

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

MINUTES

WEDNESDAY, February 2, 2005, 9:00 A.M.

I. **CALL TO ORDER** - The meeting convened at 9:04 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. Ray W. Quan (Estate of), dba Far East Restaurant, 1530 North Avenue, Hotel and Restaurant (**Request for update on Health Department issue**)

Tom Quan was present. Ms. Peterson read into the report "that on January 26, 2005, Thomas Orr of the Mesa County Health Department conducted a follow-up inspection of the Far East Restaurant, licensed by Ray Quan, and operated by Tom Quan under the Estate of Ray Quan, at 1530 North Avenue, Grand Junction, to determine compliance with the Notification of Non-Compliance issued by the Health Department on November 23, 2004. The establishment was found to be in compliance with the subject Notification of Non-Compliance". The Hearing Officer believe the issue with the Health Department has been taken care of and the license will be issued.

2. The Pinon Grill Inc., dba The Pinon Grill at Tiara Rado, 2057 S. Broadway, Hotel/Restaurant with 3 Optional Premises

Mr. Steve Hoefer was present. Ms. Peterson reported the paperwork is in order and reported in a correct manner. Mr. Majors recognized that Mr. Hoefer did disclose the conviction of a crime on his renewal application. The Hearing Officer approved the renewal.

3. N.N.C. Inc., dba Bourbon Street, 525 North Avenue, Tavern

This item was moved to end of the agenda due to the large crowd present for this item.

4. City of Grand Junction, dba Lincoln Park Golf Course, 800 Mantlo Cir., 3.2% Beer Retail (On/Off Premises)

The application was found to be in order and approved.

5. Walterscheid Investment Consulting Inc., dba All Pro Liquor, 2913 F Road #104, Retail Liquor Store

The application was found to be in order and approved.

6. GMRI Inc., dba Red Lobster No. 685, 575, 24 ½ Road, Hotel/Restaurant

Mr. Brad Allen, General Manager was present. The application was found to be in order and approved.

7. Breckenridge Ale House GJ LLC, dba Breckenridge Ale House, 2531 N. 12th Street, Hotel/Restaurant

The application was found to be in order and approved.

8. Junct'n Ribs LLC, dba Bennett's Bar-B-Que, 2440 Hwy 6 & 50, Hotel/Restaurant

Mr. Earl Stevenson, LLC member, was present. The application was found to be in order and approved.

III. APPLICATION TO RENEW LIQUOR AND BEER LICENSES WITH LATE FILING

1. Rendezvous of Grand Junction LTD, dba Rendezvous Restaurant of Grand Junction, 317 Main Street, Hotel/Restaurant

Ms. Peterson read into the record the letter from Mr. John Barbier, owner, apologizing for the delay in submitting the renewal. Mr. Barbier's accountant has throat cancer and this was his reason for the late submittal. Mr. Barbier was not present as he is in France recovering from knee surgery and unable to fly. Mr. Shaver asked Ms. Peterson how late the application was submitted. Ms. Peterson stated two weeks. Mr. Majors asked if this was their first renewal. Ms. Peterson answered affirmatively. Mr. Majors approved the renewal of this license, finding good cause with the late filing.

IV. APPLICATION FOR CHANGE IN CORPORATE STRUCTURE

1. Orchard Mesa Liquor LLC dba Orchard Mesa Liquor, 2706 Highway 50, Retail Liquor Store

Viphear Tan, Treasurer, 2862 Tyndale Way, Grand Junction replaces Charlotte Schoonover

Maria Tan, President, 2862 Tyndale Way, Grand Junction replaces James Schoonover

Ms. Peterson stated the paperwork for the Change in Corporate structure is not correct due to the deed that was presented to the City Clerk's Office on Tuesday. Ms. Peterson asked to delay this application until February 16, 2005 so the new officers can have a chance to correct the paperwork. Mr. Majors agreed to that request.

2. Texas Roadhouse of Grand Junction LLC, dba Texas Roadhouse, 2870 North Avenue, Hotel/Restaurant – **Master File in Denver – All New Officers**

Wayne K. Taylor, Chairman, 3619 Trail Ridge Rd., Louisville, KY

Gerald J. Hart, CEO, 2921 Barrickman Ln, Goshen, KY

Steven L. Ortiz, Chief Operations Officer, 36 Reminton Dr., Highland Village, TX

Sheila C. Brown, General Counsel & Sec., 1515 Hepburn Ave., Louisville, KY

Scott M. Colosi, Chief Financial Officer, 14602 Woodstream Pl., Louisville, KY

Ms. Peterson reported the paperwork is in order with a Master File in Denver. The local background on the new corporate officers came back okay along with the local sales tax report. Mr. Majors approved the Change in Corporate Structure for Texas Roadhouse.

