

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

**MINUTES
WEDNESDAY, OCTOBER 19, 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 Mescal, Inc. dba Tequila's Family Mexican Restaurant, 2454 Highway 6 & 50, Suite 119 and 120, Grand Junction, CO 81505, Hotel and Restaurant

No one was present representing the applicant. The renewal for El Mescal, Inc. dba Tequila's Family Mexican Restaurant was found to be in order and approved.

2. Azzamco, Inc. dba Freeway Bowl Fun Center, 1900 Main Street, Grand Junction, CO 81501, Tavern with conversion to Lodging and Entertainment Liquor License

No one was present representing the applicant. The renewal for Azzamco, Inc. dba Freeway Bowl Fun Center was found to be in order and approved. This applicant is requesting a conversion to a Lodging and Entertainment Liquor License. Hearing Officer Grattan approved this conversion.

3. Santos Enterprises, Inc. dba Café Sol, 420 Main Street, Grand Junction, CO 81506, Beer and Wine with Outdoor Dining Lease

No one was present representing the applicant. Ms. Peterson reported all the reports are in compliance except the Health Department. They are asking for a conditional approval until they can re-inspect. The renewal for Santos Enterprises, Inc. dba Café Sole was found to be in order and approved conditionally on a satisfactory Health Department report.

III. APPLICATIONS FOR SPECIAL EVENT PERMIT

1. Colorado Mesa University Foundation, "Homecoming Beer Garden – 2016", located at 1100 North Avenue, Grand Junction, CO 81501 – October 21, 2016

from 5:30 p.m. to 10:00 p.m. located on the West Side of CMU Plaza, Malt, Vinous, and Spirituous

Director: Liz Meyer, 710 Victor Drive, Grand Junction, CO 81501

Event Manager: Gail Howe, 339 Sienna Court, Grand Junction, CO 81507

Ms. Crystal Manzanares, Development Officer – Events, and Ms. Gail Howe, Event Manager, were present.

City Attorney Shaver handed Ms. Manzanares three documents. Two with an “A” in the upper right corner and the other with a “B” in the upper corner. City Attorney Shaver asked Ms. Manzanares if she was familiar with documents. She said she is as she completed them to go along with the paperwork submitted with the application for this event. City Attorney Shaver asked if this event has been held in the past. Ms. Manzanares said yes, for three years. City Attorney Shaver asked Ms. Manzanares to describe how the area will be contained. Ms. Manzanares said it will be double fenced. There will be approximately eight feet between fences so people cannot hand drinks over to people outside of the fenced area. Only 21 years of age and over will be allowed in the fenced area. There will be only one entrance and one exit into the beer garden. City Attorney Shaver asked who will be conducting the security for this event. Ms. Manzanares said Citadel Security along with CMU volunteers. City Attorney Shaver asked how many attendees do they expect and if the event is open to the public. Ms. Manzanares said 300 throughout the evening and it is open to the public. City Attorney Shaver asked whose signature that is on page 2 of Exhibit A. Ms. Manzanares said Ms. Howe’s, the Event Manager.

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 event permit, it would not be injurious to the public welfare because of the nature of the special event (it is a community event and 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 the application for a Special Event Permit submitted by Colorado Mesa University Foundation, for the “Homecoming Beer Garden – 2016” was in order and approved.

IV. OTHER BUSINESS

1. STIX Bar and Grill, LLC dba STIX Bar and Grill, 509 28 ½ Road, Grand Junction, CO 81501, Tavern – Review of Noise Issue

Ernest Heath, owner, and his husband Christopher, were present.

Hearing Officer Grattan explained to them why they are here, that a noise issue was brought to him at the last meeting under Other Business. To be fair,

Hearing Officer Grattan asked the complainants to come today when the licensee could be present.

Ms. Meghan Woodland, Grand Junction Police Department (GJPD), began with the report on the number of calls to the establishment (see Exhibit A). She explained there might even be more calls as they possibly did not get labeled correctly when the complaints were logged (i.e. noise, fight, or verbal complaints).

Officer David Keech, GJPD, said he has been working with this establishment for almost a year. At first the establishment was very obliged to work with the neighbors, promises were made, but nothing has happened. He had talked to them about moving their patio area to the other side of the building, and that hasn't happened. Officer Keech said right before this hearing, they were served a noise citation, for excessive noise from vehicles. Officer Keech said both the neighbors and owners have tried working this out but it is at a standstill. Officer Keech submitted an Aerial Photo (Exhibit B) to show distances and locations to the apartments, Ms. West's home and the proposed new location of the patio if they choose to go ahead with relocation of that.

Assistant City Attorney Jamie Beard said as of today there has not been an application filed with the Planning Department for moving the patio.

