## LIQUOR AND BEER MEETING LOCAL LICENSING AUTHORITY CITY OF GRAND JUNCTION, COLORADO MUNICIPAL HEARING ROOM, CITY HALL, 250 NORTH 5<sup>TH</sup> STREET

#### **MINUTES**

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

Meng Siu Truong, owner of North Avenue Liquors, was present.

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

2. Hilltop Liquors, Inc., dba Hilltop Liquor Store, 1563 Hwy. 50 South, Grand Junction, CO 81503, Retail Liquor Store

No one was present representing the applicant.

The application for renewal for Hilltop Liquors, Inc., dba Hilltop Liquor Store was found to be in order and approved.

3. Pete's House of Spirits, Inc. dba Pete's House of Spirits, 1560 North Avenue, Grand Junction, CO 81501, Retail Liquor Store

No one was present representing the applicant.

The application for renewal for Pete's House of Spirits, Inc. dba Pete's House of Spirits was found to be in order and approved.

4. Martinez Family Corporation dba Chupiro's Place, 122 S. 5<sup>th</sup> Street, Grand Junction, CO 81501, Tavern

No one was present representing the applicant.

The application for renewal for Martinez Family Corporation dba Chupiro's Place was found to be in order and approved.

5. Danner Clark, LLC dba Fly'n Roosters, 200 W. Grand Avenue, Units 4 and 5, Grand Junction, CO 81501, Hotel and Restaurant

Steve Danner, owner of Fly'n Roosters, was present.

The application for renewal for Danner Clark, LLC dba Fly'n Roosters, 200 W. Grand Avenue was found to be in order and approved.

## III. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES WITH OUTDOOR DINING LEASE

1. WTB Enterprises, Inc. dba Blue Moon Bar and Grille, 120 N. 7<sup>th</sup> Street, Grand Junction, CO 81501, Hotel and Restaurant

Theodora Brehmer, owner of Blue Moon Bar and Grille, was present.

Ms. Kemp reported that Blue Moon Bar and Grille had a violation for serving alcoholic beverages to a minor on January 15, 2011 and a stipulation was ordered which the applicant had disclosed on the renewal. Ms. Kemp read a letter into the record that the applicant provided regarding the violation.

City Attorney Shaver asked Ms. Brehmer if the employee who served the minor is still employed. Ms. Brehmer stated yes, and advised that the employee received a summons and had to pay a fine of \$50 to County Court. Ms. Brehmer explained in detail how the violation had occurred.

The application for WTB Enterprises, Inc. dba Blue Moon Bar and Grille was found to be in order and approved.

### IV. APPLICATION FOR A SPECIAL EVENTS PERMIT

 Mesa State College Foundation, 1450 N. 12<sup>th</sup> Street, Grand Junction, CO 81501, Concert by the Grand Junction Rockestra on June 11, 2011 from 5:00 p.m. to 10:00 p.m.

Pres./Sec'y.: Douglas B. May, 687 Long Rifle Rd., Grand Junction, CO 81507 Event Manager: Kristine Pollard, 2073 Pannier Ct., Grand Junction, CO 81507

Kristine Pollard, Event Manager, was present.

Hearing Officer Grattan asked for clarification if special events permits will continue to be applied for even after a liquor license is issued for the college area. Ms. Pollard said that is correct, there are a variety of facilities on the college campus and there will be some events that will be hosted outside that will need a special events permit. City Attorney Shaver also stated that there could be a designation of other optional premises in the future, but it will not necessarily preclude special events permits consideration.

Hearing Officer Grattan asked for clarification of the diagram that was provided for the permit (see Exhibit 1). Ms. Pollard pointed out the Moss Performing Arts Center building which is where the concert will be held. There is a big grassy area outside of the Moss Performing Arts Center where they are proposing to fence off to contain the alcohol within the defined premise. Entrance 2 will be blocked with tables which will be a registration point where everybody will be carded to make sure they are of age. They will be wrist-banding everyone who is of age. There will also be a registration table at entrance 1 which everyone will also be carded and a wrist-band will be put on those that are of age. The bar will be placed to the south of entrance 2. Volunteers will be placed close to the bar to make sure anyone in line for drinks has a wrist-band. The people that will be serving the alcoholic beverages are TIPS trained.