V. APPLICATION FOR CHANGE IN CORPORATE NAME

1. Metro Oil Company Inc., dba Diamond Shamrock, 599 29 ½ Road, 3.2% Off-Premises
Master File in Denver

Old Name: Metro Oil Company, New Name: Valero Diamond Metro, Inc.

Ms. Peterson reported the application is in order with a Master File in Denver. Mr. Majors approved the Change in Corporate Name.

APPLICATION TO RENEW LIQUOR AND BEER LICENSE - Continued

N.N.C. Inc., dba Bourbon Street, 525 North Avenue, Tavern

Ms. Dallas Nunnery was present. Ms. Peterson reported the Fire, Health, and Sales Tax reports were in order along with the local background on Ms. Nunnery. The statistics for the last twelve months for the address of 525 North Avenue compiled by Officer Craig Campbell were as follows: Assaults – 22, Fights – 15, Verbal Disturbances – 4, Drug Violations – 3, Menacing – 1, Warrant Arrests – 1, Total Arrests – 24, Number of Disorderly Conduct Arrests – 10.

Officer Jeff Wells was present of behalf of the Grand Junction Police Department. Officer Wells stated the statistics reported was from the establishment as well as the surrounding area.

Ms. Nunnery stated the first she knew about any problem was last night when Juanita Peterson from the City Clerk's Office called her and told her she should be present at the hearing due to the large number of statistics received from the Police Department. Ms. Nunnery asked for those to be faxed to her which she received after 4:00 p.m. yesterday.

Ms. Nunnery addressed a few of the items she knew about on the statistical report. She reported how some of the statistics have lead to convictions or arrests due to the cooperation of Bourbon Street staff. She stated they work with Police, she would be willing to hire off duty police officers to help patrol the area, they do not allow their staff to drink on the job.

Mr. Majors then asked for people to come forward in opposition of the renewal and told Ms. Nunnery she would have an opportunity to respond.

Mr. Frank Francese, 527 Belford Avenue. Mr. Francese stated there has been a problem since 1999, Friday through Sundays, usually beginning at 11:00 p.m. and lasting until 2:30 a.m. He has had people fall through his bedroom window; all kinds of trash, disorderly conduct by patrons, horn honking, loud music, a female assaulted in his yard and he fears property values have declined. Mr. Francese thanked the Hearing Officer for giving him the opportunity to speak.

Mr. Majors asked Mr. Francese if he would be willing to meet with Ms. Nunnery regarding these issues as she has indicated she would be willing to meet with the surrounding neighborhood. Mr. Francese stated he would rather not.

Melody Keane, 557 Belford Avenue. Ms. Keane has lived there over six years. Before Bourbon Street, the neighborhood was quiet. One of her issues is the parking which overflows from Bourbon Street's parking lot onto Belford Avenue. When they are doing a promotion at the club, the parking issue is worse. The noise, vandalism to City trees and Christmas decorations, evidence of sex acts in lawns, and she has witnessed public urination. Ms. Keane stated they never had any of these issues prior to Bourbon Street opening. Ms. Keane stated she has called the establishment once in the early evening to complain to the owner but was not called back.

Andy Whipple, 459 Belford Avenue. Mr. Whipple has lived there two years and knew that Bourbon Street was a rowdy club. His concern is the extremely loud music, seems like Friday and Saturdays are the worse. In the fall, when he puts his storm windows on, they shake due to the music coming from the bar. He is concerned regarding safety from hearing gunshots twice from the bar area. A man was shot and died 3 blocks from his home. He would like the music turned down and stated the police department is very accommodating.

David Posta, 445 Belford Avenue. Mr. Posta has lived there approximately 2 years. His first night living in the home he heard nothing but "boom, boom, boom". His only complaint is the music. Dishes rattle on shelves due to the loudness and vibration of the music. He has witnessed people leaving trash in the area, he has had patrons knock on his door. Mr. Posta believes it is embarrassing to always have the police in the area. Mr. Majors asked Mr. Posta if he has contacted Bourbon Street. Mr. Posta stated no, but would be willing to talk to them.

