

**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, DECEMBER 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 Juanita Peterson. Hearing Officer Grattan said that he was going to change the order of items on the agenda.
  
- II. **APPLICATION TO RENEW LIQUOR AND BEER LICENSE WITH TASTING PERMIT**
  1. JEMSKT, Inc. dba Country Club Liquors, 683 Horizon Drive, #105, Grand Junction, CO 81506, Retail Liquor Store  
  
No one was present representing the applicant. The application for renewal and the tasting permit for Country Club Liquors was found to be in order and approved.
  
- III. **APPLICATION TO RENEW LIQUOR AND BEER LICENSE AND CHANGE IN CORPORATE STRUCTURE**
  1. Beye Lotz Grand Junction dba VFW Post #1247, 1404 Ute Avenue, Grand Junction, CO 81501, Tavern  
  
Eugene J. Southard, Service Commander, 565 Sun Valley Street, Grand Junction, CO 81504, replaces Roger McGuire  
  
No one was present representing the applicant. The application for renewal and the change in corporate structure for VFW Post #1247 was found to be in order and approved pending a positive report from C.B.I.
  
- IV. **APPLICATION TO RENEW LIQUOR AND BEER LICENSE, CHANGE IN CORPORATE STRUCTURE AND APPLICATION FOR A STORAGE PERMIT**
  1. VAT LLC, dba Jack Rabbit Liquor, 2681 Unaweep Avenue, Grand Junction, CO 81501, Retail Liquor Store  
  
Addition of Phally Vat, 2845 Kelso Mesa Drive, Grand Junction, CO 81503, as a member.  
  
Touch Vat and Phally Vat were both present. Hearing Officer Grattan asked to separate the items. The application for renewal and change in corporate structure for Jack Rabbit Liquor was found to be in order and approved pending a positive report from C.B.I. The application for the storage permit was presented and the diagram was entered into the record as Exhibit "A". Hearing Officer Grattan asked the applicant if this was the unit next door to the liquor store. The applicant said yes. Ms. Peterson reported that the applicant is aware that this is not open to the public and only for storage.

The application for storage permit was approved.

**V. APPLICATION FOR A CHANGE IN CORPORATE STRUCTURE**

1. Loyal Order of Moose Grand Junction #270 dba Loyal Order of Moose Grand Junction Lodge 270, 567 25 ½ Road, Grand Junction, CO 81505, Club

George S. Fuoco, Governor, 579 29 3/8 Road, Grand Junction, CO 81504, replaces Leland L. Baldwin

No one was present representing the applicant. The application for change in corporate structure for Moose Lodge was found to be in order and approved pending a positive report from C.B.I.

**VI. APPLICATION FOR MODIFICATION OF PREMISES**

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

Rent an additional unit and open wall between units to allow for an office and more storage for a retail liquor store license.

No one was present representing the applicant. Ms. Peterson reported the findings of the survey. Hearing Officer Grattan advised that he would recommend hearing this again on January 5, 2011 and required the applicant to be present. The matter was continued to January 5, 2011.

**VIII. SHOW CAUSE HEARING, APPLICATION TO RENEW LIQUOR AND BEER LICENSE AND CHANGE IN CORPORATE STRUCTURE**

1. B.P.O. Elks Lodge dba Grand Junction Lodge No. 575, 249 S. 4<sup>th</sup> Street, Grand Junction, CO 81501, Club – **Continued from December 1, 2010**

Pursuant to Section 12-47-416 C.R.S. it is unlawful for a licensee to sell malt, vinous, and spirituous liquors by the drink to persons other than members of such club and/or guest. The Colorado Department of Revenue has clarified the minimum requirements necessary to determine that a person is a guest of the club. These qualifications are: a person who receives a personal invitation from a member inviting the guest must be present on the licensed premises at all times that the guest is present; guest should not have to pay to enter onto, or utilize, the premises or general facilities of the club; and persons making the invitation to a function must be a club member.

It is alleged that on April 24, 2010, the licensee, by and through Phillip Carter, club member and through agent/employee Karla Kay Thompson, sold a malt beverage to a person(s) who were neither a club member nor a guest.

Terri R. Carter, Trustee, 2510 S. Broadway, Grand Junction, CO 81507, replaces John Krizman

Ms. Terri Carter was present. Ms. Peterson reported the paper work for the renewal was in order and read the report from the Police Department on the two violations dated February 4 and April 24, 2010. Both were for service of alcohol beverage to a non club member.

Assistant City Attorney Jamie Beard advised the Authority that the City has reached a plea agreement with BPOE Lodge through their attorney Michael Holmes. Ms. Beard informed the Licensee that by entering into an agreement for the current violations occurring on April 24, 2010, the remaining five (5) days suspension held in abeyance in the March 17, 2010 Stipulation, Agreement and Order (from the February 4, 2010 incident) may be reinstated. The licensee agreed to a fourteen (14) day suspension. The licensee and City agreed to reinstate the five (5) day suspension held in abeyance for violation of the order. Licensee is currently scheduled to serve the reinstated five (5) days of active suspension and two (2) days active suspension for the new violation from 12:01 a.m. on the 6<sup>th</sup> of December until 11:59 p.m. on the 12<sup>th</sup> day of December, 2010 which they completed prior to this hearing.

