

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

**MINUTES
WEDNESDAY, FEBRUARY 18, 2015, 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. APPLICATION TO RENEW LIQUOR AND BEER LICENSE WITH STORAGE PERMIT – Renewal continued from February 4, 2015

1. VAT, LLC dba Jack Rabbit Liquor, 2681 UnawEEP Avenue, Unit C & D, Grand Junction, CO 81503, Retail Liquor Store

No one was present representing the applicant.

Ms. Kemp reported that the application is now in order and the applicant has amended the renewal application to include the storage permit.

The amended application for renewal with storage permit for VAT, LLC dba Jack Rabbit Liquor was found to be in order and approved.

III. APPLICATION TO RENEW LIQUOR AND BEER LICENSES

1. Breckenridge Ale House GJ, LLC dba Breckenridge Ale House, 2531 N. 12th Street, Grand Junction, CO 81501, Hotel and Restaurant

Ed Cerkovnik, President of Breckenridge-WynKoop, LLC, the owner of Breckenridge Ale House GJ, LLC and Bob Bradley, General Manager for Breckenridge Ale House, were present.

Ms. Kemp reported that Bob Bradley, the General Manager, was cited for unnecessary and unusually loud noise on August 3, 2014 and there were 10 calls made for unnecessary noise; six of those were unfounded, Breckenridge Ale House was given a warning three times, and the General Manager was issued a citation on one of the six calls.

There were people present in opposition to the application.

Hearing Officer Grattan moved this item to last on the agenda.

2. G A Restaurant, Inc. dba Wrigley Field, 1810 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for G A Restaurant, Inc. dba Wrigley Field was found to be in order and approved.

IV. APPLICATION TO RENEW LIQUOR AND BEER LICENSE WITH OUTDOOR DINING LEASE

3. Dynamic Adventure Limited dba Le Rouge, 317 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

Gayle Hunger, manager for Le Rouge was present. Patrice Petit, owner of Le Rouge, was also present in the audience.

The application for renewal with outdoor dining lease for Dynamic Adventure Limited dba Le Rouge was found to be in order and approved.

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

1. Chipotle Mexican Grill, Inc. dba Chipotle Mexican Grill, 2504 Highway 6 & 50, Suite 300, Grand Junction, CO 81505, Hotel and Restaurant

Miriam E. Vasquez, 1157 Cassia Drive, Fruita, CO 81521 replaces Alicia Olivias

No one was present representing the applicant.

The application for renewal and registration of a new manager were found to be in order and approved.

III. APPLICATION FOR A CHANGE IN CORPORATE STRUTURE

1. Bookcliff Country Club dba Bookcliff Country Club, 2730 G Road, Grand Junction, CO 81506, Hotel and Restaurant

General Manager Michael Fleig, 246 Papago Street, Grand Junction, CO replaces all officers and is appointed as the principal person listed on the liquor license as noted in Board of Officers minutes dated January 28, 2015

City Attorney Shaver asked if there was any change in ownership with this application. Ms. Kemp explained that there is no change of ownership, the Board of Officers elected to have the General Manager replace all of the officers on the liquor license to avoid having to do a change of corporate structure every year when the board of officer's change.

The application for change in corporate structure for Bookcliff Country Club dba Bookcliff Country Club was found to be in order and approved.

IV. APPLICATION FOR REGISTRATION OF A NEW MANAGER

1. Rockslide Brew Pub, Inc. dba Rockslide Brew Pub, 401 Main Street, Grand Junction, CO 81501, Brew Pub

Brian L. Oliver, 2231 N. 17th Street, Grand Junction, CO 81501 replaces John F. (Jack) Ballenger

Brian Oliver, general manager for Rockslide Brew Pub, was present.

The application for registration of a new manager for Rockslide Brew Pub, Inc. dba Rockslide Brew Pub was found to be in order and approved.

2. Brightstar Golf Redlands Mesa, LLC, dba The Golf Club at Redlands Mesa, 2325 West Ridges Blvd, Grand Junction, CO 81507, Hotel and Restaurant with Five Optional Premises

David Eugene Weckerly, 7122 Elm Street, Niwot, CO 80503 replaces Carson Rhyne

Hearing Officer Grattan asked if the new manager is planning on moving locally. Ms. Kemp stated that she did not know. City Attorney Shaver advised that he not aware of anything that would require the manager to have a local address at the time of application.

The application for registration of a new manager for Brightstar Golf Redlands Mesa, LLC, dba The Golf Club at Redlands Mesa was found to be in order and approved.

