

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

MINUTES

WEDNESDAY, AUGUST 17, 2011, 2:00 P.M.

I. CALL TO ORDER

The meeting convened at 2:00 p.m. Those present were Hearing Officer Mike Grattan and Deputy City Clerk Debbie Kemp. City Attorney John Shaver joined the meeting at 2:08 p.m.

II. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

1. Dillon Companies, Inc. dba City Market #1, 2770 Hwy. 50 South, City Market #9, 1909 N. 1st Street, and City Market #32, 200 Rood Avenue, Grand Junction, CO, 3.2% Beer Retail (Off Premises)

No one was present representing the applicant.

The applications for renewal for Dillon Companies, Inc. dba City Market #1, City Market #9, and City Market #32 were found to be in order and approved.

2. Fisher's Liquor Barn, Inc. dba Fisher's Liquor Barn, 2438 F Road, Grand Junction, CO 81505, Retail Liquor Store

No one was present representing the applicant.

The application for renewal for Fisher's Liquor Barn, Inc. dba Fisher's Liquor Barn was found to be in order and approved.

3. Hong Luong, Inc., dba Bamboo City, 2472 F Road #2, Grand Junction, CO 81505, Beer and Wine

No one was present representing the applicant.

Ms. Kemp reported that the Police Department reported that on January 15, 2011 an employee of Bamboo City served alcoholic beverages to a person under 21 years of age. The applicant did not disclose this on their application. A stipulation between the applicant and the City of Grand Junction was signed in April 2011. The license was suspended 7 days, 5 days were held in abeyance and a fine was paid in lieu of the 2 day suspension.

The application for renewal for Hong Luong, Inc., dba Bamboo City was tabled until the end of the agenda.

4. Orange Coast Investment, Inc. dba Grand Vista Hotel, 2790 Crossroads Blvd., Grand Junction, CO 81506, Hotel and Restaurant

Debbie Revis, General Manager for Grand Vista Hotel, was present.

The application for renewal for Orange Coast Investment, Inc. dba Grand Vista Hotel was found to be in order and approved.

5. Weside Delicatessen, Inc. dba The Winery Restaurant, 642 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

Stephen Thoms, President of Weside Delicatessen, Inc., was present.

The application for renewal for Weside Delicatessen, Inc. dba The Winery Restaurant was found to be in order and approved.

6. Rosco's, Inc. dba Kannah Creek Brewing Company, 1960 N. 12th Street, Grand Junction, CO 81501, Brew Pub

Eric Ross, one of the owners, was present.

Ms. Kemp reported that the Police Department reported that on January 22, 2011, two employees of Kannah Creek Brewing Company served alcoholic beverages to a person under 21 years of age. A stipulation between the applicant and the City of Grand Junction was signed in April 2011. The license was suspended 7 days, 5 days were held in abeyance and a fine was paid in lieu of the 2 day suspension. The applicant did disclose this on the renewal and provided a letter and documentation explaining what they are doing to prevent further violations.

Hearing Officer Grattan asked Mr. Ross about the attachments to the letter he provided. Mr. Ross said that there is a list of his employees that have completed the alcohol server responsibility class, some examples of posters that are placed in common area as a constant reminder to staff to verify identification, and an updated and expanded alcohol awareness policy that is in the employee manual which all employees receive a copy of.

City Attorney Shaver asked how long the establishment has been open. Mr. Ross said six years. City Attorney Shaver asked if this is the first violation. Mr. Ross said yes it is.

Hearing Officer Grattan asked Ms. Kemp if a copy of the letter and other documentation will go in the applicant's file. Ms. Kemp said yes, a copy will go in their file.

The application for renewal for Rosco's, Inc. dba Kannah Creek Brewing Company was found to be in order and approved.

7. Ad-In Enterprises, LLC, dba Junction Indoor Tennis Center, 535 25 ½ Road, Grand Junction, CO 81505, Tavern

No one was present representing the applicant.

The application for renewal for Ad-In Enterprises, LLC, dba Junction Indoor Tennis Center was found to be in order and approved.

III. APPLICATION TO RENEW LIQUOR AND BEER LICENSE AND CHANGE OF TRADE NAME

1. Walmart Stores, Inc. dba Wal-mart Super Center #5099, 2545 Rimrock Avenue, Grand Junction, CO 81505

Trade Name Change from Wal-mart Super Center #5099 to Walmart Store #5099

No one was present representing the applicant.