Scott Peterson, Senior Planner, was present and said that he sent an application packet to the applicant on October 6, 2016 to amend their current Conditional Use Permit (CUP). The applicant said they have not received it. Hearing Officer Grattan asked Mr. Peterson if he would be able to provide them a copy today. Once Mr. Peterson did, the applicant said it was the wrong email address, their email had changed.

Assistant City Attorney Beard said her office will be reviewing all of the enforcement issues coming up.

Dr. Shay West, 512 28 ½ Road, she has nothing against the owners, it is just the constant noise. She has recorded 16 videos of the loitering outside of the establishment from the parking lot to the patio. She said they do not hear anything when the people stay inside of the building. City Attorney Shaver asked Ms. West if she has any evidence of alcohol consumption in the parking lot. She said no.

Mr. Allen McQuivey lives in the apartments next door and his bedroom is about 40' from the awning of the patio. He also gets to hear all of the noise. He asked about a sound wall between the apartments and the bar.

Melissa Nogrady read a statement (Exhibit C) from her roommate who could not be present. She has only lived there for about 2 weeks. She agreed that the noise is bad with foul and offensive language.

Linda Plunkett, manager of the apartments, said she has lived on the property since 2008 and has been the manager for the last 6 years. She will agree with everything that has been said. She also said on STIX's Facebook page it says

they are open 24 hours a day. She has seen people coming in as early as 8-9 a.m. in the morning. She said they were told they are open from 11:00 a.m. to 2:00 a.m. She has spoken with the owner who has given her his cell number for her to call direct when there is an issue. She sleeps with a fan on which helps to control the noise that she would hear.

City Attorney Shaver asked if the owners of the apartments or herself has put anything in writing? She responded no, but had some videos which she has given to Officer Keech.

Christopher Heath said their hours of operation are 11:00 a.m. to midnight most nights, Friday, Saturday, and Sunday from 9:00 a.m. to 2:00 a.m.

Hearing Officer Grattan explained what his job is as the Hearing Officer. Before the removal of the license, he is in hopes that applicant can become a good neighbor and abide by applicable law.

City Attorney Shaver suggested having security every night and possibly increasing the number of security personnel.

Ms. Plunket did say that she had lost a tenant due to the noise at the establishment. She believes if the patio is moved it will greatly help the noise.

Christopher Heath spoke to his neighbors and said it is their intention to be good neighbors.

Hearing Officer Grattan said now that the summer season is over, that will help with the problem. He encourages a resolution to all of these issues. Ms. Peterson said their renewal will be turned in for review in about 40 days. Hearing Officer Grattan said he will set it for review and renewal on December 7, 2016. Anyone who is interested will be able to come to that meeting.

V. ADJOURNMENT – 3:12 p.m.

NEXT REGULAR MEETING – November 2, 2016

A

**SPECIAL EVENT PERMIT
QUESTIONNAIRE AND AFFIDAVIT**

1. Name of Event: Homecoming Beer Garden
2. How many attendees are expected at this event?
300
3. Has the event been held in the past? If so, how many years?
Yes, 3 years
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.
West of the Plaza, Center of CMU campus
6. What type of security will be provided at this event?
Citadel Security
7. How many security personnel will be on hand?
4
8. How will security personnel be identified?
Citadel uniforms
9. If this event is being held outdoors, how will the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.)?
The beer garden will have double fencing around the perimeter
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.)
Only 21' and over will be admitted after being age verified and wristbanded

A

11. How will the conduct and level of intoxication of attendees be monitored and by whom?
4 security guards and 6 TIP's trained omu
volunteers

12. Have the volunteers or members of your organization been trained in the sale/service of alcohol beverages?
yes, both the security guards and all the
omu volunteers

13. What types of alternate beverages and food/snacks will be available?
pizzzer and water will 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.
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.

