

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

**MINUTES
WEDNESDAY, DECEMBER 3, 2014, 2:00 P.M.**

HEARING OFFICER MICHAEL GRATTAN

I. CALL TO ORDER

The meeting was called to order at 2:00 p.m. Those present were Hearing Officer Mike Grattan, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

II. REVIEW APPLICATION TO RENEW LIQUOR AND BEER LICENSE PREVIOUSLY APPROVED WITH A CONDITION

1. Thai Chili, Inc. dba Thai Chili & Pho, 2536 Rimrock Drive, Suite 700, Grand Junction, CO 81505, Hotel and Restaurant – **Approved October 15, 2014 Conditioned on Approval from the Health Department**

On Chi Ng, President of Thai Chili, Inc. and “Jo Jo”, interpreter for Mr. Ng, was present.

Heather Nara, Environmental Health Specialist for Mesa County Health Department, was also present.

Hearing Officer Grattan disclosed that he used to represent somebody that was previously associated with this entity. City Attorney Shaver said the City would waive the appearance of any conflict.

Ms. Nara advised that the Health Department is entering into a hearing process with Thai Chili & Pho because they have received three fines for non-compliance over the last twelve months. The hearing will include requiring an inspection of the facility each month for three months. If the facility has non-compliance of any of the previous violations, it will result in suspension of the food service license. The Health Department feels that they can handle the non-compliance issues through the hearing process and advised that they would have no objection to the issuance of the liquor license. Ms. Nara advised that since the new owners took over last year, there have been marked improvements and they have taken ownership of many of the previous violations. She believes that the reason for the reoccurring violations is because of the language barrier.

City Attorney Shaver asked if the violations pose a public health risk. Ms. Nara said yes, the cold hold violations do because food stored at improper

temperatures can have bacterial growth and someone consuming that can become ill.

Hearing Officer Grattan asked “Jo Jo” to inquire whether or not the applicant would like to say anything. After it was determined that “Jo Jo” didn’t speak Chinese (the language of the applicant), Hearing Officer Grattan withdrew the condition and approved the issuance of the liquor license and set the matter for review to the March 4, 2015 Liquor and Beer Meeting. He requested the Health Department to report to the City Clerk’s office whether or not the establishment’s food license will be suspended. He advised the applicant that he would like him to understand the proceedings on March 4th if it will be a substantive hearing, therefore a language line will be available.

III. APPLICATION FOR A CHANGE IN TRADE NAME AND REGISTRATION OF A NEW MANAGER

1. Oceanic Grand Junction, LLC dba Country Inns of America, 718 Horizon Drive, Grand Junction, CO 81506, Tavern

Change Trade Name to Hideaway Lounge

Susan T. Meders, 422 Chiswick Way, Grand Junction, CO 81504 replaces Manoj Chawla

No one was present representing the applicant.

The application for change in trade name for Oceanic Grand Junction, LLC dba Country Inns of America to Oceanic Grand Junction, LLC dba Hideaway Lounge was found to be in order and approved.

The application for registration of a new manager for Oceanic Grand Junction, LLC dba Country Inns of America was found to be in order and approved.

IV. APPLICATION FOR SPECIAL EVENTS PERMITS

1. Western Slope H.O.G., Inc., 2747 Crossroads Blvd., Grand Junction, CO 81506 – 35th Annual Western Slope Harley Toy Run on December 6, 2014, 759 Horizon Drive, Grand Junction, CO 81506

President: Gordon Weaver, 2957 Bonito Lane, Grand Junction, CO 81504
Event Mgr.: Lorie Zellner, 230 31 3/10 Road, Grand Junction, CO 81503

Lorie Zellner, Event Manager, and Vincenzo Favale, Owner of Enzo’s Pizzeria and Italian Café, were present.

