

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, NOVEMBER 5, 1997, 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 Acting City Clerk Christine English.

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

1. JESST, Inc., dba Wrigley Field, 1810 North Avenue, Hotel-Restaurant

The Health Department reported several critical violations. They requested the applicant to submit a written proposal with a schedule of compliance by November 3, 1997. The Health Department had not received the proposal as of this date. The application was in order and approved contingent on the submittal of the compliance schedule and correction of the violations.

2. Granbar, Inc., dba G.B. Gladstones, 2531 North 12th Street, Hotel-Restaurant

The application was in order and approved.

3. Vintage Investment Corporation dba The Winery, 642 Main Street, Hotel-Restaurant

The application was in order and approved.

4. Rock Bottom Restaurant, Inc., dba Old Chicago, 120 North Avenue, Hotel-Restaurant

The application was in order and approved.

5. Tres Hermanos, Inc., dba Todo Bien, 2430 Highway 6 & 50, Hotel-Restaurant

The application was in order and approved.

6. Grand Junction Lodge No. 575, dba BPO Elks, 249 South 4th Street, Club

The application was in order and approved.

7. Talley's Bar B Que & Biscuit Factory dba Talley's Bar B Que & Biscuit Factory, 623 Main Street, Beer and Wine

The Health Department reported 2 critical violations. A reinspection is scheduled on this day. The application was in order and approved contingent on a favorable reinspection by the Health Department.

8. Sumiko Boyd dba Suehiro's Japanese Restaurant, 541 Main Street, Hotel-Restaurant

The application was in order and approved.

III. **RENEWALS WITH REPORT OF CHANGE IN CORPORATE STRUCTURE**

1. City Market Inc., dba City Market, 2770 Highway 50 South, 3.2% Beer

Vice president: John N.A. Turley replaces Stanley W. Stephens

The application was in order and approved.

2. MC Industries Inc., dba Junct'N Square, 119 North 7th Street, Hotel-Restaurant

President: B. Dianne Davis replaces Earl Stevenson

V. Pres: Raymond O. Davis replaces Eric Loeb

Sec/Treas: Raymond Scott Herdon replaces Mary Stevenson

The application was in order and approved.

#### **IV. REPORT OF CHANGE IN CORPORATE STRUCTURE**

1. Safeway Stores 46, Inc., dba Safeway Store #1533, 2901 F Road, 3.2% Beer

President: Julian C. Day replaces Frithjof J. Dale

The application was in order and approved.

2. Fraternal Order of Eagles #595, dba Eagles #595, 1674 Highway 50, Club

Trustee: Danny Trujillo replaces Roger Schaefer

Sydney Smith, secretary, and Danny Trujillo were present. The Police reported some criminal activity on Mr. Trujillo, which he had revealed on his individual history form. Assistant City Attorney Shaver questioned Mr. Trujillo as to the completeness of the history and that there are no other offenses. Mr. Trujillo stated it is complete and that he also attached a printout from the

to the  
Trujillo  
Police  
Officer

level of it being  
order and approved.

Department to his individual history form upon submission. Hearing Officer Coebergh stated the offenses were old and did not raise to the level of it being a problem for him to be a trustee. The application was in order and approved.

#### **V. APPLICATIONS FOR TRANSFER OF OWNERSHIP**

1. Stephen R. Robertson dba The Corral, 539 Colorado Avenue, Hotel-Restaurant

Transfer of ownership from Connie Carpendale dba The Corral to Stephen R. Robertson dba the Corral located at 539 Colorado Avenue

Applicant: Stephen R. Robertson, 609 Wagon Trail, Grand Junction

Stephen Robertson was present. The application was in order and approved.

2. Thunder Mountain Tavern, LLC., dba Thunder Mountain Tavern, 2701 Highway 50, Tavern

Transfer of Ownership from Loren and Merced Pogue dba The Branding Iron to Thunder Mountain Tavern, LLC., dba Thunder Mountain Tavern

Applicant: Thunder Mountain Tavern, LLC.

Managing Member: Billie J. Foust, 2526 Riata Ranch Road, Grand Junction

Member: Johnny W. Foust, 2526 Riata Ranch Road, Grand Junction

Billie Foust was present. The initial Police Report revealed a criminal history on Mr. Foust which had not been revealed on the individual history form. Mr. Foust was contacted and he submitted an amended individual history. Assistant City Attorney Shaver read into the record question #22 on the individual history. "Have you ever been convicted of a crime, or received a suspended sentence, deferred sentence, or forfeited bail for any offense in a criminal or military court? Do not include traffic violations, unless they resulted in suspension or revocation of your drivers license or you were convicted of driving under the influence of drugs or alcohol. If yes, explain in detail." Mr. Foust answered No. There was a criminal conviction in 1983 for disorderly conduct. There is a question under Colorado Law whether or not the omission of this

information would rise to the level of finding the applicant is not of good moral character. The law does not state standards by which that determination is made. Assistant City Attorney Shaver recommended approval of the application with the possibility of prosecution for perjury in the 2nd degree. The individual history form does state the applicant is under oath by signing. Mr. Shaver read into the record the signature line. "I declare under perjury in the second degree that this application and all the attachments are true, current and complete to the best of my knowledge." This was signed by Mr. Foust. Ms. Foust apologized for the omission. The child support instance happened 27 years ago and they thought the charges had been dismissed on the other one. Hearing Officer Coebergh stressed the importance of compliance to avoid this type of problem in the future and the possibility of a perjury charge. The application was in order and approved.

