

**LIQUOR AND BEER MEETING  
LOCAL LICENSING AUTHORITY  
CITY OF GRAND JUNCTION, COLORADO  
MUNICIPAL HEARING ROOM, CITY HALL, 250 NORTH 5<sup>TH</sup> STREET\*\***

**MINUTES**

**WEDNESDAY, SEPTEMBER 6, 2000, 8:00 A.M.**

**\*\*Please note new location above**

I. **CALL TO ORDER** – The meeting was convened at 8:01 a.m. Those present were Hearing Officer Phil Coebergh, Assistant City Attorney John Shaver and City Clerk Stephanie Nye.

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

1. Thrifty Payless Incorporated dba Rite Aid #6178, 1834 North 12<sup>th</sup> Street, 3.2% Beer Off Premise

The application was in order and approved.

2. JV Entertainment Incorporated dba Cheers, 201 Colorado Avenue, Tavern

Juan Venegas, president, was present. Mr. Venegas stated he had removed a drain trap thinking it would help a drainage problem. He did not realize he could not do that and he would replace it. The Health Department had not yet submitted a report. The application was approved contingent upon a favorable Health Department report.

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

1. Safeway Stores 46, Incorporated dba Safeway Stores, 2901 F Road, 3.2% Beer Off Premise

Vice President/

Director: Robert A. Gordon, Jr. replaces Michael Ross

Vice President/

Secretary: Meredith S. Parry replaces Michael Ross

The application was in order and approved.

2. Fraternal Order of Eagles 595, 1674 Highway 50, Club-**Continued from August 16, 2000 Meeting**

President: Vern Roark replaces John McCulley

Vice President: Sidney Knauss replaces Vern Roark

Treasurer: Ken Topliss replaces Vern Jones

Sidney Smith, secretary, was present. Mr. Knauss filed an amended individual history and Mr. Topliss submitted additional paperwork which indicated the items that appeared on his police report have been withdrawn. Mr. Shaver recommended approval as there has been full disclosure at this time. Mr. Shaver recommended Mr. Topliss follow up in

clearing this item through the governor's office in Texas. The application was in order and approved.

#### **IV. APPLICATION FOR TRANSFER OF OWNERSHIP-Continued from August 16, 2000 Meeting**

1. Leon's Taqueria Restaurant Incorporated dba Leon's Mexican Restaurant in the Mall, 2424 Highway 6 & 50 #232, Hotel and Restaurant

Transfer of Ownership from Tres Hermanos dba Leon's Todo Bien to Leon's Taqueria Restaurant, Incorporated dba Leon's Mexican Restaurant in the Mall

President: Felipe T. Leon, 381 Evergreen Road, Grand Junction  
Secretary/  
Treasurer: Marie D. Leon, 381 Evergreen Road, Grand Junction

There was no one present representing Leon's Taqueria Restaurant Incorporated. Mr. Shaver recommended the application be approved with the understanding that a specific time be set for them to file the new lease, in one week, with the hearing being set for two weeks for the final disposition of this matter. The applicant is currently operating under a temporary permit. Mr. Coebergh continued the application for transfer of ownership to the next scheduled hearing of September 20, 2000.

#### **V. APPLICATION FOR SPECIAL EVENTS PERMIT**

1. B.P.O. Elks Lodge #575 for a Malt, Vinous and Spirituous Special Events Permit for "Oktoberfest" on October 7, 2000 from 10:00 a.m. to 11:00 p.m. on Main Street between 5<sup>th</sup> and 7<sup>th</sup> Streets

Applicant: B.P.O. Elks Lodge #575  
President/  
Secretary: Ken Mull, 560 Sunrise Drive, Grand Junction  
Event Mgr: Roy W. Weaver, 2450 Wellington Court, Grand Junction  
Ron Ward, 709 Carral Drive, Grand Junction

Roy "Bud" Weaver was present. Ms. Nye read into the record the letter submitted by the applicant (see attached). Mr. Shaver recommended the approval of the application. The application was in order and approved.

