

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

MINUTES

WEDNESDAY, JULY 16, 2008 9:00 a.m.

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

II. APPLICATION FOR NEW LICENSE – RESOLUTION OF FINDINGS AND DECISION

1. Las 2 Margaritas Colorado Inc., dba Las 2 Margaritas Grill Mexican Restaurant, 2516 Broadway, Grand Junction, CO 81503, Hotel and Restaurant

President: Alberto Garcia Sanchez, 36641 Hwy 26, Sandy OR 97055
VP: Alfonso Garcia, 1231 Sherman Ave., Port Orchard WA 98366
VP: Jose A Pelayo Pelayo, 831 H St., #1, Washugal WA 98671

Tere Truong representing the applicant along with Alberto Garcia Sanchez, President of Las 2 Margaritas Colorado Inc. was present. Hearing Officer Grattan advised the applicant of an issue regarding the background check of Mr. Sanchez so the application won't be heard today. Hearing Officer Grattan stated what he knew in regards to an outstanding warrant. Hearing Officer Grattan asked Ms. Truong if they concurred with not hearing the application for a new license today until this matter is cleared up with the state of Washington. Ms. Truong concurred. City Attorney Shaver advised due to the nature of the warrant, a new application will need to be submitted. The applicant and representative left the hearing.

III. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

1. Albertsons dba Albertsons Food Center #897, 2512 Broadway and Albertsons Food Center #896, 1830 N. 12th Street, Grand Junction, CO, 3.2 Beer Retail (Off-Premises)

Mr. Robert Haynie, General Manager, was present. Ms. Peterson read into the record the letter from Albertson's corporate office from Karen Hopper, Senior Litigation Administrator. This letter explained the training and age verification process Albertson's employees go through. The letter also explained the additional steps Mr. Haynie has instituted at his store. The renewal application did disclose the violation and fine from the State.

City Attorney Shaver asked how they know if an employee has taken the training. Mr. Haynie stated the employee signs off on a sheet that they have and understands the policies of the Corporation.

City Attorney Shaver and Hearing Officer Grattan concurred that Mr. Haynie has demonstrated the understanding of the law and recommends approval.

2. Malabo LLC dba Grand Central Liquors, 200 West Grand Avenue, mailing address: PO Box 1553, Clifton, CO 81520-1553, Retail Liquor Store

There was no one present representing the applicant. Ms. Peterson reported that the paperwork was filed in a timely manner and all reports came back fine.

The application was found to be in order and approved.

3. VIN Hospitality LLC dba 626 on Rood – Modern American Cuisine & Wine Bar, 626 Rood Avenue, Grand Junction, CO, Hotel and Restaurant

There was no one present representing the applicant. Ms. Peterson reported that the paperwork was filed in a timely manner and all reports came back fine.

The application was found to be in order and approved.

4. Rite Aid Corporation, dba Ride Aid #6367, 400 N. 1st Street, Grand Junction, CO, 3.2% Beer Retail (Off-premises)

Mr. Al Martinez, General Manager, was present. Ms. Peterson stated the applicant did not disclose the violation on the renewal form but was contacted by her to have this amended and submit a letter to the authority. Ms. Peterson read the letter into the record which disclosed the stipulation agreement with the State which was submitted by Ms. Heather L. Leininger, Manager, Litigation Support. It also explained the computer based training on the sale of alcohol products that employees receive.

City Attorney Shaver asked Mr. Martinez to explain more about this training and how often this training is received by the employees. Mr. Martinez stated that the training occurs when an employee is hired and then twice a year.

City Attorney Shaver and Hearing Officer Grattan concurred that Rite Aid Corporation has demonstrated the understanding of the law and recommends approval.

5. Outback/Denver I LP/Outback Steakhouse #0621, 2432 Hwy 6&50, Grand Junction, CO 81505, Hotel and Restaurant

Mr. Ryan Elmore, Managing Partner, was present. Ms. Peterson reported that the paperwork was filed in a timely manner and all reports came back fine.

Both City Attorney Shaver and Hearing Officer Grattan concurred with the findings and approved the annual renewal.

6. Grand Vista Hotel dba Grand Vista Hotel, 2790 Crossroads Blvd., Grand Junction, CO 81506-8711, Hotel and Restaurant

Ms. Debbie Revis, General Manager, was present. Ms. Peterson reported that the paperwork was filed in a timely manner and all reports came back fine.

Both City Attorney Shaver and Hearing Officer Grattan concurred with the findings and approved the annual renewal.

IV. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES WITH LATE FILING

1. Western Colorado Botanical Society dba Western Colorado Botanical Gardens, 701 Struthers Ave., mailing address: 641 Struthers Ave., Grand Junction, CO, Arts

Ms. Peterson reported that the application was filed 42 days late into the City Clerk's Office. Ms. Peterson read a letter into the record regarding the reason. Ms. Peterson stated that she researched since the Arts license was granted to the Botanical Gardens that they have never submitted their renewal on a State provided form but they also have never been late. Ms. Peterson also reported that there has been lots of changeover in the office for the Botanical Gardens. Ms. Peterson called the State office and to confirm that they show the mailing address at 641 Struthers Avenue, not 701 Struthers which is the amphitheater location. The State confirmed that was correct. Researching the file, Ms. Peterson said they have never had a State supplied renewal application. A logical reason to her would be the changeover in the office or that the State did not have the correct mailing address.

