

**LIQUOR AND BEER MEETING
LOCAL LICENSING AUTHORITY
CITY OF GRAND JUNCTION, COLORADO
MUNICIPAL HEARING ROOM, CITY HALL, 250 NORTH 5TH STREET**

**MINUTES
WEDNESDAY, FEBRUARY 5, 2014, 2:00 P.M.**

HEARING OFFICER MICHAEL GRATTAN

I. CALL TO ORDER

The meeting was called to order at 2:00 p.m. Those present were Hearing Officer Mike Grattan, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

II. APPLICATION FOR A TRANSFER OF OWNERSHIP – Moved from last item on the agenda

1. Just B.E., LLC dba Barons, 539 Colorado Avenue, Grand Junction, CO 81501, Tavern, previously Rocky Mountain Pub

Owner/Manager: Jonathan L. Baron, 2532 D Road, Grand Junction, CO 81507

Jonathon Baron, Owner of Barons, was present.

Ms. Kemp reported that the applicant opened the establishment on December 31, 2013 operating with a Temporary Permit.

Ms. Kemp also advised that the local Police Department reported an incident on February 18, 2013 for Mr. Baron where he was cited for urinating in public. Mr. Baron verbally confirmed the incident and said that a minimum fine was paid. Ms. Kemp said that CBI came back showing a possession of marijuana charge in 1994 and a no insurance conviction in 1993. Both incidents were disclosed on Mr. Baron's Individual History Record.

City Attorney Shaver asked Ms. Kemp if the license is being transferred as a Tavern. Ms. Kemp said that is correct.

City Attorney Shaver asked Mr. Baron if he is operating as a Tavern. Mr. Baron stated that there is a greater emphasis on the food agenda. He has refused service to many people that were used to the bar as it was previously.

Hearing Officer Grattan advised that the previous owner, Ms. Frei, was before the Authority on many occasions for violations which occurred as the establishment operated in the past and he hopes that will not be the same for Mr. Baron. Mr. Baron said that he has pushed many people out the door because of their appearance, disposition, being a vagrant, etc. He is getting a better clientele now including families, business people, college kids, etc. It is a full coffee shop with a lot of food. He does have security whenever they do any

kind of production which will only be once or twice per month. The hours are reduced, therefore not drawing the late night crowd.

City Attorney Shaver recommended approval of the application.

The application for transfer of ownership for Just B.E., LLC dba Barons was found to be in order and approved. Hearing Officer Grattan wished Mr. Baron luck with the new venue.

III. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

1. LOCO, Inc. dba LOCO Food Store No. 14, 2902 Patterson Road, Grand Junction, CO 81504, 3.2% Beer Retail (Off Premises)

Morgan Butcher, manager for LOCO Food Store No. 14, was present.

The application for renewal for LOCO, Inc. dba LOCO Food Store No. 14 was found to be in order and approved.

2. Mimosa, Inc. dba Fairground Wine & Liquor, 2771 B ½ Road, Grand Junction, CO 81503, Retail Liquor Store

No one was present representing the applicant.

Ms. Kemp advised that there was a liquor violation for prohibited consumption of alcohol on the premises which occurred in 2013, the applicant served a 14 day suspension, and it was disclosed on the renewal application.

The application for renewal for Mimosa, Inc. dba Fairground Wine & Liquor was found to be in order and approved.

3. Waltersheid Investment & Consulting, Inc. dba All Pro Liquor, 2913 Patterson Road, #104, Grand Junction, CO 81504, Retail Liquor Store

No one was present representing the applicant.

The application for renewal for Waltersheid Investment & Consulting, Inc. dba All Pro Liquor was found to be in order and approved.

4. VAT, LLC dba Jack Rabbit Liquor, 2681 Unaweep Avenue, Unit C & D, Grand Junction, CO 81503, Retail Liquor Store

No one was present representing the applicant.

Ms. Kemp reported that the applicant disclosed a liquor violation for sale to an underage purchaser that occurred in 2013 in which the applicant paid a fine in lieu of suspension. Ms. Kemp also advised that the applicant is renewing an offsite storage permit with the renewal.

City Attorney Shaver asked if the storage permit was part of the regular renewal. Ms. Kemp said yes, the storage permit was approved separately at a previous Liquor and Beer Meeting.

The application for renewal for VAT, LLC dba Jack Rabbit Liquor was found to be in order and approved.

5. Brinker Restaurant Corporation dba Chili's Grill & Bar, 584 24 ½ Road, Grand Junction, CO 81505, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for Brinker Restaurant Corporation dba Chili's Grill & Bar was found to be in order and approved.

6. Orion Investments, LLC dba Charlie Dwellington's, 103 N. 1st Street, Grand Junction, CO 81501, Tavern

Lizann Sinclair, one of the members of the LLC and bar manager, was present.

The application for renewal for Orion Investments, LLC dba Charlie Dwellington's was found to be in order and approved.

IV. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSE AND CHANGE IN CORPORATE STRUCTURE

1. Grand FJ Japanese Restaurant, Inc. dba Sushi & Rok, 707 Horizon Drive, Grand Junction, CO 81506, Hotel and Restaurant

President Mengyu Gao, 2819 Village Park Drive, Grand Junction, CO 81506, replaces Mingkun Liu

No one was present representing the applicant.

Ms. Kemp advised that the Police Department had reported that the management was uncooperative with Officer Keech in regards to an incident that occurred during an inspection. She also advised that the Fire Department reported numerous violations that needs immediate correction and is requesting a conditional approval to allow time for a re-inspection.

