



AGENDA

Timnath Liquor Board Meeting

6:00 PM - Tuesday, September 11, 2018
4800 Goodman Street, Timnath, Colorado

Page

1. CALL TO ORDER AND ROLL CALL

2. BUSINESS

2.1. Approval of the Taste in Timnath Special Event Liquor Permit for the Overland Sertoma Club

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[Staff Report - Pdf](#)

[Overland Sertoma Club SEP Application](#)

3. ADJOURNMENT

DISCLAIMER

ADA Disclaimer: The Town of Timnath will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. If you need reasonable accommodation please notify us 24 hours in advance of the service, program or activity. Please call 970-224-3211 (TTY: Dial 711 or 800-659-3656 for Relay Colorado assistance).

 TOWN OF TIMNATH <small>ESTABLISHED 1882</small>	Timnath
	TIMNATH LIQUOR BOARD Report
TO:	Timnath Liquor Board
FROM:	Milissa Peters-Garcia
DATE OF MEETING:	September 11, 2018
TITLE / SUBJECT:	Approval of the Taste in Timnath Special Event Liquor Permit for the Overland Sertoma Club

DESCRIPTION

Approval of the Taste in Timnath Special Event Liquor Permit for the Overland Sertoma Club

SUMMARY

The Overland Sertoma Club is requesting a Special Event Liquor Permit to provide and serve malt, vinous and spirituous liquor at the Taste in Timnath Fall Festival and 5k, on October 6, 2018 from 8:30 a.m. to 2:30 p.m.

RECOMMENDED MOTION

Staff recommends approval of the Taste in Timnath Special Event Liquor Permit

DR 8439 (06/28/06)
COLORADO DEPARTMENT OF REVENUE
 LIQUOR ENFORCEMENT DIVISION
 1375 SHERMAN STREET
 DENVER CO 80261
 (303) 205-2300

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

**IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT
AND ONE OF THE FOLLOWING (See back for details.)**

- | | | |
|------------------------------------|--|---|
| <input type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input checked="" type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	DO NOT WRITE IN THIS SPACE
2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY	LIQUOR PERMIT NUMBER
2170 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY	237395546

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE Overland Sertoma Club, Inc	State Sales Tax Number (Required) 237395546
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2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) Overland Sertoma Club PO box 638 Windsor Co 80550	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) 4100 Main Street Timnath CO 80547
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NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SECY OF ORG. or POLITICAL CANDIDATE John Hanck	9/15/1943	1224 Forest Hills Ln, Ft Collins CO 8052	970.481.9726
5. EVENT MANAGER Harry Santner	10/26/1942	4333 Picadilly Dr Fort Collins CO 80526	970.217.9988

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES HOW MANY DAYS? 1	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____
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8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? <input type="checkbox"/> Yes <input type="checkbox"/> No				
LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT				
Date October 6, 2018	Date	Date	Date	Date
Hours From 9:00 A.m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To 2:00 P.m.	To .m.	To .m.	To .m.	To .m.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE	TITLE Event Manager	DATE 8/30/2018
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)	<input type="checkbox"/> CITY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
	<input type="checkbox"/> COUNTY	

SIGNATURE	TITLE	DATE
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DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$.

(Instructions on Reverse Side)

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

OVERLAND SERTOMA CLUB, INC.

is a

Nonprofit Corporation

formed or registered on 08/20/1982 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871488644 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 06/16/2017 that have been posted, and by documents delivered to this office electronically through 06/20/2017 @ 21:39:50 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 06/20/2017 @ 21:39:50 in accordance with applicable law. This certificate is assigned Confirmation Number 10302892



Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearch/Validate.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



2018 Town of Timnath Alcoholic and Non-Alcoholic Beverage Concession Contract

This contract, entered on the 28th day of August 2018, is for the personal and professional services of the Concessionaire for the events described below. This contract shall be effective as of _____ and terminated on December 31, 2018.