#### **VI. HEARING - APPLICATION FOR CHANGE OF LOCATION**

1. Melissa Sherman, LLC., dba Melissa's Table, 319 Main Street, Hotel-Restaurant  
Change of Location for Melissa's Table from 319 Main Street to 546 Main Street

Melissa Sherman and John Williams, attorney, were present. Mr. Williams stated Ms. Sherman is changing the location from 319 Main Street to the Mercantile Building at 546 Main Street. The restaurant is presently closed until the move is complete. Ms. Sherman stated a new hood system needs to be installed and they are in the process of doing that now. All fees have been paid to the Health Department. The Health and Fire Departments are scheduled for final inspections on November 6, 1997. Hearing Officer Coebergh stated until the final approvals, they will not be allowed to serve alcohol. Acting City Clerk English read into the record the report to the Authority on the survey results (see attached). On November 4, 1997, Ms. Sherman did submit the paperwork needed for the Community Development Department. Mr. Williams stated the plans have been submitted and the fees paid. The restaurant has been under the process of remodel for approximately 30 to 45 days with the understanding that the existing hood would work. The problem with the hood was not anticipated. Mr. Williams referred to regulation 47-312 of the Liquor Code, faxed to him by Mr. Shaver which states that no change of location shall be permitted until after the Department of Revenue Liquor Enforcement Division shall have considered the application, and such additional information as they may require, and shall have issued to the applicant a permit for such change. Mr. Shaver recommended approval of the application contingent upon completion of the necessary inspections. Mr. Williams and the applicant can pursue a concurrent review if they are so inclined. The application was in order and Hearing Officer Coebergh approved the application contingent upon the final inspection reports from the necessary agencies.

#### **VII. Motion and Order to Show Cause**

Mr. Shaver placed the filing of the Motion and Order to Show Cause on The Pour House. This was filed with the City Clerk's Office on November 4, 1997. It is before the Authority for consideration and signature. In the motion, the hearing has been tentatively identified as November 19, 1997 for the initial hearing on the matter. Mr. Shaver has been in contact with legal counsel for The Pour House and they are aware of the filing and the date for hearing. This will be the first appearance opportunity for the Licensee to be advised of the filing of the complaint and the allegations contained therein, allowing them the opportunity to respond or to seek a resolution of the matter. Legal counsel for the Licensee has indicated they are working diligently on these problems and may have some additional information for consideration of the Authority. Hearing Officer Coebergh placed the matter on the agenda for the November 19, 1997 Liquor and Beer Meeting.

**VIII. ADJOURNMENT** - The meeting was adjourned at 8:38 a.m.

**NEXT REGULAR MEETING** - November 19, 1997

Memo to: Local Licensing Authority  
From: Christine English, Acting City Clerk  
Date: October 30, 1997  
Subject: Application by Melissa Sherman, LLC., dba Melissa's Table for a Change of Location from 319 Main Street to 546 Main Street

Melissa Sherman, LLC., filed an application with the Local Licensing Authority on September 17, 1997 for a change of location with a hotel-restaurant liquor license, for the sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 546 Main Street under the trade name of Melissa's Table. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for November 5, 1997. The Notice of Hearing was given by posting a sign on the property on October 24, 1997 and by publishing a display ad in The Daily Sentinel on October 24, 1997.

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 Chipeta Avenue on the north, Denver Rio Grande Railroad on the south, 10th Street on the east and 1st Street 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 proposed relocation will not conflict with the reasonable requirements of the neighborhood or the desires of the inhabitants.

YES: 63  
NO: 0

2 . As an inhabitant who resides in the neighborhood more than six months each year, it is my desire that the relocation be approved.

YES: 33  
NO: 0  
NOT APPLICABLE: 0

The Community Development Department has not received the information needed to determine if a Conditional Use Permit is needed.

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

At this time, plans have been filed with the health Department but no fees have been paid. The Fire Department has had no plans filed or has the applicant requested inspection. A report from the mesa County Building Department has been requested and a copy of the certificate of occupancy will need to be submitted to this office before any Change of Location Permit is issued. Final inspection reports from the Health and Fire Department will also have to be filed in this office prior to issuance of the Change of Location Permit.

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

Hotel-Restaurant - 13 (Blue Moon, Colorado Catfish, The Corral, Crystal Cafe & Bake Shop, Dolce Vita, Junct'N Square, La Fonda Dos Rios, The Station, Suehiro, Two Rivers, Sports Page and The Winery)

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

are:

Hotel-Restaurant - 24 (Big Cheese Pizza, Gladstone's, La Mexicana,  
Los Reyes, Old Chicago, Pancho's Villa, Cruisers, Far  
East, Shanghai Gardens North, and Peach Tree Inn)

That concludes this report.

cc: Applicant  
John Shaver, Assistant City Attorney  
Amy Clymer, Grand Junction Police Department