

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

**MINUTES
WEDNESDAY, SEPTEMBER 18, 2015, 8:00 A.M.**

HEARING OFFICER MICHAEL GRATTAN

I. CALL TO ORDER

The special meeting was called to order at 8:00 a.m. Those present were Hearing Officer Michael Grattan, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

II. APPLICATIONS FOR NEW LICENSE – RESOLUTION, FINDINGS, AND DECISION – Continued from September 16, 2015

1. Robert L. Schlagel dba Bobby's, 2839 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

Owner: Robert L. Schlagel, 2863 Fenel Avenue, Grand Junction, CO 81501

Robert Schlagel, owner of Bobby's, and J. J. Johnson, Marketing Manager for Bobby's, were present.

Hearing Officer Grattan disclosed that in July of 2014, he was contacted by Norm and Marsha Covey regarding the Blue Moose. There were two conversations with the Covey's, not a massive representation. Hearing Officer Grattan did not feel it was a conflict of interest, but gave Mr. Schlagel and City Attorney Shaver the opportunity to disqualify him from hearing the application. Mr. Schlagel and City Attorney Shaver found no reason for Hearing Officer Grattan not to hear the application.

Ms. Kemp advised that the report from CBI/FBI on the owner indicated a prior dangerous drug offense in 1997 which was disclosed and explained on Mr. Schlagel's Individual History Record. The Fire Department found violations that need corrected and are requesting a conditional approval of the liquor license. The Health Department will be conducting an opening inspection on September 28, 2015. She read the results of the survey that was conducted into the record (see attached).

City Attorney Shaver asked Mr. Schlagel if he was involved with the conduct of the survey. Mr. Schlagel said he was. City Attorney Shaver asked Mr. Schlagel to describe for the Authority how the survey was conducted. Mr. Schlagel said they (Mr. Schlagel and Cheryl Hill) went to businesses and asked to speak to the owner or a manager and explained to them that they were applying for a

liquor license; and for residents, they went door to door. City Attorney Shaver asked who Cheryl Hill was and if she signed the surveys. Mr. Schlagel said she will be a part time manager at Bobby's and she did sign all of the surveys. City Attorney Shaver asked where most of the businesses listed on the survey were located. Mr. Schlagel said mostly on North Avenue. City Attorney Shaver confirmed the boundaries that were given for the survey and asked Mr. Schlagel if there were not more than 47 businesses in that area. Mr. Schlagel said yes, however they did not hit all of them and always made sure that at each business, they spoke with the owner or a manager. City Attorney Shaver asked Mr. Schlagel how the residential contacts were selected and what time of the day. Mr. Schlagel said that, if someone looked like they were home or if they were out, they would speak to people. There were a lot of no solicitor signs. They surveyed at different times during the day, mostly afternoons for residents and around 10:00 a.m. for businesses. They did return to some of the residences when no one was home upon the original contact. City Attorney Shaver asked Mr. Schlagel if he believed that the report Ms. Kemp read into the record is true and accurate. Mr. Schlagel said he did.

Hearing Officer Grattan asked Mr. Schlagel if he was convicted of the crime Ms. Kemp reported. Mr. Schlagel said that he was arrested and was informed the charge would be off of his record if he completed a class. Hearing Officer Grattan asked Mr. Schlagel if he has any other arrests since 1997. Mr. Schlagel said no.

City Attorney Shaver asked Mr. Schlagel what kinds of drugs were involved in the arrest. Mr. Schlagel said it was a very small amount of cocaine.

There was no one present in opposition of the application.

City Attorney Shaver said that the needs and desires were established by the survey and with no one present in opposition of the application, he recommended approval.

Hearing Officer Grattan noted that North Avenue has several establishments with liquor license holders and the requested facility has had a liquor license in the recent past and found that the application for Robert L. Schlagel dba Bobby's was in order and approved it conditioned upon the Fire Department's approval and a satisfactory inspection by the Health Department. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

III. OTHER

Ms. Kemp advised the Authority that she had been contacted by Amy Jordan with Grand Junction Regional Airport Authority and currently Two Rivers Winery has a remote tasting license at the airport which is not currently part of the licensed premises for the hotel and restaurant liquor license at the airport. Two Rivers Winery will not be renewing the remote tasting license and the airport is considering applying for a modification of premises to include the small area of 5' 7" x 19' as part of their licensed premise for the hotel and restaurant liquor license. Ms. Kemp provided the Authority with a diagram indicating the small aforementioned area (Exhibit A). Ms. Kemp

advised that Ms. Jordan was wondering if the Liquor Licensing Authority would consider approval of the modification of premises without requiring a petition or survey for the needs and desires of the neighborhood.

Hearing Officer Grattan reviewed Liquor Regulation 47-302.


City Attorney Shaver noted that the area in question is already a licensed area for the purposes of tasting, therefore the request would not be changing the purpose, it would change who is the licensee.

Hearing Officer Grattan said that he believes a formal request with the application from the applicant should be sufficient.

IV. ADJOURNMENT

The meeting was adjourned at 8:20 a.m.

NEXT REGULAR MEETING – October 7, 2015

MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk 
DATE: August 28, 2015
SUBJECT: Application for a new hotel and restaurant liquor license by Robert L. Schlagel dba Bobby's, 2839 North Avenue, Grand Junction, CO

Robert L. Schlagel filed an application with the Local Licensing Authority on August 17, 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 2839 North Avenue under the trade name of Bobby's. 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 September 16, 2015. The Notice of Hearing will be given by posting a sign on the property on or before September 2, 2015 and by publishing a display ad in the Daily Sentinel on September 4, 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, I 70 B on the South, 29 Road on the East and N. 25th Street 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:	47
	OPPOSE:	0

Residential Results:	FAVOR:	56
	OPPOSE:	0

There were seven responses that were disqualified for the following reasons: the respondent didn't indicate whether they were supported or opposed the license being issued, illegible address, no such address, no address listed, and address listed outside the survey area.

There was one "exhibit to survey petition" that indicated three contacts refused to sign because of church beliefs and one contact wanted to sign, however had been drinking and smoking "pot" and was unable to stand or hold a pen.

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

The Grand Junction Police Department will be investigating the owner 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 = 6 (Hooters, Rib City Grill, Sergio's, Tequila's, Texas Roadhouse, and Zen Garden)

Tavern = 3 (A Taste of Heaven, Brass Rail Lounge, and TJ's Billiards)

Retail Liquor Store = 1 (Fun Junction Liquors)

3.2% Beer (Off Premises) = 1 (Walmart)

That concludes this report.

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

GRAND JUNCTION REGIONAL AIRPORT



EXISTING HOLD ROOM

32'

