

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

MINUTES

WEDNESDAY, APRIL 15, 1998, 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. City Market Incorporated dba City Market Store No. 18, 2830 North Avenue, 3.2% Beer

The application was in order and approved.

III. **APPLICATION FOR RENEWAL WITH DECISION ON CAUSE FOR LATE FILING - RESCHEDULED**

1. Super Mart Convenience Stores Incorporated dba Super Mart, **7 locations**, 3.2% Beer

1. 2903 North Avenue
2. 201 North Avenue
3. 502 Grand Avenue
4. 2526 Broadway
5. 2494 Highway 6 & 50
6. 2525 Broadway
7. 2498 F Road

Candice Humphrey was present representing Super Mart Convenience Stores, Inc.

The application was in order. This was a late filing originally scheduled for hearing on April 1, 1998. No one was present from Super Mart at that time and the hearing was rescheduled for today's meeting.

Hearing Officer Coebergh questioned Ms. Humphrey as to the reason of the late filing. She stated she had called the City Clerk's office and was told to submit a fee of \$57.50 for each location. When the applications were submitted, Ms. English contacted her and told her the fee was only \$53.75 per application. When the renewals were resubmitted with the proper fees, they were past the 30 days prior to expiration date. Ms. English again contacted her and told her to submit a letter as to why the applications were late.

Mr. Coebergh asked Ms. Humphrey if this is still her position on the events at this time? Ms. Humphrey stated it was. Mr. Coebergh asked Ms. English if another letter had been sent to Ms. Humphrey? Ms. English stated a letter of notification had been sent as to the rescheduling of the hearing. Ms. English stated she received the letter of explanation on the late filing on March 23, 1998. The applications themselves are date stamped March 19, 1998. The expiration dates of the renewals are for April 7, 1998 except one which is dated April 9, 1998. Ms. Humphrey stated she had contacted the state and was told the state fee was \$71.25 per application and to contact the local licensing authority to find out the local fee.

Mr. Coebergh questioned Ms. Humphrey if it were possible she had contacted the county in error and got the county fee, which is the amount she was talking about and which she submitted to the city, mixed up with the city fee? Ms. Humphrey stated no. She had contacted the City Clerk's office, was told the fee was \$57.50 and submitted that amount per application for the seven (7) locations.

Mr. Coebergh questioned Ms. English if in the letter of notification, Ms. Humphrey was informed of the correct amount of the fees due? Ms. English stated she was not. Ms. Humphrey was informed of the correct fees the first week in March when she was first contacted. The letter Ms. Humphrey was sent was one of notification of the rescheduling of the hearing and that a representative needed to be present. Ms. English stated after contacting Ms. Humphrey about the late filing and reiterating the fact that the city fee has been \$50 for renewal and \$3.75 for the license for a long period of time, she called Cindy Enos-Martinez, the

county liquor licensing person, and asked what the county fees were. Ms. Enos-Martinez informed her the renewal fees were \$57.50. Ms. Enos-Martinez also stated she had a renewal on her desk for Super Mart which was due for hearing at the same time the city licenses were due. Ms. English stated from this discussion, she assumed Ms. Humphrey must have called the county, thinking she was speaking to the city, and applied the county fees to the city renewal applications and this is what caused the confusion. Ms. Humphrey agreed this could be what happened. Ms. Humphrey stated she did submit the \$57.50 to the county for that renewal and assumed the fee was the same for the city.

Mr. Coebergh questioned Ms. Humphrey as to the 30 day renewal period? Ms. Humphrey stated the state told her the applications had to be renewed within 30 days of the expiration date of the license. Mr. Coebergh asked to see the applications. He questioned Ms. Humphrey if she had failed to look at the application which states quite plainly that the renewal is due 45 days before the expiration date? Ms. Humphrey stated the company has been undergoing some changes with the corporate officers, and when she contacted the state she was told to wait until the officers had been changed before filing. If this did not happen, to file as soon as she could. She stated that they, the state, needed the applications submitted within 30 days of the expiration date. Mr. Coebergh stated that was true for the state, but it states right on the application that 45 days is needed to process for the City. Ms. Humphrey stated she was aware of that. Mr. Coebergh also stated that on the form it states that failure to file this renewal at least 45 days prior to the expiration date of your license may result in your license not being renewed and that she had signed the form. Ms. Humphrey state that she had.

Mr. Coebergh asked for further explanation of the problems that Ms. Humphrey seems to be having regarding the misinterpretation of information she has been supplied with, such as the 30 day filing date and yet the form states 45 days. Ms. Humphrey stated she had waited to see if the corporation changes were going to take place first before she filed. It now appears that the corporation changes will not be effective until May. She assumed the 30 days the state had told her would be in compliance which was her mistake. Also that Ms. English had told her since she received the renewals in less than the 30 days prior to the expiration dates, there would need to be a hearing and she assumed the filing had to be in within 30 days.

Mr. Coebergh asked Mr. Shaver for his recommendation. Mr. Shaver stated there can be a showing of good cause particularly since not all the applications were late. The applicant had a rational explanation for what has occurred. The applicant and the representative need to be aware that this may change if there are any subsequent late filings. A finding of good cause for late filing can be found at this time.

