

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

M I N U T E S

FRIDAY, APRIL 20, 2012, 2:00 P.M.

I. CALL TO ORDER

The meeting convened at 2:00 p.m. Those present were Hearing Officer Mike Grattan, Hearing Officer Sam Starritt, and Deputy City Clerk Juanita Peterson. City Attorney John Shaver came into the meeting at 3:10 p.m.

II. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

1. Bank 8 Billiards, Inc., dba Bank 8 Billiards, 2460 Patterson, Unit #3, Grand Junction, CO 81505, Tavern

No one was present representing the applicant.

The application for renewal for Bank 8 Billiards Inc., dba Bank 8 Billiards was found to be in order and approved.

2. Fantasy, LLC dba Fantasy, 2258 Colex Drive, Grand Junction, CO 81505, Tavern

No one was present representing the applicant.

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

3. Loyal Order of Moose Grand Junction #270, dba Loyal Order of Moose Grand Junction Lodge 270, 567 25 ½ Road, Grand Junction, CO 81505, Club

No one was present representing the applicant.

The application for renewal for Loyal Order of Moose Grand Junction #270 dba Loyal Order of Moose Grand Junction Lodge 270 was found to be in order and approved.

III. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES WITH OUTDOOR DINING LEASE

1. Nepal Restaurant GJ, LLC dba Nepal Restaurant, 356 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal and outdoor dining lease for Nepal Restaurant GJ, LLC dba Nepal Restaurant was found to be in order and approved.

IV. APPLICATION FOR A SPECIAL EVENTS PERMIT

1. Grand Junction Downtown Association Inc. dba Downtown Grand Junction Arts and Jazz Festival, 248 So. 4th Street, Grand Junction, CO 81501 – Event May 11 - 13, 2012 from 4:00 p.m. to 11:00 p.m., Main Street between 3rd and 4th Streets, Malt and Vinous

Sec.: Diane Keliher, 3342 E ¾ Road, Clifton, CO 81520

Event Manager: George Rossman, 276 Huffer, Grand Junction, CO 81503

George Rossman and Diane Keliher were both present. Ms. Peterson reported the paperwork was in order, the reports came back fine, and the premise was posted with the notice.

Hearing Officer Grattan asked for either of them to explain what the event is and to look at Exhibit A and Exhibit B and explain to the Authority what they are. Ms. Rossman answered that this is her 7th year with this event and it is artistic in nature with outdoor booths and live music. There are also food vendors. Exhibit A is showing the 300 block of Main Street and the barricades. Exhibit B is showing the vendors along Main Street and she also pointed out the barricades (see attached).

Hearing Officer Grattan asked Ms. Rossman if they have ever had issues with this event. Ms. Rossman said not in the 7 years she has been involved. Hearing Officer Grattan asked how minors will be identified. Ms. Rossman said over 21 will have wristbands.

There was no one in the audience in opposition to the issuance of the Special Event Permit.

Hearing Officer Grattan entered the Exhibits into the record and found that, based upon C.R.S. 12-48-106, there is no basis to find the issuance of the Special Events Permit to be injurious to the public welfare and approved the application.

2. Colorado Mesa University Foundation dba Grand Junction Rockestra Concert, 1100 North Avenue, Grand Junction, CO 81501, – Event May 19, 2012 from 7:30 p.m. to 10:30 p.m., Moss Performing Arts Center, Malt, Vinous, and Spirituous

Keith Gilstrap, PO Box 781, New Castle, CO 81647

Event Manager: Peggy Lamm, 507 Dove Ct., Grand Junction, CO 81507

Ms. Peggy Lamm, Event Manager, was present. Ms. Peterson reported the paperwork was in order, the reports came back fine, and the premise was posted with the notice.

Hearing Officer Grattan said he was very familiar with this event. Ms. Lamm said she is new to this position but the intent is the orchestra playing rock music.

Hearing Officer Grattan asked her to look at Exhibit A and explain the area. She explained the security around "Lacy's Garden" and that it is completely contained shown on the diagram in red. There will be no one under 21 allowed in that area (see attached).

There was no one in the audience in opposition to the issuance of the Special Event Permit.

Hearing Officer Grattan entered the Exhibits into the record and found that, based upon C.R.S. 12-48-106, there is no basis to find the issuance of the Special Events Permit to be injurious to the public welfare and approved the application.

3. Grand Junction Lodge No. 575, dba B.P.O. Elks #575, PO Box 1987, Grand Junction, CO 81502, – Event Open House June, 2, 2012 from 4:00 p.m. to 12:00 a.m., Malt, Vinous, and Spirituous

Phillip Carter, 2510 S. Broadway, Grand Junction, CO 81503
Event Manager: Terri Carter, 2510 S. Broadway, Grand Junction, CO 81503

Terri Carter, Event Manager, was present.

Hearing Officer Grattan asked Ms. Carter to explain the event. Ms. Carter said it would be the second open house to invite the public to the Club to try and increase membership and awareness to the Elks Lodge. Hearing Officer Grattan showed Ms. Carter Exhibits A, B, and C and asked her to explain them. She stated that Exhibit A is the main floor and alcohol will be allowed there and that is where the bar is located. Exhibit B is the 2nd floor and there will not be any alcohol allowed but tours of the facility. Exhibit C is the lower level, banquet room and the old restaurant. Again, no alcohol will be allowed, just tours.

There was no one in the audience in opposition to the issuance of the Special Event Permit.

Hearing Officer Grattan entered the Exhibits into the record and found that, based upon C.R.S. 12-48-106, there is no basis to find the issuance of the Special Events Permit to be injurious to the public welfare and approved the application.

4. Grand Junction Lodge No. 575, dba B.P.O. Elks #575, PO Box 1987, Grand Junction, CO 81502, – Event Wedding Reception June, 9, 2012 from 4:00 p.m. to 12:00 a.m., Malt, Vinous, and Spirituous

Phillip Carter, 2510 S. Broadway, Grand Junction, CO 81503
Event Manager: Terri Carter, 2510 S. Broadway, Grand Junction, CO 81503

Terri Carter, Event Manager, was present.