City Attorney Shaver handed Ms. Zellner three documents, two marked with a letter “A” and the third document marked with a letter “B” and asked her if she has knowledge of the documents marked with an “A”. Ms. Zellner said she did. City Attorney Shaver asked who signature was on the second page of the documents marked with an “A” and does she find the documents to be true and

accurate. Ms. Zellner said it is her signature and there is one correction on number 7, they are going to have 10 security people present instead of 4 and they will be posted at entrances, exits, and throughout the event. City Attorney Shaver said that the event appears to be adjacent to Enzo's and asked if patrons will have to travel through Enzo's to get to the event. Ms. Zellner said the event is directly behind Enzo's establishment and persons will either be able to support Enzo's or the event, however alcohol from Enzo's will not be allowed out nor alcohol from the event be allowed in. City Attorney Shaver asked if there will be security at that passage way to make sure of that. Ms. Zellner said yes.

City Attorney Shaver asked if the event was held at the proposed location for the last 34 years. Ms. Zellner said no, the past events for many years were held at Cactus Canyon, but they are no longer open. They were going to hold the event at the Blue Moose but they have recently closed. City Attorney asked Ms. Zellner if she has been involved with the event for the last 35 years and does she have any knowledge of problems with the previous events. Ms. Zellner said she has been involved with the event for the past 10 years and she is not aware of any problems from the previous events.

City Attorney Shaver asked Ms. Zellner what the red area depicts on the document marked with a letter B. Ms. Zellner stated that will be the tented event area and she advised that identification will be checked for everyone entering that area and the persons 21 years of age and older will be wrist banded. City Attorney Shaver asked if there will be perimeter barriers to ensure that the alcohol will not leave the premises. Ms. Zellner said that construction barriers (similar to chain linked fencing) will be provided by John Dyer Construction and will be placed around the tented area. She described where the ten trained security personnel will be stationed during the event.

There was no one present in opposition to the application.

Hearing Officer Grattan admitted Exhibits A and B into the record (attached) and he asked Ms. Zellner what the hours of the event will be. Ms. Zellner said the event will be from around 1:00 p.m. to 3:30 p.m.

Hearing Officer Grattan found that the application for a special events permit submitted by Western Slope H.O.G., Inc. for the 35th Annual Western Slope Harley Toy Run was in order and that pursuant to Colorado State Statutes 12-48-106, there are no grounds to deny the special events permit, it would not be injurious to the public welfare because of the nature of the special event, its location within the community (directly adjacent to a licensed premise), there is no evidence of failure of the applicant in a past special event to conduct the event in compliance with applicable law, and therefore approved it.

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

1. Art Bar GJ, LLC dba Art Bar, 205 Colorado Avenue, Grand Junction, CO 81501, Beer and Wine

Member: Julia R. Ennis, 1042 Lakeside Court, Grand Junction, CO 81506

Member: Pamela L. Blythe, 713 Estates Blvd., Grand Junction, CO 81505

Julia Ennis and Pamela Blythe, members of Art Bar GJ, LLC, were present.

Ms. Kemp read the results of the survey that was conducted into the record (see attached) and reported that a letter was submitted by Hayashi Properties, LLC regarding the application on December 2nd and read that letter into the record (see attached).

There was no one present in opposition to the application.

City Attorney Shaver asked Ms. Ennis and Ms. Blythe if they heard the results that were read into the record and asked if they found them to be a true and accurate representation. Ms. Ennis said yes except for the number of additional attempts was only two. She had misunderstood that column on the survey. City Attorney Shaver asked if the results were correct in that no one opposed the issuance of the license. Ms. Ennis said that was correct, however there was one person who at first was opposed to the license on Main Street because she thought the Art Bar would compete with her art business but after finding out it was a different type of business, she was no longer opposed and she signed the survey in favor, and there was a person at the Horse and Sport that was concerned because of the parking, however, when she was told that a no parking sign would be put up, she agreed to sign the survey. City Attorney Shaver asked if she attempted to go to any of the other businesses that were referred to in the letter that was submitted by Hayashi Properties, LLC. Ms. Ennis said she did go to the hotels but as she recalled, there were no managers present to sign the survey.

