COLORADO SPRINGS, COLORADO
COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
JANUARY 16, 2009 – 9:00 A.M.

The Liquor and Beer Licensing Board met in regular session.

There were present: Chairman Turner, Ms. Abrams, Mr. Clauss, Mr. Kouba, Ms. Tarrant and Mr. Wright. Absent, Mr. Nemeth. Also present, Board Legal Advisor Scott Patlin.

MINUTES

1. **Approval of the Minutes of the Board meetings of December 5, 2008 and December 19, 2008.**

Motion by Tarrant, second by Kouba, that the Minutes of the Board meeting of December 5, 2008 be approved as written. The motion unanimously carried. Absent, Mr. Nemeth.

Motion by Kouba, second by Wright, that the Minutes of the Board meeting of December 19, 2008 be approved as written. The motion unanimously carried. Absent, Mr. Nemeth.

COMMUNICATIONS

2. License Enforcement Officer Milan Foster stated a request has been received to postpone Item Nos. 5 and 6 to the Board meeting of February 20, 2009.

Motion by Kouba, second by Clauss, that Item Nos. 5 and 6 be postponed to the Board meeting of February 20, 2009. The motion unanimously carried. Absent, Mr. Nemeth.

CONSENT CALENDAR

3. The City Clerk's Office reports that boundaries were set and Temporary Permits were issued or extended for the following applications:

A-1. Application of CWDT, Inc., dba Cowboys, 25 North Tejon Street:

North: South side of Willamette Avenue extended
South: North side of Dundee Place extended
East: West side of Royer Street extended
West: East side of Spruce Street

A-2. Application of Villasport CS, LLC, dba Villasport Athletic Club and Spa, 5904 Prairie Schooner Drive:

North: South side of Tutt Boulevard extended
South: North side of Abbeywood Drive extended
East: West side of Tutt Boulevard extended
West: East side of Potomac Drive extended

B-1. Mac Acquisition, LLC
dba Romano's Macaroni Grill
2510 Tenderfoot Hill Street

B-2. S and F Associates, Inc.
dba The Airplane Restaurant
1665 North Newport Road

B-3. St Claire Investments, Inc.
dba Dino's Bar
414 West Fillmore Street

B-4. Gracehill, LLC
dba Coffee Exchange
526 South Tejon Street

B-5. DDC Hotels, Inc. and Drury Hotels Co, LLC
dba Drury Inn Pikes Peak
8155 North Academy Boulevard

Motion by Tarrant, second by Abrams, that the Consent Calendar be approved. The motion unanimously carried. Absent, Mr. Nemeth.

TRANSFER HEARINGS

4. **Application of Mac Acquisition, LLC, dba Romano's Macaroni Grill, to transfer the Hotel and Restaurant Liquor License currently issued to Brinker Restaurant Corporation, dba Macaroni Grill, 2510 Tenderfoot Hill Street.**

Attorney Robert Dill entered his appearance on behalf of the applicant and stated the Macaroni Grill has been licensed in Colorado Springs for approximately 12 years.

Carissa Sutton, General Manager was sworn and stated she has 14 years experience in the sale of alcoholic beverages and has managed this restaurant for three years; that during the time she has managed the restaurant, there have been no Liquor Code violations; that there are 66 employees and all have been formally trained in the sale of alcoholic beverages; that this transfer is due to a corporate acquisition affecting 190 restaurants; that there will be no change in the operation of the restaurant; that the company owns the property the restaurant is on.

Motion by Kouba, second by Tarrant, that the application of Mac Acquisition, LLC, dba Romano's Macaroni Grill, to transfer the Hotel and Restaurant Liquor License currently issued to Brinker Restaurant Corporation, dba Macaroni Grill, 2510 Tenderfoot Hill Street, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Nemeth.

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5. **Application of Kohnami Sushi Restaurant, LLC, dba Kohnami Sushi Restaurant, to transfer the Hotel and Restaurant Liquor License currently issued to Terry Elzinga, dba Kohnami Sushi Restaurant, 7673 North Union Boulevard.**

SEE ACTION TAKEN EARLIER IN THE MEETING.

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6. **Application of Elsa G. Wilson, dba El Tenampa, to transfer the Hotel and Restaurant Liquor License, currently issued to Cubanacan Restaurant, LLC, dba Cubanacan Restaurant, 208 North Union Boulevard.**

SEE ACTION TAKEN EARLIER IN THE MEETING.

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7. **Application of PCWS , LLC, dba Pine Creek Wine, to transfer the Retail Liquor Store License, currently issued to Pine Creek Wine and Spirits, LLC, dba Pine Creek Wine and Spirits, 9235 North Union Boulevard Ste. 100**

James Yun was sworn and following advisement by the Board Legal Advisor requested this item be postponed to the Board meeting of February 20, 2009.

