

**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 18, 1998, 8:00 A.M.

I. **CALL TO ORDER** – The meeting was convened at 8:08 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. Page Two Incorporated dba Sports Page, 103 North 1st Street, Hotel-Restaurant

The application was in order and approved.

2. P & S Incorporated dba Orchard Mesa Lanes, 295 27 Road, Hotel-Restaurant

The application was in order and approved.

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

The Health Department reported 2 critical violations. A re-inspection has been scheduled for November 20, 1998. The application was in order and approved contingent on a favorable re-inspection report from the Health Department.

4. Feather Petroleum Company dba Stop N Save No. 3, 723 Horizon Drive, 3.2% Beer

The application was in order and approved.

5. JEMSKT Incorporated dba Ranch Liquors, 2314 Highway 6 & 50, Retail Liquor Store

Frances Denton, president, was present. The application was in order and approved.

6. Rock Bottom Restaurants Incorporated dba Old Chicago, 120 North Avenue, Hotel-Restaurant

Dean Stecher, general manager, was present. The application was in order. Mr. Shaver stated he has been investigating some possible violations concerning over service. This is not a basis for not renewing the license. Mr. Shaver wanted the Hearing Authority and the licensee to be aware that there may be a filing after the investigation has been completed and the suspected violations are confirmed.

Mr. Coebergh stated he was not asking Mr. Stecher to defend any allegations at this time. Mr. Coebergh asked Mr. Stecher if he would like to make a statement. Mr. Coebergh wanted Mr. Stecher to be aware that the allegations that have been brought to the attention of the Assistant City Attorney may lead to a Show Cause Order being issued and then a hearing would be set up to deal with those matters. Mr. Stecher stated this was the first mention or awareness he had that there were any problems or allegations. Mr. Stecher asked what the steps are in this process and if the corporate office had been notified.

Mr. Shaver stated if after the investigation of the reports by the Police Department confirms violations, if probable cause is found, a notice will be filed giving Mr. Stecher specific information including copies of the reports. Mr. Stecher asked if he could have access to the reports. Mr. Shaver stated yes. At this point it is just allegations. If it goes to the next step, which would be a hearing, he would be given opportunity to confront the officers. The reports do reflect that the managers were contacted.

The application for renewal was approved.

III. APPLICATION FOR RENEWAL WITH DECISION ON CAUSE FOR LATE FILING – Continued from November 4, 1998

1. Rite Aid Corporation dba Rite Aid #6178, 1834 North 12th Street, 3.2% Beer Off Premises

Eleanor Brouelette, bookkeeper, was present. The application was first filed in the City Clerk's Office on October 27, 1998. The expiration date of the license is November 19, 1998. There was no letter of cause for late filing submitted or a representative present at the November 4, 1998 Liquor and Beer Meeting, so the application was continued to today's meeting. A letter was received yesterday, November 17, 1998 by Fed Ex from the corporate office on the cause for late filing. Ms. English read the letter into the record (see attached).

Mr. Shaver stated statute 12-47-302 provides that for good cause the local authority can waive the time requirements. Good cause is not a specifically defined concept. Generally, what the law contemplates is to have a hearing to be sure the licensee is complying with the statutory provisions. By the appearance this morning of Ms. Brouelette and the letter submitted, the attention of the licensee has been gained. Mr. Shaver recommended approval of the license.

Mr. Coebergh encouraged a timely filing and approved the application.

IV. APPLICATION FOR NEW LICENSE – Concurrent Review

1. Modern World Cabaret LLC., dba Modern World Cabaret, 701 Main Street, Tavern

Applicant: Modern World Cabaret LLC.
Members: Kevin MC Connell, 230 North 17th Street, Grand Junction
Kirk MC Connell, 441 North Avenue, Grand Junction
Terry De Herrera, 2805 Cottage Lane, Grand Junction

Kelly De Herrera, 2805 Cottage Lane, Grand Junction

Kevin McConnell and Kirk McConnell were present. The application was in order. Ms. English read into the record the report to the Local Licensing Authority (see attached).

Mr. Coebergh asked if the situation with Mr. Kirk McConnell was still pending. Mr. Kirk McConnell stated the situation had been resolved through a court appearance and the payment of a fine. The warrant was on an outstanding traffic violation.

Mr. Shaver asked who conducted the survey? Mr. Kevin McConnell stated it was a group of volunteers. Mr. Shaver asked on the second question of the survey, where it was asked of the inhabitants of the neighborhood, it appears based upon the area of the survey that there were a number of residents included yet only 71 responded to the survey. Mr. Kevin McConnell stated the survey was taken around twice and they could only get the response of those who answered their doors.

There was no one present in opposition to the license.

Mr. Shaver stated the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood are that the license issue. This location has recently been licensed and only within the past few months has the license expired. This is not a new licensed location. Mr. Shaver recommended approval.

Mr. Coebergh agreed with Mr. Shaver's recommendation and approved the application. Mr. Coebergh stated the survey's always seem to come back extremely favorable to the issuance of a license and he was curious as to how the survey was conducted. Mr. Kevin McConnell stated that people's response was enthusiastic once they were told this would be a dinner theater and not a tavern. The application was approved.

2. Daniel Zambrano dba Conchita's Mexican Restaurant. 2692 Highway 50 Space E, Hotel-Restaurant

Applicant: Daniel Zambrano, 2836 B Lexington Lane, Grand Junction

Dan Zambrano was present. The application was in order. Ms. English read into the record the report to the Local Licensing Authority (see attached).