Hearing Officer Grattan asked Ms. Carter if she has reviewed the stipulation and understands it and finds it acceptable. Ms. Carter said yes. Hearing Officer Grattan asked Ms. Carter if she entered into the agreement willingly and voluntarily without being coerced. Ms. Carter said yes. Hearing Officer Grattan asked Ms. Carter if she would like him to enter the stipulation into the record as an order of the Authority. Ms. Carter said yes.

Hearing Officer Grattan signed the agreement and asked that the City Clerk's office mail out the signed agreement in accordance with the certificate of mailing. The application for the renewal and change in corporate structure was approved pending a positive C.B.I. report.

## **VII. APPLICATION FOR NEW LICENSE – RESOLUTION, FINDINGS AND DECISION**

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

CEO, President: Michael V. Call, 673 S. Parkway Drive, North Salt Lake, UT 84054

CIO, VP: Lynn A. Call, 276 E. 9<sup>th</sup> Avenue, Afton, WY 83110

VP Marketing: Bradley F. Call, 1584 N. 175 W., Bountiful, UT 84010

CFO, VP Finance: Spencer C. Hewlett, 82 E. Peachtree Drive, Centerville, UT 84014

Ms. Bonnie Smith, Store Director, and Ms. Tina Irvin, Area Supervisor over Colorado Stores, was present. Ms. Peterson reported the paper work was filed in a timely manner and the local police report was fine. C.B.I. is pending along with the local sales tax license. Ms. Peterson read the results of the survey into the record (see attached).

City Attorney Shaver asked the representatives who conducted the survey. Ms. Smith said that she did. She was going to have someone else help her but that person got sick. City Attorney Shaver asked Ms. Smith if she agreed with what Ms. Peterson read into the record as the results. She said yes. City Attorney Shaver asked Ms. Smith when the survey was conducted. She indicated from 3-6 p.m. on one day and 10 a.m. to 6 p.m. the next day.

Hearing Officer Grattan asked Ms. Smith about having no responses from any businesses. Ms. Smith indicated that she started out in the wrong area (along North Avenue) and then realized she was out the survey area and began again but there were not many businesses in the survey area. Hearing Officer Grattan said he knows

of the area and there at least some businesses. Ms. Smith said that she started in the southeast quadrant of the area and then moved to the southwest area which were all residential and she approached the bench and showed Hearing Officer Grattan on the map. Ms. Smith indicated about 2 out of 3 homes did not answer. Hearing Officer Grattan asked if she kept track of these "not at home's". Ms. Smith indicated she did not. City Attorney Shaver asked if she made an attempt to go back to the "not at home's" at a different time. Ms. Smith indicated she did not. City Attorney Shaver asked Ms. Smith if she tried to go to the areas in the northeast and northwest in the survey area. She said she did not.

Hearing Officer Grattan stated that one piece of the analysis is to determine the needs and desires of the neighborhood with the survey. He does not believe the survey presented represents the entire area with not having any responses from any businesses. Hearing Officer Grattan asked if anyone was present to talk on this matter and seeing no one else in the hearing room besides the applicant, made note for the record.

Hearing Officer Grattan and City Attorney Shaver both concurred that they would give the applicant additional time to go back out and canvas the area and make sure they do approach businesses in the area and to keep a log of the "not at home's" or "refused to sign" addresses.

Ms. Peterson asked Ms. Smith to come by the City Clerk's office in the morning and she would have additional survey petitions ready for her along with a date and time these must be returned.

Hearing Officer Grattan said this will be continued until the next Liquor Meeting which is January 5, 2011. All parties were in agreement.

