

Grand Junction, Colorado

December 1, 1971

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P. M. December 1, 1971, in the Civic Auditorium at City Hall. Present for roll call were President Pro Tem of the Council Harry Colescott, and Councilmen Silas Grantham, Lawrence Kozisek, Theodore Naff, Raymond Paruch, and Richard Youngerman. President Stanley Anderson was absent. Also present were City Attorney Gerald Ashby, Acting City Manager Harvey Rose, and City Clerk Neva Lockhart. City Manager Richard Gray was absent.

MINUTES

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the minutes of the regular, Council meeting held on November 17, 1971, be approved as written. Motion carried.

HEARING - 3.2 BEER APPLICATION - CIRCLE K CORP., 12TH & PATTERSON DENIED

This was the date scheduled for hearing upon the application for a 3.2 beer license made by the Circle K Corporation for a store to be constructed on the Northwest corner of 12th Street and Patterson Road.

Mr. Keith Mumby, legal counselor for the Circle K Corporation, appeared before the Council. Mr. Mumby explained that the Circle-K Corporation is headquartered in Phoenix, Arizona. Circle K is a Seven-to-Eleven type store. This company operates approximately 600 of these stores throughout the Southwestern States. A petition, which was circulated in the neighborhood, containing 51 signatures along with a map of the area were presented. The map indicated in red those 51 signers for the 3.2 beer license. It also indicated those who said no for a variety of reasons (25), and those who were not at home (28). The petition was circulated by Mr. W. J. Anderies, President of Management and Planning, Inc. Mr. Mumby introduced Mr. Frank Speer, a Circle K employee from Gallup, New Mexico. Mr. Speer is in Grand Junction to supervise the stocking of the Circle K store on 30 Road and the Freeway.

Mr. Clyde Howard, 770 Grassi, opposed the granting of the 3.2 beer license. He felt this particular environment was not needed in the neighborhood. Mr. Howard said he did not live in the neighborhood, but that he is a member of the Bookcliff Baptist Church which is located on the Northeast corner of 12th Street and Patterson Road.

Mr. David DeCamp, 2037 Orchard Avenue, also a member of the Bookcliff Baptist Church opposed the granting of the 3.2 beer license. He said it would create an atmosphere that is not wholesome.

Mr. Floyd Farmer, 2613 North 12th Street, opposed the issuance of a license because of the traffic he feels this location would generate. Mr. Farmer lives within one block of the proposed site.

The Reverend H. M. Neff, Pastor of Bookcliff Baptist Church, and Mr. Bill Robison of 1431 Kennedy both opposed the granting of the license because of the store's proximity to the Church.

Dr. Robert F. Linnemeyer, who lives at 2674 Capra Way which is within the neighborhood, opposed the granting of a license. Doctor Linnemeyer said he does not feel there is any need for another 3.2 beer outlet as there are sufficient outlets within a mile of the neighborhood.

A letter from Chief of Police Karl M.-Johnson was read. Chief Johnson said he had made inquiry in both Phoenix, Arizona, and El Paso, Texas, concerning the character and reputation of the applicants. On the basis of the information received, Chief Johnson could see no reason why the application should not be approved.

Eleven letters from members of the Bookcliff Baptist Church opposing the granting of a license had been received. There was one letter from a resident in the neighborhood which opposed the granting of a license.

Mr. Mumby said the construction of the store at this location was contingent upon the granting of a 3.2 beer license. He reported that the alcoholic beverage sales of all the Circle K stores are approximately eighteen per cent. He felt that this location should be considered as a convenience-type store which is becoming very common in neighborhoods, and that although beer sales is an integral part of the business, it is not the major business.

Councilman Paruch noted that Circle K Corporation is high on the list of ASC which indicates a highly successful organization. Councilman Paruch contrasted that with the contingency that if the license is not granted, Circle K would not build at this location. He noted that as the opponents to the granting of the license had pointed out, there are other 3.2 beer outlets within the area. Councilman Paruch said that the Planning Commission feels that this area is designed primarily for a medical center type atmosphere along with a collegiate environmental development. He continued that he feels the Council has a moral obligation not only to this particular church, which is so close, but also to all other churches to oppose the beer and liquor

outlets. Councilman Paruch said he did not know what the saturation point is with this particular City, but he felt sure the availability is only a one- or two-minute drive in just about any direction. On this basis, Councilman Paruch said he firmly opposed the issuance of the license.