V. APPLICATIONS FOR SPECIAL EVENTS PERMITS

1. Grand Valley Public Radio Company, 1310 Ute Avenue, Grand Junction, CO 81501 – KAEM Radio Room Concert Series on March 6, 2015 from 6:00 p.m. to 10:00 p.m., March 20, and March 21, and March 22, 2015 from 2:00 p.m. to 10:00 p.m., 1310 Ute Avenue, Grand Junction, CO 81501, Malt, Vinous, and Spirituous

Pres./Sec'y. of Org.: Mark McCain, 3231 Lakeside Dr., #301, Grand Junction, CO 81506

Events Manager: Ramona Winkeller, 2461 F ¼ Rd., #532, Grand Junction, CO 81505

2. Holy Family Elementary School, 786 26 ½ Road, Grand Junction, CO 81506 – Holy Family GALA on March 7, 2015 from 3:00 p.m. to Midnight, located at 786 26 ½ Road, Grand Junction, CO 81506, Malt, Vinous, and Spirituous

Pres./Sec'y. of Org.: Jake Aubert, 715 Estates Blvd., Grand Junction, CO 81505

Events Manager: Tonja Kueper, 3815 Applewood Street, Grand Junction, CO 81505

Tonja Kueper, parent, committee chairperson, and events manager, was present.

City Attorney Shaver handed Ms. Kueper three documents, two were marked with a letter A in the upper right hand corner, and one was marked with a B in the upper right hand corner. City Attorney Shaver asked Ms. Kueper if and how she is familiar with the application for the Holy Family Gala event. Ms. Kueper advised that she is familiar with the application because she is the one who completed it. City Attorney Shaver asked Ms. Kueper how many years the event has been conducted. Ms. Kueper said that approximately 15 years. It used to be a fashion show instead of a gala. City Attorney Shaver asked if there has been alcohol service in the prior years. Ms. Kueper said she is not sure as she is new to the school. City Attorney Shaver asked if she is aware of any problems from the prior events in regards to alcohol service. Ms. Kueper said she is not aware of any problems. City Attorney Shaver asked Ms. Kueper to describe for the Authority the nature of the event. Ms. Kueper said it is a fundraiser to help with funds for the school. It will be a ticketed event, there will be a silent auction, there will be appetizers and a dinner, and there will be wine and beer available. City Attorney Shaver asked how they will ensure that the alcohol service is in accordance with Colorado Law. Ms. Kueper said they have hired staff that is food service trained and TIPS certified. Fisher Liquor Barn will be there as well. City Attorney Shaver asked about the process for checking Identification. Ms. Kueper said there will be parent/volunteers at the front and possibly her checking identification and could easily mark anyone underage with a wristband. City Attorney Shaver asked Ms. Kueper to describe the document marked with a B. Ms. Kueper said that it is the layout for the event. There will be two bars, a motion photo booth, there will be tables which sit eight persons each, and in the center there will be a display. City Attorney Shaver asked how they will ensure that the alcohol remains within the parameters of the gala. Ms. Kueper advised that they will have people at all of the exits to monitor them. City Attorney Shaver asked whose signature is on page 2 of Exhibit A. Ms. Kueper said it was her signature. City Attorney Shaver asked if her signature represents that all information contained in the document is true and accurate. Ms. Kueper replied affirmatively.

Hearing Officer Grattan entered Exhibits A and B into the record and found that pursuant to Colorado State Statutes 12-48-106, there is no evidence that the issuance of the permit would be injurious to the public welfare because of the nature of the special event (approval for those kind of events are given all the time), its location within the community (the location for the fundraiser makes all sorts of sense), and there is no evidence of the failure of the applicant in a past special event to conduct the event in compliance with applicable laws. He found that the application for a special events permit submitted by Holy Family Elementary School for the Holy Family GALA on March 7, 2015 was in order and he approved it conditioned on there being a system in place to mark the underage persons with wristbands or stamps to designate persons who are not able to drink or if they would prefer, they can mark persons that are able to drink.

VI. APPLICATION TO RENEW LIQUOR AND BEER LICENSES – Continued from Item III on the agenda

1. Breckenridge Ale House GJ, LLC dba Breckenridge Ale House, 2531 N. 12th Street, Grand Junction, CO 81501, Hotel and Restaurant

Hearing Officer Grattan stated that there is no technical problem with the application, i.e. Health Department, Fire Department, and Sales Tax.

Hearing Officer Grattan asked anyone who would like to speak on this matter to please step up to the podium.

