

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

MINUTES

WEDNESDAY, OCTOBER 21, 2009 2:00 p.m.

- I. **CALL TO ORDER** – The meeting convened at 1:59 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. Restaurant Concepts II, LLC dba Applebee's Neighborhood Grill & Bar, 711 Horizon Drive, Grand Junction, CO 81506, Hotel and Restaurant

No one was present representing the applicant.

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

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

Louis Boyd, owner of Tyluk, Inc. was present.

Ms. Kemp advised that the Health Department reported that there was a violation in which the caterer that was delivering to the applicant was not licensed. The violation had been corrected as the applicant now has pizza delivered to the premises on Friday evenings instead of using the caterer.

Ms. Kemp also advised that the applicant disclosed a violation for serving alcohol to a visibly intoxicated patron and that a fine was paid in lieu of active suspension.

City Attorney Shaver asked Ms. Kemp if her office was notified of the violation. Ms. Kemp stated that the City Clerk's office had received a copy of the Stipulation from the State Liquor Enforcement office.

City Attorney Shaver asked Mr. Boyd if Mr. Sherrill is still employed. Mr. Boyd said he is not. He explained that he had to let Mr. Sherrill go because of actions that he has taken at the establishment since the violation.

City Attorney Shaver asked Mr. Boyd if they have received any other violations since this one. Mr. Boyd said no.

Mr. Boyd advised that they had not realized that the caterer that they were using was unlicensed. They now do have pizza delivered from local pizza establishments.

City Attorney asked if Mr. Boyd has a current menu on file with the City Clerk's office. Mr. Boyd said he believes they do, but it probably does not include the pizza delivery.

Hearing Officer Grattan advised Mr. Boyd that he is concerned as a statutory liquor license issue that the pizza is delivered in the afternoons. Mr. Boyd advised that they carry other items such as frozen burritos, hot pockets, and frozen pizzas to microwave that are available during operation hours. The delivery of pizza is only for Friday afternoons.

Mr. Boyd asked if it is ok for his patrons to take Red Bull off of the licensed premises. City Attorney Shaver suggested Mr. Boyd contact his office.

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

III. APPLICATION FOR A TASTINGS PERMIT

1. SINH, LLC dba Redlands Liquor, 2500 A8 Broadway, Grand Junction, CO 81503, Retail Liquor Store

Vuthy Sinh, owner of SINH, LLC, was present.

The application for a tastings permit was found to be in order and approved.

IV. APPLICATION FOR MODIFICATION OF PREMISES

1. Tequila's II, Inc. dba Tequila's, 2560 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

Addition of outside patio on front of existing building increasing the seating by 16 seats

John Howe, attorney with Hoskin, Farina, and Kampf, Anselmo Munoz, President of Tequila's II, Ruby Dominguez, circulator of survey, and Manual Dominguez, circulator of survey, were present.

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

City Attorney Shaver advised that he will not ask his usual questions regarding how the survey was conducted since this is a modification of premises for an establishment that has been licensed for some time, and hearing the results of the survey he has no questions.

Mr. Howe advised that the patio is about 12' by 45' on the front side of the building increasing the seating by 16 seats.

Hearing Officer Grattan asked if they received Building Department approval.

Mr. Howe advised that they had obtained a Building Permit, and Planning Clearances.

Hearing Officer Grattan asked if there was anyone present on this matter.

Seeing no one, he found the application for modification of premises to be in order and it was approved.

V. APPLICATION FOR NEW LICENSE – RESOLUTION, AND FINDINGS AND DECISION

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

Member: Mandi S. Kelley, 317 Zuni Drive, Grand Junction, CO 81503

Member: Justin M. Morgan, 701 Ash Drive, Grand Junction, CO 81506

Member: Benjamin T. Dial, 1520 N. 7th Street, Grand Junction, CO 81501

Member: Michelle R. Knapton, 2320 Bunting Avenue, Grand Junction, CO 81501

Mandi Kelley, Justin Morgan, Benjamin Dial, and Michelle Knapton, all members of Genius Loci, LLC, were present.

Ms. Kemp reported that the paperwork was found to be in order and accepted. The applicant requested a concurrent review. Reports came back fine from the Police Department, Code Enforcement, and the Sales Tax Department. The Police Department reported two criminal charges on Mr. Morgan from 2002 and 2004 which were revealed on the individual history form. The rest of the departments will report once the remodel of the premises is complete and a Certificate of Occupancy is issued.