Mr. Mumby said with respect to the medical center atmosphere, there is a similar medical center south of Saint Mary's Hospital on North 7th Street which has identical zoning to the proposed Circle K location, and an identical type store and outlet. He continued that with respect to the collegiate atmosphere, within the last five years a store almost identical to the proposed Circle K was constructed and granted a 3.2 beer license for carry-out, off-campus consumption right across the street from the College. Also, there is an outlet for on-the-premises consumption. Mr. Mumby said his point was that he did not think this type use would be incompatible with the medical center or the collegiate-type development.

President Pro Tem Colescott closed the hearing.

It was moved by Councilman Youngerman and seconded by Councilman Grantham that the application by the Circle K Corporation for a 3.2 beer license on the Northwest corner of 12th Street and Patterson Road be approved and the license issued when the State license has been received. At the request of President Pro Tem Colescott, roll was called on the motion with the following result:

Councilman Paruch:	NO
Councilman Kozisek:	YES
Councilman Naff:	NO
Councilman Youngerman:	YES
Councilman Grantham:	YES
President Pro Tem Colescott:	NO

The motion having failed to carry, the President Pro Tem declared the application denied.

HEARING - 3.2 BEER APPLICATION - CIRCLE K CORP., 1ST STREET & CHIPETA - APPROVED

This date was scheduled for hearing upon the application for a 3.2 beer license for the Northeast corner of First Street and Chipeta Avenue. The application was submitted by the Circle K Corporation. Refer to the North 12th Street and Patterson Road hearing for the background information regarding the Circle K Corporation. The investigation and report from Chief of Police Karl Johnson also applies to this hearing. There were no other written communications received, and there was no one in the audience who opposed the issuance of a license at this location. The President Pro Tem of the Council closed the hearing.

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the application by the Circle K Corporation for a 3.2 beer license on the Northeast corner of First Street and Chipeta Avenue be approved and the license issued when the State license has been received. President Pro Tem Colescott requested a roll call on the motion. Councilmen voting YES were: President Pro Tem Harry Colescott, Theodore Naff, Richard Youngerman, Silas Grantham, and Lawrence Kozisek. Councilmen voting NO: Raymond Paruch. The President Pro Tem declared the motion carried.

REVIEW OF PLANNING COMMISSION APPROVAL OF BULK DEVELOPMENT SOUTH SIDE WELLINGTON AVENUE, EAST OF 12TH STREET

Mr. Don Warner, Development Director, reviewed the proposed development of the south side of Wellington Avenue, east of 12th Street. He indicated the restrictions that have been placed on the development by the Planning Commission. A letter from Mr. H. L. Senter, 1308 Wellington Avenue, was read. Mr. Senter said his concern was the traffic situation. Mr. Wayne Riddlemoser, 1320 Wellington Avenue, appeared before the Council and said he feels this development will create a traffic problem. A memorandum from Traffic Engineer Gus Byrom was read. Mr. Byrom said the existing streets in the project would be adequate, as approximately eighty-five per cent of the new traffic generated would be westward on Wellington to 12th Street. He anticipates the proposed complex to generate two to three hundred trips per day, but he feels this should not cause any undue problem in the neighborhood.

Mr. Ralph Collins of 1321 Wellington Avenue asked if there would be restrictions placed on motorcycles and also requested that the fence be maintained.

Mr. Keith Mumby, attorney for Mr. Henry Snyder who is the owner of the tract to be developed, appeared before the Council. Mr. Mumby said that the motorcycles could be controlled within the project as was done in Colorado Springs. Also, the fence will be maintained. Mr. Mumby introduced Mr. Ward Gering who will be the project manager.

Mr. Hugh McCormick of 1324 Wellington Avenue said he is against going into a quiet residential neighborhood and planning these projects.

The City Council did not place any further restrictions on the project.

HEARING APPLICATION FOR RENEWAL OF LIQUOR LICENSE - LE ROY ROBERT GOETZ, TONY'S BAR & GRILL, 215 COLORADO AVENUE - APPROVED

Tabled from the November 17 City Council meeting was the consideration of the application for renewal of liquor license for LeRoy Robert Goetz, Tony's Bar & Grill, 215 Colorado Avenue.

A hearing was scheduled for this date, and Mr. Goetz was served a notice of the hearing.

