

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

MINUTES

WEDNESDAY, MAY 16, 2012, 2:00 P.M.

I. **CALL TO ORDER** - The meeting convened at 2:00 p.m. Those present were Hearing Officer Michael Grattan, Attorney John Shaver and Deputy City Clerk Juanita Peterson.

II. **APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES**

1. DLK Enterprises, Inc. dba Brass Rail Lounge, 476 28 Road, Grand Junction, CO 81501, Tavern

No one was present representing the applicant.

The application for renewal for DLK Enterprises Inc., dba Brass Rail Lounge was found to be in order and approved.

2. Western Colorado Center for the Arts, Inc. dba Western Colorado Center for the Arts, 1803 N. 7th Street, Grand Junction, CO 81501, Arts

No one was present representing the applicant.

The application for renewal for Western Colorado Center for the Arts, Inc. dba Western Colorado Center for the Arts was found to be in order and approved.

3. Yummy, LLC dba Enzo's Pizzeria and Italian Café, 759 Horizon Drive, Grand Junction, CO, 81506, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for Yummy, LLC dba Enzo's Pizzeria and Italian Café was found to be in order and approved.

4. High Plains Pizza, Inc. dba Pizza Huts #248, 1440 North Ave., Pizza Hut #249, 704 Horizon Dr., Pizza Hut #250, 601 N. 1st Street, Grand Junction, CO 81501, 3.2% Beer Retail (On-Premises)

No one was present representing the applicant.

The applicationS for renewal for High Plains Pizza Inc. dba Pizza Huts #248, #249, and #250 were found to be in order and approved.

5. RLJ II – R Grand Junction Lessee, LLC White Lodging Services dba Residence Inn by Marriott Grand Junction, 767 Horizon Drive, Grand Junction, CO 81506, Tavern

No one was present representing the applicant.

The application for renewal for RLJ II – R Grand Junction Lessee, LLC White Lodging Services dba Residence Inn by Marriott Grand Junction was found to be in order and approved.

III. APPLICATION TO RENEW LIQUOR AND BEER LICENSES WITH REGISTRATION OF NEW MANAGER

1. Grand Junction Hooters, L.P. dba Hooters, 2880 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

Michael Dickey, 3289 Point Avenue, Clifton, CO 81520 replaces Jim Durfee

No one was present representing the applicant. Ms. Peterson reported the paperwork is in order; but the CBI/FBI report is still pending.

The application for renewal for Grand Junction Hooters, L.P. dba Hooters, 2880 North Avenue was found to be in order and approved contingent on a satisfactory report coming back on the new manager from CBI/FBI.

IV. APPLICATION TO RENEW LIQUOR AND BEER LICENSES WITH LATE FILING AND REGISTRATION OF NEW MANAGER – (13 days late in filing)

1. Sodexo America, LLC dba Sodexo, College Center, 1455 North 12th Street, Grand Junction, CO 81501, Hotel and Restaurant with 3 Optional Premises

Rizwan Sharif, 1115 Legacy Way, Fruita, CO 81521 replaces Mathew Dokoupil

Rizan Sharif, General Manager, was present. Ms. Peterson reported the paperwork is in order; the applicant submitted a letter stating the reason for the late filing which she read into the record; and the reports came back in compliance.

Hearing Officer Grattan and City Attorney Shaver concurred they found good cause for the late filing since this was the first time and first renewal for this applicant and the renewal and registration of new manager was approved.

V. APPLICATION FOR TRANSFER OF OWNERSHIP

1. Whiskey River Saloon LLC dba Whiskey River Saloon, 490 28 ¼ Road, Grand Junction, CO 81501, previously Tyluk Inc. dba Whiskey River, Tavern

Member: Magdaleno Olguin Medina, 503 Alpine Street, Longmont, CO 80504

Mr. Magdaleno Medina, owner, was present along with Ms. Angela Guerrero to translate for Mr. Medina. Hearing Officer Grattan asked Ms. Guerrero her relation to Mr. Medina. She said he rents a room from her and she will translate for him today.