#### **VI. DECISION AND RESOLUTION OF FINDINGS RE: APPLICATIONS FOR NEW LICENSES**

1. Albertson's Incorporated dba Albertson's Food Center #897, 2512 Broadway, 3.2% Beer Off Premise
2. Albertson's Incorporated dba Albertson's Fuel Center #897, 2520 Broadway, 3.2% Beer Off Premise

Chairman/CEO: Gary G. Michael, 2010 Silvercreek Lane, Boise, ID  
President: Peter L. Lynch, 9401 Riverside Drive, Boise, ID  
Group Vice President/  
Treasurer: John F. Boyd, 3986 S. Suntree Way, Boise, ID  
Vice President/  
Corp. Secretary: Kay L. O'Riordan, 1750 Shaw Mountain Road, Boise, ID  
Director: Kathryn M. Albertson, 800 Houston Road, Boise, ID  
Director: Joseph B. Scott, 2170 Gossamer Lane, Boise, ID

Vis Jaunarajs, attorney, was present. Mr. Jaunarajs asked that the two applications and survey results be consolidated to speed up the process. Mr. Coebergh and Mr. Shaver concurred. Ms. Nye summarized the report to the Local Licensing Authority (see attached).

Jerry Otis, district sales manager, reviewed the operational plan for the two stores.

Charles Cump, attorney retained by Albertson's to conduct the survey, was present. Mr. Cump stated he has conducted many surveys for Albertson's since approximately 1977. Mr. Cump stated he had personally conducted some of the survey himself and that the results of the surveys read into the record today are true and accurate. The survey was conducted on Saturday, August 19, 2000.

There was no opposition present.

Mr. Shaver recommended approval of the licenses. Mr. Coebergh concurred. The applications were in order and approved contingent upon final inspections by the Fire Department and the Mesa County Building Department. A Certificate of Occupancy will need to be submitted prior to the issuance of the licenses.

3. Springer Capital Corporation dba Shake, Rattle & Roll Diner, 115 West Grand Avenue, Hotel and Restaurant – **Concurrent Review**

President: Craig Springer, 793 Garrison Crt, Grand Junction, CO  
Vice President: Neil M. Springer, 4324 O 50 Drive, Paonia, CO  
Secretary/Treasurer: M. Jeannean Springer, 793 Garrison Crt, Grand Junction, CO  
Margaret Springer, 4324 O 50 Drive, Paonia, CO

Jeannean and Craig Springer were present. Ms. Nye summarized the report to the Local Licensing Authority (see attached). Mr. Springer stated he had conducted the survey and the results read into the record are true and accurate. There was no opposition present. Mr. Shaver recommended approval. Mr. Coebergh concurred. The application was in order and approved.

4. Kokopelli Liquors LLC dba Kokopelli Liquors, 2996 D Road, Retail Liquor Store

Managing member: Sidney J. Squirrell, 4339 Racquet Crt., Grand Junction, CO

Sidney Squirrell was present. Ms. Nye summarized the report to the Local Licensing Authority (see attached). At the time of the report, no letters of opposition or counterpetitions had been received. On September 5, 2000, a counterpetition was filed in the City Clerk's office.

Mr. Squirrell stated within a one-mile radius there are approximately 4400 people; within a two-mile radius there are approximately 18,000 people. These figures are based on the 1990 census numbers and there has been substantial growth in the area since that time. There are approximately 2000 mail drops in the area around this location, which would be approximately 4000 adults. Mr. Squirrell illustrated on a map (on file in the City Clerk's office) the existing retail liquor store license locations compared to this location. There is not an establishment serving this area. The survey shows there is a need and a desire for the license in this area. The convenience store on the corner has been very successful in this location also. Mr. Squirrell stated based on the research, survey and

people who have been contacted, there is a need and a desire for a new retail liquor store outlet in this area.

Mr. Coebergh asked about the 44 people who felt the needs of the neighborhood were all ready being met. Mr. Squirrell stated the survey was conducted by him and by the convenience store. There was some confusion over the questions on the survey and people did not understand them.

Mr. Shaver asked how the petition was handled at the convenience store. Mr. Squirrell stated the petition was sitting on the counter and as customers came to the counter they were asked if they would like to sign. People were asked to read the petition and sign it if they were interested. Mr. Squirrell stated the summary of the survey as stated by Ms. Nye was true and accurate.