Hearing Officer Grattan asked Ms. Carter to explain the event. Ms. Carter said it would be a wedding reception. The reception will have several non-members present and food and bar service will only be on the main level shown on Exhibit A.

There was no one in the audience in opposition to the issuance of the Special Event Permit.

Hearing Officer Grattan entered the Exhibit into the record and found that, based upon C.R.S. 12-48-106, there is no basis to find the issuance of the Special Events Permit to be injurious to the public welfare and approved the application.

5. Latin Anglo Alliance Foundation, Inc., PO Box 1734, Grand Junction, CO 81502 – Event Cinco de Mayo Celebration May 5, 2012 from 10:00 a.m. to 11:00 p.m., Parking Lots North of Colorado Avenue between 6th and 7th Streets and Colorado Avenue between 6th and 7th Streets between Colorado Avenue and Alley South of Main Street for Business Parking, Malt, and Vinous

President: Louis Martinez, 1924 Chipeta Ct., Grand Junction, CO 81501
Event Manager: Mike Archuleta, 667 Cordial Ct., Grand Junction, CO 81501

Mr. Melvin Madrid, Licensing Coordinator, was present. Mr. Madrid said this is the 28th year in the downtown having this event. It is centered on Latino culture and family events and monies are raised for scholarships. This year there will be \$8,000 given away in scholarships.

Hearing Officer Grattan asked Mr. Madrid to look at the diagram submitted marked Exhibit A and asked Mr. Madrid to outline in blue the area which alcohol will be allowed and then he noted the area which it will be served (see attached).

There was no one in the audience in opposition to the issuance of the Special Events Permit.

Hearing Officer Grattan entered the Exhibit into the record and found that, based upon C.R.S. 12-48-106, there is no basis to find the issuance of the Special Events Permit to be injurious to the public welfare and approved the application.

6. La Mexicana Ballet Folkorico, 3282 Columba Drive, Clifton CO 81520 – Event Solo Car Club Hoppin Cinco de Mayo Fiesta 2012 on May 5, 2012 from 7:00 a.m. to 11:30 p.m., Lincoln Park Loop Area, Malt and Vinous

Director: Angie Chaves, 3282 Columba Drive, Clifton, CO 81520
Event Manager: Jason Manzanaras, 3047 Hill Avenue, Grand Junction, CO 81504

Angie Chaves, Director, and Ron Manzanaras, President, was present.

Hearing Officer Grattan asked them to explain the event. Mr. Manzanaras said they have been having the car show since 1993 but since it has grown over the years. This is the first year they will offer alcohol at the event.

Hearing Officer Grattan marked the diagram Exhibit A and asked them to explain where the alcohol will be served. Mr. Manzanaras said that on the south side of the barn in a 6'x12' fenced area will be the beer garden and no alcohol will be allowed outside of that area (see attached).

There was no one in the audience in opposition to the issuance of the Special Events Permit.

Hearing Officer Grattan entered the Exhibit into the record and found that, based upon C.R.S. 12-48-106, there is no basis to find the issuance of the Special Events Permit to be injurious to the public welfare and approved the application.

7. Roice Hurst Humane Society Inc., PO Box 510, Clifton, CO 81520 – Event Earth Day May 6, 2012 from 11:00 a.m. to 5:00 p.m. on Main Street (300-500 block), Malt and Vinous

President: Julie Butherus, 2351 S. Rim Avenue, Grand Junction, CO 81507
Event Manager: Dawn Huff, 155 Davis Circle, Palisade, CO 81526

President, Julie Butherus and Event Manager, Dawn Huff, were present.

Hearing Officer Grattan asked them explain the event. Ms. Huff explained that the event was a fundraiser promoting "green" in the community. Hearing Officer Grattan asked them to look at the diagram and explain Exhibit A and Exhibit B. Ms. Huff said that Exhibit A is the traffic control plan and an overall view. Exhibit B is an enlarged area showing the beer garden and the licensed perimeter. Hearing Officer Grattan asked how the perimeter will be enclosed. Ms. Huff said a pedestrian fence which is a made portable fencing.

There was no one in the audience in opposition to the issuance of the Special Events Permit.

Hearing Officer Grattan entered the Exhibit into the record and found that, based upon C.R.S. 12-48-106, there is no basis to find the issuance of the Special Events Permit to be injurious to the public welfare and approved the application.

8. Mesa Land Trust, 1006 Main Street, Grand Junction, CO 81501 – Event Three Sisters BBQ Fundraisers, Tabeguache Parking Lot, Lunch Loop Trailhead on May 5, 2012 from 4:00 p.m. to 9:00 p.m., Malt and Vinous

Rob Bleiberg, ED, 1248 Ouray Avenue, Grand Junction CO 81501
Event Manager: Jen Taylor, 262 Red Rim Dr., Grand Junction, CO 81507

Ms. Jen Taylor, Event Manager, was present.

Hearing Officer Grattan stated he was very familiar with this area and asked Ms. Taylor to describe the event and he would be showing her diagrams to explain the area. Ms. Taylor said this is a fundraiser for the acquisition of land for Mesa Land Trust, Three Sisters area, on May 15th. Exhibit A is a diagram of the parking lot area. The blue area is where the alcohol will be contained. Exhibit B is a magnified drawing of the area where alcohol will be served. They have hired Rockslide's staff to serve. They will have volunteers with Mesa Land Trust along with Rockslide employees to make sure no alcohol will go outside of the designated area. Wristbands will be issued to over 21 years of age attendees (see attached).

There was no one in the audience in opposition to the issuance of the Special Events Permit.

Hearing Officer Grattan entered the Exhibits into the record and found that, based upon C.R.S. 12-48-106, there is no basis to find the issuance of the Special Events Permit to be injurious to the public welfare and approved the application.

V. APPLICATION FOR NEW LICENSE – RESOLUTION AND FINDINGS AND DECISION

1. The Noodle Shop, Co. – Colorado Inc., dba Noodles & Company, 2472 Highway 6&50, Unit A, Grand Junction, CO 81505, Hotel and Restaurant

Pres/Sec./Dir.: Keith Kinsey, 13957 Lexington Pl., Westminster, CO 80020
V.P.: Paul Strasen, 6 White Alder, Littleton CO 80127
Owner: TNSC, Inc. 520 Zang St., Suite D, Broomfield CO 80021

Ms. Kim Deluca, in-house counsel for Noodles & Company, was present representing the applicant.