City Attorney Shaver asked Ms. Ennis to describe the nature of the proposed business. Ms. Ennis explained that they will be teaching art classes where beer and wine will be available but the main focus will be on the art classes and not the drinking. Art classes will be held at 6:30 p.m. Tuesday through Sunday, advanced classes will be offered during the day, Saturdays at 10:00 a.m. will be adult classes and family classes will be Saturdays at 2:00 p.m.

City Attorney Shaver asked Ms. Ennis if she has been involved with alcohol service in the past. Ms. Ennis said that she has worked for Suehiro's Japanese Restaurant, Famous Dave's Bar-B-Que, and the Palette.

City Attorney Shaver asked when the survey was conducted. Ms. Ennis said she conducted hers two days during the week and Ms. Blythe stated she conducted hers one day during the week.

Hearing Officer Grattan asked the applicants where they stand as far as construction since Ms. Kemp reported that the Fire Department advised they would need to conduct a final inspection after construction is complete. Ms. Ennis and Ms. Blythe stated that there is no major construction, just painting and installing some cabinets.

Karen Hayashi, Manager for Hayashi Properties and a former Chair for the Downtown Development Authority, advised that she is not against new business. She asked to go on the record as they can't tolerate people parking on private property which was an annoyance from the previous business. Ms. Blythe advised that they have spoken with the owners of the Horse and Sport and what they plan to do to mitigate the previous parking problems is to make the parking availability as noticeable as they can on their website, have a sign at their front door regarding parking, and at the beginning of every class, make an announcement regarding parking.

Hearing Officer Grattan noted that many years ago, on a completely unrelated matter, he represented Horse and Sport, and also previously employed Ms. Hayashi's daughter and asked if anyone would find conflict with that. No one found it to be a conflict and City Attorney Shaver advised that the City found no conflict.

Hearing Officer Grattan found that the residential responses were light but business responses were heavy and given the area for the survey, he had no problem with that. The establishment met the needs and desires of the neighborhood and has addressed and will continue to address the parking issue. Therefore he found that the application for a Beer and Wine license for Art Bar GJ, LLC dba Art Bar was in order and approved it. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

2. El Balsante, Inc. dba Mi Mexico Family Mexican Restaurant, 2480 Highway 6 and 50, Grand Junction, CO 81505, Hotel and Restaurant

Director/President: Antonio Amador, 7625 140th Pl., N.E., Redmond, WA 98052
Director/VP/Treas.: Modesto M. Ramos, 6318 Brantly Ave., Castle Rock, CO 80104
Director/Secretary: Alma Y. Aguilar De Gomez, 16260 Boxford Circle, Riverside, CA 92503
Registered Mgr.: Griselda Ramos, 6318 Brantly Ave., Castle Rock, CO 80104

Present representing the applicant were Antonio Amador, Director/President of El Balsante, Inc., Modesto Ramos, Director/Vice President/Treasurer of El Balsante, Inc., and Griselda Ramos, Registered Manager for Mi Mexico Family Mexican Restaurant.

Susan Duffy Schwall, Liquor Licensing Professionals, was also present.

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

Hearing Officer Grattan asked if the location is where Johnny Carino's was. He was answered affirmatively. He also asked, given the report from Ms. Kemp, if they are remodeling. He was answered affirmatively.

No one was present in opposition to the application.

Ms. Schwall provided a brief overview of how the survey was conducted. There were three circulators of the survey and it was conducted for businesses on Saturday, November 15th between 2:15 p.m. and 5:15 p.m. Residents were surveyed on Sunday, November 16th between 10:15 a.m. and 2:30 p.m. Total signatures obtained were 189. Businesses were 98% in favor and residents were 91% in favor. Ms. Schwall believed the results were a good example of the needs and desires being established.

