

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

MINUTES

WEDNESDAY, NOVEMBER 19, 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. **APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES**

1. El Mescal, Inc. dba Tequila's Family Mexican Restaurant, 2454 Highway 6 & 50, Suites 119 and 120, Grand Junction, CO 81505, Hotel and Restaurant

No one representing the applicant was present.

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

2. Buon Appetito, Inc. dba Il Bistro Italiano, 400 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

No one representing the applicant was present.

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

3. P and S, Inc. dba Orchard Mesa Lanes, 295 27 Road, Grand Junction, CO 81503, Hotel and Restaurant

No one representing the applicant was present.

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

4. GJ Investments, LLC dba Dolce Vita II, 336 Main Street, Suites 101-104, Grand Junction, CO 81501, Hotel and Restaurant

No one representing the applicant was present.

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

5. B.P.O. Elks Lodge dba Grand Junction Lodge No. 575, 249 S. 4th Street, Grand Junction, CO 81501, Club

Mr. John Krizman was present. Ms. Peterson reported the police reported that one of the officers, Mr. Howard Hurst, was arrested on 5-2-08 on a failure to appear warrant. Ms. Peterson reported the rest of the paperwork was in order.

City Attorney Shaver said his office would follow through with the Failure to Appear and find out more information, but did not feel this should hold up the renewal.

Hearing Officer Grattan concurred and approved the application for renewal but asked that City Attorney Shaver have a response by the December 17, 2008 hearing and revisit for a follow-up.

III. **APPLICATION TO RENEW LIQUOR AND BEER LICENSE AND CHANGE IN CORPORATE STRUCTURE**

1. Fraternal Order of Eagles 595 dba "Fraternal Order of Eagles 595", 1674 Highway 50, Grand Junction, CO 81503, Club

President: Randy Grimes, 331 Sherman Drive, Grand Junction, CO 81503 replaces Randy Sirbaugh

Vice President: Jonathon L. Wickre, 103 Pequena Court, Whitewater, CO 81527

Secretary/Treasurer: Larry Alley, 559 N. 23rd Street, Grand Junction, CO 81501 replaces Duane DeBord

There was no one present representing the applicant. Ms. Peterson reported that on Mr. Jonathon L. Wickre, the new V.P., the local police reported that on 2/7/08 a case was issued for marijuana use/sell/distribution/manufacture for Mr. Wickre. Mr. Wickre did disclose this on his Individual History. The background of the two other officers was fine. Ms. Peterson also reported the other reports came back fine.

City Attorney Shaver said that he would agree to approve the renewal and change in corporate structure with Mr. Grimes and Mr. Alley and that it isn't necessary to have a V.P. as part of the liquor license. Hearing Officer Grattan concurred with the renewal and the approval of those two officers but would like the applicant contacted to have Mr. Wickre present at the December 17, 2008 hearing in regards to the above charge or that the applicant could submit a replacement officer or withdraw having submitted a V.P.

Ms. Peterson said the City Clerk's Office would contact the applicant.

IV. **APPLICATION TO REGISTER NEW MANAGER**

1. RLJII – C Grand Junction Lessee, LLC dba Courtyard by Marriott Grand Junction, 765 Horizon Drive, Grand Junction, CO 81506, Tavern

Sergio Antillon, 935 Northern Way, #7, Grand Junction, CO 81506 replaces Bruce White

Mr. Sergio Antillon, Operations Manager, was present. Ms. Peterson reported the local police report was fine, but C.B.I. is still pending. The other reports were fine.

City Attorney Shaver and Hearing Officer Grattan concurred to approve the new manager pending a clear report from C.B.I.

V. APPLICATION FOR CHANGE IN CORPORATE STRUCTURE

1. Rosco's, Inc. dba Kannah Creek Brewing Company, 1960 N. 12th Street, Grand Junction, CO 81501, Brew Pub

Ten percent or more new owner: Cristina E. Ross, 627 ½ Shannon Lane, Grand Junction, CO 81504

Ten percent or more new owner: Anna Adair, 1450 Alice St., #34, Oaklund, CA 94612

No one representing the applicant was present.

Ms. Peterson reported the local police report was fine, but C.B.I. is still pending. The application for the change in corporate structure was found to be in order and approved pending a clear report from C.B.I.

VI. APPLICATION FOR ART GALLERY PERMIT

1. R A Kurtzman Photography Inc., dba Frame Works and Gallery, 309 Main Street, Grand Junction, CO – Continued from November 5, 2008

Robert Kurtzman, owner, was present. Hearing Officer Grattan explained to Mr. Kurtzman why he requested the applicant be present and to explain about the expectations of them receiving the permit. Mr. Grattan explained the Seller/Server training offered by the City and encouraged Mr. Kurtzman to attend as well as his staff. Ms. Peterson reported the paperwork was in order.

Mr. Kurtzman asked if he could change the dates due to the Avalon Theater closing as some of the previous dates matched up to theater showing dates. Ms. Peterson gave Mr. Kurtzman his application back to change the dates.

City Attorney Shaver and Hearing Officer Grattan concurred to approve the Art Gallery Permit with the amended dates.

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

1. Las Marias Inc., dba Las Marias Inc., 2692 Hwy 50, Spaces E&G, Grand Junction, CO 81503, Hotel and Restaurant

Corporate Officer: Maria V. Maestas, 608 E. Cleveland Ave., Fruita CO 81521

Ms. Maria Maestas, owner, was present.

