

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

MINUTES

WEDNESDAY, DECEMBER 7, 2005, 9:00 A.M.

I. **CALL TO ORDER** – The meeting convened at 9:03 a.m. Those present were Hearing Officer Jim Majors, City Attorney John Shaver and Deputy City Clerk Debbie Kemp.

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

1. The Tennis Center at Grand Junction dba The Tennis Center at Grand Junction, 535 25 ½ Road, Tavern

The application was found to be in order and approved. Office Manager Kimberly Kerk entered the meeting after the renewal had been approved.

2. P&S Inc., dba Orchard Mesa Lanes, 295 27 Road, Hotel/Restaurant

The application was found to be in order and approved.

3. Robert J. Wilcox Inns Inc., dba West Gate Inn, 2210 Hwy 6 & 50, Hotel/Restaurant

The application was found to be in order and approved.

4. Rock Bottom Restaurant Inc., dba Old Chicago, 120 North Avenue, Hotel/Restaurant

The application was found to be in order and approved.

5. GMRI Inc., dba The Olive Garden Italian Restaurant, 2416 Highway 6 & 50, Hotel/Restaurant

The application was found to be in order and approved.

6. C&F Food Stores Inc., dba C&F Food Store No. 9, 2847 North Ave., 3.2% Beer (Off-Premises)

The application was found to be in order and approved.

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

1. TMPTF8, Inc. dba Rib City Grille, 2830 North Ave., Ste. C5B, Hotel/Restaurant

President of TMPTF8, Inc. Sara Martz was present.

Ms. Kemp stated that Ms. Martz had disclosed a conviction from the previous year and that restitution had been completed.

Mr. Majors reminded Ms. Martz to be sure and submit the application for renewal to the City Clerk's office 45 days prior to the expiration date of the liquor license in the future.

The application was found to be in order and approved.

2. Modern World Cabaret LLC dba The Cabaret, 701 Main Street, Tavern

Member of Modern World Cabaret LLC Kevin McConnell was present.

Ms. Kemp reported that there was a problem with City sales tax but that it had been caught up as of December 6th. Mr. Shaver asked Ms. Kemp if there was a problem with the State sales tax. Ms. Kemp replied that she was unsure of the status with the State.

Mr. Shaver advised Mr. McConnell that he would need to bring in proof that Modern World Cabaret is in compliance with the State sales tax.

Mr. Majors advised Mr. McConnell that application for renewal has been turned in late four out of five years, and if it is turned in late in the future, there is a good chance that it won't be accepted and that consequences could follow.

The application was found to be in order and approved contingent upon proof of compliance with State sales tax.

IV. APPLICATION TO RENEWAL LIQUOR AND BEER LICENSE WITH CHANGE IN CORPORATE STRUCTURE

1. Fraternal Order of Eagles #595, 1674 Hwy 50, Club

President, Ed Cottrell, 293 Holly Lane, Grand Jct., replaces Vern Roark
VP, Carl Murphy, 244 Sherman Dr., Grand Jct., replaces Ed Cottrell
Trustee, Wes Bornschein, 3033 ½ D Rd, Grand Jct., replaces Carl Murphy
Trustee, Larry Alley, 559 North 23rd Rd., Grand Jct. replaces Robert Lynch
Trustee, Kevin Hill, 297 Arlington, Grand Jct., replaces Tom Noble

Sr. Trustee Don Miller was present.

Ms. Kemp read a letter submitted by the applicant regarding a one year probation for violating section 12-47-901 (5)(n)(l) of the Liquor Code that ends August 2006. Mr. Shaver stated that the City was aware of the violation and that it was the State that had placed the applicant on probation.

The applications for renewal and change in corporate structure were found to be in order and approved.

