



To: Mayor and Council

From: Jay Brunvand

Date: May 15, 2024

Agenda Item: Consideration of a spirituous tasting room

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**REQUEST:**

Staff is requesting Council to review and approve the attached Application for Colorado Liquor Sales Room (Distillery tasting room) to be located at the barn at 161 Main St.

**INTRODUCTION:**

This application is to MOVE the existing tasting room associated with Eagle River Distilling, LLC and currently located in the Meadow Mtn Business Park to a new construction located at 161 Main St, they will then forfeit their MMBP tasting room permit. This is a very specific application and has very limited conditions of which a municipality may deny the application.

The conditions for denial are:

- 1) Traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations
- 2) Granting the permit would result in violations of the Colorado Liquor Code or local laws
- 3) Issuance would violate local zoning laws

State law states this application for a Sales Room will be granted to the entity unless any of the three conditions apply. In the opinion of staff, none of the conditions apply. Attached please find Colorado Dept of Revenue Bulletin 14-02 which is a good summary of the request, application, and guidelines.

**ANALYSIS:**

Not Applicable

**COMMUNITY INPUT:**

Not Applicable

**BUDGET / STAFF IMPACT:**

The state does not allow a fee for this application.

**STRATEGIC PLAN ALIGNMENT:**

In accordance with Strategy #4 the Town will advance decisions/projects/initiatives that expand future opportunity and viability for Minturn. Both as an employer and a sales tax contributor these businesses each help further Minturn.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

This item is approved on the Consent Agenda, no separate motion is required.

**ATTACHMENTS:**

- Application and supporting documentation.

## Application for Colorado Liquor Sales Room

### Regulation 47-428, 1 C.C.R. 203-2

Type of Sales: ☐ Malt Liquor ☐ Limited Winery ☐ Winery ☒ Distillery

Duration: ☐ Temporary (3 days or less) ☒ Permanent

Name of Applicant exactly as it appears on your current Colorado Liquor License

Eagle River Distilling LLC

Trade Name of Applicant

Eagle River Whisky

State Sales Tax Number

95312711-0000

Applicant Liquor License Number

03-17117

### Business Address

Street Address

23698 US 24, Unit E-1

City

Minturn

State

CO

ZIP Code

81645

### Mailing Address

Street Address

PO Box 1253

City

Minturn

State

CO

ZIP Code

81645

Phone Number

(970) 763-8660

Email Address

spence@erwhisky.com

### Sales Room Address

Street Address

161 Main St

City

Minturn

State

CO

ZIP Code

81645

## Date of Events

From Date:  Time:  ☐ AM ☒ PM

To Date:  Time:  ☐ AM ☒ PM

If the event is occurring on the same day during the events time period reported, select the day(s) below.

☒ Sunday ☐ Monday ☐ Tuesday ☒ Wednesday ☒ Thursday ☒ Friday ☒ Saturday

Rights to Premises Granted by: (attach a copy of the Premises Use Authorization letter or lease if not previously submitted)

Premises Use Authorization

**Renting/Leasing Percent Basis:** ☐ Yes ☒ No

If Yes, List Percent and Interested Party. Use Additional Sheet if Necessary.

Alcohol will be sold (check all that apply):

☒ For on-premises consumption (if selected, please file this application with the Local Licensing Authority and the State Licensing Authority)

☒ For off-premises consumption

The Sales Room Applicant affirms they have complied with local zoning restrictions?

☒ Yes ☐ No

## Additional Required Documents

☒ Attach an outlined diagram of proposed premises.

☒ Attach a copy of the premises control plan describing how the premises will be controlled to ensure compliance with liquor code and rules. It must include restricting sales to minors and visibly intoxicated persons and insuring that customers cannot leave the premises with an open container of alcohol.

☒ Attach a copy of any contracts and/or operating agreements pertaining to the sales room.

Local Licensing Authority Name

Town of Minturn

Date Application Copy Submitted to Local Licensing Authority

04/29/2024

## Oath of Applicant

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. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor, Beer and Wine Code and Liquor Rules which affects my permit.

Applicant Signature



Date (MM/DD/YY)

04/29/24

Title

Member

## Notice to Local Licensing Authority

This application for a Sales Room will be granted to the above name applicant unless any of the below listed conditions apply. If any of these conditions apply please contact the State Licensing Authority immediately.

☐ Issuance of this permit would impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances.

☐ If granted this permit would result in violations of the Colorado liquor code or the laws of the local government. (specify).

☐ Issuance of this permit would violate local zoning laws.

For events lasting **three consecutive days or less**, the Local Licensing Authority has **ten (10) business** days to submit its determination to the State Licensing Authority.

