

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

MINUTES

WEDNESDAY, APRIL 5, 2000, 8:00 A.M.

I. **CALL TO ORDER** – The meeting convened at 8:05 a.m. Those present were Hearing Officer Phil Coebergh, Assistant City Attorney John Shaver and Senior Administrative Assistant Christine English.

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

1. Gay Johnsons Incorporated dba Gay Johnsons, 333 North 1st Street, 3.2% Beer Off Premise

The application was in order and approved.

2. Horizon Drive Texaco LLC dba Horizon Drive Texaco, 745 Horizon Drive, 3.2% Beer Off Premise

The application was in order and approved.

3. Sam's West Incorporated dba Sam's Club #6360, 1040 Independent Avenue, 3.2% Beer Off Premise

The application was in order and approved.

4. Western Colorado Center for the Arts Incorporated dba Western Colorado Center for the Arts, 1803 North 7th Street, Arts

Dan Patton, operating manager, was present. The application was in order and approved.

5. Loda Incorporated dba Mama Longos, 2830 North Avenue, Beer and Wine

The Health Department reported 4 critical violations. One was corrected at the time of inspection. A reinspection has been scheduled. The application was in order and approved contingent upon a favorable reinspection by the Health Department.

6. Grand Junction Athletic Club Incorporated dba Grand Junction Athletic Club, 2515 Foresight Circle, Tavern

The application was in order and approved.

7. DLK Enterprises Incorporated dba Brass Rail Lounge, 476 28th Road, Tavern

The Fire Department reported 4 critical violations. A reinspection has been scheduled. The application was in order and approved contingent upon a favorable reinspection by the Fire Department.

8. Mountaineer Hotels Incorporated dba Peachtree Inn & Restaurant, 1600 North Avenue, Hotel and Restaurant

Douglas Frye, manager, was present. The application was in order. The Fire Department reported 1 critical violation and a reinspection is scheduled. The Health Department report several critical violations and that the dish wash machine and prep sinks had been removed (see attached reports). Monique Mull was present representing the Health Department. Some of the food items found during the inspection could not be prepared without the missing equipment, and did not match the menu that the establishment had submitted.

Mr. Shaver asked Ms. Mull if the Health Department had requirements as far as dish washing was concerned. Ms. Mull stated it was not necessary to have the dish wash machine; a 3-bay sink would work. A single-bay sink had been installed. Mr. Shaver asked if the restaurant had been open since the inspection on March 29, 2000. Mr. Frye stated it had not, they were continuing to serve alcohol and that a 3-bay sink has been ordered.

Ms. English stated the menu that was submitted with the original application shows that breakfast, lunch and dinner is being served. That menu does not match the menu submitted to the Health Department. With a hotel and restaurant liquor license, full meals must be available until 8:00 pm. Mr. Frye will need to file a new menu. Mr. Frye stated the establishment was in the process of downsizing to more effectively use the space available. Mr. Frye stated he had receipts to prove they were serving meals for about 30% of the gross sales; \$6800.00 was the total gross in receipts in March and \$2300.00 of that was in food. Mr. Frye stated he would submit the new menu to the City Clerk's office today. Ms. English asked if the diagram for the premises or the occupancy level had changed. Mr. Frye stated the floor plan has not changed. Large sinks were taken out and smaller ones were put in. They have gone from serving in the entire front area of the restaurant to just serving in the bar area. The former restaurant area will now be for pool tables.

Mr. Shaver stated there are specific provisions in the Zoning Code relative to the percentage of food required to be served to not be considered a bar. The Peachtree Inn is a hotel and restaurant liquor license not a tavern license. It would be incumbent on the manager to check with the Community Development Department to be sure they are meeting the serving requirements under the zoning code. Mr. Frye stated he would do that.

Mr. Coebergh questioned when they were planning on serving meals. Mr. Frye stated as soon as they were able to install the 3-bay sink. They stopped serving after the inspection on March 29, 2000 and the daily receipts reflect this.

