



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

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 A FERMENTED MALT BEVERAGE (FMB) LIQUOR LICENSE FOR FRUITA CONSUMERS COOPERATIVE ASSOCIATION LOCATED AT 1650 HIGHWAY 6 & 50

BACKGROUND

The Fermented Malt Beverage (FMB) Liquor License for the Fruita Consumers Cooperative Association (Co-Op) located at 1650 Highway is up for renewal. Their current license expires on **June 9, 2022**.

This is the Fruita Co-Op's first renewal after obtaining their liquor license on June 9, 2021. Because she was unfamiliar with the renewal paperwork, Co-Op's controller mailed it to state Liquor Enforcement instead of the City Clerk's Office. The Liquor Enforcement Division notified the Fruita City Clerk's Office of this error, who then notified the appropriate staff at the Fruita Co-Op. They now understand that in the future, the renewal of the liquor license needs to be approved by the Fruita City Council before it is sent to the Liquor Enforcement Division.

The Police Department had nothing to report regarding this establishment. The City Clerk's office has not been advised of any issues or concerns related to the liquor license during the past year. The City Clerk's office has no current TIPS certificates on file for employees of Aspen Street Coffee Co.

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

Renew the Fermented Malt Beverage (FMB) Liquor License for the Fruita Consumers Cooperative Association (Co-Op) located at 1650 Highway 6 & 50

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) LIQUOR LICENSE
FOR THE FRUITA CONSUMERS COOPERATIVE ASSOCIATION (CO-OP)
LOCATED AT 1650 HIGHWAY 6 & 50**