

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

**MINUTES
WEDNESDAY, AUGUST 3, 2016, 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, and Deputy City Clerk Juanita Peterson.

II. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

1. El Tapatio LLC dba El Tapatio, 1145 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant – **Continued from June 15, 2016**

Francisco Espinoza, Owner, along with Jose Espinoza were present.

Ms. Peterson said Mr. Espinoza amended his renewal to include the indecent exposure conviction in September 27, 2015. All of the other reports are in compliance.

Hearing Officer Grattan asked Mr. Espinoza to explain what happened. Mr. Espinoza said that he was at a party with his family and they were leaving and he had an urge to go to the bathroom so he urinated in public and there was a police officer there. He said he did not know this conviction would be related to his liquor license. Hearing Officer Grattan found the renewal to be in order as amended and approved the renewal for El Tapatio LLC dba El Tapatio.

2. SSH TRS M and White Lodging Services Corporation dba Courtyard by Marriott Grand Junction, 765 Horizon Drive, Grand Junction CO 81506, Tavern

No one was present representing the applicant. The renewal for SSH TRS M and White Lodging Services Corporation dba Courtyard by Marriott was found to be in order and approved.

3. SSH TRS M and White Lodging Services Corporation dba Residence Inn Grand Junction, 767 Horizon Drive, Grand Junction CO 81506, Tavern

No one was present representing the applicant. The renewal for SSH TRS M and White Lodging Services Corporation dba Residence Inn Grand Junction was found to be in order and approved.

4. Junction Liquors LLC dba Fun Junction Liquors, 510 28 ³/₄ Road, Unit 202, Grand Junction, CO 81501, Retail Liquor Store with Tasting Permit

Cody Snider, Owner, was present. Ms. Peterson reported that all the reports are in compliance but one of the employees signed up to conduct tastings, Carter Heurlin, was convicted of DWAI in April 2015.

City Attorney Shaver asked Mr. Snider if Mr. Heurlin was still employed with him. Mr. Snider said yes.

Hearing Officer Grattan stated that due to the time it has been, he had no concerns for this employee to continue to perform the tastings and approved the renewal and tasting permit for Junction Liquors LLC dba Fun Junction Liquors.

5. Fisher's Liquor Barn, Inc. dba Fishers Liquor Barn, 2438 Patterson Road, Grand Junction, CO 81505, Retail Liquor Store with Tasting Permit

No one was present representing the applicant. The renewal and tasting permit for Fisher's Liquor Barn, Inc. dba Fishers Liquor Barn was found to be in order and approved.

6. J and J, LLP dba The Main Street Gallery, 412 Main Street, Grand Junction, CO 81501, Art Gallery Permit

Jeff Kochevar, Partner, was present.

The renewal for J and J, LLP dba The Main Street Gallery was found to be in order and approved.

7. Rockslide Brew Pub, Inc. dba Rockslide Brew Pub, 401 Main Street, Grand Junction, CO 81501, Brew Pub with Outdoor Dining Lease

Mr. Brian Oliver, General Manager, was present.

The renewal for Rockslide Brew Pub, Inc. dba Rockslide Brew Pub was found to be in order and approved.

III. APPLICATION FOR SPECIAL EVENT PERMIT

1. Colorado Mesa University Foundation, dba "Concert by the Grand Junction Rockestra", 1100 North Avenue, Grand Junction, CO 81501 – August 20, 2016 from 6:00 p.m. to 10:00 p.m. on the CMU Outdoor Plaza, Malt, Vinous, Spirituous

Director: Liz Meyer, 710 Victor Drive, Grand Junction, CO 81506

Event Manager: Calvin Hofer, 721 ½ Willow Creek Road, Grand Junction, CO 81505

Ms. Liz Meyer, Director, and Crystal Manzanares, Development Officer – Events, were present.

