

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, APRIL 17, 1996, 8:00 A.M.

I. CALL TO ORDER - The meeting was convened at 8:05 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

1. Good Pastures Inc., dba Good Pastures Restaurant, 733 Horizon Drive, Hotel-Restaurant with Extended Hours

Richard Talley, owner, was present. The Health Department reported 1 critical violation which has been corrected. The application was in order and approved.

2. Grand Junction Athletic Club Inc., dba Grand Junction Athletic Club, 2515 Foresight Circle, Tavern

The Health Department reported 1 critical violation which has been corrected. The application was in order and approved.

3. Loyal Order of Moose Grand Junction Lodge 270, 567 25 1/2 Road, Club - **Continued from April 3, 1996**

John Krizman, secretary of the Moose Lodge, was present. This application renewal was continued from the April 3, 1996 meeting due to a Health Department critical violation which had not been corrected after 3 inspections. Since the April 3, 1996 meeting, the violation has been corrected. The application was in order and approved.

4. DLK Enterprises Inc., dba Brass Rail Lounge, 476 28th Road, Tavern with Extended Hours - **Continued from April 3, 1996**

Leroy Kirkhart, owner, was present. This application renewal was continued from the April 3, 1996 meeting due to a Fire Department concern over a deadbolted exit door. This has since been corrected with the installation of an emergency push bar. The application was in order and approved.

### III. APPLICATIONS FOR CHANGE IN CORPORATE STRUCTURE

1. Western Colorado Center for the Arts, Inc dba Western Colorado Center for the Arts, Arts

President:Linda Kochevar replaces Q. Jones  
Vice Pres:Owen Kingman replaces Gean Lipson  
Treasurer:Tim Sarmo replaces L. Kochevar  
Secretary:Gean Lipson replaces Owen Kingman

The application was in order and approved.

2. Diamond Shamrock Refining & Marketing Company dba Diamond Shamrock, Renewals and Change in Corporate Structure  
4 locations: 2525 Broadway, 2498 F Road, 201 North Avenue  
and 2904 North Avenue, 3.2% Beer Retail

Vice Pres:Joe V. Walden retired effective January 15, 1996  
and was not replaced

The 4 applications were in order and approved for license renewals and change in corporate structure.

### IV. APPLICATIONS FOR NEW LICENSES

1. Robert C. Miller dba Colorado Catfish & Bar B Q, 159 Colorado Avenue, Hotel-Restaurant with Extended Hours - **Continued from April 3, 1996 meeting**

Applicant/  
Owner:

Robert C. Miller, 3494 F 3/4 Road, Clifton

Robert C. Miller, applicant, was present. This application was continued from the April 3, 1996 meeting due to the request of the applicant's attorney. City Clerk Nye read the report to the Local Licensing Authority into the record (see attached). City Clerk Nye stated since the report was written, Mr. Miller received a permit for the remodel and the Fire Department has inspected the premises and found all violations to be corrected. The last word from the Health Department was they needed additional information.

Mr. Miller stated the area which was surveyed is not a residential area. Due to the amount of transients concentrated in this area, most of the people contacted were leery of signing the petition. The circulator tried to contact all of the people and businesses who would be affected by the proposed business in the immediate area. Mr. Miller stated he had not been able to contact Mr. Orr from the Health Department who was requesting a 14 day notice for inspection. The opening date for the restaurant is scheduled for May 1, 1996.

Assistant City Attorney Shaver proposed a contingent approval at this time pending the favorable report from the Health Department. There was no opposition present. The application was approved contingent upon the Health

Department report. A resolution was ordered.