Mr. Coebergh asked if there was any opposition present.

Tom Volkmann, attorney, 422 White Avenue, was present representing Jeanne Bristol of Fruitvale Liquor, Pam Hambricht of Bookcliff Liquor, Brian Hodges of East Valley Liquor, and Ken Bayline of Mt. Garfield Liquors. Fruitvale Liquors is right on the outside boundary of the survey. Mr. Volkmann submitted a supplemental survey form, which had been presented for signature in the neighborhood, and then was presented to the church in the area who presented it to their members, which is why some of the signatures are outside the survey area. Mr. Volkmann also submitted notarized circulators' affidavits of the people who conducted the survey. Mr. Volkmann stated the petition submitted by the applicant had 1/3 of the people stating the needs of the neighborhood are being met. The counterpetitions and the applicant's petition combined shows 256 people answered yes the neighborhood needs are all ready being met and 88 people answered no the needs were not being met. Even though there may have been some confusion with the applicant's petition, the counterpetitions show these people were not confused by the questions. Combining the answers to the second question, on the issuance of the license, 118 want the license to issue and 213 do not. If the applicant's figures are correct as to the number of people in the neighborhood being 4400, they only contacted 118. The combined petitions show the neighborhood needs are all ready being met. The application should be denied based on this information.

Mr. Coebergh asked if anyone would like to speak in opposition of the license.

Jeanne Bristol of Fruitvale Liquor stated she had used a different map from the one on the survey. Ms. Bristol compared a copy of Mr. Squirrell's petition with her petition. Addresses were checked for duplication. The petition was conducted door to door on August 7, 2000 and on several other days from 4:30 to 8 p.m. No employees of Fruitvale Liquor were used to help conduct the survey and the statements were summarized for people. Ms. Bristol stated the results of her survey was: question #1-203 yes and 14 no and on question #2-17 yes and 196 no.

Pam Hambricht, 740 Golfmore Drive, of Bookcliff Liquor, stated the majority of the people she petitioned were against another liquor store in the area. Ms. Hambricht stated the hours the survey was conducted were in the evenings between 4 and 7 p.m. over several days. Ms. Hambricht stated she carried the petition but someone else may have gathered some signatures on it.

Brian Hodges, 3268 E Road, president of East Valley Liquor, stated he conducted the survey himself door to door on August 18, 2000 from 9 a.m. to 1 p.m. He explained the questions to the people thoroughly. People felt they did not want another liquor store in

the neighborhood with the increase in DUI's or police service calls. Mr. Shaver asked Mr. Hodges how many people actually talked about DUI's or other criminal activity. Mr. Hodges stated he suggested it to the people. He did not tell them that he was a proprietor of a liquor store. Mr. Shaver asked if any people voluntarily suggested there would be an increase in criminal activity. Mr. Hodges stated 1 person did out of 20.

There was no other opposition present.

Gary Dean, owner of the Texaco convenience store on D and 30 Road, spoke in favor of the license. Mr. Dean stated this location has been very profitable for him. There is a need for services in this area. Mr. Shaver asked if this store location has a 3.2% beer license. Mr. Dean stated yes.

Greg Schwain spoke in favor of the license. Mr. Schwain stated he has been offered a job at the proposed liquor store. Mr. Schwain felt there is a need in this area for this type of license. There is a need for services in this area. Mr. Schwain stated he felt Ms. Bristol's representation to the people she petitioned was very misleading.

Mr. Squirrell stated the public has been notified for a period of time and yet the day before today's hearing, these petitions have been brought up. These new petitions have not been given the same scrutiny; they have not been verified and they were all conducted by other liquor storeowners who are outside of the area. There are only 2 other liquor stores within a 2-mile area of this location. It is a reach to say these 2 establishments are servicing the area of this application. By their own testimony, these counterpetitions were conducted on a bias by the way the circulators presented the petitions for signature. The petitions should not be allowed as they have not been verified.

Mr. Coebergh asked if anyone would like to respond to Mr. Squirrell's comments.

Mr. Volkmann stated there has been a challenge of bias as to the way the petitions were presented. There may be a necessity for the petitions to be reviewed. There is no deadline for opposition petitions, and many will wait to see how the applicant's petition numbers come out and then begin to circulate a counterpetition.

