

**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, MAY 6, 1998, 8:00 A.M.

I. **CALL TO ORDER** - The meeting was convened at 8:10 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. Happy Valley Spirits Inc., dba Earl's House of Spirits, 1560 North Avenue, Retail

The application was in order and approved.

2. The Denville Corporation dba Cottonwood Liquors, 2513 Highway 6 & 50, Retail

The application was in order and approved.

3. K & E Ventures Inc., dba Valley Grocery, 484 28 Road, 3.2% Beer

The application was in order and approved.

4. DLK Enterprises Inc., Brass Rail Lounge , 476 28 Road, Tavern

The application was in order and approved.

5. WTB Enterprises, Inc., dba Blue Moon Bar & Grille, 120 North 7th Street, Hotel-Restaurant

Theodora Brehmer, representing WTB Enterprises, was present.

reinspection
Fire The application was in order. The Fire Department noted 3 critical violations upon inspection. Ms. Brehmer stated the violations have been corrected, but she has not scheduled a with the Fire Department at this time. Ms. Brehmer stated she would check with the Department to reschedule an inspection.

The application was approved contingent on a favorable reinspection and report from the Fire Department.

6. Heather L. Shuman dba Racquet Club Pub, 535 25 1/2 Road, Tavern

The application was in order and approved.

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

1. Avalon Theatre, Inc., dba Avalon Theatre, 645 Main Street, Arts

Assistant Ed Lipton, member of the Board of Directors for the Avalon Theatre, and Lisa Nassour, Manager, were present.

Mr. Lipton stated the renewal application was late due to not receiving the application from the State in a timely manner. Upon contacting the State, it was found there were three (3) different addresses on file for the Avalon Theater, none of which was the correct mailing address. Mr. Lipton was not disputing the \$500 fee as stated in C.R.S. 12-47-302(2)(a). Section 1 of the same statute identifies the time frames for filing an application without incurring the late fee. It also states the fee can be waived if the application is supported properly in that time frame. Mr. Lipton stated the Avalon application was not in that time frame. He agreed that this application falls under Section 2, and is not challenging the penalty fee.

Mr. Shaver stated he agreed with Mr. Lipton on the statute not being perfectly clear, but disagreed that the findings are to be in the disjunctive. Specifically, there is a requirement that an application be filed not less than 45 days to the State and not less than 30 days prior to expiration with the Local Authority. Admittedly, it does not indicate in the Statute if the finding of good cause is required and the penalty over and above that. Given the fact that the application has been filed and the penalty has been paid, Mr. Shaver recommended approval with the admonition that it is up to the licensee to have proper addressing on file with the State. This has been heard before that the State is more culpable than the licensee. The licensee has the obligation to ensure the proper mailing address and other kinds of notification are made in a timely manner. It is not the State's responsibility.

Mr. Coebergh asked for clarification on the statute which addresses the time frame for filing a late application.

Mr. Shaver stated it allows for an application which has not been expired for more than 90 days. This opens two windows. The initial window talks about good cause and then a late filing which is less than 90 days late is where the penalty provision applies. After 90 days, it is subject to relicensure.

Mr. Coebergh stated the goal of the Licensing Authority is not to make it hard for applicants to obtain their licenses but to ensure there is compliance with the Statutes. Since the filing last year was on the edge of being untimely and now this year being late, Mr. Coebergh encouraged the Avalon to file in the future in a timely manner and to keep the State updated as to any change in address. The application was in order and approved.

IV. APPLICATION FOR TRANSFER OF OWNERSHIP

1. Marjorie Hood dba Marge's Frozen Custard, 2828 Walker Field Drive, Airport Terminal, Hotel-Restaurant

Transfer of Ownership from Stephen R. Robertson dba Sky's Restaurant & Lounge to Marjorie Hood dba Marge's Frozen Custard.

Applicant: Marjorie Hood, 1106 Sunflower Avenue, Fruita, CO 81521

Margorie Hood was present.

The application was in order and approved.

V. APPLICATION ON MODIFICATION OF PREMISES

1. The Pour House LLC., dba The Pour House, 715 Horizon Drive #100, Tavern

Merv Stevenson and Rich Lamont, managing members, were present.

Ms. English stated on April 17, 1998, the Code Enforcement Division inspected the premises for compliance with the diagram submitted as the licensed premise (see attached). The licensees

were contacted and the application to modify the premises was filed on April 20, 1998. On the application, only Merv Stevenson's name appears as the applicant. Ms. English questioned Mr. Stevenson if there has been a change in the structure of the LLC? Mr. Stevenson stated there had not. Ms. English requested Mr. Stevenson and Mr. Lamont to remain after the hearing and make the necessary corrections on the application.

