

**MINUTES FOR
LIQUOR AUTHORITY MEETING**

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

May 24, 2018

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

Liquor Authority Members present:

Bruce McIntyre
Carolyn Peterson
Claudia Worth
John Miks
Elizabeth Nazaremus

Absent, Robert Alldredge, Paul Shaver, Anthony Davia

Also present: Deputy City Clerk Robin Eaton; Police Officer Betsy Sailor; Assistant City Attorney Joseph Rivera; Attorney William Wildberger II; Max Scott (Oedipus Inc.), Director of Operations for Tokyo Joe's Mathew Hupps

APPROVAL OF MINUTES OF March 8, 2018

Motion by Member Peters to approve the minutes of November 30, 2017; seconded by Member Nazaremus; Motion carried 4-1 with Miks abstaining

Item 1. Introduced by , a motion to choose a temporary Board Chairperson for the new Beer and Wine Liquor license hearing of May 24, 2018 regarding Tokyo Inc., doing business as Tokyo Joes.

Motion by Member Nazaremus that Ms. Worth be chosen as temporary Board Chairperson for the new Beer and Wine Liquor license hearing of May 24, 2018 regarding Tokyo Inc., doing business as Tokyo Joes; seconded by Member Peterson, motion carries 5-0

Item 2. Introduced by Chair Worth; a New Application for a Beer and Wine Liquor License Application for Tokyo Inc. dba Tokyo Joe's located at 3753 Wadsworth Blvd. Ste. 113, Wheat Ridge CO 80033.

Chair Worth opened the public hearing

Deputy Clerk Eaton gave the initial findings for the staff report and entered Exhibits 1-6 into the record, showing the applicant has fulfilled all of the requirements to hold a liquor license. He explained that Tokyo Joe's is a new Beer and Wine applicant, being currently licensed in multiple jurisdictions along with the City of Arvada and wishing to establish a location at The Corners in Wheat Ridge.

Deputy Clerk Eaton introduced Max Scott from Oedipus Inc. along with Bill Wildberger II, the attorney for the applicant.

Chair Worth swore in Max Scott and Mr. Wildberger.

Max Scott spoke about Oedipus, Inc. and stated that Wheat Ridge has a wonderful reputation as a good place for businesses. He used model testimony from past hearings as to the methods Oedipus uses to conduct the surveys.

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. He described on page two of the survey that 238 of those surveyed were in favor of issuance of new liquor license, while there were 16 that were opposed to it.

There were no questions for Mr. Scott

Mr. Wildberger spoke about the business of Tokyo Joe's starting in out in Colorado about 22 years ago. With the first location in southeast Denver at Centennial in the Park Meadows mall. That booming store to over 52 restaurants in United States with 43 of those located around Colorado.

Their Corporate headquarter is in Englewood and serves an Americanized version of Asian food. Most rice and noodle bowls along with salads, healthy cuisines and beverages for all ages.

Mr. Hupps spoke that he has been with Tokyo Joe's for over 13 yrs. and Tokyo Joes is a fantastic company to work for. They sell beer and wine only and as it's a fast casual, restaurant, staff opens the beet at counter and the employees are tips trained. There will be no liquor sales without a valid ID and the register prompt that an ID is required when someone purchases alcohol. Only general managers and leaders on duty can clear the register for alcohol sales.

Any issues when a violation was made whether by a manager, or duty leaders, would be cause for immediate termination. There are also weekly alcohol log books that are looked at monthly and only allow a two purchase maximum of alcohol beverages.

Chair Worth asks for any questions.

Member Miks asks with the two drink maximum a patron cannot come back for more.

Mr. Hupps responds that no they cannot do so.

Chair Worth inquires as to how they control that.

Mr. Hupps answers that the register only allows the two purchases to be rung up and there are no open tickets. It is the management shift leader that it falls on to realize that a guest is trying to make additional purchases.

Chair Worth asks if the computer keeps track of the purchases.

Mr. Hupp answers that the manager keeps track of the purchases not the computer. The computer keeps track of the sale items.

Member Peterson states that it seems like a very impressive system.

Mr. Wildberger respectfully requests that with the evidence, documentation and testimony presented for the hearing, that the members approve this new Beer and Wine license for the Wheat Ridge location.

Motion by Member Miks to approve the issuance of a new Beer and Wine Liquor License for Tokyo Inc. dba Tokyo Joe's located at 3753 Wadsworth Blvd Suite 113, Wheat Ridge, Colorado on the basis of the following findings:

1. Public Notice of the hearing on the Application was published and posted on the property as required by Colorado law;
2. The applicant is qualified to obtain a liquor license pursuant to C.R.S. Section 12-47-307;
3. The premises is in a location eligible to conduct the proposed liquor licensed business pursuant to C.R.S. Section 12-47-313 and the zoning laws of the City;
4. The applicant is entitled to possession of the premises for which the application is made;
5. The neighborhood under consideration is considered to be within a one-mile circumference around the proposed licensed premises;
6. The inhabitants of the neighborhood desire an additional establishment that serves liquor;
7. The needs of the neighborhood are not met by the existing outlets."

There is no additional discussion or further questions.

Seconded by Member Nazareus; motion carries 5-0

Item 3. Liquor Authority Resolution 01-2018 – A Resolution to approve a one half mile radius regarding the needs and desire petitioning for new liquor license applications.

Introduced by Chair Worth

Staff report

Deputy Clerk Eaton reported that at the liquor hearing held on March 8, it was Requested of the Assistant City Attorney to write a resolution to be voted on concerning the reduction of the radius for petition of the needs and desires of the neighbor from the current 1 mile radius down to one half mile.

Board discussion

Member Miks asks for clarification that the resolution reduces the radius from one mile to one half mile.

Mr. Rivera responded that it was correct, that is what it would do.

Motion by Member Miks to approve Resolution 01-2018, a resolution to define the default neighborhood relevant to liquor licensing applications in the City of Wheat Ridge as the area surrounding the proposed or relevant license location for a radius of one-half mile. The one-half mile radius shall extend into neighboring jurisdictions and the boundaries of same shall be the center of the perimeter streets, seconded by Member McIntyre; motion carried 5-0

CITY CLERK'S MATTERS

Deputy Clerk Eaton reported on the items that he has been working on and a status of those applications.

- New application hearing June 28 for Lucky's Market to be located at 3545 Wadsworth Blvd.
- New application hearings for July 26; for the Hacienda Colorado on Youngfield and the Suncor, Shell station, located at 44th and Kipling.
- Corporate changes for Applejacks, DS liquors, and Wheat Ridge Liquors
- Multiple renewals not inclusive of La Fonda's, DS liquors, Wheat ridge liquors, and others, still taking about two months to be returned from state.
- Special event permits for Colorado Open Lands and the Criterium bike race.
- New liquor law changes for 3.2% at governor's desk that will change the face of 3.2 businesses

CITY ATTORNEY'S MATTERS

Mr. Rivera as requested by the members, had reviewed the meeting minutes and City Code to look into a new direct succession from chair to vice-chair each year without having to vote. This process is not permitted by Sec.11-52.5 so basically every year the liquor board members are required to vote for both the Chair and Vice Chair.

POLICE DEPARTMENT MATTERS

Detective Sailor reported that WRPD will be doing liquor stings sometime during this summer. Being pretty short staffed they have not scheduled any of those as of yet.

LIQUOR AUTHORITY MEMBERS MATTERS

ADJOURNMENT

Meeting adjourned at: 9:40 a.m.



Robin Eaton, Deputy City Clerk

APPROVED ON June 28, 2018 BY A VOTE OF 4 TO 1



Robert Alldredge, Chairman

