

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

MINUTES

WEDNESDAY, AUGUST 19, 1998, 8:00 A.M.

I. **CALL TO ORDER** - The meeting was convened at 8:03 a.m. Those present were Hearing Officer Phil Coebergh, Assistant City Attorney John Shaver and Assistant City Clerk Christine English.

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

1. Loco Incorporated dba Loco Food Store No. 12, 107 Grand Avenue, 3.2% Beer

The application was in order and approved.

2. Chamai Leon Productions LLC., dba The Chameleon Club, 234 Main Street, Tavern

Priscilla Inks was present representing The Chameleon Club. The Fire Department reported three (3) critical violations. As of August 17, 1998, these had not been corrected. Ms. Inks stated the violations were in regards to using extension cords for fans. These have been corrected but the Fire Department has not been back to reinspect. The application was in order and approved contingent upon a favorable report by the Fire Department. A notice is to be sent to the applicant.

III. **APPLICATION FOR RENEWAL WITH MANAGERS REGISTRATION**

1. RCI Denver Incorporated dba Applebee's Neighborhood Grill & Bar, 711 Horizon Drive, Hotel-Restaurant

Manager: William M. Snow replaces Pat Connell

The applications for both the renewal and the managers registration were in order. The Health Department reported several critical violations. These violations were still present upon reinspection. The Health Department scheduled another reinspection for August 26, 1998. Mr. Shaver questioned Ms. English as to the nature of the violations, if they were a hazard to life or safety issues. Ms. English stated the violations related to refrigeration problems and the food preparation area being inundated with flies upon both inspections. Mr. Shaver recommended approval of the application contingent upon a favorable reinspection by the Health Department. A notice is to be sent to the applicant stating the violations need to be corrected prior to issuance of the license. The application was approved

contingent upon a favorable report by the Health Department. A notice is to be sent to the applicant.

IV. HEARING ON VERIFIED COMPLAINT

1. In The Matter of Junction Diner, LLC., dba Junction Diner, 2571 Highway 6 & 50, regarding violation of 12-47-307 and 12-47-309 C.R.S. PERSONS PROHIBITED AS LICENSEES AND LOCAL LICENSING AUTHORITY

No one was present representing Junction Diner. Mr. Shaver stated a resolution has been reached in this matter. A verified complaint was filed with the licensee, Bruce Otto Rossmeyer, managing member, on July 2, 1998. Mr. Rossmeyer failed to fully disclose a criminal history and background relative to the original application. Under Florida law, the state in which the offenses occurred, disorderly conduct is not considered a criminal offense, therefore, it was not revealed on the individual history. It was decided the applicant be allowed to file an amended individual history listing these offenses whereupon the verified complaint would be recommended before the Hearing Authority to be dismissed. Mr. Rossmeyer did file the amended individual history on August 10, 1998. Mr. Shaver recommended dismissal of the verified complaint. Mr. Coebergh concurred and the verified complaint was dismissed.

V. APPLICATION FOR SPECIAL EVENTS PERMIT - Continued from August 5, 1998

1. Application by Western Colorado Center for the Arts for a Malt, Vinous and Spirituous Special Events Permit for "Harvest Brewfest" on September 26, 1998 from 6:00 p.m. to 12:00 midnight to be located at Western Colorado Center for the Arts, 1803 North 7th Street

Applicant: Western Colorado Center for the Arts, 1803 N. 7th Street
President: Gaynell Colaric, 680 Step-a-Side Drive, Grand Junction
Event Mgr: Rich Helm, 2816 Hawthorne Avenue, Grand Junction

Rich Helm, executive director, and Tim Sarmo, board trustee, were present representing Western Colorado Center for the Arts. Mr. Coebergh stated the matter to be addressed is whether or not this application meets the statutory requirements for a special event permit. Mr. Shaver stated he had not had an opportunity to speak to the applicants. Mr. Helm submitted a letter to supplement the record on August 5, 1998 (see attached). The letter pertained to nine (9) facilities which were contacted by the Arts Center and indicated no other facilities were available.

Mr. Coebergh asked the applicants if the projected attendance for the event was 400 people. Mr. Helm stated yes. Mr. Coebergh noted the letter shows the Far East Restaurant was available, but the \$1500 fee eliminated this possibility along with the fact that no outside food or beer would be allowed.

Mr. Shaver stated this is a statutory construction question as discussed at the last hearing. The permit is being requested not because other facilities are not available but because the Arts Center facility would constitute the most appropriate

venue for this event. Also discussed at the last hearing, the statute addresses other existing facilities not being available or being inadequate and that the additional facility was necessary by reason of the special event. Mr. Shaver stated the position of applying for one's own facility for a special events permit is not consistent with the statutory language in 12-48-103. Mr. Shaver asked the applicants for their comments.

Mr. Helm stated an attempt was made to determine if another facility would allow them to bring food and microbrews onto the premises. The entire event usually nets \$2000. The food is donated at cost and the microbrews are totally donated. There may be another facility available, but they make their money based upon the service of food and drink. This was inconsistent with the purpose of the event. The list submitted, to become part of the record, is to show a search was made to see if a facility was available allowing them to operate the event based upon the Arts Center's criteria.