Ms. Peterson reported that the paperwork was in order and the applicant has filed a concurrent review with the State. The Police Department found nothing locally on the individuals listed on the application and they have a Master File in Denver. The property was posted as required by State Statute, the Fire Department and Health Department will sign off for the final Certificate of Occupancy, and sales tax is in compliance. Ms. Peterson read the results of the survey that was conducted into the record (see attached).

Max Scott, owner and operator of Oedipus, Inc., stated that they were retained and paid by the Noodles & Company to conduct the survey for this matter. Mr. Scott referred to the report that was provided to the City Clerk's office regarding how they conducted the survey. He advised that their company has conducted surveys for several liquor license applicants in Colorado and for Noodles & Company.

Hearing Officer Grattan asked Mr. Scott if he believes the report that Ms. Peterson read into the record to be true and accurate. Mr. Scott said yes. Mr. Scott explained how they determined the residential and the businesses for the boundary area that was given to them by the City Clerk's office. He stated that they used two formats for the petition; one for businesses and one for residential and indicated which ones were business and residential on a diagram. They carried a diagram showing each. They used a briefing sheet explaining the application for the Hotel and Restaurant liquor license. There was also a stats sheet to record the refusals and the not-at-homes or businesses. They voir dired a person to see if they were a party of interest and if so, presented the petition to them, asking them to sign in favor or opposed. The survey was conducted March 23rd and March 24th. He advised that overall 98% of persons surveyed were in favor of the issuance of the license.

There was no one present in opposition of the application.

Hearing Officer Grattan found the application for a new hotel and restaurant liquor license for The Noodle Shop, Co. – Colorado Inc., dba Noodles & Company to be in order and approved. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

VI. REVIEW AND AUTHORIZE STIPULATION, AGREEMENT AND ORDER

1. Trust Trifecta Enterprises, LLC dba Naggy McGee's Irish Pub, 359 Colorado Avenue, Grand Junction, CO 81503, Tavern

Pursuant to Colorado Revised Statutes §12-47-901(1)(a.), it is unlawful for any person, including a licensee, manager, or agent of any licensed establishment to sell, serve, exchange, or permit the sale and procurement of any alcohol beverage to a visibly intoxicated person.

Eric Wilmot, owner, was present.

Staff Attorney, DeLayne Merritt, was also present and said that she is satisfied with the agreement and the establishment has made significant changes to their practices of doing business including having several employees attend the April 11th Alcohol Server Responsibility Training offered by the City.

The applicant agreed to a seven day suspension, five days to be held in abeyance for a period of one year, and a fine to be paid in lieu of two days of active suspension in the amount of \$1,390.37.

Hearing Officer Grattan asked Mr. Wilmot if he agreed with the contents of the stipulation. Mr. Wilmot said he did. Hearing Officer Grattan signed the presented Stipulation, Agreement, and Order and asked the Clerk to submit it in accordance with the Certificate of Mailing.

VII. OTHER BUSINESS – continued to the end of the Agenda

1. Manuel Alvarez dba Taqueria Valparaiso, 511 30 Road, Grand Junction, CO 81504, Hotel and Restaurant – Review for compliance with the Fire Department that a new fire suppressant system has been installed prior to March 21, 2012

Hearing Officer Grattan said he would like to have City Attorney Shaver present when reviewing this item so he continued it until the end of the agenda. Ms. Merritt reported that City Attorney Shaver would be right down.

Hearing Officer Grattan stepped down due to a conflict with item VIII on the agenda. The agenda continued with Hearing Officer Sam Starritt at 2:53 p.m.

VIII. CHANGE IN CORPORATE STRUCTURE AND TRADE NAME CHANGE

1. Malabo LLC dba Grand Central Liquors, 200 West Grand Avenue, Grand Junction, CO 81503, Retail Liquor License

Managing Member: Susan M. Sixby, 2339 Promontory Ct., Grand Junction, CO 81507 replaces Michelle L. and Nathan S. Barnum

Change in Trade Name:

From Grand Central Liquors to GC Discount Liquors

Ms. Susan Sixby, Managing Member, was present.

Hearing Officer Starritt asked Ms. Peterson about the paperwork. Ms. Peterson reported that the paperwork was in order for both the change in corporate structure and the trade name change. All reports are fine and CBI/FBI is still pending on Ms. Sixby.

Hearing Officer Starritt asked Ms. Sixby if the store was still closed. Ms. Sixby said yes, but they have completed the 10 day stipulation, they are closed to clean and reorganize, and to hire employees. Ms. Sixby said she owned the store previously in 2003 through 2007.

Hearing Officer Starritt asked Ms. Sixby when she owned the store previously if they had any violations. Ms. Sixby said 1 violation in which they sold to a underage person. She is going into this with new energy and hopes that everything will be better at this establishment now.

Hearing Officer Starritt asked if anyone was present in opposition. Seeing no one, he approved the change in corporate structure and trade name change.

VII. OTHER BUSINESS - continued

1. Manuel Alvarez dba Taqueria Valparaiso, 511 30 Road, Grand Junction, CO 81504, Hotel and Restaurant – Review for compliance with the Fire Department that a new fire suppressant system has been installed prior to March 21, 2012

At 3:10 p.m. City Attorney Shaver entered the meeting. City Attorney Shaver apologized due to being on the telephone and another conflict of time.

There was no one present representing the applicant.

Hearing Officer Grattan asked Ms. Peterson for an update on this item. Ms. Peterson said that after the last hearing, Deputy Clerk Kemp contacted Marie, Mr. Alvarez daughter, and told her that the new fire suppression system must be completed prior to this meeting with all inspections and have someone present to let the authority know this has happened. Ms. Peterson said as of just prior to the meeting, the Fire Department was still waiting to complete the final inspection.

City Attorney Shaver said he was just on the phone with Fire Inspector Steven Kollar due to Mr. Mathis being off, and they concurred with the report that Ms. Peterson gave.

Hearing Officer Grattan asked Ms. Merritt and Joe Patrick, Liquor Enforcement Officer, to stay to discuss the options along with City Attorney Shaver.

