

**MINUTES FOR  
LIQUOR AUTHORITY MEETING**

**CITY OF WHEAT RIDGE, COLORADO  
7500 West 29<sup>th</sup> Avenue, Municipal Building**

**January 26, 2017**

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

Liquor Authority Members present:

Anthony Davia  
John Miks  
Elizabeth Nazarenus  
Bruce McIntyre  
Carolyn Peterson  
Paul Shaver  
Claudia Worth

Liquor Authority Members Absent: Robert Alldredge

Also present: Deputy City Clerk Robin Eaton; Police Officer Chris Krieger, Max Scott (Oedipus); Kevin Coates, Attorney from Dill and Dill; Representative Rocky Del Falco from 7-11 Inc., and interested parties.

**APPROVAL OF MINUTES OF December 12, 2016**

**Motion** by Ms. Peterson for approval of the minutes of December 12, 2016; seconded by Mr. Miks.; carried 7-0

**Item 1.** Introduced by Chair Nazarenus, a public hearing on application for a new 3.2 % Beer License 7-Eleven, Inc. dba "7-Eleven Store 38084H", located at 3790 Wadsworth Blvd., Wheat Ridge, CO.

Deputy Clerk Eaton introduced the staff report. The City Clerk's office has received an application and explains that the applicants have taken over the existing building located at 3790 Wadsworth Blvd., and are desirous to sell 3.2% Beer at that location. There was no previous valid liquor license at this location.

Chair Nazarenus swore in Mr. Scott, Mr. Kevin Coates, Attorney from Dill, Dill, Carr, Stonebraker & Hutchings PC representing 7-Eleven Inc. and Mr. Delfalco, property manager, were present. They have a yearly Training certification

for the employees and they send in their own secret shoppers to try to purchase alcohol.

Max Scott, owner of Oedipus, Inc. provided the report of the Neighborhood Needs and Desires survey. He incorporated his testimony from past hearings as to the methods Oedipus uses to conduct the surveys.

The survey was conducted in a one-mile radius with the applicant business at center. Both residences and businesses were surveyed in the blue area of the map of the survey.

Mr. Davia asked why the opposition was so high in this petition.

Mr. Scott responds that off premises convenience stores might have more occurrences of pass through beer buyers than in grocery stores but the results were typical for an established neighborhood.

Mr. Davia asks why there was a new petition for this convenience store.

Mr. Scott replies that there was no valid license at this location for quite some time so it is considered a new license application.

Chair Nazareus asks for any questions.

Mr. McIntyre ask about question #7; how it the applicants answered yes for suspensions or revocations.

Mr Coates responds that there as it is a nationwide company, there are going to be violations, even with the training safeguards that are in place and if laws were violated, the termination of the employee is almost immediate.

Ms. Peterson asks if it is a corporate chain store vs a franchise ran operation.

Mr. Coates responds that it is a corporate store for the time being, but may be transferred to a Franchisee at a later date and time.

Ms. Worth asks about when they might be opening, and also when the license will be issued if it's approved today.

Mr Coates responds that they are looking toward an early spring opening date.

Deputy Clerk responds that even if the license was approved at this date, there is no grace period allowed and it will renew annually on this date, even though it might not open up for months down the road. The license will not be issued in full until after the Occupancy has been allowed.

**Motion** by Mr. Davia to approve the issuance of the application for a new 3.2 % Beer License 7-Eleven, Inc. dba "7-Eleven Store 38084H", 3790 Wadsworth Blvd., Wheat Ridge, Colorado for the following reasons:

- (1) All applications and fees required by statute have been filed and paid.
- (2) Notice of hearing was published on December 22, 2016 and posting of the premises was accomplished on December 15, 2016 according to statutory requirements.
- (3) The applicant is entitled to occupancy of the premises by an executed Lease, dated August 31, 2016 by the Landlord and on September 6, 2016 by the Tenant.
- (4) The property complies with the zoning ordinances, rules, and regulations of the City.
- (5) The applicants hold an approved Master File account with the State Liquor Enforcement Division, which is responsible for approving the Background checks of the Officers for 7-Eleven Incorporated.
- (6) The relevant neighborhood under consideration is described as being within a 1-mile circumference of 3790 Wadsworth Blvd, Wheat Ridge CO 80033
- (7) The Needs & Desires survey, conducted by Oedipus Inc. is in support of granting this license. This is evidenced by petitions bearing 220 signatures favoring and 34 signatures opposing issuance.