City Attorney Shaver asked Ms. Schwall if she believed that the results Ms. Kemp read into the record were true and accurate. Ms. Schwall said yes. City Attorney Shaver asked Ms. Schwall how many surveys she has conducted. Ms. Schwall said about 500. City Attorney Shaver asked Ms. Schwall if she has formed an opinion based on the needs and desires for Mi Mexico Family Mexican Restaurant. Ms. Schwall said she believes there is a need and a desire for the license to be issued. City Attorney Shaver asked if the persons surveyed were informed of the location being previously licensed and if so, did that have any influence on the opinions that were given. Ms. Schwall said that the circulators (she was one of the circulators) did let people know that it was the former Carino's just to let them know the location but it was not mentioned that the location previously had a liquor license.

Hearing Officer Grattan found that the application submitted by El Balsante, Inc. dba Mi Mexico Family Mexican Restaurant for a Hotel and Restaurant liquor license was in order and approved. He noted that the survey was comprehensive enough, well done, and he appreciated the testimony of the survey company. He also noted that the location was previously licensed and in a good location. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

VI. OTHER BUSINESS

Hearing Officer Grattan noted that Ms. Tuin had emailed him some guidelines of the State and he said one is clearly not applicable to him and asked City Attorney Shaver if he feels that the State Guidelines regarding violations should have no direct effect on his rulings. City Attorney Shaver said that he deems it as information only.

Hearing Officer Grattan stated that Ms. Kemp advised him that Mr. Volkmann, on behalf of Thunderstruck Valley, has inquired if the Authority would accept a fine in lieu of active suspension for the violation. He said that if Mr. Volkmann wants that relief, he can come to the next meeting or he can provide a written motion. Upon receipt of the written motion, he will give Ms. Merritt three days to reply or respond as to whether or not she has any objection and he will rule. City Attorney Shaver said that the Statutes do allow for fine in lieu of for any suspension less than 14 days. Hearing

Officer Grattan advised that he reviewed that Statute and chose not to put that in his findings.

VII. ADJOURNMENT

The meeting was adjourned at 2:55 p.m.

NEXT REGULAR MEETING – December 17, 2014

A

SPECIAL EVENT PERMIT QUESTIONNAIRE AND AFFIDAVIT

1. Name of Event: 35th Annual Western Slope Harley Toy Run

2. How many attendees are expected at this event?
300 to 700 people

3. Has the event been held in the past? If so, how many years?
Annual, 35 years

4. Have there ever been any violations or citations issued during the event in the past?
No

5. Describe the premises at which this event will take place.
Enzo's Pizzeria & Italian Cafe, Restaurant Parking Lot

6. What type of security will be provided at this event?
Security personnel will be monitoring at the entrance/exit of the tent, everyone that comes in will be carded and 21 and older will be required to wear ID wrist bands.

7. How many security personnel will be on hand?
Four

8. How will security personnel be identified?
Hats and t-shirts clearly marked.

9. If this event is being held outdoors, how will the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.)?
The event tent will have walls that will be tied down around the entire area, one side will be open for entrance and exit clearly marked. (no one will be able to access the sides)

10. What method will be used in checking identification for proper age of attendees (i.e., at the door, at the bar, etc.) and how will underage patrons be identified so as not to be served alcohol beverages (i.e., stamp or mark on the hand, etc.)
At the *Tent Entrance*

11. How will the conduct and level of intoxication of attendees be monitored and by whom?
 All personnel will be instructed to monitor reactions stated in this packet. (owners will be present as well

 to assist in monitoring)

12. Have the volunteers or members of your organization been trained in the sale/service of alcohol beverages?
 Yes

13. What types of alternate beverages and food/snacks will be available?
 Water, and Soda. Food: Baked Ziti, Pizza, Salad and Bread will be available.

14. Has a State and City Sales Tax Number been initiated by you or a member of your organization? If so, provide those numbers in the space provided.
 Western Slop HOG Inc. 84-1524285 / 01444511

I hereby certify, under penalty of perjury, that the information provided to the Grand Junction Liquor Licensing Authority contained in this affidavit is true and accurate to the best of my knowledge.