The application for renewal and change in trade name for Walmart Stores, Inc. dba Walmart Store #5099 was found to be in order and approved.

IV. APPLICATION TO RENEW LIQUOR AND BEER LICENSE, REGISTER A NEW MANAGER, AND CHANGE IN CORPORATE STRUCTURE

1. DOS, Inc., dba Dos Hombres, 421 Brach Drive, Grand Junction, CO 81507

Manager: James D. Bissonnette, 2204 Mesa Avenue, Grand Junction, 81501, replaces Earl Jenkel

Removal of 10% Stockholder Earl Jenkel

No one was present representing the applicant.

The applications for renewal, registration of a new manager, and change in corporate structure for DOS, Inc., dba Dos Hombres were found to be in order conditioned on a satisfactory report from CBI/FBI.

V. APPLICATION FOR REGISTRATION OF NEW MANAGER

1. Mesa Mall BBQ, Inc., dba Famous Dave's Bar B Que, 2440 US Hwy. 6 and 50, Grand Junction, CO 81505, Hotel and Restaurant

Monica L. Etcheverry, 590 Walnut Avenue, Grand Junction, CO 81501, replaces Tom Church

Monica Etcheverry, manager for Famous Dave's Bar B Que, was present.

The application for registration of a new manager for Mesa Mall BBQ, Inc., dba Famous Dave's Bar B Que was found to be in order conditioned on a satisfactory report from CBI/FBI.

VI. APPLICATION FOR MODIFICATION OF PREMISES

1. Wigout Productions, Inc. dba Mesa Theatre and Club, 538 Main Street, Grand Junction, CO 81501, Tavern

Enlarge standing area in front of upstairs bar by 6 feet on balcony level

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

David Prather, owner of Mesa Theatre and Club, was present.

Hearing Officer Grattan entered into the record, the existing diagram (Exhibit A), and the proposed diagram (Exhibit B).

Hearing Officer Grattan asked Mr. Prather to explain what he is doing. Mr. Prather explained that they are moving the seating area forward to allow for more standing room in front of the bar. It will reduce the congestion at the stairs. A lot of patrons prefer to stand rather than sit.

Hearing Officer Grattan asked where the stage is relative to the diagram provided. Mr. Prather said all the way to the front on the lower section. He stated that the modification is only in the top section.

City Attorney Shaver asked Mr. Prather if the blue marks that he squiggled on Exhibit B are indications of where the modification will be. Mr. Prather said that is correct.

City Attorney Shaver asked Mr. Prather if he believes the results of the survey that were read into the record by Ms. Kemp were true and accurate. Mr. Prather said yes. City Attorney Shaver asked who conducted the survey. Mr. Prather said that it was himself, a friend, and a cocktail waitress of his. City Attorney Shaver asked Mr. Prather to describe how the survey was conducted. Mr. Prather said they went with a clipboard and the survey, knocked on doors, told the people where they were from and what they are doing in reference to the modification. Most people didn't have a problem signing the survey.

Mr. Prather also stated that the modification is recommended by the Grand Junction Police Department. It will improve the overcrowding and the traffic flow upstairs.

City Attorney Shaver asked if there has been a Fire Department inspection. Mr. Prather said there has been. City Attorney Shaver asked if there will be an increase or decrease in occupancy load. Mr. Prather said there will not be.

The application for modification of premises Wigout Productions, Inc. dba Mesa Theatre and Club were found to be in order and approved.

VII. APPLICATION FOR A SPECIAL EVENTS PERMIT

1. City of Grand Junction, 1340 Gunnison Avenue, Grand Junction, CO 81501 – Colorado Pork and Hops Challenge on September 9, 2011 from 4:00 p.m. to 10:00 p.m. and September 10, 2011 from 11:00 a.m. to 10:00 p.m., at Lincoln Park, 1340 Gunnison Avenue, Malt and Vinous

President: Rob Schoeber, 2598 Kayden Court, Grand Junction, CO 81505

Event Manager: Larry Manchester, 2287 Vista Rio Court, Grand Junction, CO 81507

Larry Manchester, Recreation Supervisor/Event Coordinator, was present.

