority granted Mr. Bertrand's request and the matter will be heard on the May 23<sup>rd</sup>, 2024, Local Licensing Authority Hearing agenda. Judge Joneson will recuse herself from all criminal matters currently in court involving Mr. Kapoor. In the interim, no tobacco sales are to take place from this location.

**C. Transfer License – Fresh Plate LLC., dba Fresh Plate Catering**

An application was filed on December 28<sup>th</sup>, 2023, for the transfer of the Hotel & Restaurant License currently issued to Mountain Cowboy Brewing Company, LLC, dba Mountain Cowboy Brewing Company to Fresh Plate Catering LLC, dba Fresh Plate Catering, for the license located at 6402 Union Creek Commons in Loveland. A temporary transfer permit was issued on January 29<sup>th</sup>, 2024, and is valid for 120 days thereafter.

**In Appearance:** Tracie Hartman, Owner

Findings:

Fresh Plate Catering is a full-service catering company that has been in business for nearly 12 years. The catering company will operate out of this restaurant's kitchen but will operate separately from this business. Ms. Hartman is the sole owner and holds experience managing and owning various cafés for more than ten years, most of them with Fresh Plate Catering. She has also operated a commissary/café at Nutrien [for their employees]. Ms. Hartman does not have prior experience operating a liquor license or with alcohol sales. She does hold prior experience working with other experienced liquor licensees. Col Kitchen and Café was partly owned by Ms. Hartman along with her business partner Jeffrey Noffsinger. This business was sold outright to Grimm Brothers Brewhouse after 9 months.

Ms. Hartman has completed TIPS training and has established a TIPS training requirement for all servers employed at this restaurant. She currently employs a full-time manager at the café who holds extensive experience as a bartender.

Full meals will be available from breakfast through dinner. The cocktail menu features all types of spiritous liquor with a set menu, 10 beer taps, and wine selection. Most alcohol sold is limited to the menu, but cocktails mixed on request can be made.

At a minimum, there are two managers present on site. Ms. Hartman intends to be on-site as a general manager, and there will be at least two serving employees present. Servers circulate the premises regularly to monitor the area.

The Premises diagram identifies relatively vague barriers – there is no fencing around the patio as established, however these are marked with “no alcohol beyond this point” signage. Ms. Hartman established that she is willing to apply rope fencing or other barriers to increase safety.

The diagram proposed in the application materials reflected a larger space than what was originally licensed to Mountain Cowboy Brewing Company. Ms. Hartman will file an application to modify the premises to incorporate the additional space once the transfer of this license is approved.

The City Attorney recommends approval of this application.

#### Action Taken:

With the temporary permit remaining valid for a significant time, the Authority makes the following findings:

The Application is in order, however, requires amendment: the Applicant’s criminal history is incomplete at this time. The applicant possesses a valid city and state sales tax license in good standing. The applicant will receive at least 25% of sales from that of food and drink. The applicant is qualified to conduct the type of business proposed. All fees and taxes are paid and accounts up to date. Based on the findings presented at this hearing, the Authority will approve this application under the following conditions:

1. The criminal history and background check process will be completed.
2. The licensee will only utilize the space currently licensed until a modification application can be completed and approved. This space only includes areas within the “red line” established on the original diagram filed for the original license.

#### **D. Report of Limited Liability Changes – HP Kitchen Concepts dba Col Kitchen and Café**

An application was filed on February 2<sup>nd</sup>, 2024, for a Report of Changes, Limited Liability Company for the Hotel & Restaurant with Optional Premises License issued to HP Kitchen Concepts LLC, dba Col Kitchen and Café. HP Kitchen Concepts LLC is now comprised of Grimm Holding, LLC members who will replace the existing ownership. The license change application is currently under review for local approval along with a manager registration concurrent with this change.

In Appearance: Josie Kamrath, Part-Owner, Grimm Holding, LLC

#### Findings:

Ms. Kamrath introduced herself and her role in the business as a passive owner in this business and is appearing on behalf of the company as the managing owner, Jesse

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Sommers, was unable to attend due to being out of the country. The City has not yet received criminal history records for all members of the acquiring LLC (Grimm Holdings LLC), and as of the date of the hearing, only those of Mr. Jesse Sommers, Ms. Kathryn Doktor have been received.

This application was filed as a Report of LLC Changes; a transfer of ownership would have been applicable in this situation; however Ms. Kamrath was unaware of the reasoning for this filing simply because she holds a passive ownership in the organization.

