

Published by Municipal Code Corporation

Grand Junction, Colorado

September 6, 1972

#### ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M. September 6, 1972, in the Civic Auditorium at City Hall. Present for roll call were President Stanley Anderson and Councilmen Harry Colescott, Lawrence Kozisek, Theodore Naff, and Raymond Paruch. Councilmen Silas Grantham and Richard Youngerman were absent. Also present were City Attorney Gerald Ashby, City Manager Richard Gray, and City Clerk Neva Lockhart.

#### MINUTES

It was moved by Councilman Kozisek and seconded by Councilman Paruch that the minutes of the regular Council meeting held on August 16, 1972, be approved as written. Motion carried.

#### HEARING

Rezoning Block 5, E. Main Addn.

Continued to 9/20

A letter from Mr. Clarence R. Anderson of Denver, Colorado, advised that he was unable to attend the Council meeting on September 6, and requested that the decision on zoning this property at 17th and Main be tabled until the September 20 City Council meeting when he could be present.

It was moved by Councilman Kozisek and seconded by Councilman Paruch that this hearing be continued until September 20, 1972. Motion carried.

#### INSURANCE

Bids - awarded to Valley Agcy \$18,947

Bids were received and opened at 2:00 P.M. August 24, for general insurance coverage for the City of Grand Junction.

Harland Incorporated of Colorado \$21,586

Home Loan & Investment Company \$19,340

The Valley Agency \$18,947

An optional coverage for earthquake ranged from a high of \$5,912 to a low of \$3,900. The Staff's recommendation was that the City

not take the earthquake option.

The Valley Agency has been the City's agent for the past four years. The annual premium for this, the fourth year was \$24,200. By going to bid, the annual premium has been reduced by some \$5,000. The Underwriter has changed to Hartford Insurance, and they have a local staff adjuster in Grand Junction. City Manager Gray recommended award of the general insurance coverage bid to Valley Agency for their low bid of \$18,947 annual premium.

It was moved by Councilman Kozisek and seconded by Councilman Colescott that the general insurance coverage for the City be awarded The Valley Agency for their low bid of \$18,947 annual premium exclusive of the earthquake option. Motion carried.

### 3.2 BEER RENEWAL

Die Bierstube 1230 N 12th

Presented for consideration was the application for renewal of the 3.2 beer license for Delbert E. Hahn, Die Bierstube, 1230 North 12th Street. A letter from Chief of Police Karl M. Johnson was read. Chief Johnson noted that during the past few months there have been an increasing number of complaints concerning the operation of the above business and the conduct of patrons in and upon the surrounding premises. The complaints have been about the noise, conduct, and litter that is generated by people congregated on the parking lot and about the loud music and other noise emanating from inside. Chief Johnson said that usually when officers arrive, the noise subsides and the responsible persons cannot be notified. From information furnished by officers who have observed conditions at this location, it was Chief Johnson's opinion that the management could do a better job of preventing these problems from developing. Another observation was that on occasion the place will be so crowded that it is difficult for anyone to see what is going on and there is a question as to public safety as a result of overcrowding.

A petition containing 78 signatures was presented objecting to the renewal of a liquor and/or beer license for this establishment due to the fact that in their opinion the owner of Die Bierstube has not properly maintained order among his patrons and further that the patrons have created disturbances and in general made it unbearable to reside in the neighborhood.

Mr. Walter Phillips, representing Mr. Delbert Hahn, and Mr. Hahn were present. Mr. Phillips said they were aware of the petition and they were willing to have the hearing.

Reverend Erskine Skates, President of the Intermountain Bible College, 1420 North 12th Street, was spokesman for the objectors to the renewal of the license. Also appearing was Mr. Bill Hardin, Manager of the Intermountain Bible College Boy's Dormitory; Mrs. Hill; Mr. Fred Worm, owner of the Mesa Coin Operated Laundromat

adjacent to Die Bierstube; Mr. Lee Gibson, 1307 Glenwood; and Mrs. Roy Zimmerman, 1240 Glenwood. Generally, they noted the trash, noise, blocking of driveways, and improper latrine use of the area.

