

The City Council Special Session meeting was called to order at 5:00 P.M., by Mayor Harriman with Councilors Drexel, Cave, Seymour and Nesbitt present along with City Attorney Fogo, City Manager Coleman, City Clerk Davidson, and several citizens. A Council quorum was present.

PUBLIC HEARING

5:00 P.M.

Mayor Harriman opened the Public Hearing and stated it is 5:00 P.M. on Monday, May 10, 2013, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. In attendance are herself, Ellen Harriman, City Councilors Bob Drexel, Sharon Cave, Ed Seymour and Bill Nesbitt, along with City Attorney Kathy Fogo, City Manager Ken Coleman, City Clerk Gail Davidson, and Deputy City Clerk Tara Kindall. **The reason for the Public Hearing is to receive public input on the Hotel & Restaurant Liquor License Application from Sherpa LLC, dba Sherpa Café, 323 E. Tomichi Avenue in Gunnison.**

Mayor Harriman called for the applicant to identify himself. Dowa Sherpa, brother-in-law of the applicant, identified himself. He is representing Pemba Sherpa who is trekking in Nepal.

Mayor Harriman called for Proof of Publication. City Clerk Davidson stated proof of publication was included in Council's packets and the Affidavit of Publication was entered into the record.

Mayor Harriman called for City Staff comment, findings and recommendation. City Clerk Davidson addressed Council. She informed Council the liquor licensing process is a dual process. New applications are submitted to the City where they are examined by the City Clerk, Finance Department, Community Development Department, Building Official, Fire Marshal, Police Chief and the City Attorney to make sure the application and the premises where the license is to be located complies with all City requirements. The Clerk and Attorney review the application for completeness. The Fire Marshal and Building Official conduct inspections of the premises to make sure there are no Fire or Building Code violations that need to be corrected prior to occupancy. The CD Department confirms the premises are located in the correct zoning district to allow for the type of business proposed. The Police Chief conducts a local background check of the individual to confirm there are no outstanding law enforcement issues with the applicant. The fingerprints of the applicant are sent to the CBI for a background check. The Preliminary Findings Report is included in Council's Public Hearing packet indicating the findings of the initial investigations. There are also memos from the Building Official, Fire Marshal and Police Chief regarding the application. The application now goes to Council for their review. The duty of the Council, which acts as the Local Licensing Authority, is to make sure the application is in order, the applicant is of good moral character to operate the liquor establishment and to determine whether the needs and wants of the neighborhood, which is defined as lying within "The Incorporated City limits of the City of Gunnison", are met. Once Council conducts the required Public Hearing, they then take action to approve or deny the application. If approved, the license application is then sent to the Colorado Liquor Enforcement Division for their review and approval. The application has been sent to the Colorado Liquor Enforcement Division for concurrent review. This assists with speeding up the process for the applicant.

Mayor Harriman called for the Applicants Comments. Dowa Pemba addressed Council. He stated that there is a petition showing residents are in favor of the application but he forgot to bring it to the hearing. City Clerk Davidson stated she has seen the petition, verified its existence and stated she would receive the petition for the official Public Hearing record. Mr. Pemba stated that many people come into the restaurant and request a beer or drink with their meal. He feels that a liquor license will help their business.

Mayor Harriman called for any public comment in favor or opposition to the application. There was none.

City Manager Coleman asked if the applicant had a liquor license in Crested Butte. Mr. Pemba stated that yes, the Sherpa Café in Crested Butte has a liquor license at that location.

Mayor Harriman called for any further comments, and hearing none, she closed the Public Hearing at 5:09P.M. She stated the Application will be taken under consideration for action later in the meeting.

PUBLIC HEARING

5:15 P.M.

Mayor Harriman opened the Public Hearing at 5:12 P.M. The Mayor stated that since the Hearing was published as starting at 5:15 P.M. it would be held open until past that time to include anyone who wants to give testimony. Mayor Harriman then stated it is 5:12 P.M. on Monday, May 10, 2013, in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison, Colorado. In attendance are herself, Ellen Harriman, City Councilors Bob Drexel, Sharon Cave, Ed Seymour and Bill Nesbitt, along with City Attorney Kathy Fogo, City Manager Ken Coleman, City Clerk Gail Davidson, and Deputy City Clerk Tara Kindall. **The reason for the Public Hearing is to receive public input on the Tavern Liquor License Application from I Bar Inc., dba I-Bar Ranch, 850 County Road 49, in Gunnison, Colorado.**

Mayor Harriman called for the applicant to identify himself. Bryan Wickenhauser, 100% principal in I-Bar Inc., introduced himself.

City Clerk Davidson informed the Council that Deputy Clerk Tara Kindall has processed this application from the beginning, so she would be giving the testimony in the Public Hearing. Mayor Harriman called for Proof of Publication. Deputy City Clerk Kindall stated proof of publication was included in Council's packets and the Affidavit of Publication is in the official City records.

Mayor Harriman called for City Staff comment, findings and recommendation. Deputy City Clerk Kindall addressed Council. She stated that the duties of the Board and hearing procedural aspects are the same as stated in the prior public hearing of this evening. The premises was posted for the required time. The Preliminary Findings Report is included in Council's Public Hearing packet indicating the findings of the initial investigations. The Preliminary Findings were also mailed to Mr. Wickenhauser per the requirements. The memos from the Building Official, Fire Marshal and Police Chief regarding the application were also provided in Council's packets. The application now goes to Council for their review. Deputy Clerk Kindall reiterated that the neighborhood is the Incorporated City Limits of Gunnison. This application has also been sent to the Colorado Liquor Enforcement Division for concurrent review. Mayor Harriman asked the difference between a Tavern License and a Hotel & Restaurant License. Deputy Clerk Kindall responded that the level of food service differs between the two. A Tavern License only requires light food service, such as sandwiches or bar-type food. A Hotel & Restaurant License requires a full kitchen and food service to be available to customers. Mayor Harriman stated the application and supporting documentation should be entered into the official record.

