CITY OF STEAMBOAT SPRINGS
LIQUOR LICENSE AUTHORITY

AGENDA

REGULAR MEETING NO. LLA-2018-01
TUESDAY, JANUARY 9, 2018
5:00 P.M.

MEETING LOCATION: Citizens’ Meeting Room, Centennial Hall;
124 10th Street, Steamboat Springs, CO

MEETING PROCEDURE: A Steamboat Springs Liquor License Authority meeting
packet is available for public review in the lobby of City Hall, 137 10th Street, Steamboat
Springs, CO.

A. ROLL CALL

B. LIQUOR LICENSE AUTHORITY PUBLIC HEARING

1. Ekawat Corporation; dba Talay Thai Restaurant; Hotel &
Restaurant Liquor License. (Franklin)

C. APPROVAL OF MINUTES

2. MINUTES
      (Franklin)

D. ADJOURNMENT

BY: JULIE FRANKLIN, CMC
CITY CLERK
AGENDA ITEM #1

CITY COUNCIL COMMUNICATION FORM

FROM: Julie Franklin, CMC, City Clerk
THROUGH: Gary Suiter, City Manager
DATE: January 9, 2018
ITEM: REQUEST FOR A NEW HOTEL & RESTAURANT LIQUOR LICENSE
APPLICATION: Application by Ekawat Corporation; dba Talay Thai Restaurant. (Franklin)

NEXT STEP: To approve the Hotel & Restaurant Liquor License application based upon items 1-7, 8A, D and F, 9, 10 and 13 all being met (provided contingencies from Fire are approved) and items 11 and 12 not being met, for Ekawat Corporation, to be located at 2300 Mt. Werner Circle, Unit C-1A & C-1B.

X_ MOTION

I. REQUEST OR ISSUE:

Ekawat Corporation; dba Talay Thai Restaurant, has applied for a new Hotel & Restaurant Liquor License, for an establishment to be located at 2300 Mt. Werner Circle, Unit C-1A & C-1B, in Steamboat Springs, CO.

II. RECOMMENDED ACTION:

Staff supports City Council approval of a new Hotel & Restaurant Liquor License provided all final clearances have been reviewed and deemed satisfactory. Further, approval is contingent upon compliance with alcohol server training requirements, enforced via Ordinance No. 1026.
III. BACKGROUND INFORMATION:

City Council accepted this application on November 21, 2017 with a vote of 7/0. At that time, the neighborhood was designated as the Resort Area and the public hearing date was scheduled for January 9, 2018.

The financially interested parties are: Mr. Ekawat Sunti and Ms. Duangrat Sunti. Duangrat Sunti is the establishments registered manager.

Final Police department clearance has been received.

Liquor license approval is pending the satisfactory review and approval of the following:

1) Final Fire Marshall Approval.
2) Final City Clerk walk through.

IV. LEGAL ISSUES:

All State and Local Liquor Licensing regulations appear to have been adhered to, provided the above noted clearances are received.

V. SUMMARY AND ALTERNATIVES:

Based on the application and related materials, it is appropriate for City Council to consider approval of this request based upon all contingencies being appropriately met.
[Text and map content as described in the image]
I. REQUEST OR ISSUE:

You must consider the following issues during the course of the public hearing.

1. The reasonable requirements of the neighborhood for the type of license requested.

2. The desires of the inhabitants of the neighborhood with respect to the issuance of the license.

3. The number, type and availability of liquor outlets located in or near the neighborhood under consideration.

4. The moral character of the applicant.

5. Various other factual data required to be presented by the applicant.
This is an application for a NEW HOTEL & RESTAURANT LIQUOR LICENSE under the Colorado Liquor Law. You should carefully listen to all evidence presented at the public hearing, which is legally the only evidence, which you may consider. Following the public hearing, you may approve or deny the license with appropriate findings, go into executive session to consider the evidence, or table the matter for no longer than 30 days. Proposed findings, which you may modify to fit the facts, are as follows:

PROPOSED FINDINGS REQUIRED BY LAW

The City Council finds as follows:

1. The location of the premises for which the license is sought is 2300 Mt. Werner Circle, Unit C-1A & C-1B, Steamboat Springs, Colorado.

