



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: JULY 7, 2020

RE: LIQUOR LICENSE RENEWAL - A REQUEST TO APPROVE THE RENEWAL OF A HOTEL AND RESTAURANT LIQUOR LICENSE – MALT, VINOUS, AND SPIRITUOUS FOR STRAYHORN GRILL LOCATED AT 456 KOKOPELLI BLVD., UNIT J

BACKGROUND

The Hotel/Restaurant Liquor License for Strayhorn Grill located at 456 Kokopelli Blvd., Unit J is up for renewal. Their current license expired on May 23, 2021.

The owner of Strayhorn Grill, Sheryl Martin, stated that she dropped off the renewal form with the City Clerk's Office, but staff has been unable to locate it. To date, Liquor Enforcement has not received the renewal. She has since resubmitted another copy of the renewal form to the City Clerk's office to renew the license.

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.

Due to Senate Bill 20B-001, renewal and late renewal fees have been waived by the state Liquor Enforcement Division in response to the COVID pandemic for on-premises liquor licenses because those businesses were some of the most hardest hit by the pandemic.

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 Hotel/Restaurant Liquor License for Strayhorn Grill located at 456 Kokopelli Blvd., Unit J
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 HOTEL AND RESTAURANT LIQUOR LICENSE FOR STRAYHORN GRILL LOCATED AT 456 KOKOPELLI BLVD., UNIT J**

Submit to Local Licensing Authority

Fees Due		
Renewal Fee		WAIVED
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	\$
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
Amount Due/Paid		\$ WAIVED

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name STRAYHORN GRILL, LLC			Doing Business As Name (DBA) STRAYHORN GRILL		
Liquor License # 03-09815	License Type HOTEL & REST	Sales Tax License # 04260968	Expiration Date 5/23/2021	Due Date	
Business Address 456 KOKOPELLI BLVD, UNIT J				Phone Number (970) 858-1525	
Mailing Address 456 KOKOPELLI BLVD, UNIT J			Email bill_martin05@msn.com		
Operating Manager SHERYL MARTIN	Date of Birth 02/21/1956	Home Address 1633 CAMPFIRE CT, LOMA CO 81524		Phone Number (970) 590-2440	
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease _____					
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
3a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
3b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
4. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
5. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
7. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

Affirmation & Consent 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.		
Type or Print Name of Applicant/Authorized Agent of Business <div style="text-align: center;">SHERYL MARTIN</div>		Title <div style="text-align: center;">OWNER</div>
Signature		Date <div style="text-align: center;">6/11/21</div>
Report & Approval of City or County Licensing Authority The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules. Therefore this application is approved.		
Local Licensing Authority For <div style="text-align: center;">THE CITY OF FRUITA</div>		Date
Signature	Title <div style="text-align: center;">JOEL KINCAID, MAYOR</div>	Attest

Tax Check Authorization, Waiver, and Request to Release Information

I, SHERYL MARTIN am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of STRAYHORN GRILL, LLC (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) SHERYL MARTIN/STRAYHORN GRILL		Social Security Number/Tax Identification Number 611-55-3704	
Address 456 KOKOPELLI BLVD, UNIT J			
City FRUITA		State CO	Zip 81521
Home Phone Number 970-590-2440		Business/Work Phone Number 970-858-1525	
Printed name of person signing on behalf of the Applicant/Licensee SHERYL MARTIN			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information)			Date signed

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

**CITY OF FRUITA
MEMORANDUM**

TO:	FRUITA POLICE DEPARTMENT
FROM:	DEBRA WOODS, DEPUTY CITY CLERK
DATE:	JUNE 11, 2021
RE:	HOTEL/RESTAURANT LIQUOR LICENSE RENEWAL

License Information

Licensee:	Strayhorn Grill
Location:	456 Kokopelli Blvd, Unit J
Type of License:	Hotel/Restaurant
Expiration Date of Current License:	May 23, 2021
City Council Hearing Date:	June 15, 2020
DUE DATE FOR POLICE REPORT:	June 15, 2021

Tips certificates on File

Employee:	Expiration Date:
(None current)	

Report of Fruita Police Department

A)	Have there been any reported violation(s) of the Liquor or Beer Code in the last year?	Yes	<input checked="" type="radio"/> No
B)	Have there been any incidents reported to the Police Dept in the last year that would pertain to the liquor license and the establishment's control of alcoholic beverages and their patrons?	Yes	<input checked="" type="radio"/> No
C)	Are there other concerns that need to be brought to the attention of the City Council?	Yes	<input checked="" type="radio"/> No

Please attach documentation to support the above noted violation(s), incidents or comments.