City Attorney Shaver asked Mr. Manchester who completed the document entitled Special Event Permit Questionnaire and Affidavit and does he think it is true and accurate to the best of his knowledge. Mr. Manchester said that he completed the document and he believes it is true and accurate. City Attorney Shaver asked where he came up with the number of 10,000 people expected to attend. Mr. Manchester explained that they get that number by counting the ticket sales and sponsor tickets that go out.

City Attorney Shaver asked Mr. Manchester to explain how they identified that other licensed facilities were unavailable for the event. Mr. Manchester said that there are no licensed facilities that could accommodate the number of people expected as well as the outdoor barbeque competition.

City Attorney Shaver asked Mr. Manchester to give an overview of the diagram provided with the application (Exhibit A). Mr. Manchester said that the diagram is an aerial image of Lincoln Park. It shows where the barbeque competition will be taking place in the loop area in front of the barn. East of the baseball stadium is where the concert and other events will take place. The area for alcohol will be in the practice field behind the baseball stadium. It will be completely fenced off and secured. Mr. Manchester explained the location of the egress and the ingress for the alcohol service area will be.

City Attorney Shaver stated that he believes that the statutory requirements have been met for issuance of a special events permit. The testimony of the applicant is that it will be a 10,000 person outdoor event. It has been held at the same facility for a few years now without incident or occurrence. Based on those facts, he recommended approval.

The application for a special events permit submitted by the City of Grand Junction for Colorado Pork and Hops Challenge was found to be in order and approved.

2. St. Nicholas Greek Orthodox Church of Grand Junction, 3585 N. 12th Street, Grand Junction, CO 81501 – St. Nicholas Greek Festival on September 24, 2011 from 10:00 a.m. to 10:00 p.m. at 3585 N. 12th Street, Malt, Vinous, and Spirituous

President: Fred Fowler, 2485 Sage Run Court, Grand Junction, CO 81505

Event Manager: Georgann Jouflas, 743 Wedge Drive, Grand Junction, CO 81506

Fred Fowler, President of the Parish Council for St. Nicholas, was present.

City Attorney Shaver asked Mr. Fowler who completed the document entitled Special Event Permit Questionnaire and Affidavit. Mr. Fowler said it was completed by Georgann Jouflas, the Event Manager. City Attorney Shaver asked Mr. Fowler if he had an occasion to review the document. Mr. Fowler said he did not, however they have hosted this event probably six or seven times over the last decade. City Attorney Shaver provided Mr. Fowler with the Special Event Permit Questionnaire and Affidavit that was submitted with the application for his review. City Attorney Shaver asked Mr. Fowler how they arrived at the 1,500 to 2,000 attendees at the event. Mr. Fowler said that there is a \$1.00 entrance fee and that helps them to know approximately how many attendees are at the event.

City Attorney Shaver asked Mr. Fowler to describe for the Authority what alcohol is served, how the alcohol service will be conducted, and is there any containment for the alcohol. Mr. Fowler said that they serve beer and wine. They are sold from a booth. People who will man that booth will have alcohol service experience. Last year the Hearing Authority specified that the alcohol be contained to an area of the event that is blocked off with a ribbon or a marker so that alcohol is consumed within that area.

City Attorney Shaver asked Mr. Fowler to look at the diagram that was provided with the application (Exhibit A) and describe what the red line around it is. Mr. Fowler stated that the red line shows the entire event area where all the activities will take place. City Attorney Shaver asked Mr. Fowler if the red line is representing the area denoted as the orange security fence. Mr. Fowler said that in years past, that is what it denoted, however, last year the orange security fence was just around the alcohol service and consumption areas.

Hearing Officer Grattan asked if the purpose of the event is a fund raiser for the church. Mr. Fowler said yes it is as well as an outreach to the community. They share a percentage of the proceeds with other community organizations and always Catholic Outreach. He said that the church is an integral part of the event. Inside the church there are various examples of byzantine iconography. There are church tours that are conducted periodically.

Hearing Officer Grattan expressed concern for the control of alcohol on and off of the premises. Mr. Fowler explained that the exterior area will be blocked with orange security fence and only open for the entrance and exit. The church is

located geographically and bounded by a retaining walls and trees, they are not established thoroughfares or pathways.

City Attorney Shaver asked, for clarification, if the event will have a parameter and the alcohol beverages will be contained within the parameter. Mr. Fowler said yes.

The application for a special events permit submitted by the St. Nicholas Greek Orthodox Church of Grand Junction for St. Nicholas Greek Festival was found to be in order and approved.