City Attorney Shaver asked Ms. Pollard if the designated service area is the area outlined in red on the diagram. Ms. Pollard acknowledged that is correct. City Attorney Shaver asked if there will be any service in the building. Ms. Pollard said no, there will not be any service in the building.

City Attorney Shaver handed Ms. Pollard a document marked Exhibit 2 (see attached) and asked her to describe what it is. Ms. Pollard stated that it is the Special Event Permit Questionnaire and Affidavit. City Attorney Shaver asked Ms. Pollard if she is familiar with the document and if so, how. Ms. Pollard stated that she reviewed it after her assistant prepared it. City Attorney asked who signed the document and asked Ms. Pollard to describe what is on the document for the Authority. Ms. Pollard said that she signed the document and it requires they identify how underage individuals will be checked, how many people will attend the event, how volunteers will be identified, and a variety of questions pertaining to the event. City Attorney Shaver asked how many people they expect to be at the event. Ms. Pollard said approximately 300. City Attorney Shaver asked if this event has been held before. Ms. Pollard said no, this is the first time for this event.

City Attorney Shaver asked Ms. Pollard to describe what she did to determine other licensed facilities were not available or adequate for the event. Ms. Pollard said she had her assistant call Two Rivers, Double Tree, and some of the other hotels in the area. There is frequently availability at these other facilities, but because this is a donor and fundraiser function specific to the music department, the preference is to hold the event on this site at Mesa State College and the Moss Performing Arts Center.

City Attorney Shaver said that 12-48-103 of the Colorado Revised Statutes specifically provides that a special events permit is appropriate when it has been demonstrated that existing licensed facilities are either unavailable or inadequate for a proposed event and based on the fact that this is a fund raiser for the music department and is being held in close proximity to the Moss Performing Arts Center, he recommended that the Authority find that the Statute has been satisfied and that the permit should be issued.

Hearing Officer Grattan agreed with the recommendation and found that the application for a special events permit submitted by Mesa State College

Foundation for a "Concert by the Grand Junction Rockestra" on June 11, 2011 from 5:00 p.m. to 10:00 p.m. was in order and approved.

## V. <u>APPLICATION FOR NEW LICENSE – RESOLUTION AND FINDINGS AND DECISION</u>

1. Sodexo America, LLC dba Sodexo, College Center, 1455 North 12<sup>th</sup> Street, Grand Junction, CO, 81501, Hotel and Restaurant with 3 Optional Premises (Primary Hotel and Restaurant in College Center Bldg., Optional Premises are: 1) The Maverick Center, 2) Elliott Tennis Center, and 3) Walker Soccer Field)

President: George Sam Chavel, 238 Ridgeview Dr., Venetia, PA 15367

VP/Asst. Sec.: Scott Edward Robins, 404 Nina Pl., Rockville, MS 20852

Secretary: Robert Alan Stern, 17618 Auburn Village Dr., Sandy Springs, MD

20860

Manager: Mathew Alois Dokoupil, 2477 I Road, Grand Junction, CO 81505

Mathew Dokoupil, Manager for Sodexo, and Max Scott, Oedipus, Inc., were present representing the applicant.

Ms. Kemp reported that the Police Department found nothing locally on the owners or manager, a report from C.B.I. is still pending on the manager, the property was posted as required by State Statute, the Fire Department, Health Department and sales tax are all in compliance.

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

Mr. Dokoupil said that he has been a representative for Sodexo for the past thirteen years in various capacities and is now a District Manager based out of Grand Junction.

Hearing Officer Grattan asked if there is an ordinance pending in reference to the application and asked for details. City Attorney Shaver said that Colorado Liquor Law requires that the local governing body adopt and designate optional premises. The City Council has already adopted an ordinance for this matter and he believes that the effective date (generally 32 days after the second reading) has already come and gone. He said that the other thing that has occurred, because of the distance restriction in the Statute, there is a local option, and the Council had to change the distance restriction for this particular application which was done through the ordinance process.

Hearing Officer Grattan asked how a denial of this application would affect the Council's decision. City Attorney Shaver said that the Council's decision was simply authoritative.

