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ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M. September 20, 1972, in the Civic Auditorium at City Hall. Present for roll call were President Stanley Anderson and Councilmen Harry Colescott, Silas Grantham, Lawrence Kozisek, Raymond Paruch, and Richard Youngerman. Councilman Theodore Naff was absent. Also present were City Attorney Gerald Ashby, City Clerk Neva Lockhart, and Acting City Manager Harvey Rose. City Manager Richard Gray was absent.

MINUTES

It was moved by Councilman Kozisek and seconded by Councilman Colescott that the minutes of the regular Council meeting held on September 6, 1972, be approved as written. Motion carried.

HEARING

Rezoning Block 5, East Main Addn.

Continued to 10-4

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the hearing on rezoning of Block 5, East Main Addition, be continued until October 4, 1972. Motion carried.

HEARING

Req by Valley Fed S&L for an over-height bldg on No 5th-approvd

Recommended from the City Planning Commission and advertised for hearing on this date was the request by Valley Federal Savings & Loan for an over-height building (150 feet) proposed for North 5th Street between Rood and White. President Pro Tempore Harry Colescott assumed the chair for this hearing.

City Attorney Ashby noted that the height that is permitted in the Zoning Ordinance and approved by the City Planning Commission and the City Council is 65 feet. Valley Federal's proposed building is 150 feet. The Telephone Building is 130 feet for which they were granted permission for the over-height. Councilman Paruch said that this was discussed quite thoroughly at the Planning Commission meeting with Mr. Porter, the architect. Additional information regarding the fire code and building code requirements was obtained from other states. He said the Planning Commission felt the standards would be met equal to or exceeding the City's requirements. There being no other comments and no one in the

audience who spoke, the President Pro Tempore closed the hearing.

It was moved by Councilman Grantham and seconded by Councilman Kozisek that Valley Federal Savings & Loan be allowed the over-height to 150 feet of the building on Lot 96 on North 5th Street. Motion carried.

President of the Council Stanley Anderson did not take part in the discussion or the voting.

HEARING

Liquor License change of location for El Charro Cafe

This was the date advertised for hearing upon the application by Mrs. Michelle Garcia to change the location of the hotel-restaurant liquor license for the El Charro Cafe from 2813 North Avenue to 1215 North 23d Street. The location of the El Charro Cafe at 2813 North Avenue was annexed to the City in May, 1972, where the K-Mart Enterprises is now constructing a building.

Mr. and Mrs. Garcia were present for the hearing. Mr. Gary Cowan, attorney, representing Mrs. Garcia, appeared before the Council and presented petitions containing approximately 459 signatures of people within the neighborhood. Also presented for consideration were the plans for the proposed structure. Mr. Cowan noted that this is not per se a lounge, but a restaurant. He read a letter from Sheriff Ray Reese which noted that during the time this business has been operated by Mrs. Garcia within the jurisdiction of the Mesa County Sheriff's Department 3.2 beer was sold, and later after having procured a liquor license managed a Lounge in connection with the cafe. Sheriff Reese noted that since Mrs. Garcia has been in this business the Sheriff's Department has not received any reports of disturbances, drunks, or complaints of any type. He said the opinion of the Officers of the Sheriff's Department is that Mrs. Garcia is one of the more qualified members of the business profession.

A letter from Chief of Police Karl M. Johnson was read in which he noted that Mrs. Garcia has previously been qualified. He felt the factors to be considered on this application were: 1. Whether or not the reasonable requirements of the neighborhood have been met (the nearest location of another outlet is approximately six blocks distance); 2. What the desires of the inhabitants of the neighborhood are as evidenced by petition or otherwise at the time of the hearing; and 3. Whether or not the Town and Country Day Care Center which is located at 1306 North 23d, less than 500 feet from the location, is a school--in which case the license could not be granted under 75-2-39 (5).

City Attorney Ashby said that he had talked to the owner of the Town and Country Day Care Center. It was felt that the Center could not be classified as a "public or parochial school."