Marie Lee Gillette Date 11/12 2014
 Applicant's Signature

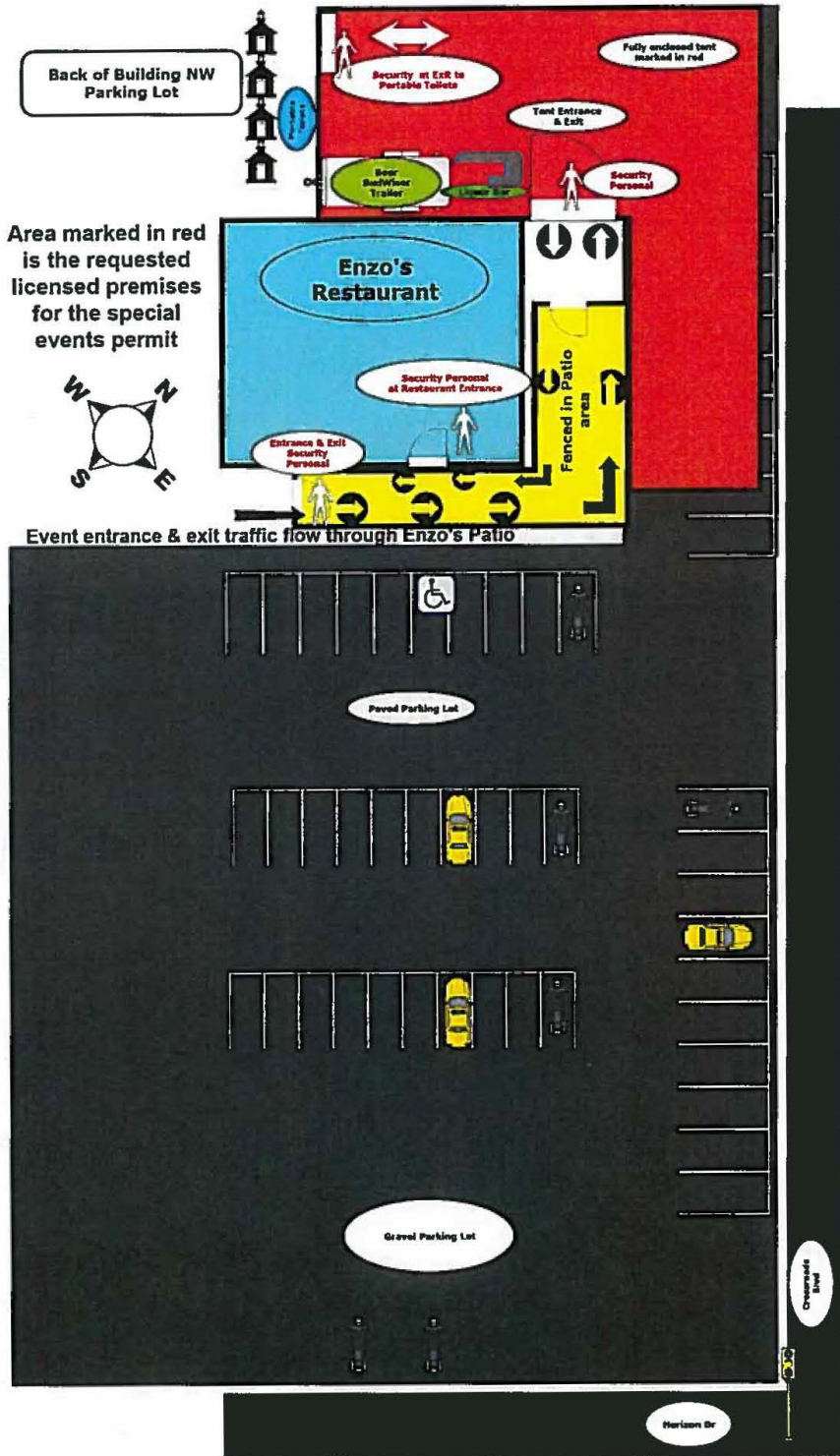
STATE OF COLORADO)
 COUNTY OF MESA) SS.
 CITY OF GRAND JUNCTION)


Subscribed and sworn to before me this 12th day of November, 2014.

