



MINUTES
LOCAL LICENSING AUTHORITY
Thursday June 27th, 2024 – 8:30 A.M.
City Council Chambers – 500 E. Third Street
Loveland, Colorado

In Attendance:

Judge Brandi Nieto, Local Licensing Authority
Michael Bailey, Assistant City Attorney
Adriana Mazur, Local Licensing Authority Secretary
Sterling Wilson, Assistant City Clerk

1. CONSENT AGENDA

Approval of Minutes:

A. Minutes from LLA Meeting on May 31st, 2024 – accepted and approved in current form

All Special Event Permits were approved:

B. Loveland Chamber of Commerce – Corn Roast Festival – Special Event Permit

C. Loveland SERTOMA Club LLC – Loveland Loves BBQ – Special Event Permit

2. PUBLIC HEARING

A. Special Event Permit – Backstage Rialto – Foote Lagoon Concert Series

An application for a new Special Event Permit was submitted on May 3rd, 2024, to take place at the Foote Lagoon Amphitheater on Thursday, July 11th and Thursday, July 18th, 2024. The Foote Lagoon Concert Series will take place from 6 p.m. to 9 p.m. on both days, presented by Backstage Rialto, a nonprofit Corporation in the State of Colorado. The event is free to the public and will feature live music, mobile food vendors, and locally produced beer and wine.

In Attendance: Roberta Cox, Rialto Theater Rep., Jean Hosey, Backstage Rialto Rep.

The City asked the applicants to give background information on the organization. Backstage Rialto is the non-profit fundraising arm of the Rialto Theater; two concerts will be held selling beer, wine, and water for the benefit of Backstage Rialto. Backstage Rialto is a 501c3 organization, funding any monetary needs of the Rialto Theater that the City of Loveland cannot cover.

A perimeter to contain alcohol (beer garden) will be demarcated by tape barriers, construction cones, and natural landscaping on the lagoon/municipal building plaza. Food will be provided from locally approved mobile vendors. Odell Brewing/Winery and Verboten Brewing will provide alcohol to be served. The applicants expect 1,000 to 1,500 participants for each event.

Backstage Rialto has contracted with LPD for one off-duty officer during both concert dates, and a security officer from a private security firm will be present as well at the ticket booth doing ID checks and giving out wristbands. There will be one entrance and one exit to the event, and participants purchasing alcohol will only be able to purchase drink tickets at the entrance. Purchasing participants will be identified by wrist bands issued after IDs are screened at the point of entry.

A two-drink maximum has been established for alcoholic beverages. Backstage Rialto members are TIPS trained and both Ms. Cox and Ms. Hosey hold current TIPS certificates. All staff will be TIPS trained, including the alcohol servers.

The event has been held previously for 3 years without any issue.

Findings and Action Taken:

The Authority has had an opportunity to review the application packet filed with the City Clerk's office. The application has been found to be complete and all necessary information is present and in order. Pursuant to Loveland Municipal Code and the Colorado Liquor Code, the Authority will grant this application for a special event permit.

B. New License – Big D Oil Co dba Big D #61

An application was filed on March 26th, 2024, for a new **Retail Fermented Malt Beverage and Wine License** by Big D Oil Co, d/b/a Big D #61, located at 1039 S. Lincoln Avenue in Loveland. The neighborhood boundaries were designated as: **(NORTH – W 1st St.; SOUTH – 28th St. SW; EAST – S Boise Ave.; and WEST – Donna Ct.)**. 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: Zach Policky, Big D Oil Co. Rep.; Carol Johnson, LiquorPros, and Clyde Mead, District Manager.

Ms. Johnson gave a brief presentation on the Needs and Desires petition process for LiquorPros. LiquorPros is a neutral petitioning company that cannot guarantee results. The company obtained 110 signatures, from 80 attempts at businesses and 312 residential attempts. 7 signatures were filed in opposition to this petition, with 6 of 7 providing no reason for opposition.