VIII. APPLICATION FOR NEW LICENSE – RESOLUTION AND FINDINGS AND DECISION

1. JJ's Cruisers, LLC dba Cruisers, 715 Horizon Drive, Suite 100, Grand Junction, CO 81506, Tavern

President/Secretary: James S. Hadrath, 530 Orchard Avenue, Grand Junction, CO 81501

Vice President/Treas.: Jon J. U-Ren, 507 W. Ute Avenue, Grand Junction, CO 81501

General Manager: Jude Morkus, 613 Arapahoe Way, Grand Junction, CO 81506

James Hadrath, President/Secretary and Jon U-Ren, Vice President/Treasurer for JJ's Cruisers, LLC and Jude Morkus, General Manager for Cruisers, were present.

Ms. Kemp reported that CBI/FBI investigations came back on the owners and the General Manager. The information was consistent with what was disclosed on the individual history forms except one instance reported on Mr. Hadrath. Mr. Hadrath denies the charge and will be given a copy of the FBI report to clear the matter up. Ms. Kemp also reported that final inspections are pending with the Fire and Health Departments.

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

City Attorney Shaver asked if the results of the survey that were read were true and accurate. Mr. Hadrath said yes, he thinks so. City Attorney Shaver said that the residential results indicated that there were 20 who signed in favor of the issuance of the liquor license and asked if there are a lot more than 20 residences in the boundary area. Mr. Hadrath said that they found a lot of people not to be home and it was an awfully hot day and they quit a little earlier than he had planned on. City Attorney Shaver asked how many were not at home. Mr. Hadrath said at least 20, if not more. City Attorney Shaver asked if they did not write down on the exhibits those who did not answer. Mr. Hadrath advised that it was Max and Diane (employees) who conducted the residential survey and he isn't sure why they didn't list the not at homes. City Attorney Shaver asked Mr. Hadrath if he believes that the 20 signatures are

representative of the neighborhood. Mr. Hadrath said that they have been met with open arms and people everywhere they have gone are excited that Cruisers is going into that space. City Attorney Shaver asked about how the businesses were contacted and to explain how this is representative of the businesses along Horizon Drive or the survey area. Mr. Hadrath said that he surveyed the building they are leasing space in and south of the building and Tiara (employee) went to businesses across the street and to the north of the building. Mr. Morkus said that he surveyed Crossroad Blvd. and down Horizon Drive.

Jim Jeffries, one of the owners of Kannah Creek Brewing Company, was present in support of Cruisers. He feels that Cruisers will be an asset to Horizon Drive and a great addition to the community.

Mr. Hadrath stated that he will have all of his employees at the August 31st City's Alcohol Server Responsibility Training. He has already attended a previous class. They have contacted all of the taxi companies to advise them of their start-up date so that they can work hard to keep drunk drivers off the road and take good care of their customers.

Hearing Officer Grattan advised that he is concerned about the numbers of people surveyed. He's not so concerned about the businesses, but he feels that the residential is the thinnest he has ever seen. However, he noted that there is no opposition, and even one person who spoke in favor. He expressed two thoughts, one is to approve it, and the second is to approve it subject to having more surveys signed in the residential area of the neighborhood.

City Attorney Shaver agreed that the residential numbers were very low, however, the particular location has had alcohol service in the past for many, many years. He said that Mr. Hadrath has been in the business for many, many years with his business located on North Avenue and, to his knowledge, never had any instances regarding alcohol service. Taking all those in consideration, City Attorney Shaver recommended approval without supplementation.

The application for a new tavern liquor license for JJ's Cruisers, LLC dba Cruisers was found to be in order and approved conditioned on satisfactory final inspections from the Fire and Health Departments. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

IX. APPLICATION TO RENEW LIQUOR AND BEER LICENSE – Continued from previously on the agenda

1. Hong Luong, Inc., dba Bamboo City, 2472 F Road #2, Grand Junction, CO 81505, Beer and Wine

Hearing Officer Grattan explained for City Attorney Shaver that this was continued because the applicant did not disclose a violation on the renewal application. He asked for City Attorney Shaver's feelings as to, rather than

continue the renewal to the next meeting, just have the applicant disclose the violation.

City Attorney Shaver asked if it was an alcohol violation. Ms. Kemp said that it was and a stipulation was signed. City Attorney Shaver asked if it was a stipulation with the State. Ms. Kemp and Hearing Officer Grattan said that the stipulation was with the City. City Attorney Shaver recommended that the applicant be contacted and have them amend the application and disclose the violation.