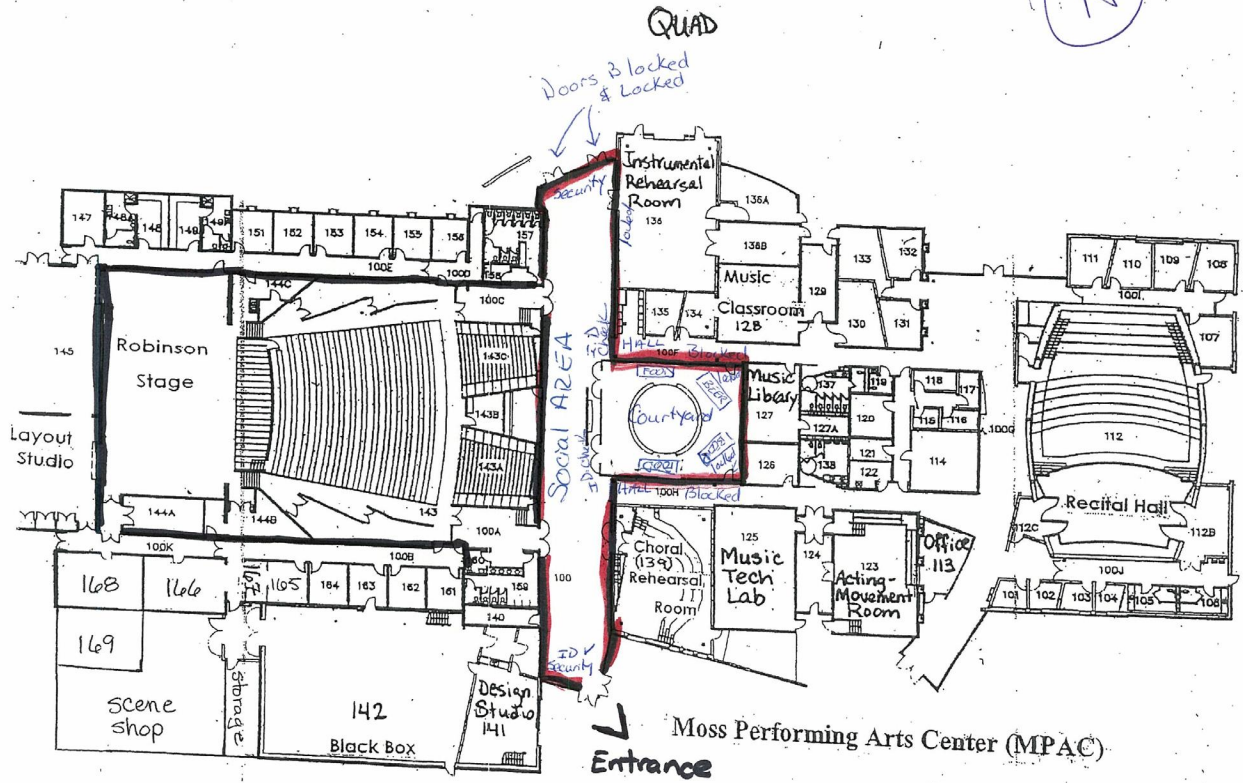
Hearing Officer Grattan said he sees two options. Option A being pull the license right now or Option B to continue over until the next hearing and let them get Fire Department approval before the next hearing of May 2nd.

Hearing Officer Grattan said the applicant has been given numerous options since last fall to come into compliance. City Attorney Shaver said he would recommend Option A. He believes the applicant has not advanced the ball on this matter and delays will just continue.

Hearing Officer Grattan and City Attorney Shaver talked with Officer Patrick about the storage and disposal of the alcohol. Hearing Officer Grattan asked Ms. Peterson to give Mr. Alvarez a courtesy phone call and he directed Officer Patrick to go to the establishment and let Mr. Alvarez know he has until Wednesday at 3:00 p.m. to come into compliance. City Attorney Shaver said Ms. Merritt would prepare the order and would get Hearing Officer Grattan's signature on it Monday. Officer Patrick said he would locate another police officer who spoke Spanish to take them with him to speak to Mr. Alvarez so there would be no confusion.

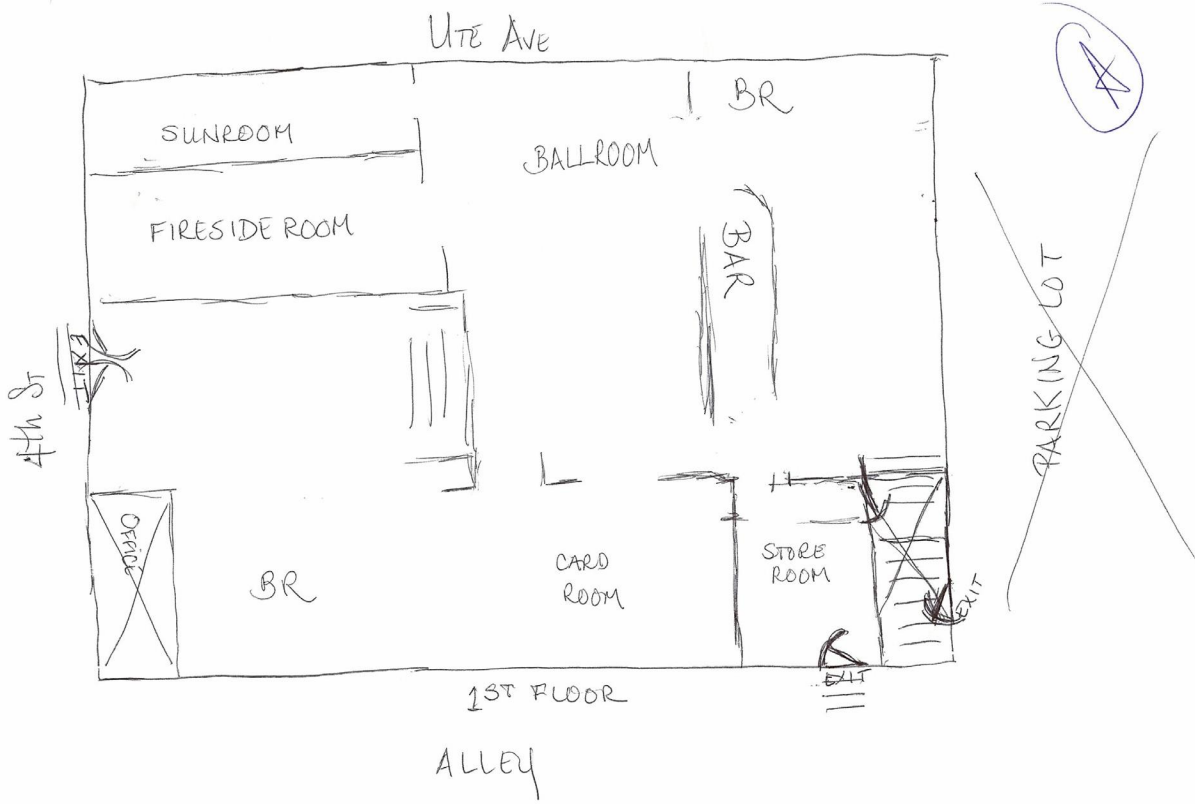
IV. ADJOURNMENT – 3:26 p.m.