City Attorney Shaver provided three documents, the first two marked with an “A” and the third marked with a “B” and asked Ms. Meyer if she has personal knowledge of these. Ms. Meyer said she did. City Attorney Shaver asked Ms. Meyer who Calvin Hofer is. Ms. Meyer said he is the Head of the Music Department. City Attorney Shaver asked to describe the event. Ms. Manzanares said this is the eleventh year, the first time with alcohol served at the outdoor concert. Last year, attendees had to purchase alcohol from The Point Pub and stay on their licenses premise. City Attorney Shaver asked whose signature it is on the second page of Exhibit “A”. Ms. Meyer said it is the Event Manager, Mr. Hofer, and she is familiar with his signature from other documents and forms signed by him. City Attorney Shaver asked her to describe how they will make sure they are in compliance with applicable law. Ms. Manzanares said they will have two personnel hired from Citadel Security and several TIPS trained members of Colorado Mesa University (CMU) faculty available at all times of the event. City Attorney Shaver asked to describe how on Exhibit “B” the area will be contained. Ms. Manzanares said there will only be one entrance with Citadel Security checking ID’s at the entrance where the alcohol is served and contained by a metal barricade on the ground. Wrist bands will be issued to those over 21 years of age. There will also be four CMU faculty positioned in the VIP area shown on Exhibit “B” by and “X”.

Hearing Officer Grattan asked if there was anyone present in opposition of this Special Event application being issued. There was no one. Hearing Officer Grattan entered Exhibits A and B (see attached) into the record.

Hearing Officer Grattan found that pursuant to Colorado State Statutes 12-48-106, there are no grounds to deny the special events permit, it would not be injurious to the public welfare because of the nature of the special event (it is a fundraiser), its location within the community, or the failure of the applicant in a past special event to conduct the event in compliance with applicable law. He found that the application for a special events permit submitted by Colorado Mesa University Foundation dba “Concert by the Grand Junction Rockestra” was in order and approved it.

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

1. Pink’s BBQ, LLC dba Pink’s BBQ, 1012 and 1014 N. 5th Street, Grand Junction, CO 81501, Hotel and Restaurant - **Continued from May 18 and July 6, 2016**

Member: Sharon Petty, 994 Kestrel Court, Grand Junction, CO 81501

Hearing Officer Grattan recognized that everyone still in the hearing room was for this item. He explained that he will be swearing in each person who speaks and just gave some general statements how this would proceed.

Ms. Sharon Petty, Owner, was present.

Ms. Peterson said all of the reports are in compliance. The survey was read into the record at the July 6, 2016 meeting. Hearing Officer Grattan asked if anyone would like that re-read into the record. Seeing no one indicate they did,

he continued by swearing in Ms. Petty. Hearing Officer Grattan asked Ms. Petty who conducted the needs and desires survey. She said two employees, Kevin and Derek, who are both present, along with herself. She explained that she conducted the commercial side during the week, and Kevin and Derek did the residential on the weekend. Hearing Officer Grattan said by the results there was no one in opposition to this license being issued. Ms. Petty said that is true. City Attorney Shaver asked Ms. Petty if she believes the results read and submitted on the survey were true and accurate. She said she did. Hearing Officer Grattan asked Ms. Petty if she had anything to add since the July 6, 2016 hearing. She said not at this time.

Hearing Officer Grattan called Mr. Mike Ferguson, Code Enforcement Officer, with Grand Junction Police Department (GJPD). Mr. Ferguson was sworn in. Hearing Officer Grattan asked Mr. Ferguson to explain his involvement in this matter. Mr. Ferguson said he received a complaint on May 2, 2016 regarding the odor and smoke from the restaurant by Mr. Frank Francese. Mr. Ferguson explained what his duties are and that they are on a complaint basis. He worked with various departments to make sure there were no issues. The Fire Department worked with the restaurant regarding a larger BBQ smoker that was added and that was installed close to the building with a combustible fence. The Fire Department worked with the Building Department on possible code violation due to the smoke and odor. On May 25, 2016 after a re-inspection, all fire code violations have been corrected. Mr. Ferguson said the last couple of weeks he has monitored the smoke and odor on sixteen consecutive days. His findings were that with no wind coming from the north, the smoke dissipates quickly, but the odor does stay. On these findings, Hearing Officer Grattan asked Mr. Ferguson if he would change his findings. Mr. Ferguson said no.

Hearing Officer Grattan asked Ms. Heather Nara, Environmental Health Specialists, and Consumer Protection with the Mesa County Health Department to come forward and she was sworn in. Hearing Officer Grattan admitted Exhibit "L" and Exhibit "M" (see attached), letters regarding compliance from the Health Department. Ms. Nara said at the follow-up on July 26, 2016, all violations were observed corrected and the Health Department does not have any objection to the approval of the application for Pink's BBQ for a liquor license. Ms. Nara said the letter dated August 2, 2016 was from Monique Mull, Program Manager of Consumer Protection. Exhibit "M" was a letter regarding the investigation of the smoke and odor complaint at the establishment. There were numerous evaluations conducted on multiple days at various times. The findings were within allowable limits. A final report including all the investigative findings will be available to the public within a week or so.