It was determined that the majority owners, specifically Mr. Sommers, would be better prepared to answer questions related to this application. It was noted by Officer Emilie Loomis that, during her inspection of the premises in October of 2023, the manager on site explained that the business owners were advised by their legal counsel to apply for this specific application rather than a transfer of ownership. Their legal counsel could not be present today despite having received notice of today's proceedings.

For the City's purpose, we prefer that the transfer is completed properly, but today's hearing, the City has no further questions. Mr. Bailey stated that the City's position is that this process will be sufficient as long as it is done correctly, which we currently have appropriate documentation to place the business in good standing, minus the remaining background checks.

Action taken:

Pending the criminal history applications, the City would want to ensure that this process is complete. Due to the lack of criminal histories, the applicant has been asked to appear at the April 22<sup>nd</sup> LLA Meeting, at 8:30am. Legal Counsel has requested to appear.

**E. New License – Mile High Wings Inc., dba Anchor Bar: The Original Buffalo Wing**

An application was filed on December 6<sup>th</sup>, 2023, for a new **Hotel & Restaurant License** by Mile High Wings, Inc., d/b/a Anchor Bar: The Original Buffalo Wing, located at 5971 Sky Pond Drive in Loveland. The neighborhood boundaries were designated as: **(NORTH – Precision Dr.; SOUTH – 12<sup>th</sup> St. SW; EAST – Larimer Pkwy.; and WEST – Fall River Dr.)**. The premise was posted with a sign advertising the Public Hearing and a notice was published in the Reporter Herald as the law requires.

**In Attendance:** Bryan Brown, President of Mile High Wings Inc., Owner of Restaurant Franchise

## Findings:

Anchor Bar: The Original Buffalo Wing is a Buffalo, NY franchise chain of family-friendly restaurants featuring a nearly 100-year history. The franchise has been featured in Food Network Productions and the company is hoping to expand to the Rocky Mountain Region with this location, franchised by Mile High Wings Inc. The restaurant is intended as a family-friendly wing-joint and sports bar. Nearly 80% of retail sales come from that of food, serving regional favorites. The restaurant will offer 18 beer taps and bottled beer with 10-12 varieties. A limited menu of mixed drinks and wine will also be available.

The neighborhood needs and desires petition was circulated by owner Bryan Brown, collecting 118 signatures in total. The space proposed by the applicant is centrally located at Centerra shopping mall. Mostly businesses were surveyed due to a lack of residences in the area, however the petition was also circulated to roughly 25 local residences surrounding the shopping mall. All signatures collected were in favor of the application.

Mr. Brown retired from a 15-year career in law enforcement, where he was a TIPS class instructor and served with the City of Fort Collins liquor unit. All employees will be TIPS certified by Anchor Bar corporate training, and Mr. Brown will work in tandem with two assistant managers from opening week onwards. The restaurant will be staffed by approximately 75-80 employees, both full and part-time. Corporate staff will also be present during the initial opening period. One manager will be present during each half of the operating day, with dedicated experienced bartenders responsible for alcohol service.

Alcohol service will take place directly from the bar as well as table-side. The premises can be monitored from the bar and by servers walking tables regularly. Age restricted sales of alcohol begins with ID checks. Staff conduct ID checks in line with their required training – no sale without verifiable ID – when unsure, patrons will not be served. All patrons will be ID-ed uniformly unless there is a common-sense reason in polite decorum at the risk of the server.

Patio areas will be clearly marked with “no alcohol beyond this point” signage, with patio railings already installed. A security system can provide a record of incidents; however staff will be appropriately trained to monitor the premises and managers responsible for orderly conduct.

Liquor-storage will be located at the bar, in the walk-in cooler, and a dedicated liquor storage room located in between the restrooms. Employees will be aware of the lockable door; however the liquor storage room will not be constantly locked during operation. Mr. Brown stated that only the manager on duty or supervisor will hold the keys during a shift.

No one in the gallery issued favor or opposition to this application and the public hearing was closed.

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Action Taken:

Mr. Brown added that although he has experience in Liquor Enforcement, he still attended and acquired a City TIPS certificate.

The location is not within 500ft of any public or parochial school, college, university, or seminary. A license was not denied in the same location for the reason that the needs and desires of the neighborhood were met by existing outlets. The applicant is entitled to legal possession of the premises and is not a peace officer employed by the City of Loveland or the State of Colorado. Applicable zoning ordinances permit the sale of alcohol at the location proposed. The applicant possesses a valid State Sales Tax License and City Sales Tax License in good standing. The Applicant has sworn and provided evidence that all retail sales will gross greater than 25%. The Applicant has provided an individual history record and completed a background check and has been determined to be of good moral character. The neighborhood boundaries of the neighborhood were established by GIS; the neighborhood needs and desires petition was filed March 11, 2024 with a total of 118 signatures, 102 accepted, all-in favor. The applicant complies with the Fire Code and is in the process of completing outstanding building permit inspections. Based on the findings presented during this hearing, the Authority will approve this application for a new Hotel & Restaurant license. The applicant has been encouraged to complete all outstanding inspections with the City of Loveland building division and must complete a final police inspection, coordinated by the City Clerk's Office, prior to issuance of a license.