Ms. Mull stated the food found on the premises was not appropriate for the equipment they had. When she arrived, the kitchen was closed. Mr. Frye stated the kitchen was shut down that day because they did not have a cook. Ms. Mull stated she had gone to inspect the premises in January, 2000, and she was told the kitchen was closed. She thought that was strange since they had just spent \$110 to purchase their food establishment license and the kitchen was closed. The Health Department files will confirm this. Ms. Mull stated she spoke to Mr. Stoika who told her they wanted the retail food establishment license, but they were downsizing due to lack of business and would be opening in February. They wanted sandwiches for the bar area.

Mr. Coebergh asked Mr. Shaver if it would be appropriate to continue this until the next meeting. Mr. Shaver recommended that be done since Mr. Frye had stated liquor was continuing to be served even though there was no food service. A hotel and restaurant liquor license requires food service. This constitutes a liquor code violation.

Mr. Coebergh stated this would be continued to the April 19, 2000 meeting. Even if there have been violations, that would not cause the Authority to not renew the license, but it could cause a hearing on violations to be held.

Mr. Frye asked if alcohol could continue to be sold without the use of the kitchen. Mr. Shaver stated the liquor law requires food service, not that it necessarily be prepared on the premises. Mr. Frye stated he would contact Ms. English after the meeting.

III. APPLICATION TO REGISTER MANAGER

1. Restaurant Concepts II, LLC dba Applebee's Neighborhood Grill & Bar, 711 Horizon Drive, Hotel and Restaurant

New Manager: David A. Dean, 2773 Hartford Court, Grand Junction

The application was in order and approved.

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

1. Tee Pee Town, LLC dba Barky's, 2812 North Avenue, Hotel and Restaurant

Members: Dean A. Stecher, 3456 D $\frac{3}{4}$ Road, Palisade
Fran A. Stecher, 3456 D $\frac{3}{4}$ Road, Palisade

John Williams, attorney, and Dean and Fran Stecher were present. The application was in order and has been forwarded to the state for a concurrent review. The Fire and Health Departments will do final inspections upon the completion of the remodel. The results of the survey were read into the record (see attached).

Mr. Williams stated Mr. Stecher was the manager of Old Chicago for 5 years. The survey shows evidence of the desire of the neighborhood that the license issue. The format of the first question caused confusion on the part of the respondents and the number of yes answers and no answers is not accurate due to this.

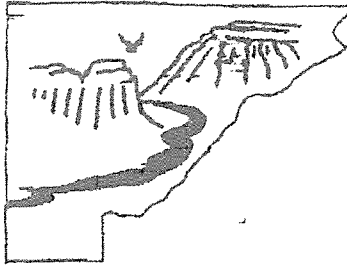
Mr. Shaver asked Mr. Stecher if the results of the survey were true and accurate. Mr. Stecher stated that it was. Mr. Stecher stated he thought there was some confusion on the first question which caused the people to respond in opposition. He returned to the neighborhood and spoke to 2 of the people who said they had not understood the question and that they were in favor of the license.

Mr. Stecher told the Hearing Authority that the establishment would serve Chicago-style hot dogs, brautworst, Italian beef and sauage, ice cream, milk shakes and malts. They would be serving lunch and dinner.

There was no opposition to the issuance of the license. Mr. Shaver recommended approval of the license. Mr. Coebergh concurred and the application was approved.

V. ADJOURNMENT – The meeting was adjourned at 8:35 a.m.

NEXT REGULAR MEETING – April 19, 2000



Mesa County Health Department

515 Patterson Rd., Grand Junction, CO 81506
P.O. Box 20000, Grand Junction, CO 81502-5033

Administration	248-6900
Environmental Health	248-6960
Nursing	248-6950
Animal Control	242-4046
362 28 Rd.	

