

AGENDA
PARKER SPECIAL LICENSING AUTHORITY
March 16, 2023

Note:

Public comment for items that are not on the agenda may be made in person or electronically at <http://parkeronline.org/CouncilPublicComment>. For those unable to provide comments in person or electronically through the website, please contact the Clerk's Office to make alternative arrangements. The Town Clerk can be reached at 303-805-3198. Public comments submitted electronically through the website that are received by 5:00 p.m. on the day of the Special Licensing Authority meeting will be provided to the Authority and will be included with the approved minutes of the Special Licensing Authority meeting.

1. 6:30 P.M. - REGULAR MEETING

- (a) **Call to Order**
- (b) **Roll Call**
- (c) **Pledge of Allegiance**

2. PUBLIC COMMENTS - 2 Minute Limit (No action will be taken on these items)

3. APPROVAL OF MINUTES

- **February 16, 2023**

4. PUBLIC HEARING

SPECIAL EVENTS PERMIT APPLICATION (MALT, VINOUS, AND SPIRITUOUS LIQUOR)

Applicant:	Aspen Academy
Event:	Aspen Academy Gala
Location:	Vehicle Vault, 18301 Lincoln Meadows Parkway
Dates:	April 15, 2023

5. HEARING ON RENEWAL OF LIQUOR LICENSE

Licensee:	B&B Holding Company, Inc. d/b/a FuNuGyz Sports Tavern
Location:	17900-04 Cottonwood Drive
Department:	Attorney, Christy Ausmus

6. REVIEW OF AN APPLICATION FOR COLORADO LIQUOR SALES ROOM

License Type: Colorado Liquor Sales Room - Temporary Distillery
Applicant: Downslope Distilling, Inc.
Location: 19565 E Mainstreet - Parker Farmer's Market

7. OTHER BUSINESS

8. ADJOURNMENT

**SPECIAL LICENSING AUTHORITY
MINUTES
MARCH 16, 2023**

Chair Kelli Narde called the meeting to order at 6:30 p.m. In attendance were Chair Kelli Narde, Vice-Chair Mike Appleby, Bryan Campbell, and Greg Simpson. Alternate Members RD Kuhns and Rick Milburn were also present. Member Jon Brusco was absent. Staff present were Town Clerk Chris Vanderpool, Deputy Town Clerk Susan Irvine, Town Clerk Administrative Specialist Erica Wetzel, Prosecutor Christy Ausmus, and Authority Attorney Corey Hoffmann.

Chair Kelli Narde led the Pledge of Allegiance.

PUBLIC COMMENTS

There was no one in the audience who wanted to make a public comment.

APPROVAL OF MINUTES

Greg Simpson moved to approve the minutes of February 16, 2023.

Mike Appleby seconded the motion.

A roll call vote was taken:

Bryan Campbell - Yes

Rick Milburn - Yes

Kelli Narde - Yes

Mike Appleby - Yes

Greg Simpson - Yes

The motion was approved unanimously.

PUBLIC HEARING

SPECIAL EVENTS PERMIT APPLICATION (MALT, VINOUS, AND SPIRITUOUS LIQUOR)

Applicant: Aspen Academy

Event: Aspen Academy Gala

Location: Vehicle Vault, 18301 Lincoln Meadows Parkway

Dates: April 15, 2023

There was no one from the public who wanted to comment on this item.

The applicant submitted a Special Events Permit Application on January 27, 2023, with supporting documents and fees. The applicant had a Notice of Public Hearing posted on this matter on March 6, 2023, ten days prior to the hearing, as required by law.

Event Manager, Kirsten Benefield, was present and described the event to the Authority. She explained that this is a fundraising event with dinner and live and silent auctions. The event is scheduled for April 15, 2023 at Vehicle Vault, and they are expecting 250-300 people. They are

using TIPS certified bartenders who will be responsible for checking identification of patrons prior to alcohol service which will be purchased through a ticket system. Security will be provided by off-duty Parker police officers.