Ms. Peterson reported the applicant has been issued a temporary permit. The paperwork is in order and they are in compliance. The only issue has been with the Fire and Health Departments getting in touch with the applicant to do their inspections; however, they did complete the inspections and there were no issues. Ms. Peterson only has a cell number to Mr. Medina's brother who then gets a hold of him. The number works at the restaurant but no one has been there during business hours since the tavern opens later in the day. Ms. Guerrero translated this to Mr. Medina who responded and then she translated back that the brother was going to have a local number soon, and that messages for Mr. Medina could be left with her and she gave the Authority that number.

Hearing Officer Grattan asked if there was anyone in the audience who wished to speak on this matter. Seeing no one, he asked City Attorney Shaver if he had anything to add. The only question was if the applicant was buying the previous corporation. Ms. Peterson said no.

Hearing Officer Grattan approved the transfer of ownership for Whiskey River Saloon LLC dba Whiskey River Saloon.

2. Main Street Management LLC dba Spring Hill Suites, 236 Main Street, Grand Junction, CO 81501, previously Nine 7 Oh LLC dba Spring Hill Suites, Tavern

Managing Member: Kevin L. Reimer, 2009 S. Broadway, Grand Junction, CO 81507

Member: Steven M. Reimer, 604 Rose Peak Ct., Reno, NV 89511

Ms. Cheryl Ketchem, Operations Manager, was present. Ms. Peterson reported that all of the paperwork was in order and that this transfer of ownership would include the approval of an outdoor dining lease.

Hearing Officer asked Ms. Ketchem if the ownership stayed the same. She said it has and explained they have 3 hotels and they are combining all under one EIN number as per their accountants' recommendations. Her brothers are still the owners of Main Street Management, LLC.

Hearing Officer Grattan asked if there was anyone in the audience who wished to speak on this matter. Seeing no one, he asked City Attorney Shaver if he had anything to add and City Attorney Shaver said just a recommendation of approval.

Hearing Officer Grattan approved the Transfer of Ownership for Main Street Management LLC dba Spring Hill Suites.

VI. APPLICATIONS FOR MODIFICATION OF PREMISES WITH OUTDOOR DINING LEASE

1. Boomers LLC dba Boomers, 436 Main Street, Grand Junction, CO 81501, Tavern

Add outside dining area to licensed premise

There was no one present representing the applicant. Ms. Peterson reported that the paperwork was in order and read the results of the survey into the record (see attached). The applicant is not currently open but the license has been approved pending final inspections and the outdoor dining lease was going before City Council that night for approval.

Hearing Officer Grattan said that he is uncomfortable without the applicant present.

City Attorney Shaver said that if Hearing Officer Grattan approved the modification, it could be brought back at the June 6, 2012 meeting to ratify the approval, and have the applicant address questions that the Authority would have since this establishment isn't even open as of this date.

Hearing Officer Grattan asked if anyone in the audience was here on this matter, seeing no one, asked to make sure the applicant was present and asked that it be on the June 6th agenda to be ratified.

2. Weside Delicatessen Inc. dba The Winery Restaurant, 642 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

Add outside dining area to licensed premise

Mr. Stephen Thoms, President, was present. Ms. Peterson reported that the paperwork was in order and read the results of the survey into the record (see attached). Ms. Peterson said this outdoor dining lease was also going before City Council that night for approval.

Hearing Officer Grattan asked Mr. Thoms to take a look at both diagrams provided, making one Exhibit A and one Exhibit B. He asked Mr. Thoms to describe these to the Authority. Mr. Thoms said Exhibit A (see attached) is the existing footprint of the restaurant and Exhibit B (see attached) is showing the proposed patio area.

City Attorney Shaver asked Mr. Thoms who conducted the survey and how it was conducted.

Mr. Thoms said he conducted it himself. He walked the area, introduced himself for those who did not know him, and asked them to sign the petitions.

Hearing Officer Grattan asked if anyone in the audience was here on this matter, seeing no one, he approved the modification of premise for the outdoor dining lease contingent City Council approval of the lease that night.

VII. REVIEW AND AUTHORIZE STIPULATION, AGREEMENT AND ORDER

1. Mimosa, Inc. dba Fairgrounds Wine & Liquor, 2771 B ½ Road, Grand Junction, CO 81503, Retail Liquor License

Pursuant to Colorado Revised Statutes §12-47-901(1)(a.5)(I), 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 or for any person under the age of twenty-one years.