March 30, 2000

City of Grand Junction
515 28 Road
Grand Junction, CO 81501

Attn: Chris English, City Clerk's Office

RE: Hotel and Restaurant Liquor License Renewal
Mountaineer Hotels, Inc. dba
Peuchtree Inn, 1600 North Avenue, Grand Junction, CO 81501

*Faxed to Chris
244-1599
3/30/00*

Dear Chris:

A routine inspection of the above referenced facility was conducted on March 29, 2000. Three critical violations and several non-critical violations were noted. A copy of the inspection report is attached for your review.

At the time of inspection, the owner stated that they were making some changes in the kitchen and not using the kitchen presently. He said they were serving only bagged chips. He needed to find a key to unlock the kitchen to allow entry for the inspection.

The inspection of the kitchen area revealed that the dish wash machine and vegetable prep sinks had been removed (without the Health Department's prior knowledge and approval). Therefore, the facility's capabilities to handle food and utensils in a sanitary manner have been diminished, creating potentially hazardous conditions. A significant quantity of perishables foods such as mushrooms, salad vegetables, cheese, etc. were noted in the walk-in and upright refrigerators. The existing kitchen lacks the sanitary means to support the preparation of these types of foods.

A Notice of Violation for the failure to submit plans for an extensive remodel or alteration of a retail food establishment will be issued to the owner via certified mail. The owner will be instructed to cease construction and submit written floor plans of the kitchen area including a proposed menu to the Health Department by April 17, 2000.

Please feel free to contact me at 248-6962 with any questions or concerns you may have regarding this information.

Sincerely,

Monique Mull
Environmental Health Specialist I



Colorado Department of Public Health and Environment

4300 CHERRY CREEK DRIVE SOUTH

DENVER, CO 80246-1530

PHONE (303) 692-3620

FAX (303) 753-6809

Page 1 of 3 License # 0990489-002

ESTABLISHMENT Mount. Peachtree Inn		OWNER NAME Mountaineer Hotels Inc							
ADDRESS 1600 North Ave Grand Jct, Co 8		ZIP CODE 81501							
COUNTY D 3A	ESTAB NO	SANIT CODE 1301	DATE <table border="1"> <tr> <td>TA</td> <td>MO</td> <td>DAY</td> </tr> <tr> <td>09</td> <td>09</td> <td>29</td> </tr> </table>	TA	MO	DAY	09	09	29
TA	MO	DAY							
09	09	29							
TRAVEL TIME 015		INSPECT TIME 1100							
PURPOSE Routine									

RETAIL FOOD ESTABLISHMENT INSPECTION REPORT

Items circled below identify violations to be corrected as indicated by the regulatory authority. Failure to comply may result in further action by the regulatory authority.

Red - Critical Items. These items related directly to food safety issues.

- a Approved source
- b Wholesome, free of spoilage
- c Cross-contamination
- d HACCP plan
- e Consumer advisory

- Employee Health**
- a Personnel w/infections restricted
 - b Wounds properly covered
 - c Hands washed as needed
 - f Training needed
- Hygienic Practices**
- d Hygienic practices
 - e Smoking, eating, drinking
- Demonstration of Knowledge**

- Temperature Control Procedures**
- a Rapidly cool foods to 41° F or less
 - b Rapidly reheat to 165° F or greater
 - c Hot hold at 140° F or greater
 - d Required cooking temperature
 - e Cold hold at 41° F or less
- Temperature Control Equipment**
- f Food thermometer (probe-type)
 - g Adequate equipment to maintain food temperatures

	Temperature	Concentration	Exposure
a Manual		100ppm	bars 5/160k
b Mechanical			
c In-Place			
Sanitazer	Chlorine	Quaternary Ammonium	Other

- a Safe water source
- b Hot & cold water under pressure
- c Backflow, back siphonage
- d Sewage disposal

- a Adequate number, location, design
- b Accessible
- c Soap & drying devices

- a Evidence of insects or rodents
- b Pesticide application
- c Animals prohibited

- a Properly stored
- b Properly labeled
- c Properly used

Blue - Other Items. Uncorrected, these can become serious problems.