Jonie Beckner, resident on Bonito Avenue, almost one half mile north of Breckenridge Ale House, read a letter written by Annette Collier and herself (Exhibit A attached). Ms. Beckner also read excerpts from a letter written by Breckenridge Ale House in May 2004 which they stated they do not intend to have a set live entertainment schedule and the music will primarily occur on Fridays, Saturdays, and holidays. They intended to have small acts that will not be heard in surrounding neighborhoods. Ms. Beckner also referred to a letter written by Ivy Williams, who was, at the time, Code Enforcement Supervisor for the City of Grand Junction dated May 17, 2004, regarding the condition for approval of a liquor license modification, which referenced complaints regarding a prior business use of the patio. Ms. Beckner said they are respectfully asking the City to assist the residents in the surrounding neighborhood to require Breckenridge Ale House to comply with the noise ordinance.

Annette Collier, also a resident on Bonito Avenue, said she has lived there for 12 years and the last two years have been absurd with the noise level that is coming from Breckenridge Ale House. She has called the establishment to complain about the loud music to be told by the staff that they have a permit for the music. Ms. Collier feels that when every word of the music can be heard from her house, the music is too loud. They can hear the music over the traffic. She feels that needs to be a consideration of approving the continued use of the patio to the extent that they are.

Hearing Officer Grattan asked if the problem is in the winter or just in the summer months. Ms. Collier said only in the summer months.

Hearing Officer Grattan advised that he did look at the letter from May 17, 2004 by Ms. Williams as provided by Ms. Kemp.

Hearing Officer Grattan asked Mr. Cerkovnik and Mr. Bradley if they had any thoughts about the complaints. Mr. Bradley stated that they just became aware when the police officers informed them that the noise ordinance goes into effect at 8:00 p.m. They thought it was 10:00 p.m. Mr. Bradley advised that they have committed to only having acoustic acts from 8:00 p.m. to 10:00 p.m. so there would be no speakers, bass, or loud music that is projected up the street.

City Attorney Shaver clarified the law on noise that the City has. There are three basic standards: the general noise standard for non-specific zones within the City which is 8:00 p.m.; 10:00 p.m. is more of a softer deadline for

businesses; and 11:00 p.m. is a zoning condition for a B-1 zone which is considered to be a business district. The zoning for businesses do not specifically address noise, it is for business activities. Blending the zoning aspect with the noise ordinance complicates the matter. In the case of Breckenridge Ale House, no noise should occur after 11:00 p.m., little noise after 10:00 p.m. and, according to the law, no loud noise after 8:00 p.m. would be best.

Mr. Cerkovnik explained that the company owns ten restaurants, two rather large breweries, and they take great pride in being good neighbors. He gave his sincere apologies to Ms. Beckner and Ms. Collier for any inconvenience the establishment has caused and he said for him personally, he found it unacceptable that his staff did not address their concerns. They are willing to work with the Hearing Authority and the neighbors to come up with a workable plan. They are coming up on their 11th anniversary and have supported 29 different charities. The night Mr. Bradley received a citation for the noise, they were holding a March of Dimes fundraiser.

Hearing Officer Grattan asked Mr. Bradley when the first concert is scheduled. Mr. Bradley said they usually start booking the end of March to early April approximately three concerts each week.

Hearing Officer Grattan advised that he is inclined to approve the application for renewal and set the matter for review in possibly May or June after several concerts have occurred to see if the problem has been resolved. City Attorney Shaver agreed that a review would be a good idea.

Mr. Cerkovnik stated that he was not sure what the standard for review of the renewal of the liquor license is for the City of Grand Junction. City Attorney Shaver explained that the standard for review is compliance with all applicable law. The Liquor Code gives the Hearing Officer the authority to determine whether or not a licensee is in compliance. If during the review, the neighbors are satisfied, everything would be great. If the licensee is not in compliance, it could be referred for action on the licensee for a possible citation or other legal proceedings.

Ms. Collier reiterated again that the concerts have gotten louder in the last two years and not just weekends. The attitudes from Breckenridge Ale House's managers were atrocious. She is in favor of the review.

Ms. Beckner said she likes the idea of a review. It is her desire to not hear the music and events from her house. She feels that Police Officers have more important matters to address than the noise ordinance.

Mr. Cerkovnick stated that they do want to cooperate and do the right thing. He assured that he will address the attitudes of the managers. He stated that the noise ordinance is interesting because it states any unnecessary, unusually loud, or unusual noise but doesn't provide any standard. It allows the Police to make a determination without providing standards to make that determination. He pointed out that only once, a Police Officer determined, in his opinion, that the noise was unnecessary or unusually loud.