Captal M. [Signature] Date 8/1/16
Applicant's Signature

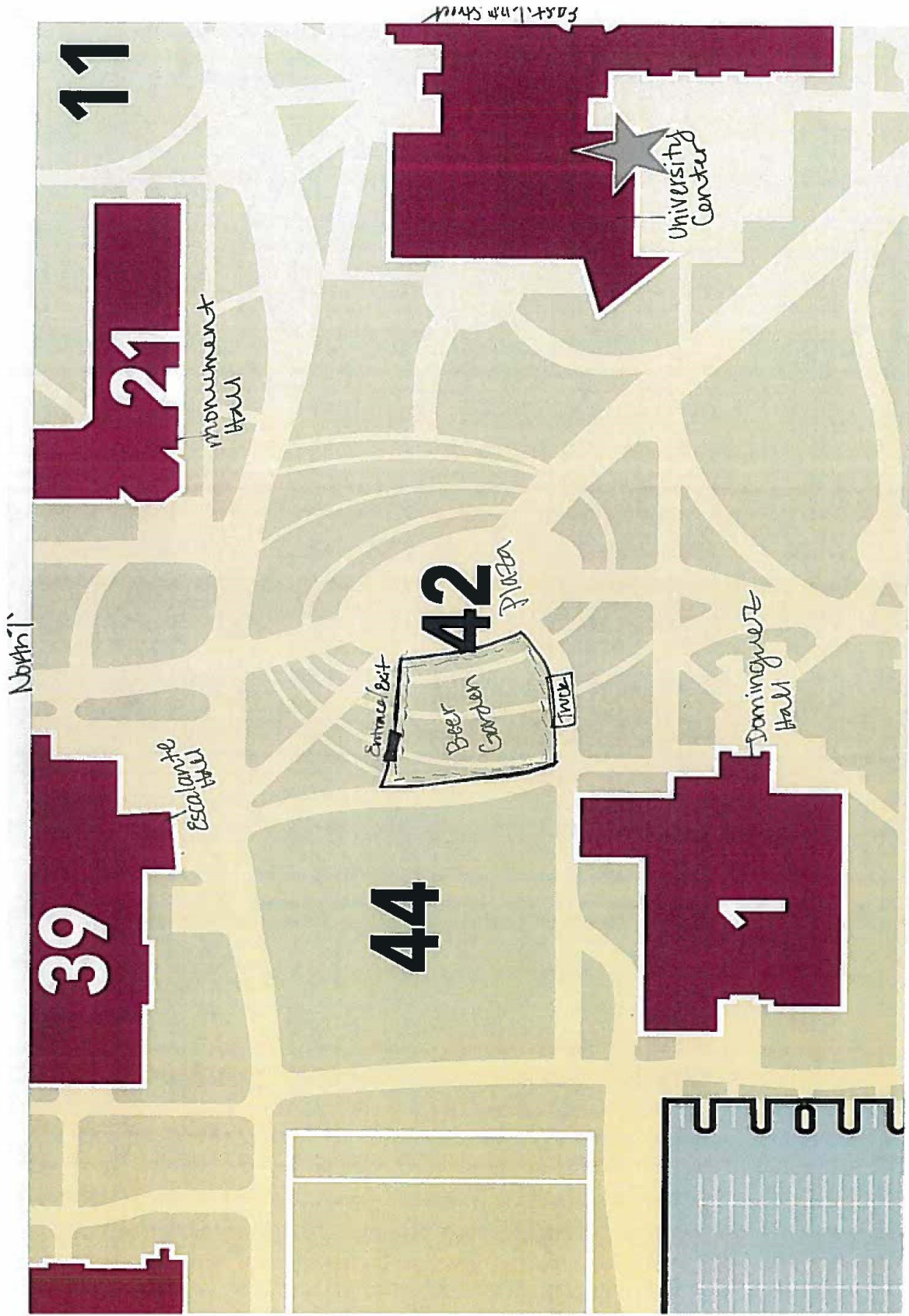
STATE OF COLORADO)
COUNTY OF MESA) SS.
CITY OF GRAND JUNCTION)

Subscribed and sworn to before me this 1st day of August, 2016.

Witness my hand and official seal.

[Signature] My commission expires 12-14-18
Notary Public

GAIL K. HOWE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20024039468
My Commission Expires December 14, 2018



B

North

South

11

21

42

44

1

39

University Center

Monument Hall

Entrance/Exit

Beer Garden

TWO

Dominguez Hall

East Line Street

Escalante



Grand Junction Police Department

Memorandum

To: Juanita Peterson
From: Meghan Woodland
Date: October 18, 2016
Subject: Liquor License Background check

The following background information was completed by searching public records, and records from both Mesa County Sheriff's Office, and Grand Junction Police Department records. The following establishment has been searched for any completed or pending criminal or administrative cases.

STIX Bar & Grill, LLC dba STIX Bar & Grill, 509 28 ½ Road, Grand Junction, CO 81501