Mr. Phillips said the owner had not been notified of the Police complaints. He said, however, the need for continuing the license is greater than ever. Shakey's Pizza Parlor has moved from the area, and this age group of young people needs a place to go. He said the owners do not allow more people in the building than the building can accommodate. He noted that Die Bierstube sells nothing as a take-out item. Mr. & Mrs. Delbert Hahn said that the patrons are out of the building by approximately 11:45 P.M. and they clean up after closing. Presented for consideration was a petition prepared and circulated by Mrs. Hahn containing approximately 234 signatures. Others who appeared on behalf of the license renewal were: Bill Arthur, 1225 Bunting, and John Schwinn, 1225 Bunting. Mr. Schwinn presented for consideration pictures that he had taken on August 22 showing the area and the trash containers. Also appearing were Mrs. Melba Evans and her twenty-year-old daughter, Barbara Evans, 312 Pine Street; Mr. Jerry Field; Mr. Randall Smith, 1304 North 15th; Mrs. Henrietta Burley, 1225 15th; Mr. Gene Garcia, 2853 Bunting; and Mr. Ken Corey, 1355 Mesa Avenue.

Mrs. Hahn indicated they would be willing to hire someone to patrol the parking lot area. Mr. Phillips stated again that the need for the license has previously been established. He feels the need for the license is greater now.

The President closed the hearing. Council had three alternative courses of action: renew, reject, or renew with conditions.

It was moved by Councilman Kozisek and seconded by Councilman Colescott that the application be approved and the license issued when the State license has been received on condition that within a period not to exceed 120 days, another hearing be held to see whether Die Bierstube is being operated in an acceptable manner. Motion carried with Councilman Paruch voting NO.

#### DAYS

Honey Day Sales 11-12 - permission granted Jaycees

Mr. Bob Martin, representing the Jaycees, appeared before the Council to request permission to sell honey on Main Street November 12. Proceeds from this sale are split fifty-fifty between the fund for retarded children and the fund for mental health.

It was moved by Councilman Paruch and seconded by Councilman Kozisek that permission be granted. Motion carried.

#### SHERWOOD PARK

Req dark-to-dawn curfew

Mr. Burton Wallenzien, 406 Sherwood Drive, appeared before the Council to request a dark-to-dawn curfew in Sherwood Park. He noted that with the closing of the parking lots at Temp and Gibsons, more and more young people are congregating in Sherwood Park. The noise from these young people is disturbing to the residents in the area. Mr. John Hall, 420 North Sherwood Drive, stated that there has been some vandalism and destruction of City property in the Park. Mrs. Anna Hall, 420 North Sherwood Drive, also noted that the noise late at night from 11:00 P.M. on is disturbing.

Mr. Jim Kaufman, 734 Tulip Drive, said that he is 16 years old and that he goes to Sherwood Park where most of his friends in his age group gather. Mr. Steve Carr of 1010 Teller Avenue also appeared before the Council and said they go to Sherwood Park because they have no other place to go.

City Manager Gray proposed that Council continue the Park Patrolman for an indefinite period, and that Sherwood Park and other parks be added to his patrol. It was felt that this would work better than the curfew which would drive the young people elsewhere.

It was moved by Councilman Colescott and seconded by Councilman Kozisek that the Park Patrolman be continued for an indefinite period. Motion carried.

#### OBNOXIOUS ODORS

2nd Petition against Water Pollution control plant

Mr. Robert Ausmus, 723 West Main Street, presented a second petition against the Water Pollution Control Plant odor. Mr. Frank Mays, 514 West Road, said that the odor has been worse this summer.

#### DAYS

Permission grtd Latin-Anglo group to use Riverside Park 9/15 & downtown area 9/16

Mrs. Antonia Martinez appeared before the Council on behalf of the Latin-Anglo group to request permission to use Riverside Park on Friday evening, September 15, to sell dinners for the Mexican Independence Day celebration. Her Second request was to have Main Street blocked between 4th Street and 5th Street from 11:00 A.M. to 4:00 P.M. on Saturday, September 16. The group plans to set up some food sale stands on Main Street during this time period.