Mr. Coebergh stated he would not want to deny the licenses due to minor problems in the filing. He expressed concern with the tone and the implication that the City made an error on this. Ms. Humphrey has made a lot of assumptions that are invalid in her communication this morning. Mr. Coebergh encouraged Ms. Humphrey to be more aware of the situation in the future. The applications were approved.

IV. APPLICATION FOR NEW LICENSE

1. Coral Incorporated dba Country Inn of Grand Junction, 718 Horizon Drive, Tavern - **Concurrent Review**

Applicant: Coral Incorporated
President: Stanislaw Lupinski, 2220 Elderberry Court, Grand Junction
Secretary: Krystyna Lupinski, 2220 Elderberry Court, Grand Junction

Dave Sell, manager, and Stanislaw Lupinski were present.

Ms. English stated the application was in order and it has been forwarded to the State for a concurrent review. Reports have been requested from the Fire and Health Departments. At this time, the kitchen is undergoing remodeling and final reports will not be available until this work is completed. The Code Enforcement Division did inspect the premises and the Notice of Hearing was posted in a timely manner. The Police report revealed on February 1, 1998, Mr. Lupinski was arrested for a DUI. The original individual history form was signed by Mr. Lupinski in December, 1997. Ms. English contacted Mr. Sell and informed him that an amended individual history form needed to be submitted on Mr. Lupinski. This has been done.

Mr. Coebergh stated the results of the survey were favorable (see attached). There was no opposition to the petition. Mr. Shaver stated the results of the survey indicate that the reasonable requirements of the neighborhood have not been met, and given the fact there is no opposition, he recommended approval of the license contingent upon favorable reports from the Health and Fire Departments. Mr. Coebergh questioned the process with a concurrent review. Mr. Shaver stated this was a process to expedite the review of the application. The State's review and the City's review runs concurrently. The application was approved.

V. APPLICATION FOR SPECIAL EVENTS PERMIT

1. Application by Latin-Anglo Alliance Foundation, Incorporated for a Fermented Malt Beverage Special Events Permit for "Cinco de Mayo" on May 2, 1998 from 10:00 a.m. to 11:00 p.m. to be located on Main Street between 5th and 7th Streets from Rood Avenue to Colorado Avenue on 6th Street

Applicant: Latin-Anglo Alliance Foundation, Incorporated
President: Michael Archuleta, 2652 Hemlock Court, Grand Junction
Event Mgr: Jose Cruz, 535 Teco Street, Grand Junction

Jose Cruz was present.

The application was in order. The letter submitted to the Licensing Authority was read into the record (see attached). Mr. Shaver stated the C.R.S. 12-48-102 had been met and he recommended approval. Mr. Coebergh concurred. The application was approved.

VI. ADJOURNMENT - The meeting was adjourned at 8:27 a.m.

NEXT REGULAR MEETING - May 6, 1998

Memo to: Local Licensing Authority

From: Christine English, Acting City Clerk

Date: March 24, 1998

Subject: Application by Coral, Incorporated for a New Tavern Liquor License at 718 Horizon Drive under the name of Country Inn of Grand Junction

Coral Incorporated filed an application with the Local Licensing Authority on March 6, 1998, for a new tavern liquor license, for the sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 718 Horizon Drive under the trade name of Country Inn of Grand Junction. The application and supplementary documents were reviewed, found to be in order and accepted. The application has been forwarded to the state for a concurrent review. The hearing date was set for April 15, 1998. The Notice of Hearing will be given by posting a sign on the property on April 3, 1998 and by publishing a display ad in The Daily Sentinel on April 3, 1998.

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 Crossroads Blvd. on the north, F 1/2 Road (if extended) on the south, Applewood Street on the east and 26 3/4 Road (if extended) 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 other existing outlets.

YES: 22
NO: 111

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

YES: 45
NO: 5
NOT APPLICABLE: 0

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

Individual histories and fingerprints were obtained from the corporate officers. The Grand Junction Police Department found that Mr. Stanislaw Lupinski, corporate president, was arrested on February 2, 1998 for Driving Under the Influence of alcohol. The case is set to go before the court on April 12, 1998. Since Mr. Lupinski had signed his individual history form in December, 1997, he was contacted and filed an amended individual history on March 12, 1998. The amended individual history was forwarded to the state. No criminal history was found on the corporate secretary. The fingerprints have been forwarded onto C.B. I. for further processing. Reports have been requested from the Grand Junction Fire Department for compliance with Life and Safety Codes, the Mesa County Health Department for compliance with Health Codes and the Code Enforcement Division to ensure that the diagram submitted matches the layout of the premises..

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

Tavern - 1 (Pour House)

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

Tavern - None
That concludes this report.

cc: Applicant
John Shaver, Assistant City Attorney
John Baker, Grand Junction Police Department
File

March 24, 1998

To Whom It May Concern:

The Latin-Anglo Alliance has been holding the yearly Cinco De Mayo Celebration in Downtown Grand Junction for the past 15 years. This activity is planned as an outdoor activity because there are not halls or buildings large enough to accommodate the large number of people who attend. In the past the Daily Sentinel has estimated that as many as 10,000 people have attended. We think this is high but 5,000 people would be a very real projection. With 5,000 attendees, it is still a figure that even Two Rivers Convention Center would have a hard time holding.

We ask that we again be allowed to hold our celebration on Main Street on May 2, 1998.

Thank you,

Jose Cruz
Event Manager
Cinco De Mayo