Karen Seeman, 927 N. 5th Street. Ms. Seeman has lived there for 5 years. The first two years were peaceful. The vibration and noise is very bad. She stated if as a homeowner they played their music that loud, the police would be called. It is very common place for patrons to be walking around after hours. Noise due to traffic comes and goes, so the noise she is concerned with comes from the bar. Ms. Seeman indicated the number of people inside of the bar should be looked at since they take up all of Bourbon Streets parking lot, the parking lot from the shopping center, and then parking on all the surrounding streets. Ms. Seeman has not talked to anyone at Bourbon Street but would be willing to.

Enid Howard, 928 N. 6th Street. Ms. Howard is concerned regarding the loitering after the bar is closed and the visibly intoxicated people going into the bar. She has observed that on at least five occasions in a 2 year period. Ms. Howard has lived in the area for 8 years. Ms. Howard has called the bar but never received a call back. She has also called the City Attorney's office regarding the traffic in the alley. Ms. Howard stated she has been threatened when she tried to talk to patrons of Bourbon Street.

Bob Unfred, 6th and Belford, 605 Belford. Mr. Unfred manages the apartment building. The property was a nice residential area until 2 years ago. He would like to see the number of patrons limited due to the parking issue. Mr. Unfred has called police several times.

Lindsey Whipple, 459 Belford Avenue. Ms. Whipple is a student and a bartender and she gets home around 2:00 a.m. She has witnessed people going down the wrong way on 5th Street. The noise is ridiculous.

Betty Fulton, 634 N. 5th Street. Ms. Fulton indicated the neighborhood has gone downhill. The worst is when Bourbon Street offers the "free" or "cut rates" on drinks which attracts more people. She is concerned regarding the proximity to the high school. Teen night at a bar is in appropriate. She is a realtor and property values have decreased. It is not like a "neighborhood bar" but a "roadhouse". She has had drunks in her yard. She has not contacted the establishment or police.

Betty Unfred, 605 Bedford. She has sat in her car and observed. A neighbor is building a fence to contain part of the problem. They are the owners of the house where the person was shot.

Mr. Majors was handed and read a letter from Mr. David Rankin, 916 North 5th Street #1 along with an email sent to the City Clerk's Office this morning from Janet M. and W.E. Pomrenke, 701 Victor Drive. See attached letters.

Officer Wells stated from the statistics that the evidence adversely affects the immediate neighborhood.

City Attorney Shaver said the licensed premise has been notified of these issues; the premise is responsible. Ms. Nunnery has indicated that she will be willing to work with the surrounding neighbors, if this can not be done, there are other options.

Ms. Nunnery stated the music will be turned down, the last song is played at 1:30 a.m. and everyone has left the premise by 2:00 a.m. She will see about hiring additional staff and expand the area clean up. Ms. Nunnery stated she was not present at last year's renewal, but this was the first she has been made aware of any issues. Ms. Nunnery is willing to meet with the neighbors.

Mr. Majors stated this would close the evidence portion of the hearing.

City Attorney Shaver noted this being a quasi judicial proceeding, he would note 4 options before the authority.

#1 Most technical or procedurally based in the law. Continuing a decision in this matter for the Hearing Officer's consideration, and also the applicant to prepare in detail a response. This is a quasi judicial proceeding, meaning the facts and evidence are applied together for the purpose of the authority to render a decision on whether this license should be renewed. The basic fundamental rights of due process, in his opinion, apply to this hearing. The applicant was presented with a significant amount of evidence here this morning and it would not be improper to have the applicant submit a written response or more detailed response. If the Hearing Officer chooses to do this, the hearing is continued. The Hearing Officer could allow more testimony, or allow written confirmation, there is some flexibility. The law would certainly recognize this approach.

#2 The Authority can deny the renewal of this license with the evidence presented here this morning. The statute is in fact operative, with a continuing pattern of behavior and activities with the one caveat. The law suggests that it is a determination that is based on the operation of the premises and if in the Hearing Officer's mind he has heard enough evidence that would suggest the operation of the premises is resulting in the external affects, then the license could be denied.

#3 Approve the license and refer these incidents to the City Attorney's Office for further investigation and prosecution. If that were to occur and another hearing is held on that, the license could be suspended, revoked or the establishment fined in lieu of suspension if at that hearing the evidence was to his satisfaction that a sanction could be imposed. If there was not enough evidence to his satisfaction, then nothing else would come of that. It would simply be a similar exercise as this morning, with more detail and with evidence that could be brought forward at that hearing.

#4 The license could be renewed with conditions, limiting occupancy, staggering release of patrons, parking monitored, etc. Under Colorado law, the Hearing Officer has that option, expressed conditions of the license, and if there is ever a violation of any of those conditions going forward, then that would bring it into a sanction process with the three things mentioned.