Ms. Hambright stated when she was asked why she was circulating the petition she told people she was a liquor storeowner. The people were against it anyway and her statements did not bias them one way or the other. The statement of bias can go either way. Mr. Squirrell, being an ex-liquor storeowner, can bias his presentation of the petition also. People were asked to sign for or against the liquor store.

Andrea Krump, Ms. Bristol's niece, stated she was one of the circulators. She did tell people she was collecting signatures against a new liquor store license. The people that signed it were generally adamantly against another liquor store. The fact that she was from another liquor store actually seemed to hinder the process as people were against any liquor store.

Tammy Wins, employee of Ms. Hambright, stated she did not tell people she was either for or against the liquor store. She told people she was just circulating the petition for a liquor license. Most of the people she talked to were against it.

Mr. Coebergh closed the hearing at 9:20 a.m. He asked Ms. Nye to address the policy of filing counterpetitions and verification.

Ms. Nye stated there is no deadline. They can be filed at the hearing. There was not time to review the counterpetitions. The affidavits presented by Mr. Volkmann are separate from the petitions themselves so there can be no verification of who circulated what petitions.

Mr. Shaver stated there is no statutory basis or City policy in regards to excluding the evidence presented at this time. The comments about the affidavits and verification of signatures are very appropriate. Mr. Shaver recommended the Local Licensing Authority take this matter under advisement for the purpose of verification of the petitions. At this time, the presentation of evidence was closed and a decision will be given at the next meeting.

Mr. Coebergh concurred. The hearing was closed. A decision on this application will be given at the next regularly scheduled meeting on September 20, 2000. The time is being changed from 8:00 a.m. to 9 a.m.

**VII. ADJOURNMENT** - The meeting was adjourned at 9:25 a.m.

**NEXT REGULAR MEETING - September 20, 2000**

July 7, 2000

Stephanie Nye, Grand Junction City Clerk  
250 N. 5<sup>th</sup> Street  
Grand Jct Colo 81501

RE: October Fest October fest October 7, 2000

Dear Stephanie

The Elks Lodge is requesting a one day liquor license to accomodate 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 ShoppingPark for a Fair/Festival Atmosphere accomodating vendors, entertainment and activities which could not be held in an indoor facility downtown.

The downtown restaurants – Quincy, Blue Moon, Crystal Caf, rockslid, 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 accomodat all the various activitis that make up this event.

Participant in this event include Arts, Crafts, food, commercial/promotional and non-profit vendors, a variety of entrainers perform throught 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

Report to: Local Licensing Authority

From: Christine English, Senior Administrative Assistant

Date: August 25, 2000

Subject: Application by Albertson's Incorporated for two (2) 3.2% Beer Licenses under the trade names of Albertson's Food Center #897, 2512 Broadway and Albertson's Fuel Center, 2520 Broadway

Albertson's Incorporated, a corporation, filed applications with the Local Licensing Authority on August 1, 2000 for two (2) 3.2% Beer licenses, for the sales of 3.2% fermented malt beverages containing not more than 3.2% alcohol by weight in sealed containers for consumption off the premises at Albertson's Food Center #897, 2512 Broadway and Albertson's Fuel Center #897, 2520 Broadway. The applications and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for September 6, 2000. The Notice of Hearing was given by posting a sign on the property on August 25, 2000 and by publishing a display ad in The Daily Sentinel on August 25, 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 Pitt Road (if extended) on the north, Davis Drive on the south, DRG RR on the east and Mayfield Drive 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 or business lessee of property in the neighborhood and/or an inhabitant who resides 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: 6  
NO: 47

2. As an inhabitant who resides in the neighborhood for more than six months each year: It is my desire that the license issue.

YES: 50  
NO: 3

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

The applicant, Albertson's Incorporated, is a corporation. Local criminal history was not found on any of the corporate officers. Since the corporation has a Master File in Denver no further processing through C.B.I. was necessary.

The buildings are under construction and a copy of the final inspection by the Fire Department and a copy of the Certificate of Occupancy from the Mesa County Building Department will need to be filed in this office prior to the issuance of the license.