Mr. Zambrano stated on the survey when you go to a residential home, if they are in favor of the survey they will sign; if they are not, they will close the door on you or just refuse to sign the survey. He stated he and one of his employees conducted the survey. The restaurant has been operating for 2 years. On the request of his customers, he applied for the liquor license.

Mr. Shaver asked what time of day the survey was conducted. Mr. Zambrano stated it was done during the day, approximately mid afternoon.

There was no one present in opposition to the license.

Mr. Shaver stated with no opposition present and the favorable results of the survey, the statutory requirements have been met and recommended approval of the license.

The application was approved.

IV. **ADJOURNMENT** – The meeting was adjourned at 8:43 a.m.

NEXT REGULAR MEETING – December 2, 1998

**RITE
AID**

Rite Aid Corporation

LEGAL DEPARTMENT

I. Lawrence Gelman

Vice President – Real Estate Law

VIA TELECOPY – (970) 244-1599

VIA FEDERAL EXPRESS

Ms. Christine English
Office of the City Clerk
250 North Fifth Street
Grand Junction, CO 81501-2668

RE: Rite Aid #6178
1834 North 12th Street
Grand Junction, Colorado

Dear Ms. English:

Thank you for your letter of November 5, 1998. We apologize for our late submission of our renewal for the referenced location. The reason for our late filing is simply an error on our part.

We do use the best practices and best computer programs available to us to assist in filing our alcohol renewals. However, a typographical error will slip by us as appears to be the case in this instance.

We will certainly send a representative to the November 18 meeting should you believe that representation is necessary or would be helpful. We believe that we have conducted our beer sales at this store in a lawful and responsible manner and are hopeful that the renewal be granted in the ordinary course of business.

Again, should you believe that a representative of our company should attend the November 18 meeting, please let us know. We apologize for any extra work caused by our inadvertent late filing and we are grateful for your assistance with this matter.

Very truly yours,
RITE AID CORPORATION

Nan Slaysman
Senior Paralegal

Memo to: Local Licensing Authority

From: Christine English, Acting City Clerk

Date: November 9, 1998

Subject: Application by Modern World Cabaret, LLC for a New Tavern Liquor License at 701 Main Street under the name of Modern World Cabaret

Modern World Cabaret LLC filed an application with the Local Licensing Authority on October 16, 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 701 Main Street under the trade name of Modern World Cabaret. 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 November 18, 1998. The Notice of Hearing will be given by posting a sign on the property on November 6, 1998 and by publishing a display ad in The Daily Sentinel on November 6, 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 Gunnison Avenue on the north, Denver Rio Grande Railroad on the south, 12th Street on the east and 2nd 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: 8
NO: 131

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: 71
NO: 0
NOT APPLICABLE: 0

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

Individual histories and fingerprints were obtained from the managing members. The Grand Junction Police Department found no local criminal history on all the members except for Mr. Kirk MC Connell. Mr. MC Connell was stopped for a traffic violation on October 14, 1998 and it was found that an outstanding warrant had been issued for his arrest. At that time, Mr. MC Connell was released to the Mesa County Detention Facility. Since Mr. MC Connell had signed his individual history form on October 1, 1998, he was contacted and subsequently filed an amended individual history on October 26, 1998. The amended individual history was forwarded to the state. The fingerprints have been forwarded onto C.B.I. for further processing. The Grand Junction Fire Department reported compliance with Life and Safety Codes. The Mesa County Health Department reported compliance with Health Codes and the Code Enforcement Division reported that the diagram submitted with the application matches

the physical layout of the premises with the exception of the bar area which will be completed in Phase II of the applicants remodel. The Notice of Hearing was posted on the premises in a timely manner.

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

Tavern – 6 (Cheers, The Chameleon Club, Chupiro's Place, The Mesa Theater, Quincy's Bar & Grill and VFW Post 1247)

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

Tavern – 1 (Freeway Bowl)

That concludes this report.

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

Memo to: Local Licensing Authority
From: Christine English, Acting City Clerk
Date: November 9, 1998
Subject: Application by Daniel Zambrano for a New Hotel-Restaurant Liquor License at 2692 Highway 50 Space E under the name of Conchita's Mexican Restaurant

Daniel Zambrano filed an application with the Local Licensing Authority on October 19, 1998, for a new hotel-restaurant liquor license, for the sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 2692 Highway 50 Space E under the trade name of Conchita's Mexican Restaurant. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for November 18, 1998. The Notice of Hearing was given by posting a sign on the property on November 6, 1998 and by publishing a display ad in The Daily Sentinel on November 6, 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 UnawEEP Avenue on the north, B 1/2 Road on the south, Aspen Street on the east and 27 1/2 Road 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: 0
NO: 46

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: 28
NO: 0
NOT APPLICABLE: 0

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

The Grand Junction Police Department found no local criminal history on the applicant and has forwarded the fingerprints onto C.B.I. for further processing. A report has been requested from the Grand Junction Fire Department. The Health Department reported the applicant to be in compliance with Health Codes. The Code Enforcement Division reported the diagram submitted with the application matches the physical layout of the establishment and the Notice of Hearing was posted in a timely manner.

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

Hotel-Restaurant – 1 (Orchard Mesa Lanes)

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

Hotel-Restaurant – None

That concludes this report.

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

