COLORADO SPRINGS, COLORADO
COUNCIL CHAMBERS – CITY HALL
107 NORTH NEVADA AVENUE
MARCH 15, 2013 – 9:00 A.M.

The Liquor and Beer Licensing Board met in regular session.

There were present: Chairman Stephens, Mr. Clauss, Mr. Gorman, Ms. Holmes, and Mr. Nemeth. Members Absent: Mr. Davis, Ms. Frias. Also present: Board Legal Advisor Kyle Sauer**.**

COMMUNICATIONS

1. There was no action taken on this item.

MINUTES

2. Motion by Holmes, second by Nemeth, that the Minutes of the Board meeting of February 15, 2013 be approved as written. The motion unanimously carried. Absent: Mr. Davis, Ms. Frias.

CONSENT CALENDAR

3. The City Clerk's Office reports that boundaries were set for the following applications:

A. Mini Mart, Inc. dba Loaf 'N Jug #807, 710 Copper Center Parkway:
North: South side of Shrubland Drive extended
South: North side of Sybilla Lane extended
East: West side of Tolland Place extended
West: East side of Interstate 25 extended

B. Tokyo, Inc. dba Tokyo Joe's, 7495 North Academy Boulevard:
North: South side of Kelly Johnson Boulevard extended
South: North side of Brookwood Drive extended
East: West side of Bell Drive extended
West: East side of Burns Point extended

C. Kum & Go LC dba Kum & Go #673, 620 East Fillmore Street:
North: South side of Nichols Boulevard extended
South: North side of Jackson Street extended
East: West side of Hancock Avenue extended
West: East side of Cascade Avenue extended

Motion by Gorman, second by Nemeth, that the Consent Calendar be approved as written. The motion unanimously carried. Absent: Mr. Davis, Ms. Frias.

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MODIFICATIONS OF PREMISES

4. **Request by M. A. Mason Partners, LLP dba Good Company to Modify the Premises of the Hotel and Restaurant Liquor License at 7625 North Union Boulevard.**

Robert Jardon, managing partner of the applicant, was sworn and stated that they are requesting permission to expand the premises into the adjacent unit, adding approximately 1510 square feet and expand the existing patio area by approximately 645 square feet; that there is a 3 year lease on the expanded area; that the new area will be used primarily as a game room with a bar; and that financing for the modification is from personal savings.

Sue Duffy Schwall, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 76 favoring, 9 opposing, and 1 no opinion signatures.

In response to questions from the Board, Mr. Jardon stated that there is a new doorway into the new unit, with emergency exit only other than through the existing premises; that the patio will have a 7 foot high barrier to control the access and sound; that there will be no live music allowed on the patio after 8:00 P.M., and inside music cannot exceed 100db; that there is an existing service area on the patio and just seating area of the patio will be expanded; that they use an ID reader for all ID checks; that any blind spots are monitored by the staff, and there is a staff member in each area at all times; and that the diagram will be amended

Motion by Clauss, second by Nemeth, that the by M. A. Mason Partners, LLP dba Good Company to Modify the Premises of the Hotel and Restaurant Liquor License at 7625 North Union Boulevard, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Mr. Davis, Ms. Frias.

NEW APPLICATION HEARINGS

5. **Application of Sportz Skillz, LLC dba Sportz Skillz Golf & Tennis Center for a Beer and Wine License at 2456 Montebello Square Drive.**

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

Grace Keirnes was sworn and stated that she is a manager of Peak Lifestyles Ventures, LLC, the controlling LLC of the applicant, and is the establishment manager; that the 100% owner is C. Bradley Keirnes; that all employees have received certified training; that the lease for the 7820 square foot premises is valid through 2017; that they have invested $105,000, of which said funds were derived from personal savings; and that security cameras are place throughout the facility.

Sue Duffy Schwall, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 137 favoring, 17 opposing, and 7 no opinion signatures.

Doug Wert was sworn and stated that he is an employee of the applicant; that average age of the customers is between 28 and 56 years old; and that while minors will be in the premises with their parents, there will be enough staff to effectively monitor the facility.

In response to questions from the Board, Ms. Keirnes stated that the alcohol will be purchased from only the front desk area, which is staffed at all times.

Motion by Clauss, second by Nemeth, that the application of Sportz Skillz, LLC dba Sportz Skillz Golf & Tennis Center for a Beer and Wine License at 2456 Montebello Square Drive, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Mr. Davis, Ms. Frias.

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6. **Application of Mini Mart, Inc. dba Loaf 'N Jug #807 for a 3.2% Beer Off Premises License at 710 Copper Center Parkway.**

Attorney Adam Stapen entered his appearance on behalf of the applicant.

Max Scott, Oedipus, Inc., was sworn and stated his company conducted the petition survey which resulted in 77 favoring, 9 opposing, and 0 no opinion signatures.

David Parker was sworn and stated that he is the director of real estate for the applicant; that Loaf & Jug is a subsidiary of Kroger Company; that this is a new construction in a new and growing Northgate area of the city; that the lease for the 6200 square foot premises is valid through 2027 with a related subsidiary entity of Kroger Company; that there will be seven employees on site most all of the time; and that the applicant has invested $5 million, of which said funds were derived from existing corporate funds.

Elena Barganova was sworn and stated that she is the District Manager for this area; that she manages 7 stores in the area; that her stores have had no violations; that all employees receive training and must pass an annual test; and that there will be 12 – 16 cameras for monitoring activity.

In response to questions from the Board, Ms. Barganova stated that all customers appearing under the age of 30 are required to show valid ID.

Motion by Holmes, second by Clauss, that the application of Mini Mart, Inc. dba Loaf 'N Jug #807 for a 3.2% Beer Off Premises License at 710 Copper Center Parkway, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Mr. Davis, Ms. Frias.

DISCUSSION ITEMS

7. CLOSED LEGAL SESSION

Motion by Clauss, second by Gorman to conduct the discussion in Open Session. The motion unanimously carried. Absent: Mr. Davis, Ms. Frias.

The Board discussed the process and procedures regarding investigations and requests for suspensions of liquor licenses. Members of the Vice Narcotics & Intelligence unit of the Colorado Springs Police Department and the Prosecution Division of the City Attorney's Office were present and provided information related to the Board's discussion.

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At 11:15 A.M., there being no further business, the

BOARD ADJOURNED

Lee McRae
License Enforcement Officer