

**LIQUOR AND BEER MEETING
LOCAL LICENSING AUTHORITY
CITY OF GRAND JUNCTION, COLORADO
TWO RIVERS CONVENTION CENTER, 159 MAIN STREET**

MINUTES

WEDNESDAY, FEBRUARY 16, 2000, 8:00 A.M.

Alternate Hearing Officer Jim Majors

- I. **CALL TO ORDER** – The meeting convened at 8:02 a.m. Those present were Alternate Hearing Officer Jim Majors, Assistant City Attorney John Shaver and Senior Administrative Assistant Christine English.
- II. **APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES**
1. Feather Petroleum Company dba Stop N Save #11, 621 24 Road, 3.2% Beer Off Premise
The application was in order and approved.
 2. Michael and Kathleen Haldeman dba Horizon Liquors, 715 Horizon Drive, Retail Liquor Store
Michael Haldeman was present. The application was in order and approved.
 3. Beatrice A. Walden dba Ramble In Restaurant & Lounge, 603 Highway 50, Tavern
The application was in order and approved.
 4. Coral Incorporated dba Country Inn of Grand Junction, 718 Horizon Drive, Tavern
The application was in order and approved.
 5. Harley and Caryl Rudofsky dba Crystal Café & Bake Shop, 314 Main Street, Hotel and Restaurant
The application was in order and approved.
 6. Fiesta of Grand Junction Incorporated dba Fiesta Guadalajara, 710 North Avenue, Hotel and Restaurant
The Health Department reported several critical violations. A resinspection is scheduled for February 18, 2000. There was no one present representing Fiesta Guadalajara. The application was approved contingent upon a favorable reinspection report. Mr. Majors requested the applicant be sent a letter to this effect.
- III. **APPLICATIONS FOR RENEWAL AND REPORT OF CHANGE IN CORPORATE STRUCTURE**
1. Super Mart Convenience Stores Incorporated dba Super Mart Convenience Stores, 3.2% Beer Off Premise – **6 Locations**
 1. 2903 North Avenue

2. 2526 Broadway
3. 2525 Broadway
4. 2494 Highway 6 & 50
5. 201 North Avenue
6. 2498 F Road

Vice President: Gary L. Owen replaces C.D. Frasier, Jr.

The applications were in order and approved for all six locations. It was noted for the record that the 502 Grand Avenue location has closed. The report of change in corporate structure was approved.

IV. APPLICATION FOR RENEWAL AND MODIFICATION OF PREMISES

1. Zamner Incorporated dba Teller Arms Liquor, 2353 Belford Avenue, Retail Liquor Store

Addition of adjacent premises with a connecting doorway.

Tony Azzam was present. The application for renewal was in order and approved.

Mr. Azzam plans on beginning construction on March 1 and the approximate completion date will be March 15, 2000. Mr. Azzam asked the Local Authority if he had to wait until state approval before he begins to tear down a connecting wall. Ms. English stated approval needed to be obtained prior to any modification of the premises. Mr. Shaver stated the diagram submitted at the time of the application needed to match the actual layout of the premises after the modification.

The application for modification of premises was in order and approved.

V. DECISION AND RESOLUTION OF FINDINGS: APPLICATION FOR NEW LICENSE – Concurrent Review

1. Carrie Kellerby dba Paradise, 1310 Ute Avenue, Hotel and Restaurant

Applicant: Carrie Kellerby, 383 E. Valley Circle, Grand Junction

Carrie Kellerby was present. Ms. English read into the record the report to the Local Licensing Authority (see attached). It was noted for the record that the address for the proposed license was incorrect and the east and west survey boundaries were transposed. Mr. Majors requested that the report be amended to reflect the corrections.

Mr. Shaver questioned Ms. Kellerby regarding the survey. Ms. Kellerby responded that the survey was conducted by 2 of her employees during 1 afternoon between 2 and 4 p.m. There was some confusion regarding the second question which caused the 19 signatures to be disqualified. Mr. Shaver asked if there was any opposition while conducting the survey. Ms. Kellerby stated no. The response from the neighborhood was very positive.

Mr. Majors stated his findings: The results of the survey support the issuance of the license. There was no opposition to the license present. The application was in order and approved.

Mr. Majors asked to go off the record at 8:20 a.m.