Jery Sparks, one of the owners, was present.

Staff Attorney DeLayne Merritt was also present and said that she is satisfied with the agreement and the establishment has implemented a no tolerance policy regarding liquor violations. The employee has been terminated from his employment. Staff members who have not taken the alcohol server responsibility training class will in April or June that is offered by the City. The licensee is planning on implementing an identification verification system and has hired a doorman to assist the sales clerks in verifying the age of customers and overall well being of the customers.

The applicant agreed to reinstate the five day suspension held in abeyance in the February 15, 2012 agreement as a penalty for violating the terms and conditions. The reinstated five days suspension and the two day suspension addressed in this current agreement shall take place. They will serve the seven day suspension from 12:01 a.m. on the 29th day of May, 2012 until 11:50 p.m. on the 4th day of June, 2012.

Hearing Officer Grattan asked Mr. Sparks if he agreed with the contents of the stipulation. Mr. Sparks 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.

Hearing Officer Grattan moved the order of the next two items.

2. Myths & Legends, Inc. dba Quincy Bar & Grill, 609 Main Street, Grand Junction, CO 81501, 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.

Ms. Adella Lloyd, owner, was present along with Tia VanHouten, general manager, and Peter O'Neill.

Staff Attorney DeLayne Merritt was also present and said that the licensee has reviewed the conduct of the licensed premises with her before this stipulation and since. Ms. Lloyd indicated that William Lloyd, co-owner of the license, had the primary role of managing the business and decision making role until August 2011. Since that time, Mr. Lloyd is no longer an active decision-maker for the Licensee and no longer resides locally. The past history was taken into consideration for the amount of suspension.

Since February 4, 2012, the following items have been implemented as additional policies, safeguards, or enhanced supervision measures:

- Staff meetings once a month
- Doormen/security are equipped with walkie-talkie devices and are used on a daily basis from 5:00 p.m. to close
- Ms. Lloyd is present at the establishment from approximately 10:00 a.m. to 3:00 p.m. daily (contingent upon her physical health)
- Internal training is completed with all staff
- Bartenders attend City of Grand Junction alcohol server responsibility training course at least once a year
- Managers have set duties
- Licensee is evaluating the need to implement uniforms
- Continue to keep log books of daily occurrences
- Implementing an incentive program for staff to keep violation free atmosphere
- Eliminate shift drinks from staff
- Visual reminders of liquor laws and regulations; code of conduct contract for staff
- Random drug testing for staff

The applicant agrees to a 40 day suspension of its license as a penalty for the violation. Thirty days of the suspension shall be held in abeyance for a period of one year from the date of the approval of this agreement. The license shall be actively suspended for ten days from 12:01 a.m. on the 18th of May, 2012 to 11:59 p.m. on the 27th day of May, 2012.

Hearing Officer Grattan asked Ms. Lloyd if she agreed with the contents of the stipulation. Ms. Lloyd said she 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.

3. GMRI INC., dba Red Lobster, 575 24 ½ Road, Grand Junction, CO 81505, Hotel and Restaurant

Pursuant to Colorado Revised Statutes §12-47-901(1)(a.5)(I), 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 or for any person under the age of twenty-one years.

Staff Attorney DeLayne Merritt was also present and said that she is satisfied with the agreement and has worked with Mr. Coates, the attorney for the Licensee, on other stipulations. She feels comfortable with not having Mr. Coates present if the Hearing Officer is okay with that. The Licensee does not contest the violation of March 16, 2012. This is the first violation on the history of this license. The Licensee agrees to a seven day suspension of its license and to be actively suspended for two days from 12:01 .m. on the 1st day of June, 2012 until 11:59 p.m. on the 2nd day of June, 2012. Five days of the suspension to be held in abeyance for a period of one year from the approval of this agreement. The Licensee and the City agree that the Licensee is allowed to pay a fine in lieu of active suspension in accordance with 12-47-601 (3) C.R.S. which amounts to \$466.45 and paid by May 31, 2012. The Licensee has numerous policies in place and will continue. The one change is that they are now checking identification on all customers instead of ones that appear under 40 years of age. Mr. Jordan Mueller, the employee involved in this incident, was terminated from his employment.