Ms. Peterson reported the application was in order and the applicant requested a concurrent review. The Police Department reported that nothing derogatory was found on the local background check on the owner and the fingerprint card and individual history form was forwarded to CBI for further investigation. Code Enforcement reported that the premises were posted in a timely manner. Ms. Peterson read the results of the survey into the record (see attached).

City Attorney Shaver asked where the restaurant was located at, if it was in the strip mall where Alco is located. Ms. Maestas said yes. Ms. Peterson stated it was in the

old Conchita's location. City Attorney Shaver asked Ms. Maestas if she found the results of the survey that Ms. Peterson read to be true and accurate. Ms. Maestas said she did. City Attorney Shaver asked Ms. Maestas who conducted the survey and how it was conducted. She stated she conducted the survey and she went door to door and that there was one person who did not want to sign at all and about 4 that would rather not.

Hearing Officer Grattan asked Ms. Maestas if she was related to Lisa Maestas with the Grand Junction Police Department. Ms. Maestas said no. Hearing Officer Grattan revisited the Seller/Server training for the applicant and strongly suggested it would be beneficial for her and her staff to attend.

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. The City Clerk's Office will prepare a resolution for Hearing Officer Grattan's signature.

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

President: Alfonso Garcia, 1231 Sherman Ave., Port Orchard WA 98366
VP: Jose A Pelayo Pelayo, 831 H St., #1, Washougal WA 98671

Alfonso Garcia, President, Ms. Theresa Truong, General Manager, and Tom Kunsel, a friend who helped with the survey, was present.

Ms. Peterson reported the application was in order and the applicant requested a concurrent review. The Police reports were used from June when this application was submitted with a third owner who has been removed. Alfonso Garcia reported on his individual history of a DUI in 1999 and this matched the C.B.I. report. Mr. Pelayo Pelayo's record came back fine. Code Enforcement reported that the premises were posted in a timely manner. Mesa County Health Department, Fire Department, and Building Inspection will do final reports upon the completion of the remodel. Ms. Peterson read the results of the survey which was conducted for the first application into the record (see attached) and noted the area was extended to include additional businesses.

City Attorney Shaver asked Ms. Truong if she found the results of the survey that Ms. Peterson read to be true and accurate. Ms. Truong said she did. City Attorney Shaver asked Ms. Truong who and how the survey was conducted. She stated herself, another manager, and Mr. Kunsel conducted the survey and they went door to door and introduced themselves and stated why they were conducting the survey. Ms. Truong said there were 6 who said they would not sign.

Hearing Officer Grattan asked when the establishment hoped to be open. Ms. Truong said two weeks. Hearing Officer Grattan revisited the Seller/Server training for the applicants and strongly suggested it would be beneficial for them to attend.

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. The City Clerk's Office will prepare a resolution for Hearing Officer Grattan's signature.

VIII. OTHER BUSINESS

Hearing Officer Grattan told City Attorney Shaver that in his packet of information, he saw that the Transfer of Ownership for the receivership for Grand Junction Athletic Club would be on the December 17th Agenda and this would be a conflict for him representing Mr. Willms. City Attorney Shaver said that he would get someone to hear that particular item.

IX. ADJOURNMENT– The meeting was adjourned at 9:47 a.m.

NEXT REGULAR MEETING – December 17, 2008 – The meeting for December 3, 2008 is canceled.

MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk
DATE: November 7, 2008
SUBJECT: Application for a new hotel and restaurant liquor license by Las Marias, Inc. dba Las Marias, Inc., 2692 Highway 50, Spaces E & G

Las Marias, Inc. filed an application with the Local Licensing Authority on October 14, 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 2692 Highway 50, Spaces E & G, under the trade name of Las Marias, Inc. 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 19, 2008. The Notice of Hearing was given by posting a sign on the property on November 9, 2008 and by publishing a display ad in the Daily Sentinel on November 9, 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 the Colorado River, on the South by the Gunnison River, on the East by 28 Road, and on the West by 26 ³/₈ 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	107
Disqualified	24

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	101
No	0
Disqualified	35

The disqualified above were out of the defined area, invalid address, or business name used instead of signature.

The Grand Junction Police Department has investigated the owner for local criminal history. Reports have been requested by the Grand Junction Fire Department, Code Enforcement, Mesa County Health Department, and the City of Grand Junction Sales Tax Department.

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

Hotel and Restaurant – 2 (Azteca’s Family Mexican Restaurant and Orchard Mesa Lanes)

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

Hotel and Restaurant – 0

There has not been any remonstrance’s or petitions received in the City Clerks office as of the date of this letter.

That concludes this report.

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

MEMO: Local Licensing Authority
 FROM: Juanita Peterson, Deputy City Clerk
 DATE: July 1, 2008
 SUBJECT: Application for a new hotel and restaurant liquor license by Las 2 Margaritas Colorado Inc., dba Las 2 Margaritas Grill Mexican Restaurant, 2516 Broadway.

Las 2 Margaritas Colorado Inc., filed an application with the Local Licensing Authority on June 2, 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 2516 Broadway, under the trade name of Las 2 Margaritas Grill 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 July 16, 2008. The Notice of Hearing was given by posting a sign on the property on or before July 6, 2008 and by publishing a display ad in the Daily Sentinel on July 4, 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 Colorado River/Dike Road, on the South by C ½ Road, on the East by 25 ½ Road, and on the West by 24 Road. 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 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

- 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	135
No	0
N/A	4
Disqualified	26

The disqualified above were out of the area or not acceptable. There were thirty three residences who only answered question 2.

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 – 1 (Dos Hombres).

That concludes this report.

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