2. In the two years preceding October 30, 2017, there has not been a denial of an application by either the Routt County Commissioners or the Secretary of State or the City of Steamboat Springs Liquor Licensing Authority for a Hotel & Restaurant Liquor License at the location for the reason that the reasonable requirements of the neighborhood were satisfied by the existing outlets.

3. The applicant is entitled to possession of the premises for which the proposed Hotel & Restaurant Liquor License application is being made under lease, rental agreement, or other arrangement for possession of the premises, or by virtue of ownership thereof.

4. It is confirmed that the sale of liquor on the premises is not a violation of zoning, building, health and fire laws or regulations.

5. The proposed place to be licensed does not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.

6. The Neighborhood for which the Local Licensing Authority has determined as the applicable neighborhood is the RESORT AREA. In the neighborhood designated, there is the following existing similar outlet (but not limited to): Bear River Bar & Grill, Café Diva, Gondola Pub & Grill, The Paramount, Rollingstone Ranch Golf Club & Fish Creek, Sheraton Steamboat Resort, Slopeside Grill, Snowbird Restaurant & Lounge, T Bar at Steamboat and Truffle Pig.
7. That the application is in conformity with law and that notice of the public hearing has been posted and published as required by law.

8. The Steamboat Springs City Council as the Local Liquor Licensing Authority, has considered testimony and evidence presented at the public hearing on the license application, and has carefully considered all such testimony including, but not limited to:
   a. Testimony of the applicant.
   b. Testimony of residents of the neighborhood under consideration.
   c. Testimony of owners and managers of businesses located in the neighborhood under consideration.
   d. Signatures on petitions in favor of the issuance of the license totaling 11 on the basis that the needs of the neighborhood and the desires of the inhabitants are not being adequately met.
   e. Letters addressed to Council.
   f. Preliminary Findings and Report dated December 28, 2017, which is adopted and by reference, is incorporated herein.
   g. Other.

9. There is no evidence indicating that the applicant, its officers, directors or shareholders are not of good moral character; therefore, it is concluded they are of good moral character.

10. The relevant neighborhood is the RESORT AREA.

11. The reasonable requirements of the neighborhood for the type of license for which the application has been made:

   ___ ARE BEING MET
   
   X  ARE NOT BEING MET

12. The needs and desires of the inhabitants of the neighborhood as evidenced by petitions, remonstrance’s or otherwise:

   ___ ARE BEING MET
   
   X  ARE NOT BEING MET

13. All other requirements for the issuance of a license have been met.

THEREFORE, MOTION TO APPROVE OR DENY. Alternatively, you may decide to table or to go into executive session to consider the evidence presented at the hearing.
Colorado Liquor
Retail License Application

- New License ☑ New-Concurrent ☐ Transfer of Ownership ☐ State Property Only

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor

1. Applicant is applying as a/an ☐ Individual ☐ Limited Liability Company ☐ Association or Other ☑ Corporation ☐ Partnership (includes Limited Liability and Husband and Wife Partnerships)

2. Applicant if an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation: FFEIN Number

2a. Trade Name of Establishment (DBA)

