

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

**MINUTES
WEDNESDAY, OCTOBER 7, 2015, 2:00 P.M.**

HEARING OFFICER MICHAEL GRATTAN

I. CALL TO ORDER

The meeting was called to order at 2:00 p.m. Those present were Hearing Officer Michael Grattan, City Attorney John Shaver (arrived at the meeting at 2:11 p.m.), and Deputy City Clerk Debbie Kemp.

II. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

1. The Platinum Cleaver, LLC dba Pantuso's Ristorante, 755 Horizon Drive, Grand Junction, CO 81506, Hotel and Restaurant

Chris Watson, owner/manager, was present.

No one was present in opposition of the renewal.

The application for renewal for The Platinum Cleaver, LLC dba Pantuso's Ristorante was found to be in order and approved.

2. Allen Unique Autos, LLC dba Allen Unique Autos, 2285 River Road, Grand Junction, CO 81505, Tavern

Catherine Norton Breman, Executive Vice President, Law and Business, for Allen Unique Autos, was present representing the applicant.

Ms. Kemp advised that on June 20, 2015, Police Officers cited Erica Burgon, events coordinator for Allen Unique Autos, with a citation for unnecessary noise and disturbing the peace. Ms. Kemp also advised that the Sales Tax Department reported that the location has two accounts and the account for Allen Unique Autos, LLC is compliant, however the sales tax account for Allen Auto Assets, LLC is not.

Hearing Officer Grattan tabled this item to allow Ms. Breman to check with her finance department.

3. LOCO, Inc. dba LOCO Food Store No. 12, 107 Grand Avenue, Grand Junction, CO 81501, 3.2% Beer Off Premises

No one was present representing the applicant.

The application for renewal for LOCO, Inc. dba LOCO Food Store No. 12 was found to be in order and approved.

III. APPLICATION FOR A SPECIAL EVENTS PERMIT

1. Colorado Mesa University Foundation, 1100 North Avenue, Grand Junction, CO 81501 – Concert by the Grand Junction Rockestra on October 17, 2015 from 6:00 p.m. to 10:00 p.m., Robinson Theater in the Moss Performing Arts Center, 1100 North Avenue, Grand Junction, CO 81501, Malt, Vinous, and Spirituous

Pres./Sec'y. of Org.: Peggy Lamm, 507 Dove Ct., Grand Junction, CO 81507
Events Manager: Calvin Hofer, 721 ½ Willow Creek Road, Grand Junction, CO 81501

Calvin Hofer, Event Manager for Concert by the Grand Junction Rockestra, was present.

Hearing Officer Grattan disclosed that his kids are band kids and he knows Dr. Hofer through that, however, there has not been any conflict found in the past.

Hearing Officer Grattan handed Mr. Hofer three documents, the first two pages marked as Exhibit A and the third page marked as Exhibit B and asked Mr. Hofer what the pages marked Exhibit A are. Mr. Hofer said the documents are the questionnaire and affidavit. City Attorney Shaver (who had just arrived the meeting) asked Mr. Hofer whose signature is on the second page. Mr. Hofer said it was his. City Attorney Shaver asked if the signature represents that the information contained in the document is true and accurate. Mr. Hofer confirmed that to be true but said there has been a slight change in the security noted on page two, number 11. Instead of two TIPs trained servers, there will only be one, however, there will still be two Citadel security guards in the room. City Attorney Shaver noted that Exhibit A indicates that they expect 500 people at the event and asked if that is based on past experience from past events. Mr. Hofer said yes. City Attorney Shaver asked if there have ever been any problems with the service of alcohol during any of the past events. Mr. Hofer replied that at one past event, Grand Junction Police Officer Keech observed two faculty members who were checking identification but didn't have the wristbands. That was corrected quickly. City Attorney Shaver asked Mr. Hofer to describe Exhibit B. Mr. Hofer said that is a map of the Moss Performing Art Center where the concert will take place and the area marked in red is the perimeter where beer and wine can be consumed. It will be established and maintained with two security guards checking identification and watching that area. There will be three faculty members in lime green shirts roaming the area, the hallways will be blocked off, and there will be signs posted everywhere.

