



MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

TO: MAYOR AND TOWN COUNCIL

FROM: STACEY NELL, TOWN CLERK

RE: AN ORDINANCE AMENDING CHAPTER 53 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING ALCOHOLIC BEVERAGES, BY AMENDING SECTION 53-2, CONCERNING THE LICENSING AUTHORITY AND ITS ASSISTANT, TO PROVIDE FOR THE DELEGATION OF AUTHORITY TO THE TOWN CLERK FOR APPROVAL OF CERTAIN LIQUOR LICENSING MATTERS

DATE: MAY 9, 2023

Summary and Background: In 2018, the signing of Senate Bill 18-243 almost entirely eliminated the Fermented Malt Beverage On-Off ("FMB On-Off") type of liquor license in Colorado. The State did not receive the required notice from Shelbee's Gas & Convenience LLC (DBA Frisco Conoco) to convert to either FMB On Only, or FMB Off only, so the business' liquor license remained holding FMB On-Off license. This was allowed under C.R.S. 44-4-104(1)(c)(III) due to Summit County's population being deemed less than 35,000 people at the time by the Colorado Department of Liquor Enforcement ("CDLE").

The passing of Proposition 125 on the 2022 General Election ballot in Colorado, prompted an automatic statewide conversation on March 1, 2023, of all Fermented Malt Beverage-Off ("FMB Off") liquor licensed businesses to be categorized as the newly created Fermented Malt Beverage & Wine Retailer ("FMBW") type of license. All other Town of Frisco licensees who qualified, were automatically converted in a timely manner by CDLE, except Shelbee's Gas & Convenience LLC (DBA Frisco Conoco). CDLE has informed the Frisco Town Clerk that a Change In Class of Liquor License application and fees are required by the applicant before the business may convert their liquor license, and begin to sell wine. Under current Town Code, this prompts a full public hearing, posting, and needs and desires petitioning period, simply to become the exact same type of liquor licensee as all other similar businesses (gas station convenience stores) in Frisco.

Analysis: Daniel Eilts, Owner of Shelbee's Gas & Convenience LLC (DBA Frisco Conoco) has submitted a full and complete application and fees to change his Frisco business' class of liquor license, in order to be able to sell wine in addition to beer to his customers, as all other gas station convenience are able. A Frisco Town Code amendment to Chapter 53 Section is sought through Ordinance, to allow for the Town Clerk to administratively process and approve this application to save Council and the local business the time and resources of a public hearing, posting, and needs and desires petitioning period. This business is the only business that will need to undergo this Change in Class of License process in Frisco, as all other FMB-type of liquor licenses have already automatically been converted.

Alignment with Strategic Plan: Assisting businesses through efficient government processes to obtain, maintain, and modify lawful licensure to sell certain types of restricted products such as alcohol, aligns with maintaining a Thriving Economy for the community. Local approval and processing of liquor licensing has been a longstanding Quality Core Service of the Town of Frisco. The Town Clerk strives to facilitate a comprehensive, expedient, locally-controlled liquor licensing process to serve businesses and their customers.

Staff Recommendation: Staff recommend that Council adopt Ordinance 23-17, in order to amend Chapter 53 of Town Code to allow the Town Clerk to administratively review this type of liquor license application for a Change in Class of Liquor License from Fermented Malt Beverage On-Off to Fermented Malt Beverage and Wine Retailer.

Approved By:

Stacey Nell, Town Clerk
Thad Renaud, Town Attorney

Attachments:

Attachment 1 – Ordinance 23-17
Attachment 2 – Colorado Department of Liquor Enforcement Bulletin 18-07
Attachment 3 – Colorado Department of Liquor Enforcement Bulletin 22-04