The meeting proceeded at 8:22 a.m.

VI. HEARING – SHOW CAUSE

1. IN THE MATTER OF Wigout Productions Incorporated dba Mesa Theatre and Club, 538 Main Street Regarding Compliance/Noncompliance with the Authority's Order of October 6, 1999 Regarding the Tavern Liquor License and the Conduct of the Premises.

Tom Volkmann, attorney, and David Prather, owner, were present.

Mr. Majors stated the Show Cause Hearing was set on the Local Licensing Authority's motion. The issue today is the noncompliance with the Licensing Authority's order of October 6, 1999. No evidence will be taken at this hearing. The sole purpose of this hearing is to give the licensee the opportunity to show cause why the Authority should not impose the sanctions as outlined in the October 6, 1999 order.

Mr. Majors stated his reasons for finding noncompliance: 1. The plan of operation was supposed to be submitted by November 23, 1999. This included extending the order to make the effective date October 6, thus making it 32 days. The plan was received on December 3, 1999. The order directed the licensee to provide monthly reports after the plan of operation was received. The monthly reports have been filed in a timely manner. The order gave detailed direction to the licensee as to what the plan of operation should include. It should have given the number of security personnel present at the theatre when large crowds were present. Large crowds were defined as 250 people in one evening. There should be no less than 5 security personnel for every 250 patrons. It should also include a ratio of no less than 20 employees per 500 patrons. The plan of operation submitted does not address these issues; and, 2. How was liquor awareness training going to be provided to current and new employees? The monthly reports for December and January have been reviewed. The reports are in narrative form and address every evening of operation. The reports provide the necessary information except the December report does not tell how many security personnel were present, particularly on College nights. The January report had a breakdown of personnel and the area they worked. This is the sort of information that needs to be in every report.

Mr. Majors stated there is noncompliance with the order that all of the employees are to attend liquor training. At the time the order was entered, there was a liquor training class conducted by the City of Grand Junction on October 18, 1999. Only 4 people from Mesa Theatre attended that class. The reports themselves indicated that there are a great many more employees than this 4. Mr. Majors asked Mr. Volkmann or Mr. Prather to address why sanctions should not be imposed and to address the noncompliance.

Mr. Volkmann stated he would address the plan of operation and the liquor awareness training. Mr. Majors asked Mr. Volkmann to address the delay in filing the plan of operation also. Mr. Volkmann addressed the plan of operation. The December report did address how security personnel are deployed on site, what those personnel are responsible for doing and gives an outline of the crowds in attendance. As this report was in substantial compliance it should be taken under consideration in any action the Licensing Authority is considering. Mr. Prather has tried several times to contact Detective Culver on the liquor awareness training compliance. Most of the employees work at other jobs during the day and can not attend a training session. Several attempts have been made to set this up. Several other people have taken the liquor awareness training course but on a different date. In the event that a failure to comply is found, a window of opportunity to correct any omissions is requested. Mr. Volkmann stated there has been substantial compliance made at this time.

Mr. Shaver pointed out the plan of operation itself states that it is an "overview" of Mesa Theatre's plan of operation. From this statement, is it to be assumed that a plan of operation does exist for the Mesa Theatre? Mr. Prather stated there is a plan of operation in existence. Mr. Shaver asked for a copy of this plan. Mr. Prather stated there is not just one document that states what is to happen at the Mesa Theatre at all times. The problem with the liquor awareness training is that the City's class is offered during the day when the security personnel and other employees of Mesa Theatre have other jobs or are attending college classes. Mr. Prather offered to pay the hourly wage of the employees who would take time off to attend the training. Four people did do this in October 1999. All of the bartenders, Mr. Prather and some of the other employees did attend the class that was offered prior to the October session. There is always a high turnover in personnel in this type of business especially in the security area. Several attempts were made to schedule a training session with Detective Bob Culver, but these have not worked out. The next class the City will offer will be in April or May 2000. In regards to the December and January reports, Mr. Prather asked the 2 head security personnel to submit the reports and they were not aware of all the information that was needed. The format used in the January report will be the one they will follow in the future.

Mr. Majors read from a letter the people who attended a training session in December 1998. Mr. Majors asked how many of those people are still employed by Mesa Theatre. Mr. Prather stated all but 2.