Hearing Officer Grattan asked Mr. Frank Francese if he would like to speak. Mr. Francese stayed in his seat and just shook his head no and did not respond.

Hearing Officer Grattan asked if there has been anything else submitted in opposition. Ms. Peterson said two letters from Mr. Francese submitted on July 8 and 11, 2016. Hearing Officer Grattan entered the letter of July 8, 2016 as Exhibit "N" and the letter of July 11, 2016 as Exhibit "O" into the record.

Hearing Officer Grattan referenced the letter submitted prior to June 27, 2016 as opposition submitted by the neighborhood with four signatures (Exhibit "C") at the previous meeting and recognized that it was written opposing issuance of the license.

Hearing Officer Grattan asked City Attorney Shaver his recommendation. City Attorney Shaver indicated that the needs and desires of the neighborhood supported the issuance of this liquor license and without any additional opposition, he would recommend approval.

Hearing Officer Grattan he found that the application for a beer and wine liquor license for Pink's BBQ, LLC dba Pink's BBQ, located at 1012 and 1014 North 5th Street, Grand Junction, CO was in order and he approved it. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

V. OTHER BUSINESS

1. Ms. Peterson asked Hearing Officer Grattan and City Attorney Shaver what they might need for the August 9, 2016 informational meeting being held at Hideaway Lounge, 718 Horizon Drive at 7:00 p.m. Hearing Officer Grattan said the minutes related to the noise issue at this establishment. Ms. Peterson said she would email them to both of them by the end of the week. She will also bring the recorder.

VI. ADJOURNMENT – 2:38 p.m.

NEXT REGULAR MEETING – August 17, 2016

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SPECIAL EVENT PERMIT QUESTIONNAIRE AND AFFIDAVIT

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

2. How many attendees are expected at this event?
150

3. Has the event been held in the past? If so, how many years?
Yes, 10 concerts Robinson Theater dating back to June of 2011. This is the first time beer and wine will be served at the outdoor concert. It should be noted that this is for the VIP tent, and not for those attending the free concert.

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.
The VIP tent is located on the CMU Plaza under the large tent. Half of the cement Plaza will be dedicated to VIP seating and access to beer and wine.

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 at least 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 maroon polo shirts

9. If this event is being held outdoors, how will the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.)?
Half of the plaza will be barricaded with steel barricades on all sides, with one entrance.

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 in uniform will be at the one entrance to the VIP section where alcohol is served.
They will check I.D.'s and put wrist bands on those who are old enough.

A

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 food as part of the VIP ticket to include light hors d' oeuvres, peanuts and pretzels.

Water and soda will also be available.

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.

Colin Kofen

Date July 1, 2016

Applicant's Signature

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

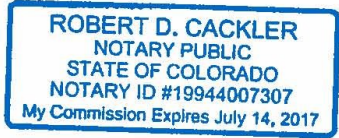
Subscribed and sworn to before me this 7 day of July, 2016.

Witness my hand and official seal.

