

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

MINUTES

WEDNESDAY, SEPTEMBER 15, 2010 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. GJ Super Bowl, LLC dba GJ Scores, 2445 F ³/₄ Road, Grand Junction, CO 81505, Tavern

William Steele, owner of GJ Scores, was present. He provided Hearing Officer Grattan with a copy of an inspection report that the Fire Department had given him indicating that there were no outstanding violations.

The application for renewal for GJ Scores was found to be in order and approved.

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

1. Knaysi Enterprises, Inc. dba Pablo's Pizza, 319 Main Street, Grand Junction, CO 81501, Beer and Wine

No one was present representing the applicant.

The application for renewal with outdoor dining lease for Pablo's Pizza was found to be in order and approved.

IV. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSE WITH LATE FILING

1. DSDJ Entertainment, Inc. dba Weavers' Tavern, 103 N. 1st Street, Grand Junction, CO 81501, Hotel and Restaurant – **Filed 11 Days Late**

David Weaver, owner of Weavers' Tavern, and Sanna Weaver, co-owner of Weavers' Tavern, were present.

Ms. Kemp stated that reports from the review agencies came back clear except for an outstanding violation noted by the Health Department. A report of the re-inspection that was supposed to be conducted on or after September 3, 2010 had not been received by the City Clerk's office.

Hearing Officer noted that the Weavers' had provided a letter explaining the reasoning for the late filing.

The application for renewal with late filing for Weavers' Tavern was found to be in order and approved subject to resolution of the Health Department issues.

V. **APPLICATION TO RENEW LIQUOR AND BEER LICENSE AND REGISTRATION OF A NEW MANAGER**

1. Tyluk, Inc. dba Whiskey River, 490 28 ¼ Road, Grand Junction, CO 81501, Tavern

Robert A. Renshaw, 1320 Elm Avenue, Grand Junction, CO 81501 replaces Louis H. Boyd, Jr.

Robert Renshaw, general manager for Whiskey River, was present.

Ms. Kemp stated that the Police Department reported a very recent violation for serving alcoholic beverages to an underage person and the paperwork for the violation has been sent to the City Attorney's office. The sales tax was reported to be out of compliance due to a sales tax liability related to a late payment.

City Attorney Shaver asked if there are changes to the corporation or is it just a registration of a new manager. Ms. Kemp confirmed that it is just a registration of a new manager.

City Attorney Shaver recommended approval of the registration of a new manager and advised that the alleged service to a minor will be dealt with as a separate situation.

Mr. Renshaw stated that they have beefed up security and are adding substantial efforts to keep underage patrons from sneaking in.

Elizabeth Tice, City Auditor, handed Mr. Renshaw an assessment for late penalties for July 2010 in the amount of \$43.74. Mr. Renshaw advised that he will get it to the appropriate person who handles payments for Tyluk, Inc.

The application for renewal for Whiskey River was found to be in order and approved subject to payment in full of the outstanding sales tax liability.

The application for registration of a new manager for Whiskey River was found to be in order and approved.

VI. APPLICATION FOR SPECIAL EVENTS PERMIT

1. Mesa State College Foundation, 1450 N. 12th Street, Grand Junction, CO 81501 – Homecoming Beer Garden, North of Lincoln Park Barn, 1340 Gunnison Avenue, Grand Junction, CO on October 9, 2010 from 5:00 p.m. to Midnight, Malt and Vinous

Pres./Secty. of Org.: Doug May, 687 Long Rifle Road, Grand Junction, CO 81507

Event Manager: Ginger Rodabaugh, 2856 Fenel Avenue, Grand Junction, CO 81501

Doug May, President of Mesa State College Foundation, and Ginger Rodabaugh, Director of Mesa State College Foundation and Event Manager, were present.

Hearing Officer Grattan disclosed that he has had many phone conversations with Mr. Mays regarding a mutual client that they sometimes deal with. City Attorney Shaver, Mr. Mays, and Ms. Rodabaugh advised that they do not find there is any conflict.

City Attorney Shaver asked Ms. Rodabaugh if she remembers authoring a letter to Ms. Kemp regarding this particular event and asked if she would summarize the nature of the event and advise the Hearing Authority why other licensed facilities would not be available or adequate for the event. Ms. Rodabaugh stated that she did remember authoring the letter and advised that they had contacted Two Rivers and they do not have a facility that is adequate for the outside event and it made more sense to have the beer garden near the homecoming events where the students will be having a barbeque and entertainment. She stated that the beer garden will be contained in a confined area north of the barn. City Attorney Shaver asked if this is in conjunction with the football game that will be held at Stoker Stadium which is directly adjacent to the proposed beer garden. Ms. Rodabaugh confirmed that it is.