- a Original container, properly labeled
- b Food protected from contamination

- a Food-contact surfaces
- b Nonfood-contact surfaces
- c Dishwashing facilities
- a Refrigeration units provided with accurate, conspicuous thermometer
- b Dishmachine provided with accurate thermometer & gauge cock
- c Chemical test kits provided, accessible

- a Food-contact surfaces
- b Nonfood-contact surfaces
- c Dishwashing operations
- d Wiping cloths

- a Utensils provided, used, stored
- b Single service articles stored, dispensed, used
- c No re-use of single-service articles

- a Plumbing installed, maintained
- b Garbage and refuse
- c Floors, walls, ceilings
- d Lighting
- e Ventilation
- f Locker rooms
- g Premises maintained
- h Separation of living, laundry

- a Personnel clean clothes, hair restraints, authorized
- b Linen properly stored

NOTES

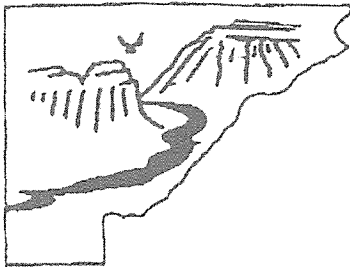
Call me when you are ready for a reinspection (by 4/12)

ENVIRONMENTAL HEALTH SPECIALIST
Monique Miller 248-6962

RECEIVED BY:

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
RETAIL FOOD ESTABLISHMENT INSPECTION REPORT

ESTABLISHMENT	CITY	ESTAB. NO	DATE
Placetrace Inn	G.T		3-29-00
ITEM #	REMARKS	CORRECT BY	
* 2d	handwash sink must be designated for handwashing only - mat and bar rag stored in hand sink	discussed and corrected	
OK	Small bottle beer cooler 24°F		
OK	north beer cooler 30°F		
OK	South beer cooler 29°F		
14c	floor is sticky, buildup of debris under sinks		
14a	3-bay sink is not indirectly drained		
13a	ice scoop stored against liquor bottle - store in ice with handle upright		
OK	Small silver king refrig. - 39°F		
11a	provide conspicuous thermometers in all refrig units		
12b	mold like substance on gaskets on door of silver king		
10b	counter in coffee service area is chipped/shelves are		
12b	soiled and not smooth, easily cleanable		
13b	popcorn and paper cups stored on floor in kitchen area - elevate 6" off floor		
note:	Kitchen area was locked. Owner stated they are changing some things and serving only bagged chips at this time.		
* 4a	Wash sink was replaced with a single bay sink - NOT APPROVED - washing in single bay - not sanitizing		
*	Kitchen may not be used until a 3-bay sink that is indirectly drained is installed.		
* 6c	hand sink must be supplied with paper towels & soap		
14c	floor is in poor repair - not smooth easily cleanable		
14c	walls have holes near sink - not smooth easily cleanable		
10b	counter edge is in disrepair - not smooth easily cleanable		
ENVIRONMENTAL HEALTH SPECIALIST:		RECEIVED BY:	
Morgan Miller		Uta Ka	



Mesa County Health Department

515 Patterson Rd., Grand Junction, CO 81506
P.O. Box 20000, Grand Junction, CO 81502-5033

Administration	248-6900
Environmental Health	248-6960
Nursing	248-6950
Animal Control	242-4646
362 28 Rd.	

March 30, 2000

Nick and Michelle Stoika
1600 North Avenue
Grand Junction, CO 81501

RE: Notice of Violation
Mountaineer Hotels, Inc. dba
Peachtree Inn, 1600 North Avenue, Grand Junction, CO 81501

Dear Mr. and Mrs. Stoika:

A routine inspection of the above referenced facility was conducted by the Mesa County Health Department on March 29, 2000. Our inspection revealed that your dish wash machine and vegetable prep sinks had been removed. This renovation has diminished your facility's capabilities to handle food and utensils in a sanitary manner, creating potentially hazardous conditions. The enclosed Notice of Violation has been issued because plans were not submitted to the Health Department and approved for the remodeling/alteration work that was conducted at your facility.