It was moved by Councilman Kozisek and seconded by Councilman Paruch that the group be permitted the use of Riverside Park on Friday evening, September 15, and that Main Street be barricaded

between 4th and 5th Streets from 11:00 A.M. to 4:00 P.M. on Saturday, September 16. Motion carried.

ORD. NO. 1435

Vacate 10th St, Walnut to Bookcliff

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING A PORTION OF STREET WITHIN THE CITY OF GRAND JUNCTION. It was moved by Councilman Kozisek and seconded by Councilman Paruch that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Naff and seconded by Councilman Paruch that the proposed ordinance be called up for final passage and read. Motion carried.

The Ordinance was read. It was moved by Councilman Kozisek and seconded by Councilman Naff that the Ordinance be passed, adopted, numbered 1435, and ordered published.

Roll was called upon the motion with all Councilmen present voting AYE. The President declared the motion carried.

RESOLUTION

REVOCABLE PERMIT

City Market planters in R/W

The following Resolution was presented and read:

RESOLUTION

WHEREAS, City Market, Incorporated, a wholly owned subsidiary of Dillon Companies, Incorporated, has petitioned the City Council of the City of Grand Junction for a revocable permit to encroach upon the right of way on the south side of Colorado Avenue West of First Street as per plan attached for planters on such right of way, 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, a nd 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 and 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.

PASSED and ADOPTED this 6th day of September, 1972.

\_\_\_\_\_  
Stanley R. Anderson\President of the Council

ATTEST: (no recorded information)

\_\_\_\_\_  
\City Clerk

REVOCABLE PERMIT

WHEREAS, City Market, Incorporated, a wholly owned subsidiary of Dillon Companies, Incorporated, has petitioned the City Council of the City of Grand Junction for a revocable permit to encroach upon the right of way on the south side of Colorado Avenue West of First Street as per plan attached for planters on such right of way, 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 OF 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 lot, and provided further that said corporation shall agree to restore the right of way to its original condition upon the revocation of such permit.

Dated this \_\_\_\_\_ day of September, 1972.

\_\_\_\_\_  
R. N. Gray\City Manager

ATTEST:

\_\_\_\_\_  
\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 \_\_\_\_\_, 1972.

City Market, Incorporated a wholly owned subsidiary of Dillon Companies, Incorporated

\_\_\_\_\_  
By\

ATTEST:

\_\_\_\_\_  
\Secretary

STATE OF COLORADO)		
) ss		
COUNTY OF MESA)		

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1972, as \_\_\_\_\_ and \_\_\_\_\_ as \_\_\_\_\_ of City Market, Incorporated, a wholly owned subsidiary of Dillon Companies, Incorporated.

\_\_\_\_\_

\Notary Public

My Commission expires:

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

RESOLUTION

REVOCABLE PERMIT

K Mart- storm sewer under 28 Rd tinto Indian Wash

The following Resolution was presented and read:

RESOLUTION

WHEREAS, C & W Manhattan Company, for Kmart Enterprises of Colorado, Incorporated) has petitioned the City Council of the City of Grand Junction for a revocable permit for a 24-inch concrete storm sewer across 28 Road from the East right of way line to the Indian Wash Drainage Ditch, the center line to be more clearly described as follows:

Beginning at a point fifty feet East and 578 feet South of the Northwest Corner of Section 18 Township 1 South Range 1 East of the Ute Meridian. Said beginning point being the East right of way of 28 Road; thence West 100 feet more or less to the Indian Wash Drainage; being the point of termination; 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 and agreement that upon the revocation of such permit, it will remove said concrete storm sewer or other impediments at its own expense and will restore the right of way to its original condition required in that area.

PASSED and ADOPTED this 6th day of September, 19972.