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

City Attorney Shaver asked Ms. Knapton who conducted the survey. Ms. Knapton said that it was all four of them, the Managers, and they worked in pairs. City Attorney Shaver asked Ms. Knapton to describe the method used to conduct the survey. Ms. Knapton said that they split up the area in two parts, and one team covered one area and the other team covered the other area. City Attorney Shaver asked Ms. Knapton what she said to people. Ms. Knapton said that they told the people that they are starting a new business, a tavern for artists in hopes to get a theatre going again. They explained the form to the people and asked if they wished to sign. City Attorney Shaver asked if they paraphrased the questions or did they read the questions to them. Ms. Knapton said that they read the questions to them. City Attorney Shaver asked Ms. Knapton if she concurred with the results Ms. Kemp read into the record. Ms. Knapton said yes. Ms. Knapton said that they received a lot of positive responses. They did have a lot of businesses that wouldn't sign because they weren't the manager, and they did go back to a lot of those places. City Attorney Shaver asked Ms. Knapton if some that didn't want the license signed the survey. Ms. Knapton said yes. City Attorney asked what time of the day the surveys were conducted. Ms. Knapton said they went to businesses on weekday mornings, and went to houses in the afternoons and on weekends in the evenings.

Ms. Knapton said that they have all worked in bars, but have never owned a bar. She has managed a bar. She knows about liquor responsibility. They have already sat down with Liquor Enforcement to find out what they expect from them. They have also met with the Police Department (Ms. Maestas).

City Attorney Shaver said Mr. Morgan can offer additional evidence on his disclosed criminal background if he feels it is necessary, but City Attorney Shaver did not find it necessary to ask for further information since the offenses were not felonies.

Hearing Officer Grattan asked Mr. Morgan for the resolution of the DUI type of offense, was it probation, was it completed and was there any problems in completing the probation? Mr. Morgan said that it was probation and he had no problems with it and it was completed.

Hearing Officer Grattan asked Mr. Morgan about the resolution on the criminal mischief matter. Mr. Morgan said that there was 6 months probation and there were no problems with completing the term of the probation.

Hearing Officer Grattan asked Mr. Morgan if there were any other convictions at all. Mr. Morgan said no.

Mr. Morgan said that for the last five years he has really tried to make amends for his charges and give back to the community.

Hearing Officer Grattan asked if there was any opposition in the audience.

Seeing none, he asked for a show of hands from people in support of the application. He noted that there was 25 or so in attendance all supporting the application.

Hearing Officer Grattan found the requirements have been met and approved the new tavern liquor license on the local level conditioned on Fire Department, Health Department, Building Department and the Sales Tax Department approvals. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

VI. SHOW CAUSE HEARINGS

1. D R Bowling, LLC dba Freeway Bowl, 1900 Main Street, Grand Junction, CO 81501, Tavern (continued from October 7, 2009)

Pursuant to Regulation 47-918 of the State of Colorado Liquor Enforcement Division Code of Regulations, it is unlawful for any licensee, manager, or agent of any establishment licensed for on-premises consumption to permit the removal from the licensed premises of any alcohol beverage in sealed or unsealed containers

The Licensee was not present.

Staff Attorney DeLayne Merritt stated that the City Clerk has the original copy of the agreement signed by Mr. Brenton.

Hearing Officer Grattan noted that there is a right to waive a hearing contained in the stipulation.

City Attorney Shaver recommended that the Hearing Officer adopt the stipulation as written.

Hearing Officer Grattan executed the stipulation and asked that Ms. Kemp deliver it as set forth in the certificate of service.

2. Erich and Barb, LLC dba The Snowflake, 539 Colorado Avenue, Grand Junction, CO 81501, Tavern

Pursuant to Regulation 47-918 of the State of Colorado Liquor Enforcement Division Code of Regulations, it is unlawful for any licensee, manager, or agent of any establishment licensed for on-premises consumption to permit the removal from the licensed premises of any alcohol beverage in sealed or unsealed containers

Erich and Barb Frei were present.

Staff Attorney DeLayne Merritt advised that there are no corrections to the stipulation and it has been signed by both parties.

Hearing Officer Grattan asked Mr. Frei if the signature on the stipulation is his and asked if he signed it willingly and knowingly. Mr. Frie said yes to both questions.

City Attorney Shaver recommended that the Hearing Officer adopt the stipulation as written.

Staff Attorney Merritt stated that this agreement references an amendment to a prior agreement for a violation as well as the new violation. It reinstates previously suspended days that were held in abeyance and makes them active suspension. Hearing Officer Grattan said it is acceptable to him.

Hearing Officer Grattan executed the stipulation and asked that Ms. Kemp deliver it as set forth in the certificate of service.

VII. OTHER BUSINESS

Sales Tax Enforcement Officer Brian Holman advised that there is a problem with compliance of the sales tax on the previous owner

for Freeway Bowl, which there is a transfer of ownership for that business scheduled on the November 4, 2009 liquor and beer meeting.

Hearing Officer Grattan advised that the transfer of ownership will still be heard on that matter.

City Attorney Shaver advised that Mr. Holman submit a written statement to the City Clerk's Office regarding the sales tax issue.