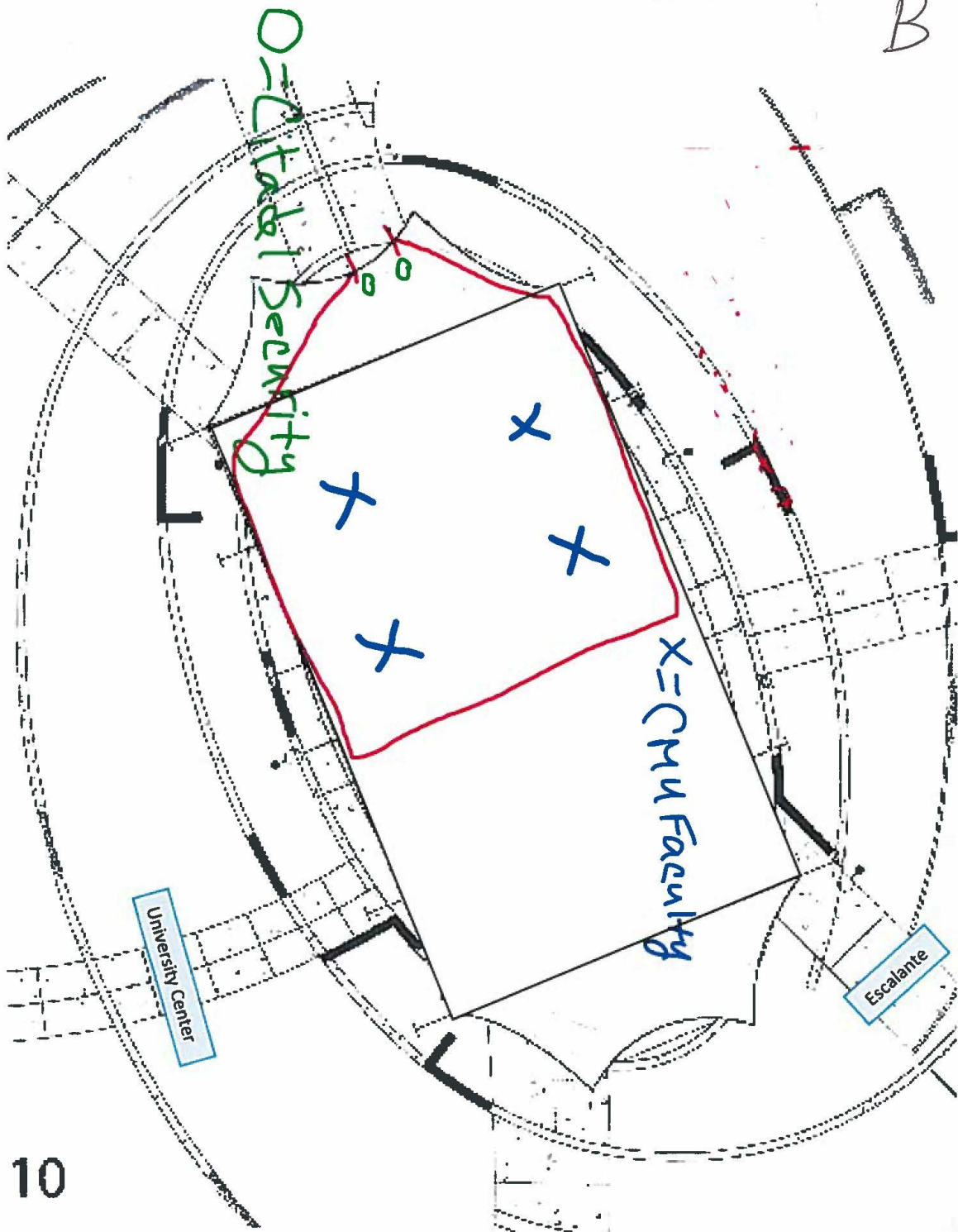
[Signature]

My commission expires 07/14/17

Notary Public



B



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**MESA COUNTY
HEALTH DEPARTMENT**
Working Together for a Healthy Community

P.O. Box 20,000
Grand Junction, CO 81502-5033
(970) 248-6900
www.health.mesacounty.us

July 27, 2016

City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501
Attn: Juanita Peterson, City Clerk's Office

RE: New beer and wine liquor license
Pink's BBQ LLC
dba Pink's BBQ
1014 N 5th St.
Grand Junction, CO 81501

Dear Juanita:

A regular inspection for the above referenced facility was conducted on May 4, 2016. Eleven critical violations were cited and the facility was voluntarily closed due to imminent public health hazards.

A follow-up inspection of the facility was conducted on May 6, 2016 in order to reopen the facility. Imminent health hazards had been corrected in order to open the facility.

A follow-up was conducted on May 17, 2016 to verify correction of all violations. Long-term correction could not be verified at this time.

Mesa County Health Department offered the services of a third-party consultant to assist the facility in the development of procedures and to provide education on safe food handling to correct the outstanding violations. The consultant services were provided to the facility on May 23, 2016.

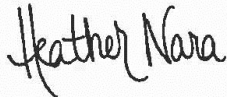
The facility provided their required response to Mesa County Health Department on June 15, 2016.