Mr. Majors asked if there was any evidence presented at last year's hearing. To Mr. Shaver's recollection, there was not. Ms. Nunnery has given an indication that she was not made aware of the neighborhood's feelings until last night. Officer Wells has given information that this is a hot spot in community relations, neighborhood relations with the operation of the bar in the neighborhood and how the police department is interested in making sure the community is a safe place for the residents to live in.

Mr. Majors stated with all the information presented he would continue the hearing for two weeks until February 16, 2005, to allow the applicant time to respond and the application may be renewed with conditions. Mr. Majors stated that he did not believe that off-duty police officers would be available for hire by Ms. Nunnery to patrol but there was many security companies in town. Mr. Majors stated it is too soon to take a drastic approach and told the audience it would be their choice to meet with the applicant regarding the issues brought to the hearing. Mr. Majors suggested to the neighbors to select maybe one person to represent them to meet with Ms. Nunnery to talk about some more conditions other than what she has already agreed to today, that she might consider.

Mr. Shaver suggested facilitation of the discussions either through community advocacy of the Police Department or through the City Attorney's office to facilitate the meeting between Ms. Nunnery and the community and offered space if available here at the City. Mr. Shaver suggests that Ms. Nunnery as the applicant bear the initial responsibility to determine and arrange that.

Mr. Majors is hesitant to make a referral at this time to the City Attorney's office for further investigations for enforcement purposes and asked for Mr. Shaver's opinion on that. Mr. Shaver believed that to be appropriate for the reasons mentioned with the particular provisions of the statute. Mr. Shaver's view of the evidence is that this is a problem that has been externalized from the establishment to the neighborhood. Mr. Shaver is not convinced the threshold has not been met demonstrating that these effects are by virtue of the operation of the facility other than the type of facility it is. That is always constant tension when an authority try to enforce these statutes is to decide what of these effects can be expected.

Mr. Majors thanked everyone for attending and hoped they would be able to work with Ms. Nunnery regarding all of the issues discussed today and reminded the audience the continuation of this hearing until February 16, 2005 at 9:00 a.m.

VI. ADJOURNMENT – 10:25 a.m.

NEXT REGULAR MEETING – February 16, 2005

From: <BlubirdBen@aol.com>
To: <Juanitap@gjcity.org>
Date: 2/2/2005 8:43:31 AM
Subject: Bourbon St. hearing @9:00 a.m. today: Public Comment

Comment from Janet M. and W. E. Pomrenke, owners of 1000 North 5th being the adjoining property to Bourbon St. (Residence address, 710 Victor Dr. G.J. 81506)

Notice of subject hearing was received by us via a phone call at 6:00 P.M. last evening from one of our tenants being a Farmers Insurance agent located in the building. We as owners did not receive individual notification and are unable to attend as my father is in ICU Delta Hosp. and we are leaving for Delta. Comment:

Bourbon St. patrons continue to park parallel too and beside our building as well as often filling our entire parking lot which consists of an additional two (2) city lots that are totally open every evening after 5:00 p.m. Patrons leave under the influence, urinate on our building or vomit, throw beer bottles on our roof or through a window or simply leave the bottle or bottles on our property. They have been known to break the rear security lights so they have privacy to perform their act. There is not a day that our tenants do not pickup and cleanup before opening. Cars have backed into our building and broken off the stucco and cracked the Northeast corner wall. Mud, trash, and cigarette butts are left on our new pavement for us to clean up. Our private property lots are used for ingress and egress to the bar property.

Thank you for reading this into the Public Record in our emergency absence.

Janet M. Pomrenke

2/3/05

My name is David Rankin
and I reside at 916 North 5th
#1 - Grand Junction Co.

I Also work at 1015 North 5th
Street. Both of these locations
are within two CITY Blocks of
Bourbon Street.

Parking is A problem. On Busy
nights cars Park Along Bedford
Avenue and at Jim Gales Property
at 1015 North 5th. I Know that
Jim has had a broken window (in the
Back of his building) and spends time
on Sunday morning picking up trash
and broken beer bottles in his parking
lot.

My main concern is the Public drunkenness
I hear and observe. - Chasing time in
The Summer is often see A time of
people fighting & yelling at each other.
It does disturb the residential
neighborhood.

The young people do need A place
to go and have fun. I have no problem
with that. What bothers me is

When you look at the Magazine for
Bourbon Street, what is advertised
is, Ladies drink Free - All you can
drink night etc. This can only
lead to trouble. How many of
these kids are getting in their
cars After too much to drink?

Wendy Berman