No one was present in opposition of the application.

Hearing Officer Grattan entered Exhibits A and B into the record and found that pursuant to Colorado State Statutes 12-48-106, there is no evidence that the issuance of the permit would be injurious to the public welfare because of the nature of the special event (it is a music performance at a music facility), its location within the community (addresses the facility itself and it is a regular occurring event at the college), or the failure of the applicant in a past special event to conduct the event in compliance with applicable laws (despite the

wristband occurrence). He found that the application for a special events permit submitted by Colorado Mesa University Foundation for the Concert by the Grand Junction Rockestra on October 17, 2015 was in order and he approved it.

II. APPLICATION TO RENEW LIQUOR AND BEER LICENSE – Continued from previous on the agenda

1. Allen Unique Autos, LLC dba Allen Unique Autos, 2285 River Road, Grand Junction, CO 81505, Tavern

Catherine Norton Breman, Executive Vice President, Law and Business, for Allen Unique Autos, was present representing the applicant.

Ms. Kemp advised that on June 20, 2015, Police Officers cited Erica Burgon, events coordinator for Allen Unique Autos, with a citation for unnecessary noise and disturbing the peace. Ms. Kemp also advised that the Sales Tax Department reported that the location has two accounts and the account for Allen Unique Autos, LLC is compliant, however the sales tax account for Allen Auto Assets, LLC is not.

Ms. Breman advised that Misty Allen, Vice President, Finance and Marketing, for Allen Unique Autos, informed her that she spoke with Ms. Coombs with the City's Sales Tax Department and there was a small misunderstanding on the forms that needed to be filed for Allen Auto Assets, LLC and a small fine was owed because of not filing the additional required form. Ms. Coombs advised Ms. Allen that she could put the form and fine in the mail, which she has done. Ms. Breman stated that the noise violation has not gone all the way through the process and they are objecting to the citation.

City Attorney Shaver asked Meghan Woodland, Police Services Technician with the Grand Junction Police Department, if she had any information regarding the violation. Ms. Woodland advised that she did not check on the status of the citation, however, she said that there were 30 calls recorded into the dispatch center for that particular event the evening of June 19th and a citation was issued the early morning hours of June 20th.

Hearing Officer Grattan asked Ms. Breman what event was taken place that particular evening. Ms. Breman said it was a concert. It was not Allen Unique Auto's event, but an event of a user of their facility. Ms. Breman advised that they have hired an investigator to investigate the violation. They are an event center and they do want to be sensitive to the neighborhood and she believes they will work through this.

City Attorney Shaver asked Ms. Breman if Ms. Burgon received the citation on behalf of the event promoter. Ms. Breman explained that Ms. Burgon is an employee of Allen Unique Autos and she received the citation personally because she was working and responsible for the facility.

City Attorney Shaver stated that, since the matter has not been adjudicated, he recommends that the application to renew the liquor license be approved and, if there is a conviction, they can report back to the Authority.

Hearing Officer Grattan stated that the sales tax problem is not his business since it is not in the name of the licensee. As for the violation, he is very clear on the difference between an allegation and a conviction and he urged Ms. Breman to disclose any conviction the establishment may have on next year's renewal application. The application for renewal for Allen Unique Autos, LLC dba Allen Unique Autos was found to be in order and approved.

IV. APPLICATIONS FOR NEW LICENSE – RESOLUTION, FINDINGS, AND DECISION

1. Tay Tot, LLC dba The Warehouse 2565, 2565 American Way, Grand Junction, CO 81501, Hotel and Restaurant

Managing Member: Christmas Noel Hayward, 1955 Stone Canyon Court, Grand Junction CO 81505

Member: Terresa Michale Boggs, 2070 Pannier Court, Grand Junction, CO 81507

Registered Mgr: Ryan Jeffrey Miller, 2070 Pannier Court, Grand Junction, CO 81507

Terresa Boggs, Member of Tay Tot, LLC, Christmas Noel Hayward, Managing Member of Tay Tot, LLC, and Ryan Miller, General Manager of The Warehouse 2565, were present.

