

**MINUTES FOR
LIQUOR AUTHORITY MEETING**

**CITY OF WHEAT RIDGE, COLORADO
7500 West 29th Avenue, Municipal Building**

December 11, 2014

Chair Shaver called the Liquor Authority Meeting to order at 9:00 a.m.

Liquor Authority Members present:

John Miks
Paul Shaver
Carolyn Peterson
Anthony Davia
Robert Alldredge
Kent Davis

Claudia Worth was absent

Also present: City Attorney Joe Rivera, Deputy City Clerk Kelly Stevens, Police Officer Steve Berkowitz, Police Records Management Specialist Cheryl Jaster, City Clerk Janelle Shaver, and concerned citizens.

APPROVAL OF MINUTES of November 13, 2014

Motion by John Miks to approve the minutes of November 13, 2014: seconded by Caroline Peterson; carried 6-0-1.

Item 1. Public Hearing on Application for a new Retail Liquor Store License, My Liquor Store, Inc., 6595 W 44th Avenue, Wheat Ridge, Colorado, 80033

Deputy Stevens Introduced the item.

Kristine Hoeltgen of 1st Security Escrow Company, Attorney for the applicant was sworn in by Chair Shaver.

Max Scott, of Oedipus, discussed his business of working with liquor applicants and rule 106 decisions. His company handles petitions and Needs and Desires surveys. They conduct impartial surveys and take steps to guarantee impartiality of the surveys.

Ms. Hoeltgen asked if traffic counts had been done. Mr. Scott replied that the counts showed 11,303 vehicles, which would show need for another liquor store.

Ms. Hoeltgen asked about "no" answers on Needs and Desires survey. Were they from competitors? Mr. Scott replied that some of the "no's" were from competitors and others were from businesses and residents that did not want another liquor store for other reasons.

Kent Davis asked about usage objections. Mr. Scott replied that many of the objections were about drinking in general or objections because of the fear of empty cans and bottles littering the area.

Chair Shaver commented that it seemed like the homes surveyed were not very close to store. Mr. Scott replied that the geographical limits are set by the city specifying surveys be conducted in a 1-mile radius of the business. Attempts were made to conduct the survey at even points within that 1-Mile radius. Mr. Scott stated the margin of error for the survey was 4.8%.

Chair Shaver inquired if the people surveyed asked many questions about the proposed liquor license. Mr. Scott replied that some did and some didn't. He referred to the area as a "repeat trade neighborhood" where many businesses succeed because of customers that consistently come back to the businesses.

Ms. Hoeltgen introduced applicant Shiqin Dong and his wife Ann Lias. Mr. Dong owns the gas station and restaurant adjacent to the proposed liquor store.

Ms. Hoeltgen stated that the applicant had brought several witnesses to testify in favor of the application being granted.

Chair Shaver swore in the witnesses.

Kelly Hanrahan, 6560 W. 44th Place, Wheat Ridge, stated she lived directly behind the gas station and proposed liquor store and stated she was in favor of the application being granted because it is a convenient location for walking traffic.

Bill Makelky, 4440 Jay Street, Unit A, Wheat Ridge, stated he had lived in neighborhood for 7 years and felt the new business would be a good addition.

Richard Garcia, 4409 Teller St, Wheat Ridge, stated he lives 3 ½ blocks from store and was in favor of approval of the new license. He has resided in the area for 32 years and knows the owners of the proposed business. He stated they were great people and he shops at the convenience store frequently.

Audience member Michael Gauthier, of 4660 Otis St, Wheat Ridge, asked if applicant business was in center of survey area. Mr. Scott stated it was and the surveyors went to an equal number of homes and businesses north and south of applicant's business. Mr. Gauthier stated he lives in survey area and was not surveyed. He is opposed to the issuance of a Retail Liquor Store license at this business. He is concerned about underage drinking and drunks in area. He feels another store would bring increased

traffic to the neighborhood and encourage drunks to spend time in new neighborhood park. He stated there was a very large new liquor store in nearby Lakeside and people from the neighborhood that wanted alcohol could go there. Mr. Gauthier stated he has no confidence in the Needs and Desires survey and feels that more homes and businesses should have been surveyed.

Audience member Lisa Nazarene of 4660 Otis Street, Wheat Ridge, stated she had lived in the area all her life. She has young children and is opposed to a new liquor store being added to the area. She feels there are already too many liquor stores in the area and another store would increase traffic and increase the number of "shady characters" in the area.

1 more audience member, not a Wheat Ridge resident spoke in opposition to the proposed new license.

5 more audience members, all Wheat Ridge residents spoke in favor of the new license. Additionally, Ms. Hoeltgen stated she had 14 letters of support from residents who were unable to attend the meeting.