Hearing Officer Grattan agreed and asked Ms. Kemp to contact the applicant and ask them to disclose the violation. If that is done prior to the meeting on September 21st, then the application would be found to be in order and approved. If it is not done by September 21st, then the applicant should be expected to appear at that meeting.

X. OTHER BUSINESS

Hearing Officer Grattan asked about the letter he received from Stephanie Tuin, City Clerk, regarding Special Event Permits. The most noted item will be the elimination of the letter or list of other licensed facilities not being available or adequate. City Attorney Shaver advised that would be correct. The ordinance will become effective on September 4th. City Attorney Shaver said that it will be a fabulous thing for applicants that do come in and do their diligence with the City.

XI. ADJOURNMENT

The meeting was adjourned at 3:07 p.m.

NEXT REGULAR MEETING – September 7, 2011

MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk
DATE: August 10, 2011
SUBJECT: Application for a modification of premises to enlarge standing area in front of upstairs bar by six feet

Wigout Productions, Inc. dba Mesa Theatre and Club filed an application with the Local Licensing Authority on August 1, 2011 for a modification of premises at 538 Main Street. The application and supplementary documents were reviewed, found to be in order, and accepted. The hearing date was set for August 17, 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 boundaries are defined as: Teller Avenue on the north, 3rd Avenue on the south, 12th Street on the east, and Mulberry Street on the west and includes both sides of the streets as the outer boundaries.

The results of that survey are as follows:

If you support/oppose this proposed modification of premises to enlarge standing area in front of upstairs bar by six feet because this will not conflict with the reasonable requirements of the designated area and it is your desire the modification be approved/not approved.

Business Results:	FAVOR:	63
	OPPOSE:	0
	NO OPINION:	1
Residential Results:	FAVOR:	31
	OPPOSE:	0

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

There were 11 responses that were disqualified because the listed address was outside the defined neighborhood (2), there was no listed address at all (2), they did not mark an answer either way (1), there was no indication whether the location was a residence or a business (6). There were "Exhibits to Survey

Petition" submitted which indicated no answer (43), not 21 years of age (2), no solicitors (3), refused to sign (1), other (3).

Reports have been requested from the Grand Junction Police Department to verify the diagram matches, the Fire Department to verify compliance, and the Grand Junction Sales Tax Department to verify the sales tax is in compliance.

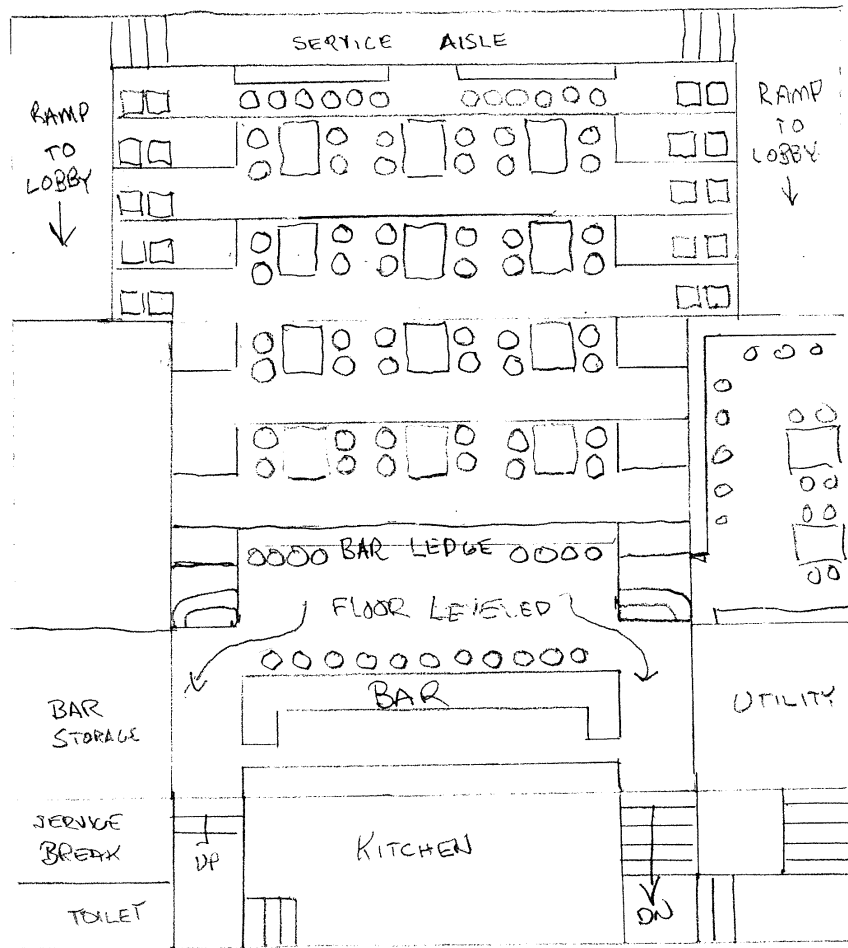
The number of similar-type outlets in the survey area is as follows:

Tavern – 6 (Main Street Suites, Quincy Bar and Grill, Rocky Mountain Pub, !sabrosa; restaurante, Spring Hill Suites, and Tenacious Brothers Pub)

That concludes this report.

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

MESA THEATRE



BALCONY LEVEL

$\frac{1}{8}'' = 1 \text{ FOOT}$

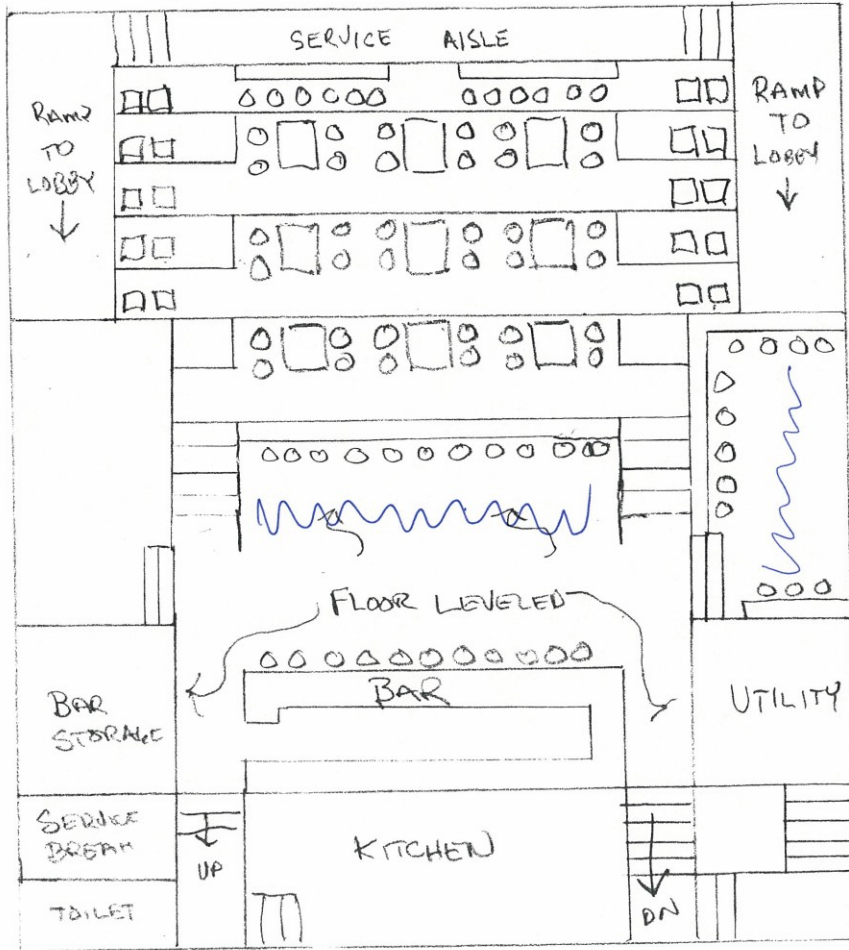
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MESA THEATER