Motion by Kouba, second by Clauss, that the application of PCWS, LLC dba Pine Creek Wine to transfer the Retail Liquor Store License currently issued to Pine Creek Wine and Spirits, LLC dba Pine Creek Wine and Spirits, 9235 North Union Boulevard, Ste. 100, be postponed to the Board meeting of February 20, 2009. The motion unanimously carried. Absent, Mr. Nemeth.

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Ms. Tarrant was excused.

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MODIFICATION OF PREMISES

8. **Request by CWDT, Inc., dba Cowboys, 25 North Tejon Street, to modify the premises where malt, vinous and spirituous liquor is served.**

Attorney Vince Linden entered his appearance on behalf of the applicant.

Tim Metcalf, General Manager, was sworn and stated he has managed the establishment since 1986; that the modification will include licensing the third floor which is approximately 1160 square feet to provide for that bowling lanes and a game room with an additional patio area; that the hallway of the first floor will also be modified; that additional staff will be hired to accommodate the addition; that all employees receive in-house TIPS training.

Susan Duffy-Schwall, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 81 favoring, 15 opposing, and 2 no opinion signatures.

In response to questions from the Board, Mr. Metcalf discussed the building code requirements, ingress and egress, control of the premises and stated the establishment capacity will increase approximately 400 to 500 seats.

In response to a question from Mr. Wright, Mr. Linden replied the modification will affect the entirety of the building.

Motion by Wright, second by Kouba, that the request by CWDT, Inc., dba Cowboys, 25 North Tejon Street, to modify the premises where malt, vinous and spirituous liquor is served, be approved as it appears all criteria has been met.

Ayes: Clauss, Kouba, Turner, Wright
Noes: Abrams
Absent: Nemeth, Tarrant

Chairman Turner declared the motion carried.

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Ms. Tarrant returned.

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APPLICATION HEARINGS

9. **Application of the Exigence, Inc., dba The Warehouse Restaurant, for a Hotel and Restaurant Liquor License at 25 West Cimarron Street.**

Mr. Linden entered his appearance on behalf of the applicant.

Lawrence and Kathleen Johnson were sworn.

Mr. Linden stated the applicant currently holds a Brew Pub License which was granted in 2007; that at the hearing before the Board, Mr. Johnson indicated that while the transfer permitted a Brew Pub license, he would not be actively operating as one; that the State Liquor Licensing Authority disagreed is now requiring the licensee to change the class of license to a Hotel and Restaurant; that there have been no operational or financial changes since the original application of 2007.

Motion by Kouba, second by Clauss, that the Board accept that there have been no changes to the original application of 2007. The motion unanimously carried. Absent, Mr. Nemeth.

Motion by Kouba, second by Tarrant, that the application of the Exigence, Inc., dba The Warehouse Restaurant, for a Hotel and Restaurant Liquor License at 25 West Cimarron Street, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Nemeth.

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10. **Application of Smashburger Acquisition 2008-8, LLC, dba Smashburger, for a Hotel and Restaurant Liquor License at 3707 Bloomington Street.**

Attorney Robert Dill entered his appearance on behalf of the applicant.

Rodney Boyer, Manager, was sworn and stated this is a high end hamburger chain; that orders are placed at the counter and employees serve the customers at their table; that in-house training will be offered; that approximately $450,000 is being invested in the business of which said funds were derived from various investment and savings accounts.

Max Scott, Oedipus, Inc., was sworn and stated his company conducted the petition survey which resulted in 118 favoring, 18 opposing, and 4 no opinion signatures.

Penny Frisbee and Len Davies were sworn and spoke in favor of the application.

Motion by Tarrant, second by Abrams, that the application of Smashburger Acquisition 2008-8, LLC, dba Smashburger, for a Hotel and Restaurant Liquor License at 3707 Bloomington Street, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Nemeth.

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11. **Application of Flavors on Tejon, Inc., dba Flavors on Tejon, for a Hotel and Restaurant Liquor License at 321 North Tejon Street.**

Joe and Sally Ierisi were sworn.

Mr. Ierisi stated the restaurant has been open eight months; that he conducted the petition survey which resulted in 108 favoring, 1 opposing, and 2 no opinion signatures. He stated he operated a restaurant in Ft. Collins, Colorado for 20 years; that staff will be trained in-house; that he has a six year lease and has invested approximately $160,000 in the business of which $85,000 was derived from personal savings, $50,000 from a small business loan and $25,000 from a line of credit.

Motion by Kouba, second by Tarrant, that the application of Flavors on Tejon, Inc., dba Flavors on Tejon, for a Hotel and Restaurant Liquor License at 321 North Tejon Street, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Nemeth.

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At 10:45 a.m., motion by Kouba, second by Tarrant, that the Board adjourn.

Cindy N. Conway, CMC
Deputy City Clerk