Mr. Majors asked Mr. Prather why he did not contact Detective Culver prior to the middle of January 2000. Mr. Prather stated he was out of town for 3 weeks. He then contacted Ms. English to get Detective Culver's telephone number and has tried to contact him. The delay was not on purpose, but due to the holidays and being out of town afterwards.

Mr. Majors asked Mr. Prather if he has tried to make contact for private liquor training through other agencies besides the City's training or to schedule the training in the evening or on the weekend. Mr. Prather stated he has not but it is something he would consider doing. Mr. Majors and Mr. Shaver provided some suggestions to Mr. Prather on training available through other agencies.

Mr. Majors stated sufficient time has been given for the training to have taken place. The intent of the order was that each and every person employed by the Mesa Theatre attend training, whether or not they had done so before. It was suggested that Mr. Prather's presence at the training would be a positive catalyst for the employees. Mr. Majors stated Mr. Prather has been enormously successful and he is to be given credit for his vision, but the order with the attendant obligations has not been complied with. This is a serious matter.

Mr. Majors stated his findings: The plan of operation, specifically the ratio of patrons to security, has been substantially complied with. Mr. Majors requested that Mr. Prather provide a copy of the plan of operation to the Authority. The portion of the suspension that was held in abeyance will not be imposed. Suspension will be imposed for the failure to comply with the liquor awareness training. The full 5 days of suspension will be imposed on consecutive Thursday nights, College nights, beginning March 9, March 16, March 23, March 30 and April 6, 2000. Two days of the suspension will have to be served, this will be March 9 and March 16, 2000. If training is given to all employees by March 16, the last 3 days of the suspension will be held in abeyance. By providing the Authority with copies of letters received or sent to the trainer confirming that the training has been scheduled and will be conducted, whether prior to or after March 16, the Authority will take this into consideration. This needs to be submitted prior to March 16, 2000. All employees are to attend. This is critical. No College nights or Over/Under nights are to be held at any other time. The suspension has not been imposed on nights when concerts are scheduled as this would be an undue punishment.

To summarize, the operation of the premises is suspended for 5 days for the noncompliance with having the liquor awareness training conducted in a timely manner, the dates being March 9, 16, 23, 30 and April 6, 2000. The premises shall be closed for the first two dates, the remaining 3 days will be held in abeyance if evidence of training being conducted or being scheduled by March 16 is provided in writing. Mr. Majors stated he would provide a written order of this to the licensee.

VII. ADJOURNMENT – The meeting was adjourned at 8:55 a.m.

NEXT REGULAR MEETING – March 1, 2000

Amended February 16, 2000

Memo to: Local Licensing Authority
From: Christine English, Senior Administrative Assistant
Date: February 8, 2000

Subject: Application by Carrie Kellerby for a Hotel and Restaurant Liquor License at 1310 Ute Avenue under the trade name of Paradise

Carrie Kellerby filed an application with the Local Licensing Authority on January 14, 2000, for a new Hotel and Restaurant liquor license, for the sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 1310 Ute Avenue under the trade name of Paradise. 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 February 16, 2000. The Notice of Hearing was given by posting a sign on the property on February 4, 2000 and by publishing a display ad in The Daily Sentinel on February 4, 2000.

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 Ouray Avenue on the north, 4th Avenue on the south, 19th Street on the east and 8th 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: 0
NO: 36

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: 18
NO: 0
NOT APPLICABLE: 0

One (1) signature could not be counted as the address given was outside the survey boundaries, and nineteen (19) signatures on question #2 could not be counted as the addresses given were for business instead of resident.

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

The Grand Junction Police Department has investigated the applicant for local criminal history and none was found. The fingerprints have been forwarded onto C.B.I. for further processing. A report has been requested from the Grand Junction Fire Department to ensure compliance with Life and Safety codes. The Health Department has inspected the premises and they were found to be in compliance with health codes. The Code Enforcement Division has inspected the premises to ensure that the diagram submitted matches the physical layout which it does, and that the Notice of Hearing was posted in a timely manner which it was.

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

Hotel and Restaurant - 0

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

Hotel and Restaurant – 11 (Blue Moon, Capers on Colorado, The Corral, Crystal Café & Bake Shop, Dolce Vita, Eagle Café, il Bistro Italiano, Junct'n Square, Los Reyes, Suehiro's, The Winery)

That concludes this report.

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