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## AGENDA ITEM COVER SHEET

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**TO:** FRUITA CITY COUNCIL AND MAYOR

**FROM:** DEBRA WOODS, DEPUTY CITY CLERK

**DATE:** May 3, 2022

**RE:** LIQUOR LICENSE RENEWAL - A REQUEST TO APPROVE THE RENEWAL OF A FERMENTED MALT BEVERAGE (FMB) RETAIL LIQUOR LICENSE (OFF PREMISES) FOR MAVERIK, INC. LOCATED AT 1103 E. US HIGHWAY 6 & 50

### **BACKGROUND**

The Fermented Malt Beverage (FMB) Retail Liquor License (Off Premises) for Maverik, Inc. located at 1103 E. US Highway 6 & 50 is up for renewal. Their current license expired on **April 7, 2022**.

Pursuant to Colorado Liquor **Regulation 47-303. License Renewal:**

- F. License expired for not more than ninety (90) days.
1. A licensee whose license has not been expired for more than ninety (90) days may file a late renewal application upon the payment of a non-refundable late application fee to the local license authority and/or the state licensing authority.
  2. A licensee who files a late renewal application and pays the requisite fees may resume operation until the state and/or local licensing authorities have taken final agency action to approve or deny such licensee's late renewal application.

Maverik, Inc. has submitted the \$500 late filing fee along with the normal renewal fee to the state liquor authority for renewal of the FMB liquor license.

The Police Department report indicates that there have not been any violations or incidents reported to them in the last year and there is nothing unusual or of concern that would hinder renewal of the license. The City Clerk's office has not been advised of any issues or concerns related to the liquor license during the past year. There are no current TIPS certificates on file in the City Clerk's Office.

The following information is provided as background on the liquor license renewal process:

Pursuant to State Statutes, the local licensing authority (City Council) may cause a hearing on the application for renewal to be held. No renewal hearing shall be held until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The licensing authority may refuse to renew any license for good cause, subject to judicial review.

This item is placed on the Consent agenda for the Council to determine if there is any cause for a hearing to be held on the renewal of the liquor license. If there is no cause for a hearing, the City Council should approve the renewal of the existing license. If there is cause for a hearing, the City Council should set a date to hold a quasi-judicial hearing to determine if there are sufficient grounds for suspension or revocation of the liquor license. The City Council may also temporarily suspend any license, without notice, pending any prosecution, investigation or public hearing. No such suspension shall be for a period of more than 15 days.

### **FISCAL IMPACT**

None.

### **APPLICABILITY TO CITY GOALS AND OBJECTIVES**

The City of Fruita is charged with protection of the public health, safety and welfare. The review and renewal of liquor licenses ensures that licensed establishments are operating by the rules and regulations adopted by the City and State concerning the sale or service of beer and alcoholic beverages.

### **OPTIONS AVAILABLE TO THE COUNCIL**

1. Renew the Fermented Malt Beverage (FMB) Retail Liquor License.
2. Schedule a hearing date to determine if there is good cause for the license to be suspended or revoked.

### **RECOMMENDATION**

It is the recommendation of staff that the Council move to:

**RENEW THE FERMENTED MALT BEVERAGE (FMB) RETAIL LIQUOR LICENSE  
FOR MAVERIK, INC. LOCATED AT 1103 E. US HIGHWAY 6 & 50**