Ms. Kemp reported that the proposed licensed premises is under construction and inspections by the Fire Department and the Health Department will be completed prior to the issuance of a Certificate of Occupancy. She read the results of the survey that was conducted into the record (see attached).

City Attorney Shaver asked when the survey was conducted. Ms. Boggs said during the daytime for about one week. City Attorney Shaver asked Ms. Boggs and Ms. Hayward to describe how the survey was conducted. Ms. Boggs said that she and Ms. Hayward picked various areas and both approached businesses and told them who they were and that there opening a new restaurant and described what the business would be like and that they are trying to get a liquor license and needed signatures. They showed people the petition and told them that they could mark either yes or no. Ms. Boggs said that people who said no refused to sign the petition. For the residences, each one would take a side of the street or a separate apartment building. City Attorney Shaver said that there were 19 residences that were in favor of the license and asked how many residences they went to. Ms. Boggs and Ms. Hayward said they went to a lot, however there were a lot who didn't answer the door, even though they could hear the television. There were also a lot of no solicitor signs, gated yards, no trespassing signs, and dogs in the yard. The responses they were able to obtain were generally people outside. The 19 favorable responses were obtained in Riverside and near Sherwood Park. City Attorney Shaver asked how many residences with no answer they attempted to contact a second time. Ms. Boggs and Ms. Hayward said that they did try back

in a couple of neighborhoods at a different time late afternoon when people got off of work. City Attorney Shaver asked them to describe the businesses they went to. Ms. Boggs and Ms. Hayward said they went to businesses on 1st Street (the Mail Suites, Old Chicago, and through the car lot area), around Sam's Club, and businesses on Rimrock Avenue. City Attorney Shaver asked them to describe for the Authority where American Way is. Ms. Hayward said that it is behind American Warehouse Furniture and next to Gold's Gym. The building was formerly Abbey Carpet. City Attorney Shaver asked if they believe what Ms. Kemp read into the record is true and accurate. Ms. Boggs and Ms. Hayward both said yes.

Hearing Officer Grattan asked them to describe the business briefly. Ms. Hayward said that on one half of the building, it is going to be an elevated sports restaurant (family restaurant) with a lot of televisions, nice furniture (from American Furniture Warehouse), a nice patio, and great food. They plan to work with Gold's Gym to have healthy food to try to accommodate their members. The other half of the building will be a special events venue to rent out for Christmas parties and other events. There will also be a dance floor and possibly live music where people might want to go out for a date night.

Hearing Officer Grattan asked when they plan to open. Ms. Hayward they are hoping to be able to open by Thanksgiving.

There was no one present in opposition of the application.

City Attorney Shaver said there was a good explanation given as to why the residential numbers were light on the survey and it appears that the needs and desires are not being met. He recommended approval.

Hearing Officer Grattan said, even though the residential numbers were low, the business number was high, and given the area, he was alright with that.

The application for Tay Tot, LLC dba The Warehouse 2565 was found to be in order and approved. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

V. OTHER

There was none.

VI. ADJOURNMENT

The meeting was adjourned at 2:31 p.m.

NEXT REGULAR MEETING – October 21, 2015

**SPECIAL EVENT PERMIT
QUESTIONNAIRE AND AFFIDAVIT**

(A)

1. Name of Event: Concert by the Grand Junction Rockestra

2. How many attendees are expected at this event?
500

3. Has the event been held in the past? If so, how many years?
Yes, 8 concerts in this venue dating back to June of 2011

4. Have there ever been any violations or citations issued during the event in the past?
No!

5. Describe the premises at which this event will take place.
Robinson Theater in the Moss Performing Arts Center on the campus of Colorado Mesa University,
including the lobby area and Room 128 adjacent to the lobby area.

6. What type of security will be provided at this event?
2 security personnel will be hired from Citadel Security Company.

