

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

MINUTES

WEDNESDAY, NOVEMBER 16, 2011, 2:00 P.M.

I. CALL TO ORDER

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

II. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

1. Maverik, Inc. dba Maverik, Inc. #418, 2948 F Road, Grand Junction, CO 81504, 3.2% Beer (Off Premises)

No one was present representing the applicant. The application for renewal for Maverik, Inc. dba Maverik, Inc. #418 was found to be in order and approved.

2. Wadsworth Old Chicago, Inc. dba Old Chicago, 120 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant. The application for renewal for Wadsworth Old Chicago, Inc. dba Old Chicago was found to be in order and approved.

3. El Mescal, Inc. dba Tequila's Family Mexican Restaurant, 2454 Highway 6 and 50, Suites 119 and 120, Grand Junction, CO 81505, Hotel and Restaurant

No one was present representing the applicant. The application for renewal for El Mescal, Inc. dba Tequila's Family Mexican Restaurant was found to be in order and approved.

4. P and S, Inc. dba Orchard Mesa Lanes, 295 27 Road, Grand Junction, CO 81503, Hotel and Restaurant

No one was present representing the applicant. The application for renewal for P and S, Inc. dba Orchard Mesa Lanes was found to be in order and approved.

5. Los Potrillos, Inc. dba Aztecas Family Mexican Restaurant, 603 Hwy. 50, Grand Junction, CO 81503, Hotel and Restaurant

No one was present representing the applicant.

Hearing Officer Grattan disclosed that the owners of Los Potrillos, Inc. are clients of his in his private practice. He initially formed the corporation and

recently did some unrelated work for the owners. City Attorney Shaver said that it is his recollection that this was disclosed in previous years and there was no conflict then and he sees no conflict at this time.

The application for renewal for Los Potrillos, Inc. dba Aztecas Family Mexican Restaurant was found to be in order and approved.

III. APPLICATION TO RENEW LIQUOR AND BEER LICENSE WITH OUTDOOR DINING LEASE

1. GJ Investments, LLC dba Dolce Vita II, 336 Main Street, Suites 101-104, Grand Junction, CO 81501, Hotel and Restaurant

Susan Crippen, owner of Dolce Vita II, was present.

The application for renewal with outdoor dining lease for GJ Investments, LLC dba Dolce Vita II was found to be in order and approved.

IV. APPLICATION TO RENEW LIQUOR AND BEER LICENSES WITH LATE FILING

1. TMPTF8, Inc. dba Rib City Grill, 2830 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant – **Filed 10 Days Late in the City Clerk's Office**

Mike Spradlin, owner of Rib City Grill, was present.

City Attorney Shaver asked Mr. Spradlin what his title is for the corporation. Mr. Spradlin stated that he is one of the partners in the s-corporation.

Hearing Officer Grattan asked Mr. Spradlin who is acting as the General Manager since the letter that was provided regarding the late renewal indicated that the Registered Manager is no longer employed at Rib City Grill. Mr. Spradlin stated that he is currently acting as the General Manager until he can hire someone for that position.

The application for renewal with late filing for TMPTF8, Inc. dba Rib City Grill was found to be in order and approved.

2. Sang Garden, Inc. dba Sang Garden Chinese Restaurant, 687 Horizon Drive, Grand Junction, CO 81506, Hotel and Restaurant – **Filed 9 Days Late in the City Clerk's Office**

No one was present representing the applicant.

Hearing Officer Grattan disclosed that he has represented Mr. Hong, the owner of Sang Garden, Inc. on unrelated items, specifically on other things he owns. City Attorney Shaver said that it is appropriate to waive the conflict.

City Attorney Shaver stated that the explanation for late filing as provided in the letter was confusing and he feels that it does not provide a basis for good cause for the late filing. Hearing Officer Grattan agreed and asked Ms. Kemp to

contact Mr. Hong or Cindy Hale with Hale Bookkeeping Services, who provided the letter, and request a new letter with a better explanation for the late filing.

The application for renewal with late filing for Sang Garden, Inc. dba Sang Garden Chinese Restaurant was approved conditioned upon a review at the December 7, 2011 meeting where continued approval will be considered providing a letter giving a better reason for the late filing has been submitted.