Ms. Shirley Schaecher, Office Manager, was present. Ms. Schaecher stated she has also talked to the State and will also call the State again in January to make sure they show the mailing address as 641 Struthers Avenue. Ms. Schaecher stated there has been lots of turnover in the office and she plans on being there next year and has set up several reminders of the renewal date.

City Attorney Shaver referenced C.R.S. 12-47-302 showing good cause for the late filing and believes it was beyond the licensee's control and recommends approval.

V. APPLICATION FOR CHANGE OF LOCATION AND CHANGE IN CORPORATE STRUCTURE

1. L&B Inc., dba Fast Eddy's, 2660 North Avenue, Grand Junction, CO 81503, Tavern, is requesting to move to 1225 N. 25th Street, Grand Junction, CO 81503

Addition of VP: Adelle B. Lloyd, 574 Meadowlark Ln., Grand Junction, CO

William and Adelle Lloyd were both present. Ms. Peterson reported that the paperwork for the change in corporate structure was in order and the applicant revealed the citations issued to her as the owner of Quincy's Bar for removal of alcoholic beverage from licensed premises and a ticket issued for over service by one of her employees. The reports from Fire, Health, and Building Departments will be submitted upon completion of the remodel of the new location. Ms. Peterson then read the results of the survey for the change of location into the record (see attached – Exhibit A).

City Attorney Shaver asked who conducted the survey. Ms. Lloyd stated she hired Ann Crawford to conduct the survey and she paid her a flat rate of \$450.00. City Attorney Shaver asked if Ms. Lloyd agreed with the results Ms. Peterson read into the record. She agreed. City Attorney Shaver asked if they had anything to add. William Lloyd stated that he believed there was a misunderstanding from some that they were wanting an additional location, not just to move their current location the 300 feet.

Hearing Officer Grattan acknowledged the people in the audience and asked if there was anyone who wanted to speak on this issue.

Mr. Paul Sullivan, 1306 N. 25th Street, Driftwood Apartments, spoke of the location of the apartments in relationship to the new location and who occupied these apartments. Mr. Sullivan's concern is that the apartment building was an older one, with lower windows which back the parking area of the new location. Due to the type of business, there will be cars coming and going at all hours. There is only a 21 inch retaining wall

that separates their building and the parking lot and he believes the headlights will cause a disturbance with the residents. Mr. Sullivan stated that the owners have been good neighbors at their current location. He suggested a good fence between the two areas to make a good neighbor. He also questioned why they were not notified of this public hearing by mail they only seen the public notice displayed on the new location.

City Attorney Shaver told Mr. Sullivan that there is no mailing for this public hearing but a display ad along with the posted notice is the notification along with the survey that is conducted.

Mrs. Lloyd stated on the notes attached to the survey by Ms. Crawford, they were not allowed into the apartments as it had a secure area with a key code gate, but they did attempt to survey the apartments.

City Attorney Shaver also told Mr. Sullivan there will be a land use review through the Planning Department. Mr. Lloyd said they were meeting with them next week and he believes they will be under a Conditional Use Permit (CUP).

Mr. Roger Sollenbarger, owner of Red Cliff Point shopping center, in which Fast Eddy's is currently located, stated he sold the Metro Movie building to the Lloyds. He believes it will be very beneficial for Fast Eddy's to move to the new location to be able to have an outdoor area for the smokers. Mr. Sollenbarger said that while Metro Movie was located in the building, there were never any complaints regarding the headlights or noise. He has installed \$20,000 worth of shrubbery plantings along with a drip system by the retaining wall, they just have not matured that much yet.

Mrs. Sharon Sollenbarger also spoke as being not only the landlord but the business next door to Fast Eddy's. She said they run a tight ship and are good neighbors. Even when there are problems with people hanging around, the manager will always notify Mrs. Sollenbarger as they know she employs younger employees.

Hearing Officer Grattan noted for the record that Mr. Sullivan left the hearing.

Hearing Officer Grattan and City Attorney Shaver concurred in approving the request of the change of location (conditioned on approval of the CUP) and the addition of Adelle Lloyd as VP.

VI. APPLICATION FOR MODIFICATION OF PREMISES AND REVIEW OF VIOLATIONS CORRECTION

1. **Junct'n Square Pizza LLC** dba Junct'n Square Pizza, 119 N. 7th Street, Grand Junction, CO 81501, Hotel and Restaurant

Mr. Earl Stevenson, applicant, was present. Ms. Peterson stated that since the establishment was just under review for the annual renewal, the only thing to add was the violation issue regarding the Health Department which has been cleared up. Ms. Peterson read the results of the survey into the record (see attached).

City Attorney Shaver asked Mr. Stevenson who conducted the survey. He said that he did. City Attorney Shaver asked if he agreed with the results Ms. Peterson reported and what time of day the survey was conducted. He agreed and said during normal business hours and early evening.