Witness my hand and official seal.

Janet Harrell My commission expires July 11, 2018
 Notary Public





MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk 
DATE: November 25, 2014
SUBJECT: Application for a new beer and wine liquor license by Art Bar, LLC
dba Art Bar, 205 Colorado Avenue, Grand Junction, CO

Art Bar, LLC filed an application with the Local Licensing Authority on October 28, 2014 for a new beer and wine liquor license permitting sales of malt and vinous beverages by the drink for consumption on the premises at 205 Colorado Avenue under the trade name of Art Bar. 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 December 3, 2014. The Notice of Hearing was given by posting a sign on the property on or before November 23, 2014 and by publishing a display ad in the Daily Sentinel on November 21, 2014.

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 Gunnison Avenue, Riverside Parkway on the South, 7th Street on the East and West Avenue on the West and included 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:	90
	OPPOSE:	0
	NO OPINION:	1

Residential Results:	FAVOR:	16
	OPPOSE:	0

There were two responses that were disqualified because one listed an address out of the survey boundary area and one did not indicate in favor or opposed.

There were 5 "exhibits to survey petition" that indicated three contacts who refused to sign, 30 contacts with no answer with 48 second attempts being made, five had no solicitor signs, and 14 were marked as other.

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

The Grand Junction Police Department has investigated the owners for local criminal history. They have inspected the property and verified the Notice of Hearing was posted in a timely manner and will be verifying that the diagram matches the establishment. The fingerprints were forwarded to CBI for further processing and came back clear. Reports have been requested by the Grand Junction Fire Department and City of Grand Junction Sales Tax Department.

The number of liquor licensed outlets in the survey area are:

Hotel and Restaurant = 16 (Fly'n Roosters, Two Rivers Convention Center, Naggy McGees Irish Pub, Taqueria Guadalajara, Las Marias, Blue Moon Bar & Grille, 626 On Road – Modern American Cuisine & Wine Bar, Bin 707 Food Bar, Dream Café, Le Rouge, Nepal Restaurant, Suehiro Japanese Restaurant, Junct'n Square Pizza, The Winery Restaurant, MX Tapas Bar Restaurante, and Il Bistro Italiano)

Tavern = 9 (Charlie Dwellingtons, Spring Hill Suites, Fairfield Inn & Suites, Barons, Isabrosal restaurante, Quincy Bar & Grill, Avalon Theatre, Mesa Theater & Lounge, and Thunderstruck Valley)

Retail Liquor Store = 1 (GC Discount Liquors)

Beer & Wine = 3 (Pablo's Pizza, The Palette, and Café Sol)

Brew Pub = 1 (Rockslide Brewpub)

Club = 1 (Grand Junction Elks Lodge No. 575)

Art Gallery Permit = 1 (The Main Street Gallery)

3.2% Beer (On Premises) = 1 (Pizza Hut #250)

3.2% Beer (Off Premises) = 2 (Loco Food Store#12, City Market #32)

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Meghan Woodland, Grand Junction Police Department
File

**Hayashi Properties, LLC
535 Bookcliff Drive
Grand Junction, CO 81501-2037
970-242-2494**

December 2, 2014

Local Licensing Authority
c/o City Clerk
City of Grand Junction

To Whom It May Concern:

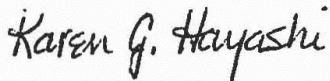
This letter is written on behalf of the following businesses that also happen to be tenants of Hayashi Properties: The Horse in Sport located at 209/215 Colorado Avenue, Curl Up and Dye located at 209-1/2 Colorado Avenue, and Springhill Suites/Hampton Inn located at 205 and 236 Main Street, respectively.

