



TOWN OF AVON, COLORADO
AVON LIQUOR LICENSING AUTHORITY MEETING FOR TUESDAY MAY 22, 2012
MEETING BEGINS AT 5 PM
AVON TOWN HALL, ONE LAKE STREET

PRESIDING OFFICIALS
CHAIRMAN RICH CARROLL
VICE CHAIRMAN KRISTI FERRARO
BOARD MEMBERS DAVE DANTAS, CHRIS EVANS, TODD GOULDING
AMY PHILLIPS, ALBERT "BUZ" REYNOLDS, JR.

TOWN STAFF

TOWN ATTORNEY: ERIC HEIL INTERIM TOWN MANAGER: PATTY MCKENNY DEPUTY TOWN CLERK: CATHERINE MYTHEN

ALL LIQUOR BOARD MEETINGS ARE OPEN TO THE PUBLIC EXCEPT EXECUTIVE SESSIONS
COMMENTS FROM THE PUBLIC ARE WELCOME DURING PUBLIC HEARINGS
PLEASE VIEW AVON'S WEBSITE, [HTTP://WWW.AVON.ORG](http://www.avon.org), FOR MEETING AGENDAS AND MEETING MATERIALS
AGENDAS ARE POSTED AT AVON TOWN HALL AND RECREATION CENTER, ALPINE BANK, AND AVON LIBRARY

1. ROLL CALL

2. INQUIRY OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA

3. PUBLIC HEARING ON SPECIAL EVENTS PERMIT

- a. Applicant Name: Beaver Creek Resort Company
Event Name: 2012 Beaver Creek Rodeo Series
Event Date: June 28, 2012 / July 5, 12, 19, 2012 / August 2, 9, 16, 2012; 4 pm – 10 pm
Event Manager: Jean Dennison
Event Location: Traer Creek Lot 1

- b. Applicant Name: Team Evergreen Bicycle Club
Event Name: Triple Bypass Bicycle Tour
Event Date: July 14, 2012
Event Manager: Taylor Buzbee
Event Location: Harry A. Nottingham Park

- c. Applicant Name: Eagle Valley Humane Society
Event Name: Salute to U.S.A.
Event Date: July 3, 2012
Event Manager: Char Quinn
Event Location: Harry A. Nottingham Park

4. REPORT OF CHANGES IN CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP

- a. Applicant: Wal-Mart Stores, Inc. d/b/a Wal-Mart #1199
Address: 171 Yoder Avenue
Manager: Jeremy Rank
Type: Retail 3.2% Off-Premises Beer License



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5. TRANSFER OF OWNERSHIP

- a. Applicant: East West Resorts, LLC & Avon Riverfront Restaurant, LLC d/b/a Westin Riverfront Resort & Spa and cima
Current Owner: East West Resorts, LLC & Riverfront Village Restaurant, LLC d/b/a Westin Riverfront Resort & Spa and cima
Address: 126 Riverfront Lane
Manager: John Evans (Interim)
Type: Joint License for Resort Complex Liquor License

6. CONSENT AGENDA:

- a. Minutes from May 8, 2012

7. ADJOURNMENT

MEMO

TO: AVON LIQUOR LICENSING AUTHORITY
THRU: PATTY MCKENNY, INTERIM TOWN MANAGER
CC: ERIC HEIL, TOWN ATTORNEY
FROM: DEBBIE HOPPE, DEPUTY TOWN CLERK
DATE: MAY 17, 2012
RE: SPECIAL EVENT PERMITS – PUBLIC HEARINGS

SUMMARY:

The Town Council serving as the Local Liquor Authority will consider the following special event permit; a **public hearing is required before final action is taken on this application.**

1. Applicant Name: Beaver Creek Resort Company
Event Name: 2012 Beaver Creek Rodeo Series
Event Date: June 28, 2012 / July 5, 12, 19, 2012 / August 2, 9, 16, 2012; 4 pm – 10 pm
Event Manager: Jean Dennison
Event Location: Traer Creek Lot 1

2. Applicant Name: Team Evergreen Bicycle Club
Event Name: Triple Bypass Bicycle Tour
Event Date: July 14, 2012
Event Manager: Taylor Buzbee
Event Location: Harry A. Nottingham Park

3. Applicant Name: Eagle Valley Humane Society
Event Name: Salute to U.S.A.
Event Date: July 3, 2012
Event Manager: Char Quinn
Event Location: Harry A. Nottingham Park

BACKGROUND:

Special Events permits are issued by the Liquor Enforcement Division and a Local Authority to allow qualified non-profit entities to sell, serve or distribute alcohol beverages in connection with fund raising events. Because of their temporary nature, needs and desires (reasonable requirements of the neighborhood) are not considered by the licensing authorities as a condition of issuance. Applications are made directly with the local licensing authority having jurisdictions over the place of the event. Article 48 of Title 12 regulates the issuance of special events permits.

DISCUSSION:

There are three applications for special event permits as reflected above. The applicants have provided all the appropriate materials. A background investigation was conducted on the applicants and the premises have been posted with notice of the public hearing.

The event managers will be present to answer questions about the applications.

Financial Implications: There is local liquor licensing fees associated with the special event permits. The applicants have submitted the appropriate state & local fees.