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Stanley R. Anderson\President of the Council

ATTEST:

\_\_\_\_\_  
\City Clerk

REVOCABLE PERMIT

WHEREAS, C & W Manhattan Company for (Kmart Enterprises of Colorado, Incorporated) has petitioned the City Council of the City of Grand Junction for a revocable permit to install on public right of way a 24-inch concrete storm sewer across 28 Road from the East right of way line to the Indian Wash Drainage Ditch, the center line to be more clearly described as follows:

Beginning at a point fifty feet East and 578 feet South of the Northwest Corner of Section 18 Township 1 South Range 1 East of the Ute Meridian. Said beginning point being the East right of way of 28 Road; thence West 100 feet more or less to the Indian Wash Drainage Ditch, being the point of termination; 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 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 OF 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 re store the right of way to a proper and usable condition after the completion of construction on said right of way, and provided further that said corporation shall agree to restore the right of way to its original condition upon the revocation of such permit.

Dated this 7th day of September, 1972.

\_\_\_\_\_  
R. N. Gray\City Manager

Attest:

(No recording information)

\_\_\_\_\_  
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 \_\_\_\_\_, 1972.

C & W Manhattan Company

(K-Mart Enterprises of Colo., Inc.)

\_\_\_\_\_  
By\

ATTEST:

\_\_\_\_\_

STATE OF COLORADO)		
) ss		
COUNTY OF MESA)		

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1972, as \_\_\_\_\_ and \_\_\_\_\_ as \_\_\_\_\_ of C & W Manhattan Company for (K-Mart Enterprises of Colo., Inc.)

\_\_\_\_\_  
Notary Public

My Commission Expires:

It was moved by Councilman Paruch and seconded by Councilman Colescott that the Resolution be passed and adopted as read. Roll was called upon the motion with all Councilmen present voting AYE. The President declared the motion carried and the Resolution duly passed and adopted.

PROPOSED ORD.

Vacate 200.7 ft of 20 ft. E/W alley, Blk 96 (Valley Fed)

The following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING A PORTION OF ALLEY WITHIN THE CITY OF GRAND JUNCTION. It was moved by Councilman Paruch and seconded by Councilman Colescott that the proposed Ordinance be passed for publication. Motion carried with President Anderson abstaining.

WATER

Gunnison River pump station

Included with the preliminary agenda to the Council was an engineering report from Mr. Clifford Jex who has been working with the Morcan Engineering firm of Delta on the Gunnison River Pump Station. City Manager Gray said they have now reached the point where Council needs to direct them to continue with the project. Mr. Gray introduced Mr. Art Cannon of Morcan Engineering.

Mr. Cannon advised that the estimate for this project is \$217,841. This does not include the cost to the City for power by Public Service to the station, nor for the site acquisition, the Railroad right of way and the County road right of way. Mr. Cannon felt the Railroad and the County road right of way acquisition would be routine. He said negotiations were underway presently with the Redlands Power Company for the site acquisition which is located on the east side of the Gunnison River, south of the dam.

Mr. Gray noted that the City has a decree for 120 second feet of water from the Gunnison River and that for a year the City has been planning for a pump station to get the water to the Plant. He said that a year ago, however, there was no serious shortage of water, and it now seems that if we are to have insurance against similar droughts in our major raw water source, then this would be the type of auxiliary to that supply. Also, there has been some discussion that if this Gunnison River water can be delivered to the open raw water reservoir, then as a separate project the City can pipe from that reservoir to the cemeteries so the cemeteries would be on this source. Utility Plants Superintendent Jim Patterson reported that the quality of the water from the Gunnison River is treatable. He said we would be diluting this water about one to five with the Mesa water, and he could not see any problems.

It was moved by Councilman Kozisek and seconded by Councilman Colescott that the Consulting Engineers be directed to proceed with the preparation of the plans and specifications for this project. Motion carried.

ADJOURNMENT

The President adjourned the meeting.

