

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

MINUTES

WEDNESDAY, February 7, 2001, 9:00 A.M.

I. **CALL TO ORDER** – The meeting was convened at 9:02 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. Loco Incorporated dba Loco Food Store No. 11, 1904 North 12th Street, 3.2% Beer Off Premise

The application was in order and approved.

2. City of Grand Junction dba Lincoln Park Golf Course, 800 Mantlo Circle, 3.2% Beer On/Off Premise

Travis Bunkelman, manager, was present. The local Police report show two arrests for Mr. Bunkelman: one in 1991 and one in 1998. Mr. Bunkelman stated he does not have any alcohol-related convictions. Mr. Shaver stated there were no grounds for denial of the application and Mr. Coebergh concurred. The application was in order and approved.

3. Avalon Theater Incorporated dba Avalon Theater, 645 Main Street, Arts

Frank Lipton, president of the board for the Avalon Theatre, was present. The application was in order. There is a continuing problem with the applicant not receiving the renewal form. Each year it has been addressed by contacting the State with the correct mailing address, which is a post office box. Mr. Lipton asked that copies of the requests sent to the State be sent to him. Mr. Lipton gave his address as 381 ½ B Explorer Court, 81503. The application was approved.

4. Crown Liquors of Western Colorado Incorporated dba Crown Liquors of Western Colorado, 2851 ½ North Avenue, Retail Liquor Store

The application was in order and approved.

5. James A. Holmes Jr., dba Surplus City Discount Warehouse, 200 West Grand Avenue, Retail Liquor Store

The application was in order and approved.

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

There was no one present representing Paradise. The application was in order. The report from the City's Sales Tax showed that the applicant is not in compliance with the City's sales tax ordinance. The applicant was requested to be present at this meeting. Hearing Officer Coebergh and Mr. Shaver concurred to continue this matter to the

February 21, 2001 Liquor and Beer Meeting and for Ms. English to notify the applicant by certified mail of this decision.

III. REPORT OF CHANGE IN CORPORATE STRUCTURE

1. Beye Lotz VFW Post 1247, 1404 Ute Avenue, Tavern

Quartermaster: Robert J. Nolan replaces John McKelvey
Jr. Vice President: Ronald D. Nolan replaces Robert Nolan

The application was in order and approved.

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

1. L & B Incorporated dba Fast Eddy's, 2650 North Avenue Suites 108-110, Tavern

President: Adelle Bonatti Lloyd, 574 Meadowlark Lane, Grand Junction
Secretary/
Treasurer: William Bonatti Lloyd, 574 Meadowlark Lane, Grand Junction

Adelle Lloyd and William Lloyd were present. Ms. English read into the record the report of the survey conducted by the applicant (see attached). The application was in order. The local Police report shows an arrest for Ms. Lloyd in 1987. There was no disposition information available. The Health Department contacted the City Clerk's office and stated the applicant had not filed any plans with them. The applicant was contacted. Ms. Lloyd stated they have submitted their plans and the Health Department has approved them.

Mr. Shaver asked the applicants who conducted the survey, if they were compensated and if the results of the survey were true and accurate. Ms. Lloyd stated Theresa Wilkerson was hired to conduct the survey. She was compensated for her work and the results are true and accurate.

Mr. Coebergh asked the applicants when they plan on being open for business. Ms. Lloyd stated as soon as the building passes inspection by the Mesa County Building Department. Mr. Coebergh asked Ms. Lloyd for an explanation of the 1987 arrest. Ms. Lloyd stated this was not an alcohol-related arrest; she was going through a divorce at the time and it was related to that. This incident was not revealed on the individual history. Ms. Lloyd stated she did not receive a sentence in this matter. Ms. Shaver stated it is his opinion that a deferred sentence was received. The survey results show that the needs and desires of the neighborhood are not being met and that the license should issue. Mr. Coebergh concurred.

The application was found to be in order and approved.