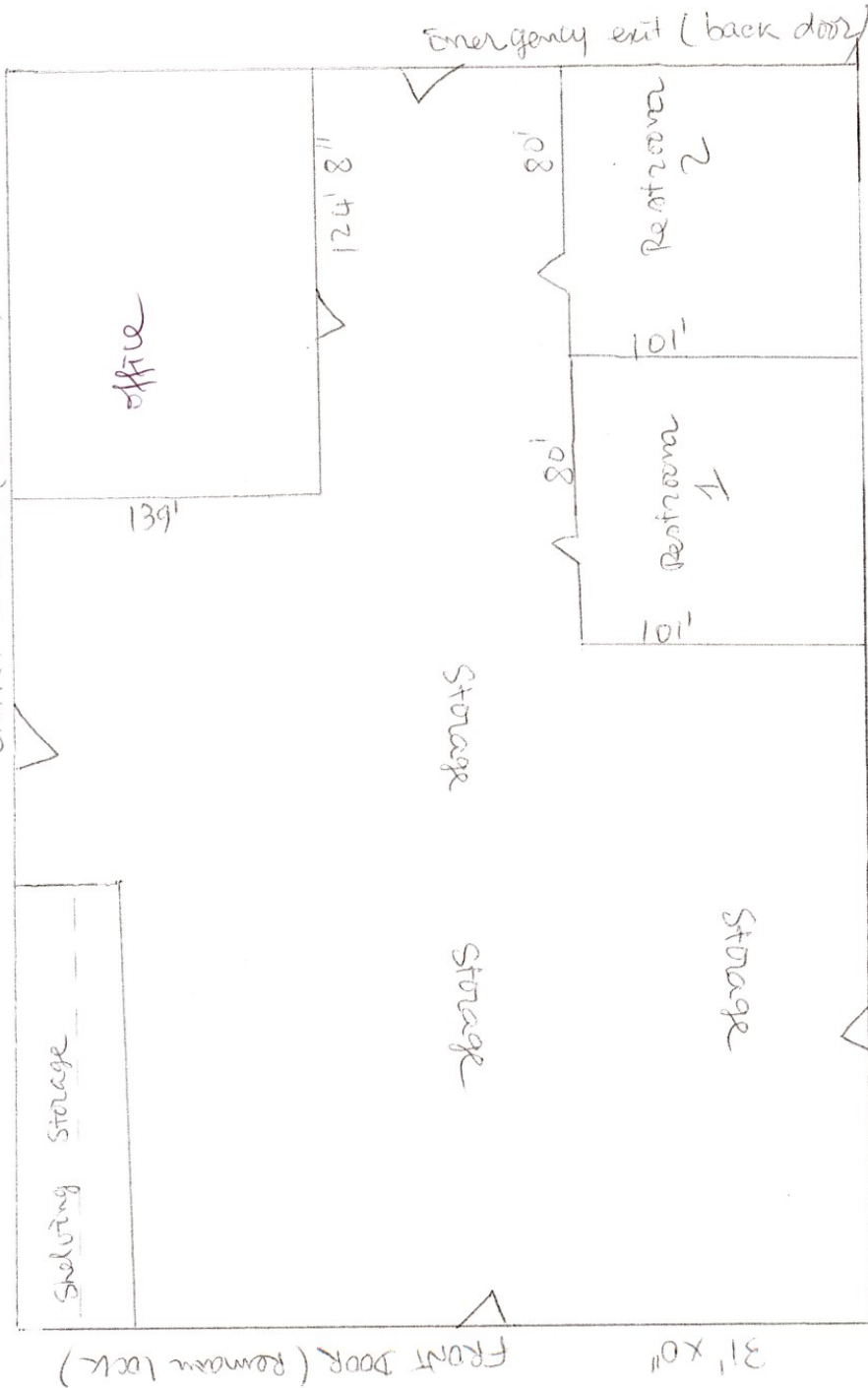
**IX. OTHER BUSINESS - none**

**X. ADJOURNMENT – 2: 48 p.m.**

**NEXT REGULAR MEETING – January 5, 2011**

54'-8"

ENTRANCE DOOR (SIDE DOOR)



A

MEMO: Local Licensing Authority  
FROM: Debbie Kemp, Deputy City Clerk  
DATE: December 1, 2010  
SUBJECT: Application for a new retail 3.2% beer (off premises) license by Maverik, Inc., dba Maverik, Inc. #418, 2948 F Road

Maverik, Inc. filed an application with the Local Licensing Authority on November 4, 2010 for a new retail 3.2% beer (off premises) license for the sales of fermented malt beverages in sealed containers not for consumption at place where sold at 2948 F Road under the trade name of Maverik, Inc. #418. The application and supplementary documents were reviewed, found to be in order, and accepted. The hearing date was set for December 15, 2010. The Notice of Hearing will be given by posting a sign on the property on December 5, 2010 and by publishing a display ad in the Daily Sentinel on December 3, 2010.

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: F ½ Road on the north, Orchard Avenue on the south, 30 Road on the east, and 29 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:	SUPPORT: 0
	OPPOSE: 0

Note: There were very limited businesses within the defined neighborhood area.

Residential Results:	SUPPORT: 42
	OPPOSE: 6
	NO OPINION: 4

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

There was 1 resident response that was disqualified because there was no address listed. There were 3 business responses that were disqualified because they were outside the defined neighborhood.

The Grand Junction Police Department is investigating the corporate officers 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. A report has been requested from the Grand Junction Sales Tax Department to verify a sales tax license

has been obtained. A Certificate of Occupancy from the Mesa County Building Department will need to be filed in the City Clerk's office prior to the issuance of the approved license.

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

3.2% beer (off premises) – 4 (Loco Food Store #14, Safeway Store #1533, Diamond Shamrock Corner Store #4115, and Rite-Aid #6258)

There are no similar-type outlets in a one mile area in addition to the above:

That concludes this report.

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