TOWN MANAGER COMMENTS:

SPECIAL EVENT PERMITS ATTACHMENTS:

The applicants for the special events permit have submitted the following materials:

- ✓ Application for a Special Events Permits (State form DR 8439)
- ✓ Diagram where liquor will be served
- ✓ Alcohol Management Plans
- ✓ Certificates of Good Standing
- ✓ Police Report on Background Checks
- ✓ Related state & local Fees

MEMO

TO: AVON LIQUOR LICENSING AUTHORITY
THRU: PATTY MCKENNY, INTERIM TOWN MANAGER
ERIC HEIL, TOWN ATTORNEY
FROM: DEBBIE HOPPE, DEPUTY TOWN CLERK
DATE: MAY 16, 2012
RE: TRANSFER OF OWNERSHIP APPLICATION – PUBLIC HEARING FOR EAST WEST RESORT, LLC & AVON RIVERFRONT RESTAURANT, LLC D/B/A WESTIN RIVERFRONT RESORT & SPA AND CIMA

Summary:

The Avon Liquor Licensing Authority is asked to consider a supplemental document for the Transfer of Ownership Application for a Resort Complex Liquor License as submitted by:

- a. Applicant: East West Resorts, LLC & Avon Riverfront Restaurant, LLC d/b/a Westin Riverfront Resort & Spa and cima
Current Owner: East West Resorts, LLC & Riverfront Village Restaurant, LLC d/b/a Westin Riverfront Resort & Spa and cima
Address: 126 Riverfront Lane
Manager: Bob Trotter
Type: Joint License for Resort Complex Liquor License

Background

The Liquor Authority approved the transfer of ownership for the above referenced applicant on March 27, 2012. The application was then forwarded to the Colorado Liquor Enforcement Division for their review.

Discussion:

With the State's review, there was a question raised about the "possession" of the "Public Plaza" property for the applicant. The attached documents which were executed in July 2010 provided the permission from the Metro Districts & the Town to East West Resorts, LLC and Riverfront Village Restaurant, LLC to use the easement as a public plaza for food and beverage operations. It seems there was an oversight in reassigning this use to the new resort's structure. So in light of the question, Jon Stonbraker, Dill Dill, representing the applicant, has drafted the attached "Assignment (#1)" that would transfer the use of these premises from East West Resorts, LLC & Riverfront Village Restaurant, LLC to East West Resorts, LLC & Avon Riverfront Restaurant, LLC. The Town Attorney has reviewed this document as well.

1. Assignment
2. **Exhibit A:** An Agreement By and Between the Town of Avon and East West Resorts, LLC and Riverfront Village Restaurant, LLC for the Grant of a Revocable Encroachment License to Install, Construct, and Maintain Food and Beverage Service Operations on a Town Owned Non-Exclusive Easement for Pedestrian Access
3. **Exhibit B:** An Agreement by and Between the Confluence and Avon Station Metropolitan Districts and East West Resorts, LLC and Riverfront Village Restaurant, LLC for the Grant of a Revocable Encroachment License to Install, Construct, and Maintain Food and Beverage Service Operations on District-Owned Rights of Way

The document will receive consideration by the Confluence and Avon Station Metro Districts as well. Upon execution of the document by all parties, the Assignment will be forwarded to the State of Colorado Liquor Enforcement Division for processing.

Financial Implications: There are no financial implications with regard to this matter.

Memo

To: Avon Local Liquor Licensing Authority
Thru: Patty McKenny, Interim Town Manager
Eric Hell, Town Attorney
From: Debbie Hoppe, Deputy Town Clerk
Date: May 16, 2012
Re: Report of Changes for Wal-Mart Inc. d/b/a Wal-Mart #1119: Change in Corporation

Summary:

The Town Council serving as the Local Liquor Authority will consider and is asked to act upon a Report of Changes in Corporation for Wal-Mart Inc. d/b/a/ Wal-Mart #1119. The appropriate paperwork was completed & is attached for your review.

Discussion:

The Colorado Liquor Code, Section 12-47-301, Licensing in General, states the following:

“a licensee shall report each transfer or change of financial interest in the license to the state licensing authority and, for retail licenses, to the local licensing authority, within thirty days after the transfer or change. A report shall be required for transfers of capital stock of a public corporation; except that a report shall not be required for transfers of such stock totaling less than ten percent in any one year, but any transfer of a controlling interest shall be reported regardless of size. It is unlawful for the licensee to fail to report a transfer required by this subsection (8). Such failure to report shall be grounds for suspension or revocation of the license.”

The attached Report of Changes application reflects the changes in the corporate structure of Wal-Mart Stores, Inc. This application was filed with the State Liquor Enforcement Division by Dill Carr Stonbraker & Hutchings on February 2, 2012; and filed with the Town for submittal to the local licensing authority on March 30, 2012. Please note per the Liquor Enforcement Division correspondence dated February 17, 2012, the local authority must approve the change in corporate structure as well. Please refer to Question #8 on Exhibit B for a description of the overall changes.

Financial Implications: The applicant has submitted the appropriate state and local fees for this application.

Attachments:

- A. Letters of Correspondence
- B. Report of Changes (Form DR 8177)
- C. State of Colorado Liquor Enforcement Division Letter dated October 21, 2009 creating the “State Master File” and noting the revised structure
- D. Individual History Records
- E. Certificate of Good Standing
- F. Secretary’s Certificate
- G. Minutes of Quarterly Meeting