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

3.2% Beer – 1 (Super Mart)

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

3.2% Beer - None

That concludes this report.

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



Memo to: Local Licensing Authority

From: Christine English, Sr. Administrative Assistant

Date: August 29, 2000

Subject: Application by Springer Capital Corporation for a Hotel and Restaurant Liquor License at 115 West Grand Avenue

Springer Capital Corporation filed an application with the Local Licensing Authority on August 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 115 West Grand Avenue under the trade name of

Shake, Rattle & Roll Diner. The application and supplementary documents were reviewed, found to be in order and accepted. The application has been sent to the State for a concurrent review. The hearing date was set for September 6, 2000. The Notice of Hearing was given by posting a sign on the property on August 25, 2000 and by publishing a display ad in The Daily Sentinel on August 25, 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 Hill Avenue on the north, Ute Avenue on the south, 5<sup>th</sup> Street on the east and Vine Street (if extended) 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:	11
NO:	25

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:	35
NO:	0
NOT APPLICABLE:	1

There were a total of six (6) signatures which could not be counted: (1) was outside the survey area, (1) signature with question marks for answers, (1) Clifton address, (1) used phone number as address, (1) had no address, (1) business address answered question #2 which is for inhabitants only.

The Grand Junction Police Department has investigated the corporate officers for local criminal history and none was found. The fingerprints have been forwarded onto CBI for further processing. The premises have been inspected by the Grand Junction Fire Department and the Mesa County Health Department and are found to be in compliance with applicable codes. The Code Enforcement Division has inspected the premises to see that the diagram submitted matches the actual floor plan, which it does, and that the Notice of Hearing sign 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 – 8 (Capers on Colorado, Colorado Catfish, Crystal Café & Bake Shop, Dolce Vita, Eagle Café, il Bistro Italiano, The Sports Page and Two Rivers Convention Center)

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

Beer and Wine – 9 (Blue Moon, The Corral, Bourbon Street of Grand Junction, Dos Hombres, Junct’N Square, Old Chicago, Pancho’s Villa, Suehiro Japanese Restaurant and The Winery)

That concludes this report.

cc: Applicant

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

**Amended**

Memo to: Local Licensing Authority  
From: Christine English, Sr. Administrative Assistant  
Date: August 30, 2000  
Subject: Application by Kokopelli Liquors LLC for a Retail Liquor Store liquor license at 2996 D Road under the name of Kokopelli Liquors

Kokopelli Liquors LLC filed an application with the Local Licensing Authority on July 26, 2000, for a retail liquor store liquor license, for the sales of malt, vinous and spirituous liquors in sealed containers for

consumption off the premises at 2996 D Road under the trade name of Kokopelli Liquors. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for September 6, 2000. The Notice of Hearing was posted on the proposed premises on August 25, 2000. A display ad was published in The Daily Sentinel on August 25, 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. The defined the neighborhood was the area bounded by D ½ Road on the north, C ½ Road on the south, 29 ½ Road on the west and 30 ½ Road on the east 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 existing outlets.

YES:	44
NO:	74

2. As an inhabitant residing in the neighborhood more than six months each year, it is my desire that the license be issued.

YES:	101
NO:	17

NOT APPLICABLE: 2

Forty (40) signatures could not be counted: (5) incorrect address information, (35) outside survey area. Under Non-applicable column, (15) answered question #2 yes and wrote in yes in the N/A column, (10) answered question #2 no and wrote in yes in the N/A column and (1) answered question #2 no and wrote in no in the N/A column.

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

The applicant is a limited liability company. The fingerprints of the managing member have been processed locally and no criminal history was found. They have been forwarded to the Colorado Bureau of Investigation for further processing. The Code Enforcement Department reported the Notice of Hearing was posted in a timely manner. The premises will be under construction and the Mesa County Building Department will need to file a Certificate of Occupancy in this office prior to the issue of a license. The Grand Junction Fire Department will do a final inspection of the building for compliance with Life and Safety codes.

The Community Development Department has determined that no Conditional Use Permit is required and the proposed use is allowed in this zone district.

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

Retail Liquor – 0

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

Retail Liquor – 0

That concludes this report.

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