2b. State Sales Tax Number

3. Address of Premises (specify exact location of premises, include suite/unit numbers)

City: Steamboat
County: Routt
City or Town: Same
State: CO
ZIP Code: 80487

4. Mailing Address (Number and Street)

5. Email Address

6. If the premises currently has a liquor or beer license, you must answer the following questions

<table>
<thead>
<tr>
<th>Section A</th>
<th>Nonrefundable Application Fees</th>
<th>Section B (Cont.)</th>
<th>Liquor License Fees</th>
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<tr>
<td>☑ Application Fee for New License</td>
<td>$1550.00</td>
<td>☐ Lodging &amp; Entertainment - L&amp;E (County)</td>
<td>$500.00</td>
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<tr>
<td>☐ Application Fee for New License w/concurrent review</td>
<td>$1750.00</td>
<td>☐ Manager Registration - H &amp; R</td>
<td>$75.00</td>
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<td>☐ Application Fee for Transfer</td>
<td>$1550.00</td>
<td>☐ Manager Registration - Tavern</td>
<td>$75.00</td>
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<td>☑ Add Optional Premises to H &amp; R</td>
<td>$200.00 X ☐ Total</td>
<td>☐ Manager Registration - Lodging &amp; Entertainment</td>
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<tr>
<td>☐ Add Related Facility to Resort Complex</td>
<td>$75.00 X ☐ Total</td>
<td>☐ Manager Registration - Campus Liquor Complex</td>
<td>$75.00</td>
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<tr>
<td>☐ Arts License (City)</td>
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<td>☐ Lodging &amp; Entertainment - L&amp;E (City)</td>
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<td>☐ Vintners Restaurant License (City)</td>
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<td>☐ Lodging &amp; Entertainment - L&amp;E (County)</td>
<td>$500.00</td>
<td>☐ Vintners Restaurant License (County)</td>
<td>$750.00</td>
</tr>
</tbody>
</table>

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Do not write in this space - For Department of Revenue use only

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<tr>
<th>Liability Information</th>
<th>License Account Number</th>
<th>Liability Date</th>
<th>License Issued Through (Expiration Date)</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

1-7
1. Is the applicant (including any of the partners, if a partnership; members or managers of a limited liability company; or officers, stockholders or directors of a corporation) under the age of twenty-one years? [Yes/No]

2. Has the applicant (including any of the partners, if a partnership; members or managers of a limited liability company; or officers, stockholders or directors of a corporation) ever (in Colorado or any other state):
   a. Been denied an alcohol beverage license? [Yes/No]
   b. Had an alcohol beverage license suspended or revoked? [Yes/No]
   c. Had interest in another entity that had an alcohol beverage license suspended or revoked? [Yes/No]
   If you answered yes to 2a, b, or c, explain in detail on a separate sheet.

3. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? [Yes/No], explain in detail.

4. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? [Yes/No], Waiver by local ordinance? [Yes/No]

5. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license or off-premises sales in a jurisdiction with a population greater than (> 10,000)? Note: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the licensed LLDS/RLS.

6. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license or off-premises sales in a jurisdiction with a population greater than (10,000)? Note: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the licensed LLDS/RLS.

7. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016? [Yes/No]

8. Are you a Colorado resident? [Yes/No]

9. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager of a Limited Liability Company; or officers, stockholders or directors of a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee.

10. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement? [Yes/No]
    a. Ownership [Yes/No] Lease [Yes/No] Other (Explain in Detail)

11. Who/whom (Specify)

12. Landlord

13. Tenant

14. Ekawat Corp

15. Tenure

16. Expiration

17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:
   Has a local ordinance or resolution authorizing optional premises been adopted? [Yes/No]
   Number of additional Optional Premise areas requested. (See license fee chart)

18. Number of licenses issued to the applicant.

19. Club Liquor License applicants answer the following: [Yes/No]
   a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? [Yes/No]
   b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? [Yes/No]
   c. How long has the club been incorporated? [Yes/No]
   d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above? [Yes/No]

20. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:
   a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) [Yes/No]
<table>
<thead>
<tr>
<th>Name</th>
<th>Home Address, City &amp; State</th>
<th>DOB</th>
<th>Position</th>
<th>%Owned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eva Sunti</td>
<td>1760 Montgomery Cir Longmont</td>
<td></td>
<td>Owner</td>
<td>50</td>
</tr>
<tr>
<td>Duangrat Sunti</td>
<td>1760 Montgomery Cir Longmont</td>
<td>80504</td>
<td>Owner</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Home Address, City &amp; State</td>
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<td>Home Address, City &amp; State</td>
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<td></td>
<td>Home Address, City &amp; State</td>
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</tbody>
</table>