The application for renewal and change in corporate structure were found to be in order and approved with two conditions: 1) a satisfactory re-inspection and report from the Fire Department, and 2) a very short report from Officer Keech providing further explanation for the record on the uncooperative incident.

V. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSE WITH TASTING PERMIT AND MODIFICATION OF PREMISES

1. Crossroads Wine and Spirits, LLC dba Crossroads Wine and Spirits, 611 24 Road, Grand Junction, CO 81505, Retail Liquor Store
Increase unlicensed storage from 8' x 12' to 10' x 12' and remove the breezeway to the exit/entry of licensed premises

Helen Sica, owner of Crossroads Wine and Spirits, was present.

Ms. Kemp read the results of the survey that the applicant conducted which was modified from the normal survey requirements given the fact that the applicant is actually reducing the overall size of the licensed premises (see attached).

Hearing Officer Grattan advised that he would like to handle his findings as three separate applications.

1) Application for Renewal.

The application for renewal for Crossroads Wine and Spirits, LLC dba Crossroads Wine and Spirits was found to be in order and approved.

2) Application for Tasting Permit.

City Attorney Shaver advised that the applicant obtained the first tasting permit within the City and he is not aware of any issues concerning the tasting permit and he recommended approval.

The application for renewal for the tasting permit for Crossroads Wine and Spirits, LLC dba Crossroads Wine and Spirits was found to be in order and approved.

3) Modification of Premises.

Hearing Officer explained that, even though the request for modification is actually reducing the overall size of the licensed premises, there are still legal requirements that the State Statutes and Regulations require the Authority to consider.

City Attorney Shaver said he has reviewed the survey form that was submitted by the applicant and finds that it is appropriate. City Attorney Shaver asked Ms. Sica if the dates the survey was conducted that Ms. Kemp reported were correct to the best of her knowledge. Ms. Sica said yes. City Attorney Shaver asked if the survey was conducted at 611 24 Road and asked what is at that address. Ms. Sica said that the survey was conducted at 611 24 Road and it is the location for Crossroads Wine and Spirits. City Attorney Shaver asked Ms. Sica, as the owner of the establishment, what was she asking for in the survey? Ms. Sica said they were asking to increase the size of the storage area and to make the breezeway a neutral area. City Attorney Shaver asked what "neutral" means. Ms. Sica advised that she would like to have food items that the food

store can sell which is located next door to the liquor store Both stores share the breezeway. City Attorney Shaver asked Ms. Sica, regarding the tasting permit, will tasting activity be conducted in the breezeway or storage areas? Ms. Sica said no, the tastings are conducted in a segregated, watchful area on the licensed premises. City Attorney Shaver asked Ms. Sica if there have been any problems with the tastings in all the years they have been conducting them. Ms. Sica said no. City Attorney Shaver asked Ms. Sica if she believes the 49 persons who signed in favor of and the 0 persons who were opposed of the modification was an accurate representation of the survey. Ms. Sica said yes.

Hearing Officer Grattan accepted the survey results to establish the needs and desires of the neighborhood and the desires of the adult inhabitants. Hearing Officer Grattan asked Ms. Sica if the applicant is in possession of the changed premises, if she is in compliance with the applicable zoning laws, and in compliance with the distance prohibition in regard to any public or parochial school or the principal campus of any college, university, or seminary. Ms. Sica answered yes to all three questions.

Hearing Officer Grattan took notice of the legislative declaration that the Colorado Liquor and Beer Codes are an exercise of the police powers of the State for the protection of the economic and social welfare and the health, peace, and morals of the people of this State.

Hearing Officer also noted that there was no one present in opposition to the application for modification of premises.

The application for modification of premises for Crossroads Wine and Spirits, LLC dba Crossroads Wine and Spirits was found to be in order and approved.

VI. OTHER BUSINESS

Ms. Kemp advised Hearing Officer Grattan that Officer Keech, until further notice, will be unable to complete any liquor enforcement duties for the City Clerk's office; such as notice posting checks, venue plan inspections, special permit visits, or venue investigations, etc. until his supervisor has evaluated and discussed the extent of his role of liquor enforcement. Hearing Officer Grattan thanked Ms. Kemp for the information stating that Officer Keech has been exceptionally diligent for the Authority and asked that he be kept informed of any other information on this matter.

VII. ADJOURNMENT

The meeting was adjourned at 2:25 p.m.

NEXT REGULAR MEETING – February 19, 2014

MEMO: Local Licensing Authority

FROM: Debbie Kemp, Deputy City Clerk 

DATE: January 22, 2014

SUBJECT: Application for a modification of premises to reduce the overall licensed premises by increasing the size of an existing unlicensed storage area from 8' x 12' to 10' x 12' and remove the breezeway to exit/entry of licensed premises

Crossroads Wine and Spirits, LLC dba Crossroads Wine and Spirits filed an application with the Local Licensing Authority on January 13, 2014 for a modification of premises at 611 24 Road. The application and supplementary documents were reviewed, found to be in order, and accepted. The hearing date was set for February 5, 2014.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant provided petition forms for customers visiting the facility to sign and indicate whether or not they support or oppose the modification.

The petitions were signed January 16, 2014 through January 18, 2014 and there were 49 customers in favor of the modification and there were no customers opposed to the modification.

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Officer David Keech, Grand Junction Police Department
File