V. APPLICATION TO RENEW LIQUOR AND BEER LICENSE AND CHANGE IN CORPORATE STRUCTURE

1. Fraternal Order of Eagles 595 dba Fraternal Order of Eagles 595, 1674 Highway 50, Grand Junction, CO 81503, Club

Treasurer: Russell Williams, 2803 Mesa Avenue, Grand Junction, CO 81501 replaces Joe Lenahan

Larry Alley, Secretary for Fraternal Order of Eagles 595, was present.

Ms. Kemp reported that the Fire Department found numerous violations and they are not in favor of the renewal of the liquor license until the violations have been corrected.

Mr. Alley stated that most of the violations have been taken care of with the exception of the fire alarm inspection which is due every twelve months. He claimed that the Fire Department had not conducted an inspection since 1999. They will be contracting with Western States Fire Protection for annual fire inspections.

Hearing Officer Grattan asked Chuck Mathis, Grand Junction Fire Prevention Officer, to explain the violations. Mr. Mathis said that eleven violations were observed two months ago. The Eagles had called Mr. Mathis to get his opinion regarding the fire suppression company informing them that they needed to put in more fire sprinklers in their upstairs. Upon inspection of the upstairs, it was discovered that the Eagles had constructed a wall and in Mr. Mathis's records, he could not find where they had obtained a clearance or a building permit to build the wall. Upon checking with the Building Department, there had not been a building permit issued. When the wall was put in, it was fairly close to a sprinkler which could prevent the fire sprinkler system from operating correctly if ever needed. Mr. Mathis also advised that, even though Mr. Alley stated there had not been any inspections since 1999, the Fire Department has records of inspections being conducted every year around September or October.

City Attorney Shaver asked Mr. Mathis what kind of activity happens in the upstairs portion of the building. Mr. Mathis said that they have divided the upstairs into several different rooms that they considered meeting rooms. Other violations of concern for the upstairs are that the door swing is in and it should swing out and one of the exit areas for the upstairs is cluttered with material making it unusable and the Code requires two available exit areas.

Mr. Alley said that he has an inspection report dated March 30, 2011, the inspector was Ronnie Edwards, and the report noted that the upstairs is under construction. He said that they have a bid from Western States Fire Protection to add a branch line and eleven heads, to relocate six fire sprinklers to match the walls, duct, and to provide coverage. The Eagles meet on Thursday and will decide to accept the bid.

Hearing Officer Grattan stated that he can see where the Eagles are trying to resolve the issues and said that he is inclined to continue this item until the next meeting on December 7th. City Attorney Shaver and Mr. Alley were in agreement. Mr. Mathis said he is in agreement but asked that the upstairs not be used until the violations have been corrected.

Hearing Officer Grattan asked Mr. Alley if he would agree to not use the upstairs between now and the next meeting. Mr. Alley said that the ladies auxiliary has an office upstairs. There is only one lady and she has to do her work up there and asked if that would be alright. Mr. Mathis said he can agree to that as long as both stairwells are kept clear. Mr. Mathis also informed Mr. Alley that they will need to obtain a building permit for that wall since one was never obtained.

Hearing Officer Grattan continued the renewal and change in corporate structure for Fraternal Order of Eagles 595 dba Fraternal Order of Eagles 595 to the December 7th Liquor and Beer Meeting and asked that Mr. Alley work with Mr. Mathis.

2. Beye Lotz Grand Junction dba VFW Post #1247, 1404 Ute Avenue, Grand Junction, CO 81501, Tavern

Remove Quartermaster Robert Pauley

No one was present representing the applicant.

Ms. Kemp advised that all officers except Mr. Southard are on suspension. As soon as the suspension is lifted and new officers are elected, they will submit new change in corporate structure documentation.

Hearing Officer Grattan and City Attorney Shaver asked for more clarification on the suspension of officers. Ms. Kemp provided a letter to Hearing Officer Grattan and City Attorney Shaver that was provided by two Trustees with the Department of Colorado Veterans of Foreign Wars.

Hearing Officer Grattan asked Ms. Kemp what position Mr. Southard holds and has he been a previous licensee. Ms. Kemp said that Mr. Southard is the Sr. Vice Commander and has been on the liquor license since 2010. Hearing Officer Grattan asked Ms. Kemp if the two Trustees that signed the letter are directly connected to VFW Post #1247. Ms. Kemp said that they are not.

