



# FRUITA

COLORADO

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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: JUNE 7, 2022**

**RE: LIQUOR LICENSE RENEWAL - A REQUEST TO APPROVE THE RENEWAL OF AN OPTIONAL PREMISES (CITY) LIQUOR LICENSE – MALT, VINOUS, AND SPIRITUOUS FOR IMONDI WAKE ZONE, LLC LOCATED AT 1583 CIPOLLA RD.**

### **BACKGROUND**

The Optional Premises Liquor License for Imondi Wake Zone, LLC located at 1583 Cipolla Road expired on **March 17, 2022**. On June 2, 2022, co-owner Victor Imondi contacted the City Clerk's Office after noticing that Imondi Wake Zone did not appear on the state Liquor License Enforcement Division's website that lists active liquor licenses in Colorado.

Staff determined that although a courtesy reminder letter was sent to Victor and Kodi Imondi on January 17, 2022, the renewal forms and fee to renew the license were never received by the City Clerk's Office. Mr. Imondi stated that he did not recall seeing either the renewal form from the state or the courtesy reminder letter from the City.

Pursuant to Colorado Liquor Code Section **44-3-302 License renewal:**

(2) (a) Notwithstanding the provisions of subsection (1) of this section, a licensee whose license has been expired for **not more than ninety days may file a late renewal** application upon the payment of a nonrefundable late application fee of five hundred dollars each to the state and local licensing authorities. A licensee who files a late renewal application and pays the requisite fees may continue to operate until both state and local licensing authorities have taken final action to approve or deny the licensee's late renewal application.

On June 2, 2022, City staff sent a replacement renewal form (available on the state Liquor Enforcement Division's website) to Mr. Imondi, who then signed and dated the forms as necessary and submitted them to the City Clerk's Office along with the payment of the normal renewal fee plus the additional \$500 late filing penalty.

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 at the City Clerk's Office.

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. Renewal of the Optional Premises (City) Liquor License for Imondi Wake Zone located at 1583 Cipolla Rd.
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 OPTIONAL PREMISES (CITY) LIQUOR LICENSE FOR IMONDI WAKE ZONE LOCATED AT 1583 CIPOLLA RD.**