

Collbran Board of Trustees Meeting Minutes
Tuesday, November 22, 2016
Special Meeting
6:00 PM Collbran Town Hall

Mayor V. Sturm called the Special Meeting of November 22, 2016 of the Collbran Board of Trustees to order at 6:06pm. The Pledge of Allegiance was recited.

PRESENT ON ROLL CALL: Trustees Schowalter, Evans, and Mayor V. Sturm.

ABSENT: Trustees P. Sturm, and Shrope

OTHERS PRESENT: Administrator Farrar, Town Clerk/Treasurer Phillips, Marshal Appelhanz, Administrative Assistant Melonie Matarozzo, Kaleb Julius, Eva Julius, Jake Julius, and Lee Lent.

DISCUSSION AND DIRECTION ON ALLEGED LIQUOR CODE VIOLATIONS AT GRAND MESA TAVERN (JULIUS, INC.) – 1006 High Street

Marshal Appelhanz distributed his report to the Board about alleged liquor code violations by Grand Mesa Tavern. Admin. Farrar explained that this is not a public hearing, but rather a meeting where the staff is asking the Board of Trustees direction on how to proceed with the alleged complaints. He said that he outlined the issues to the Board in the packet memorandum. He said that if the Board directs staff to proceed, that pursuant to the requirements of the liquor code, the Town would provide notice to the owners of the establishment, include a description of the complaint and schedule a hearing. Mr. Farrar explained that he spoke with Kaleb Julius recently and informed him of tonight's meeting, so he could attend to provide comment.

Mr. Julius told the Trustees that at a public meeting a comment was made that there were "two strikes" against his business (Grand Mesa Tavern). He asked the Board if there were two violations against his business. Marshal Appelhanz explained that the purpose of this meeting is to discuss the alleged liquor code violations and ask the Trustees how to proceed. Mr. Julius said that the local newspaper mentioned the two strikes, contributing to DUIs, and very intoxicated people leaving the Tavern. He told the Trustees that he believed these statements to be slanderous. He said the Board does not want his bar in Town. He said that his business raised over \$30,000 for the Town; \$10,000 went to the victims of the West Salt Creek landslide. He said his business raised money for the Wounded Warrior Project and others. Mr. Julius went on to discuss other charitable events he has hosted at his bar. Mr. Julius was very upset and threw a copy of the Plateau Valley Times and his framed liquor license towards the dais and they landed on the floor. Mayor V. Sturm asked Mr. Julius to calm down, as did Marshal Appelhanz. Mayor V. Sturm said that the Town did not slander the business and that the Town did not write the newspaper story. Mr. Julius insisted the Town correct the newspaper article. As result of Mr. Julius' angry behavior and requests by the Trustees to stop and to leave the meeting, Marshal Appelhanz escorted Mr. Julius out of Town Hall.

Admin. Farrar said that Mr. Julius was not being objective and explained that Mr. Julius needed to address the article in the newspaper with the owner. He reiterated that his memorandum identified alleged violations and that the hearing process is intended to determine the final disposition. He informed the Trustees that at previous liquor license renewals for Grand Mesa Tavern, concerns were raised about liquor code violations. He explained that fundraising for the community by Mr. Julius is appreciated, but is separate and apart from the alleged code violations. He again explained that this meeting is to determine if the Trustees wanted to proceed with a hearing based on the alleged violations and the provisions in the liquor code. He said the hearing would be conducted as specified in the regulations and would include a hearing officer, evidence, and an opportunity for all parties to be heard.

Trustee Schowalter said that the other complaints had to do with employees that no longer work at the Tavern and the recent alleged violation involved her daughter, who was an employee. She suggested that an option could be to require the bar close earlier. Marshal Appelhanz said that until a hearing takes place, the Town could not require modifications to the license. Marshal proposed that the Town consider ordinance changes to require high definition video surveillance and other requirements that could also protect the establishment. Marshal Appelhanz reviewed a recent drunk driving incident in which the vehicle operator was ticketed for is eighth DUI. Audience member Lee Lent asked if it was known where the person consumed alcohol before the DUI. Marshal Appelhanz said that the individual told him at the scene of the crash that he left the (Grand Mesa) Tavern. Admin. Farrar asked the Trustees how they wanted to proceed; he explained that the State Liquor Enforcement Division could also enforce the liquor code independent of the Town. Mayor V. Sturm called for a motion about how to proceed.

MOTION: Trustee Evans moved to proceed with a hearing about alleged liquor code violations by Grand Mesa Tavern; seconded by Trustee Schowalter.

Mayor V. Sturm asked for discussion on the motion. Trustee Schowalter asked for clarification on the hearing process. Admin Farrar said that it is a formal process with a hearing officer, in which the municipal judge or someone else could be appointed to serve in that capacity.

ROLL CALL VOTE: 3 Yes votes – Evans, Schowalter, and V. Sturm. 0 No votes. Motion passed.

Admin. Farrar said that he would contact the Town Attorney, who might attend the hearing. Mayor V. Sturm reaffirmed that the State Liquor Enforcement Division could pursue enforcement actions even if the Town did not. Trustee Schowalter said she would like revised ordinance requirements.

ADJOURN

MOTION: Trustee Schowalter moved to adjourn the Town of Collbran Board of Trustees Special Meeting of November 22, 2016; seconded by Trustee Evans.

ROLL CALL VOTE: 3 Yes votes – Schowalter, Evans, and V. Sturm. 0 No votes. Motion passed.

The Special Meeting adjourned at 6:28pm.

Approved

Attest