For events lasting **four or more consecutive days**, the Local Licensing Authority has **forty-five (45) days** to submit its determination to the State Licensing Authority.

Local Licensing Authorities can send the approval via mail or email to dor\_liqlicensing@state.co.us

If the Local Licensing Authority does not submit a response or determination within the time specified, the State Licensing Authority shall deem that the Local Licensing Authority has determined that the proposed sales room will not impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances or that the applicant will sufficiently mitigate any impacts identified by the Local Licensing Authority.

Licensing Authority Signature

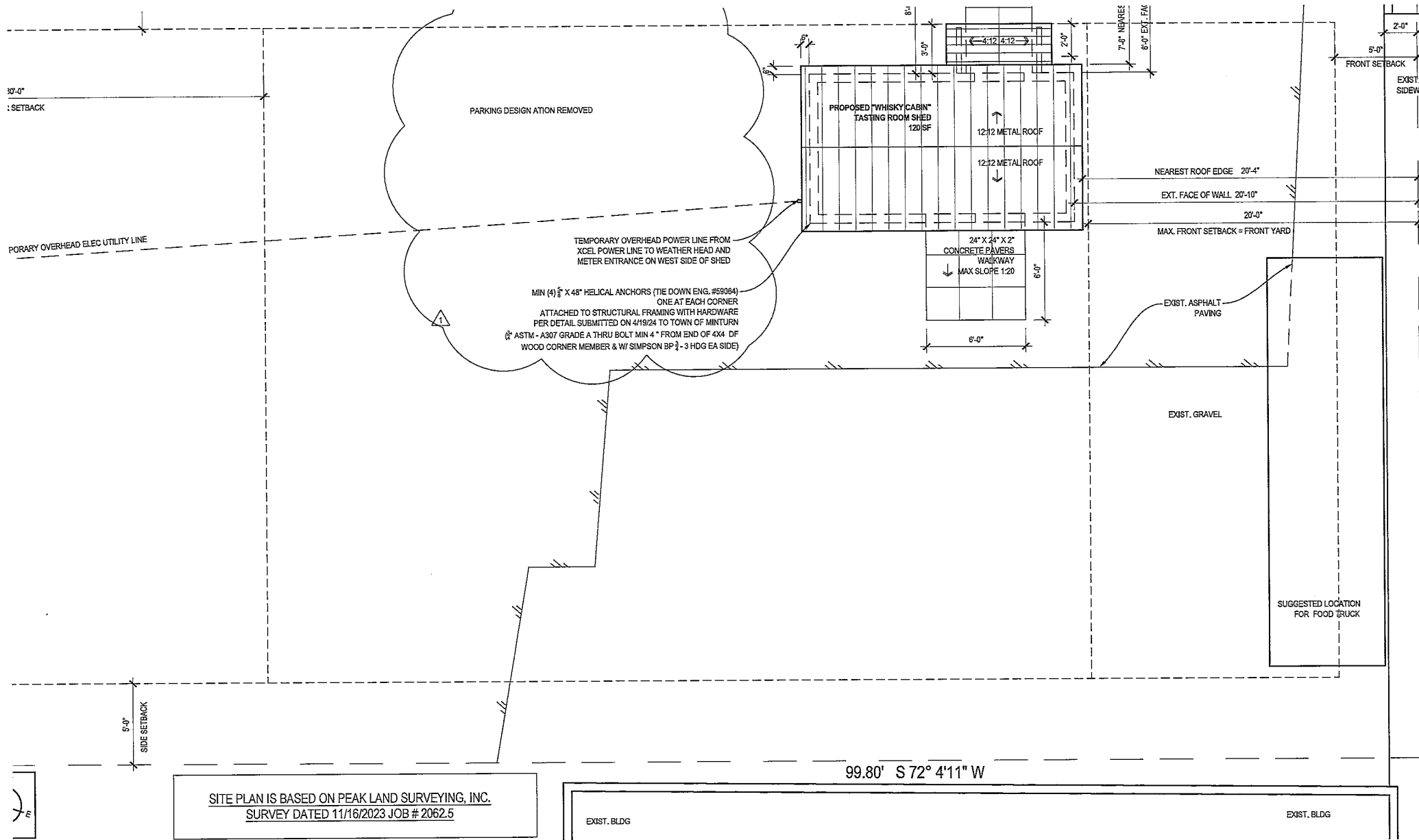
Date (MM/DD/YY)