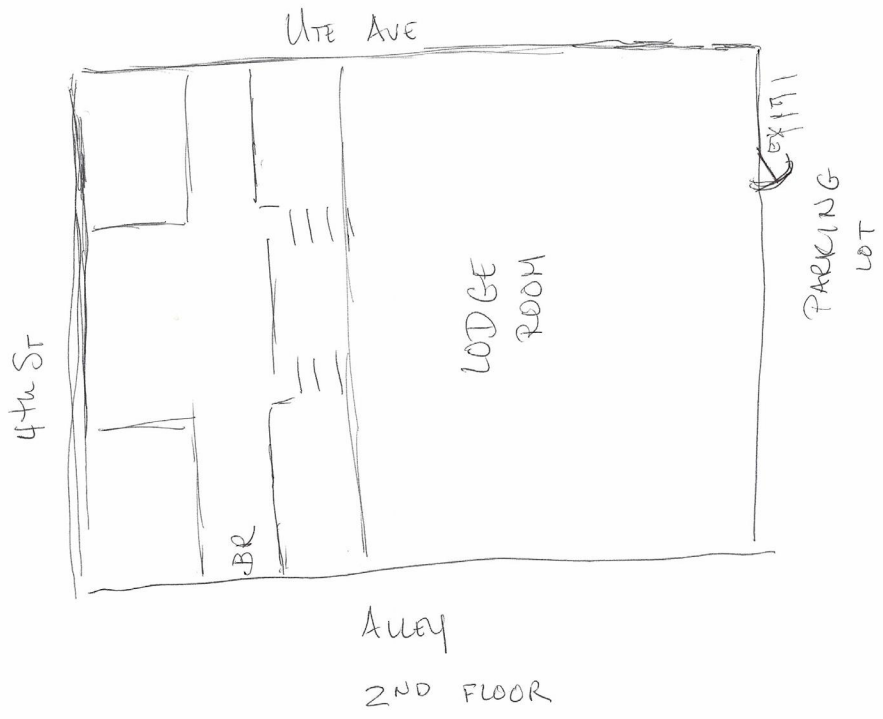
NEXT REGULAR MEETING – May 2, 2012

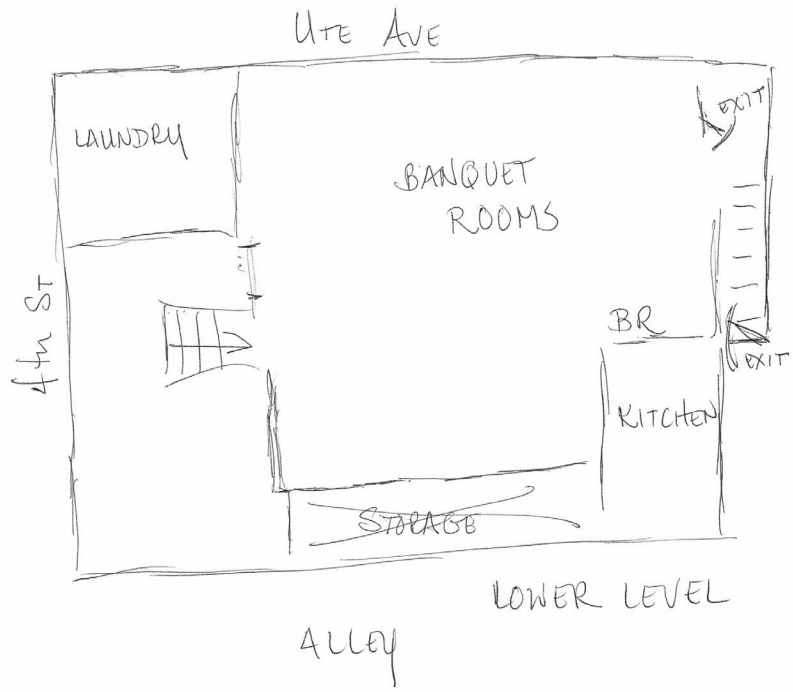


↓ Moss Performing Arts Center (MPAC)
Entrance

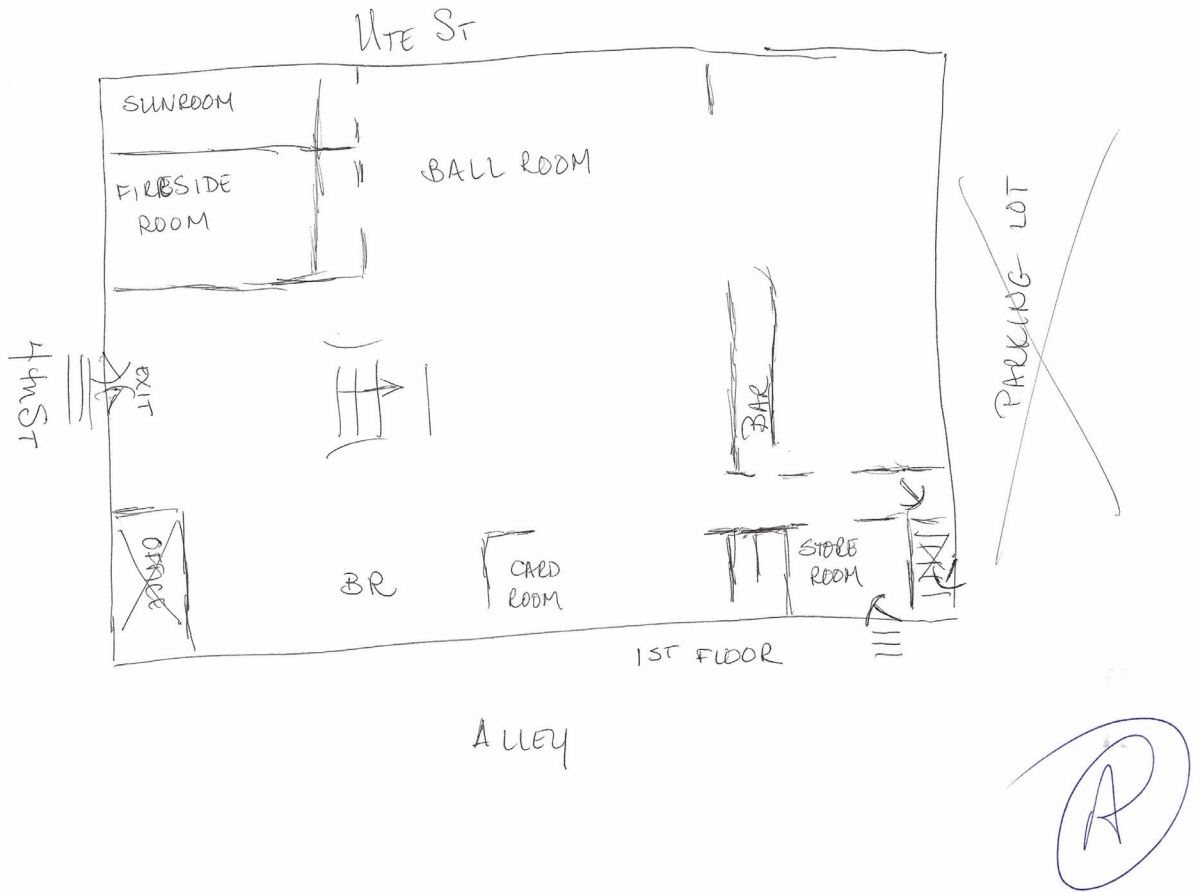
12 B Street







PARKING LOT



I = Doors EXITS
x = containment area
barriers

A

N
↑

12th St.

