

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

MINUTES

WEDNESDAY, NOVEMBER 5, 2008 9:00 a.m.

I. **CALL TO ORDER** – The meeting convened at 9:00 a.m. Those present were Hearing Officer Mike Grattan and Deputy City Clerk Debbie Kemp. City Attorney John Shaver was absent.

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

1. DR Bowling LLC, dba Freeway Bowl, mailing address: 303 W. Main St., Rangely, CO 81648, 1900 Main Street, Grand Junction, CO 81501, Tavern - Continued from October 15, 2008

Rick Brenton, owner of DR Bowling, LLC, was present. Ms. Kemp reported that the reason this renewal was continued from October 15, 2008 was issues that the Health Department and City Sales Tax had. Ms. Kemp read a letter from the Health Department into the record that advised that establishment was now in compliance and also advised that the City Sales Tax is now in compliance.

The application for renewal was found to be in order and approved.

2. Zen Garden Inc. dba Zen Garden, 2886 North Avenue, Grand Junction, CO 81501-5022, Hotel and Restaurant

No one representing the applicant was present.

The application for renewal was found to be in order and approved.

3. Mesa Mall BBQ, Inc., dba Famous Dave's Bar B Que, 2440 US Hwy 6&50, Grand Junction, CO 81505, Hotel and Restaurant

Tara Delaney, manager for Famous Dave's Bar B Que, was present.

The application for renewal was found to be in order and approved.

4. Los Potrillos Inc., dba Aztecas Family Mexican Restaurant, 603 Hwy 50, Grand Junction CO 81503-1909, Hotel and Restaurant

No one representing the applicant was present.

The application for renewal was found to be in order and approved.

III. APPLICATION FOR CHANGE OF TRADE NAME

1. Carino's Italian Kitchen, Inc. dba Johnny Carino's Italian, 2480 Highway 6&50, Grand Junction, CO 81505, Hotel and Restaurant

Change trade name to: Carino's Italian

Eliazar Garxa, manager for Johnny Carino's Italian, was present.

The application for renewal was found to be in order and approved.

IV. APPLICATION FOR NEW LICENSE – RESOLUTION AND FINDS AND DECISION

1. Portal One Corp dba Smuggler's Brewpub and Grille, mailing address: PO Box 3366, Telluride CO 81437, 2420 US Hwy 6&50, Grand Junction, CO 81505, Hotel and Restaurant

President: Michael Metz, 109 Night Hawk, Telluride CO 81435

VP: Holly Ann Strong, 2525 Stone Bridge Dr., Montrose CO 81401

Michael Metz, president for Smuggler's Brewpub and Grille, was present.

Ms. Kemp reported the application was in order and the applicant requested a concurrent review. The Police Department reported that nothing derogatory was found on a local background check on the owners and the fingerprint cards and individual history forms were forwarded to CBI for further investigation. Code Enforcement reported that the premises were posted in a timely manner. The Building Department will provide a Certificate of Occupancy once the building remodel is completed. Ms. Kemp read into the record the results of the survey provided (see attached).

Hearing Officer Grattan asked Mr. Metz where the establishment is located. Mr. Metz replied that it is the building where Krispy Kreme was. Hearing Officer Grattan asked Mr. Metz if he found the results of the survey that Ms. Kemp read to be true and accurate. Mr. Metz stated that he did. Hearing Officer Metz asked what the methodology of conducting the survey was. Mr. Metz stated that Mr. Strong, husband of vice president of Portal One Corp., Ms. Filutze, wife of contractor, and he himself conducted the survey. He went to businesses and Mr. Strong and Ms. Filutze went to residential areas. A couple of employees said they would not sign due to corporate policy. They asked everyone if they were 21 or older and explained that they were applying for a hotel and restaurant liquor license and asked the persons contacted to read the questions and answer. Hearing Officer Grattan noted for the record that there was a detailed copulation of people who would not answer the survey or no answers at doors. Hearing Officer Grattan asked Mr. Metz why question two was a much smaller number than question one. Mr. Metz said that the City Clerk's office advised that businesses did not answer number one so that is why the number is smaller. Mr. Metz advised that they have two other locations, one in Telluride that has been in business for twelve years and one in Montrose that has been in business for three years.

Hearing Officer Grattan found the requirements have been met. The approval for the issuance of a hotel and restaurant liquor license on the local level was granted with the condition of a Certificate of Occupancy being issued. The City Clerk's Office will prepare a resolution for Hearing Officer Grattan's signature.

V. APPLICATION FOR ART GALLERY PERMIT

1. R A Kurtzman Photography Inc., dba Frame Works and Gallery, 309 Main Street, Grand Junction, CO

No one representing the applicant was present.

Hearing Officer Grattan requested that this item be continued to the November 19, 2008 Liquor and Beer Meeting and asked Ms. Kemp to send a letter to the applicant requesting their presence at that meeting.

VI. ADJOURNMENT – The meeting was adjourned at 9:21 a.m.

NEXT REGULAR MEETING – November 19, 2008

MEMO: Local Licensing Authority
FROM: Juanita Peterson, Deputy City Clerk
DATE: October 16, 2008
SUBJECT: Application for a new hotel and restaurant liquor license by Portal One Corporation dba Smuggler's Brewpub and Grille, 2412 Highway 6&50.

Portal One Corporation filed an application with the Local Licensing Authority on September 25, 2008 for a new hotel and restaurant liquor license permitting sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 2412 Highway 6&50, under the trade name of Smuggler's Brewpub and Grille. 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 November 5, 2008. The Notice of Hearing was given by posting a sign on the property on October 26, 2008 and by publishing a display ad in the Daily Sentinel on October 24, 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 G Road, on the South by the Colorado River, on the East by 25 Road, and on the West by 23 ½ 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	163
N/A	2

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	63
No	0
Disqualified	11

The disqualified above were out of the area or not acceptable. There were 74 not at homes, 6 did not live in the area for 6 months, and 5 have refused to sign the petitions.

The Grand Junction Police Department has investigated the owners for local criminal history. Reports have been requested by the Grand Junction Fire Department, Code Enforcement, Mesa County Health Department, and City of Grand Junction Sales Tax Department and the Building Department for a final certificate of occupancy (CO) upon completion of the restaurant.

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

Hotel and Restaurant – 12 (Olive Garden, Check E. Cheese, Outback Steakhouse, Famous Dave's, Red Lobster, Boston's The Gourmet Pizza, Conchita's Mexican Restaurant, Chili's, Tequila's Mexican Family Restaurant, Bear Rock Café, Genghis Grill, Johnny Carino's Italian Restaurant)

That concludes this report.

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