**If applicant is owned 100% by a parent company, please list the designated principal officer on above.**

**Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (include ownership percentage if applicable)**

**If total ownership percentage disclosed here does not total 100%, applicant must check this box:**

☑️ Applicant affirms that no individual other than those disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Title 47 or 48, C.R.S.
Name: Today Thai Restaurant
Type of License: Hotel and Restaurant

Oath Of Applicant
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature: [Signature]
Printed Name and Title: Ekawat Sunth, Owner
Date: 10/24/17

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority: [Date]
Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application): [Date]

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:
- [ ] Fingerprinted
- [ ] Subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license

(Check One)
- [ ] Date of inspection or anticipated date
- [ ] Will conduct inspection upon approval of state licensing authority

- [ ] Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000?
  - [ ] Yes
  - [ ] No

- [ ] Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000?
  - [ ] Yes
  - [ ] No

  NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.

- [ ] Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?
  - [ ] Yes
  - [ ] No

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S., and Liquor Rules. Therefore, this application is approved.

Local Licensing Authority for: [Name]
Telephone Number: [Number]

Signature: [Signature]
Print: [Print]
Title: [Title]
Date: [Date]

Signature: [Signature]
Print: [Print]
Title: [Title]
Date: [Date]
AGENDA ITEM #2a
CITY OF STEAMBOAT SPRINGS LIQUOR LICENSING AUTHORITY
REGULAR MEETING NO. LLA-2017-08
TUESDAY, NOVEMBER 21, 2017
MINUTES

Mr. Jason Lacy, City Council President, called Regular Meeting No. LLA-2017-08 of the Steamboat Springs Liquor Licensing Authority to order at 5:00pm, Tuesday, November 21, 2017, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: City Council President Lacy, Council Member Crossan, Council Member Ford City Council President Pro Tem Meyer, Council Member Sloop, Council Member Petis and Council Member Macys.

Staff Members present: Gary Suiter, City Manager; Kim Weber, Director of Financial Services; Julie Franklin, City Clerk; John Overstreet, Director of Parks and Recreation; Dan Foote, City Attorney; Cory Christensen, Chief of Police; Jon Snyder, Public Works Director; Winnie DelliQuadri, Assistant to the City Manager; Doug Schaffer, Fire Marshall; Mike Lane, Communications Manager; Rebecca Bessey, Principal Planner; Michelle Carr, Distribution and Collection Manager; and Toby Stauffer, City Planner.

NOTE: All documents distributed at the Liquor Licensing Authority meeting are on file in the Office of the City Clerk.

LIQUOR LICENSE AUTHORITY CONSENT CALENDAR

1. LOCAL LIQUOR LICENSING AUTHORITY: To set a hearing date and designate a neighborhood for a new Hotel & Restaurant Liquor License, Ekawat Corporation; dba Talay Thai Restaurant.

City Council President Lacy read the application into the record.

MOTION: City Council President Pro Tem Meyer moved and Council Member Macys seconded to acknowledge and accept the application for a new Hotel & Restaurant Liquor License for Ekawat Corporation; dba Talay Thai Restaurant, to designate the neighborhood as the "Resort Area" and to set the public hearing date for January 9, 2018.

The motion carried 7/0.

LIQUOR LICENSE AUTHORITY PUBLIC HEARING

2. Fifty 5 Degrees of Steamboat LLC, dba Fifty 5 Degrees of Steamboat; Retail Liquor Store Liquor License, Change of Location.

This item was postponed from October 24, 2017.
City Council President Lacy read the application into the record.

Mr. Mike Lang, applicant, was present and sworn in.

PUBLIC COMMENT: No one appeared for public hearing.

Mr. Foote presented the following findings to City Council for their review:

1. The reasonable requirements of the neighborhood for the type of license requested.
2. The desires of the inhabitants of the neighborhood with respect to the issuance of the license.
3. The number, type and availability of liquor outlets located in or near the neighborhood under consideration.
4. The moral character of the applicant.
5. Various other factual data required to be presented by the applicant.