Mr. Stevenson did have questions regarding the requirements of the materials used for the fencing. He stated the cost of the wrought-iron fencing is double what the same fencing made out of aluminum would cost which is around \$6,000. City Attorney Shaver said that the DDA would be able to decide on any exception to the materials, that Mr. Stevenson would need to work with them. If they granted an exception to the materials, the lease would need to be amended. Mr. Stevenson also asked about a time limit to get this completed. City Attorney Shaver explained the lease is granted to renew the same date as his current liquor license. Once approved here and with the State, Mr. Stevenson would determine when he would begin serving alcoholic beverages in the outside dining area.

City Attorney Shaver and Hearing Officer Grattan concurred on the approval of the modification of premises for the applicant.

VII. ADJOURNMENT – 9:59 a.m.

NEXT REGULAR MEETING – August 6, 2008

MEMO: Local Licensing Authority
FROM: Juanita Peterson, Deputy City Clerk
DATE: July 3, 2008
SUBJECT: Application for a change in location from 2650 North Avenue to 1224 N. 25th Street for an existing tavern liquor license by L&B Inc., dba Fast Eddy's, 2650 North Avenue

L&B Inc. filed an application with the Local Licensing Authority on May 23, 2008 for a change of location to permit sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 1224 25th Street under the trade name of Fast Eddy's. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for July 16, 2008.

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 Orchard Avenue, on the Ouray Avenue, on the East by 28 ½ Road, and on the West by 17th Street. 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 who resides in the neighborhood for more than six months each year, I believe the proposed relocation will not conflict with the reasonable requirements of the neighborhood or the desires of the inhabitants.

Yes	228
No	28

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

Yes	131
No	16
N/A	1

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Lisa Maestas, Grand Junction Police Department
File

To: Whomever it may concern.

Re: Fast Eddy's Sports Bar and Grill relocation.

Side notes:

Residences

- * Starting at 17th and Orchard, then taking Orchard down to 281/2 road, Carrie at Fast Eddy's told me (Anne Crawford) that she had already covered that territory prior.
- * In the residential areas covered within the grid, on average, 1 in every 4 to 5 property owners/ inhabitants came to the door.
- * Residential neighborhoods had an abundance of no soliciting signs on their property, which made it difficult to contact the renters/ homeowners.
- * Some residences didn't want to sign anything. Whether they were for, against, or neutral to the relocation, in general, they just didn't want their signature on a survey.
- * Most churches were closed during the day.

Businesses

- * Most businesses seemed open and willing to participate in the survey, although there were a few that weren't for one reason or another.
- * Dragon Wall Buffet was not in favor for the relocation.
- * Solarus Square had a no soliciting sign.
- * VA Hospital – an employee was outside and indicated that the hospital had had a meeting about no further soliciting.
- * Driftwood Apartments had a security code outside in order to get into the building. No access was available.
- * White apartment complex directly across from the Metro Playhouse on 2441 Bunting was all no answer.
- * 23rd Street Office Plaza – only about half of all the businesses were available for the survey.

- * Kelly's Barber Shop was adamant about not signing for the relocation.
- * Bingo on 281/4 road and North Avenue was closed the two times it was visited.
- * Verizon Wireless on 281/4 road and North Avenue were too busy.
- * S.O.S. Staffing off of 25th and North Avenue were too busy.
- * On 835 N. 26th both businesses refused to sign. (No business sign was visible from the front business doors).
- * Brass Rail refused to sign.
- * Grand Mesa Medical didn't want to sign.
- * Speedy loan and Veterinary Emergency were closed the two times that they were visited.
- * Chateau Apartments are marked as no trespassing.
- * Spectra Enterprises Inc. was closed.
- * Eagle Ridge of the Grand Valley was too busy to sign.
- * Nisley Apartments on 527 28 1/2 road had a no soliciting sign.

Submitted by Anne Crawford

Anne Crawford

MEMO: Local Licensing Authority
FROM: Juanita Peterson, Deputy City Clerk
DATE: July 9, 2008
SUBJECT: Application for a modification to expand patio dining area for an existing hotel and restaurant liquor license by Junct'n Square Pizza LLC dba Junct'n Square Pizza, 119 N. 7th Street.

Junct'n Square Pizza LLC filed an application with the Local Licensing Authority on June 27, 2008 for a modification of premises to expand their current location for allow patio dining to permit sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 119 N. 7th Street under the trade name of Junct'n Square Pizza. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for July 16, 2008. The outdoor dining lease is expected to be approved the City Council at the meeting on Monday, June 16, 2008.

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 Hill Avenue, on the South by 1st Avenue, on the East by 12th Street, and on the West by 1st Street. The results of that survey are as follows:

- As an owner of property in the neighborhood, an employee or a 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 proposed modification of premises to expand the current licensed area for patio dining will not conflict with the reasonable requirements of the neighborhood or the desires of the inhabitants.

Yes	112
No	0

- As an inhabitant who resides in the neighborhood for more than six months each year, it is my desire that the modification of premises be approved.

Yes	66
No	0

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Lisa Maestas, Grand Junction Police Department
File