Chief of Police Karl Johnson Came before the Council and reviewed his letter which was read on November 17, 1971. Chief Johnson said that since the November 17 meeting, there has been some improvement. During this period, there have been five calls; two alarms that were accidentally set off, and three disturbance calls. Chief Johnson said that he could not agree that the burglar alarm was highly sensitive. Whenever a Police officer would arrive in answer to the alarm, the person who was in charge at that particular time would ask that someone be removed from the premises, or that the person causing the disturbance had already left. Chief Johnson continued that very rarely did anyone admit that the burglar alarm had been tripped accidentally, and that not more than one or two times since Mr, Goetz had taken over the operation had anyone called and reported accidentally tripping the alarm. Some of these alarms have occurred as they were closing up at night and some as they were opening up in the morning. Chief Johnson said perhaps someone was not familiar with the operation, and again it might be they were forgetful about the fact that the alarm had to be shut off before opening some door. Chief Johnson reported that there have been more incidents reported to the Police since Mr. Goetz has taken over the business. He said part of the reason for this might be the fact that it was emphasized to Mr. Goetz when he took over the business that he must cooperate with the Police in this way. Chief Johnson continued that it isn't the number of calls received that is at issue, but the manner in which the calls are communicated indicating an emergency, and the fact that there has been no willingness or desire by Mr. Goetz to follow through by signing a complaint and bring the people responsible for the problem into court to resolve the problem properly. There have been few instances in which the Police has been able to take action of their own knowledge. On one occasion when making a spot check of the bar, two juveniles were found there. They did not have any drinks before them, but they were loitering and they were improperly there. They were told to leave by the Police officer. Chief Johnson reported there was one complaint which again could not be verified. This came from the Job Corps that a number of Job Corps boys were being served. This information came to the attention of the Police Department several days after the incident.

Mr. Terrance Farina, representing Mr. Goetz, appeared before the Council. Mr. Farina said that the previous owner, Mr Tonozzi, did not call the Police Department when there was a disturbance but tried to handle the problem himself. When Mr. Goetz took over the business, he was impressed with the fact that he must call the Police Department on every occasion, and he may be going overboard in calling the Police down there. Mr. Farina said there aren't the fights and situations there used to be. Mr. Farina said that with regard to Chief Johnson's letter stating

Tony's Bar & Grill was a haven for aliens, he questioned how one could determine an alien since a lot of Mexican-Americans go to this bar. With regard to the burglar alarm, Mr. Farina said it has been a very touchy one. He reported that Mr. Goetz has locked one of the outside doors so it could not trigger the burglar alarm. Mr. Farina stated that Mr. Carl Montoya is no longer the manager of the business and that Mr. Goetz is going to be there all the time. Mr. Farina reviewed the fact that Mr. Goetz has operated similar businesses in Arizona and California, and that Chief Johnson's report had been good. Mr. Farina reiterated that Mr. Goetz will be in the place of business more often from now on.

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the application for renewal be approved and the license issued when the State license has been received with the understanding that Mr. Goetz shape up and spend more time at his business. Councilman Grantham asked Chief Johnson if there could be more cooperation in filing complaints. Chief Johnson said that the Police officer answering the call could give instructions on how to follow through. President Pro Tem Colescott asked for roll call on the motion with the following result: Councilmen voting YES: President Pro Tem Colescott, Councilman Kozisek, Councilman Grantham, and Councilman Youngerman. Councilmen voting NO: Councilman Paruch and Councilman Naff. The President Pro Tem declared the motion carried.

#### DAYS - PERMISSION GRANTED CENTRAL HIGH C CLUB FUND-RAISING SALE ON 5TH AND MAIN SATURDAY, DECEMBER 4

Mr. Kenneth Rossum, representing Central High School C Club, appeared before the Council to request permission for his group to sell Macaloy, a cleaning product, on the corner of 5th and Main on Saturday, December 4, 1971. Proceeds from the sale are to be used to provide additional athletic equipment for the school. Mr. Rossum said the Macaloy is concentrated and can be mixed with water and is ecologically safe.

It was moved by Councilman Youngerman and seconded by Councilman Naff that permission be granted the Central High School C Club for the sale of Macaloy on the corner of 5th and Main on Saturday, December 4. Motion carried.

#### MR. D. S. DYKSTRA COMMENDS POLICE DEPARTMENT

A letter from Mr. D. S. Dykstra, President of the Seven-Up Bottling Company, commending the City of Grand Junction Police Department was read. Mr. Dykstra commented upon the fine way Chief Karl Johnson and his Police force protect citizens and their properties.

#### INDUSTRIAL REVENUE BOND PROGRAM - INDUSTRIAL DEVELOPMENTS

INCORPORATED

A letter from Mr. M. A. Cornelison, President of Industrial Developments Incorporated, regarding an Industrial Revenue Bond program was read:

November 19, 1971

Mr. Richard Gray  
City Manager  
City Hall  
Post Office Box 968  
Grand Junction, Colorado 81501

Dear Dick:

As President of IDI, I want to again thank you for your participation and that of the City Council in our meeting last Wednesday. Our Board was most pleased with the opportunity of reviewing a supporting program together, and also with the possibility of getting together to discuss other community development programs in the future.