Hearing Officer Grattan stated that he can contest to the checking of identification by his recent visit. Hearing Officer Grattan said there was no legal requirement to have someone present but he prefers that, to impress upon the applicant or their representative the importance of being in compliance. Hearing Officer Grattan signed the presented Stipulation, Agreement, and Order and asked the Clerk to submit it in accordance with the Certificate of Mailing.

VIII. OTHER BUSINESS

There were none.

IX. ADJOURNMENT – 3:08 p.m.

NEXT REGULAR MEETING – June 6, 2012

MEMO: Local Licensing Authority
FROM: Juanita Peterson, Deputy City Clerk
DATE: May 4, 2012 (Revised)
SUBJECT: Application for a modification of premises to add outdoor dining area

Boomers LLC filed an application with the Local Licensing Authority on April 16, 2012 for a modification of premises at 436 Main Street under the trade name of Bommers. The application and supplementary documents were reviewed, found to be in order, and accepted. The hearing date was set for May 16, 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 boundaries are defined as: Teller Avenue on the north, 3rd Avenue on the south, 12th Street on the east, and Mulberry Street on the west and includes both sides of the streets as the outer boundaries.

The results of that survey are as follows:

If you support/oppose this proposed modification of premises as described above because this will not conflict with the reasonable requirements of the designated area and it is your desire the modification be approved/not approved.

Business Results:	FAVOR:	62
	OPPOSE:	0
Residential Results:	FAVOR:	11
	OPPOSE:	0

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

There was 1 response that was disqualified because they listed no address. There were no "Exhibits to Survey Petition" submitted.

This applicant has been approved for their liquor license but still has not opened as of this date. A final certificate of occupancy will be required before the license is issued. The City Council will be presented with the request for the outdoor dining lease on or before this hearing date.

The number of similar-type outlets in the survey area is as follows:

Tavern – 7 (Main Street Suites, Spring Hill Suites, Mesa Theater & Club, Quincy Bar and Grill, Rocky Mountain Pub, !sabrosa; restaurante, and Tenacious Brothers Pub)

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Joe Patrick, Grand Junction Police Department
File

MEMO: Local Licensing Authority
FROM: Juanita Peterson, Deputy City Clerk
DATE: May 4, 2012
SUBJECT: Application for a modification of premises to add outdoor dining area

Weside Delicatessen Inc. filed an application with the Local Licensing Authority on April 16, 2012 for a modification of premises at 642 Main Street under the trade name of The Winery. The application and supplementary documents were reviewed, found to be in order, and accepted. The hearing date was set for May 16, 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 boundaries are defined as: Hill Avenue on the north, 1st Avenue on the south, 12th Street on the east, and 1st Street on the west and includes both sides of the streets as the outer boundaries.

The results of that survey are as follows:

If you support/oppose this proposed modification of premises as described above because this will not conflict with the reasonable requirements of the designated area and it is your desire the modification be approved/not approved.

Business Results:	FAVOR:	63
	OPPOSE:	0
Residential Results:	FAVOR:	15
	OPPOSE:	0

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

There were 2 pages of "Exhibits to Survey Petition" submitted.