The undersigned establishment/business owner, the Town of Timnath, and the undersigned Concessionaire agree and contract as follows:

Name of Concessionaire: Overland Sertoma

Main Contact Name: Harry Santner

Main Contact Phone Number: 970-217-9988

Main Contact Email Address: HSantner@comcast.net

Event Locations and Details

TASTE IN TIMNATH FALL FESTIVAL AND 5K

Name of Establishment: Downtown Timnath on Main Street

Contact of Establishment: Callie Morgan, Mantooth Marketing Company

Email: Callie@mantoothcompany.com

Office: (970) 646-8891

Address: 4100 Main St.

City: Timnath

State: CO

Zip Code: 80547

Date of Event: Saturday, Oct. 6, 2018

Start Time: 9 a.m.

End Time: 2 p.m.

Time Comments: Please arrive at 8:30 a.m.

Estimated Attendance: 2,000-2,500

Perimeter of Event Area: The event ranges 2-3 blocks. All event activities are fenced in that area.

Perimeter Comments: Fencing enclosing event area for alcohol security provided by the Town of Timnath. Landmark Event Staffing will be patrolling event area.

Liquor License:

It will be the responsibility of the Concessionaire to secure and complete all documents that are required for the applicable liquor license and to use due diligence in pursuing approval of that license by the Timnath Liquor Licensing Authority. The license must be secured and in effect on or before the event date. The licensed premises shall include the entire fenced-in event grounds and storage facilities for alcoholic beverages.

All costs of securing and maintaining an applicable liquor license shall be borne by the Concessionaire.

Insurance:

The Concessionaire shall provide and maintain the following types and minimum insurance coverage as follows:

Comprehensive General Liability Insurance with minimum limits of liability of not less than \$1,000,000 per occurrence for bodily injury and property damage liability and \$350,000 for each person for bodily injury and property damage liability.

The Concessionaire shall affect the insurance policies in a company or companies and in a form satisfactory to the Town. Before commencing any performance under the Concession Agreement, the successful Concessionaire shall deliver, to the Town, certificates of insurance issued by the insurance company, and/or its duly authorized agents pertaining to the aforementioned insurance, and certifying that the policies stipulated above are in full force and effect.

All policies and/or certificates of insurance shall include the Town as an additional named insured. Nothing herein shall be deemed or construed as a waiver of any of the protections to which the Town may be entitled pursuant to the Colorado Governmental Immunity Act, Section 24-10-101, C.R.S.

Concessionaire's certification pursuant to C.R.S. section 8-17.5-101 et seq.:

The Concessionaire certifies and represents that at this time:

- (i) The Concessionaire does not knowingly employ or contract with an illegal alien; and
- (ii) The Concessionaire has participated in the E-VERIFY program authorized under 8 U.S.C., Section 1324(a), jointly administered by the United States Department of Homeland Security and the Social Security Administration, or its successor program (hereinafter, "E-VERIFY Program"), in order to confirm the employment eligibility of all employees who are newly-hired for employment within the United States. Unless the E-VERIFY Program has been discontinued as of the date of this certification, the

Concessionaire has confirmed the employment eligibility of all employees who are newly hired for employment in the United States through participation in the E-VERIFY program. The Concessionaire is prohibited from using the E-VERIFY Program procedures to undertake pre-employment screening of job applicants.

(iii) If the Concessionaire obtains actual knowledge that a subcontractor performing work under this Contract knowingly employs or contracts with an illegal alien, the Concessionaire shall:

- (1) Notify such subcontractor and the Town within three days that the Concessionaire has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
- (2) Terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this section the subcontractor does not cease employing or contracting with the illegal alien; except that the Concessionaire shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

The Concessionaire shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation that the Colorado Department of Labor and Employment undertakes or is undertaking pursuant to the authority established in Subsection 8-17.5-102 (5), C.R.S.