2. Betty Joanne Higuera dba Touchdown Zone, 3210 I-70 Business Loop #M & #N, Tavern with Extended Hours

Applicant/

Owner: Betty Joanne Higuera, 726 Teller Avenue

Betty Joanne Higuera, applicant, was present. City Clerk Nye read the report to the Local Licensing Authority into the record (see attached). Since the date of this report, the Fire Department has received plans and are in the process of review at this time. The Fire Department feels the applicant will be in compliance with the Fire Code. The Health Department reported no plans have been received from the applicant at this time. Also, 3 letters of opposition have been received which City Clerk Nye read into the record. Dated April 11, 1996, "I am against another alcohol establishment in my home area! Signed, Linda Peters, 3180 1/2 Orson Avenue, Grand Junction, Colorado, 81504. Location: 3210 I-70 Business Loop #N & #M. There's already plenty of places to have our area accommodated!!! Dos Hombres Restaurant (serves liquor), a new liquor store next to City Market, a liquor store by Max's Food, a liquor store down the street in Clifton between 30 1/2 and 31 Road on F Road and a bar on I-70, Round Up, which has had some deadly situations lately!" Dated April 11, 1996, "To Whom It May Concern, I am unable to be at the hearing on April 17th, but I do not want a tavern at 3210 I-70 Business Loop #N & #M. I see only problems ahead if this does in fact go into effect. Sincerely, Mary Jean Kerski

P.S. This is nothing against applicant Betty Joanne Higuera. Perhaps it could be located elsewhere. Thank you." Third letter from Mary Huber (see attached).

Ms. Higuera was employed by the Brown's Pointe Restaurant and Lounge for the past 3 years with 2 1/2 years as the general manager and had no problems in that time. She has 25 years in the restaurant business altogether. Ms. Higuera stated the plans have been submitted to the Health Department and a release has been obtained from the Fire Department. Ms. Higuera stated she was the circulator of the survey and encountered no opposition.

Mary Huber, 580 1/2 Melrose Court, Clifton Village, north of City Market, was present in opposition. The notice was published in the newspaper April 5, 1996. She contacted approximately 50 people in that area and was told 2 had received letters regarding this application but did not take it seriously. She wanted her objections to be on record. Also the parking lot is already quite congested with the activity at Burger King. She feels this is an inappropriate location for this type of establishment. Hearing Officer Coebergh questioned the location of the opposition letters. Ms. Huber confirmed, to the best of her knowledge, they are in the survey area. She felt mostly businesses had been contacted and not residents.

Hearing Officer Coebergh requested the applicant to answer questions regarding the survey and the survey area. Ms. Higuera responded she surveyed several areas and would be willing to do more if it were so required, but she had not surveyed the Clifton Village area. From the Pointe Lounge to City Market, 32 1/2 Road to the bridge and back over to the Clifton Inn. Ms. Higuera stated there is an opening date of May 1 and a grand opening scheduled for May 10, 1996.

Hearing Officer Coebergh requested Assistant City Attorney Shaver to explain the pending deannexation of this area and the survey that was done by the applicant. Mr. Shaver stated the majority of the respondents to the survey were businesses as this is predominantly a commercial area. He felt this was a representative survey of the businesses in the area, if not the residents, and was sufficient. Colorado law is not clear on the need for an exhaustive survey being conducted. As to the pending deannexation of this area, there is an ordinance before the City Council on this evening's agenda. The disconnection could be effective 30 days hence. This could also be accomplished by an emergency ordinance making it effective in less than 30 days. He anticipates an earlier date which would resolve the issues. He feels this application is in the jurisdiction of the City at this time. The license, if granted, would be effective after deannexation since it was approved prior to that time.

Hearing Officer Coebergh expressed concern with the City issuing a license when the applicant will be deannexed shortly thereafter. City Clerk Nye assured Mr. Coebergh the County has agreed to honor the license if it is so issued.

The application being in order was approved and a resolution was ordered to this effect.

#### **V. HEARING FOR SPECIAL EVENTS PERMIT**

1. Application by Latin-Anglo Alliance Foundation, Inc., for a Malt, Vinous and Spirituous Liquor Special Events Permit for the "Cinco de Mayo Celebration" on May 4, 1996 from 10:00 a.m. to Midnight on Main Street between 5th and 7th Streets and the Alley on 6th Street on Either Side of Main Street.

Applicant: Latin-Anglo Alliance Foundation, Inc.  
President: Rafael Quintana, 3015 Colorado Avenue, Grand Junction

Event Mgr: Jose A. Cruz, 535 Teco Street, Grand Junction

Lillia Rodriguez, committee member, was present.

