



City of Fort Lupton
Liquor Licensing Authority
Agenda
Tuesday, October 1, 2024
6:00 PM
130 South McKinley Avenue

Zo Hubbard, Mayor
Valerie Blackston, Ward 1
Chris Ceretto, Ward 2
Carlos Barron, Ward 3
David Crespín, Ward 1
Claud Hanes, Ward 2
Bruce Fitzgerald, Ward 3

You may join in person or join remotely by clicking on:
<https://global.gotomeeting.com/join/353347597>

Call to Order

Pledge of Allegiance

Roll Call

Approval of Agenda

Consent Agenda

- a.** September 17, 2024 Liquor Licensing Authority Meeting Minutes

Public Hearings - Public Hearings allow members of the audience to present comments and questions to the City Council on the item being presented. Comments and questions may be limited to three (3) minutes- Mayor Hubbard

- a.** AM 2024-159 Consideration by the City Council Acting as the Local Licensing Authority, on an Application Submitted by Lucky Shot Sports Bar & Grill LLC, located at 327 Denver Avenue, for Change of Manager to Preston Davis
- b.** AM 2024-167 Consideration of the Renewal Application for a Tavern Liquor License, by the City Council acting as the Local Licensing Authority, Submitted by Silvermoon LLC dba Silvermoon Bar and Café

Adjourn

**RECORD OF PROCEEDINGS
LIQUOR LICENSING AUTHORITY
September 17, 2024**

The Liquor Licensing Authority of the City of Fort Lupton met at the City Complex, 130 South McKinley Avenue, on Tuesday, September 17, 2024. Mayor Zo Hubbard called the meeting to order at 6:00 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Hubbard, Councilmembers, Bruce Fitzgerald, Carlos Barron, Chris Ceretto, Valerie Blackston, David Crespin and Claud Hanes.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, Chief of Police, William Carnes, Public Works Director, Roy Vestal, City Attorney, Andy Ausmus and Finance Director, Leann Perino.

APPROVAL OF AGENDA

It was moved by Carlos Barron and seconded by Bruce Fitzgerald to approve the agenda as presented. Motion passed unanimously on voice vote.

ACTION MEMORANDUM

AM 2024-157 Accepting an Application and Approving a Resolution Establishing All of the City of Fort Lupton as the Neighborhood for the Application Submitted by Carnitas Estilo Michoacan, LLC dba Carnitas Estilo Michoacan for a Hotel and Restaurant License at 20 S. Grand Avenue and Setting a Public Hearing for October 15, 2024, for Consideration of the Application

Carnitas Estilo Michoacan, LLC has submitted a complete application with the Local Licensing Authority for a Hotel and Restaurant Liquor License. The application is under concurrent review, meaning it is being reviewed by the State and Local Licensing Authorities concurrently.

Under CRS §44-3-301 the Local Licensing Authority, before granting any license, shall consider the reasonable requirements of the neighborhood and the desire of the adult inhabitants as evidenced by petitions, remonstrance or otherwise, and all other reasonable restrictions that are or may be placed upon the neighborhood by the local licensing authority.

Upon receipt of an application the local licensing authority shall schedule a public hearing upon the application not less than thirty days from the date of the application and shall post and publish the public notice thereof not less than 10 days prior to the hearing.

Staff suggests the City Council, acting as the Local License Authority, set all of the City of Fort

**RECORD OF PROCEEDINGS
LIQUOR LICENSING AUTHORITY
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Lupton as the neighborhood that will be affected by the license. The needs of the neighborhood and desires of the inhabitants are to be considered at the hearing.

It was moved by Chris Ceretto and seconded by Bruce Fitzgerald to accept an Application and Approve Resolution 2024R049 ESTABLISHING ALL OF THE CITY OF FORT LUPTON AS THE NEIGHBORHOOD FOR THE APPLICATION SUBMITTED BY CARNITAS ESTILO MICHOACAN, LLC DBA CARNITAS ESTILO MICHOACAN FOR A HOTEL AND RESTAURANT LICENSE AT 20 S. GRAND AVENUE AND SETTING A PUBLIC HEARING FOR OCTOBER 15, 2024, FOR CONSIDERATION OF THE APPLICATION. Motion carried unanimously on roll call vote.

ADJOURNMENT

The meeting adjourned at 6:03 p.m.

Submitted by,

Maricela Peña, City Clerk

Approved by City Council,

Zo Hubbard, Mayor



SUBJECT FOR DISCUSSION

Consideration by the City Council Acting as the Local Licensing Authority, on an Application Submitted by Lucky Shot Sports Bar & Grill LLC, located at 327 Denver Avenue, for Change of Manager to Preston Davis

SUMMARY STATEMENT/BACKGROUND DISCUSSION

Bruce Balsley, owner of Lucky Shots has submitted an application for Change of Manager to Preston Davis. Per Section 6-39 of the Fort Lupton Municipal Code, "FLMC", these changes can be approved administratively. However, due to the information received from the background history and fingerprinting, the application was denied under the administrative review process. The application is being brought before Local Licensing Authority, "Authority" for consideration.

The Authority must approve of the moral character of the operational manager of this license holder pursuant to CRS 44-3-307.

