



City of Colorado Springs

City Hall
107 N. Nevada Avenue
Colorado Springs, CO
80903

Meeting Minutes - Draft Liquor and Beer Licensing Board

Friday, April 3, 2015

9:00 AM

City Council Chambers

1. Call to Order

Chairman Kouba called the meeting to order at 9:23 A.M., opened the meeting as a regular session, and stated that a quorum was present with Board Members Davis and Holmes being absent.

Present 5 - Joseph Gorman, Gregory Howard, Randall Kouba, Ian Lee, and Dennis Moore

Absent 2 - Logan Davis, and Dianne Holmes

2. Minutes

- 2.A. M2015-03-20** Approval of the Minutes of the Liquor Board meeting of March 20, 2015.

Attachments: [2015-03-20 Liquor Board Meeting Minutes](#)

Motion by Gorman, seconded by Howard, that the Minutes of the Liquor Board meeting of March 20, 2015 be approved as written. The motion passed by a vote of:

Aye: 5 - Gorman, Howard, Kouba, Lee, and Moore

Absent: 2 - Davis, and Holmes

3. Communications

The City Clerks office reported that there is a request to hear Item No. 6C immediately after Item No. 4 for a potential postponement.

4. Neighborhood Boundary Consent Calendar

- 4.A. B28998** Downtown Med Cafe, Inc. d/b/a Mediterranean Cafe for a new Beer and Wine License at 118 E. Kiowa Street.

Attachments: [B-28998 - Mediterranean Cafe - Liquor Survey Boundary](#)

- 4.B. B-29002** Drury Colorado Springs, LLC and Drury Hotels Co., LLC d/b/a Drury Inn & Suites - Colorado Springs for a new Tavern Liquor License at 1170 Interquest Parkway.

Attachments: [B-29002 - Drury Inn & Suites - Liquor Survey Boundary](#)

- 4.C. B-29020** Wild Ginger Thai Restaurant, Inc. d/b/a Wild Ginger Thai Restaurant for a new Hotel and Restaurant Liquor License at 2628 W. Colorado Avenue.

Attachments: [B-29020 - Wild Ginger Thai Restaurant - Liquor Survey Boundary](#)

Approval of the Neighborhood Boundary Consent Calendar

Motion by Gorman, seconded by Howard, that the Neighborhood Boundary Consent Calendar be approved. The motion passed by a vote of:

Aye: 5 - Gorman, Howard, Kouba, Lee, and Moore

Absent: 2 - Davis, and Holmes

- 6.C. N-28960** Application of Best Pizza, LLC d/b/a Mod Pizza for a new Beer and Wine License at 7447 N. Academy Boulevard.

Attachments: [N-28960 - Mod Pizza](#)

Chairman Kouba called this item out of order.

Attorney Kevin Coats entered his appearance on behalf of the applicant, and requested a postponement of this item to the Liquor Board meeting of May 15, 2015.

Motion by Howard, seconded by Gorman, that this item be postponed to the Liquor Board meeting of May 15, 2015. The motion passed by a vote of:

Aye: 5 - Gorman, Howard, Kouba, Lee, and Moore

Absent: 2 - Davis, and Holmes

5. Transfer Application Hearings

- 5.A. T-722569** Application of Mount View, LLC d/b/a Acme Bar & Grill to transfer the Hotel and Restaurant Liquor License currently issued to Mormar, Inc. d/b/a Estela's Mexican Restaurant at 925 S. 8th Street.

Attachments: [T-722569 - Acme Bar & Grill](#)

Attorney Vince Lincen entered his appearance on behalf of the applicant, and requested a postponement of this item to the Liquor Board meeting of April 17, 2015.

Motion by Gorman, seconded by Howard, that this item be postponed to the Liquor Board meeting of April 17, 2015. The motion passed by a vote of:

Aye: 5 - Gorman, Howard, Kouba, Lee, and Moore

Absent: 2 - Davis, and Holmes

6. New Application Hearings

- 6.A. N-28925** Application of B&D, Inc. and 7-Eleven, Inc. d/b/a 7-Eleven Store 36714A for a new 3.2% Beer Off Premises License at 2650 Northgate Boulevard.

Attachments: [N-28925 - Eleven Store 36714A](#)

Attorney Kevin Coates entered his appearance on behalf of the applicant.

Carol Johnson of Esquire Petitioning Service was sworn and stated that her company conducted a petition survey of the defined neighborhood which resulted in 75 favoring, 43 opposing, and 3 no opinion signatures.

The City Clerk's Office presented its audit of the petition survey which resulted in the deletion of 4 incomplete signatures.

Brain Kurtz was sworn and stated that he is the President of the co-applicant, and franchisee for this 7-Eleven location. Mr. Kurtz testified to the elements required for a new 3.2% Beer Off Premises License, and answered questions from the Board.

Jason Lazarony was sworn and stated that he is the District Manager for 7-Eleven. Mr. Lazarony testified to the elements required for a new 3.2% Beer Off Premises License, and answered questions from the Board.

Richard Allen, Judy Warren, and Kevin Kimble were sworn, stated they live in the defined neighborhood and spoke in opposition to the application.

Sarah Mersnick was sworn and stated that she lives in the defined neighborhood and spoke in opposition to the application. Ms. Mersnick spoke to the pre-filed opposition petition survey conducted by Beverly Wenger which resulted in 19 opposition signatures.

The City Clerk's Office presented its audit of the opposition petition survey which resulted in no variance to the signatures submitted.

Mr. Allen directed questions to Mr. Lazarony regarding the effectiveness of existing 7-Eleven policies.

Motion by Gorman, seconded by Howard, that the application of B&D, Inc. and 7-Eleven, Inc. d/b/a 7-Eleven Store 36714A for a new 3.2% Beer Off Premises License at 2650 Northgate Boulevard be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 5 - Gorman, Howard, Kouba, Lee, and Moore

Absent: 2 - Davis, and Holmes

- 6.B. N-28897** Application of Nippschitz, LLC d/b/a Burrowing Owl for a new Tavern Liquor License at 1791 S. 8th Street, Suite H.

Attachments: [N-28897 - Burrowing Owl](#)

Board Member Howard disclosed a prior working relationship with two members of the applicant approximately 15 years ago. There was no objection to Mr. Howard hearing the item.

Attorney Kirk Anderson entered his appearance on behalf of the applicant.

Aspen Nipp was sworn and stated that she is co-owner and member of the business. Ms. Nipp testified to the elements required for a new Tavern Liquor License and answered questions from the Board.

Susan Duffy Schwall of Liquor Licensing Professionals stated that her company conducted a petition survey of the defined neighborhood which resulted in 115 favoring, 20 opposing, and 1 no opinion signatures.

The City Clerk's Office presented its audit of the petition survey which resulted in no variance to the signatures submitted.

Motion by Howard, seconded by Lee, that the application of Nippschitz, LLC d/b/a Burrowing Owl for a new Tavern Liquor License at 1791 S. 8th Street, Suite H be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 5 - Gorman, Howard, Kouba, Lee, and Moore

Absent: 2 - Davis, and Holmes

7. Discussion Items

7.A. 15-00147 Code of Ethics and Conflict of Interest Review

Liquor Board Legal Advisor, Attorney Lindsay Rose presented the required annual Code of Ethics and Conflict Interest Review.

8. Adjourn.

At 12:22 P.M., there being no further business, the Board Adjourned.

Lee McRae, License Enforcement Officer