Seconded by John Miks ; Motion carried 7-0

**Item 2.** Discussion to enact Rule or Resolution to require Liquor Licensees and Applicants show proof of passing an approved liquor server training program. As per City Code Sec. 11-52.5 (a) and 11-56 (b)

Clerk Eaton introduced the item and thinks it beneficial to the Citizens of Wheat Ridge, Police and the Liquor Board to take action to draw up a Resolution enacting a requirement for Liquor Licensees to pass an approved Liquor serving training class, established either by our PD, or by another approved vendor such as T.I.P.S. The training class will be evidenced by a certificate and be mandated to be submitted for any new employees, within 60 days of hire, and for any renewal of the Liquor License.

Discussion followed:

Mr. Shaver asks about if the City of Arvada or other towns around Wheat Ridge have a mandatory training requirement in place, along with the towns of Rifle, Telluride and Eagle County.

Deputy Eaton responds that the City of Arvada has it on their wish list, but does not currently require trainings for liquor establishments.

Chair Nazerenus asks if the training would be required by all liquor outlets and how would big chain stores, with the amount of people they have, who would need to pass the class and how we would institute it.

Clerk Eaton respond that yes, it would be required for all liquor establishments and it could be established at a later time on how long we would give them to start being in compliance with the requirement. It would depend on how the stores sell their alcohol and who sells it, whether they have a dedicated liquor aisle or not.

Mr. Davia asks how long it has been since the City offered a liquor training course. Officer Krieger could not answer that question at this time.

Chair Nazarenus reflects that as she works in the liquor industry, and many people sometimes do not even last 3 weeks; before they move on.

Clerk Eaton responds that the City would not charge but maybe a minimal fee for their employees to pass the course and possibly be able to take the certification with them, to another outlet.

Ms. Peterson states that previously Officer McCormick did supply City sponsored liquor training's but it was too expensive to keep doing it.

Ms. Worth thinks that it is a good idea for a person to become a certified liquor server and it would be good for the business as well.

Mr. Miks asks about who would be liable if the employee signs the card and if the liability would rest on them if a violation would occur.

Mr. Rivera responds that the server is not generally gone after, unless there was an injury, to be held liable for the violation; usually it is the business.

**Motion** by Ms. Worth to move forward with a request that the liquor board move forward with agenda Item 2 and to have the Clerk's Office bring back more information regarding this item to the Board.

Seconded by Mr. McIntyre; motion fails 5-2

### **CITY CLERK'S MATTERS**

Deputy Clerk Eaton informed the Board of pending Transfer application for dba Big Willies establishment located 11221 W. 44<sup>th</sup> Ave and how the new owner has applied for a temporary permit, business license but has not received any as of yet. This

establishment will be monitored very closely for violations to the Liquor Laws and business practices under the City Code. A Liquor renewal from Paramount Bowl was found to require a Manager Change report, which is still pending a WR background check. Renewals for Safeway, Noodles & Co and New Canton Restaurant are also pending. The Iron Rail has submitted payment for the renewal but were not sent in with the application itself.

**CITY ATTORNEY'S MATTERS**

Possible joint City Attorney and PD matter to have the Board provide direction on a possible Show Cause for the Big Willies establishment. Jurisdiction of the Board is solely for the Liquor License and Licensee, whether or not they are operating within those Statutes and also probable cause.

**POLICE DEPARTMENT MATTERS**

Officer Krieger say the facility was not open except occasionally for events by the Mongols motorcycle club and is in the process of being transferred. Concern whether Josh is an employee of the current licensee, Ms. Chrisp, with employee records to show if it's true, or whether he is in fact the new owner. Compliance checks have proven that they currently are serving alcohol and have had low level gambling on the premises.

**LIQUOR AUTHORITY MEMBERS MATTERS**

Chair Nazareus makes motion to continue discussion of the Big Willies establishment until more information can be gathered; seconded by Ms. Worth; motion passes 7-0

**ADJOURNMENT**

Meeting Adjourned at 10:16 a.m.



Robin Eaton, Deputy City Clerk

APPROVED BY LIQUOR AUTHORITY ON FEBRUARY 13, 2017 BY A VOTE OF 6  
TO 0



Elizabeth Nazareus, Chair