



MINUTES
LOCAL LICENSING AUTHORITY
Thursday August 15th, 2024 – 9:00 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

- A.** Approval of Minutes from LLA Meeting on July 18th, 2024.
- B.** Permanent Modification – Dillon Companies LLC, dba King Soopers #74
- C.** Festival Permit – MeadKrieger Meadery LLC – Barbarian Night
- D.** Special Event Permit – Loveland Kiwanis Club – Loveland Oktoberfest 2024

No protests were filed with the Clerk's Office prior to the hearing, or at the hearing, and no discussion was requested, therefore the Authority approved all Consent Agenda items.

2. PUBLIC HEARING

A. Special Event Permit – Aspire 3D – Aspire Fall Kite Festival

The Aspire Fall Kite Festival is a fund-raising event for all ages that will feature six different food trucks and a beer garden at Fairgrounds Park, located at 700 S. Railroad Ave. in Loveland on September 21st, 2024, from 10:00 a.m. to 3:00 pm. Alcohol will be served by TIPS trained volunteers. Proceeds from the event will fund Aspire Supportive Services, which serves youth and their families, as well as Veterans and older adults with low-income living.

In Attendance: Paul Christenson, Executive Director, and Faith Gauthier, Marketing Manager

Ms. Gauthier stated that the Beer Garden will be a small section under the Park's pavilion. TIPS Trained servers will provide alcohol to patrons within the Beer Garden. The event will be staffed by security personnel at each of the two entrances who will check IDs upon entrance.

When asked to describe the perimeters in the diagram, Ms. Gauthier stated that cones and rope barriers will be present, along with plastic fencing. Perimeters will be clearly marked with "No Alcohol Beyond This Point" signage. This would be the applicant's fourth year holding the festival. The City asked further questions regarding the diagram and the event in general.

Mr. Christenson stated that it is a family event with activities for children, so the beer will only be served within the designated area and is not a dedicated feature of the overall space. The applicants anticipate about 3,000 attendees, based on last year's attendance.

An anticipated eight servers and eight barbacks will tend to the beer garden. All staff members will have TIPS training in addition to the volunteers staffing entrances and exits. TIPS training has been provided by a private company in a certified program. Two Off-Duty Police Officers will be present to provide security.

The City asked the applicants to describe the kite-flying portion of the event, which Ms. Gauthier explained. She further added that there will be six Mobile Food Vendors present. High Country Beverage will provide beer and hard seltzer in 12oz cans only. A drink limit has not been established and the applicants will rely on TIPS training to identify signs of intoxication.

Findings and Action Taken:

The Application appears to be in order pursuant to Rule 5.3 for Special Event Permits, and Colorado regulations. The applicant is qualified to hold this permit type. The Authority noted that all servers must be over the age of 18 in addition to holding valid TIPS certificates. The Authority approved this special event permit application.

B. Special Event Permit – Avery's Light – NOCOfest

Avery's Light, a non-profit raising awareness by providing resources and opportunities for the special-needs community, will host a fundraiser benefitting families supported by the organization during an event at Loveland Yard, 5661 McWhinney Blvd. The outdoor event will be hosted on August 24th, 2024, from 6:00 p.m. to 11:00 p.m. and will feature a music festival atmosphere and performances from local bands; the event will host multiple food trucks licensed by the City of Loveland. Malt, vinous, and spiritous beverages will be served by TIPS trained bartenders.

In Attendance: Valerie Schuman, Event Coordinator

Ms. Schuman expects about 500 guests, the event is only for people 21 years of age, and older. IDs will be checked at the door. A bartending company has been hired to handle the alcohol and the company's staff is TIPS certified. Three Off-Duty LPD officers have been requested. This will be the event's second year. There were no issues with the first event.

The City asked the applicant to describe the event itself. Ms. Schuman gave a general description of the event and mentioned that the event is ticketed for general participants as well as to "sponsors" that usually provide significant donations. Six Food Trucks were invited to participate.