A second follow-up was conducted on July 5, 2016 to verify long-term correction and verify actions taken since the consultant worked with the facility. The facility had six critical violations, four of which were repeated from previous inspections. At this time it was also discovered the facility has altered the use of one of their rooms to create a new food prep area. While this area seems more conducive to food preparation, it does not have a hand sink available and the floors are not smooth and easily cleanable. Previous conversations have taken place stating the requirements for food preparation areas and the location of required hand sinks was specifically discussed. A construction schedule must be provided by July 12, 2016 and hand sink

must be installed by July 19, 2016 in order to continue preparing food in the new food preparation room.

An additional follow-up was conducted on July 26, 2016 and all violations were observed corrected. Based on the findings of the follow-up inspection, Mesa County Health Department has no objections to the approval of the application referenced above

Sincerely,

A handwritten signature in black ink that reads "Heather Nara". The signature is written in a cursive style with a large initial 'H'.

Heather Nara, CP-FS
Environmental Health Specialist, Consumer Protection
Mesa County Health Department
PO Box 20,000-5033
Grand Junction, CO 81502
Office: (970)-683-6648
Fax: (970) 248-6923
www.health.mesacounty.us

cc: Sharon Petty, Owner of Pink's BBQ, pinksbbq15@gmail.com



**MESA COUNTY
HEALTH DEPARTMENT**
Working Together for a Healthy Community

P.O. Box 20,000
Grand Junction, CO 81502-5033
(970) 248-6900
www.health.mesacounty.us

M

August 2, 2016

City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501
Attn: Juanita Peterson, City Clerk's Office

RE: Smoke and odor complaint
Pink's BBQ LLC
dba Pink's BBQ
1014 N 5th St
Grand Junction, CO 81501

Dear Juanita:

Mesa County Health Department has concluded the investigation of the smoke and odor complaint at the above referenced establishment. Numerous evaluations were conducted on multiple days at various times throughout the day. Odor and opacity readings obtained during the investigation were within allowable limits. A final report including all the investigative findings will be available to the public within a week or so.

Please contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Monique Mull".

Monique Mull
Program Manager
Consumer Protection
Office: 970 248-6960
Fax: 970-248-6923
monique.mull@mesacounty.us

JUL 8 2016 AM11:26

N

July 8, 2016
Frank Francese
527 Belford Ave
Grand Junction, Co 81501

Stephanie Tuin
Grand Junction City Clerk
250 North 5th St
Grand junction, Co 81501
970244-1509

Dear City Clerk Tuin,

I attended the Liquor Hearing on July 6, 2pm at City Hall for Pink's BBQ application for a Liquor License.

I had hoped we, the residents of 5th Belford, made progress with our complaints dealing with Pink's smoke and smell issues.

Please make sure this letter reaches the Hearing officer.

Yesterday, July 7 at 8:40am I had smoke/smell for Pink's BBQ invade my home. At that time I called and left messages with Code Enforcer and Mesa County Pollution. I received no response from either. Last night at 8:30pm the smoke/smell was so bad I had to shut down my swamp cooler and shut all windows and doors. This morning I am feeling the effects on my health.

I am very disappointed in this development and see that Pinkies BBQ has no Good-Will toward their neighbors on Belford Ave.

Please help us.



Frank Francese

①

JUL 11 2016 AM 11:31

July 11, 2016
Frank Francese
527 Belford Ave
Grand Junction, Co 81501

Stephanie Tuin
Grand Junction City Clerk
250 North 5th St
Grand junction, Co 81501
970244-1509

Dear City Clerk Tuin,

I attended the Liquor Hearing on July 6, 2pm at City Hall for Pink's BBQ application for a Liquor License.

I had hoped we, the residents of 5th Belford, made progress with our complaints dealing with Pink's smoke and smell issues.

Please make sure this letter reaches the Hearing officer to be included in the written complaint my lawyer, Robert traylor, submitted at the July 6 hearing.

The evening of Friday, July 8, at 10:40pm I had smoke/smell from Pink's BBQ invade my home. I woke up chocking and coughing, as I left my bedroom window opened about 8" for fresh air. All day July 9 my home was covered in smoke and I had to shut down my swamp cooler, I noticed the temp. was 97* outside. I called and left messages with Code Enforcer and Mesa County Pollution to report both instances. I received no response from either. This morning I am feeling the effects on my health.

I am very disappointed in this development and see that Pinkies BBQ has no Good-Will toward their neighbors on Belford Ave.

Please help us.



Frank Francese

please Add this
to the written
Complaint my lawyer
Robert Traylor gave
Liquor Board hearing.
thank you 