



## LIQUOR LICENSE AUTHORITY REGULAR MEETING

May 13, 2021 // 9:00 a.m. Via Zoom

Zoom Meeting, Click on the link: <https://windsorgov.zoom.us/j/94460667127>

OR join by phone 888-788-0099 or 877-853-5247

Webinar ID: 944 6066 7127

### MINUTES

A. CALL TO ORDER

Hearing Officer Ablao called the meeting to order at 9:02a.m.

B. CONSENT CALENDAR

1. Approval of the February 11, 2021 regular meeting minutes of the Liquor License Authority.

2. Approval of the April 15, 2021 special meeting minutes of the Liquor License Authority.

The Authority has reviewed the minutes and approves them as written.

C. ACTION ITEMS

1. **Transfer – Hotel & Restaurant Liquor License**

Yuzu, LLC  
DBA Yuzu Asian Cafe  
431 Main Street  
Windsor, CO 80550

Hearing Officer Ablao stated that this is a public hearing for the Transfer – Hotel & Restaurant Liquor License. Hearing Officer Ablao swore in Nith Sananikone the sole member of Yuzu Asian Café. Mr. Sananikone explained previously the business was a Hawaiian restaurant, and now a sushi restaurant that serves Asian fusion cuisine. Current hours of operation are Tuesday, Wednesday, Thursday from 3:00p.m. – 8:00p.m., and Friday, Saturday from 3:00p.m. – 9:00p.m. During the concert series the hours will be extended accordingly to accommodate the events. There have been no changes to the premise diagram. Mr., Sananikone family has owned a popular sushi bar restaurant in Texas the last twenty-one years that sells alcohol. Yuzu Asian Café currently has four employees, but plans to hire up to ten individuals, and will require the bartender to be Safe Serve certified. The policy will be to I.D. any individual under fifty years old, and they have a zero tolerance policy for anyone served under the age of twenty-one years old.

The Authority finds that the evidence presented at the hearing today supports the approval of the transfer of the Hotel & Restaurant Liquor License for Yuzu Asian Cafe, and therefore approves the granting of the license with the following conditions: Compliance with the state liquor code, rules, regulations and all municipal ordinances and regulations concerning the operation of a liquor licensed business. Satisfactory inspection of the premise, and results of any background checks that have not yet been received.

2. **New – Retail Fermented Malt Beverage Off-Premises Liquor License**

Mini Mart, Inc.  
DBA Loaf N' Jug #750813  
7600 Westgate Drive  
Windsor, CO 80550

Hearing Officer Ablao stated that this is a public hearing for the New – Fermented Malt Beverage Off-Premise Liquor License. Hearing Officer Ablao swore in Shawna Bezio

regional manager of both Loaf N' Jug locations, and Brian Proffitt will give testimony for Loaf N' Jug #750813, and Loaf N' Jug 750818. Ms. Bezio oversees the operations of the districts mainly working with the district managers to ensure they are following policy, profitability, and taking care of customers. Ms. Bezio has been employed with Loaf N' Jug for eighteen years, and manages both of these locations. Basic operations of a Loaf N' Jug is to sell goods, food, gasoline, and currently has ninety locations that sell beer. These two Loaf N' Jug locations at 7600 Westgate Drive, and 263 Eastman Park Drive were recently acquired by Schrader Oil along with sixteen other sites between January 1, 2020 – December 31, 2020 all locations have applied for fermented malt beverage liquor licenses. Loaf N' Jug will carry thirty different types of beer, and have three to five large size coolers for storage. Seasonal beer will be occasionally stored on an end cap or shelf throughout the store. The hours of operation of both store locations are 5:00a.m. – 11:30p.m, seven days per week with locks on the cooler doors for no sale of alcohol until after 8:00a.m. twelve to fourteen employees, one manager, two assistant managers are employed at each of these locations. All employees are trained to sell alcohol at both store locations, and are required to complete an online training module. The onboarding training is a total of fifty hours, and shadowing a week with another associate. All patrons are I.D who appear under fifty years old, and their I.D. is scanned or birth date is entered before scanning the product. Employees are monitored by cameras, and reports for alcohol sales are used to monitor sales. Loaf N' Jugs policy is to refuse sale to any intoxicated patrons, and uses a third party Bars program to mystery shop every month. Any employee that sells alcohol without I.D. through the Bars program is given a red card or final written warning, but sale to an underage patron is automatic termination for a zero tolerance policy.