City Attorney Shaver asked Mr. Dokoupil to describe for the Authority how the licensee plans to conduct business in the optional premises locations. Mr. Dokoupil said that there will be three optional premises and indicated the location of each on a diagram (see Exhibit A). Optional Premises #1 will be the Maverick Center where there are some sporting venues with luxury suites, Optional Premises #2 is the Elliot Center Courts, and Optional Premises #3 is the Walker Soccer Field. City Attorney Shaver asked if there are specific locations in which alcohol will be served in the optional premises. Mr. Dokoupil said that for Optional Premises #1, he thinks alcohol will be designated to the luxury suites for corporate sponsors and donors that overview the Brownson Arena which is where basketball and volleyball games take place. The Elliott Tennis Center, Optional Premises #2, they see serving alcohol for events like the Taco Bell Tournament and other catered events, and Optional Premises #3, they see showcasing it and making it a more vibrant area.

City Attorney Shaver asked Mr. Dokoupil if he is familiar with the ordinance that designates the optional premises. Mr. Dokoupil said that he is a little bit. City Attorney Shaver asked if he is prepared to abide by the particular regulations of the ordinance. Mr. Dokoupil said that he is.

City Attorney Shaver asked Mr. Dokoupil to explain to the Authority how operations will be conducted at the College Center where the Hotel and Restaurant liquor license will be. Mr. Dokoupil said that they see it tied in with their catering and conferencing departments to accommodate various events, conferences, weddings, etc. City Attorney Shaver asked if the entire College Center will be licensed and asked if there will be a retail aspect of the license. Mr. Dokoupil stated that he believes that the entire College Center will be licensed and there will not be a retail aspect with the license. Alcohol will only be served on an event basis.

Hearing Officer Grattan asked for clarification that there will not be alcoholic beverages flowing around the entire College Center or up and down at the stands at the athletic venues. Mr. Dokoupil stated that is not their intent. They plan to have a very controlled environment. The intent is not to make the campus "wet". The intent is to fill the need for the events that are happening. It will reduce the number of special events permits that are being applied for.

City Attorney Shaver asked Mr. Dokoupil if he has experience with alcohol service. Mr. Dokoupil said that he does have some experience. City Attorney Shaver asked if Sodexo has experience on any other campuses. Mr. Dokoupil said that they have gone through this process for the campus in Durango and the campus in Colorado Springs.

Mr. Dokoupil said that this request is definitely a good need and a good opportunity to showcase the college. They will do an excellent job as far as maintaining control and follow the letter of the law.

Max Scott, owner and operator of Oedipus, Inc., stated that they were retained to conduct the survey for this matter. Mr. Scott referred to the report that was provided to the City Clerk's office regarding the conduct of the survey. He

explained how they determined the residential and the businesses for the boundary area that was given to them by the City Clerk's office. He stated that they used two formats for the petition; one for businesses and one for residential and indicated which ones were business and residential on a diagram (see Exhibit B). They carried a diagram showing each optional premise (see Exhibit C). They used a briefing sheet explaining the application for the Hotel and Restaurant with three Optional Premises. There was also a stats sheet to record the refusals and the not at homes or businesses. They voir dired a person to see if they were a party of interest and if so, presented the petition to them, asking them to sign in favor or opposed. The survey was conducted April 29<sup>th</sup>, 30<sup>th</sup>, and May 1<sup>st</sup>.

City Attorney Shaver asked Mr. Scott if there was a significant number of "not at homes". Mr. Scott replied that there was, however, the circulator of the petition would stop by again at the "not at homes" and record them again if they were not at home or not at a business. Usually, the "not at homes" averages about 40%.

There was no one present in opposition of the application.

Diane Shwenke, President and CEO of the Grand Junction Area Chamber of Commerce, was present in favor of the application. The Grand Junction Area Chamber of Commerce likes to hold venues on the campus for their members and there is an expectation of the members that the events will have alcohol so they see a real benefit for the college to have a liquor license.

Kristine Pollard, Director of Development for Mesa State College and oversees the Foundation, a nonprofit related entity to the college, was in support of the application. They see a need for Sodexo to be able to serve alcohol within the premises that have been identified. She agreed with Ms. Schwenke that there is an expectation to have alcohol at the various events. The Foundation is concerned about reaching the capacity of 10 special events permits per year, and having the licensed areas will significantly reduce the need for special events permits. The donors and potential donors like to see what is taking place on the campus and the Foundation would like the opportunity to showcase the campus.

Hearing Officer Grattan stated that he is pleased to see the development of this application because the requests for special events permits have become excessive. It has been established that there is a need for this request. He is still concerned about the possibility of beer going up and down the aisles, for example, at Brownson Arena. City Attorney Shaver advised that the National Collegiate Athletic Association has certain rules relative to the sale of alcoholic beverages for events, so during those events, it may be prohibited. The scope of the problem will be driven by regulations other than liquor licensing. If the license is granted and there were problems with the service of alcohol, the licensee would be subject to prosecution as any other licensee would.