Mr. Coebergh asked the applicants if they would like to address the factors stated in 12-48-103 applying to special events? Mr. Sarmo stated his interpretation of the statute is other existing facilities are inadequate for the needs of the organization and a good faith effort has been made to find alternate facilities. The event has operated in the past under a special events permit. The organization's needs are paramount to this and he requested approval.

Mr. Shaver stated he had not researched the record to see if a special events permit had been issued in the past for this particular event. He was aware there had been some questions surrounding the Arts Center location and other Arts Center special event permits. The Arts Center did have an Arts license at one time. This same discussion has taken place with most special events permit applicants. The difficulty is that most of the events do exactly what the statute talks about, which is expand from a base facility to a different location because additional facilities are needed or are required. Mr. Shaver stated he did not believe the statute contemplates application for a special events permit for premises when that is the premises to be utilized. A license would be put into place for a premises **if** that premises is needed or desired. Given the character of the applicant and the nature of the event, it is not out of the realm of reason to approve the application if the specific argument of the applicant, indicating inadequacy, is specific to this event due to the lighting, the ambiance, the fact that this is a fund raiser and that there may be incidental art sales occasioned by the event. The statute can be construed in that manner.

Mr. Sarmo referred to the possibility discussed at the last hearing, that they may be exempt under the statute and could conduct this as a private party. There may be a benefit, in the interest of the public, that they have come forward and asked for licensing for this event. It gives the Licensing Authority some control over the event. The premises has been posted and the neighborhood is aware this event is going to take place. The very nature of the application process may be beneficial as opposed to just assuming they are exempt and conducting the event without the benefit of the opportunity for the public to become knowledgeable about the event and given the opportunity to comment. Maybe the whole public nature of this

process is a benefit and is worthy of consideration for the granting of a special events permit.

Mr. Coebergh stated the Licensing Authority is constrained by the statutory requirements. If there had been a special events permit granted previously for this event, it may have been an error made at that time and does not support making the error again in this situation. Mr. Coebergh recalled there had been problems in the past with the Western Colorado Center for the Arts in regards to having an arts license and the discussions that took place in previous years regarding the expense involved with maintaining the license. The statute talks about existing licensed facilities being inadequate for the purposes of serving members or guests and the need for additional facilities. The next section of the statute addresses temporarily occupying premises other than the regular premises. Neither of these sections of the statute applies to this situation. The statute is not met in this case. The application was denied.

VI. ADJOURNMENT - The meeting adjourned at 8:28 a.m.

NEXT REGULAR MEETING - September 2, 1998

THE ART CENTER

WESTERN COLORADO CENTER FOR THE ARTS
1803 North Seventh Street Grand Junction, Colorado 81501 (970) 243-7337

RECEIVED August 6, 1998

August 6, 1998

Ms. Stephanie Nye
City of Grand Junction
Licensing Authority
250 North Fifth Street
Grand Junction, CO 81501

Dear Ms. Nye:

As a result of the hearing continuance granted to the Western Colorado Center for the Arts by the Licensing Authority of the City of Grand Junction relative to our application for a special events permit, we have enclosed a list of contacted alternative site possibilities. There were no affirmative responses to our inquiry for the reasons cited.

It is our hope this additional information is useful to the Authority in reaching a decision on our request.

Sincerely,

RICHARD N. HELM
Executive Director

RNH:sp

CC: Phil Coebergh, Hearing Officer
John Shaver, Assistant City Attorney

Brewfest Facility Search
8/5/98 Calls made from
2:00 P.M. to 3:00 P.M.
by WCCA Office Manager, Suzi Rhae

1. Grand Vista Hotel 241-8411
Contact: Kansas Hurley
No to 400 person occupancy, only seats 300
No, will not permit outside food and beer

2. Old Chicago 244-8383
Contact: Stephani Merrill
No to 400 person occupancy,
No banquet room. It is now a game room.
No, will not permit outside food and beer

3. Redlands Community Center 241-8104
Contact: Rebecca Nelson
No to 400 person occupancy,
No, will not permit outside food and beer

4. Two Rivers Convention Center 245-0031
Contact: Amy and Donna
No to 400 person occupancy
No, will not permit outside food and beer

5. Big Bisquit 245-8028
Contact: Ken Forrest
No to 400 person occupancy
No, will not permit outside food and beer

6. Chipeta Golf Course 245-7177
Contact: Paula Knauss
No to 400 person occupancy,
No, will not permit outside food and beer

7. Far East 242-8131
Contact: Tom Quan
Yes to 400 if we rent the entire building for \$1,500
No, will not permit outside food and beer

8. Ofto's 241-3020 Contact: Annette Taylor
No to 400 person occupancy, only seats 125
No, will not permit outside food and beer

9. Pinon Grill 243-7495
Contact: Eric Norman
No 400 person occupancy
No, will not permit outside food and beer