

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

MINUTES

WEDNESDAY, SEPTEMBER 21, 2011, 2:00 P.M.

I. CALL TO ORDER

The meeting convened at 2:01 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 WITH CHANGE IN CORPORATE STRUCTURE

1. Genius Loci, LLC dba Tenacious Brothers Pub, 118 S. 7th Street, Grand Junction, CO 81501, Tavern

Remove Managing Member Justin Morgan from Genius Loci, LLC

Mandi Kelley and Ben Dial, Partners/Owners for the business, were present.

Hearing Officer Grattan asked who Justin Morgan is and what is happening. Ms. Kelley advised that Mr. Morgan was one of their business partners and has removed himself from the business. She also advised that they are in the process of also removing Michelle Knapton from the LLC.

City Attorney Shaver asked who the Managing Member of the LLC is now. Ms. Kelley said that she is the Managing Member.

The applications for renewal and change in corporate structure for Genius Loci, LLC dba Tenacious Brothers Pub were found to be in order and approved.

III. APPLICATION FOR A SPECIAL EVENTS PERMIT

1. Colorado Mesa University Foundation, 1450 N. 12th Street, Grand Junction, CO 81501 – Homecoming Tailgate on October 1, 2011 from 8:00 a.m. to 5:00 p.m., Lincoln Park, 1340 Gunnison Avenue, Grand Junction, CO 81501

Pres./Sec'y.: Keith Gilstrap, P.O. Box 781, New Castle, CO 81647

Event Mgr.: Rick Adleman, 3021 Oakwood Drive, Grand Junction, CO 81504

Rick Adleman, Event Manager, was present.

City Attorney Shaver asked Mr. Adleman if he has seen the Special Event Questionnaire and Affidavit that was submitted with the application. Mr. Adleman said that he has. City Attorney Shaver asked who completed it. Mr.

Aldeman stated that it was Lindsay Byers who is the Events Coordinator and Program Assistant for the Colorado Mesa University Foundation.

City Attorney Shaver asked Mr. Aldeman if Colorado Mesa University Foundation or the prior Mesa State College Foundation has ever had a Special Events permit revoked, denied, or in any way caused a problem relative to the event. Mr. Aldeman said no, not to his knowledge.

City Attorney Shaver asked Mr. Aldeman to describe the nature of the event for the Authority. Mr. Aldeman said it is a homecoming tailgate party where they are inviting alumni and supporters of the University before the homecoming football game that day to a cordoned off area of Stoker Stadium parking lot. There will be entertainment, food, and beer. There will be TIPs trained volunteers checking identification for those entering, placing identification bands on those who are of age to drink, and monitoring so that no one is over served. The perimeter of the licensed area consists of a cast iron fence by Stoker Stadium, a chain link fence from the construction, and the remaining area will be ski fence (plastic mesh) around the rest of the area.

The application for a special events permit submitted by the Colorado Mesa University Foundation for Homecoming Tailgate was found to be in order with no grounds for denial for the permit as set forth in CRS 12-48-106. Therefore the application was approved.

2. Colorado Mesa University Foundation, 1450 N. 12th Street, Grand Junction, CO 81501 – Steak and Crab Feast on October 15, 2011 from 8:00 a.m. to 4:00 p.m., Lincoln Park, 1340 Gunnison Avenue, Grand Junction, CO 81501

Pres./Sec'y.: Keith Gilstrap, P.O. Box 781, New Castle, CO 81647

Event Mgr.: Rick Adleman, 3021 Oakwood Drive, Grand Junction, CO 81504

Rick Adleman, Event Manager, was present.

City Attorney Shaver asked Mr. Adleman if the area for the Steak and Crab Feast is the same area that was requested for the Homecoming Tailgate. Mr. Adleman said that is correct. City Attorney Shaver recommended approval pointing out that the diagram submitted with the application should be corrected from Homecoming Beer Garden to Steak and Crab Feast as it was the same diagram.

The application for a special events permit submitted by the Colorado Mesa University Foundation for Steak and Crab Feast was found to be in order with no grounds for denial for the permit as set forth in CRS 12-48-106. Therefore the application was approved.

3. Grand Junction Elks Home Association, P.O. Box 1987, Grand Junction, CO 81502 – Oktoberfest on October 1, 2011, from 10:00 a.m. to 10:00 p.m., Colorado Avenue, between 5th and 7th Streets, Grand Junction, CO

Pres./Sec'y.: Phillip Carter, 2510 S. Broadway, Grand Junction, CO 81507
Event Mgr.: Terri Carter, 2510 S. Broadway, Grand Junction, CO 81507

Terri Carter, Event Manager, was present.

