



# City of Colorado Springs

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

## Meeting Minutes - Final Liquor and Beer Licensing Board

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Friday, April 3, 2015

9:00 AM

City Council Chambers

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### 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 of Interest Review.

## **8. Adjourn.**

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

**Lee McRae, License Enforcement Officer**