VIII. ADJOURNMENT – The meeting was adjourned at 2:43 p.m.

NEXT REGULAR MEETING – November 4, 2009

MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk
DATE: October 12, 2009
SUBJECT: Application for a modification of premises to add 16 outdoor patio seats to a hotel and restaurant liquor license by Tequilas II, Inc., dba Tequila's Family Mexican Restaurant, 2560 North Avenue

Tequilas II, Inc. filed an application with the Local Licensing Authority on September 21, 2009 for a modification of premises to add 16 outdoor patio seats to a hotel and restaurant liquor license permitting sales of malt, vinous, and spirituous liquors by the drink for consumption on the premises at 2560 North Avenue, under the trade name of Tequila's Family Mexican Restaurant.

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 Orchard Avenue, Grand Avenue on the South, 28 ½ Road on the East, and on the West by 18th Street. The results of that survey are as follows:

- As an owner of property in the neighborhood, an employee or a business lessee of property in the neighborhood, and/or an inhabitant residing in the neighborhood for more than six months each year, I believe the modification of premises to add 16 outdoor patio seats will not conflict with the reasonable requirements of the neighborhood or the desires of the inhabitants.

Yes	98
No	1

- As an inhabitant who resides in the neighborhood for more than six months each year, it is my desire that the modification of premises be approved.

Yes	40
No	0
Disqualified	56

The 56 signatures were disqualified because: 7 for being out of the area, 1 was no such address, 1 used a P.O. Box instead of a physical address, and 47 were businesses that answered question 2.

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Lisa Maestas, Grand Junction Police Department
John Howe, Hoskin, Farina & Kampf
File

MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk
DATE: October 13, 2009
SUBJECT: Application for a new Tavern liquor license by Genius Loci, LLC,
dba Tenacious Brothers Pub, 118 S. 7th Street

Genius Loci, LLC filed an application with the Local Licensing Authority on September 14, 2009 for a new tavern liquor license permitting sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 118 S. 7th Street, under the trade name of Tenacious Brothers Pub. 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 October 21, 2009. The Notice of Hearing was given by posting a sign on the property on October 11, 2009 and by publishing a display ad in the Daily Sentinel on October 9, 2009.

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 Hill Avenue, 4th Avenue on the South, 13th Street on the East, and on the West by 1st Street and includes both sides of the streets as the outer boundaries. The results of that survey are as follows:

2. As an owner of property in the neighborhood, an employee or a business lessee of property in the neighborhood, and/or an inhabitant residing in the neighborhood for more than six months each year, I believe the reasonable requirements of the neighborhood are already being met by other existing outlets.

Yes	15
No	346

2. As an inhabitant who resides in the neighborhood for more than six months each year, it is my desire that the license be issued.

Yes	159
No	5
N/A	3

There were 9 signatures disqualified because the signer lived out of the designated neighborhood boundary, there was no address listed, or there was no signature.

There were 15 disqualified signatures on question 2 because businesses answered the question which does not apply to businesses.

An Exhibit was provided for a record of attempts at the survey due to various reasons. This is attached as Exhibit 1.

The Grand Junction Police Department has investigated the owners for local criminal history. Reports have been requested by the Grand Junction Fire Department, Code Enforcement, Mesa County Health Department, and the City of Grand Junction Sales Tax Department.

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

Tavern – 5 (Boomers, Chupiro's Place, Mea Theatre, Quincy Bar and Grill, and The Snowflake)

The number of similar-type outlets in a one mile area in addition to the above is as follows:

Tavern – 2 (Freeway Bowl and VFW Post 1247)

There has not been any remonstrance's or petitions received in the City Clerk's office as of the date of this letter.

That concludes this report.

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

Exhibit 1

TENACIOUS BROTHERS PUB

118 S 7th Street
Grand Junction, CO 81501
Mailing Address:
PO Box 2418
Grand Junction, CO 81502
(970) 985-8869
tenaciousmandi@yahoo.com

Canvas Numbers for: Hill Avenue to Fourth Avenue from 1st to 13th Street.

Business: 323

Question One:
Yes: 7 No: 192

Question Two:
Yes: 14 No: 2

Non Compliant: 124
Decline: 43
Closed/Vacant: 67
No Soliciting/Trespass: 13
No English: 1

Most of the business declines were employee's asking we come back for the owner of the business.
Some declines were that of the owners who had no opinion.
All of the restaurants/taverns were visited twice before excepting a non-compliant response.

Residents: 729

Question One:
Yes: 11 No: 163

Question Two:
Yes: 164 No: 8

Non Compliant: 555
Decline: 25
Not Home/Minors: 463
No Soliciting/Trespass: 53
Dog In Yard: 10
No English: 4

Some homes were skipped due to notorious illegal activity and or unsavory conditions like privacy fences and dog's in the yard.
Residents falling below Main Street were canvassed twice before excepting a non-compliant response.