



**TOWN OF MILLIKEN  
TOWN BOARD  
AGENDA MEMORANDUM**

<b>To:</b> Mayor Tokunaga and Board of Trustees  <b>From:</b> Cheryl Powell, Town Clerk	<b>Meeting Date:</b>  Tuesday, November 23, 2015
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Consent: X	Action:	Discussion:	Information:
<b>Agenda Title:</b> Renewal of Retail Liquor Store License for Jim and Shirley Gardner DBA Milliken Liquors			
<b>Attachments:</b> License Application Milliken Police Dept. Liquor License Renewal Information Sheet			

**PURPOSE**

Jim and Shirley Gardner DBA Milliken Liquors have submitted the Renewal Application and paid the required fees to renew the Retail Liquor Store License for the period of January 09, 2016 until January 09, 2017.

**REVIEW CRITERIA COMPLIANCE WITH MUNICIPAL CODE**

This report and the posting of the Town Board meeting Agenda had been prepared in accordance with Municipal Code Sections 6-2-10 through 6-2-40, 6-2-230 and 6-2-310.

**6-2-10 Definitions**

Retail Licensee or Licensee means the holder of a license to sell fermented malt beverages pursuant to the Colorado Beer Code (Article 46 of Title 12, C.R.S.) or the holder of a license to sell malt, vinous or spirituous liquors pursuant to the Colorado Liquor Code (Article 47 of Title 12, C.R.S.)

**6-2-20 Application of State Statutes**

Pursuant to declaration by the General Assembly, the Colorado Beer Code, Section 12-46-101 et seq., C.R.S., the Colorado Liquor Code, Section 12-47-101 et seq., C.R.S., as they presently exist or may hereafter be amended, shall apply to the sale of fermented malt beverages, alcoholic beverages, special malt liquors, spirituous liquors and vinous liquors in the Town.

**6-2-30 Power and Purpose**

The Board of Trustees finds and determines that it is empowered by Section 12-47-135, C.R.S. to fix and collect certain fees in connection with the application for issuance, transfer and renewal of certain types of beer, wine and liquor licenses. The Board of Trustees, further finds that the fees established in this Article are reasonable and are in amounts sufficient to cover actual and necessary expenses incurred by the Town in connection with the handling of such licenses and applications.

#### 6-2-40 Licensing Fees

The fees for licensing are set forth in the Fee Schedule and shall be paid to the Town Clerk by the applicant at the time of the filing of the application or request.

#### 6-2-230 Occupation Tax

In addition to any other applicable fees, every applicant for a news license or renewal of an existing license pursuant to the Division shall pay the annual occupation tax as set forth in the Fee Schedule.

#### 6-2-310 Purpose

Considering the nature of the business of selling malt, vinous or spirituous liquors or fermented malt beverage and the relation of such business to the municipal welfare, as well as the relation thereof to the expenditures required by the Town and a proper, just and equitable distribution of the tax burdens within the Town and all other matters properly to be considered in relation thereto, the classification of such business as a separate occupation is reasonable, proper, uniform and non-discriminating and necessary for a just and proper distribution of tax burdens within the Town.

### **BACKGROUND**

The Renewal Application is required annually by the Colorado Department of Revenue. The application appears to be in compliance with the Town of Milliken's requirements and the Colorado Department of Revenue. No liquor violations at the business location of 811 Broad Street, Milliken, have occurred since their prior renewal as evidenced by the attached Milliken Police Department liquor License renewal informational sheet.

### **BUDGET IMPLICATIONS**

Currently the Town collects on an annual basis, at the time of renewal, an Alcoholic Beverage License Renewal Fee of \$50.00 and an annual Occupational Tax on Alcoholic Business Sales of \$200.00. The Town also receives revenue from this business based on the collection of sales tax.

### **STAFF RECOMMENDATION**

Staff recommends that the Board of Trustees renew the Retail Liquor Store License for Milliken Liquors, 811 Broad Street, Milliken, Colorado.

### **SUGGESTED MOTION**

"I move to approve the renewal of the Retail Liquor Store License for Milliken Liquors 811 Broad Street, Milliken, CO for the period of January 09, 2016 until January 09, 2017."



**MILLIKEN POLICE DEPARTMENT  
LIQUOR LICENSE RENEWAL/TRANSFER INFORMATION SHEET**

APPLICANT: Milliken Liquors

ADDRESS: 811 Broad Street, Milliken

TYPE LICENSE: Retail Liquor Store

POLICE CALLS FOR SERVICE AT THIS LOCATION: 1

LIQUOR VIOLATIONS AT THIS LOCATION: 0

ARRESTS DUE TO ALCOHOL AT THIS LOCATION: 0

MPD RECOMMENDATION FOR RENEWAL: YES  NO

REPORTING OFFICER: Benito Garcia Chief of Police

DATE: November 20, 2015

ADDITIONAL INFORMATION:

**Milliken Police Department would recommend for renewal.**

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

MILLIKEN LIQUORS  
 811 BROAD ST  
 MILLIKEN CO 80543-8010

Fees Due	
Renewal Fee	\$227.50
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

**PLEASE VERIFY & UPDATE ALL INFORMATION BELOW**

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name GARDNER JAMES GARDNER SHIRLEY		DBA MILLIKEN LIQUORS	
Liquor License # 40509950000	License Type Liquor Store (city)	Sales Tax License # 40509950000	Expiration Date 1/9/2016
Street Address 811 BROAD ST MILLIKEN CO 80543-8010		Due Date 11/25/2015	
Mailing Address 811 BROAD ST MILLIKEN CO 80543-8010		Phone Number (970) 587 2441	
Operating Manager Jim Gardner	Date of Birth 2 Aug 46	Home Address 801 Forest Milliken, CO 80543	Phone Number 302-2405

- Do you have legal possession of the premises at the street address above?  YES  NO  
 Is the premises owned or rented?  Owned  Rented\* \*If rented, expiration date of lease \_\_\_\_\_
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.  YES  NO  
**NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS:** If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation.  YES  NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  YES  NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  YES  NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

**AFFIRMATION & CONSENT**

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.

Type or Print Name of Applicant/Authorized Agent of Business James Gardner	Title 3 Nov 15 owner
Signature James Gardner	Date 3 Nov 15

**REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY**

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority For	Date
Signature	Title
	Attest