V. APPLICATION FOR TRANSFER OF OWNERSHIP –CONTINUED TO DECEMBER 21, 2005

1. Mark Hinkle and Fran Morales, dba Higher Grounds & Biscotti Lounge, 936 North Avenue, Hotel/Restaurant to Kenneth and Cheryl Cormier dba Cormier's Cajun Café, 936 North Avenue

Owner, Kenneth L. Cormier, 111 31 Road, Grand Jct., CO

Owner, Cheryl Cormier, 111 31 Road, Grand Jct., CO

Mr. Majors advised that the application for Transfer of Ownership is continued to December 21, 2005 due to the premises not being posted ten days prior to the hearing as required.

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

1. Los Potrillos, Inc. dba Aztecas Family Mexican Restaurant, 603 Highway 50, Hotel/Restaurant

President, Miguel A. Gutierrez, 416-A Broken Arrow Dr., GJ
Sec./Tres., Blanca E. Gutierrez, 416-A Broken Arrow Dr., GJ

President Miguel Gutierrez and Secretary/Treasurer Blanca Gutierrez of Los Potrillos, Inc. and John Howe, Attorney representing the applicant, were present.

Ms. Kemp reported that the paperwork was submitted in a timely manner and they have requested concurrent review with the State. The local police report was fine, C.B.I. is pending; the Fire Department is requiring an approved hood and possibly a suppression system and will reinspect when the applicant is ready; the Health Department will reinspect on December 9th; the City Sales Tax Department reported that the applicant is in compliance; and the Code Enforcement Department reported that the premises was posted in a timely manner.

Ms. Kemp read the results of the survey into the record (see attached report).

Mr. Shaver asked the applicant who conducted the survey, how it was conducted and do they agree with the results Ms. Kemp read into the record. Mr. and Mrs. Gutierrez stated that they both went door to door in the evenings and on weekends, explained to the resident or business owner that they were opening up a Mexican restaurant, and asked them to read the questions and answer them. The applicant agreed with the results as they were read into the record.

Mr. Majors asked the applicant why there was no residential that answered no. Ms. Gutierrez explained that some of the residents did not want to sign the survey even though they were opposed to the issuance of the liquor license.

Mr. Majors asked the audience if there was anyone present in favor or opposition. There being no one, Mr. Majors found the requirements have been met and approved the issuance of the hotel and restaurant liquor license on a local level contingent on satisfactory reports from the Fire and Health Departments. The City Clerk's office will prepare a resolution for Mr. Major's signature.

VII. ADJOURNMENT – The meeting adjourned at 9:37 a.m.

NEXT REGULAR MEETING – December 21, 2005

MEMO: Local Licensing Authority

FROM: Juanita Peterson, Deputy City Clerk

DATE: November 22, 2005

SUBJECT: Application for a new hotel and restaurant liquor license by Los Potrillos Inc., dba Aztecas Family Mexican Restaurant, 603 Highway 50

Los Potrillos Inc. filed an application with the Local Licensing Authority on October 27, 2005 for a new hotel/restaurant liquor license permitting sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 603 Highway 50 under the trade name of Aztecas Family Mexican Restaurant. The application and supplementary documents were reviewed, found to be in order and accepted. A copy was sent to the State Liquor Enforcement Division for a Concurrent Review. The hearing date was set for December 7, 2005. The Notice of Hearing was given by posting a sign on the property on or before November 27, 2005 and by publishing a display ad in the Daily Sentinel on November 25, 2005.

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 neighborhood was defined as the area bounded on the North by the Colorado River, on the South by Mesa View Road, on the East by 27 ¼ Road, and on the West by B ¾ Road. 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	5
No	170

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

Yes	127
No	0
N/A	26
Disqualified	4

The four disqualified were out of the area or illegible to read; twenty six N/A were businesses who answered question No. 2

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

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

Hotel and Restaurant – 3 (Conchita's Mexican Restaurant, Orchard Mesa Lanes and Ying Thai)

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

Hotel and Restaurant – 1 (Los Reyes Restaurant)

That concludes this report.

cc: Applicant
John Howe, Attorney
John Shaver, City Attorney
Craig Campbell, Grand Junction Police Department
File