Loaf N' Jug Location #750813 7600 Westgate Drive diagram premise the cashiers are located to the right of the front door with the four cooler doors towards the North closest to the freezer are the most visible for the cashiers. The store has 360 view cameras, and approximately has sixteen cameras both indoors and outdoors. These locations will not have delivery service available, and anticipate about sixty-percent food sales. Alcohol that is stored on an end cap will be locked inside a cooler before 8:00a.m.

Mr. Proffitt asked Ms. Bezio whether the sixty-percent food sales included gasoline.  
Ms. Bezio reported it does not include gasoline.

Hearing Officer Ablao swore in Eva Garretson Liquor Licensing Professionals whom completed the needs and desire surveys for both Loaf N' Jug locations. Liquor Pros is located at 5515 Saddle Rock Place, Colorado Springs, Colorado.

Loaf N' Jug location #750813 survey was conducted Saturday, April 24<sup>th</sup> for residential, and Tuesday April 27<sup>th</sup> for businesses. The petition was completed in Windsor boundaries on the Eastside of the map making four-hundred twenty-seven attempts, obtaining a total of eighty-eight signatures. Twelve business were contacted, ten signed in favor at eighty-three percent, and two were opposed at seventeen-percent. Residential totals seventy-three signed in favor at eighty-three percent, and fifteen were opposed at seventeen-percent. The opposed signatures refused to give a reason, support local businesses, other locations of retail locations, and being opposed to alcohol. Ms. Garretson stated these percentages still reflect a need and desire similar to other jurisdictions results.

Mr. Proffitt reported the distance to principle liquor store is five-hundred and ten feet as the crow flies.

3. **New – Retail Fermented Malt Beverage Off-Premises Liquor License**  
Mini Mart, Inc.  
DBA Loaf N' Jug #750818  
263 Eastman Park Drive  
Windsor, CO 80550

Review action item 2. for additional details on this agenda item.

Loaf N' Jug Location #750818 263 Eastman Park Drive diagram premise the cashiers are located to the right of the front door with the two cooler doors towards the West closest to the freezer are the most visible for the cashiers. The store has 360 view cameras, and approximately has sixteen cameras both indoors and outdoors.

Loaf N' Jug location #750818 survey was conducted Saturday, April 24<sup>th</sup>, Sunday April 25<sup>th</sup> for residential, and Tuesday, April 27<sup>th</sup> for businesses. Made attempts to contact four-hundred forty businesses, owners, managers, and residents inside the area. Ms. Garretson commented it's a golf cart community, and some of the locations towards the South were gated or no access. Twenty-seven signatures from business owners, and manager signing in favor at one-hundred percent, and fifty-two residential signature with forty-eight signing in favor at ninety-two percent, four individuals were opposed at eight-percent with reasons to decline to participate.

Karen Frawley reported the distance is over six-hundred feet using the Town of Windsor GIS system to any principle liquor store location.

Hearing Officer Ablao opened the meeting up for public comment.

Hearing Officer Ablao swore in Levi Shepard, General Manager Windsor Craft Cooler. Mr. Shepard reported Windsor Craft Cooler is in favor of the fermented malt beverage license. Windsor Craft Cooler would be opposed for a retail liquor license because of the State's requirement distance within fifteen-hundred radius feet.

The Authority finds that the application, together with all previous submissions, and the evidence presented today supports the approval of the new Fermented Malt Beverage Liquor License for Loaf N' Jug #750813, and #750818, with the evidence provided supports , the majority of those adult inhabitants of the neighborhood who responded to the Liquor Pros survey desire the issuance of the license; Though there are other liquor licensed establishments in the neighborhood, the applicant presented sufficient evidence that the reasonable requirements of the neighborhood for the type of license (Fermented Malt Beverage) being sought are not currently being met; There was no evidence presented that the addition of this Fermented Malt Beverage license would cause additional law enforcement resources nor that the addition would result in an undue concentration of licenses in the community; The number, type and availability of liquor outlets located in or near the neighborhood do not preclude the issuance of the license; All other statutory requirements and ordinance requirements have been met; That the granting of this license would not restrain competition; And the applicant, at this time is qualified to conduct the type of business proposed. Therefore, the Authority approves the granting of the license on the following conditions: Compliance with the state liquor code, rules, regulations and all municipal ordinances and regulations concerning the operation of a liquor licensed business. Satisfactory inspection of the premise, copies of the diagrams with the highlighted cooler area that were changed today.