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Neva B. Lockhart  
City Clerk

R E S O L U T I O N

ASSOCIATES, a limited partnership,  
WHEREAS, C & W MANHATTAN ~~COMPANY~~, 3431 West Alabama,  
Houston, Texas (for K-Mart Enterprises of Colo., Inc.)  
has petitioned the City Council of the City of Grand Junction  
for a revocable permit for a 24-inch concrete storm sewer across  
28 Road from the East right of way line to the Indian Wash  
Drainage Ditch, the center line to be more clearly described as  
follows:


Beginning at a point fifty feet East and 578  
feet South of the Northwest Corner of Section  
18 Township 1 South Range 1 East of the Ute  
Meridian. Said beginning point being the East  
right of way of 28 Road; thence West 100 feet  
more or less to the Indian Wash Drainage;  
being the point of termination; 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 de-  
scribed 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 and agreement that upon the  
revocation of such permit, it will remove said concrete storm  
sewer or other impediments at its own expense and will restore  
the right of way to its original condition required in that area.

PASSED and ADOPTED this 6th day of September, 1972.

  
\_\_\_\_\_  
President of the Council

ATTEST:

  
\_\_\_\_\_  
City Clerk

REVOCABLE PERMIT

ASSOCIATES, a limited partnership,  
WHEREAS, C & W. MANHATTAN COMPANY, 3431 West Alabama,  
Houston, Texas (for K-Mart Enterprises of Colo., Inc.)  
has petitioned the City Council of the City of Grand Junction  
for a revocable permit to install on public right of way a 24-inch  
concrete storm sewer across 28 Road from the East right of way  
line to the Indian Wash Drainage Ditch, the center line to be  
more clearly described as follows:

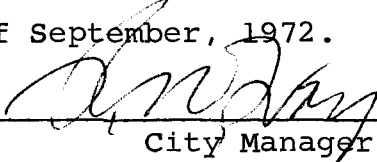
Beginning at a point fifty feet East and 578  
feet South of the Northwest Corner of Section  
18 Township 1 South Range 1 East of the Ute  
Meridian. Said beginning point being the East  
right of way of 28 Road; thence West 100 feet  
more or less to the Indian Wash Drainage Ditch,  
being the point of termination; 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 inhabi-  
tants 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 OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to the above-named Corporation  
a revocable permit for the purposes above stated; provided how-  
ever, that said permit may be revoked by the City Council at its  
pleasure at any time; provided further that the above-named cor-  
poration 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, and provided  
further that said corporation shall agree to restore the right  
of way to its original condition upon the revocation of such permit.

Dated this 7<sup>th</sup> day of September, 1972.

  
\_\_\_\_\_  
City Manager

ATTEST:

  
\_\_\_\_\_  
City Clerk



# C & W Manhattan Associates

COMMERCIAL DEVELOPERS

3431 WEST ALABAMA

P. O. BOX 22976  
HOUSTON, TEXAS 77027  
(713) 621-0700

September 26, 1972

Ms. Neva B. Lockhart  
City Clerk  
City of Grand Junction  
P. O. Box 968  
Grand Junction, Colorado 81501

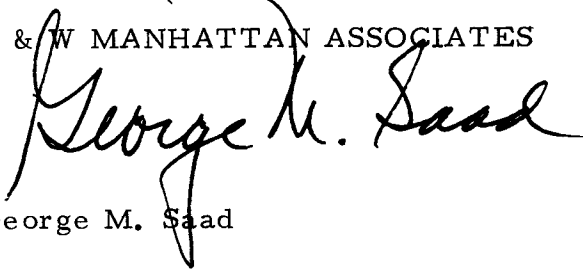
Re: K-Mart Project  
Revocable Permit  
Grand Junction, Colorado

Dear Ms. Lockhart:

Enclosed herewith is the original copy of the Revocable Permit for the concrete storm sewer in Grand Junction. It has been executed by Roland Walters on behalf of C & W Manhattan Associates.

Yours very truly,

C & W MANHATTAN ASSOCIATES



George M. Saad

GMS:je

Enclosure