Local Licensing Authority Contact Name

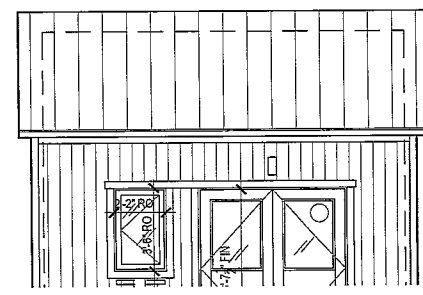
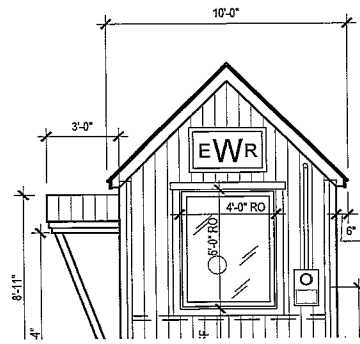
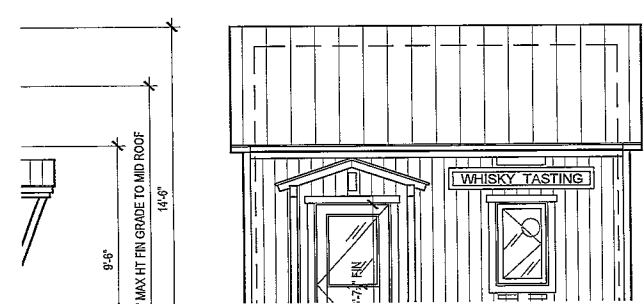
Phone Number

☐ Object ☒ Do Not Object

If the Local Licensing Authority objects to the sales room, provide a separate page with details of the objection.



SITE PLAN IS BASED ON PEAK LAND SURVEYING, INC.  
SURVEY DATED 11/16/2023 JOB # 2062.5



PROJECT SITE		MAIN ST / HWY 24	
		TOLEDO ST	
NELSON ST		TOLEDO ST	
F6		VICINITY PLAN - MINTURN	
L100		NO SCALE	
CANEDA! NOTES			

← NORTH

Eagle River Distilling LLC  
dba Eagle River Whisky  
23698 US Hwy 24  
PO Box 1253  
Minturn, CO 81645  
970-763-8660

April 29, 2024

**Premises Control Plan - 161 Main St, Minturn CO 81645**

Hours of Operation: Wednesday - Sunday – 12PM – 6PM

Boundary: There will be no modified premises. Service area will only be inside the tasting room

Ingress and Egress: The premises is 120 square feet. The employee in the tasting room can observe entrance and exiting of customers.

Signage: “No open alcoholic beverages beyond this point” sign will be placed on the front and rear doors. The Colorado DR 8471 (“Minor Warning Sign”) will be conspicuously displayed behind the bar.

Responsible Service: All staff will be TIPS trained and certified to help prevent sale of alcohol to visibly intoxicated persons. Staff will be instructed to ID anyone that appears under 50 years old. IDs appearing fraudulent will be confiscated and the CO Liquor Enforcement Division will be called.

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# EAGLE RIVER HOLDINGS, LTD.

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## Premises Use Authorization

April 29, 2024  
Eagle River Distilling LLC  
dba Eagle River Whisky  
23698 US 24  
Unit E-1  
Minturn, CO 81645

Eagle River Holdings, Ltd. ("Owner") gives permission to Eagle River Distilling LLC dba Eagle River Whisky ("Tenant") to use the property located at 161 Main Street, Minturn, CO 81645. Tenant may use the property for a distilled spirits tasting room, for on and off premises liquor sales.

Tenant may occupy the premises for a term of 1 year, starting May 1st, 2024 and ending April 30, 2025.

This agreement may be renewed with the approval of both the Owner and Tenant at the end of the term.

Tenant agrees to indemnify and save harmless Owner from all damages and claims arising out of any act, omission or neglect by Tenant, and from any and all actions or causes of action arising from the Tenant's occupation or use of the property.

Owner agrees to notify Tenant of any change in land ownership, development, or use 30 days prior to change in status.

**Owner:**



**Title:** Chief Executive Officer - Eagle River Holdings, Ltd

**Date:** 04/29/2024

**Tenant:**



**Title:** Member - Eagle River Whisky

**Date:** 04/29/2024



**COLORADO**  
**Department of Revenue**

Enforcement Division - Liquor & Tobacco

Physical Address:  
1881 Pierce Street  
Lakewood, CO 80214

Mailing Address:  
P.O. Box 173350  
Denver, CO 80217-3350

BULLETIN 14-02

REFERENCE: MANUFACTURER SALESROOM GUIDE

October 21, 2014

## **Colorado Liquor Enforcement Division**

### **Guide To Manufacturer Salesrooms Applications for Vinous and Spirituous Liquor**

The Colorado Liquor Enforcement Division (Division) recognizes the growth and popularity of manufacturer sale rooms (MSR) for wineries, limited wineries, and distilleries pursuant to sections 12-47-402(2), C.R.S., 12-47-403(2)(e), C.R.S., 12-47-402(6), C.R.S. and Regulation 47-428, 1 C.C.R. 203-2.