Mr. Scott Mills, contractor, was present and indicated there would be adequate parking for more than 100 cars. The proposed property is 300 feet deep by 125 feet wide.

Mr. Errol Snider, 1350 North 22d Street, said that he had just purchased his home in June, and he did not feel that the location of the liquor license in his neighborhood would create the kind of atmosphere in which to live. He said he had also heard that some apartments are to be constructed in the area, and he feels the parking of cars would soon be a problem.

Submitted for Council consideration was a petition signed by 120 people protecting the transfer of the El Charro liquor license to 1215 North 23d as they felt it would not be in the best interest of families or the neighborhood. A map was presented showing that 37 of the 120 signers lived within the neighborhood. The others were members of the Northeast Christian Church which is located at 1333 North 23d Street.

Reverend Leland Griffin, 1350 North 23d Street and minister of the Northeast Christian Church, appeared before the Council. Reverend Griffin said that he would be a resident right next door to the restaurant, as this is the parsonage provided by the Church. He felt the best interests of the neighborhood could best be served if this were retained as a residential area. Mr. Cowan asked Reverend Griffin if he was opposed to the restaurant rather than the liquor license for serving drinks. Reverend Griffin said that he was opposed to drinking alcoholic beverages although there is no church law governing this. He restated that he would like to see the area remain residential. City Attorney Ashby noted that the area where Mrs. Garcia is planning the building is zoned for business. Mr. Gene Files, 1303 North 23d Street, said that Lot 14 and a portion of Lot 15 is up for rezoning so that Mrs. Garcia would have ingress and egress to the building.

Mr. Ed Chase, Chairman of the Elders of the Northeast Christian Church, opposed the liquor license because young people meet at the church almost every evening. Some meet until 9:00 or 10:00 in the evening. He said he would not like to have people who have been drinking start driving or leaving the area at the same time.

Mr. Loyd Files said that Mrs. Garcia has had a restaurant on property formerly owned by the Files and that Mrs. Garcia has a pretty good record as she runs a good, clean place.

The President closed the hearing.

It was moved by Councilman Colescott and seconded by Councilman Paruch that the decision on this application be tabled until the zoning of Lot 14 and a portion of Lot 15 has been determined by the City Planning Commission and recommended back to Council. Councilman Grantham and Councilman Kozisek said they would like to go out to the area for a visual inspection. Motion carried with Councilman Youngerman voting NO.

WALKATHON

To promote and raise money for United Negro Colleges

Mr. Sam Samuelson, Steering Committee for United Negro Colleges, appeared before the Council to advise it of plans to conduct a walkathon to raise funds for approximately 40 colleges to help young Negro people obtain an education. The walkathon is to take place on Saturday the 30th of September. The duration of the march is 15 miles. The students will solicit pledges from citizens for so much per mile. The goal for Grand Junction is \$10,000. Council wished the marchers good luck.

3.2 Beer License Renewal

Albertson's 1838 North 12th

Approved

Submitted for renewal of a 3.2 beer license was the application of Albertson's Food Center No. 826, 1838 North 12th Street. A letter from Chief of Police Karl Johnson advised that there have been no complaints nor violations concerning the sale of 3.2 beer at this establishment.

It was moved by Councilman Youngerman and seconded by Councilman Grantham that the application be approved and the license issued when the State license has been received. Motion carried with Councilman Paruch voting NO.

ORD. 1436

Vacating portion of alley in Blk 96

President Pro Tempore Colescott assumed the chair for this portion. The Proof of Publication to 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 Youngerman and seconded by Councilman Kozisek that the Proof of Publication be accepted and filed. Motion carried.

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

The Ordinance was read, and there being no comments, it was moved by Councilman Kozisek and seconded by Councilman Youngerman that the Ordinance be passed, adopted, numbered 1436, and ordered published. Roll was called upon the motion with the following Councilmen voting AYE: Raymond Paruch, Harry Colescott, Lawrence Kozisek, Richard Youngerman, and Silas Grantham. The President Pro Tempore declared the motion carried.

ADJOURNMENT

The President declared the meeting adjourned.

\Neva B. Lockhart
City Clerk