

**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, JULY 7, 1993, 8:00 A.M.**

I. **CALL TO ORDER** - The meeting convened at 8:07 a.m. Those present were Hearing Officer Philip Coebergh, Assistant City Attorney John Shaver, and City Clerk Stephanie Nye.

II. **DECISION - RESOLUTION OF FINDINGS AND DECISION RE:**

A. Bullseye Discount Beverages, 2401 North Avenue - Denied

Hearing Officer Phil Coebergh stated that the evidence showed that the needs of the neighborhood are being met and that it is the desires of the inhabitants that the license not be issued. On that basis, the Hearing Officer denied the application. The evidence was insufficient to show that the statutory requirements had been met. A Resolution will be prepared for the denial.

III. **APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES**

A. North Avenue Liquors, 801 North Avenue (Retail Liquor Store)  
The application was in order. The Police Department report was clear. The application was approved.

IV. **APPLICATIONS LICENSES - CHANGES OF OWNERSHIP - FOR CHANGE IN CORPORATE STRUCTURE**

A. Reinstatement of Crown Liquor License

The reinstatement request is contingent upon the Hearing Officer's decision regarding the Bullseye Discount Beverage application. Dale Mitchell, owner of Crown Liquor, was present. Bill Prakken, attorney representing Mr. Mitchell, stated that Mr. Mitchell had negotiated a sale of Crown Liquors to Mr. Don Compte. Mr. Compte applied for a retail liquor license as part of that process. The application was approved at the local level. The sale fell through so Mr. Mitchell is present to have his license reinstated. Mr. Prakken stated that the sale may still be ultimately consummated within the next 30 days. The concern is that Mr. Mitchell will be allowed to operate. Should the sale not take place that he can continue to operate under his current license.

Mr. Coebergh stated that Mr. Compte's application has been approved at the local level. Technically, the license is not in effect until it has been placed in the licensee's hand. Mr. Coebergh questioned whether a reinstatement is necessary because Mr. Mitchell still has a license. Until certain contingencies have been met, a new license would not have been issued.

Mr. Prakken stated that assuming the sale goes forward, Mr. Mitchell is attempting to save Mr. Compte the time and expense of having to go through the transfer of ownership application process again. Mr. Prakken stated that if the license is being held by the City, and has not been delivered to Mr. Compte, Mr. Mitchell's license remains in effect until the delivery of the license to Mr. Compte. City Clerk Stephanie Nye felt that once the State issues a new license at a particular address, the previous license is technically null and void. She will check with the State Licensing Authority.

Assistant City Attorney John Shaver stated that he is concerned about the statutory requirement relative to the exclusive possession of the premises.

Hearing Officer Phil Coebergh approved the reinstatement at the local level, with the stipulation that the City Clerk retain the application and not forward it to the State until she has discussed the item with the State Liquor Licensing Authority. The State will determine whether the reinstatement process is necessary in this case. This item will be reviewed two weeks from today on the 21st of July.

## V. OTHER

### A. Review of survey form and procedures -

Assistant City Attorney John Shaver determined the requirement for the City conducting a survey was adopted as a rule of procedure. There is a statutory reference to the conducting of a survey, but it does not say by whom the survey is to be conducted. It is recommended that the applicant conduct the survey for two reasons:

1. Cost; surveyors have charged as much as \$650 for one survey when the application fee is only \$450.
2. It is more appropriate for the applicant to conduct the survey based on the statutory requirement that they have the burden of proving (a) the neighborhood; and (b) the needs and desires of the inhabitants of the neighborhood. For the City to participate in that process seems not to be the best idea.

Mr. Shaver has not conducted a survey of other cities. Mesa County requires the applicant to conduct a survey. The County is not involved in the survey process.

Hearing Officer Coebergh did not view the City's participation in the survey process as a problem but rather beneficial. However, he empathized with the points made by Mr. Shaver. He inquired if the matter would be presented to the City Council to which Mr. Shaver answered it would be for information purposes only.

Mr. Coebergh pointed out that if the City Council opposed the change then he and Mr. Shaver should reevaluate. Mr. Shaver agreed but advised it is reasonable to assume that the City's involvement is a rule made by the Authority.

Discussion ensued on the use of the form provided by the City and the guidelines that should be set forth by the City. It was agreed that guidelines could be provided but it would be up to the applicant as to whether or not to follow them. Deadlines were also discussed with a request for submission of the survey ten days prior to the hearing being decided upon.

Modifications to the survey form were made including a signature line for the circulators. It was also determined that the Clerk's office would treat the applicant's survey the same as one conducted by the City, i.e., verify addresses to be in the boundaries defined, compile the data, etc.

Due to the potential for falsified surveys, Hearing Officer Coebergh suggested a clause advising that the City will verify signatures be included.

That concluded the discussion.

**VI. ADJOURNMENT** - The meeting was adjourned at 8:45 a.m.

**NEXT REGULAR MEETING - July 21, 1993**