City Attorney Shaver asked Ms. Carter if she has seen the Special Events Permit Questionnaire and Affidavit. Ms. Carter said yes, she has. City Attorney Shaver asked Ms. Carter to tell the Authority what it is and who completed it. Ms. Carter explained that it is a series of questions that she has responded to stating what they will be providing, where, how they will cover the particular event, and what food will be served. Ms. Carter said that she completed the questionnaire. City Attorney Shaver asked Ms. Carter if she has personal knowledge of everything listed in the questionnaire and if so, how? Ms. Carter said that she has spent many hours of conversation with a variety of people, planning, and working with a group of other people. Ms. Carter said that she believes that this is the 31st year that the Elks have applied for a Special Events Permit for Oktoberfest. City Attorney Shaver asked Ms. Carter if any of these permits have ever been rescinded, canceled, revoked, or have had any problems associated with the event. Ms. Carter said not that she is aware of.

City Attorney Shaver asked Ms. Carter to describe the nature of control of alcohol service. Ms. Carter said that there will be volunteers that are trained in checking identification and signs and symptoms of over service of alcohol beverages, in addition to a little bit of conflict management.

City Attorney Shaver asked Ms. Carter about the heavy dark line around the perimeter of the area on the diagram. Ms. Carter stated that line represents the orange mesh fencing with pylons that will be encircling all of the area which will serve as a barrier for the alcohol service.

City Attorney Shaver asked Ms. Carter what Oktoberfest is. Ms. Carter said that it is a German street festival with food and beer.

City Attorney Shaver asked how the number of 10,000 attendees was arrived at for the festival. Ms. Carter replied that she depended on the number that the Event Coordinator gave her from last year and also factored in what the sales were last year.

The application for a special events permit submitted by the Grand Junction Elks Home Association for Oktoberfest was found to be in order with no grounds for denial for the permit as set forth in CRS 12-48-106. Therefore the application was approved.

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

1. Cinnamon Grill, LLC dba Cinnamon Grill, 624 Rae Lynn, Suite C, Grand Junction, CO 81505, Hotel and Restaurant

Member: Jodie Squirrell, 289 W. Morrison Court, Grand Junction, CO 81507

Member: Jeffrey Hansen, 2700 G Road, #4C, Grand Junction, CO 81506

Registered Mgr.: Philip Johnson, 563 McMullin Drive, Grand Junction, CO 81504

Kristen Groves, Project Manager working on the Cinnamon Grill application process for the liquor license and Jeffrey Hansen, Member of Cinnamon Grill, LLC, were present.

Ms. Kemp reported that CBI/FBI investigations were still pending on the owners, a clear report was returned on the General Manager. Ms. Kemp also reported that the premises are under construction for remodeling and that a Certificate of Occupancy will be issued once completed and a report from the Health Department is pending final inspection.

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. Ms. Groves said yes. City Attorney Shaver asked who conducted the survey. Ms. Groves said that she did, along with three employees, and Sid Squirrell, husband of owner Jodie Squirrell. City Attorney Shaver asked how the survey was conducted. Ms. Groves said that she met with the other circulators and went over the requirements of the petition. City Attorney Shaver asked about the exhibits that indicated there were 97 no answers. Ms. Groves said that the majority of those were residential. City Attorney Shaver asked when the survey was conducted. Ms. Groves said that the survey was conducted between September 1st and September 9th, the hours varied on weekends, between late afternoon to early evening and also during the weekday between 10 a.m. and 3 p.m. City Attorney Shaver asked if any attempts were made to re-contact those who were not at home. Ms. Groves said they did re-contact a few.

There was no one present in opposition or in favor of the application.

City Attorney Shaver expressed concern that the results indicated there were more “no answers” listed on the exhibits than residential people who answered the survey, however, since there is no one present in opposition and there does not appear to be any controversy regarding the license, he recommended approval.

The application for a new hotel and restaurant liquor license for Cinnamon Grill, LLC dba Cinnamon Grill was found to be in order and approved conditioned on satisfactory final inspections from the Fire and Health Departments and a satisfactory report from CBI/FBI on the owners. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

V. OTHER BUSINESS – Continued from September 7, 2011

Review reports from CBI/FBI, the Fire Department, and the Health Department for the Transfer of Ownership for Manuel Alvarez dba Taqueria Valparaiso, 511 30 Road, Grand Junction, CO 81504, transferring from Fernando Garcia dba El Primo Taqueria Mexican Food, Hotel and Restaurant

Manuel Alvarez, owner of Taqueria Valparaiso, and his son Juan Alvarez (translator), were present.

Ms. Kemp reported that the applicant is now in compliance with the Health Department and a report did come back from CBI/FBI on the owner and indicated a DUI from September 14, 2000 that was not disclosed. Ms. Kemp spoke to Mr. Alvarez's daughter and she explained it was an oversight when completing the Individual History Form. Ms. Kemp advised Ms. Alvarez that her father, Mr. Alvarez, would need to amend the Individual History Form.

City Attorney Shaver asked Ms. Kemp if the DUI was a local offense. Ms. Kemp stated that it was in Mesa County.

