

**LIQUOR AND BEER MEETING
LOCAL LICENSING AUTHORITY
CITY OF GRAND JUNCTION, COLORADO
CITY/COUNTY AUDITORIUM, 520 ROOD AVENUE**

M I N U T E S

WEDNESDAY, JUNE 16, 1993, 8:00 A.M.

I. CALL TO ORDER - The meeting was convened at 8:06 a.m. Those present were Hearing Officer Phil Coebergh, Assistant City Attorney John Shaver, and City Clerk Stephanie Nye.

II. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

- A. Loco Food Store #15, 722 Horizon Drive (3.2% Beer)
A representative was present and did not speak. The application was in order, and approved.
- B. Cottonwood Liquors, 2513 Hwy 6 & 50 (Retail Liquor Store)
There was no representative present. The application was in order, and approved.
- C. Enfield's, 159 Colorado Avenue (Hotel-Restaurant)
 - 1. Change in Trade Name from Enfield's to Enfield's La Mariposa

Beatrice Montes was present with no comment. The Police Department reported an alleged violation of fighting inside the establishment. The change in trade name was approved, and the renewal was approved subject to the possibility of a hearing being held regarding the alleged violation.

III. HEARINGS - APPLICATIONS FOR NEW LICENSES

- A. Application by 2401 Corporation dba Bullseye Discount Liquors, for a Retail Liquor Store License at 2401 North Avenue (Teller Arms Shopping Center)

The memo regarding survey results was read into the record by City Clerk Stephanie Nye (copy attached). Mr. Richard Livingston, attorney representing the applicant, was present. He submitted a petition circulated by the applicant containing 468 signatures supporting the application. He also submitted a written summary of his interpretation of various cases applicable to the decision to be made by the Local Licensing Authority regarding this application. The applicant, Mr. Bob Knapple, was present stating that he will be the General Manager, and Dale Charles will be the Assistant Manager. He summarized his type of business and what plans he has to benefit the entire community. Mr. Knapple addressed questions from Tom Goerke, owner of Andy's Liquors at 922 N. First Street, and Mr. John Williams, attorney representing several local liquor store owners.

Mr. Alex Wedekin, 2157 McKinley Court, representing the Grand Valley Wine Appreciation Society, stated he would appreciate a local outlet that could supply a variety of wines for wine tasting.

Those speaking in opposition to the application:

Samuel Samuelson, 2546 Gunnison Avenue (directly south of the Teller Arms Shopping Center). He felt there are plenty of liquor stores in the area to meet his needs and the needs of his neighbors.

Bob Crigger, owner of Teller Arms Liquor (directly behind the proposed outlet). He feels he has tried to meet the needs of his customers and another outlet is not needed.

Pam Hambright, owner of Fair Wine & Spirits located in the Eastgate Shopping Center. She felt that the needs of the neighborhood and the City are already being met by the existing liquor outlets.

John Henson, owner of House of Spirits, stated that the needs of the neighborhood and the City are being well met at this time.

Robert Lovelace, owner of Bob & Jan's Prime Rib & Lobster House (located across the street from Teller Arms Shopping Center). He felt as a business person and resident of the immediate area, all the needs of the neighborhood are being met with the numerous outlets. If a specialty item is needed, any of the local liquor stores will order it for their customers at reasonable prices.

Dale Mitchell, owner of Crown Liquors, 2851-1/2 North Avenue, stated that as a retailer in the area he felt there is plenty of competition with the amount of stores that are located both within the area and just outside the area. Prices are competitive because of the number of existing locations. Selection and availability of product is also obtainable considering the number of existing outlets.

John Williams, attorney representing several local retail liquor store owners. Mr. Williams requested that the hearing officer place great weight in the City's survey which was impartially conducted. He stated that 74% of the people in the neighborhood that responded to the survey stated that they do not desire that the license be issued. Mr. Williams submitted another survey in which results showed that out of 600 responses, 555 stated that the reasonable requirements of the neighborhood are being met, and 540 stated that they do not desire the issuance of this license. He encouraged the hearing officer to give great weight to the City's survey, and to the survey conducted by the local retail outlets. He felt the applicant's survey should place the least weight of all. That survey does not give an opportunity to state that the needs of the neighborhood are being met. He pointed out that the applicant has the burden to establish the neighborhood clearly. The City has designated the survey area. He objected to the fact that at a very late hour he heard that the neighborhood is Grand Junction, or larger. Mr. Williams cited the cases of Adams County vs Bova and Jennings vs Hoskinson where both stand for the proposition that the burden lies with the applicant to show that there is an inadequacy of the existing outlets to satisfy the needs of the neighborhood.

Mr. Williams stated that if the hearing officer's decision is tabled he would like the opportunity to respond in writing to Mr. Livingston's writing that was submitted today and to the City Clerk yesterday evening. Mr. Coebergh gave Mr. Williams until Monday, the 21st of June, to file his response to Mr. Livingston's statement.

Others voicing opposition to the application:

Mr. Wayne Fisher, owner of Fisher Liquor Barn, 2448 F Road, objected to the fact that the applicant was surveying people in the Mesa Mall area which is outside the area that was surveyed by the City, and the wording the surveyors used to solicit support.

Tom Goerke, owner of Andy's Liquor Store, 922 North First Street. He feels the needs of the neighborhood are being met. Any product available in the State of Colorado can be purchased from any liquor store in the State. He also donates his products to charities and fund raisers locally. He has had numerous Mesa State College students come to his establishment to learn about his operation.

Rebuttal by Mr. Livingston:

The designation by the applicant of the neighborhood to be served was set forth at the time the application was submitted. He felt that the Grand Junction City community does not have its full needs currently being met by the licensed outlets. The Local Licensing Authority must make the determination that the needs are or are not being met. The guidance that has been suggested in the case law set forth specifically would be very definitive and very helpful to the Authority. He requested that he be allowed to respond to Mr. Williams' statement by Wednesday, June 23. Mr. Coebergh granted the request.

Mr. Coebergh stated that a decision will be made at the July 7 meeting.

The hearing was closed at 9:25 a.m.

- B. Application by Stephen Ray Robertson dba Skys Restaurant and Lounge, for a Hotel-Restaurant Liquor License at Walker Field Airport, 2828 Walker Field Drive

The memo regarding survey results was read into the record (copy attached). Mark Holmes, Hill & Holmes, was present. He stated that there have been many complaints about the unavailability of liquor at the airport. Steve Robertson was present and stated that he plans to open by July 15, 1993. There was no one present to voice opposition to the application. City Clerk Stephanie Nye requested that verification of the date of lease and building permit or final inspection be provided prior to the issuance of a license. The application was approved under Resolution No. 3-93, contingent upon the requirements of the City Clerk.

IV. ADJOURNMENT - The meeting was adjourned at 9:35 a.m.

NEXT REGULAR MEETING - July 7, 1993