

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

MINUTES

WEDNESDAY, July 21, 2004, 9:00 A.M.

I. **CALL TO ORDER** – The meeting convened at 9:00 a.m. Those present were Hearing Officer Jim Majors, City Attorney John Shaver and Deputy City Clerk Juanita Peterson.

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

1. Wigout Productions, Inc. dba Mesa Theatre & Club, 538 Main Street, Tavern

Ms. Peterson reported there are 6 fire code violations of the 2000 International Fire Code. They are: 1. Repair exit sign at west exit from theater to lobby, section 1003; 2. Repair 2 emergency lights at the two hallways at stage area, section 1003; 3. Have fire extinguisher in basement and at east stage exit door serviced and tagged, section 906; 4. Repair fire alarm strobe light on east side of mezzanine, section 907; 5. Replace missing cap on the sprinkler system fire department connection, section 912; 6. Secure the compressed gas bottles in the basement, section 3003. Per Hank Masterson on July 20, 2004, he has not been able to do a re-inspection to see if these were corrected but advised not to approve renewal until these are corrected. Ms. Peterson also stated that there is no report from Mesa County Health Department. The police report on the manager and establishment are fine along with the sales tax being in compliance.

There being no one present from Wigout Productions, Inc., Mr. Majors asked that this item be continued until August 4, 2004. Ms. Peterson said she would notify the applicant by certified mail and ask that they attend the next meeting.

2. Texas Roadhouse of Grand Junction LLC dba Texas Roadhouse, 2870 North Ave., Hotel and Restaurant

The application was found to be in order and approved.

3. Thrifty Payless, Inc. dba Rite Aid #6367, 400 N. 1st St., 3.2% Beer Retail (Off Premises)

The application was found to be in order and approved.

4. Diorio's Pizza, Inc. dba Diorio's on Horizon, 759 Horizon Drive, Beer & Wine

The application was found to be in order and approved.

III. **APPLICATION TO RENEW LIQUOR LICENSE WITH LATE FILING**

1. PK Zamos, Inc. dba The Bottle Shop, 725 Pitkin Ave., Retail Liquor Store

Paul Zamora was present. Ms. Peterson read into the record a letter from the Zamora's stating that is was mistakenly misfiled. Both thought it has been taken care of and they guarantee it won't happen again. Hearing Officer Majors asked if this was their first renewal. Mr. Zamora stated it wasn't but their second. Mr. Majors found good cause for the late filing and approved the renewal.

IV. TRANSFER OF OWNERSHIP

1. Weside Delicatessen, Inc. dba The Winery Restaurant, 642 Main Street, Hotel and Restaurant

Transfer of Ownership of a Hotel and Restaurant License from Genco Olive Oil, Inc. dba The Winery Restaurant to Weside Delicatessen, Inc. dba The Winery Restaurant

President: Stephen F. Thoms, 352 ½ "B" Ridge Circle, Grand Junction, CO 81503

Mr. Thoms was present. Ms. Peterson stated all the paperwork was in order and a temporary permit was issued until October 22, 2004. C.B.I. reports are pending.

Mr. Shaver asked if the problem with the refrigeration units had been addressed as on the renewal from Genco Olive Oil Inc., they were borderline with Mesa County Health Department. Ms. Peterson reported that the response from Mesa County Health Department was positive. Mr. Thoms addressed the issue. Mr. Thoms knew the refrigeration units were in need of replacement upon his purchase of the business and they have all been replaced.

Mr. Majors authorized the transfer of ownership as the application was found to be in order.

V. APPLICATION FOR A SPECIAL EVENTS PERMIT

1. Western Colorado Botanical Gardens, 641 Struthers Ave., application for a malt, vinous and spirituous special events permit for Entertainment at WCBS Amphitheater, 755 Struthers Ave., July 30, 2004 from 5:00 p.m. to 9:00 p.m.