2. Brinker Restaurant Corporation dba Chili's Grill & Bar, 584 24 ½ Road, Hotel and Restaurant

President/Secretary/Director: Roger Thomson, 6607 Clubhouse Circle, Dallas Texas
Vice President/Assistant Secretary: Jay Tobin, 7114 McKamy Blvd, Dallas, Texas
Assistant Secretary: Barbara K, Mahoney, 3806 Seminole Court, Carrolltown, Texas

Stockholder:
(100%)

Brinker International Incorporated, 6820 LBJ
Freeway, Dallas, Texas

Robert Dill, attorney from Dill Dill Carr Stonbraker & Hutchings, was present representing the applicant. Ms. English read the results of the survey into the record (see attached). Mr. Dill stated there were several witnesses present to testify in favor of the issuance of the license.

There was no opposition to the license present.

Mr. Coebergh stated Mr. Dill was welcome to present his witnesses. Since there was no opposition to the license present, the survey results are favorable and the Police report shows no criminal history, the approval of the license will not be an issue.

Mr. Dill asked Mr. Kelly Tynan, area director for the site location of Chili's, to come forward to speak and excused the rest of his lay witnesses. Mr. Dill made an offer of proof that Kevin Brooks, Larry Teason and Mike Gunthers, all qualified and interested parties in the neighborhood, had appeared today to speak in support of the issuance of the license.

Mr. Kelly Tynan, 939 South Ellipse Way, Denver, CO 80209, stated the facility will be approximately 4500 square feet with 65 to 70 employees with a projected opening date in May 2001. Chili's will provide an atmosphere of casual, family dining with an anticipated sale of alcohol not to be more than 15% of the gross sales. Employees are trained through classroom time and video for 1 week. The hours of operation will be 363 days a year, open for lunch at 11:00 a.m. and closing around 10 or 10:30 at night. Mr. Tynan requested approval of the liquor license. Mr. Dill submitted the training manual and a copy of the menu to Hearing Officer Coebergh.

Mr. Dill stated the survey results, as set forth in the report submitted by Oedipus Incorporated, show it is the need and desire of the neighborhood that this license issue.

Mr. Max Scott, owner of Oedipus Incorporated, came forward to testify. Mr. Shaver asked Mr. Scott what the basis of compensation was to conduct the survey for the applicant and if the survey results were true and accurate representation. Mr. Scott stated that a flat per diem fee was paid to conduct the survey and that the results as read into the record are true and accurate.

Mr. Dill stated Chili's is in good standing in the State of Colorado and requested approval of the license.

The application was found to be in order and approved.

V. REQUEST FOR SENTENCING HEARING

In the Matter of FJ40 of Colorado, Incorporated dba Cruisers Southwestern Grill, 748 North Avenue, Hotel and Restaurant

Mr. Coebergh was concerned with the nature of the request, as there has not been a hearing on this matter yet. Mr. Shaver recommended setting this matter for 2 weeks or 30 days to examine the nature of the violation and recommend sanction. There was a Notice of Hearing attached also. Mr. Coebergh set the hearing for March 7, 2001. Mr. Coebergh signed the papers and requested a copy be sent to him.

VI. OTHER BUSINESS

Carrie Kellerby, owner and manager of Paradise, came in late and was in the audience at this time. Mr. Coebergh requested Ms. Kellerby to step forward and address the Licensing Authority.

Mr. Coebergh stated he would like to continue this matter to the February 21, 2001 meeting. This would give Ms. Kellerby time to address the issues. Ms. Kellerby stated she had talked to Ms. Hendricks in Sales Tax in December 2000 and arrangements and payments have been made to get the sales tax caught up. Mr. Coebergh requested Ms. Kellerby submit the written documentation on the sales tax to Mr. Shaver's office for review prior to the February 21, 2001 meeting. On the timely renewal issue, the forms may have been at the bookkeeper's office.