This is an application for a RETAIL LIQUOR STORE CHANGE OF LOCATION under the Colorado Liquor Law. You should carefully listen to all evidence presented at the public hearing, which is legally the only evidence, which you may consider. Following the public hearing, you may approve or deny the license with appropriate findings, go into executive session to consider the evidence, or table the matter for no longer than 30 days. Proposed findings, which you may modify to fit the facts, are as follows:

PROPOSED FINDINGS REQUIRED BY LAW

The City Council finds as follows:

1. The location of the premises for which the license is sought is 911 - C Lincoln Avenue, Steamboat Springs, Colorado.

2. In the two years preceding September 14, 2017, there has not been a denial of the application by either the Routt County Commissioners or the Secretary of State or the City of Steamboat Springs Liquor Licensing Authority for a Beer and Wine Liquor License at the location for the reason that the reasonable requirements of the neighborhood were satisfied by the existing outlets.

3. The applicant is entitled to possession of the premises for which the proposed Beer and Wine Liquor License application is being made under lease, rental agreement, or other arrangement for possession of the premises, or by virtue of ownership thereof.

4. It is confirmed that the sale of liquor on the premises is not a violation of zoning, building, health and fire laws or regulations.

5. The proposed place to be licensed does not appear to be within 500 feet from any
public or parochial school or the principal campus of any college, university or seminary.

6. The Neighborhood for which the Local Licensing Authority has determined as the applicable neighborhood is: DOWNTOWN AREA. In the neighborhood designated, there is the following (but not limited to) existing similar outlets: 7th Street Liquor.

7. That the application is in conformity with law and that notice of the public hearing has been posted and published as required by law.

8. The Steamboat Springs City Council as the Local Liquor Licensing Authority, has considered testimony and evidence presented at the public hearing on the license application, and has carefully considered all such testimony including, but not limited to:

   a. Testimony of the applicant.
   b. Testimony of residents of the neighborhood under consideration.
   c. Testimony of owners and managers of businesses located in the neighborhood under consideration.
   d. Signatures on petitions in favor of the issuance of the license totaling 7 on the basis that the needs of the neighborhood and the desires of the inhabitants are not being adequately met.
   e. Letters addressed to Council.
   f. Preliminary Findings and Report dated October 12, 2017, which is adopted and by reference, is incorporated herein.
   g. Other.

9. There is no evidence indicating that the applicant, its officers, directors or shareholders are not of good moral character; therefore, it is concluded they are of good moral character.

10. The relevant neighborhood is the DOWNTOWN AREA.

11. The reasonable requirements of the neighborhood for the type of license for which the application has been made:

   ___ ARE BEING MET
   X  ARE NOT BEING MET

12. The needs and desires of the inhabitants of the neighborhood as evidenced by petitions, remonstrance's or otherwise:

   ___ ARE BEING MET
   X  ARE NOT BEING MET

13. All other requirements for the issuance of a license have been met.

THEREFORE, MOTION TO APPROVE OR DENY. Alternatively, you may decide to table or to go into executive session to consider the evidence presented at the hearing.
MOTION: City Council President Pro Tem Meyer moved and Council Member Sloop seconded to approve the Retail Liquor Store Change of Location application based upon items 1-7, 8A, D and F, 9, 10 and 13 all being met (provided contingency from Fire is approved) and items 11 and 12 not being met, for Fifty 5 Degrees of Steamboat, LLC, to be located at 911 - C Lincoln Avenue.

The motion carried 7/0.

APPROVAL OF MINUTES

3. MINUTES

Council Member Macys stepped down.

MOTION: Council Member Sloop moved and Council Member Crossan seconded to approve the October 24, 2017 minutes.

The motion carried 6/0. Council Member Macys stepped down.

Council Member Macys returned to the meeting.

ADJOURNMENT

MOTION: Council Member Sloop moved and Council Member Crossan seconded to adjourn at approximately 5:05pm.

The motion carried 7/0.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

__________________________________________
Julie Franklin, CMC
City Clerk

APPROVED THIS ___ DAY OF __________, 2018.