Mr. Dong stated he owned restaurant in Golden with Hotel/Restaurant liquor license for 5 years. He also ran a restaurant in China for 10 years with no legal issues. Mr. Dong stated that before he purchased the convenience store, the store had a 3.2% Beer Liquor license and he would like to sell alcohol to better serve his customers. The convenience store is approximately 3000 square feet and the proposed liquor store is 1500 square feet.

Ms. Hoeltgen presented a new diagram of premises to the Authority.

Tony Davia asked if the restaurant was connected to the liquor store. Could customers purchase alcohol in the store for consumption in the restaurant?

Mr. Dong replied absolutely not.

Ms. Hoeltgen stated there will be a half wall to separate liquor store from convenience store with 2 counters & cash registers similar to the convenience store at 29th and Jay.

Carolyn Peterson asked how many employees the store would employ. Mr. Dong stated the store would employ two other people besides himself. For training, he will have his employees take the State of Colorado liquor training prior to the store's opening. He would like to open the store approximately 1 month after approval by the Liquor Authority. They are planning to renovate the convenience store when the liquor store opens to make it nice and new for their customers. They are planning to have the liquor store open 9 am to 11 pm seven days a week.

Ms. Hoeltgen asked how Mr. Dong would block access to the liquor store when it is closed and the convenience store is open. Mr. Dong stated there will be a gate

between the two stores which will be closed when the liquor store is closed. He stated the store has very good security cameras and monitoring through ADT. Any employee violating liquor laws will be fired.

Kent Davis asked Mr. Dong what specific liquor experience did he have with his previous businesses. Mr. Dong stated he was the chef of the restaurant and also the owner, so he has much liquor experience. He had no liquor violations at the restaurant he owned in Golden.

Kent Davis asked about the \$50,000 startup funds that will be used for the opening of the business. What is the source of these funds?

Mr. Dong stated the funds were coming from personal savings and the other businesses he owns.

Chair Shaver stated he was concerned about the new liquor superstore in Lakeside. Does the applicant feel it will hurt his business?

Mr. Dong stated it was no problem – his established customers will continue coming to his business.

Carolyn Peterson stated that if an applicant has passed the hurdles of the application process, the Liquor Authority has to approve them.

Tony Davia encouraged the applicant to be good neighbor.

Chair Shaver stated he was still concerned about high number of negative responses on the Needs & Desires Survey.

Motion by John Miks to approve the request for New Retail Liquor Store license, seconded by Tony Davia: carried 5-1-1, chair Shaver voting against

City Attorney Rivera asked for a brief adjournment before the Authority addresses Item #2. The Authority recessed at 10:13 am.

Chair Shaver reconvened the meeting at 10:23 am.

Item 2. Show Cause Hearing for alleged Code of Laws Violation at The Office Bar and Lounge, 7000 W. 38th Avenue, Wheat Ridge, Colorado, 80033

Deputy Clerk Stevens introduced the item.

Attorney Rivera stated the owners of The Office and representatives from the City of Wheat Ridge had reached a negotiated settlement that recognizes the needs of both parties.

According to the settlement, the Licensee has 180 days to transfer the ownership of the business to another party. The party purchasing the business cannot be related to the present owner, Tuyet Nguyen, or anyone currently involved with running the business now.

If no good transfer is found within the 180 day time period, Licensee will relinquish their liquor license to the City.

Motion by Tony Davia to approve the settlement, seconded by Robert Alldredge; carried 6-0-1

Audience member Tom Yang asked to speak to the authority. Mr. Yang stated he owns the property where the Licensee does business as well as the building next door. He stated he has invested heavily in Wheat Ridge for 50 years. He owns Applewood Quality Builders and feels that process whereby the settlement was reached was very unfair. Mr. Yang feels the problem at hand is miscommunication – Victor Nguyen helped run the business in his sister's absence. Mr. Yang stated he has lent Victor money for his business to help make a successful restaurant with a bar.

Mr. Yang stated he was against the settlement and feels it will hurt the area. He has not been charging Victor any rent on the property. He helped with the family's restaurant in Littleton and the money lent came back with interest. Victor owes Mr. Yang a lot of money and the settlement affects Tom in a bad way.

Robert Alldredge stated he appreciates and respects what Mr. Yang has accomplished, but the agreed upon settlement stands.

Kent Davis asked Mr. Yang if he had a candidate in mind to take over the restaurant and bar. Mr. Yang stated he had no one presently in mind. Victor has been losing money and they spent over \$50,000 on an awning for the business.

Carolyn Peterson stated that the Authority's vote stands.

CITY CLERK'S MATTERS

None

CITY ATTORNEY'S MATTERS

None

POLICE DEPARTMENT MATTERS

None

LIQUOR AUTHORITY MEMBERS MATTERS

None

Meeting adjourned at 10:35 a.m.



Kelly K. Stevens, CMC, Deputy City Clerk

APPROVED BY LIQUOR AUTHORITY ON BY A VOTE OF 6 TO 0



Paul Shaver, Chair