These businesses have expressed concern to me regarding the liquor license application of Art Bar GJ, LLC. The prior tenant also served liquor and my tenants encountered problems with parking in the empty lots adjacent to their businesses. In some cases, their own customers were unable to park because vehicles had been left overnight. In addition, there were numerous times my tenants had to pick up trash left by the patrons of the art bar.

While we realize that perhaps these problems could occur even without a liquor license, Hayashi Properties' tenants feel that the parking and trash issues are exacerbated by the fact that the patrons will have been drinking.

We would like to go on record that any patron of the Art Bar who parks in Lots 5 through 11 in Block 123, City of Grand Junction will be immediately towed.

Yours truly,



Karen G. Hayashi, Manager
Hayashi Properties, LLC

cc: The Horse in Sport
Curl Up and Dye
Springhill Suites / Hampton Inn



MEMO: Local Licensing Authority
 FROM: Debbie Kemp, Deputy City Clerk *DK*
 DATE: November 25, 2014
 SUBJECT: Application for a new Hotel and Restaurant Liquor License, 2480 Highway 6 & 50, Grand Junction, CO

El Balsante, Inc. filed an application with the Local Licensing Authority on October 30, 2014 for a new hotel and restaurant liquor license permitting the sale of malt, vinous, and spirituous liquors for consumption on the premises where sold at 2480 Highway 6 & 50 under the trade name of Mi Mexico Family Mexican Restaurant. 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 December 3, 2014. The Notice of Hearing was given by posting a sign on the property on or before November 23, 2014 and by publishing a display ad in the Daily Sentinel on November 21, 2014.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant hired Liquor Licensing Professionals, LLC out of Manitou Springs, CO to conduct a survey. The neighborhood was defined as the area bounded on the North by the Patterson Road, Lake Road on the South, 25 1/2 Road on the East and 24 1/4 Road on the West and included both sides of the streets as the outer boundaries. The results of that survey are as follows:

Check, the **YES** column if you **SUPPORT** this type of license being issued because the existing outlets do not adequately serve the reasonable requirements of the designated area or check the **NO** column if you **OPPOSE** this type of license being issued because the existing outlets adequately serve the reasonable requirements of the designated area

Business Results:	YES: 45
	NO: 1
Residential Results:	YES: 81
	NO: 8

There was one residential response that was disqualified because the address listed was out of the defined neighborhood boundary.

There were four sets of "Exhibits to Survey Petition" for residential responses submitted which indicated that two persons were not 21 years of age, 10 people refused to sign,

there were 128 no answers, seven with no solicitor signs, and 14 other reasons. There were 76 additional attempts.

There were three sets of "Exhibits to Survey Petition" for business responses submitted which indicated that one person was not 21 years of age, 12 people refused to sign, there were 16 no answers, and 26 other reasons. There were 45 additional attempts.

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

The Grand Junction Police Department has investigated the owners for local criminal history and all but one of the fingerprints were sent to CBI for further processing. The applicant has requested that the City uses the CBI results that were provided to Montrose within the last three months of one of the owners. The Police Department 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. Reports have been requested by the City of Grand Junction Fire Department and Sales Tax Department and Mesa County Health Department.

The number of liquor licensed outlets in the survey area are as follows:

- 3.2% Beer Retail (Off Premises) – 1 (Walmart)
- Club – 1 (Loyal Order of Moose)
- Beer and Wine – 1 (Bamboo City)
- Tavern – 1 (Bank 8 Billiards)
- Art Gallery – 1 (Frame Depot)
- Hotel and Restaurant – 13 (Thai Chili & Pho, Red Robin America's Gourmet Burgers & Spirits, Grand International Buffet, Chipotle Mexican Grill, Noodles & Company, Genghis Grill, Tequila's Mexican Family Restaurant, Red Lobster #685, Chili's Grill & Bar, Famous Daves Bar-B-Que, Outback Steakhouse #621, Chuck E Cheese's, and Chili's Grill & Bar)

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Liquor Licensing Professionals, LLC
File