



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: SEPTEMBER 17, 2024

AGENDA TEXT: LIQUOR LICENSE RENEWAL – A request to approve the renewal of an Optional Premises – Malt, Vinous and Spirituous Liquor License for Adobe Creek National, LLC dba Adobe Creek Golf Course located at 876 18 ½ Road

BACKGROUND

The Optional Premises Liquor License for the Adobe Creek National Golf Course located at 876 18 ½ Road is up for renewal. Their current license expires on **November 27, 2024**.

The Fruita Police Department report indicates that there have been calls for service/incidents at Adobe Creek National Golf Course over the course of a year; however, they are not all alcohol-related and Chief Krouse verbally informed staff and the General Manager of Adobe Creek Golf Course, Joe Toke, that the Police Department does not have concerns that would prohibit the renewal of the liquor license.

On July 24, 2023, the City Clerk's office was advised by the Liquor Enforcement Division that Adobe Creek National Golf Course sold alcohol beverages to their minor operatives. The establishment was subjected to an administrative action consisting of payment of a fine in lieu of suspension of the liquor license. This information was included in the report to City Council when Adobe Creek Golf Course renewed their liquor license last year. At that time, General Manager of Adobe Creek, Joe Toke, assured the City Clerk's Office that once Responsible Alcohol Server Training became available, he would send all employees to the training.

On April 29, 2024, the City of Fruita hosted a Responsible Alcohol Server Training for all Fruita liquor licensees. A list of 14 employees of Adobe Creek Golf Course attended and passed the training and this list is attached. The training certifications are good for two (2) years.

As a side note, the City of Fruita also hosted another training in June of 2024 and the City Clerk's Office will continue to schedule and host these trainings twice per year for all Fruita liquor licensees.

General Manager of Adobe Creek Golf Course Joe Toke has in the past explained that his employees are laid off at the end of October because golf course operations are seasonal. He has assured the City Clerk's Office that he will send any new employees to the Responsible Alcohol Vendor Training that becomes available in the spring before the 2025 (March) season starts.

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

An Optional Premises Liquor License allows employees to serve alcoholic beverages in the Clubhouse and on the Golf Course.

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 Optional Premises – Malt, Vinous, and Spirituous Liquor License for Adobe Creek National Golf Course.
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 – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR ADOBE CREEK NATIONAL GOLF COURSE LOCATED AT 876 18 ½ RD WITH THE UNDERSTANDING THAT ADOBE CREEK GOLF COURSE WILL CONTINUE TO ENSURE THAT THEIR EMPLOYEES ARE RESPONSIBLE ALCOHOL SERVER-TRAINED AND CERTIFIED**