Hearing Officer Grattan asked Juan Alvarez to translate for his father, Mr. Alvarez, to explain to him that he will need to amend his application to disclose the DUI from September 14, 2000. Mr. Alvarez agreed to amend the application.

Hearing Officer Grattan asked Chuck Mathis, Grand Junction Fire Department, Fire Prevention Officer, to explain the outstanding violations that exist. Mr. Mathis explained that all restaurants with a hood system where there are fat greases present need to have their fire suppressant system checked by a licensed fire suppressant person that will tag them to indicate they have passed an inspection. When the Fire Department inspected the restaurant, the tag was outdated on the suppression system. Mr. Mathis advised the owner that he needs to call the inspector listed on the tag to conduct an inspection on the system. This still had not been completed upon the re-inspection by the Fire Department. The system in place at the restaurant is a dry chemical system. This system was replaced with UL 300 systems in November 1994. The dry chemical systems installed prior to November 1994 were still allowed providing there were parts available to repair the systems and a licensed inspector available to tag the system. The only licensed inspector in the valley no longer tags the dry chemical systems. Mr. Mathis has prepared a letter to give to the applicant which explains the issue with the system and has stated that the applicant needs to have an action plan indicating the process they are taking to comply with the Fire Code submitted to the Fire Department prior to October 5, 2011. Within that action plan, it should include the purchase of a K extinguisher (has the same fire protection chemicals in it as a UL 300 system) for the restaurant. The letter Mr. Mathis has

prepared also states that a new system needs to be installed, inspected, and tagged by March 21, 2012.

Hearing Officer Grattan asked for clarification on the dates in the letter. Mr. Mathis advised that he does need to correct a couple of the dates mentioned in the letter. He will correct them prior to giving the letter to Mr. Alvarez.

Hearing Officer Grattan asked Juan Alvarez to translate to his father the following:

1. The fire suppression system is obsolete
2. The contractor that the seller used is no longer updating the fire suppression system and it cannot be brought up to date
3. Fire Prevention Officer Mr. Mathis needs Mr. Alvarez to come up with an action plan to fix the system by October 5, 2011, by the next Liquor and Beer Meeting
4. In addition to the action plan by October 5, 2011, Fire Prevention Officer Mr. Mathis wants Mr. Alvarez to purchase a K extinguisher for the restaurant
5. The entire fire suppressant system will have to be replaced by March 21, 2012

Mr. Juan Alvarez translated the five facts to his father and advised Hearing Officer Grattan that his sister is in the process of getting quotes to have the fire suppressant system replaced. Ms. Kemp stated that she had spoken to Ms. Alvarez prior to the meeting and she has received one quote so far.

Hearing Officer Grattan asked Mr. Mathis if he is willing to work with Mr. Alvarez to accomplish the necessary steps for compliance. Mr. Mathis said yes.

Hearing Officer Grattan asked Mr. Mathis to submit a letter prior to the October 5, 2011 Liquor and Beer Meeting to advise where the process stands.

Hearing Officer Grattan continued the review for the Transfer of Ownership for Manuel Alvarez dba Taqueria Valparaiso until the October 5, 2011 liquor and beer meeting.

VI. ADJOURNMENT

The meeting was adjourned at 3:00 p.m.

NEXT REGULAR MEETING – October 5, 2011

MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk
DATE: September 12, 2011
SUBJECT: Application for a new hotel and restaurant liquor license by
Cinnamon Grill, LLC dba Cinnamon Grill, 624 Rae Lynn, Suite C

Cinnamon Grill, LLC filed an application with the Local Licensing Authority on August 18, 2011 for a new hotel and restaurant liquor license permitting sales of alcohol beverages by the drink for consumption on the premises at 624 Rae Lynn, Suite C under the trade name of Cinnamon Grill. 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 September 21, 2011. The Notice of Hearing was given by posting a sign on the property on or before September 11, 2011 and by publishing a display ad in the Daily Sentinel on September 9, 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 G Road, River Road on the South, 25 Road on the East and 23 ½ Road 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:	60
	OPPOSE:	0

Residential Results:	FAVOR:	75
	OPPOSE:	3

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

There were 5 responses that were disqualified because there was 1 response that didn't list an address, 1 response that didn't answer in favor or opposed, 1 response that didn't list an address nor answer in favor or opposed, and 2 responses that didn't check whether they were resident, business owner, or manager.

There were 10 "exhibits to survey petition" that indicated 1 person was under 21 years of age, 10 people refused to sign, 97 no answers, 4 no solicitors, 1 with patients, and 4 no manager on site.

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:

Hotel and Restaurant – 11 (Boston's The Gourmet Pizza, Carino's Italian, Chili's Grill and Bar, Chuck E Cheese's, Conchita's Mexican Restaurant, Famous Dave's Bar B Que, Genghis Gill, Olive Garden, Outback Steakhouse, Red Lobster #685, and Tequila's Mexican Family Restaurant)

That concludes this report.

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