Hearing Officer Grattan approved the renewal and change in corporate structure for Beye Lotz Grand Junction dba VFW Post #1247 conditioned upon

a review at the December 7, 2011 meeting where continued approval will be considered providing a letter has been submitted by Mr. Southard stating he is the only remaining officer due to the suspension.

VI. APPLICATION FOR CHANGE IN CORPORATE STRUCTURE

1. Dynamic Adventure Limited dba Le Rouge, 317 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

President: Petrice G. Petit, 1039 Grand Avenue, Apt. A, Grand Junction, CO 81501, replaces Director, John Barbier

Petrice G. Petit, President of Dynamic Adventure Limited, was present.

Ms. Kemp reported that the applicant is in compliance with the Fire, Health, and Sales Tax Departments. A report from CBI/FBI is still pending.

Hearing Officer Grattan asked Mr. Petit if he is buying Dynamic Adventure Limited dba Le Rouge. Mr. Petit answered affirmatively.

The application for change in corporate structure for Dynamic Adventure Limited dba Le Rouge was found to be in order and approved conditioned upon a clear report from CBI/FBI.

VII. HEARING – APPLICATION FOR CHANGE OF LOCATION

1. Mighty Meng, LLC dba North Avenue Liquors, 801 North Avenue, Grand Junction, CO 81501, Retail Liquor Store

Existing Location: 801 North Avenue, Grand Junction, CO 81501
Proposed Location: 807 North Avenue, Grand Junction, CO 81501

Meng Trung, owner of Mighty Meng, LLC, was present.

Ms. Kemp read the results of the survey into the record (see attached).

Hearing Officer Grattan noted that there was no one in opposition to the application in the Hearing Room.

City Attorney Shaver said that since this is not a cross country move, he will simply rely on the results as presented and recommended approval.

Hearing Officer Grattan asked Mr. Trung if the new location is right next door. Mr. Trung said that it is next door.

The application for change of location for Mighty Meng, LLC dba North Avenue Liquors was found to be in order and approved.

VIII. OTHER BUSINESS

There was none.

IX. ADJOURNMENT

The meeting was adjourned at 2:50 p.m.

NEXT REGULAR MEETING – December 7, 2011

MEMO: Local Licensing Authority

FROM: Debbie Kemp, Deputy City Clerk

DATE: October 25, 2011

SUBJECT: Application for a change of location for a retail liquor store license by Mighty Meng, LLC dba North Avenue Liquors, from 801 North Avenue to 807 North Avenue

Mighty Meng, LLC filed an application with the Local Licensing Authority on October 6, 2011 for a change of location for a retail liquor store license permitting sales of alcohol beverages in sealed containers not for consumption at place where sold. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for November 16, 2011. The Notice of Hearing was given by posting a sign on the property on or before November 6, 2011 and by publishing a display ad in the Daily Sentinel on November 4, 2011.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood was defined as the area bounded on the North by Elm Avenue, Gunnison Avenue on the South, N. 12th Street on the East and N. 5th Street on the West and includes both sides of the streets as the outer boundaries. The results of that survey are as follows:

Check the yes/no column if you support/oppose the proposed change of location as described above because will not/will conflict with the reasonable requirements of the designated area and it is your desire the change of location be/not be approved.

Business Results:	FAVOR:	24
	OPPOSE:	0

Residential Results:	FAVOR:	100
	OPPOSE:	0

No letters of opposition or counterpetitions have been filed to date.

There were 28 responses that were disqualified because there were 19 responses that were outside the boundary, 5 responses that did not list an address, 3 responses that listed an invalid address, and 1 response that did not complete the required information.

There were no "exhibits to survey petition" submitted because the applicant did not receive any with their petition forms.

The Grand Junction Police Department has investigated the owner for local criminal history and will be inspecting the property to ensure the Notice of Hearing has been posted in a timely manner and verifying that the diagram matches the establishment. A Report has been requested by the City of Grand Junction Sales Tax Department.

There are no similar-type outlets in the survey area.

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Lisa Maestas, Grand Junction Police Department
File