Hearing Officer Grattan asked Ms. Rodabaugh if the area with the perforated red line on the drawing provided is the area where alcohol will be served. Ms. Rodabaugh confirmed that it is and said that they will provide snow fencing to contain the liquor and no liquor will be allowed in the barn. Hearing Officer Grattan asked if people not of age would be allowed in the snow fenced area. Ms. Rodabaugh said they will not allow persons under 21 into the fenced area and there will be about 40 volunteers from their board and the Alumni Board who will be checking identification.

Hearing Officer Grattan noted that there was a second diagram which appeared to be a larger radius view of the area. Ms. Kemp advised that it was the second diagram that was provided by the applicant, and she enlarged the view for better clarification. Hearing Officer Grattan entered the enlarged diagram into the record as Exhibit A and the original diagram the applicant provided as Exhibit B.

City Attorney Shaver advised that the statutory requirements of 12-48-103 have been met. There are no other adequate or available licensed facilities for this type of event. He recommended approval.

Hearing Officer Grattan concurred and found that the application for a Special Events Permit for Mesa State College Foundation was in order and therefore approved it.

VII. APPLICATION FOR A TRANSFER OF OWNERSHIP

1. Hereford Steak and Sushi House, Inc. dba Hereford Steak and Sushi House, 707 Horizon Drive, Grand Junction, CO 81506, previously known as Bin 707, Hotel and Restaurant

President: Ya Mei Zhang, 675 Roundup Drive, Grand Junction, CO 81507

Frank Coley was present representing the applicant.

Hearing Officer Grattan disclosed that he has had direct legal representation with the applicant. He asked Mr. Coley if he had any objections to him making a decision on this matter. Mr. Coley said he did not. City Attorney Shaver asked Hearing Officer Grattan if the representation is now complete with no further representation and if so, for how long? Hearing Officer Grattan said that it has been complete with no further representation for a couple of months. City Attorney Shaver stated that, with those disclosures, there is no problem.

Ms. Kemp reported that this application was originally scheduled for September 1st, but there was a problem with the posting of the premises, so it was rescheduled to September 15th.

City Attorney Shaver asked Mr. Coley how long the premises have been posted and has it been posted continuously? Mr. Coley said that it has been posted continuously for weeks.

The application for transfer of ownership for Hereford Steak and Sushi House was found to be in order and approved.

VIII. SHOW CAUSE HEARING

1. Zen Garden, Inc. dba Zen Garden, 2886 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

Pursuant to Colorado Revised Statutes §12-47-901(1)(a.5)(I), it is unlawful for any person, including a licensee, manager, or agent of any licensed establishment to sell, serve, exchange, or permit the sale and procurement of any alcohol beverage to or for any person under the age of twenty-one years

Chiew (Max) Chiou, owner of Zen Garden and Stephen Schweissing, Attorney representing Mr. Chiou, were present.

Hearing Officer Grattan advised that he has reviewed the stipulation that was presented to him on this matter by Ms. Kemp.

Mr. Schweissing stated that he and his client entered into negotiation with Ms. Baird from the City Attorney's office and came to this agreement. He reviewed the agreement with Mr. Chiou, explained his rights and options in the circumstance, and Mr. Chiou elected to enter into the agreement voluntarily. Mr. Schweissing said that he and Ms. Baird had discussed a couple of different options and Mr. Chiou found this one to be the most appropriate. He also advised that they expect that the stipulation will be successful. Mr. Chiou has made significant changes in how alcohol is handled on the premises.

Hearing Officer Grattan asked Mr. Chiou if he agrees with what Mr. Schweissing said. Mr. Chiou said that he did.

Mr. Schweissing asked where Mr. Chlou obtains a sign to post the premises during the suspension and also asked if Mr. Chiou has to remove the alcohol from the premises during the suspension. City Attorney Shaver advised Mr. Schweissing that Mr. Chiou can obtain a sign for suspension from the City Clerk's office and there is no requirement that the premises be devoided of alcohol, it just requires that alcohol not be served during the suspension period.

Hearing Officer Grattan executed the stipulation where indicated and asked that Ms. Kemp supply it to the parties in accordance to the certificate of mailing.

IX. OTHER BUSINESS

1. Western Colorado Botanical Society dba Western Colorado Botanical Gardens, 701 Struthers Avenue, Grand Junction, CO 81501, Arts – Review procedure put in place to avoid future late filings

City Attorney Shaver stated that he thinks that the required action plan that was submitted by Western Colorado Botanical Gardens is helpful, however, the problem for timely filing has also been due to changing of staff, and he would like to know that the positions that are named in the plan are actually staffed.

