

**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, MARCH 1, 1995, 8:00 A.M.**

I. CALL TO ORDER - The meeting convened at 8:10 a.m. Those present were Hearing Officer Philip Coebergh, Assistant City Attorney John Shaver, and City Clerk Stephanie Nye.

II. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

A. Loco Food Store No. 11, 1904 N. 12th Street (3.2% Beer)  
The application was in order, and approved.

B. Total Store #2300, 599 29-1/2 F Road (3.2% Beer)  
The application was in order, and approved.

C. La Fonda dos Rios, 209 Colorado Avenue (Hotel-Restaurant)  
The owner, Janice Lee Baxstrom, was not present. City Clerk Stephanie Nye noted the Police report references Grand Junction Police Case No. 95-00505 - attempted sexual assault occurred in the Riverside area on January 14, 1995. The suspect ran into the La Fonda dos Rios bar. Officers found the suspect in the bar. Subject, identifying himself as the bar owner, refused to cooperate with the Police when he knew the suspect was in the bar, and the suspect saying he was running from the Police. Two witnesses were interviewed, one of which was under 20 years of age and appeared to be drinking an alcoholic beverage. As a result of this incident Janice Lee Baxstrom, formerly Janice Lee Stephens, was issued a summons by Detective Stoneburner. Ms. Baxstrom has a court appearance of April 19, 1995, for this violation. Ms. Nye noted the Mesa County Health Department report notes one critical violation.

Assistant City Attorney John Shaver stated that this licensee is currently operating on a fine in lieu of suspension. Part of the conditions of that, would be no additional violations. He suggested that the license be approved, subject to a reinspection by the Health Department. He will monitor the case in County Court. If there is a conviction, he will report back to the Local Licensing Authority with an opinion on the action that should be taken.

Hearing Officer Coebergh questioned Mr. Shaver regarding conducting a hearing on this most recent violation. Mr. Shaver stated he has not received a copy of the report to date. He will obtain a copy and possibly file a motion with the Hearing Officer for reconsideration, or for filing a suspension and possibly an

imposition of additional penalties.

Liquor and Beer Meeting

-2-

March 1, 1995

The Hearing Officer suggested that action be taken as soon as possible. The application was approved subject to dealing with these various Police and Health problems.

- D. Lincoln Park Golf Course, 1400 Gunnison Avenue (3.2% Beer)  
Jack Sommers was present. City Clerk Nye stated that the lease was short 13 days and the applicant has submitted an extension of that lease to cover the licensing period. The application was in order, and approved.
- E. Teller Arms Liquors, 2353 Belford Avenue (Retail Liquor Store)  
The application was in order, and approved.
- F. La Mariposa, 159 Colorado Avenue (Hotel-Restaurant)  
Joe Velarde, owner, was present. City Clerk Nye stated that currently the lease with the current owner of the building is in order. The Police Department reports two violations that have occurred in the past licensing period, which have been dealt with by the Local Licensing Authority. The Fire Department reports numerous violations that must be corrected by April, 1995. Duncan Brown of the Grand Junction Fire Department was present. The Building Department reported some violations. The Health Department also reported many critical violations. Most were corrected at the time of the inspection. The February 24, 1995 Health Department follow-up inspection notes that the kitchen at La Mariposa had been closed for "a couple of weeks, pending a remodel." All critical items previously noted were corrected at this time although the front and side exits were standing open. This inspection is not representative of standard operational conditions. The owners were informed that they should contact the Health Department prior to reopening the kitchen or remodeling it.

Assistant City Attorney Shaver received notification on Friday, February 24, 1995, from the Police Department that La Mariposa was selling liquor without the benefit of any food sales. He has not yet received a written report relating to that incident. A condition of a hotel-restaurant liquor license is that there must be food service occurring at the time of alcohol sales for consumption. Since there has been no formal charge made by the Police Department, Mr. Shaver suggested that the Local Licensing Authority approve the renewal, subject to a review by the Authority based upon this most recent alleged violation.

The Hearing Officer approved the renewal application, with a specific request that a hearing be scheduled in regard to the various allegations.

- G. Rockslide Brew Pub, 401 Main Street (Hotel-Restaurant)  
The application was in order, and approved.

### **III. APPLICATIONS FOR CHANGE OF OWNERSHIP/REGISTRATION OF MANAGER**

- A. Application for a Hotel-Restaurant Liquor License by Roger

Roger Arbogast was present. City Clerk Nye stated that the application was in order. Hearing Officer Coebergh questioned the applicant on the status of the kitchen. Mr. Arbogast stated that the kitchen was closed for a period of time, but he has had available chips and salsa. Hearing Officer Coebergh reminded Mr. Arbogast that he is subject to the liquor laws of the State of Colorado, and will be subject to the loss of this license if the laws are not abided by.

Assistant City Attorney Shaver suggested that this license be brought back for review to determine if any punitive measures are in order.

The Hearing Officer approved the application for transfer of ownership, and admonished Mr. Arbogast to deal with these matters to avoid problems with his establishment. If the kitchen is closed, the liquor sales will also be closed. He requested that the City Attorney investigate this situation.

#### **IV. APPLICATIONS FOR SPECIAL EVENTS PERMIT**

A. Application by Western Colorado Center for the Arts for Two Malt, Vinous and Spirituous Liquor Special Events Permits for the Annual Fashion Show/Fund Raiser on the following dates:

1. March 31, 1995, from 6:00 p.m. to 12:00 Midnight
2. April 1, 1995, from 6:00 p.m. to 12:00 Midnight

Dave Davis, Executive Director of the Arts Center, was present. City Clerk Nye reported that the application was in order. The statements regarding inadequacy of existing facilities and the menu were read by the Clerk. Mr. Davis said he called the State Liquor Enforcement Office in Denver and spoke to April who assured him that the cake would suffice in meeting the requirements of serving "sandwiches or other food snacks." The State said that if there is any question, the City Clerk or City Attorney could call their office for confirmation. Mr. Davis stated that the Hilton Hotel and Liff Auditorium and other facilities were contacted regarding suitability for these special events permits. Two Rivers Convention Center was not considered.

Assistant City Attorney John Shaver noted that he has researched and found no cases or other law construing the provision of this Statute No. 12-48-105. He too consulted with the State Department of Revenue, Mr. Leo Belio, who felt cake was probably not a sufficient snack food, but had no law to support that conclusion.

As far as the facilities issue, this matter has been dealt with before and Mr. Shaver feels the Authority has taken a rather liberal reading of the Statute that if there has been a reasonable allegation that there are not other "adequate" facilities

available, that the license should issue. He feels that the applicant has attempted to follow the law regarding this matter. He feels that portion of the statutory requirement has been met.

Liquor and Beer Meeting

-4-

March 1, 1995

Hearing Officer Coebergh asked Mr. Davis to be more diligent in abiding by the statutory requirements in the future, regarding menu and facility. Mr. Davis assured Mr. Coebergh that he will work closely with the City Clerk and try to work out some of these concerns.

V. **ADJOURNMENT** - The meeting adjourned at 8:40 a.m.

NEXT REGULAR MEETING - **March 15, 1995**