**F. Transfer License – Sweetheart Aloha LLC., dba Backyard Tap**

An application was filed on January 30<sup>th</sup>, 2024, for the transfer of the Beer & Wine License from Brooks Consulting LLC, dba Backyard Tap to Sweetheart Aloha LLC, dba Backyard Tap, for the license located at 323 N Railroad Ave. in Loveland. A temporary transfer permit was issued on February 8<sup>th</sup>, 2024, and is valid for 120 days thereafter.

**In Attendance:** Steven and Jessi Benshoof, Owners

Findings:

Backyard Tap is a beer garden and taproom located on the West side of N. Railroad Ave. The applicants were issued a temporary transfer permit on February 8<sup>th</sup> and began full operation of the establishment on February 16<sup>th</sup> of this year.

The applicants do not have prior experience owning/operating a liquor licensed establishment; however Ms. Benshoof has extensive experience as a liquor server and bar manager. She has also worked as a waitress for a total of 5 years in alcohol sales and service. Ms. Benshoof holds a current TIPS training certificate and Mr. Benshoof will

attend the May 7<sup>th</sup> alcohol server training course provided by Loveland Police Department.

The premises is surrounded by chain-link fences to the West with a locked gate: this is kept closed and locked except when food trucks or trash collection need to access the area. There is a brick wall to the South side of the outdoor beer garden, approximately 6 feet in height, and to the north, a wood fence encircles the property and wraps to the east. The existing diagram for the licensed premises will be used; liquor storage will be located in the existing beverage coolers located below the bar, beer keg-refrigerators behind the bar on the opposite wall (taps), and in a locked storage room in the adjacent converted shipping container next to the primary premises.

Hours will be 3pm to 9pm Wednesday and Thursday, and from 3pm to 10pm Friday through Sunday. Shift overlap ensuring that there is an opening manager and closing manager present at all times. There is at least one bartender present at all times, with weekends having no fewer than two at all times.

Food offered consists of Rocky Mountain pizza Company frozen pizzas, chips and salsa, and snacks, as well as rotating food trucks.

General age of staff employed is 21 and above. Age restriction policy is to ID all patrons, regardless of appearance. A policy sign is located immediately next to the beer taps in addition to minor warning signs. The applicants are unaware of any alcohol service violations in the history of the establishment. The applicants have no intention of modifying the premises to alter the flow of alcohol and have only completed cosmetic changes (repainting).

No further questions were posed by the City Attorney and no one in the gallery was present to express favor or opposition to this transfer application, the public hearing was closed.

Action taken:

The application packet is in order, and the applicant is entitled to possession of the premises. The applicants' background checks are in order, and they are considered to be of good moral character. The applicants are qualified to conduct the type of business proposed. The applicants possess a valid City and State Sales Tax License currently in good standing; all state and local taxes are currently paid. The requirements for occupancy set forth by the Fire Marshal have been met and the premises has been approved for occupancy by the Chief Building Official. All concerns of the Authority have been addressed and the applicant will complete the final inspection with Loveland Police Department prior to issuance.

The Authority will grant this transfer of ownership for Backyard Tap and has encouraged the applicants to continue working with the City Clerk's Office to complete the licensing process.

#### **G. New License – Loveland Pickleball LLC, dba The Picklr**

An application was filed on December 6<sup>th</sup>, 2023, for a new **Beer & Wine License** by Loveland Pickleball, LLC., d/b/a The Picklr, located at 3137 N Garfield Ave. in Loveland.

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The neighborhood boundaries were designated as: **(NORTH – Juniper Pl.; SOUTH – Crescent Dr.; EAST – N Boise Ave.; and WEST – Duffield Ave.)**. The premise was posted with a sign advertising the Public Hearing and a notice was published in the Reporter Herald as the law requires. The applicant was issued a conditional approval and has been requested to re-appear in order to amend and correct information in their application.

**In Attendance:** Jim Lautzenheiser, Majority Owner

Findings:

Mr. Lautzenheiser stated that the two of the four LLC members have attended LPD Alcohol Server Training classes, and a secure beer cooler has been purchased for use in the establishment's concessions area that comprises the licenses premises. Chad Preiss and Mr. Lautzenheiser both still intend to complete server training. Kyle Yates and Randy Halfpop have completed the classes.