Mr. Scott stated that they work with several other licensed facilities such as this request and attend many liquor licensing hearings and he has never seen a violation. The people are very well trained in control.

Mr. Dokoupil said it is not their intent to be walking through the aisles with alcohol during sporting events. During larger venues, they will make sure they have adequate staffing and the control that would be needed to insure that no one underage will have access to alcohol.

City Attorney Shaver recommended authorizing the license for the principal location of the College Center and the three optional premises, the Maverick Center, the Elliott Tennis Center, and Walker Soccer Field.

Hearing Officer Grattan agreed with City Attorney Shaver's recommendation and found that the requirements have been met and approved the new license for Sodexo America, LLC dba Sodexo, College Center, 1455 North 12<sup>th</sup> Street, Grand Junction, CO, 81501, a Hotel and Restaurant license with 3 Optional Premises (Primary Hotel and Restaurant in College Center Bldg., Optional Premises are: 1) The Maverick Center, 2) Elliott Tennis Center, and 3) Walker Soccer Field) on the local level. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

### VI. OTHER BUSINESS

Discussion regarding who is the appropriate person needed to be present representing the applicant at a hearing when there is a management company involved

Hearing Officer Grattan asked City Attorney Shaver who is responsible for the licensee activity when there is a management company. City Attorney Shaver said that he has asked one of the Staff Attorneys to look at this to see if there is a law out there and is unsure if she has had a chance to yet, but his thoughts are that the owner cannot delegate the responsibility or liability to a manager without that manager being an owner, the management company is not an owner. He will check with the Staff Attorney and see where she is on this matter.

### VII. <u>ADJOURNMENT</u>

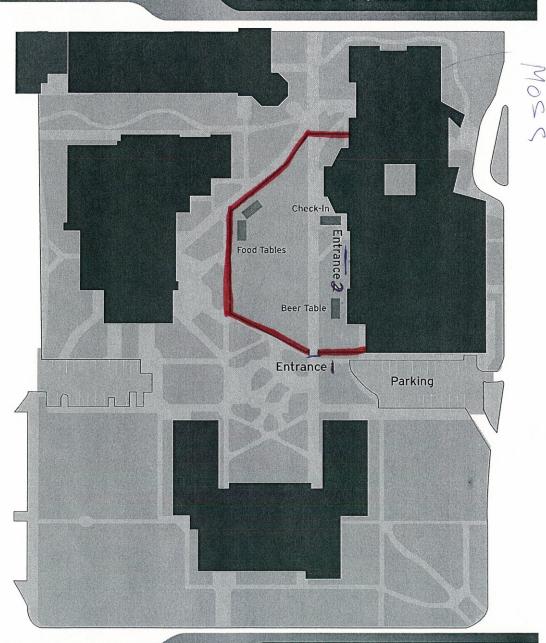
The liquor and beer meeting was adjourned at 3:02 p.m.

**NEXT REGULAR MEETING – June 15, 2011** 



## MESA STATE COLLEGE GRAND JUNCTION, COLORADO >>>

**Grand Junction Rockestra Map** 





mesastate.edu

# 9

## SPECIAL EVENT PERMIT QUESTIONNAIRE AND AFFIDAVIT

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9.	How will the conduct and level of intoxication of attendees be monitored and by whom?  TIPS TRAINED STAFF AND VOILLERS
10.	Have the volunteers or members of your organization been trained in the sale/service of alcohol beverages?
11.	What types of alternate beverages and food/snacks will be available?  Box-b-que, Side dishes, with the subject of the subject
12.	Has a State and City Sales Tax Number been initiated by you or a member of your organization? It so, provide those numbers in the space provided.
Applic STATE COUN	by certify, under penalty of perjury, that the information provided to the Grand Junction Liquor sing Authority contained in this affidavit is true and accurate to the best of my knowledge.  Date 4-2-1  ant's Signature  OF COLORADO  TY OF MESA  SS.  OF GRAND JUNCTION)
Subsc	ribed and sworn to before me this 2/ day of Cipil , 20  BARBARA J.  HERRING  Public  My commission expires 9-30-14 Colors