LINCOLN PARK
BARN

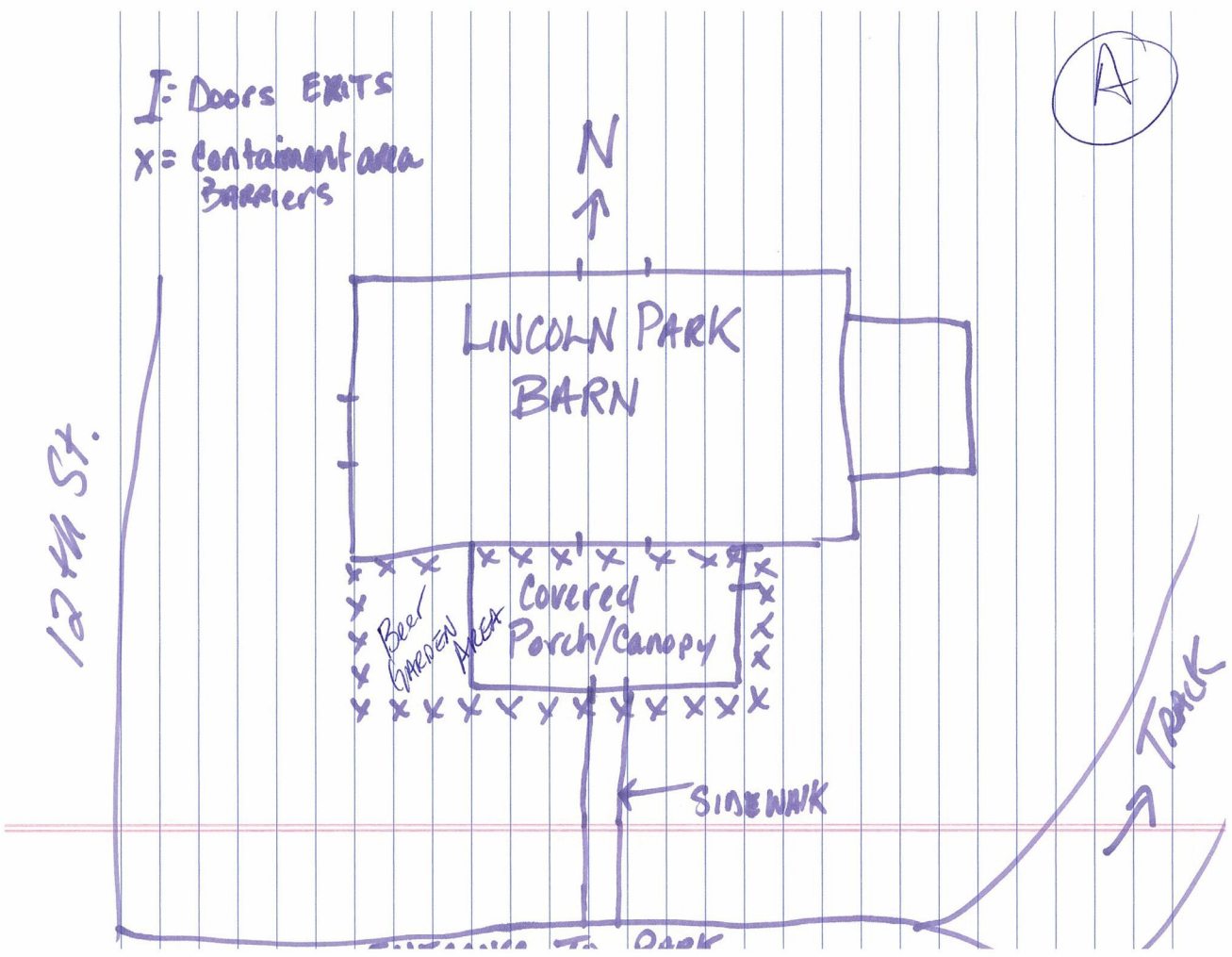
Covered
Porch/Canopy

Beer
Garden
Area

← SIDEWALK

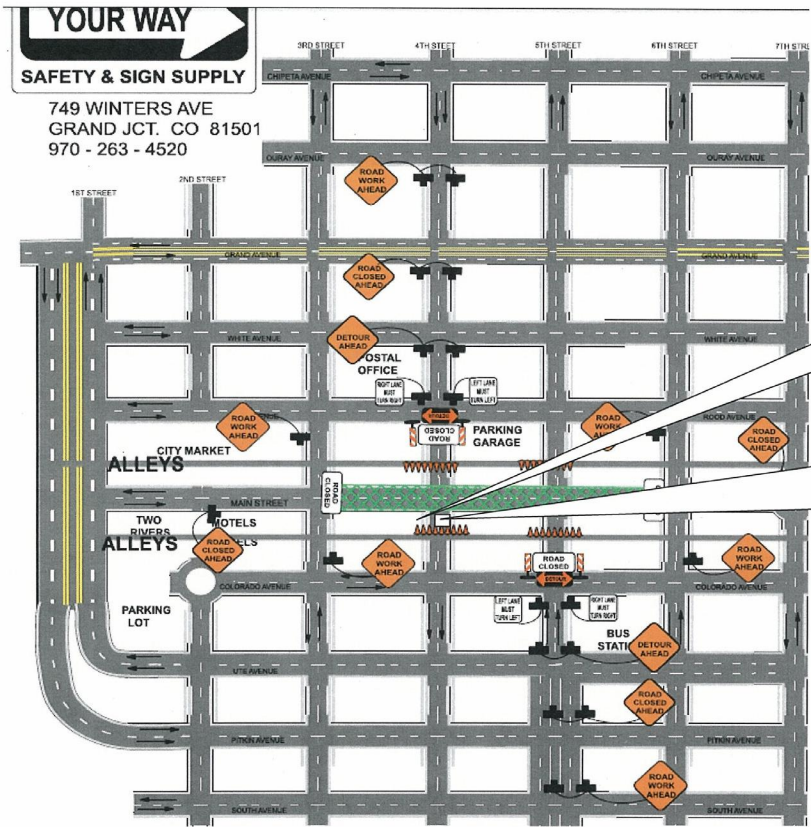
→ TRACK

ROAD TO PARK



Earth Day
May 6, 2012
Event: 11a - 5p

A



YOUR WAY
SAFETY & SIGN SUPPLY

749 WINTERS AVE