The Authority asked Ms. Johnson to give information about when the surveys are done and what is explained to the people signing. Ms. Johnson gave a brief explanation. The City asked Ms. Johnson if she knew how many of the people surveyed were residents. The boundary map of the neighborhood assessed included a significant number of addresses not incorporated into the City of Loveland limits. Ms. Johnson stated that LiquorPros begins surveying as close to the proposed location as possible and generally works toward the outer edge of the established boundary map. The City's Municipal Code does not explicitly require that addresses be surveyed from within City Limits.

Mr. Policky gave a brief history of the company. Big D Oil Co. is a 4th generation family-owned convenience store chain with locations in SD, WY, and CO. The location being

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proposed is new construction and the intended opening date is August 2024. The company hopes to provide beer and wine, in addition to food, fuel and snacks.

The City asked Mr. Policky to describe the establishment. The establishment will be a gas station and convenience store. Hot food items will be made in-house and pre-packaged items will be available. The hours of operation will be 6am-10pm, depending on customer need. Gas pumps will operate 24/7. The alcohol area will be closed until 8am, and alcohol sales will only be made during hours allowed by the State of Colorado. Alcohol sold will consist of basic domestic and local beer offerings.

The District Manager stepped forward and described the alcohol product, as asked by Mr. Policky. There will be a selection of beer, and wine may be included in the products sold, however no selections have been made as the company would like to test the market before offering it. The store will probably sell beer exclusively.

The store will have a main entrance and exit for all patrons. There are two fire exits in the building including the main entrance. Beer will be in the beverage coolers and beer cave at the rear of the store and can be monitored from the point of sale opposite the display. The Cashier will be able to see the entire store from the point of sale and the premises will be monitored by security cameras during all hours of operation. There will be between 8 and 10 security cameras depending on tested needs to monitor the entire area. Security cameras will be monitored by the store manager and footage will be reviewed daily.

Mr. Mead reviewed the company's history with alcohol sales in Wyoming and Colorado; ID scanners are required for age verification, and sales cannot be completed by the cashier unless an ID is scannable and valid. Employees are required to attend TIPS training classes or municipal alcohol server training programs; they were informed at the hearing that this is offered by the City of Loveland.

A manager or assistant manager will always be present on site and will act as the keyholder during open and close. The chain operates at one additional location in Colorado – in the City of Greeley – and the first store opened in Wyoming in 1985, and so far, it has never been cited for any violation.

No one in the gallery was present to speak in favor or opposition to this application, and the City had no further comment.

Findings and Action Taken:

Based on the findings at today's meeting in addition to the information contained in the preliminary findings report, the reasonable requirements of the adult inhabitants of the neighborhood have been met. Of the participants in the petition process, 94% were in favor of the application and the proposed neighborhood currently holds just three liquor

licensed establishments. The applicant's criminal history report has been reviewed and he is determined to be of good moral character. The location has not yet been issued a Certificate of Occupancy and therefore will need to complete the licensing process when construction is finalized. The authority will approve this application based on these findings.

C. Permanent Modification of Premises – Apple Colorado, LLC dba Applebee's Neighborhood Grill & Bar

An Application for a Permanent Modification of Premises for the Hotel & Restaurant license, Apple Colorado, LLC, dba Applebee's Neighborhood Grill & Bar, located at 213 E. 29th Street in Loveland, was filed on May 6th, 2024. The licensee seeks to permanently change the tables and seating in the restaurant.

In Attendance: Brian Cao, District Manager, and Kelly Green, General Manager

The applicants described the changes presented in the application. The seating has been changed slightly as well as interior décor. The location lost seating compared to what was present within the establishment prior to the changes.

The changes do not block, relocate, or otherwise interfere with existing exits or entrances. The modifications are part of regular branding updates and a chance to de-clutter and update the image of the chain.

