

**Breckenridge Liquor Licensing Authority  
Regular Meeting  
Tuesday, July 20, 2010**

**CALL TO ORDER**

Chair Garrett called the regular meeting of Tuesday, July 20, 2010 to order at 9:10 a.m.

**ROLL CALL**

The following Liquor Licensing Authority members answered roll call: Mr. Blank, Ms. Katz, Mr. Montepare, Mr. Tatro and Chair Garrett.

**APPROVAL OF MINUTES**

With no changes or comments to the meeting minutes of June 15, 2010, Chair Garrett declared they would stand approved as presented.

**APPROVAL OF AGENDA**

There were no changes to the agenda.

**CONSENT CALENDAR**

**RENEWALS**

1. BBI Acquisition Co. d/b/a **Breckenridge Brewery**  
600 S. Main St.  
Brew Pub License
2. White Flame Concepts Inc. d/b/a **Briar Rose Chop House & Saloon**  
109 E. Lincoln Ave.  
Hotel & Restaurant Liquor License
3. Michael Cavanaugh d/b/a **Brown Hotel & Restaurant**  
208 N. Ridge St.  
Hotel & Restaurant Liquor License
4. City Liquors, Inc. d/b/a **City Liquors**  
400 N. Park Ave. Unit 6B  
Retail Liquor License
5. Hearthstone Restaurant, Inc. d/b/a **Hearthstone Victorian Dining**  
130 S. Ridge St.  
Hotel & Restaurant Liquor License
6. Mi Casa, Inc. d/b/a **Mi Casa Mexican Restaurant & Cantina**  
600 S. Park Ave..  
Hotel & Restaurant Liquor License
7. My Thai, Inc. d/b/a **My Thai**  
500 S. Main St.  
Hotel & Restaurant Liquor License
8. Ridge Street Wine, LLC d/b/a **Ridge Street Wine**  
304 S. Main St.  
Retail Liquor License

**MODIFICATION OF PREMISES**

9. Deuce High, LLC d/b/a **Lodgepole Bar and Grill**  
75 Snowflake Dr. Bldg. #6  
Hotel & Restaurant Liquor License
  - Add area that was previously licensed by Grand Timber Lodge to existing Lodgepole Bar and Grill premises (permanent addition)
10. Breck One, LLC d/b/a **Quandary Grille**  
505 S. Main St. unit C-1  
Hotel & Restaurant Liquor License
  - Add Main Street Station plaza area to currently licensed premise for the Celtic Festival August 28, 2010 (delete addition August 29)
11. Harvest Catering LLC d/b/a **Harvest Catering at the Riverwalk Center**  
150 W. Adam St.  
Hotel & Restaurant Liquor License

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- Add Riverwalk Center lawn area September 4 for Labor Day celebrations (delete area on September 5)

**REGISTRATION OF NEW MANAGER**

12. Keystone Food & Beverage Company d/b/a **Mountain Thunder Lodge**  
50 Mountain Thunder Drive  
Hotel & Restaurant Liquor License
- Lindsay Watson replaces Katherine Grattan as manager

Chair Garrett asked if there were any questions or comments. There were none. He declared the consent calendar would stand approved as presented.

**PUBLIC HEARING – APPLICATION FOR NEW TAVERN LIQUOR LICENSE**

The following is an abbreviated summary of what transpired during this portion of the meeting. A verbatim digital recording was made of the entire meeting as required by the Rule 26.12 of the Rules of Procedure of the Liquor Licensing Authority.

Chair Garrett began by introducing this section of the meeting. He asked if the license application together with all supporting documents had been received by the Town Clerk? They had. He asked if the property had been posted and notice of this hearing published? Ms. Loufek responded they had. Chair Garrett asked if any communications in favor of, or in opposition to the application had been received? There were no communications received.

Chair Garrett continued by asking the applicant to present any evidence in support of the application. Ms. Loufek swore in all potential witnesses. James Barr, LLC Manager, introduced himself. As evidence to support the granting of a tavern liquor licenses at the proposed location, Mr. Barr presented five letters of support and Barr Harbour LLC petitions. There were over 250 names on the petition. All evidence was entered into the record of the hearing. Mr. Barr described the proposed business going into the location. He is looking to have an upscale billiards hall. The lower level of the space will house the majority of the billiard activity, the upper level (three steps up) will be the bar area.

Chair Garrett asked if anyone in the LLC has operated an establishment like this before. No one had. The hours of operation will be from 2:00 p.m to 2:00 a.m. Proposed food service will consist of frozen prepackage microwaveable foods. Mr. Montepare asked if employees would take TIPS training and if the manager would participate in the Safe Bar Campaign. Mr. Barr responded his employees will be TIPS Certified and he will be involved with the Safe Bar Campaign. Mr. Barr is not using any employees from the previous employer.

John Cronin, neighbor to the Barr family in Blue River, gave testimony in support of the family.

Rhoda Barr, LLC member and mother of James, gave a little more detail to James's background in the bar business. He has been working in bars throughout the County.

Shawn Gorea, Rocky Mountain Contractors, spoke in support of the ADA aspects that will go into the construction of the space. Rocky Mountain Contractors will be doing the renovation to the space. Finishes in the space will be "high end".

Jason Smith, bar manager at Empire Burger, spoke in support of the application. Mr. Smith felt it is a good idea to spread the bar crowds around the La Cima mall area. He mentioned concerns about the playing of music outside the premise and the need for a door person who will check ID. Mr. Barr stated there will be a door person on weekends and on the busiest of nights. Additionally, Mr. Barr clarified there will not be music played outside the premise. There will be no live music. Chair Garrett asked if Mr. Smith could explain further his concern related to having music played outside the premise. Mr. Smith responded there are already "music wars" between some of the establishments in the area.