Mayor Harriman called for the Applicant's Comments. Bryan Wickenhauser addressed Council. He presented a petition containing the names of locals wanting to have alcohol served at the I-Bar. The petition was entered into the official record. Mr. Wickenhauser stated he has been before Council in the past month talking about the Gunny Fest event. He wants to run the I-Bar as an event center and provide entertainment and food. He will not have a full menu and kitchen but will contract out the food service. On Thursday evenings he plans on having Country music and will have 5 B's BBQ included in the ticket price. On Tuesdays there will be bluegrass music and Parker Pastures will provide the beef for burgers, Luna Bakery for the buns and use other local food providers. He would like to rent the facility out for private events like wedding receptions. If he has a liquor license then he can provide the alcohol for those events. Councilor Seymour asked when the events would start and Mr. Wickenhauser stated he would like to start on Tuesday, June 11th. The Miller Music Fundraiser, a public event, will be held on June 8th. Councilor Nesbitt asked about the term on the lease. Mr. Wickenhauser stated it has a 5 year term that is renewable every year. He will be at every event and is very hands-on for his business.

Mayor Harriman called for any public comment in favor or opposition to the application. There was no official comments. Dick Bratton, owner of the property, didn't formally testify but stated he is in favor of the application.

Mayor Harriman called for any further comments, and hearing none, she closed the Public Hearing at 5:23P.M. She stated the Application will be taken under consideration for action later in the meeting.

Mayor Harriman called the Special Session meeting to order at 5:23 P.M.

New Business:

Action on Hotel & Restaurant Liquor License Application from Sherpa Café LLC, dba Sherpa Café, 323 E. Tomichi Avenue, in Gunnison. The Public Hearing on this Hotel & Restaurant Liquor License Application was held at the beginning of this meeting.

Councilor Seymour moved and Councilor Cave seconded the motion that the Hotel & Restaurant Liquor License for Sherpa Café LLC, dba Sherpa Cafe, 323 E. Tomichi Avenue, Gunnison, Colorado, 81230, be approved for the following reasons:

1. There has not been a denial of an application at the same location, or a location within 500 feet thereof, by either the state or local licensing authority within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by existing outlets.
 2. It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.
 3. Selling liquor by the drink in the manner proposed in the application is not in violation of the zoning, fire, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
 4. The building where the application proposes to sell malt, vinous and spirituous liquor by the drink for on-premises consumption, does not appear to be within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary.
 5. Within the City limits of the City of Gunnison, where liquor is proposed to be sold, there are the following existing other outlets:
 - 5 - Beer and Wine Licenses
 - 8 - Hotel/Restaurant Licenses
 - 5 - Retail Liquor Store Licenses
 - 1 - Arts License
 - 1 - Brew Pub License
 - 8 - Tavern Licenses
 - 2 - Club Type Licenses
 - 6 - 3.2% Beer Type License
 6. Based on the petition of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.
 7. All fees necessary for the application have been paid.
 8. According to the information obtained through background investigations and in testimony before the Local Licensing Authority, the applicant is of good moral character and possesses the qualifications necessary to conduct the type of business proposed.
- Roll call vote, yes: Drexel, Cave, Harriman, Seymour, Nesbitt. So carried.
 Roll call vote, no: None.

Action on Tavern Liquor License Application from I-Bar LLC, dba I-Bar Ranch, 590 CR 49, in Gunnison. The Public Hearing on this application was held earlier in the meeting.

Councilor Nesbitt moved and Councilor Cave seconded the motion that the Tavern Liquor License for I Bar, Inc., dba I Bar Ranch, 850 County Road 49, Gunnison, Colorado, 81230, be approved for the following reasons:

1. There has not been a denial of an application at the same location, or a location within 500 feet thereof, by either the state or local licensing authority within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by existing outlets.
2. It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.
3. Selling liquor by the drink in the manner proposed in the application is not in violation of the zoning, fire, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
4. The building where the application proposes to sell malt, vinous and spirituous liquor by the drink for on-premises consumption, does not appear to be within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary.
5. Within the City limits of the City of Gunnison, where liquor is proposed to be sold, there are the following existing other outlets:

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- 5 - Beer and Wine Licenses
- 8 - Hotel/Restaurant Licenses
- 5 - Retail Liquor Store Licenses
- 1 - Arts License
- 1 - Brew Pub License
- 8 - Tavern Licenses
- 2 - Club Type Licenses
- 6 - 3.2% Beer Type License

6. Based on the petition of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.

7. All fees necessary for the application have been paid.

8. According to the information obtained through background investigations and in testimony before the Local Licensing Authority, the applicant is of good moral character and possesses the qualifications necessary to conduct the type of business proposed.

Roll call vote, yes: Cave, Harriman, Seymour, Nesbitt, Drexel. So carried.

Roll call vote, no: None.

Councilor Drexel stated that as a former principal he has some concerns about the public's health and alcohol abuse.

Adjournment: Mayor Harriman stated that since this is a Special Session meeting, no other items can be considered, and adjourned the meeting at 6:10 P.M.

Ellen Harriman

 Mayor

Paul A. Davidson

 City Clerk