City Clerk Nye read into the record the letter to the Local Licensing Authority (see attached). Ms. Rodriguez estimated between 1000 to 2000 people were expected to attend the event. There will be food vendors, a street dance and a stage which requires an outdoor type facility. Hearing Officer Coebergh suggested in the future the letter submitted needs to be more specific regarding other facilities contacted and the need for this permit to be issued.

The application was in order and approved.

**VI. HEARINGS - SHOW CAUSE**

1. In the Matter of Christopher Bell dba Runyon's Bar & Grill, 336 Main Street, regarding Violation of 12-47-107 C.R.S. and Colorado Liquor Regulation 47-107.1 APPLICATION FOR LICENSING

Christopher Bell was present. Assistant City Attorney Shaver stated he has met with Mr. Bell regarding this matter. He recommended a 2 day suspension held in abeyance for 6 months pending no additional violations and in lieu of the suspension a fine of \$200.00 be paid. Also, Mr. Bell is required to file an amended personal history giving full disclosure. Mr. Bell was presented with the stipulations and is in concurrence. The Local Licensing Authority will be presented with those signed stipulations this morning.

Hearing Officer Coebergh questioned Mr. Bell as to why he did not give full disclosure on the personal history form at the time that he filed. Mr. Bell responded he did not realize with the age of the violations that they would still be a part of his record and that he did not have the accurate dates of the instances. Assistant City Attorney stated in his discussion with Mr. Bell he took into account the age of the non-disclosed items and did not consider them to be of moral turpitude in nature. They would be classified as misdemeanor or petty type of offenses. Hearing Officer Coebergh stressed that this type of thing is not taken lightly especially with a liquor license involved. The stipulation was approved and requested to be signed by Mr. Bell.

2. In the Matter of Beatrice Walden dba Ramble Inn, 651 Highway 50, regarding Violation 12-47-128 C.R.S. UNLAWFUL ACTS

Beatrice Walden was present. Assistant City Attorney Shaver has met with Ms. Walden and a disposition has been offered and accepted. Ms. Walden has accepted an active suspension of the liquor license for 1 day. Ms. Walden stated she is taking this matter very seriously and that Mr. Waterhouse has signed a statement agreeing to be retrained in the laws pertaining to alcohol sales. She agreed to the suspension date of April 20, 1996. The stipulation was approved and requested to be signed by Ms. Walden. Assistant City Attorney Shaver commended Ms. Walden for her concern in this matter.

**VII. ADJOURNMENT** - The meeting was adjourned at 9:12 a.m.

**NEXT REGULAR MEETING** - May 1, 1996

Memo to: Local Licensing Authority

From: Stephanie Nye, City Clerk

Date: March 26, 1996

Subject: Application by Robert Chester Miller for a Hotel/Restaurant Liquor License at 159 Colorado Avenue under the name of Colorado Catfish & Bar B Q

Robert Chester Miller filed an application with the Local Licensing Authority on March 1, 1996, for a Hotel-Restaurant Liquor License, for consumption by the drink on the premises, to be located at 159 Colorado Avenue under the trade name of Colorado Catfish & Bar B Q. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for April 3, 1996. The Notice of Hearing was given by posting a sign on the property on March 22, 1996 and by publishing a display ad in The Daily Sentinel on March 22, 1996.

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 and defined the neighborhood as the area bounded by Ouray Avenue on the north, the D&RGW RR Tracks on the south, 7th Street on the east and the D&RGW RR Tracks on the west and included both sides of the streets as the outer boundaries. The results of that survey are as follows:

1. As an owner of property in the neighborhood, an employee of or business lessee of property in the neighborhood, and/or an inhabitant residing in the neighborhood for more than six months each year, I believe the reasonable requirements of the neighborhood are already being met by existing outlets.

YES: 2  
NO: 121

2. As an inhabitant residing in the neighborhood more than six months each year, it is my desire that the license be issued.