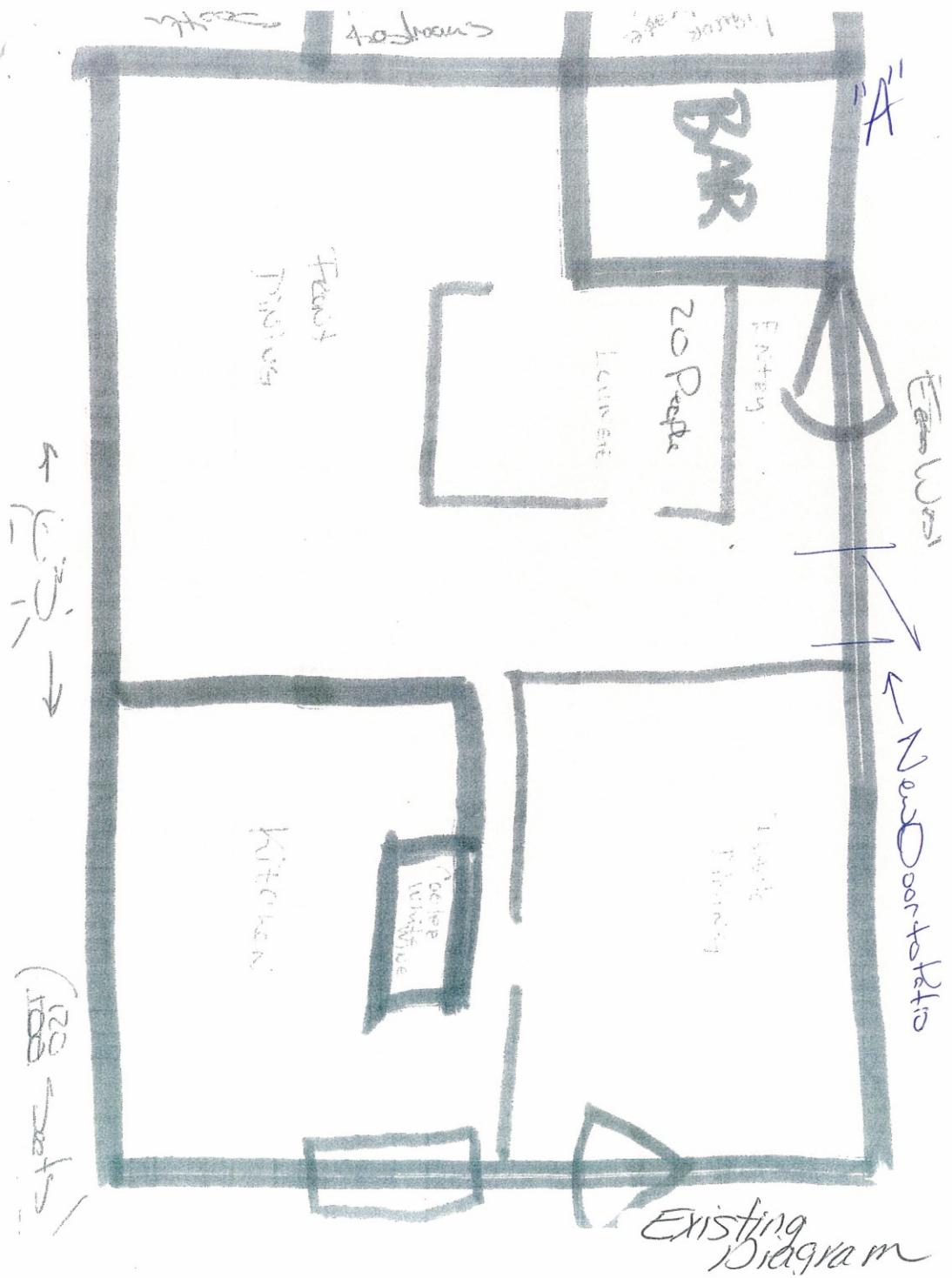
This applicant has an existing liquor license; the City Council will be presented with the request for their Outdoor Dining Lease at the May 16, 2012 City Council Meeting.

The number of similar-type outlets in the survey area is as follows:

Hotel and Restaurant – 14 (Fly'n Roosters, 626 on Rood, Blue Moon Bar and Grill, Weavers Tavern, Two Rivers Convention Center, Le Rouge Dream Café, Dolce Vita, Il Bistro, Nepal Restaurant, La Bamba, Suehiro Japanese Restaurant, Junc't'n Square Pizza, Naggy McGee's Irish Pub)

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Joe Patrick, Grand Junction Police Department
File



SCOTT HODGES CONSTRUCTION, INC.
2187 LASSEN COURT • GRAND JUNCTION, CO 81507 • 970-245-3448 • 970-314-1592 (cell)

THE WINERY / 622 MAIN ST. / G.J., CO. 81501
→ * PROPOSED BREEZEWAY PATIO AREA ←

1/8" = 1 FT

B