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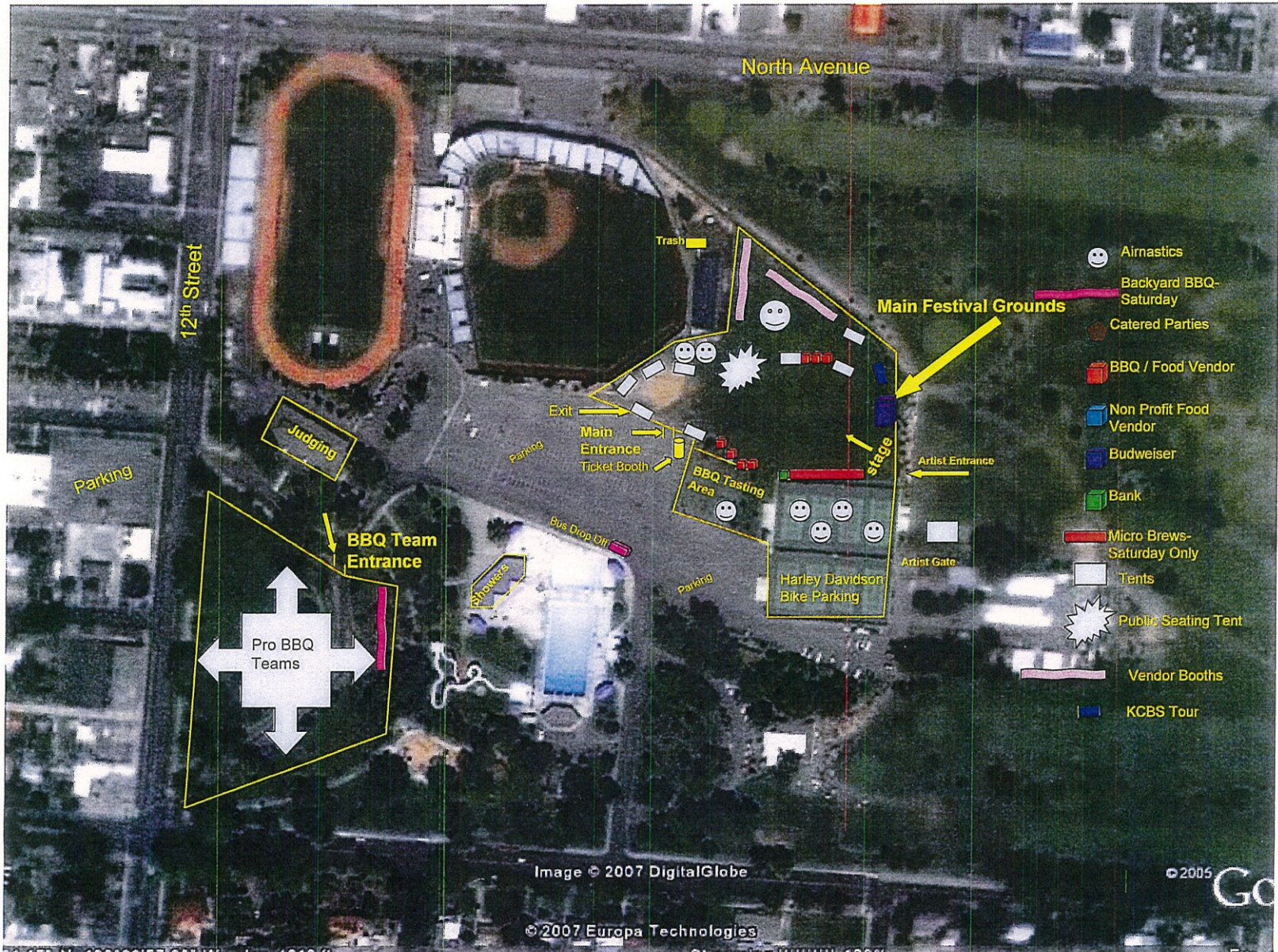