GRAND JCT. CO 81501
970 - 263 - 4520

Bands playing in Wells Fargo courtyard

Beer Garden: 28' x 28' fully enclosed with pedestrian fencing and monitored by security.

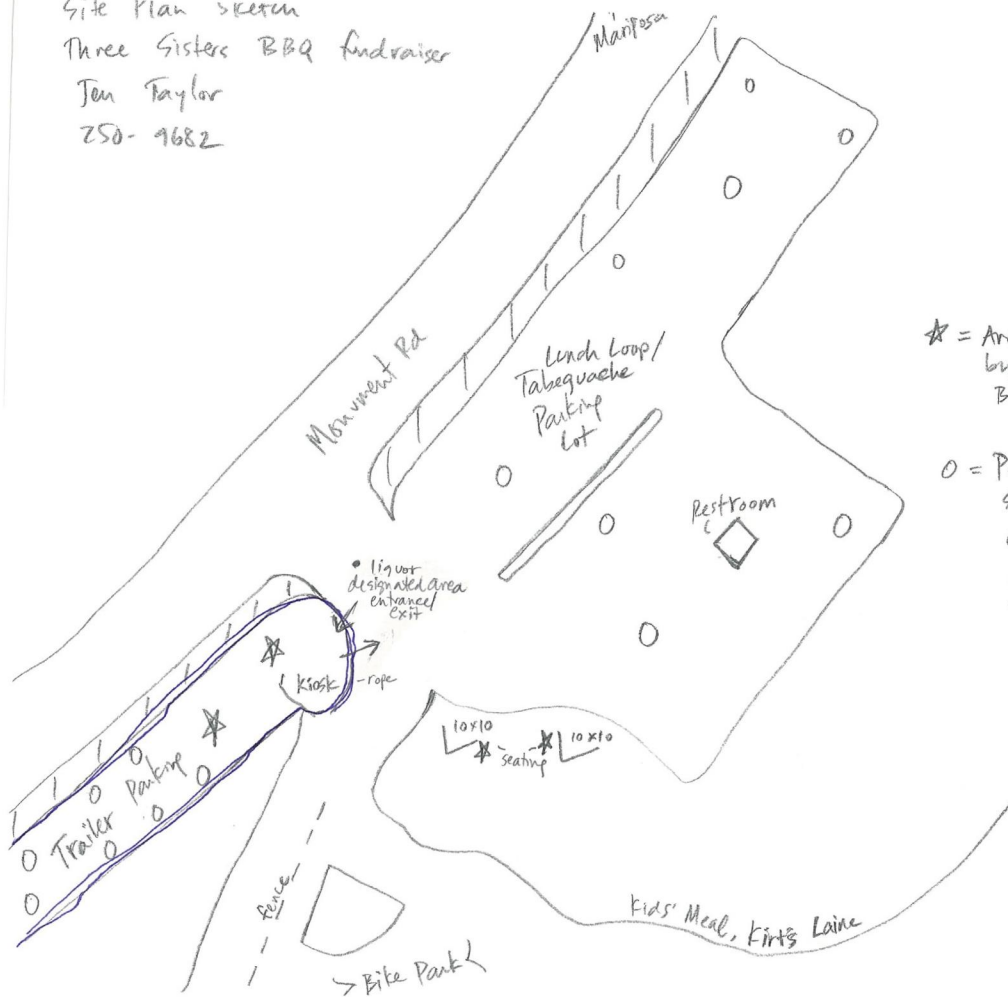
Earth Day 2012 Beer Garden and Entertainment Layout