The Authority and the City had a brief discussion about filing deadlines since the applicant updated the application after it was originally submitted. The City asked the applicant to explain the modifications made to the application. The applicant explained

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that a whiskey distillery, Lasso Distilling, was added as a vendor to offer free tastings and would not be selling their products during the event, as originally intended. The City and the Authority inquired about the distillery's wholesaler status.

The City asked the applicant to describe the perimeters and additional security. The applicant described the perimeters and stated that there will be 40 to 60 volunteers, in addition to 16 TIPS certified bartenders to check IDs – participants will be issued a wristband to ensure that IDs have been checked upon entry.

The City inquired about any violations from last year's event and the applicant stated that there had not been any violations. The City further inquired about question 11 on the application questionnaire and the applicant responded that she had filled out the application for the Event Permit through the Police Department.

The applicant stated that no strict limit on drinks has been established, and besides the whiskey tastings, alcohol being served will include beer, wine, and seltzer as well as made-on-site specialty cocktails. The event will be all you can eat and drink – within moderation.

The City requested to verify Lasso Distilling's wholesaler or manufacturer status, as this is required by law for the Special Event alcohol donations. The Authority further added that these vendors are required to provide an invoice documenting the donations of such products. No invoices or itemized documents have been provided, nor is there information available on the nature of Lasso Distilling's business.

Findings and Action Taken:

The applicant is qualified to hold a permit of this type and satisfies the requirements for alcohol service, ID Checks, and security. The Authority finds that the applicant must provide an invoice and documentation from the distillery verifying their wholesaler status (an attestation), adding that this is usually stated in the invoice detailing what is being donated. A conditional approval will be issued provided that the applicant submits proper documentation to the Clerk's Office no later than 4pm on Friday, August 16th, 2024. The Authority will conditionally approve this application for a Special Event Permit.

C. Transfer of Ownership – Phillips Enterprise Ventures, dba Studio Vino

An application was filed on June 24, 2024, for the transfer of the Lodging and Entertainment License currently issued to Vino Creative Arts Ltd., dba Studio Vino, to Phillips Enterprise Ventures, d/b/a Studio Vino, for the license located at 6055 Sky Pond Dr. #P172, in Loveland. A temporary transfer permit was issued on June 27th, 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: Chelsey Phillips, Quaid Phillips, 50/50 owners

Ms. Phillips stated that they are requesting a transfer of the liquor license for Studio Vino. The owners took possession of the business on July 1st of this year and plan to continue operating as the previous owners did.

The City asked the applicants to describe the business. The business is a “sip and paint” studio offering arts, crafts, and painting activities for participants. The applicants hold a specialty 12-month agreement with Centerra to rent the space – this is not a lease agreement explicitly, but it does entitle the applicants to legal possession of the premise.

Furthermore, the City asked the applicants to describe their alcohol training. Both applicants hold valid TIPS training certificates obtained within the last year. Quaid does not have prior experience serving alcohol; however, Ms. Phillips has many years of experience serving alcohol through special events.

The diagram of the location indicates alcohol storage in a separate room. Alcohol is located only within this room – on shelves and inside a refrigerator. The alcohol storage room does not have a door, but it is within clear view from the entire facility, and it is monitored by security cameras. Two staff members are present during normal hours of operation to monitor the area: a bartender and a teacher/artist. The City expressed concern over the storage area not having a door/additional security measures.

Staff-wise, the studio currently has two owners, three artists – four more will be hired – and one bartender. No staff member will be under the age of 18 years old. The applicants explained the hours of operation and stated that they have not had any issues or violations related to alcohol service in their experience.

This is a transfer of a Lodging and Entertainment license – State legislature, as of August 7th, 2024, has split this license class into two distinct license classes. The applicants are familiar with this change and affirmed that they would like to select the “Entertainment” designation. Alcohol sales will only be about 10% of their business.

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

Findings and Action Taken:

The applicants have met all requirements set forth by the rules governing transfers of ownership. Criminal histories of the applicants are determined to be accurate and complete and contain no information prohibiting the owners from holding the license. A license agreement (in lieu of a named lease agreement) satisfies the requirement for legal possession of the premises; a purchase agreement was filed with the application and all applicable wholesaler affidavits were filed with the application. The Authority included the information provided in the Preliminary Findings report submitted by the Clerk’s Office in her findings. The Authority will approve this application for a transfer of ownership.