City Attorney Shaver advised that he was the author of that ordinance and the reason there is no standard set is because, based upon the locale at the time, the determination is made. Many ordinances are based on a decibel standard, but the problem with the decibel standard is there are many variables in terms of wind, temperature, ambient noise, etc.

Mr. Cerkovnik stated that they will take additional steps to see if there is something they can do to see that the sound doesn't travel. Mr. Cerkovnik also told Ms. Beckner and Ms. Collier that Mr. Bradley will give them his cell phone number so they can call him with any future concerns.

Hearing Officer Grattan entered the letter Ms. Beckner read and provided into the record as Exhibit A and approved the application for renewal for Breckenridge Ale House GJ, LLC dba Breckenridge Ale House. He requested that the noise complaint matter be scheduled for a review hearing on May 20, 2015.

VI. OTHER BUSINESS

There was none.

VII. ADJOURNMENT

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

NEXT REGULAR MEETING – March 4, 2015

A

City of Grand Junction
Liquor Licensing Authority
250 N. 5th St.
Grand Junction, CO 81501

Feb. 18, 2015

Re: Ale House Liquor License & Noise Ordinance (Pg. 1 of 2)

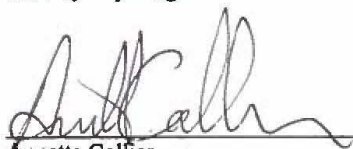
Liquor Licensing Authority/ City of Grand Junction:

On many occasions this past year we have had problems with music sound levels coming from Breckenridge Ale House. We live almost 1/2 mile North of its location and we can hear their music inside our home with windows closed. We have tried to resolve this by contacting Ale House managers and when we were unable to gain their cooperation, we have called city police, filing official complaints. We are aware that one summons was issued. The liquor license modification issued to Ale House is conditional; at no time does this approved expansion trump the noise ordinance. In the May 2004 application, the general manager of Breckenridge Ale House stated, "we anticipate having small acts that will not generate noise that can be heard in any surrounding neighborhoods."

According to the City of Grand Junction Noise Ordinance, it is "unlawful for any person to make... or cause to be made ... any unnecessary, unusually loud... noise between the hours of 8:00 p.m. and 6:00 a.m. which either annoys, injures or endangers the comfort, repose" of other persons.

We contacted our city manager about this problem; in an excerpt from an August 2014 email, the city attorney's office stated, "It is my opinion that approval of the patio area expansion has to function in accordance and consistently with the noise ordinance; that is the Ale House may have music until 11:00 P.M. so long as it is not unreasonably loud as defined by the ordinance... Any assertion that the use of the patio/grass area for alcohol service and music that violates the noise or any other ordinance is not correct and the establishment may be cited."

We respectfully ask the city to assist residents in surrounding neighborhoods (see Pg. 2) with this issue by requiring the Ale House to comply with the noise ordinance.


Annette Collier


Joni Beckner

Pg. 2 of 2 - Re: Ale House Liquor License & Noise Ordinance

By signing below, I indicate my agreement with the above, that Ale House is disturbing surrounding neighborhoods with loud music, and request city officials' immediate assistance with this issue.

S. Blount Harmon

Madeline Brown 2990 12th St

Slee 1207 Bonito Ave

[Signature] 1047 Bookcliff Ave, #E

M. Nelson 1047 Bookcliff Ave #E

A

SPECIAL EVENT PERMIT QUESTIONNAIRE AND AFFIDAVIT

1. Name of Event: Holy Family Gala

2. How many attendees are expected at this event?
350

3. Has the event been held in the past? If so, how many years?
yes, 15 years, the event has chnaged through out the 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.
The event will take place in the gym of the school

6. What type of security will be provided at this event?
We will have Volunteers (Parents) help over see the event

7. How many security personnel will be on hand?
4 Parent Volunteers

8. How will security personnel be identified?
The will have a lanyard made.

9. If this event is being held outdoors, how will the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.)?
N/A

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.)
We will be checking ID at the door, we will have wrist bands for underage attendees

A

11. How will the conduct and level of intoxication of attendees be monitored and by whom?
Event Coordinator and serving staff that is hired will monitor, each person has been through the server training clas

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?
We will be serving dinner and dessert with the ticket price.
CHK Dishes and Pasta along with Salad and Bread.

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.
no

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.

[Signature] Date 2/4/2015
Applicant's Signature

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

Subscribed and sworn to before me this 04 day of FEBRUARY, 20 15.

Witness my hand and official seal.

[Signature] My commission expires 09-03-18
Notary Public



↑ Ndm