To avoid a civil penalty, please comply with the following:

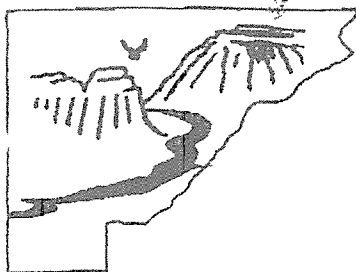
1. Submit floor plans and a written menu to the Health Department no later than April 17, 2000.
2. Submit the \$75 plan review fee with the plans.
3. Cease remodeling/alteration activities.
4. Do not install a three-bay ware washing sink prior to receiving the Health Department's written approval.

Review of your submitted plans will be conducted within two weeks of receipt of the plans and a written response will be forwarded to you.

If you have any questions regarding this information please contact me at 248-6962. Please understand that I have sent this correspondence to your home address and the licensed facility address since I was not sure of the best location to contact you. I apologize if you receive this letter twice.

Sincerely,

Monique Mull
Environmental Health Specialist I



Mesa County Health Department

515 Patterson Rd., Grand Junction, CO 81506
P.O. Box 20000, Grand Junction, CO 81502-5033

Administration	248-6900
Environmental Health	248-6960
Nursing	248-6950
Animal Control	242-4646
362 28 Rd.	

March 30, 2000

Mountaineer Hotels, Inc.
1600 North Avenue
Grand Junction, CO 81501
Attn: Nick and Michelle Stoika

Certified Mail #P219 519 878
Return Receipt Requested

RE: Peachtree Inn
1600 North Avenue, Grand Junction, CO 81501

NOTIFICATION OF VIOLATION FAILURE TO SUBMIT PLANS FOR EXTENSIVE REMODEL OR ALTERATION OF A RETAIL FOOD ESTABLISHMENT LICENSE

On Wednesday, March 29, 2000, the Mesa County Health Department conducted a routine inspection of the Peachtree Inn, operated by you, Mountaineer Hotels, Inc., and determined that you have failed to submit plans for the extensive remodel and alteration of your retail food establishment.

Therefore, pursuant to sections 25-4-1605(1), Colorado Revised Statutes, you, as licensee, are hereby ordered to cease construction and submit plans of your retail food establishment as soon as possible but no later than Monday, April 17, 2000, so as to comply with the provisions of 25-4-1605(1). The applicable laws are available at the Mesa County Health Department for your review.

Failure to comply with the provisions of this NOTIFICATION OF VIOLATION FOR FAILURE TO SUBMIT PLANS FOR EXTENSIVE REMODEL OR ALTERATION OF A RETAIL FOOD ESTABLISHMENT will subject you, as licensee, to a civil penalty which may be assessed by this Department. The amount of the civil penalty is not less than two hundred fifty dollars nor more than one thousand dollars.

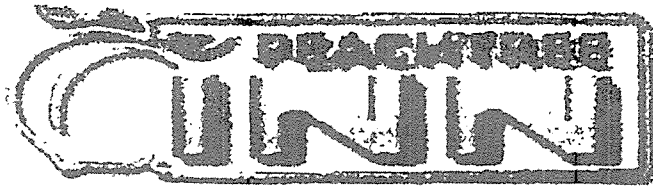
If you need assistance in complying with this NOTIFICATION OF VIOLATION FOR FAILURE TO SUBMIT PLANS FOR EXTENSIVE REMODEL OR ALTERATION OF A RETAIL FOOD ESTABLISHMENT, or if there is additional information you feel we need to be aware of, please do not hesitate to contact Monique Mull at (970) 248-6962 or the main number at (970) 248-6960.

Issued at Grand Junction, Colorado March 30, 2000.

Sincerely,

Steven L. DeFeyer, Environmental Health Director

cc: Monique Mull, Mesa County Health Department
cc: David Younger, Attorney at Law



Mountaineer Hotels Inc.