Mr. Coebergh questioned why the modification was made first and then the application was filed? Ms. English stated the modification had taken place over a year ago and was not filed at that time. Mr. Coebergh asked for an explanation from the applicants. Mr. Lamont stated the modification had taken place over 2 years ago. The landlord and owner of the building, Mr. Wakefield, requested the entrance be changed to the back of the building to cut down on the foot traffic and people wandering through the building. At that time, it was his understanding that Mr. Wakefield was taking care of all the permits and paperwork that needed to be filed. The only change was to take the sliding glass door which has always been there and replace it with a swinging door. The diagram which was submitted with the application to modify premises has been corrected to show the doorway.

Mr. Coebergh questioned the applicants if they were aware they needed to file any changes with the local authority in regards to their liquor license? Mr. Lamont stated they were not.

Mr. Shaver stated Colorado Liquor Regulation 47-302 states that any material change on the interior of the premises that would affect the basic character of the premises or the physical structure that existed in the plan on file with the initial application requires this process and an application to modify the premises. Mr. Shaver stated the information as described this morning does indicate that the basic character of the premises was altered. However, it does not rise to the level of a sanctionable offense. He recommended that the application be accepted.

Mr. Coebergh stated it seems to be a minor modification despite the fact that it took place some time ago and approved the application. He encouraged the applicants to stay in touch with the Licensing Authority to avoid this type of problem in the future.

Mr. Shaver also stated that before the applicants commit to the new food service, that they file the appropriate application. This process of filing after the fact will not be gone through again.

VI. APPLICATION FOR NEW LICENSE

1. Wigout Productions, Inc., dba Mesa Theatre & Club, 538 Main Street, Tavern

Applicant: Wigout Productions, Inc.
President: David C. Prather, 2376 204 Road, DeBeque, CO
Vice President/Secretary/Treasurer:
Thomas R. Prather, 1061 Chapel Forge Drive, Lancaster, PA .

David Prather, president, and attorney Tom Volkman were present.

Ms. English stated the application was in order. No plans have yet been filed with the Fire, Health or Mesa County Building Departments. The closing was to take place on May 1 and has since been rescheduled for May 15, 1998. The report to the Local Licensing Authority was read into the record (see attached).

Mr. Prather read into the record an overview of the plan for the facility (see attached). The projected opening date is August 29, 1998.

Mr. Bill Robinson, retired from the Mesa College Theater Department and director of the Mesa College Summer Theater since his retirement, came forward to speak in favor of the issuance

of the license. Mr. Robinson stated he has known the Prather family for a number of years. They are a fine family and Mr. Prather comes from a good background. Mr. Prather has a great plan for the building. The Prather family owns a very successful theater operation in Pennsylvania and a successful theater operation in Ft. Meyers, Florida. He comes from a good background in theater and has a great deal of knowledge in this area. Mr. Robinson was in favor of issuance of this license.

Ms. English stated a letter had been received from Quincy's Bar and Grill in support of the issuance of the license (see attached).

Mr. Coebergh opened the floor to any opposition. There was no one present in opposition.

Mr. Shaver stated the survey indicates the reasonable requirements of the neighborhood are not being met and it is the desire of the inhabitants of the neighborhood that the license be issued. The statutory requirements have been met and he recommended approval of the license.

The application was approved contingent on the final, favorable reports from the Fire and Health Departments and upon receiving the Certificate of Occupancy from the Mesa County Building Department.

Tom Volkman stated it was his understanding that the fees had been paid for a concurrent review. Ms. English stated the concurrent review fee had not been paid and no concurrent review was taking place.

VII. ADJOURNMENT - The meeting was adjourned at 8:40 a.m.

NEXT REGULAR MEETING - May 20, 1998

Report

RE: The Pour House LLC
715 Horizon Dr.

TO: Stephanie Nye
City Clerk

DATE: April 17, 1998

FROM: Nina McNally
Code Enf. Officer

Premises were inspected today at 3:30 p.m. The inside entrance has been walled off completely. The entrance is now at the rear of the building, and entrance is gained directly from outside into the business.

The employee who met me at the business is the bar manager, Cherise. She informed me that Papa Kelsey's is also planning to install a kitchen behind the bar area; work on that has not commenced. She also stated that she thought that the owner of the building had demanded that the entrance be moved because of foot traffic through the building.

Other than the change of entrance to the premises, the floor plan appears to match the diagram provided to this office.