Mike Appleby moved to approve the Special Events Permit Application (Malt, Vinous and Spirituous Liquor) for Aspen Academy, Aspen Academy Gala, on April 15, 2023, at 18301 Lincoln Meadows Parkway.

Greg Simpson seconded the motion.

A roll call vote was taken:

Bryan Campbell - Yes

Rick Milburn - Yes

Kelli Narde - Yes

Mike Appleby - Yes

Greg Simpson - Yes

The motion was approved unanimously.

HEARING ON RENEWAL OF LIQUOR LICENSE

Licensee: B&B Holding Company, Inc.
d/b/a FuNuGyz Sports Tavern
Location: 17900-04 Cottonwood Drive
Department: Attorney, Christy Ausmus

Christy Ausmus advised that she negotiated a Stipulation for Conditional Renewal of Liquor License with Austin Gemmell, attorney for the licensee, and the licensee. Ms. Ausmus stated that there were numerous CAD notes provided by the Parker Police Department. Based on these reports, she was concerned with the appearance of over-service on behalf of the licensee. She contacted many of the people who were listed in the CAD notes, but few were willing to speak with her. She also reviewed body-worn camera video from one of the incidents. After this process, she reached out to Mr. Gemmell to receive documents required by the prior Stipulation Agreement. After reviewing all this information, Ms. Ausmus concluded that a conditional renewal was the best route, and she did not have adequate evidence to support non-renewal.

The terms of the Stipulation for Conditional Renewal of Liquor License are as follows:

- a. Licensee shall continue to ensure that there is a Manager on duty for every shift. There are no exceptions to this requirement. This person shall be immediately available should law enforcement be required to respond and shall assist law enforcement to the extent possible. This condition shall not affect the Manager's limited off-premises duties between the hours of 9:00 a.m. and 5:00 p.m. on any given day, such as traveling to the bank or picking up supplies or food on behalf of Licensee.

- b. Licensee previously agreed to add one additional server to each shift. This requirement will remain as part of this Stipulation.
- c. Licensee shall maintain its private security personnel on Friday and Saturday nights between the hours of 6:00 p.m. and Licensee's closing time for these days.
- d. Licensee shall maintain all security cameras that are currently in place on the premises. Licensee agrees to maintain these cameras in working order and in such a way that they are not blocked by temporary structures on the premises at any time. Licensee is also required to test all of its cameras a minimum of one time per month to ensure they are properly working and maintain them in that condition.
- e. Licensee shall require all employees who sell or serve alcohol to hold a valid TIPS training certification. All new employees shall complete TIPS training within 30 days of being hired.
- f. Licensee shall implement an internal policy that requires all employees to track the number of customers on each tab. This policy will require both manual and electronic tracking and is being implemented to specifically address the overservice issue that has been raised by the Town. This policy shall be made available to the Licensee Authority and/or the Parker Police Department, upon request.
- g. Licensee agrees to file, in electronic format, its daily manager reports generated each day of the month with the Town, at addresses specified by the same, on a monthly basis; provided, however, that Licensee shall not be required to include its proprietary food and beverage sales information pertaining to its employees on such reports. Each set of monthly reports shall be filed with the Town by the 5th day of the subsequent calendar month. The first set of monthly reports for March 2023 shall be due on April 5, 2023. The Town acknowledges that Licensee's daily manager reports may contain other confidential and proprietary information pertaining to its establishment, operations, and employees and agrees it will not disclose to third parties, or otherwise use, such information contained within the reports, except as permitted under this Agreement or pursuant to applicable federal, state, or local law, regulation, valid court or agency order, or other investigation conducted by a governmental agency.
- h. Licensee agrees to preserve video evidence from both its internal and external security cameras of any incidents noted in the reports submitted pursuant to Section 5(g) that relate to disorderly or aggressive conduct on the premises or in the parking lot, if within view of the security cameras, as well as any instances of intoxicated individuals who enter the premises requesting to be served and are denied. This video evidence shall be maintained for a minimum of 90 days from the date of incident and shall be made available to the Parker Police Department upon request.