If the Concessionaire violates any provision of this Contract pertaining to the duties imposed by Subsection 8-17.5-102, C.R.S. the Town may terminate this Contract. If this Contract is so terminated, the Concessionaire shall be liable for actual and consequential damages to the Town arising out of Concessionaire's violation of § 8-17.5-102, C.R.S.

The Concessionaire acknowledges the enforcement provisions of § 8-2-124, C.R.S., and further acknowledges that employment of illegal aliens in violation thereof may result in loss of Concessionaire's "business license" as defined therein, together with such other enforcement measures as authorized by law.

Equal Opportunity:

The Concessionaire will not refuse to hire, discharge, promote, demote, or otherwise discriminate in matters of compensation against any person otherwise qualified solely because of race, creed, sex, national origin, ancestry or physical handicap.

It shall be a condition that the Concessionaire must comply with the Americans with Disabilities Act of 1990 as enacted, and as amended from time to time, and any other applicable federal regulation. A signed, written certificate stating compliance with the Americans with Disabilities Act may be required, upon request, by the Town.

Accommodations:

WFS

Event Price: Free, WRISTBANDS FOR FOOD AND DRINK WILL COST \$5.00 AND WILL INCLUDE ONE FREE BEER.

Deposit: None

Meals and Drinks: Event meal, cold bottled water and soda will be available for Concessionaire representatives.

Payment:

TASTE IN TIMNATH FALL FESTIVAL AND 5K:

- Compensation will be provided in the following form:
 - Alcohol sales
 - Concessionaire is additionally permitted to provide a tip jar(s) at the serving location(s)
 - Event wristband fee
 - \$15 per adult 5K participant

Description of Day-of Responsibilities:

TOWN OF TIMNATH IS RESPONSIBLE FOR PROVIDING:

- Nonalcoholic beverages
- Bags of ice
- Table, tent, chairs
- Concession refrigerator trailer
- Squares to accept credit card payment (2)

CONCESSIONAIRE IS RESPONSIBLE FOR PROVIDING:

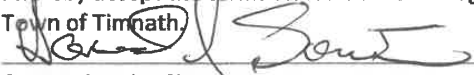
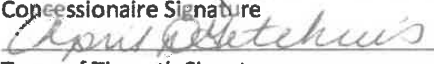
- Alcohol
- Bar staff/volunteers/ ID Checkers
- Liquor license
- Cash box/cash register
- Additional squares needed to accept credit card payment

Miscellaneous:

The Concessionaire shall defend, indemnify, and hold harmless the Town and each of its Council Members, officers, contractors, employees, agents and consultants, from and against any and all claims, demands, losses, liabilities, actions, lawsuits, damages, and expenses, including reasonable attorneys' fees, by the degree or percentage of negligence or fault arising directly or indirectly, out of the errors or omissions, negligence, willful misconduct, or any criminal or tortious act or omission of the

Concessionaire of any of its subcontractors, officers, agents or employees, in connection with this contract and/or the Concessionaire's performance of the services or work pursuant to this contract. The Concessionaire hereby agrees that the Town may use photographs or images of the Concessionaire with or without identifying information, for any lawful purpose, including for example such purposes as publicity, illustration, advertising, and web content. The Concessionaire grants to the Town and its assigns and transferees to copyright, use and publish photographs or images in print and/or electronically.

I hereby accept the terms stated above and agree to abide by all rules and conditions outlined by the
Town of Timnath

	<u>8/31/18</u>
Concessionaire Signature	Date
	<u>8/28/18</u>
Town of Timnath Signature	Date

NOTICE

POSTED
8/31/18
12:35 PM

Pursuant to the laws of the State of Colorado and the ordinances of the Town of Timnath, the Overland Sertoma Club has applied for a SPECIAL EVENTS PERMIT for the sale of malt, vinous and spirituous liquors during the Taste in Timnath on October 6, 2018. If granted the license will be used at 4100 Main Street, Timnath.

Any remonstrances may be heard Monday through Friday, 8:00 AM – 5:00 PM in the Town Clerk's Office, 4800 Goodman Street, Timnath Colorado 80547.