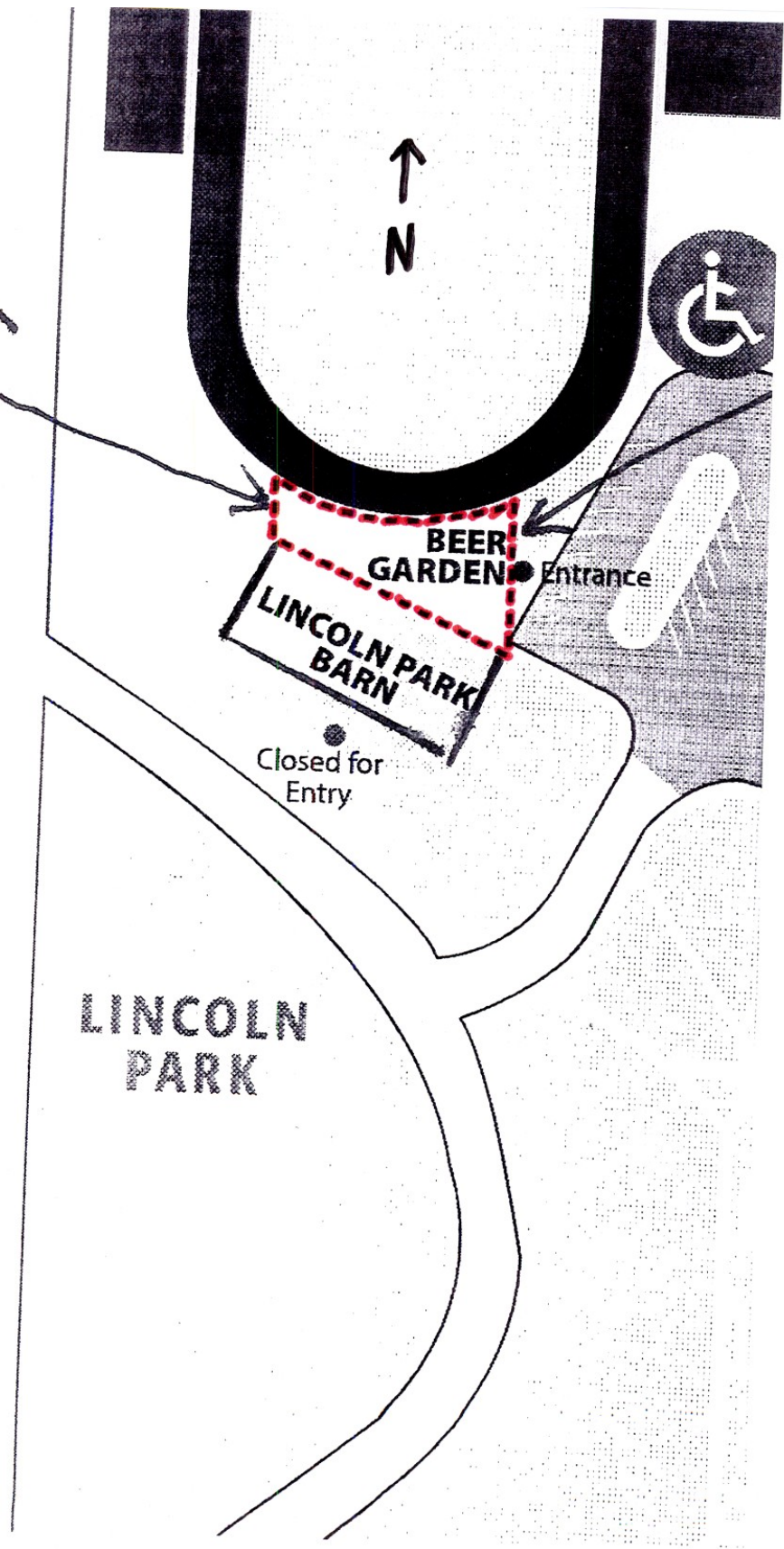
Hearing Officer Grattan asked that the City Attorney's office encourage the applicant to make timely filings of the renewal application in the future.

X. ADJOURNMENT

The meeting was adjourned at 2:30 p.m.

NEXT REGULAR MEETING – October 6, 2010

Licensed Area
and
Fencing



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MESA STATE COLLEGE

GRAND JUNCTION, COLORADO ►►

2010 MSC Foundation Homecoming Beer Garden