7. How many security personnel will be on hand?
2 hired security guards and 4 CMU staff members.

8. How will security personnel be identified?
The hired security guards will be in their Citadel Security Uniform and hats. CMU staff will
be in bright lime-green shirts that have "staff" on the back.

9. If this event is being held outdoors, how will the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.)?
N/A

10. What method will be used in checking identification for proper age of attendees (i.e., at the door, at the bar, etc.) and how will underage patrons be identified so as not to be served alcohol beverages (i.e., stamp or mark on the hand, etc.)
The 2 hired security guards will be at the entrance to the room in which alcohol is served.
They will check I.D.'s and put wrist bands on those who are old enough.

11. How will the conduct and level of intoxication of attendees be monitored and by whom?
 In addition to the 2 hired security guards, two TIPS trained servers will monitor the consumption of alcohol and level of intoxication of attendees.
-
12. Have the volunteers or members of your organization been trained in the sale/service of alcohol beverages?
 Yes - T.I.P.S. trained
-
13. What types of alternate beverages and food/snacks will be available?
 There will be snacks available for free - pretzels, peanuts; sandwiches will also be available
 Water and soda will also be available for sale, and there are numerous water fountains throughout the building.
-
14. Has a State and City Sales Tax Number been initiated by you or a member of your organization? If so, provide those numbers in the space provided.
 Yes - 98-05973
-

I hereby certify, under penalty of perjury, that the information provided to the Grand Junction Liquor Licensing Authority contained in this affidavit is true and accurate to the best of my knowledge.

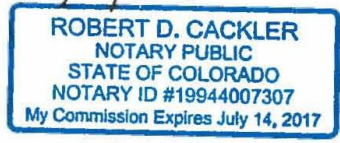
Calvin Hofer Date 9/11/15
 Applicant's Signature

STATE OF COLORADO)
 COUNTY OF MESA) SS.
 CITY OF GRAND JUNCTION)

Subscribed and sworn to before me this 11 day of Sept, 20 15.

Witness my hand and official seal.

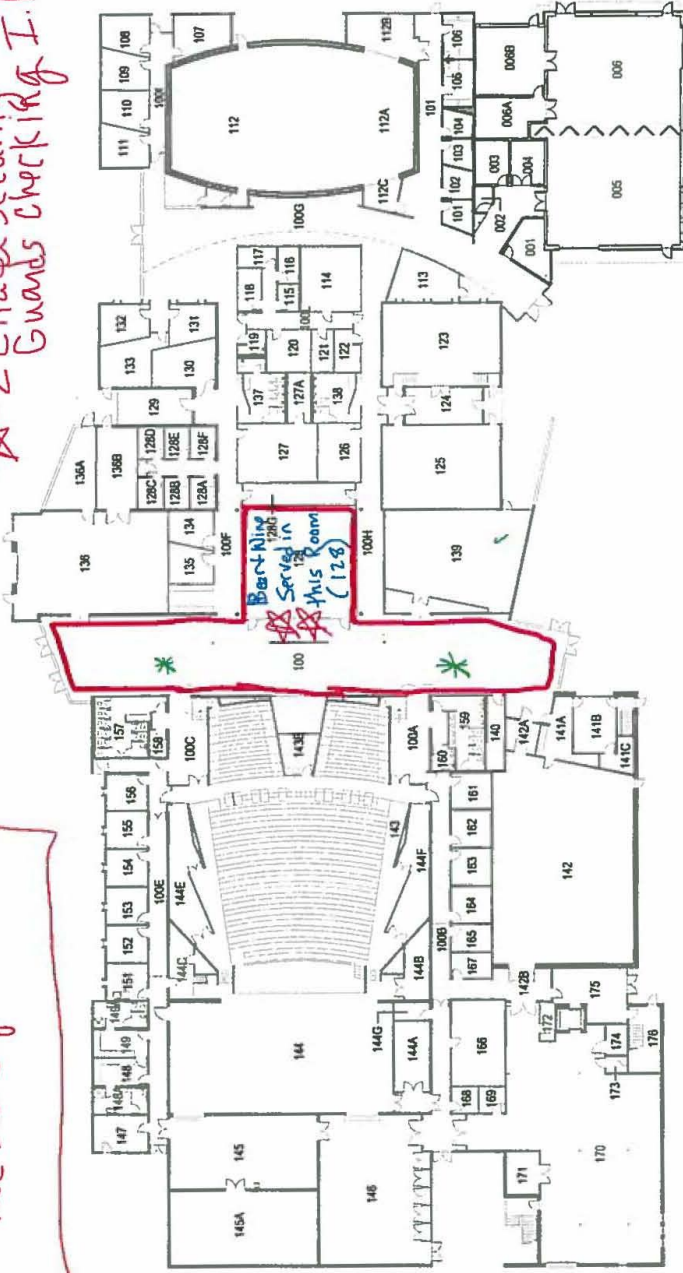
[Signature] My commission expires 7/14/17
 Notary Public