There was a discrepancy on the application regarding Mr. Lautzenheiser's individual history record and background check report received from the CBI. This hearing addressed specific concerns about lack of disclosure regarding question 10 on Mr. Lautzenheiser's IHR form, (DR8404-I). Question 10, "Have you ever been convicted ... if Yes, please explain and attach relevant documentation" was answered, "No" – the criminal history returned to the city contained an alcohol-related offense, a DWAI, from 2013, to which Mr. Lautzenheiser pleaded guilty. Mr. Lautzenheiser was sentenced to an education program and completed it accordingly. He has not been convicted of any additional alcohol related offenses or criminal matters.

Mr. Lautzenheiser explained the conviction and established that this was a matter of ignorance; he had simply surpassed the legal consumption limit before driving home from dinner at a restaurant without realizing how much he had consumed. Mr. Lautzenheiser explained that this incident was an excellent learning experience for him and has added to his ability to manage a liquor licensed establishment in terms of responsibility.

The authority is satisfied that the applicant has met the requirements and will approve this application for a new beer and wine license.

Action Taken:

The Authority will grant this application for a new Beer and Wine license. The applicants must coordinate with the City Clerk's Office to complete the concurrent review process, a final police inspection, and remit payment for their annual occupational tax.

#### **H. Renewal Application – Sunflower 1225 LLC dba Smashburger**

A renewal application for the Beer & Wine License issued to Sunflower 1225 LLC, dba Smashburger for the year 2023. The licensee has been asked to appear regarding sales tax compliance and a renewal application for 2024 has yet to be received by the City Clerk's Office.

The licensee has been noticed to appear on multiple occasions and provided with an appearance time of 12:15. There has been a consistent lack of communication with all local authorities.

Findings and Action Taken:

Unless an appearance is made today, or a renewal application is filed, we will await receipt of an application prior to the expiration date of April 9<sup>th</sup>. The license will not be renewed unless an application is received, and an appearance is made.

#### **I. Renewal Application – Sushibox LLC dba Sushirito**

An application for the renewal of the Hotel & Restaurant license issued to Sushibox LLC dba Sushirito was filed on February 2<sup>nd</sup>, 2024. The licensee has been asked to appear regarding sales tax compliance.

Item I have been closed as of 3/20/24; pending payments have been received by the City's Sales Tax division, the licensee must appear on April 22<sup>nd</sup>, 2024 if these payments do not post and has not reached a status of full compliance prior to that date.

### **3. STAFF REPORT**

#### **A. City Clerk's Office**

##### **a. Changes to the Municipal Code**

- i. Currently, a code change likely will not elect a 3<sup>rd</sup> part hearing officer due to resource/budgetary limitations. This is subject to change.
- ii. A policy for recusal in criminal/licensing situations may be made official, but this is generally considered standard ethical practice.
- iii. The current situation will likely consist of changes with Chapter 5.45 to align it with the language in Chapter 8.04. Clear distinctions and similarities will be identified, as well as additional tobacco licensing requirements.
  1. Enforcement will follow suit to apply the same policies to liquor and tobacco, simplifying the inspection process. This aligns with the City's process of updating the tobacco code.
  2. We may pull Chapter 5.45 entirely and merge it with Chapter 8.04

- ##### **b. Local Retail Establishment and Art Gallery Permit – on hold but will be presented to the community once concrete requirements are established.**

## MINUTES

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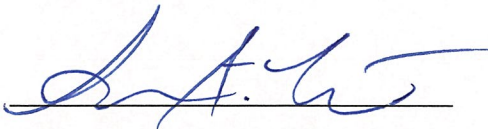
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- B. Patio Program/Temporary Modification Program Rumors: There will not be a Patio Program officially sanctioned by the City. Instead, Liquor Licenses will need to apply for temporary encroachment permits concurrently with temporary modification applications in order to operate Patio Program-Style outdoor seating for the desired season.
- C. Officer Loomis: enforcement is working to increase compliance checks with increased personnel (include officers listed and command structure) – update with notes from recording.

## ADJOURN

The next regularly scheduled Local Licensing Authority Meeting will be held on Monday, April 22<sup>nd</sup>, 2024, at 8:30 AM, in the City Council Chambers.

Respectfully submitted,



Sterling Wilson, Assistant City Clerk

Liquor Licensing Secretary

Approved:



Geri R. Joneson, Municipal Judge

Liquor Licensing Authority