Mr. Gemmell stated that he feels the quantity of reports was deceiving, and most of the incidents were reported by the licensee. The licensee has made significant strides in the past two years and is attempting to report incidents in a proactive manner to protect the citizens of Parker. Tim Gibson, licensee, described that managers are required every day to record any incidents that occur within the bar. They usually make handwritten notes as they occur but are now taking them in more detail to corroborate the incidents with the video. Their notes are entered into a computer system the same day as the shift.

Mike Appleby moved to approve the Stipulation for Conditional Renewal of Liquor License as presented and to approve the Hotel & Restaurant Liquor Renewal Application for B&B Holding Company, Inc., d/b/a FuNuGyz Sports Tavern, 17900-04 Cottonwood Drive subject to all conditions of the Stipulation.

Greg Simpson seconded the motion.

A roll call vote was taken:

Bryan Campbell -No

Rick Milburn - Yes

Kelli Narde - Yes

Mike Appleby - Yes

Greg Simpson - Yes

The motion was approved on a 4-1 vote with Bryan Campbell opposing.

REVIEW OF AN APPLICATION FOR COLORADO LIQUOR SALES ROOM

License Type: Colorado Liquor Sales Room - Temporary Distillery

Applicant: Downslope Distilling, Inc.

Location: 19565 E Mainstreet - Parker Farmer's Market

The applicant submitted an Application for Colorado Liquor Sales Room Temporary Distillery Permit on March 6, 2023 with supporting documents to the Town Clerk to be reviewed by the Special Licensing Authority. The applicant would like to participate as a vendor at the Farmers Market. This is a type of application for the Authority to review and to either object or not object. This application is under the jurisdiction of the State of Colorado. The State is only asking that the Authority review the application to ascertain whether there will be impacts to the following:

- Impacts to traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances.
- Would result in violation of the Colorado liquor code or the laws of the local government.
- Would violate local zoning laws.

Bryan Campbell moved to not object to the Application for Colorado Liquor Sales Room Temporary Distillery Permit for Downslope Distilling, Inc. 19565 E Mainstreet, as required by the State of Colorado.

Greg Simpson seconded the motion.

A roll call vote was taken:

Bryan Campbell - Yes

Rick Milburn - Yes

Kelli Narde - Yes

Mike Appleby - Yes

Greg Simpson - Yes

The motion was approved unanimously.

OTHER BUSINESS

Corey Hoffmann explained that applications for temporary sales rooms have an objection period of only ten days. Staff is recommending that this be added to the administrative approvals allowed by the Town Clerk, unless there is derogatory information. This code change would be coupled with the changes related to sales of wine in grocery stores and convenience stores which the Authority recommended for Council consideration last month.

Greg Simpson moved to recommend that Town Council approve an amendment to the Town Code to allow the Town Clerk to administratively approve Liquor Sales Rooms applications.

Rick Milburn seconded the motion.

A roll call vote was taken:

Bryan Campbell - Yes

Rick Milburn - Yes

Kelli Narde - Yes

Mike Appleby - Yes

Greg Simpson - Yes

The motion was approved unanimously.

Chair Narde advised that she spoke with Corey Hoffmann earlier in the day and inquired if the Town Council was aware of the ongoing problems with FuNuGyz. She asked if he could provide a memo to the Town Council to update them on the situation. The consensus of the Authority was that Mr. Hoffmann should provide a memo to Council with a copy to the Authority.

ADJOURNMENT

Bryan Campbell moved to adjourn the meeting at 7:15 p.m.

Mike Appleby seconded the motion.

A roll call vote was taken:

Bryan Campbell - Yes

Rick Milburn - Yes

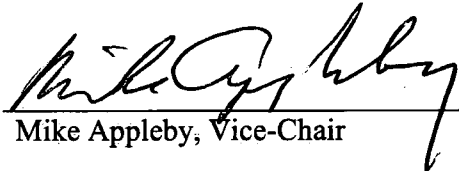
Kelli Narde - Yes

Mike Appleby - Yes

Greg Simpson - Yes

The motion was approved unanimously.


Susan L. Irvine, Deputy Town Clerk


Mike Appleby, Vice-Chair