President: Leland J. Lindauer, 2207 Dakota Dr., Grand Junction, CO 81503
Events Manager: Carl Vostatek, 3439 Grand Valley Canal Rd., Grand Junction, CO 81520

Mr. Joel Predome, Board Member and Fund Raising Committeemember, was present. Ms. Peterson read into the record the letter submitted to request the event and host it at the Western Colorado Botanical Gardens.

Mr. Majors found the application was in order and good cause for the special event license to be approved.

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

1. El Tapatio, LLC dba El Tapatio, 1145 North Ave., Hotel and Restaurant

Manager/Member: Francisco Blas Espinoza, 479 Gregory Drive, Grand Junction, CO 81504

Mr. Shaver stated that the reason this application is being considered is that the City Council has reduced the distance restrictions from a college campus for a

Hotel/Restaurant License. Mr. John Williams was present along with Mr. Espinoza. Mr. Majors asked Ms. Peterson what is the status of the application. The local police report is in on the owner and no problems were reported; the report from C.B.I. is still pending. The premise was posted in a timely manner. The health, fire, and code enforcement reports are in compliance. Ms. Peterson read the results of the survey into the record (see attached report).

Mr. Shaver asked Mr. Espinoza if he believed the information Ms. Peterson read into the report was a true and accurate representation of the survey. Mr. Espinoza stated yes. Mr. Shaver asked who conducted the survey and at what time of day this was done. Mr. Espinoza stated "Tyson". Mr. Shaver asked if "Tyson" worked for Mr. Espinoza. Mr. Espinoza stated no, but his wife did and he did not know what time of day the survey was performed.

Mr. Shaver asked if the 3.2% Beer License will be surrendered. Mr. Espinoza stated it would upon receiving the new hotel/restaurant license. Ms. Peterson stated she would see about the reimbursement of fees for the renewal of the 3.2% beer license and forward these to Mr. Espinoza if this was applicable.

Mr. Majors asked if there was anyone present in opposition or if any counter petitions were received. There being no one present, Ms. Peterson stated no counter petitions were received. Mr. Majors stated the applicant has met the evidence criteria and he authorized the issuance of this license pending the approval of the additional agencies. The City Clerk's office will prepare a resolution for his signature.

2. Black Dog Grills, LLC dba Genghis Grill, 2474-C Hwy. 6 & 50, Hotel and Restaurant

Manager/Member: Robert P. Adisano, 2801 Northstar Dr., Grand Junction, CO 81506

Manager/Member: Janet R. Adisano, 2801 Northstar Dr., Grand Junction, CO 81506

Member: Leroy J. Sickler, 1023 21 ½ Rd., Grand Junction, CO 81505

Mr. Robert Adisano was present. Mr. Majors asked Ms. Peterson what is the status of the application. The local police report is in on the owner and no problems were reported; the report from C.B.I. is still pending. The premise was posted in a timely manner. The health department has been contacted and has approved their plan, code enforcement reported the premise was posted in a timely manner and that the building is still under construction so fire and building reports are not in. Ms. Peterson read the results of the survey into the record (see attached report).

Mr. Shaver asked who conducted the survey. Mr. Adisano stated that his wife and he conducted the survey themselves. This was an opportunity to get to know people in the area and introduce themselves. Mr. Adisano believed to be about 80% of commercial area and only about 20% was residential. There was a trailer park in the survey area which had a "no soliciting" sign posted so the Adisano's did not attempt that area. Mr. Shaver asked what time of day the survey was conducted. Mr. Adisano stated during business hours. Mr. Shaver asked if Mr. Adisano believed the information Ms. Peterson read into the report was a true and accurate representation of the survey. Mr. Adisano stated yes.

Mr. Majors asked if there was anyone present in opposition or if any counter petitions were received. There being no one present, Ms. Peterson stated no counter petitions were received. Mr. Majors stated the applicant has met the evidence criteria and he

authorized the issuance of this license pending the approval of the additional agencies.
The City Clerk's office will prepare a resolution for his signature.