In order to assist applicants in obtaining an MSR license, the Division is providing the following guidelines for MSR applications:

1. Complete Form DR8057 (Application for Colorado Vinous or Spirituous Liquor Manufacturer Sales Room) in its entirety. An MSR license cannot be issued if the application is incomplete. Typical mistakes include (but are not limited to) incomplete addresses, company and business names not matching on lease documents, insufficient premises control plans, and undefined licensed premises.
2. A copy of the MSR application must be provided to the local licensing authority where the MSR is located. If the MSR is temporary (three days or less), the state and local licensing authority must receive the MSR application no less than ten (10) business days prior to the event. If the MSR is permanent (more than three days), the state and local licensing authority must receive the application no less than 30 days prior to the sale of alcohol at the MSR.
3. The local licensing authority may object to the issuance of the MSR license pursuant to Regulation 47-428, 1 C.C.R. 203-2.
4. The Licensee may operate the MSR directly, hire individual staff to conduct sales at the MSR, or hire a company to conduct sales at the MSR. If the Licensee hires individual staff or a company to conduct sales at the MSR, the Licensee remains responsible for managing the MSR including hiring and terminating employees, ordering alcohol, and making any other management decisions.
5. If the Licensee hires an individual or company to conduct sales at the MSR, the Licensee shall provide to the Division copies of any contracts, agreements, leases, etc. between the Licensee



and the individual or company which detail the relationship between the Licensee and the company.

6. An individual or company hired to conduct sales at an MSR may be compensated on a percentage of sales basis. However, payment based on a percentage of alcohol sales constitutes a financial interest in a Licensee. Colorado law prohibits financial interests between certain license types. This prohibition may preclude the Licensee from hiring an individual or company to conduct sales at the MSR (compensated on a percentage of sales basis) if such individual or company has a financial interest in another license type and if overlapping financial interests are prohibited between the license types. A matrix detailing allowed and prohibited financial interests between all license types is attached.
  - a. In order to determine if a prohibited financial interest exists, the Licensee must disclose to the Division the name, birth date, and social security number of such individual or the names, birth dates, and social security numbers of all owners of the company.
  - b. If an individual or a company's compensation for conducting sales at the MSR is equal to 10% or more of the Licensee's overall alcohol sales, such individual or the owners of such company must complete form DR8404-I (Individual History Record) and provide fingerprints for a criminal background check.
7. The Licensee may also hire a manager of the MSR in accordance with Regulation 47-318, 1 C.C.R. 203-2. The manager may make management decisions for the MSR on behalf of the Licensee (including the hiring and firing of staff, ordering alcohol, and any other management decisions relating to the MRS). If the Licensee hires an individual to manage the MSR, the Licensee shall disclose all information regarding the manager to the Division. Such information shall include:
  - a. The Licensee shall provide copies of any contracts, agreements, leases, etc. between the Licensee and the individual that detail the relationship between the Licensee and the manager, and
  - b. Each manager must complete form DR8404-I (Individual History Record) and provide fingerprints for a criminal background check.
8. As stated in paragraph number 6, an individual hired to manage an MSR may be compensated on a percentage of sales basis. However, payment based on a percentage of alcohol sales constitutes a financial interest in a Licensee. Colorado law prohibits financial interests between certain license types. This prohibition may preclude the Licensee from hiring an individual to manage the MSR (compensated on a percentage of sales basis) if such individual has a financial interest in another license type and if overlapping financial interests are prohibited between the license types. A matrix detailing allowed and prohibited financial interests between all license types can be found on the Liquor Enforcement website or [click here](#) for the link.
9. The licensed premises of the Licensee's MSR may include another company's premises as long as a written agreement is in place providing to the Licensee exclusive control over the sale of

alcohol throughout the licensed premises (i.e., MSR sales of alcohol must be under the control of the Licensee or the Licensee's MSR manager and not the other company). The Licensee must provide a mechanism by which MSR alcohol sale transactions of the Licensee are kept separate from the other company's sales or business transactions. In some instances, a single point of sale system may be acceptable as long as sales records and proceeds of MSR alcohol sales are kept separate from the other company's transactions. All money, funds, and electronic payments (debit cards, credit cards, etc.) related to MSR sales of alcohol must be remitted directly to the Licensee and cannot be commingled with the other company's business transactions.

You may submit your application and all necessary documents and diagrams to [DOR\\_LED@state.co.us](mailto:DOR_LED@state.co.us). If you have any questions, please call the Division at 303-205-2300.