MEMO: Local Licensing Authority

FROM: Juanita Peterson, Deputy City Clerk

DATE: May 9, 2011

SUBJECT: Application for a new hotel and restaurant with 3 optional premises

liquor licenses by Sodexo America, LLC dba Sodexo, 9801 Washington Blvd., 12<sup>th</sup> Floor, Gaithersburg MD 20878

Sodexo American, LLC filed an application with the Local Licensing Authority on April 13, 2011 for a new hotel and restaurant with 3 optional premises liquor licenses permitting sales of malt, vinous and spirituous liquors by the drink for consumption on the premises. The primary H&R premise is located in the College Center Building; the Optional Premises are located in the Maverick Center, Elliott Tennis Center, and Walker Soccer Field all on the Mesa State College Campus at 1455 North 12<sup>th</sup> Street under the trade name of Sodexo. The application and supplementary documents were reviewed, found to be in order and accepted. A copy was sent to the State Liquor Enforcement Division for a Concurrent Review. The hearing date was set for June 1, 2011. The Notice of Hearing was given by posting a sign on the property on or before May 22, 2011 and by publishing a display ad in the Daily Sentinel on May 20, 2011.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant contracted with Oedipus Inc., to conduct a survey. The neighborhood was defined as the area bounded on the North by Patterson Road, Grand Avenue on the South, 21<sup>st</sup> Street on the East and 5<sup>th</sup> Avenue on the West and includes both sides of the streets as the outer boundaries. The results of that survey are as follows:

If you *favor and support* this application for a Hotel and Restaurant Liquor License with Optional Premises because it is your opinion the reasonable requirements of the adult inhabitants of the defined neighborhood are not now being adequately served by existing businesses that hold the same or similar type of license now doing business in the defined neighborhood, and it is your desire this Hotel and Restaurant Liquor License with Optional Premises be issued please sign and check the **FAVOR** column to grant the requested license. If you *oppose and do not support* this application for a Hotel and Restaurant Liquor License with Optional Premises, please sign and check the **OPPOSE** column.

Business Results: FAVOR: 50

OPPOSE: 0

Residential Results: FAVOR: 146

OPPOSE: 13

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

Please see the attached sheets with the breakdown of the data supplied by Oedipus, Inc. regarding the survey results on page 2 and 3 of their report.

The Grand Junction Police Department has investigated the individuals for local criminal history. They 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. The applicant has established a Master File with the State and so fingerprints for officers were not conducted. Reports have been requested by the Grand Junction Fire Department, Mesa County Health Department, and City of Grand Junction Sales Tax Department.

The number of similar-type outlets in the survey area is as follows:

Hotel and Restaurant with 3 Optional premises – 0

That concludes this report.

cc: Applicant

John Shaver, City Attorney

Lisa Maestas, Grand Junction Police Department

File

### PETITION/OPINION POLL RESULTS

<u>Iotal Doorknocks</u> :	
Not-at-Homes and/or Business Owners/Managers Not Available	256
Not Qualified to Sign	14
Preferred to Not Participate	17
Parties in Interest that Participated	214
Deleted Signatures	0
Total Base Figure	501
그는 그는 사람들은 사람들이 얼마 가장을 가면 하면 가장 그렇게 되었다. 그는 그는 그는 그는 그는 그를 가는 것이 되었다. 그는 그를 가는 것이 되었다. 그는 그를 가는 것이 없는 것이 없는 것이 얼마나 없다.	

### 2. Qualified Contacts:

A.	Signatures and Those Not Signing			
	Signatures Favoring Issuance			196
	Businesses	50		
	Residences	146		
	Not Signing/Favoring Issuance			3
	Signatures Opposing Issuance			13
	Businesses	0		
	Residences	13		
	Not Signing/Opposing Issuance			2
	Total Contacts			214