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D. Permanent Modification of Premises – TeeShots LLC

An application for a Permanent Modification of Premises was filed on June 13, 2024, by TeeShots LLC., d/b/a TeeShots, located at 209 N. Cleveland Avenue in Loveland. The modification will consist of the addition of the east patio area and the backyard on the west side of the property, to the liquor-licensed area under the Lodging and Entertainment License issued to the licensee. A notice of public hearing was posted in the Reporter Herald as the law requires.

In Attendance: Michael Bitner, Eileen Bitner, and Jeremy Bitner, owners.

Mr. Bitner stated that the business has been operating for two months after having been granted a Lodging and Entertainment license about a year ago. It is a family business offering four Golf Simulators and a full-service bar, and the owners have opted to go with the Entertainment license-class.

The Authority inquired about the additional number of patrons that would be able to occupy the space. The applicant stated that he is currently looking to give access to the existing patrons to ensure that these patrons do not leave the licensed premises for cigarette breaks, or the like, with alcohol in-hand.

The City asked the applicant to explain why he would like to modify the premises. Mr. Bitner stated that this is what he intended to do from the time of the original application but had setbacks with the Certificate of Occupancy. The owners would like to create an outside patio space for patrons to enjoy, and work has been done to get electrical hookups for food trucks in the future.

In looking at the diagram, the City asked about the location of tables, chairs and location for potential food trucks. The applicant stated that there will be space for two food trucks which will be rotating. The City estimated about 45 to 50 additional seats for patrons to occupy in the patio. The applicant stated that the business does not have a set plan for that back space yet, besides putting a couple of picnic tables, but in the future, they hope to add a putting green and host food trucks.

The Authority inquired about the original Certificate of Occupancy and if an updated one had been issued to include the proposed changes. The applicant shared the Building Department's comments with the Authority – the building division requested a detailed drawing, preferably by a licensed professional, of the entire licensed premises and the patio. The Authority stated that, under the rules, the new occupancy load number is needed for the modification. The applicant explained his communication with the Building Dept. and plans for the patio. The Authority found it hard to understand what the applicant described regarding the modification because the diagrams were not originally included with the submitted application. The City asked if an updated CO had been issued, and the applicant confirmed that a new CO including the modification area had

not been issued. Additional information regarding the representation of the modification was requested by the Building Dept. after the modification application had been submitted to the Clerk's Office. The applicant is looking to use the space for people to stand, not sit. The CO with the occupancy limit of 74 is for the indoor space, not the outside areas. The City asked the applicant how much more square footage he was looking to add with the modification – the answer was approximately double the space. Questions were asked about the fencing and means of egress/ingress. The City and the Authority were confused by the diagram, as it was missing information.

Findings and Action Taken:

The Authority will not deny this modification but will continue it to next month in order to give the applicants sufficient time to supplement the application and clear up confusion regarding the nature of the modification. The Authority referred Colorado Liquor Rules, specifically Regulation 47-302, all applications for modification of premises must be accompanied by adequate documentation, plans, or drawings depicting how the modification will be incorporated into the licensed premises. The Authority required an adequate plan/documentation to determine the nature of the modification in as much detail as possible.

This matter will be continued to the September 19th Meeting of the Local Licensing Authority, a new public hearing poster will be required. The applicants are tasked with including adequate documentation of the modification and fulfilling requirements set by the Building Official. The Authority directed the applicants to specific language in the Code of Colorado Regulations: 1 CCR 203-2 Regulation 47-302.

E. Temporary Modification of Premises – Spectra Hot Dog Cart – Overland Expo

An application was filed for a Temporary Modification of Premises to incorporate an additional event space for alcohol service. The application specified the additional area to be licensed along with necessary diagrams demonstrating proposed modifications, as well as how the temporary boundaries will be marked and contained. The event will take place on private property from August 22, 2024, to August 25, 2024.