Prior to your departure, I neglected to get an expression from the Council as to whether or not they would participate through IDI in an Industrial Revenue Bond program, if one were proposed to them. We recognize this request is not intended as an over-all blanket approval, but one in which we do desire a general statement of whether or not we can proceed with this type of program in partnership with the City of Grand Junction.

Thanks again for your past courtesies.

Very truly yours,

/s/ M. A. Cornelison  
President

Councilman Youngerman commented that he could see nothing wrong with this. The thing that is really good about it is that it costs the City nothing. Any company coming in would be well screened by Industrial Developments, Incorporated. Councilman Naff agreed, stating that these bonds do not obligate the City or the taxpayer in any way. Councilman Youngerman moved that the City cooperate in any way they can. The motion was seconded by Councilman Naff and the motion carried.

REVOCABLE PERMIT - NORTH-SOUTH ALLEY, 600 BLOCK MAIN, DAILY SENTINEL BUILDING

The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, THE SENTINEL PUBLISHING COMPANY has petitioned the City Council of the City of Grand Junction for a revocable permit to encroach upon the right of way in that part of the North-South alley in Block 105, City of Grand Junction which lies between Lot 21 on the West and Lots 16 through 20 on the East for the purpose of planting trees and the construction of planters and structures thereon; and

WHEREAS, such action has been heretofore approved by the City Planning Commission and would not be detrimental to the use of the right of way or to the interest of the inhabitants of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the City Manager, on behalf of the City and as an act of the City, be, and he is hereby, authorized to grant such revocable permit to the above corporation for the purpose described upon the execution by the corporation of an agreement to save and hold the City harmless from any claims arising out of the construction and use granted, agreement that upon the revocation of such permit, it will remove said planters or other impediments at its own expense and will restore the right of way to its original condition required in that area and agreement that it will remove, at its expense, said trees or structures in the event utility maintenance or repair requires such removal or the growth of the trees necessitates removal of the trees or their trimming.

PASSED and ADOPTED this 1st day of December, 1971.

/s/ Harry O. Colescott  
President of the Council Pro Tem

ATTEST:

/s/ Neva B. Lockhart  
City Clerk

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the Resolution be passed and adopted as read. Roll was called on the motion with all Councilmen present voting AYE. The President Pro Tem declared the motion carried and the Resolution duly passed and adopted.

R E V O C A B L E      P E R M I T

WHEREAS, THE SENTINEL PUBLISHING COMPANY has petitioned the City Council of the City of Grand Junction for revocable permit to encroach upon the right of way in that part of the north-south alley in Block 105, City of Grand Junction, which lies between Lot 21 on the West and Lots 16 through 20 on the East for the



purpose of planting trees and the construction of planters and structures thereon as shown on Exhibit "A" attached hereto; and

WHEREAS, THE City Planning Commission and City Engineer have approved such action, and the City Council is of the opinion that such would not be detrimental to the City or to any of the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL or THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to the above-named corporation a revocable permit for the purposes above stated; provided, however, that said permit may be revoked by the City Council at its pleasure at any time; provided further that the above-named corporation shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from, the permitted use; provided further, that said corporation shall agree to restore the right of way to a proper and usable condition after the completion of construction on said right of way; provided further that said corporation shall agree to restore the right of way to its original condition upon the revocation of such permit and that it will remove, at its expense, said trees or structures in the event utility maintenance or repair requires such removal or the growth of the trees necessitates removal of the trees or their trimming.

Dated at Grand Junction, Colorado, this day \_\_\_\_ of December, 1971.

/s/ R. N. Gray  
City Manager

ATTEST:

/s/ Neva B. Lockhart  
City Clerk

The undersigned, for itself, its successors and assigns, hereby agrees that it will abide by the conditions contained in the foregoing permit; that it will indemnify the City of Grand Junction and hold it harmless from all claims and demands as stated therein; that after construction, it will restore the right of way to a proper and usable condition; and, that, upon revocation of the permit, it will restore the right of way to its original condition.

Dated at Grand Junction, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 1971.

THE SENTINEL PUBLISHING COMPANY



ADJOURNMENT

It was moved Councilman Youngerman and duly seconded that the meeting be adjourned. Motion carried.

/s/ Neva Lockhart  
City Clerk