Chuck Holcomb, owner of Lucha, supported the application, 100%. He commented on the competitive aspects of outdoor music in the area and stated an establishment cannot have enough security.

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Dave Helmer, attorney for the applicant, emphasize the professionalism of the family. James has the qualifications to run the proposed business and feels the reasonable requirements of the neighborhood and the desires of the citizens have been shown.

Chair Garrett asked if there was anyone present who would like to speak in opposition to the application. There was no one present.

Sergeant Eric Stremel was present from the Police Department. He had nothing to report in opposition to the application.

Chair Garrett asked if the Authority had any further questions for the applicant. There were no further questions. Chair Garret declared the hearing on the application to be closed.

Ms. Katz moved to approve the application of Barr Harbour LLC d/b/a Brooklyn's Tavern and Billiards for a new Tavern liquor license for the premises to be located at 500 S. Main Street, Units 1F, 1G, 1H, based on the applicant's showing of the reasonable requirements of the neighborhood and the desires of the citizens and subject to the applicant receiving a favorable background investigation. The motion passed with 5 members in favor of the motion.

**OTHER MATTERS**

Red White and Blue Fire District – Jay Nelson was not present. According to Ms. Loufek, he did not have anything to report. Things have been quiet concerning items RWB oversees.

Police Department Update – Sgt. Eric Stremel was present. He introduced himself and his background with liquor licensing in other jurisdictions. He will head up the Safe Bar Campaign. He has been with the town for about two months and will be touching base with Sgt. Quesada, who is the current night Sgt., concerning past liquor establishment issues.

Town Clerk Update – Ms. Loufek pointed out in the Authority's packet the annual review of the Penalty Guidelines. During the recent Show Cause Hearing, it was noticed that there is not a penalty guideline for Removal of Alcohol Beverages from a licensed premises. She wondered if the Authority had a desire to discuss this. Mr. Montepare stated he felt Removal of Alcohol Beverages would be an appropriate offense to appear in the penalty guidelines.

There was discussion concerning a section in the penalty guidelines to address Duty to Report. Mr. Montepare and Ms. Katz wondered to what extent should an employee report incidents. Is there more guidance or direction the Authority can give licensees. Should an employee report someone in the bathroom doing drugs, or other events that are not necessarily under the control of the establishment and/or are there other incidents that the Police are more concerned about? Sgt. Stremel stated Failure to Report relates primarily to weapons present, potential fights, sexual harassment incidents, to name a few. Breckenridge PD is concerned about reports of customers doing drugs in the restrooms, however, this sort of incident might be better handled by working with the licensee to devise a long term strategy to cut this behavior off. Mr. Berry stated the wording in the ordinance requires "immediate" reporting. This language indicates reporting of incidents representing an immediate danger, including fights, harassments issues, racial slurs and use of weapons, etc.

The Authority felt that a penalty for Removal of Alcohol Beverage might be similar to some of the other penalties already stated in the guidelines – Suspension of license for up to 15 days; one day to be served and 2 days held in abeyance for each 3 days of the each 3 days of the suspension period. Second offense within 1 year: No penalty guideline; to be determined at hearing.

It was asked what might be mitigating factors in defense of a citation issued for Removal of Alcohol Beverages and what would be aggravating factors? An example of an aggravating factor might be a person visibly removing alcohol from an establishment and the staff not making any effort to stop that person. A mitigating factor would be if all employees at an establishment are aware and trying to stop people from leaving the premise with a drink but the patrons who get away with this behavior are people who are leaving with a drink hidden under their coat.

Mr. Berry recommended that Duty to Report not appear as a penalty guideline. It was felt that there is enough guidance in the resolution to direct the Authority when an incident does occur. The Authority

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was comfortable with this. Illegal Removal of Alcohol Beverage will appear in the penalty guidelines. Mr. Berry will have this addition ready for the next meeting. Mr. Montepare asked that a Duty to Report violation be included in the renewal report at time of renewal. Mr. Berry clarified that if an offense like Duty to Report appears on the renewal report; the offense would not be enough for the Authority, at that time, to not renew the license. A hearing would need to be held in order to not renew a license.

Chair Garrett asked for clarification of the open container code verses removal of an alcohol beverage from a premise. Open container is a violation of the town code, tickets are issued to the person with an open container. In the case of Removal of Alcoholic Beverage from a premise, the bar owner and/or the bartender are cited, along with the customer.

Ms Loufek reported that Colorado Mountain College has requested information and is considering applying for a liquor license at the CMC campus. There is currently in the law a provision prohibiting a liquor license within 500 feet of a school. The local authority has the ability to waive the 500 foot limit. Mr. Gagen, town manager, has been consulted and has asked that Authority review this request rather than the town council. Council will be consulted on the matter and approve this change as an ordinance. If council is agreeable, the Authority will approve this provision as a resolution. Mr. Berry suggested specific language to include modifying the distance rule for a hotel and restaurant liquor license at a junior college campus. Mr. Berry will have specific language for the next meeting.

Tim Berry commented on the new House Bill 284 that was approved and is in effect at the State level. Currently, the town's Medical Marijuana Ordinance reads that the town manager will be the local licensing authority. In the past, it was mentioned that the liquor authority might be named as the local authority in matters related to Medical Marijuana Centers. Mr. Berry wanted to update the Authority that it is very possible that the town manager will continue as the local authority in the case of approving Medical Marijuana Centers. Mr. Berry will get back with the Authority after council has been consulted.

With no further business to discuss, Chair Garrett adjourned the regular meeting at 10:20 a.m. The next regular meeting will be held on Tuesday, August 17, 2010.

ATTEST:

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Mary Jean Loufek, CMC, Town Clerk

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Dave Garrett, Chair