The owner has presented the application in conformance with *Colorado Revised Statutes 44-3-301(8) Licensing in General*, which states the licensee *shall manage the premises himself or herself or employ a separate and distinct manager on the premises and shall report the name of the manager to the state and local licensing authorities. The licensee shall report any change in managers to the state and local licensing authorities within thirty days after the change.*

Written notice of the time and place of such consideration was mailed to the applicant by regular mail at least ten (10) days in advance indicating that the application had been denied and set for public hearing. Notice of the proceedings was also timely published and posted on the property in accordance with the requirements set forth in in the Colorado Revised Statutes.

As of September 30, 2024, no correspondence was received from the public. The Authority shall consider the facts and evidence presented and any other pertinent matters affecting the qualifications of the applicants.

The applicant submitted a complete application and tendered all required fees. Fingerprint information was obtained from the Colorado Bureau of Investigations (CBI) and a background check was completed by the Fort Lupton Police Department. The results concluded an offense on record. The state regulations don't provide any test to determine "moral character".

Due to information received from CBI and the police department, under Section 6-39 FLMC, if at the discretion of the Mayor and the City Clerk, cannot or will not approve the change of manager, the application shall be referred to the Authority for consideration.

The City Attorney will address the moral character and reputation with the applicant at the hearing. Currently, the owner and applicant don't hold any other liquor license.

The owner and applicant will be attending the Public Hearing to address any concerns or answer any questions the Local Liquor Licensing Authority or citizens may have.

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

FINANCIAL CONSIDERATIONS

N/A

LEGAL/POLITICAL CONSIDERATIONS

ALTERNATIVES/OPTIONS

1. Approve the Change of Manager Application
2. Deny the Change of Manager Application

STAFF RECOMMENDATIONS

Staff seeks recommendation.

Attachments:



SUBJECT FOR DISCUSSION

Consideration of the Renewal Application for a Tavern Liquor License, by the City Council acting as the Local Licensing Authority, Submitted by Silvermoon LLC dba Silvermoon Bar and Café

SUMMARY STATEMENT/BACKGROUND DISCUSSION

On October 3, 2023, the Local Licensing Authority held a public hearing on the renewal application for Silvermoon LLC dba Silvermoon Bar and Café ("Silvermoon").

During the hearing, Jason Cardenas, owner of the Silvermoon, stated he was trying to obtain ownership of the property and Christina Cardenas, widow of Joe Henry Cardenas, stated she was speaking to an attorney regarding ownership and would like to have the property sold. Jason Cardenas also stated that the business is operating on a month to month basis.

It was determined, due to the fact that Jason Cardenas was in legal possession of the property and that fact that Christina Cardenas is the de facto representative of the estate, and that Christina and Jason indicated there was a prior lease agreement, the operations of a month to month lease satisfied the requirements of possession of the premises.

The owner of the property, Joe Henry Cardenas, passed away March 2023. As of September 25, 2024, as evidenced by the Weld County Assessor's Office, the decedent Joe Henry Cardenas still holds ownership of the property at 334 Main Street.

A search of the court's website concluded that no probate case has been opened for Joe Henry Cardenas.

Due to the information regarding Mr. Cardenas' death, and being the sole owner of property, the renewal application is coming before the local licensing authority to determine if the Silvermoon LLC legally holds possession of the premises which is a requirement for any licensee. The Clerk's office can't process the application administratively.

The local licensing authority may hold a hearing on the application for renewal, but not until a notice of hearing has been conspicuously posted on the licensed premises for ten days and notice of the hearing has been provided to the applicant at least ten days before the hearing. The licensing authority may refuse to renew any license for good cause, subject to judicial review.

- Notice of the hearing was provided to Silvermoon LLC by mail to 334 Main St., Fort Lupton, CO 80621 on September 17, 2024, by text and by email to Jason Cardenas on September 17, 2024. The Public Hearing notice was posted by Jason Cardenas on September 20, 2024.

Pursuant to Statutes:

(44-3-103) For the purpose of refusing or denying a license renewal the local licensing authority must determine "Good cause": (a) The licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado Liquor Code or any rules promulgated pursuant to the Colorado Liquor Code.

Certification of Council Approval:

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Resolution No. _____

City Clerk

Date

Pursuant to 44-3-301. Licensing in general.

(b) At all times a licensee shall possess and maintain possession of the premises or optional premises for which the license is issued by ownership, lease, rental, or other arrangement for possession of the premises.

FINANCIAL CONSIDERATIONS

N/A

LEGAL/POLITICAL CONSIDERATIONS

Information pertaining to actual legal possession of the property by Silvermoon LLC needs to be provided.

ALTERNATIVES/OPTIONS

1. Discuss any possible alternatives or other options that were considered or that may be available for Approval of the application based on facts and evidence presented.
2. Table the decision for 30 days.
3. Deny the application, and make a record setting forth the reasons for denial.
 - a. If the application is denied, any person applying to the courts for a review of the state or any local licensing authority's decision shall apply for review within thirty days after the date of decision of refusal by a local licensing authority or, in the case of approval by a local licensing authority, within thirty days after the date of decision by the state licensing authority and shall be required to pay the cost of preparing a transcript of proceedings before the licensing authority when a transcript is demanded by the person taking the appeal or when a transcript is furnished by the licensing authority pursuant to court order.

STAFF RECOMMENDATIONS

Staff seeks recommendation

Attachments: a. N/A