Site Plan sketch
Three Sisters BBQ fundraiser
Jon Taylor
250-9682



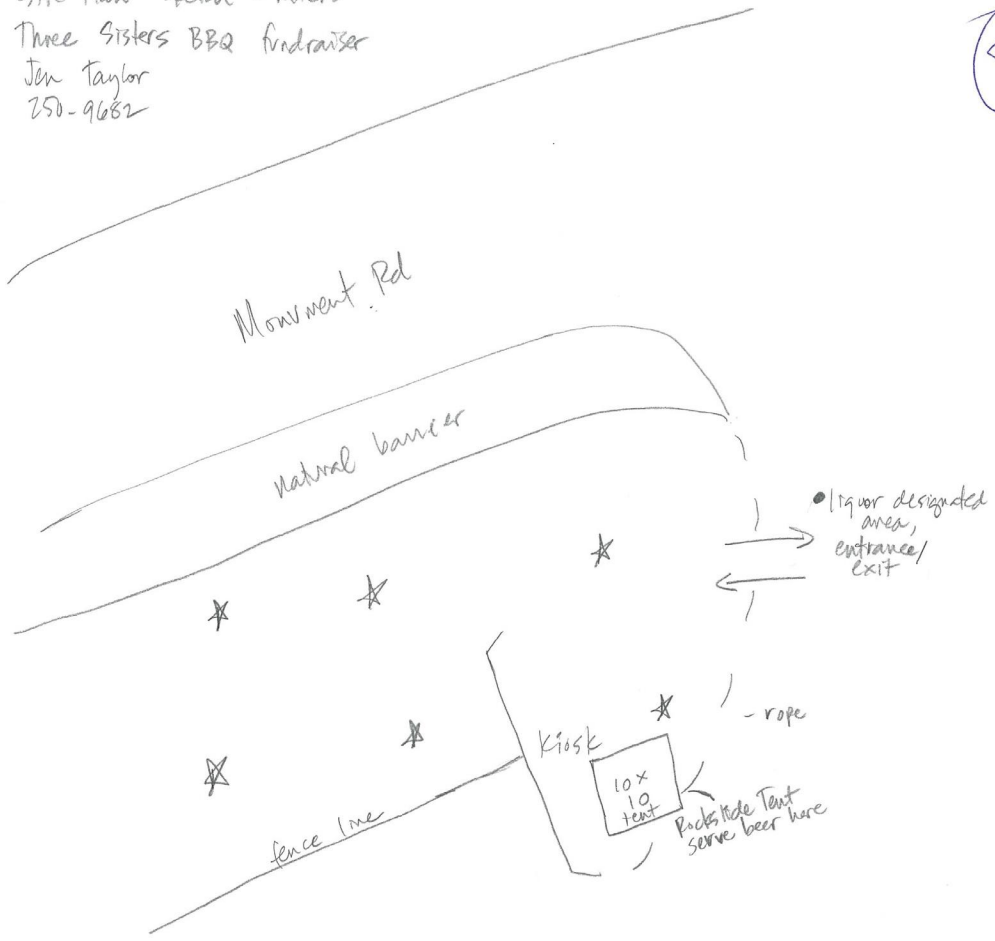
↑
North



* = Areas occupied by Three Sisters BBQ fundraiser

o = Parking area to support event. overflow parking on Maniposa (North of Tabeguache Pkg lot)

Site Plan Sketch - Micro
Three Sisters BBQ fundraiser
Jen Taylor
250-9682



MEMO: Local Licensing Authority

FROM: Juanita Peterson Deputy City Clerk

DATE: April 10, 2012

SUBJECT: Application for a new hotel and restaurant liquor license by The Noodle Shop, Company – Colorado Inc. dba Noodles & Company, 2474 Highway 6&50, Unit A

The Noodle Shop, Co. – Colorado, Inc. filed an application with the Local Licensing Authority on March 9, 2012 for a hotel and restaurant liquor license permitting sales of alcohol beverages by the drink for consumption on the premises at 2474 Highway 6&50, Unit A under the trade name of Noodles & Company. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for April 20, 2012. The Notice of Hearing was given by posting a sign on the property on or before April 10, 2012 and by publishing a display ad in the Daily Sentinel on April 6, 2012.

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 Patterson Road, Colorado River on the South, 1st Street on the East and 24 Road on the West and includes both sides of the streets as the outer boundaries. The results of that survey are as follows:

1. If you **FAVOR AND SUPPORT** this application for a hotel and restaurant liquor license because it is your opinion the reasonable requirements of the adult inhabitants of the defined neighborhood are not now being adequately served by existing businesses that hold the same or similar type of license now doing business in the defined neighborhood, and it is your desire this hotel and restaurant liquor license be **ISSUED** please sign and check the **FAVOR** column to **GRANT** the requested license, and please write in the reason why you favor this license application.

Residences	147
Businesses	78

2. If you **OPPOSE** and do not support this application for a hotel and restaurant liquor license, please sign and check the **OPPOSE** column, and write in your reason why you oppose this license application.

Residences	9
Businesses	1

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

The Grand Junction Police Department has investigated the individuals for local criminal history. They will be inspecting the property to ensure the Notice of Hearing has been posted in a timely manner and verifying that the diagram matches the establishment. The fingerprints have been forwarded to CBI for further processing. Reports have been requested by the Grand Junction Fire Department, Mesa County Health Department, City of Grand Junction Sales Tax Department, and the Mesa County Building Department.

The number of similar-type outlets in the survey area (which was expanded to include additional residential) is as follows:

Hotel and Restaurant – 18 (Carinos Italian, Genghis Grill, Tequilas Mexican, Red Lobster, Chipotle Mexican, Grand International Buffett, Chiles, Famous Daves, Outback Steakhouse, Olive Garden, Check E. Cheese, Conchitas Mexican Restaurant, Boston's the Gourmet Pizza, Cinnamon Grill, Red Robin Americans Gourmet Burgers, Qdoba Mexican Grill, No Coast Sushi)

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Joe Patrick, Grand Junction Police Department
Oedipus, Inc., PO Box 1012, Lafayette CO 80026
File