### B. Breakdown of Reasons of Signatures in Opposition:

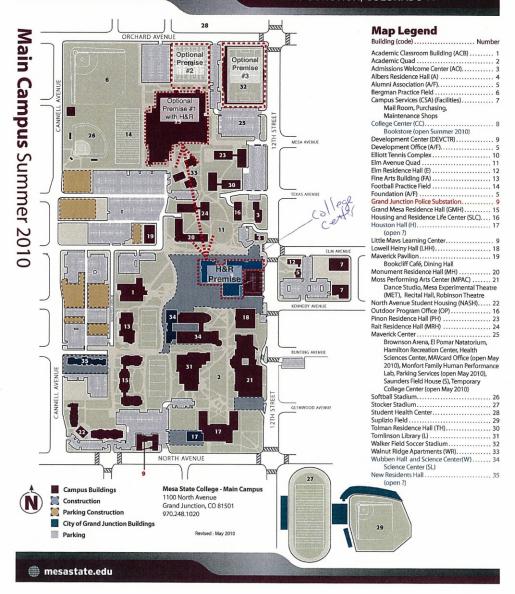
No Need	7
Abhorrence of Alcohol	1
Religious Objections	C
Usage Objections	1
Miscellaneous Reasons	1
No Reason Given	_3
Total Signatures	13

C.	Development of Circumstance E			
С.	Breakdown of Signatures Favoring and Opposing:			
	Favoring Issuance (Based on Needs/Desires)	100		02.000/
	Signatures 196	199	-	92.99%
	Not Signing 3			
	Opposing Issuance (Based on Needs/Desires)	7		3.27%
	Signatures 7	/		3.21%
	Not Signing 0			
	Abhorrence of Alcohol	1	_	0.47%
	Signatures 1	1	_	0.4770
	Not Signing 0			
	Religious Objections	0		0.00%
	Signatures 0	U		0.0070
	Not Signing 0			
	Usage Objections (Commercial, Traffic, Parking, Crime)	1	=	0.47%
	Signatures 1	. 1		0.7770
	Not Signing 0			
	Other Miscellaneous Reasons	: 3	=	1.40%
	Signatures 1			1.1070
	Not Signing 2			
	No Reason Given	3	_	1.40%
	Signatures 3			
	Not Signing 0			
Tota	al Base Figure	214	=	100.00%
	[19] 11 [전구] 2 [12] 12 (12] 12 (12] 12 (12] 13 (12] 13 (12] 13 (12] 13 (12] 13 (12] 13 (12] 13 (12] 13 (12] 13 			2001007.0
Need	ds and Desires Signatures:			
Sign	atures Favoring Issuance (Based on Needs/Desires) 196			
Favo	oring Issuance/Not Signing (Based on Needs/Desires) 3 }	199	===	96.60%
Sign	atures Opposing Issuance (Based on Needs/Desires) 7			
	osing Issuance/Not Signing (Based on Needs/Desires) 0 }	7	5000	3.40%
	ll Base Figure	206	=	100.00%

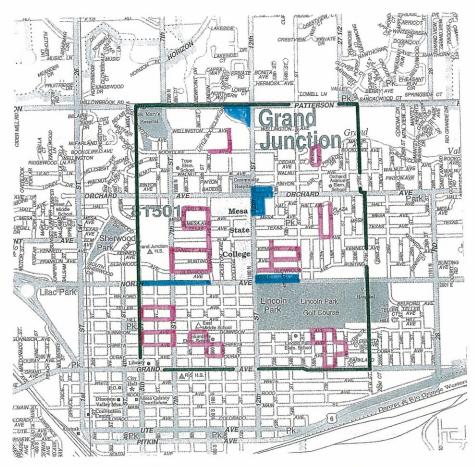


### MESA STATE COLLEGE

GRAND JUNCTION, COLORADO ▶▶







### BUSINESSES

#### RESIDENCES

APPLICANT/TRADE NAME: SITE LOCATION: APPLICATION FOR:

PUBLIC HEARING:

DEFINED NEIGHBORHOOD:

SODEXO AMERICA, LLC, dba SODEXO
1455 NORTH 12<sup>TM</sup> STREET, GRAND JUNCTION, CO 81501
HOTEL & RESTAURANT LIQUOR LICENSE WITH OPTIONAL PREMISES [To sell beer, wine & distilled spirits, by the drink, to be consumed ON the licensed premises only -H&R liquor license for the College Center Building, and Optional Premises for (1) The Maverick Center, (2) The Elliott Tennis Center, and (3) The Walker Soccer Field - see Diagram]

1 JUNE 2011, 2:00 P.M., MUNICIPAL HEARING ROOM, CITY HALL, 250 NORTH 5<sup>TH</sup> STREET, GRAND JUNCTION, CO
NORTH: PATTERSON ROAD SOUTH: GRAND AVENUE

PATTERSON ROAD 21<sup>ST</sup> STREET EAST:

SOUTH: GRAND AVENUE WEST: 5<sup>TH</sup> STREET