VII. ADJOURNMENT – The meeting was adjourned at 9:54 a.m.

NEXT REGULAR MEETING – February 21, 2001

Memo to: Local Licensing Authority
From: Christine English, Acting City Clerk
Date: January 29, 2001
Subject: Application by L & B Incorporated for a Tavern Liquor License
at 2650 North Avenue Suites 108-110 under the trade name of Fast Eddy's

L & B Incorporated filed an application with the Local Licensing Authority on December 19, 2000, for a new Tavern liquor license, for the sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 2650 North Avenue Suites 108-110 under the trade name of Fast Eddy'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 February 7, 2001. The Notice of Hearing was given by posting a sign on the property on January 26, 2001 and by publishing a display ad in The Daily Sentinel on January 26, 2001.

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 ½ Street on the east and 20th 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: 28
NO: 89

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: 67
NO: 15
NOT APPLICABLE: 6

Forty-four (44) signatures could not be counted as the signers answered question #2 as a business instead of a resident.

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

The Grand Junction Police Department has investigated the corporate officers and found that Adelle Bonatti was arrested in July 1987 in Mesa County for trespassing but no disposition of the case was available. No local criminal history was found on William Bonatti Lloyd. 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. The Code Enforcement Division inspected the premises to ensure that the Notice of Hearing was posted in a timely manner which it was. A report has been requested from the Mesa County Health Department to insure compliance with health codes. A Certificate of Occupancy from the Mesa County Building Department will need to be filed in this office prior to the issuance of a license.

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

Tavern - 2 (Brass Rail, G.J. Club Millennium)

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

Tavern - 2 (Freeway Bowl, VFW Post 1247)

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, Senior Administrative Assistant
Date: January 30, 2001
Subject: Application by Brinker Restaurant Corporation for a Hotel and Restaurant Liquor License at 584 24 ½ Road under the trade name of Chili's Grill & Bar

Brinker Restaurant Corporation filed an application with the Local Licensing Authority on November 30, 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 584 24 ½ Road under the trade name of Chili's Grill & Bar. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for February 7, 2001 at the request of Rene Miller, Dill Dill Carr Stonbraker & Hutchings. The Notice of Hearing was given by posting a sign on the property on January 26, 2001 and by publishing a display ad in The Daily Sentinel on January 26, 2001.

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 G Road on the north, the Colorado River on the south, 25 Road on the east and 23 ½ Road on the west and included both sides of the streets as the outer boundaries. The results of that survey are as follows:

1. If you **FAVOR AND SUPPORT** this application for a hotel & restaurant license because it is your opinion the reasonable requirements of the adult inhabitants of the defined neighborhood (see map) are not now being adequately served by existing businesses that hold the same or similar type of liquor license now doing business in the defined neighborhood, and it is your desire this new hotel & restaurant liquor license be **ISSUED**, please sign and check the **FAVOR (*)** column to **GRANT** the requested license. Please write in the reason you support this license application.

FAVOR: 75

2. If you **OPPOSE AND DO NOT SUPPORT** THIS Application for a hotel & restaurant liquor license, please sign and check the **OPPOSE (**)** column, and please write in your reason why you oppose this license application.

OPPOSE: 6

One (1) signature could not be counted as the signer used his telephone number instead of an address.

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

The Grand Junction Police Department has investigated the corporate officers for local criminal history and none was found. Since the applicant maintains a Master File in Denver, no further processing is necessary. The premises will be inspected by the Grand Junction Fire Department for compliance with Life and Safety codes. The Mesa County Health Department reports that plans have been filed with them and approved. They will conduct a final inspection upon completion of the building to insure compliance with health codes. A Certificate of Occupancy from the Mesa County Building Department will need to be filed in this office prior to the issuance of the approved license.

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

Hotel and Restaurant - 5 (Bennett's Bar B Que, Chelsea's London Pub, Outback Steakhouse, Red Lobster and Leon's Mexican Restaurant in

the Mall)

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

Hotel and Restaurant – 0

That concludes this report.

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