Ernest James Heath

3031 ½ Colorado Avenue

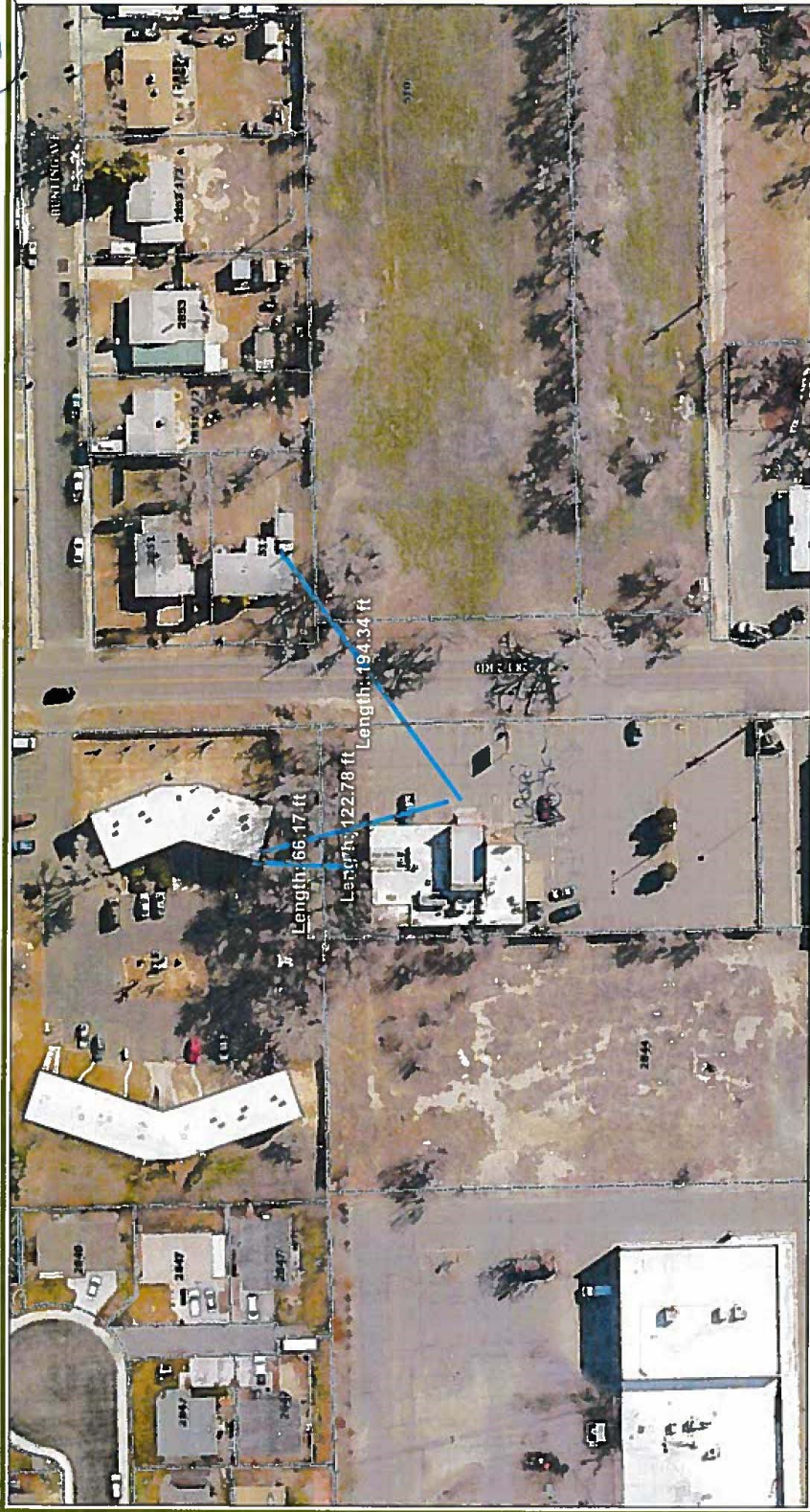
Grand Junction CO 81504

DOB: 11/17/1975

April – 11 Noise calls – 2 citations
May – 7 Noise calls
June – 1 Noise call
July – 0 Noise calls
August – 1 Noise call
September – 1 Noise call
October – 2 Noise calls thus far

Stix - 509 28 1/2 Road

B



Date: 10/19/2016



1 inch = 57 feet

(d)

I live at the Creekside Apartments, at 515 28-1/2 Rd. Apt #1 and wanted to share with you how the Stix Bar had impacted my life. When I come home after a long and stressful day at work, my apartment should be a place of refuge, and peace. Instead I am subjected to a constant barrage of drunk people screaming, whooping and swearing on the Stix Bar patio. I really do mean constant. I live on the opposite side of the property from the bar, and yet am unable to have my windows open without being berated by long streams of foul and offensive language. The associated motorcycle noise of people revving and racing their engines is unbelievably loud and disruptive as well.

I am very unhappy with this intrusion into my home, and do not think anybody should have to listen to this. I feel very badly for all of my neighbors, and wonder how the disruption to so many people's homes can be legal, much less justified. This problem is unacceptable at any hour. The fact that the owner has stated an intention to keep things quiet after 10 PM does not alleviate the problem when our homes are disrupted the entire afternoon.

Thank you, Brian Scheib.