

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

MINUTES

WEDNESDAY, SEPTEMBER 2, 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 Acting City Clerk Christine English.

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

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

The application was in order and approved.

2. Grand Junction London Pub Incorporated dba Chelsea London Pub, 2424 US 6 & 50, Hotel and Restaurant

The Health Department reported critical violations were present after two (2) reinspections. Chelsea's has been given a schedule for compliance. The application was in order and approved contingent upon a favorable reinspection by the Health Department.

3. Roger G. Warren dba This Is It Grocery, 215 South 11th Street, 3.2% Beer

The application was in order and approved.

4. Feather Petroleum Company dba Stop N Save No. 2, 2050 North Avenue 3.2% Beer

The application was in order and approved.

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

1. Fraternal Order of Eagles 595, 1674 Highway 50, Club

President: Jerry Clark replaces Rick Arellano
Vice President: Steve Dowdy replaces Jerry Clark
Trustee: Rick Arellano replaces Randy Schmidt

Sydney Smith, secretary, was present. The application was in order and approved.

2. Wadsworth Old Chicago Incorporated dba Old Chicago, 120 North Avenue, Hotel and Restaurant

President: William S. Hoppe replaces Thomas A. Moxcey
Vice President: Ned Lidvall, new vice president

Secretary/

Treasurer: Theresa D. Shelton replaces Thomas A. Moxcey as secretary and Gary B. Foreman as treasurer

The application was in order and approved.

IV. REPORT OF CHANGE IN CORPORATE STRUCTURE AND REGISTER MANAGER

1. Tres Hermanos Incorporated dba Todo Bien!, 2430 Highway 6 & 50, Hotel and Restaurant

President: Alexander S. Hart replaces Paul Sonda

Secretary/

Treasurer: Elinor R. Hart replaces Alexander Hart

Manager: Lupita Ramirez replaces Paula Bench

The application was not filed within the thirty (30) day time frame. Assistant City Attorney Shaver stated he would investigate and, if appropriate, file a complaint. The applications for change in corporate structure and to register manager were approved.

V. APPLICATION FOR SPECIAL EVENTS PERMIT

1. Application by B.P.O. Elks Lodge 575 Grand Junction for a Malt, Vinous and Spirituous Special Events Permit for "Oktoberfest" on October 3, 1998 from 10:00 a.m. to 11:00 p.m. to be located on Main Street between 5th and 7th Streets

Applicant: B.P.O. Elks Lodge 575 Grand Junction, PO Box 1987, Grand Junction

President: Lew Inman, 711 South 6th Street, Grand Junction

Event Mgr: Roy W. Bud Weaver, 2450 Wellington Court, Grand Junction

Roy Weaver was present. Acting City Clerk English read into the record the letter submitted to the Local Licensing Authority (see attached). Assistant City Attorney Shaver recommended approval based upon need being shown by the number of people expected to attend the event. The application was in order and approved.

VI. APPLICATION FOR MODIFICATION OF PREMISES - Continued from August 5, 1998

1. Charles and Deborah Campbell dba The Station at 7th and Main, 701 Main Street, Hotel and Restaurant (Lease issue to be resolved)

Deborah Campbell was present. Acting City Clerk English gave a brief recap of the history of this application. The issues to be dealt with today are: 1. The lease; and 2. The application for modification of premises. Ms. Campbell stated they have vacated the premises as of today. They were unable to renew the lease or to purchase the building. They are trying to find a different location or building to buy so they can transfer the license.

Hearing Officer Coebergh stated at this point the modification of premises is moot. What needs to be determined today is whether or not the license can be renewed for an establishment which is not currently in operation.

Assistant City Attorney Shaver stated one of the criteria for licensure is the existence of premises. When a transfer of ownership is contemplated, the new premises is already secured. If there is no premises, there can be no license. Additionally, there is a legal problem as to whether or not there has been a good license in effect for some period of time. The Local Licensing Authority granted the applicant the ability to continue operating after the late filing subject to proof of possession of the premises. The lease had been

terminated in June, so there has been a problem with the actual possession of the premises. Mr. Shaver advised against a transfer of the license.

Mr. Coebergh concurred with denying any transfer of the license and also on renewing the license due to there being no premises.

Ms. Campbell stated there is a partner she has been working with who is presently working on a lease for a new location. They are looking at three (3) different locations. She was to be here this morning but has not arrived yet. She may be at the attorney's office at this time finalizing the new location. Ms. Campbell stated she understood that without a location, she can not maintain the license. Ms. Campbell asked if there was a time limit on being able to transfer the license? Mr. Shaver stated the statute requires the existence of premises. Since there is no premises to transfer to, there can be no transfer. The applicant has been given ample time to deal with these issues.

Ms. Campbell stated she had just received a response from the landlord on the offer to renew the lease and/or to buy the building in the past week. The landlord rejected their offer and the decision was made to vacate the premises.

Mr. Shaver stated this information is indicative that there has been a problem for some time. The notion of transferring the license would have been appropriate months or even weeks ago. At this time, however, any transfer of the license would be inappropriate since there is no license to renew. If there is no license to renew, there can be no license to transfer.

Mr. Coebergh asked if an application to transfer the license had been submitted yet? Mr. Shaver stated there has not. Today is the first time any transfer has been discussed.

Ms. Campbell asked what the procedure is when they acquire a new building? Mr. Coebergh stated a new application would need to be submitted.

Mr. Shaver stated for the record, there is some outstanding issues relative to sales tax. The applicant has not provided actual tax returns for the 3rd and 4th quarters of 1997 and the 1st and 2nd quarters of 1998. These were to have been provided to the revenue division of the City by August 14, 1998. These have not been received. Mr. Shaver again recommended denial.

Mr. Coebergh stated the applicant can apply for a new license when a new location is found. At this time, there is no location and on that basis a renewal can not be approved. There is no longer a liquor license so the question of a transfer is invalid. Mr. Coebergh advised the applicant to contact counsel to obtain legal advice.

The application was denied.

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

NEXT REGULAR MEETING - September 16, 1998

GRAND JUNCTION LODGE NO. 575
BENEVOLENT AND PROTECTIVE ORDER OF ELKS
A FRATERNAL ORGANIZATION
249 SOUTH 4TH STREET
PO BOX 1987
GRAND JUNCTION, CO 81502-1987
(970) 243-0675

July 24, 1998

Stephanie Nye,
Grand Junction City Clerk
250 N 5th Street
Grand Junction, CO 81501

RE: October Fest October 3, 1998

Dear Stephanie:

The Elks Lodge is requesting a one day liquor license to accommodate the large crowd anticipated for this event. This request is being made for the following reasons:

This is one outdoor event the Elks Lodge hosts annually.

This event is designed for outdoor setting, primarily using the Main Street Shopping par for a Fair/Festival atmosphere accommodating vendors, entertainment and activities which could not be held in an indoor facility downtown.

The downtown restaurants - Quincy, Blue Moon, Crystal Cafe, Rockslide, etc., do not have the capacity to serve the approximately 8,000 people who attend this event. The facility at Two Rivers Convention Center could not be used, since vendor and association sells food, and the policy at Two Rivers does not allow food to be brought into the premises. Also, Two Rivers could not accommodate all the various activities that make up this event.

Participant in this event include arts and crafts, food, commercial/promotional and non-profit vendors, and a variety of entertainers perform throughout the day.

This is an outdoor event, using two blocks of the shopping park. The Elks Lodge would like those attending to be able to remain outside to enjoy the festivities.

Refreshments being served include a variety of German food service by the German Club and the Kiwanis Club.

Sincerely,

Roy W. Weaver
Co Chairman