The liquor license will cover only the bar and dining room after this change is completed. The back-of-house and kitchen will no longer be incorporated into the licensed premises.

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

Findings and Action Taken:

This request for a modification will be granted, pursuant to Rule 9.2 of the Loveland Municipal Code regarding modification of premises, requiring applicants to appear for an application modifying/changing a licensed premise.

D. Temporary Modification of Premises – Sky Bear Brewery & Pub, LLC dba Sky Bear Brewery & Pub

An Application for a Temporary Modification of Premises for the Brew Pub License Issued to Sky Bear Brewery & Pub, LLC dba Sky Bear Brewery & Pub, located at 272 E. 5th Street in Loveland, was filed on April 16th, 2024. The licensee has proposed to extend their patio space to encompass about 90'x20' of parking lot space for the Cherry Festival and Sky Bear Brewery & Pub's two-year anniversary, on July 20th and July 21st, 2024.

In Attendance: Amanda Montabone, Owner/Manager, and Mark Kissel, Owner.

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The brewpub seeks to expand their patio area for the Cherry Festival, being a small part of a big event. The applicant will have a beer garden and staff monitoring the area in the licensed space and extended patio. Ms. Montabone and other staff will monitor the enclosed area, and there will be alcohol signage. There will be no changes to the nature of the beverages or food menu served by Sky Bear. Alcohol will not leave the licensed premises.

After the Cherry Festival the space will be more confined, and the applicant will use a chain-linked fence. The set-up will not be different from last year's year celebration except for having one more parking spot to use this year. The Authority asked if it would be problematic for handicap parking, and the applicant replied that the whole area will be used for the festival – no parking in the parking lot.

The City asked the applicant to describe their ID policy: Sky Bear IDs all patrons who appear to be under the age of 50 – they generally ID all patrons. All alcohol is sold from the bar located inside of the building. 100 extra customers are expected during the Cherry festival from 5pm to 8pm, and the extended patio area will be capable of seating 50 additional patrons. Similar numbers are expected to be present on the second day of the temporary modification.

The applicants don't have a history of violations, attempts at revocations, or requirements to show-cause, and additionally have had no criminal histories since the time of their original licensing application and approval.

The City recommended approval and no one in the gallery was present to speak in favor or opposition to this application; the public hearing was closed.

Findings and Action Taken:

The Authority will approve this Temporary Modification application as all conditions for the application have been met; the information contained in the preliminary findings report has been deemed adequate and the applicant is qualified to hold the license and is of good moral character.

3. STAFF REPORT

A. City Clerk's Office

a. Applications for Retail and Art Gallery Permits

- i. The Clerk's Office received its first Retail Permit Application on June 18th, 2024. This application will be considered at the July 18th meeting. The proposed requirements are:

- TIPS training
- Applicants can only give away alcohol from local vendors, not wholesalers

- Keep record of purchases.

It will help to have an official process and require hearing-presence.

The new LL Authority will probably want to see the draft.

- b. Tobacco Code Changes: The City Attorney's Office will provide an update on the proposed municipal code changes related to the tobacco licensing process.
 - i. Chapter 8.12 of the Municipal Code will be revised to include tobacco licensing process revisions.
 - ii. Additional changes to the Colorado Liquor Code will likely result in additions and changes to the municipal code. A total revision of title 8 and a removal/reincorporation of title 5.
- c. Local Rules Review: to be scheduled with the Licensing Authority and the City Attorney's Office.

ADJOURN

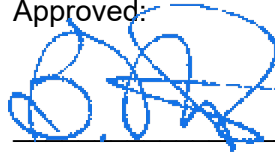
The next regularly scheduled Local Licensing Authority Meeting will be held on Thursday, July 18th, 2024, at 8:30 AM, in the City Council Chambers.

Respectfully submitted,



Adriana Mazur, Assistant City Clerk
Liquor Licensing Secretary

Approved:



Brandi Nieto, Judge
Liquor Licensing Authority