Grand Junction Rockestra Concert
October 18, 2014

Alcohol permitted only within
Red boundary

* = 2 CMU staff patrolling
2 TIPS Trained Personnel
in Room 128
★ - 2 Citadel Security
Guards checking I.D.'s



(B)

MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk 
DATE: September 8, 2015
SUBJECT: Application for a new hotel and restaurant liquor license by Tay Tot, LLC dba The Warehouse 2565, 2565 American Way, Grand Junction, CO

Tay Tot, LLC filed an application with the Local Licensing Authority on August 21, 2015 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 2565 American Way under the trade name of The Warehouse 2565. 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 October 7, 2015. The Notice of Hearing will be given by posting a sign on the property on or before noon on September 23, 2015 and by publishing a display ad in the Daily Sentinel on September 25, 2015.

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, W. Colorado Avenue on the South, 3rd Street on the East and 25 Road on the West and included both sides of the streets as the outer boundaries. The results of that survey are as follows:

Check, the **YES** column if you **SUPPORT** this type of license being issued because the existing outlets do not adequately serve the reasonable requirements of the designated area or check the **NO** column if you **OPPOSE** this type of license being issued because the existing outlets adequately serve the reasonable requirements of the designated area.

Business Results: FAVOR: 92
OPPOSE: 0

Residential Results: FAVOR: 19
OPPOSE: 0

There were nine responses that were disqualified for the following reasons: the respondent marked residence box, but a business address was listed, respondent listed two addresses, five respondents were out of the designated boundary, no address listed, and unable to identify address.

There were five "exhibits to survey petition" that indicated one contact was not 21 years of age, five contacts refused to sign, seventeen no answers and five additional attempts were made on three of those properties, thirteen attempted contacts had no trespassing or no solicitors signs, and five were marked as other which were Corporation owned, no manager, and manager and owners are out sick.

No letters of opposition or counterpetitions have been filed to date.

The Grand Junction Police Department will be investigating the owners for local criminal history and verifying that the Notice of Hearing was posted in a timely manner and that the diagram matches the establishment. The fingerprints were forwarded to CBI for further processing. Reports have been requested by the Grand Junction Fire Department, the Grand Junction Sales Tax Department, and Mesa County Health Department.

The number of liquor licensed outlets in the survey area are:

Hotel and Restaurant = 8 (Chipotle Mexican Grill, Grand International Buffet, Red Robin American's Gourmet Burgers & Spirits, Thai Chili & Pho, No Coast Sushi, Old Chicago, Fly'n Roosters, Two Rivers Convention Center,)

Tavern = 4 (Volleys, Charlie Dwellington's, Fairfield Inn & Suites, Spring Hill Suites)

Beer and Wine = 2 (Glacier Ice Arena, Art Bar)

Retail Liquor Store = 2 (Andy's Liquor Mart, GC Discount Liquors)

3.2% Beer (On Premises) = 1 (Pizza Hut #250)

3.2% Beer (Off Premises) = 4 (Walmart Store #5099, Albertson's Food Center #897, Loco Food Store #12, City Market #32,)

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Meghan Woodland, Grand Junction Police Department
File