Signed <i>Paula Kazerich</i>	Date <i>6-11-21</i>
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Liquor Enforcement Division Fee Schedule

Attention:

Due to Senate Bill 20B-001 the below highlighted fees (also marked with a ✓) for new applications, renewal, late renewal, reissuance renewal, and COVID-19 Temporary Modification fees for specific liquor license types will be waived from December 7, 2020 to December 7, 2021.

*** Concurrent review fee of \$100.00 will not be waived and still needs to be paid to the state. If you have any questions please contact dor_liqlicensing@state.co.us

Application Fees

	Local Fee	State Fee
Application Fee	up to \$1000.00	\$1,550.00 ✓
Application Fee with Concurrent Review	up to \$1000.00	\$1,650.00*** ✓
Application Fee Transfer of Ownership	\$750.00	\$1,550.00
Application Fee Additional Liquor-Licensed Drugstore	up to \$1000.00	\$1,300.00
Application Fee Additional Liquor-Licensed Drugstore with Concurrent Review	up to \$1000.00	\$1,400.00
Application Fee Manager Permit	N/A	\$100.00
Application Late Renewal Fee (Not more than 90-days of license expiration date)	\$500.00	\$500.00 ✓
Application Reissue Fee (More than 90-days but less than 180-days of the license expiration date)	\$500.00	\$500.00 ✓
Application Reissue Fine (More than 90-days but less than 180-days of the license expiration date)	\$25.00 a day beyond 90-day expiration date	\$25.00 a day beyond 90-day expiration date ✓
Annual Renewal Application Fee	\$100.00	\$0.00
Annual Art Gallery Fee	\$100.00	\$0.00

Retail License Fees

	Local Fee City	State Fee City	Local Fee County	State Fee County
Art	\$41.25	\$308.75 ✓	\$41.25	\$308.75 ✓
Beer & Wine	\$48.75	\$351.25 ✓	\$63.75	\$436.25 ✓
Brew Pub	\$75.00	\$750.00 ✓	\$75.00	\$750.00 ✓
Club	\$41.25	\$308.75 ✓	\$41.25	\$308.75 ✓
Distillery Pub	\$75.00	\$750.00 ✓	\$75.00	\$750.00 ✓
Hotel & Restaurant	\$75.00	\$500.00 ✓	\$75.00	\$500.00 ✓
Hotel Restaurant with one Optional Premises	\$75.00	\$600.00 ✓	\$75.00	\$600.00 ✓
Each Additional OP License		\$100.00 ✓		\$100.00 ✓
Resort Complex	\$75.00	\$500.00 ✓	\$75.00	\$500.00 ✓
Campus Liquor Complex	\$75.00	\$500.00 ✓	\$75.00	\$500.00 ✓
Related Facility – Resort Complex	\$15.00	\$160.00 ✓	\$15.00	\$160.00 ✓
Related Facility – Campus Liquor Complex	\$15.00	\$160.00 ✓	\$15.00	\$160.00 ✓
Liquor-Licensed Drugstore	\$22.50	\$227.50	\$37.50	\$312.50
Lodging & Entertainment	\$75.00	\$500.00 ✓	\$75.00	\$500.00 ✓
Optional Premises	\$75.00	\$500.00 ✓	\$75.00	\$500.00 ✓
Racetrack	\$75.00	\$500.00 ✓	\$75.00	\$500.00 ✓
Retail Gaming Tavern	\$75.00	\$500.00 ✓	\$75.00	\$500.00 ✓
Retail Liquor Store	\$22.50	\$227.50	\$37.50	\$312.50
Tavern	\$75.00	\$500.00 ✓	\$75.00	\$500.00 ✓
Vintner's Restaurant	\$75.00	\$750.00 ✓	\$75.00	\$750.00 ✓
Fermented Malt Beverage On Premises	\$3.75	\$96.25 ✓	\$7.50	\$117.50 ✓
Fermented Malt Beverage Off Premises	\$3.75	\$96.25	\$7.50	\$117.50
Fermented Malt Beverage On/Off Premises	\$3.75	\$96.25 ✓	\$7.50	\$117.50 ✓