F. Temporary Modification of Premises – Spectra Hot Dog Cart – Good Guys Car Show

An application was filed for a Temporary Modification of Premises to incorporate an additional event space for alcohol service. The application specified the additional area to be licensed along with necessary diagrams demonstrating proposed modifications, as well as how the temporary boundaries will be marked and contained. The event will take place on private property from September 6, 2024, to September 8, 2024.

In Attendance for both Modifications: Emily Meister, General Manager

Items E and F were called together for review as Ms. Meister appeared for both.

The applicant stated that Overland Expo is a national traveling camping exposition held at the Ranch Events Complex, and further explained the hours of operation for the

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modification, including the times when after-hour parties will take place. The modification is incorporating an outdoor space surrounded by wrought iron fencing.

The City inquired about the camping location for the participants and the areas where patrons will be allowed to carry alcohol. The applicant clarified where the camping locations would be and added that the modification will allow patrons to carry alcohol between the outdoor areas that will be licensed and the currently licensed indoor premises. Alcohol will be served from the established bar areas and an additional temporary bar set up for the event. The applicant also described the types of alcohol being served at this event and added that alcohol service would be conducted by Ovation personnel, all of whom are ServeSafe or TIPS certified and over the age of 21. A two-drink maximum per person will be established.

The City asked about staffing for the event and the barriers used to fence the area. The applicant stated that there will be upwards of 30 staff members, and the barriers will be bike racks and 6-foot wrought iron fencing. Overall attendance is expected to be around 10,000 people, private parties may have around 50 people per party – 4 parties in total.

Security will be provided by a contracted security company that will provide around 20-25 security officers, in addition to the permanent presence of Larimer County Sheriff's Office personnel, likely 2-3 officers. The applicant explained the hours of operation for the event, including the hours for the private parties.

The City and the Authority had no more questions regarding this event, so they moved on to the second event – the Good Guys Car Show.

Ms. Meister gave an overall summary of the national traveling event, including dates and hours of operation. The modification will make use of parking lots B and C, which will host Motocross demonstrations and other activities, where a bar and snacks will be available. The alcohol barriers for this event will also be set with wrought iron fencing. The applicant described where the fencing will be placed within the event complex.

Alcohol service will not start until 10am for this event, no parties will take place. The applicant further explained the types of alcohol provided at this event and mentioned that alcohol sales are generally low. The same certified staff from the previous event will be present at this event, but only about half of them since an estimated 5,000 participants are expected to attend.

The City inquired about the applicant's policy on identification. IDs will be checked at the point of service, by the drink, for each patron that looks under the age of 40, with the same two-drink maximum mentioned for the previous event. This policy is per service; TIPS training will be relied upon to identify patrons who have been potentially over-served.

The City did not have additional questions and recommended approval for both modifications.

Findings and Action Taken for Items E and F:

The Authority will approve both temporary modifications of premises, as they both meet the requirements stated in the liquor codes and regulations, specifically 47-302. The applications were completed and concise. No one was present in the room to speak in favor or in opposition of these items.

3. STAFF REPORT

- A. City Clerk's Office: the LLA Secretary asked if the Clerk's Office should have a strict deadline or policy for submittal of documents after the original submittal deadline of an application has passed. The Authority agreed that applicants should abide by the 45-day submittal deadline, but each instance can be treated in a case-by-case basis depending on the circumstances. Ultimately, it is the applicant's responsibility to submit a completed application within the expected time-period and be fully prepared for the liquor licensing meeting. Suggestions were made to improve both the communication process within City departments, and the communication between the City Clerk's office and the applicants.

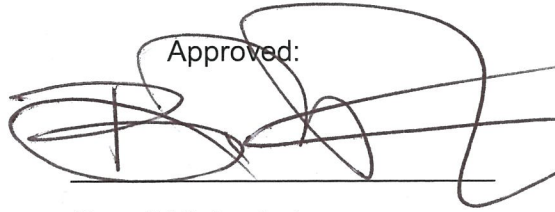
ADJOURN

The next regularly scheduled Local Licensing Authority Meeting will be held on Thursday September 19th, 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