1600 North Avenue, Grand Junction, Colorado, 81501 Tel: (970) 245-5770 Fax: (970) 243-2965 Reservations 1-800-525-0030

Date: March 31, 2000

To whom it may concern,

Below please find the following:

- 1.) Written plan for the changes to the kitchen area.
- 2.) Copy of the restaurant menu.

Additionally, as per our conversation on 3/29/00, there are NO physical changes to the floor plan area of the kitchen. Only select equipment has been removed and replaced with equipment more suitable to the size of our operation. In the further, as we discussed the hallway installation is shown on the drawing by a broken line. We are currently in process of purchasing a 3-bay sink and anticipate delivery to the site on 4/3/00.

Please feel free to contact me with any questions that you may have concerning this submittal. I can be reached at 245-5770

Thank You,

A handwritten signature in cursive script that reads "Nick Stoika".

Nick Stoika
Owner

CK # 2225

cc: Health Dept. File
D.M. Frye Manager

March 31, 2000

WELCOME TO PEACHTREE LOUNGE**APPETIZERS**

SERVED WITH YOUR CHOICE OF DRESSING AND CHIPS

HOT WINGS	- 6 PCS	\$ 3.95
	- 12 PCS	\$ 5.95
MOZZARELA STICKS	- 6 PCS	\$ 3.95
	- 12 PCS	\$ 5.95
JALAPENOS POPPERS	- 6 PCS	\$ 3.95
	- 12 PCS	\$ 5.95
BREADED MUSHROOMS	- 6 PCS	\$ 3.95
	- 12 PCS	\$ 5.95
CHICKEN STRIPS	- 4 PCS	\$ 3.95
	- 8 PCS	\$ 5.95
SAMPLER PLATE		\$ 5.95

SANDWICHES

SERVED WITH FRENCH FRIES OR SOUP OR SIDE SALAD

CHEESEBURGER	\$ 3.95
BLT	\$ 3.95
TUNA SALAD	\$ 3.95
BEEF, HAM OR TURKEY	\$ 3.95
FRENCH DIP	\$ 4.50
CLUB	\$ 4.50
REUBEN	\$ 4.50
BROILED CHICKEN BREAST	\$ 4.95

SIDES

LARGE FRENCH FRIES	\$ 1.50
SIDE SALAD	\$ 1.00
BOWL OF SOUP	\$ 1.50

Memo to: Local Licensing Authority
From: Christine English, Acting City Clerk
Date: March 28, 2000
Subject: Application by Tee Pee Town LLC for a New Hotel and Restaurant
Liquor License at 2812 North Avenue under the trade name of Barky's

Tee Pee Town LLC filed an application with the Local Licensing Authority on March 3, 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 2812 North Avenue under the trade name of Barky's. 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 April 5, 2000. The Notice of Hearing was given by posting a sign on the property on March 24, 2000 and by publishing a display ad in The Daily Sentinel on March 24, 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 Orchard Avenue on the north, DRG RR on the south, 28 1/2 Street on the east and 19th 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: 18
NO: 42

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: 52
NO: 4
NOT APPLICABLE: 0

Five (5) signatures could not be counted as they answered question #2 as a business instead of a resident of the neighborhood.

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

The Grand Junction Police Department has investigated the managing members for local criminal history and none was found. The fingerprints have been forwarded onto C.B.I. for further processing. The premises will be inspected by the Grand Junction Fire Department for compliance with Life and Safety codes, and the Mesa County Health Department for compliance with health codes. Final reports will be filed in this office prior to the issuance of a license. The Code Enforcement Division inspected the premises and found that the diagram submitted matches the physical layout and that the Notice of Hearing was posted in a timely manner. The Mesa County Building Department will need to submit a Certificate of Occupancy prior to the issuance of a license.

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

Hotel and Restaurant - 1 (Tequila's)

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

Hotel and Restaurant – 11 (Big Cheese Pizza, Cruiser's Southwestern Café, CHEF'S, Far East, Fiesta Guadalajara, La Bamba's Mexican Dining, Paradise, Peachtree Inn, Texas Roadhouse, Peachtree Inn and Wrigley Field)

That concludes this report.

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