#### **4. New – Beer and Wine Liquor License**

Epic Nail Bar, LLC  
DBA Epic Nail Bar  
1039 Main Street Unit A  
Windsor, CO 80550

Hearing Officer Ablao stated that this is a public hearing for the New – Beer & Wine Liquor License. Hearing Officer Ablao swore in Do Phan sole member of Epic Nail Bar. Epic Nail Bar provides nail, and spa services to patrons, and plan to open on May 19, 2021 with business hours 9:00a.m. – 7:00p.m. Monday-Saturday. Mr. Phan will resubmit a diagram with all of the dimensions identifying the alcohol storage for serving complimentary wine and beer. Patrons will be served alcohol at request, and all employees will be trained by Mr. Phan who completed his responsible vendor training. Snacks will be purchased in bulk from Costco, and available for patrons by request. Mr. Phan will have ten employees, but Mr. Phan will be the only one authorized to serve

alcohol. Epic Nail Bar will submit an updated lease with the name change.

Hearing Officer Ablao swore in Shaun Simpson, and Landon Collins Liquor Licensing Professionals whom completed the needs and desire surveys for Do Phan owner of Epic Nail Bar. Mr. Simpson completed the residential petition, and Mr. Collins completed the business petition. The petition was completed in Windsor boundaries making three-hundred sixty-six total contact attempts, forty-two signatures were from business owner in favor one-hundred percent. Residential signature fifty-three in favor at ninety-percent making sure senior living was concentrated on, and six that were opposed at ten-percent patrons declined to give a reason except for one that was just opposed to alcohol.

The Authority finds that the application, together with all previous submissions, and the evidence presented today supports the approval of the new Beer & Wine Liquor License for Epic Nail Bar. The majority of those adult inhabitants of the neighborhood who responded to the Liquor Pros survey desire the issuance of the license; Though there are other liquor licensed establishments in the neighborhood, the applicant presented sufficient evidence that the reasonable requirements of the neighborhood for the type of license (Beer & Wine) being sought are not currently being met; There was no evidence presented that the addition of this Beer & Wine license would cause additional law enforcement resources nor that the addition would result in an undue concentration of licenses in the community; The number, type and availability of liquor outlets located in or near the neighborhood do not preclude the issuance of the license; All other statutory requirements and ordinance requirements have been met; That the granting of this license would not restrain competition; And the applicant, at this time is qualified to conduct the type of business proposed. Therefore, the Authority approves the granting of the license on the following conditions: Compliance with the state liquor code, rules, regulations and all municipal ordinances and regulations concerning the operation of a liquor licensed business. Satisfactory inspection of the premise, copies of the diagrams with dimensions, updated copy of the lease.

#### **5. Special Event Permit – Liquor License**

Weld RE4 Education Foundation  
1298 Main Street Unit A  
Windsor, CO 80550

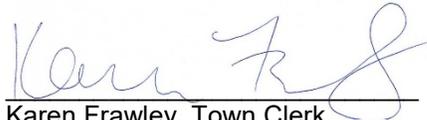
Hearing Officer Ablao stated that this is a public hearing for the Special Event permit. Hearing Officer Ablao swore in Catherine Kingsley, Board Member Education Foundation Weld RE4. The education foundation is support service for grant writing fundraising for teachers, and school across the district. Providing students with additional technology resources or construction management resources. Financial support for creative things for teachers, and their classrooms. Weld RE4 will be working in tandem with the Town of Windsor, and High Hops Brewery to section off a small area of Eastman Park. The first three events are called Yappy Hour, a doggie social where owners can bring their dogs into an enclosed fenced area and socialize. High Hops will be selling beer to the foundation, and the foundation will be selling beer to patrons. Security would be provided by members of the foundation, and all individuals serving are tips certified. The foundation is requesting date for the summer concert series, and that application will have to be amended. An estimated attendance for the Yappy Hour event will be roughly two-hundred patrons, and the summer concert series. Ms. Kingsley commented the Town of Windsor has contracted with several food truck vendors. The events will have two volunteers monitoring the entrance, and exits checking I.D.'s ensuring alcohol doesn't leave the premise. Yappy Hour alcohol service will be available on June 4<sup>th</sup>, July 9<sup>th</sup>, and August 7<sup>th</sup> from 3:00pm – 8:30pm, and the summer concert series from June 3<sup>rd</sup> – August 9<sup>th</sup> from 4:00p.m. – 9:30p.m allowing for time before and after to setup, and tear down.

The Authority finds that the evidence presented at the hearing today, together with the application and the information in the questionnaire that the special event permit

requirements have been met. Therefore approves the granting of the license with the following conditions: Submittal of an amended application with corrected event dates to the Town Clerk's Office, and compliance with the state liquor code, rules, regulations and all municipal ordinances and regulations concerning the operation of a liquor licensed special event.

D. COMMUNICATIONS  
There are no communications

E. ADJOURN  
Having no further business, the hearing was adjourned at 10:29a.m.

  
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Karen Frawley, Town Clerk