YES: 7  
NO: 0  
NOT APPLICABLE: 4

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

Fingerprints and the individual history were obtained from the applicant. The Grand Junction Police Department found no local criminal history on the applicant and have forwarded the fingerprints on to C.B.I. for further processing.

The building for the licensed premises is under remodeling at this time. However, the Mesa County Building Department reports that no plans have been submitted to them nor has the applicant applied for a permit. The Health Department reports that the applicant's submittal is incomplete for the plan review. The Fire Department reports that a preliminary walk through was performed about 3 weeks ago. There were several fire code items that needed to be addressed. As of this date, the Fire Department has not received plans from the applicant. Approval from these three agencies is required prior to the issuance of any liquor license. The Community Development Department has determined that a conditional use permit will not be required under the submitted proposal.

A sketch of the premises to be licensed is attached.

The number of similar-type outlets in the survey area is as follows:

Hotel/Restaurant Licenses - 14 (Blackeyed Pea, Blue Moon, Junct'n Square, La Fonda Dos Rios, The Corral, Crystal Cafe & Bake Shop, Suehiro's, Rockslide, St. Regis, Two Rivers Convention Center, Sportspage, Runyon's, The Winery)

The number of similar type outlets in a one mile area in addition to the above are:

Hotel/Restaurant Licenses - 2 (Los Reyes, Pancho Villas)

That concludes this report.

Attachment.

cc: Robert Chester Miller, applicant  
John Shaver, Assistant City Attorney  
Julia Marston, Detective, Grand Junction Police Department

Memo to: Local Licensing Authority

From: Stephanie Nye, City Clerk

Date: April 9, 1996

Subject: Application by Betty Joanne Higuera for a Tavern Liquor License at 3210 I-70 Business Loop #M & #N under the name of Touchdown Zone

Betty Joanne Higuera filed an application with the Local Licensing Authority on March 15, 1996, for a Tavern Liquor License, for consumption by the drink on the premises, to be located at 3210 I-70 Business Loop #M & #N under the trade name of Touchdown Zone. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for April 17, 1996. The Notice of Hearing was given by posting a sign on the property on April 5, 1996 and submitting the notice for publication to The Daily Sentinel for April 5, 1996.

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 and defined the neighborhood as the area bounded by F 1/4 Road on the north, the Grand Valley Canal on the south, 32 1/2 Road on the east and 31 1/2 Road on the west and included both sides of the streets as the outer boundaries. The results of that survey are as follows:

1. As an owner of property in the neighborhood, an employee of or business lessee of property in the neighborhood, and/or an inhabitant residing in the neighborhood for more than six months each year, I believe the reasonable requirements of the neighborhood are already being met by existing outlets.

YES: 0

NO: 62

2. As an inhabitant residing in the neighborhood more than six months each year, it is my desire that the license be issued.

YES: 10

NO: 0

NOT APPLICABLE: 0

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

The applicant's individual history and fingerprints were obtained. The Grand Junction Police Department found no local criminal history and have forwarded the fingerprints on to C.B.I. for further processing.

The premises for this establishment are being remodeled. The plans for the building have been submitted to the building department and a permit has been issued. The plans have not been submitted to the health department or the fire department. Once the remodel is complete, the building department, fire department and health department will submit reports to the licensing authority. A certificate of occupancy and approval from these three agencies is required prior to the issuance of any liquor license.

The Grand Junction Planning Commission approved the Conditional Use Permit for the establishment and its proposed expansion.

A sketch of the premises to be licensed is attached.

The number of similar-type outlets in the survey area is as follows:

Tavern - None

The number of similar type outlets in a one mile area in addition to the above are:

Tavern - 2 (The Roundup and The Triple-Tree Tavern)

That concludes this report.

Attachment.

cc: Betty Joanne Higuera  
John Shaver, Assistant City Attorney

RECEIVED  
April 12, 1996

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that application has been made to the Local Licensing Authority of the City of Grand Junction, a Tavern Liquor license which permits the sales of malt, vinous and spirituous liquor by the drink for consumption ON the premises of the licensee.