VII. **ADJOURNMENT** – The meeting was adjourned at 9:31 a.m.

NEXT REGULAR MEETING – August 4, 2004

MEMO: Local Licensing Authority
 FROM: Juanita Peterson, Deputy City Clerk
 DATE: July 9, 2004
 SUBJECT: Application by El Tapatio, LLC, for a Hotel and Restaurant Liquor License at 1145 North Avenue, under the trade name of El Tapatio

El Tapatio, LLC filed an application with the Local Licensing Authority on June 9, 2004, 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 place where sold at 1145 North Avenue, under the trade name of El Tapatio. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for July 21, 2004. The Notice of Hearing was given by posting a sign on the property on or before July 11, 2004 and by publishing a display ad in The Daily Sentinel on July 9, 2004.

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 to the North, Grand Avenue the South, 18th Street to the East and 6th Street to the West and includes both sides of the street as the outer boundaries. The results of that survey are as follows:

1. As an owner of property in the neighborhood, an employee or a 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 | 12 |
| No | 113 |
| No Opinion | 0 |
| DISQUALIFIED | 0 |

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 | 108 |
| No | 5 |
| No Opinion | 0 |
| DISQUALIFIED | 12 |

Twelve of the above were businesses who answered question 2.

The Grand Junction Police Department has investigated the individual for local criminal history. The fingerprints have been forwarded onto CBI for further processing. Reports have been requested by the Grand Junction Fire Department, Code Enforcement, Mesa County Health Department, Sales Tax and Mesa County Building Department.

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

Hotel/Restaurant – 4 (Chef's, Fiesta Guadalajara, Far East, Wrigley Field)

The number of similar-type outlets in a one mile radius is as follows:

Hotel/Restaurant – 13 (Old Chicago, Tequila's, Blue Moon, Jct. Square Pizza, Napel Restaurant, Il Bistro, Dolce Vita, Pablo's Pizza, The Winery, Suehiro Japanese, Crystal Café, Breckenridge Al House)

That concludes this report.

C: Applicant
John Williams, Attorney for Applicant
John Shaver, City Attorney
Craig Campbell, Grand Junction Police Department
File

MEMO: Local Licensing Authority

FROM: Juanita Peterson, Deputy City Clerk

DATE: July 8, 2004

SUBJECT: Application by Black Dog Grills, LLC, for a Hotel and Restaurant Liquor License at 2474 Highway 6 & 50, Unit C, under the trade name of Genghis Grill

Black Dog Grills, LLC filed an application with the Local Licensing Authority on June 18, 2004, 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 place where sold at 2474-C Highway 6 & 50, under the trade name of Genghis Grill. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for July 21, 2004. The Notice of Hearing was given by posting a sign on the property on or before July 11, 2004 and by publishing a display ad in The Daily Sentinel on July 9, 2004.

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 Patterson Road to the North, Colorado River to the South, 1st Street to the East and 24 Road to the West and includes both sides of the street as the outer boundaries. The results of that survey are as follows:

1. As an owner of property in the neighborhood, an employee or a 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 | 2 |
| No | 282 |

There were 37 additional businesses who did not sign the petition due to no manager available, under 21 years of age or against corporate policy.

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 | 49 |
| No | 1 |

There were 93 residents not a home or refused to sign in the surveyed area. Applicant kept track of this information on the petition form.

The Grand Junction Police Department has investigated the individuals for local criminal history. The fingerprints have been forwarded onto CBI for further processing. Reports have been requested by the Grand Junction Fire Department, Code Enforcement, Mesa County Health Department, Sales Tax and Mesa County Building Department.

The number of similar-type outlets in the survey area is as follows which the one mile area is also:

Hotel/Restaurant – 11 (Johnny Carino's, Westside Deli, Red Lobster, Bennetts Bar B Que, Outback Steakhouse, Olive Garden, Boston's the Gourmet Pizza, Red Robins, Shake Rattle and Roll, Sports Page and Dos Hombres.

That concludes this report.

C: Applicant - Black Dog Grills, LLC
John Shaver, City Attorney
Craig Campbell, Grand Junction Police Department
File