BALCONY LEVEL
1/8" = 1 FOOT

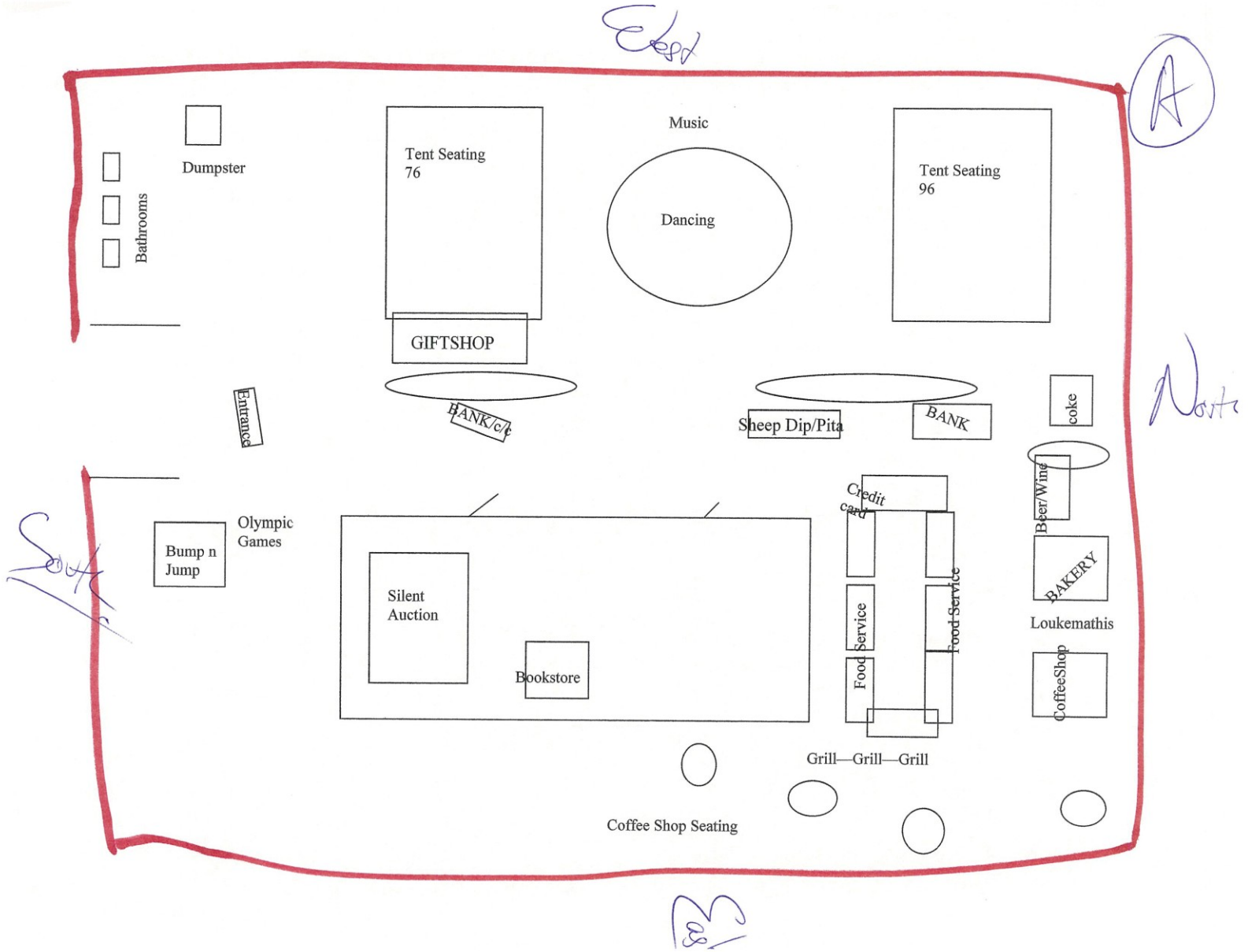
PROPOSED

Colorado Pork and Hops Challenge

1A



St. Nicholas Greek Festival



MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk
DATE: July 26, 2011
SUBJECT: Application for a new tavern liquor license by JJ's Cruisers, LLC
dba Cruisers, 715 Horizon Drive, Suite 100

JJ's Cruisers, LLC filed an application with the Local Licensing Authority on July 5, 2011 for a new tavern liquor license permitting sales of alcohol beverages by the drink for consumption on the premises at 715 Horizon Drive, Suite 100 under the trade name of Cruisers. 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 August 17, 2011. The Notice of Hearing was given by posting a sign on the property on or before August 7, 2011 and by publishing a display ad in the Daily Sentinel on August 5, 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 Crossroads Blvd., F ½ Road on the South, 28 Road on the East and Victor Drive 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 this type of license being issued because the existing outlets do/do not adequately serve the reasonable requirements of the designated area.

Business Results:	FAVOR:	32
	OPPOSE:	0
Residential Results:	FAVOR:	20
	OPPOSE:	0

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

There were 6 responses that were disqualified because there were 5 responses that listed their address outside of the defined neighborhood and 1 response that didn't list an address.

There was 4 "exhibits to survey petition" that indicated 7 people refused to sign and 1 with no answer.

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 fingerprints have been forwarded to CBI for further processing. 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:

Tavern – 2 (County Inns of America and Courtyard by Marriott)

That concludes this report.

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