Applicant: Betty Joanne Higuera  
726 Teller  
Grand Junction, CO

Trade Name: The Touchdown Zone

Location: 3210 I-70 Business Loop #M & #N

PUBLIC NOTICE IS HEREBY GIVEN that a hearing upon such application will be held Wednesday, April 17, 1996 at 8:00 a.m. in the City/County Auditorium at City Hall, 520 Rood Avenue. Petitions or remonstrances concerning said application may be filed in the City Clerk's Office, City Hall, Grand Junction, Colorado, at any time prior to the hearing, and all interested persons may appear at said hearing.

BY ORDER OF THE LOCAL LICENSING AUTHORITY Stephanie Nye,  
GRAND JUNCTION, COLORADO City Clerk

Published: April 5, 1996

April 11, 1996

Local Licensing Authority  
ATTN: Stephanie Nye, Clerk  
City of Grand Junction  
250 North 5th Street  
Grand Junction, CO 81502

RE:THE ARE: APPLICATION FOR A TAVERN LIQUOR LICENSE FOR "THE TOUCHDOWN ZONE"

The Hearing Notice has been published in the Daily Sentinel barely one week (April 5). A notice is also posted in the window at 3210 I-70 Business Loop #N & M for any passersby.

My conversation with the applicant's partner today enlightened me that they were practically guaranteed upon their application "two or three months ago" that "it would probably be approved" based, of course, on the background check, etc.

So certain was their assumption that, as of today, the proposed location has been remodeled; plumbing, lighting, pool tables, and other furniture already are in place. In short, they'll be announcing their grand opening even as the ink is drying (if such an old-fashioned system is still used) on the application approval.

As a home owner residing in Clifton Village, the nearest residential area, I have contacted approximately fifty neighbors in this matter. Only two had received a "letter" which, they thought, mentioned something about this but they really didn't pay much attention. No one else had heard about it.

I, personally, have grave misgivings about this type of establishment and the patrons it will attract to a center which sees mainly youthful and family-oriented, as well as, educational activities.

It is located in the midst of: a fast-food outlet (Burger King); a long-established restaurant, which only recently received a liquor license (Brown's Pointe); a projected Beauty Salon ("Before and After 5"); a children's wear and furniture accessories store (Baby U); the Western Colorado Area Health Education Center; Clifton Branch Public Library; a chiropractor's office (GoForth Chiropractic); a second hand clothes and new craft store (Treasure Haven); and a variety store (Dollar Mania). Several of these locations have evening hours, one as late as midnight.

The Touchdown Zone

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April 11, 1996

The services offered by a tavern are, I feel, already adequately available at two similar locations in this area;

Triple Tree Tavern - 201 2nd Street, Clifton;

and Roundup - 3112 Highway 24 "closed till further notice" (a typical problem in spite of it's isolated location away from other businesses).

There is a restaurant (Dos Hombres) in the Coronado Plaza also with a liquor license and several package liquor stores in the surrounding neighborhood.

Aside from the fact that the authority for this application is wrongfully assumed by the City of Grand Junction through the illegal annexation of the Eastern Commercial Corridor last Dec. 20, 1995, I feel that the proposed location is inappropriate for a tavern and urge you to deny this license application.

/S/ Mary L. Huber

Mary L. Huber  
580 1/2 Melrose Court  
Grand Junction CO 81504

**March 14,1996**

**To Whom This May Concern:**

**The Latin-Anglo Alliance has been holding it's yearly Cinco De Mayo Festival for fourteen years in the same Downtown location. This activity is held on Main Street between 5th and 7th streets: (1) because it is ment to be an outdoor activity and (2) because there is no facility large enough to handle the large number of people and vendors who participate.**

**In addition, there are no facilities within the designated area of this activity which could serve this number of people adequately with fermented malt beverages. For this reason, the Latin-Anglo Alliance requests approval of a one day special events Liquor Permit.**

**/S/ Jose A. Cruz  
Jose A. Cruz  
Latin-Anglo Alliance  
Cinco De Mayo Event Manager**