MESA THEATER AND CLUB

The Mesa Theater and Club will be a diverse entertainment facility offering concerts of local, regional and national bands, DJ Dance parties and live theater for all ages. There will also be special nights designated for sporting events, cinematic specials and guest artist's nights such as Beatles retrospect or a Patsy Cline tribute. Local theater productions with local performers and residents are part of our programming. A children's theater company will also play a major role in the operation of the theater.

The Mesa Theater will provide a safe and law abiding facility with a "state of the art" in house sound system, audio visual equipment and theatrical lighting that will be available for private parties and business or corporate meetings. Charity events are also a goal of the Mesa Theatre as we the producers and owners believe it is our responsibility to give back to the community. We anticipate hiring between 40 and 50 full and part time employees boosting the economy of downtown and the Grand Junction area.

The theater will offer a complete beverage service including alcohol and non-alcohol beverages during only selected and appropriate entertainment events. Alcohol will not be available for children's theater performances. We will also be offering a selected food service during most events.

The Mesa Theater and Club will be owned and operated through Wigout Productions Inc., which is made up of David C. Prather and Thomas R. Prather who collectively bring over 45 years of entertainment experience to this venture. The Prather family has been in the Grand Junction area since 1922.

We intend to bring the entire building up to current building codes and requirements with emphasis on restoring the 1950's facade to its original style as recommended by Joseph Bell of the Colorado Historical Society. We also have plans to enlarge the stage and performance area, add a dressing room and keep the existing fly space thus making it a working professional theatrical facility. No structural changes are planned. The theater auditorium will be decorated in a modern ecliptic theatrical type decor, not as a typical night club or bar.

The Mesa Theater and Club will be an exciting new art and entertainment addition which will appeal to all residents of the Western Slope.

For further info contact: David C. Prather, (970) 283-5272

Quincy Bar & Grill
609 Main Street
Grand Junction, CO 81501
(970) 243-1044

May 1, 1998

City Clerk/Liquor Licensing Authority
City of Grand Junction

RE: Mesa Theater Liquor License Application -- May 6, 1998

To Whom It May Concern:

My company, SAF Enterprises, Inc., holds a Tavern Liquor License for the Quincy Bar at 609 Main Street. I have followed with interest the question of the Planning Commission's recommendation for the use of the old Mesa Theater building as a dinner theater/concert/big screen TV events venue.

As the closest liquor license to the Mesa Theater building and as a successful business in the same location for 19 years of boom and bust in the downtown area, I wish to express my **support for** the granting of a liquor license in that location. I am not personally acquainted with the applicant so have no opinion as to his qualifications or character or other aspects of the licensing decision.

My establishment will welcome another business offering nighttime entertainment and activities in the downtown area. I feel that "the more the merrier" principle applies here. As there are more people using the downtown area at night, there will be more justification for police presence. I believe a larger number of people using the area will mean less chance of vandalism and crime there.

I like to envision the downtown area as a lively, busy center for entertainment and culture in Grand Junction. I am in favor of residential uses of the second floors of the old buildings in that area. I definitely feel that the planned use of the mesa Theater building would be a positive step in the right direction.

Yours sincerely,

Phil Freitas
Owner, Quincy Bar

Memo to: Local Licensing Authority
From: Christine English, Acting City Clerk
Date: April 30, 1998
Subject: Application by Wigout Productions, Incorporated for a Tavern Liquor License at 538 Main Street under the name of Mesa Theatre & Club

Wigout Productions Incorporated filed an application with the Local Licensing Authority on March 19, 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 538 Main Street under the trade name of Mesa Theatre & Club. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for May 6, 1998. The Notice of Hearing was given by posting a sign on the property on April 24, 1998 and by publishing a display ad in The Daily Sentinel on April 24, 1998.

The original date of closing on the property was May 1, 1998. This has since been moved to May 15, 1998. Copies of all closing documents will need to be filed in this office prior to issuance of the license.

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 reasonable requirements of the neighborhood are already being met by other existing outlets.

Yes: 1
No: 154

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: 50
No: 0
Not Applicable: 103

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 no local criminal history on either of the corporate officers and the fingerprints have been forwarded to C.B. I. for further processing. At this time, no plans have been filed with the Fire Department, the Health Department or the Mesa County Building Department. Final reports will need to be filed in this office prior to the issuance of the liquor license. Also, the

Mesa County Building Department will need to file a Certificate of Occupancy prior to the issuance of the liquor license.

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

Tavern - 4 (The Chameleon Club, Cheers, Chupiro's Place, Quincy's Bar & Grill)

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

Tavern - 1 (VFW Post 1247)

That concludes this report.

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