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Grand Junction, Colorado

November 15, 1972

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M. November 15, 1972, in the Civic Auditorium at City Hall. Present for roll call were President of the Council Stanley Anderson and Councilmen Harry Colescott, Silas Grantham, Lawrence Kozisek, Theodore Naff, Raymond Paruch, and Richard Youngerman. Also present were Acting City Manager Harvey Rose and City Clerk Neva Lockhart. City Attorney Gerald Ashby was absent.

MINUTES

It was moved by Councilman Naff and seconded by Councilman Youngerman that the minutes of the regular Council meeting held on November 1, 1972, be approved as written. Motion carried.

RECREATION BOARD

3 Members apptd

The following names were submitted for reappointment to the Recreation Board:

Mrs. Dorotha Spooner to serve until March 7, 1975

Mrs. Ruth Cheskaty to serve until March 7, 1973

Mr. Ed VanderTook to serve until March 7, 1973

It was moved by Councilman Colescott and seconded by Councilman Paruch that these three members be reappointed to serve on the Recreation Board. Motion carried unanimously.

ARCHITECTS

Comm to review for Multi-purpose, new fire station, 2nd story Police & remodel library

President Anderson appointed a three-member committee from the City Council to review the architects for the Multi-Purpose Building and at the same time to consider the architect or architects for the new Fire Department Subsection, the second story for the Police Administration Building, and for the remodeling of the Library Building. The three members are:

Raymond Paruch
Lawrence Kozisek
Harry Colescott

President Anderson suggested that the above Councilmen should call on those members of the Site Selection Committee of the Multi-Purpose Building, particularly Ray Meacham, so they may assist in the interview of the architects and then advise Council of their recommendations.

1973 BUDGET HEARING

This was the date advertised for hearing on the proposed Budget for 1973. There was no one in the audience who indicated a desire to discuss the proposed Budget. Councilman Naff said he felt the Council did go a little too high on the wage increase for the department heads. Councilman Youngerman said he felt the Staff did its work quite well. Councilman Colescott indicated that another meeting would be needed to consider several things, particularly the dog ordinance if the City is to combine with the County on this item. There being no other comments, the President closed the hearing.

The following entitled proposed ordinance was presented and read: AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1973, AND ENDING DECEMBER 31, 1973. It was moved by Councilman Colescott and seconded by Councilman Kozisek that the proposed ordinance be passed for publication. Councilman Naff commented that the Appropriations for 1973 are pretty well in line, and he would go along with that. The motion carried unanimously.

3.2 BEER LICENSE

Hearing for Natl. Tea Co. (K-Mart) approved

This was the date advertised for hearing upon the application by National Tea Company doing business as National Supermarket No. 55, 2809 North Avenue, for a 3.2 beer license. Mr. Keith Mumby, representing the National Tea Company, presented the petitions for the issuance of the license. He noted there were 191 signatures in favor of the license, 40 not in favor, 120 not at home, and 20 vacant residences within the immediate neighborhood. Mr. Mumby noted that the resident manager of the store will be Mr. Don Peterson who has been with the company for 16 years. A letter from Chief of Police Karl Johnson advised that his investigation of the officers of the company had not revealed any unfavorable information. No letters had been filed regarding the application, and there were no others present who spoke for or against the issuance of the license. The President closed the hearing.

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.

NORTH AVE LIQUOR

Approve addn of Alice M. Mackenzie to license

This date was advertised for hearing upon the application of Alice N. Mackenzie to be added to the retail liquor store license held by her husband, Jack M. Mackenzie, North Avenue Liquor Store, 801 North Avenue. The applicant, Alice N. Mackenzie and her husband were present for the hearing. No letters had been filed regarding the applicant and there were no others present who spoke for or against Mrs. Mackenzie. Councilman Paruch said that as Grand Junction's lone dissenter or its number one teetotaler, he would remind Council, and the audience, that it should strongly consider a rehabilitation tax.

A letter from Chief of Police Karl Johnson noted that his investigation revealed no derogatory information regarding this applicant. The President closed the hearing.

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the application adding Alice N. Mackenzie to the license be approved. Motion carried, with Councilman Paruch voting NO.

GRAND LIQUOR STORE

Add Barbara Charlesworth to license

Scheduled for hearing on this date was the application to add Barbara Charlesworth to the liquor license held by Thomas and Marguerite Mulvihill doing business as the Grand Liquor Store, 220 West Grand Avenue. Mr. & Mrs. Mulvihill were present for the hearing. Mr. Mulvihill said the purpose of adding Mrs. Charlesworth's name to the license was so that she would be able to dispose of the store should anything happen to them. Mrs. Charlesworth is the grandniece and was reared by the Mulvihills. A letter from Chief of Police Karl Johnson was read which stated that his investigation of the applicant had revealed nothing which would prevent her name being added to the license. No other letters had been filed and there was no one in the audience who appeared for or against the applicant. The President closed the hearing.

It was moved by Councilman Youngerman and seconded by Councilman Grantham that the application to add Barbara Charlesworth to the license held by Thomas and Marguerite Mulvihill be approved. Motion carried with Councilman Paruch voting NO.

VFW CLUB 3981 LIQUOR LICENSE

Change of ownership approved

This date was advertised for hearing upon the application of David Alvin Queen and Stanley Edward Seybold for the liquor license at Club 3981 located at 476 - 28 Road. Mr. Queen and Mr. Seybold were

present for the hearing. A letter from Chief of Police Karl Johnson advised that his investigation of the applicants had revealed that Stanley Seybold was arrested twice between 1955 and 1969 on misdemeanor charges for which he paid fines. He was also arrested on one other occasion in 1958 for being absent without leave from the military service and was released to the custody of those authorities. Mr. Seybold told Council that he had told military officials that he was going on leave as he had a month's leave coming, but that he realized now this was the wrong way in which to get his leave. He said that with regard to the arrest a couple of years ago, he was forced off the road while driving when he had his wife and daughter with him. He then got into a fight with the driver of the other car. Councilman Youngerman asked him if he thought he could operate the club without flying off the handle. Mr. Seybold said he thought he could. There were no other letters filed regarding the applicants, and no one else appeared to speak for or against the applicants. The President closed the hearing.

It was moved by Councilman Kozisek and seconded by Councilman Naff that the application of David Alvin Queen and Stanley Edward Seybold be approved. Councilman Youngerman said he wanted the applicants to clearly understand that they should run a good, clean place as Council will be keeping a very close eye on the place and their operation. Motion carried with Councilman Paruch and President Anderson voting NO.

VFW BEYE LOTZ POST 1247, 1404 UTE AVE

Approve application for Hotel-Restaurant liquor license

Advertised for hearing on this date was the application for the V.F.W. Beye Lotz Post 1247 for a hotel-restaurant liquor license. They are presently operating under a club liquor license. Mr. Robert J. Nolan, Quartermaster, and Mr. Vernon Burrows, Manager of the Club, were present. Councilman Naff asked if the Club would be open to the public or if they would still be under the membership program. Mr. Burrows said the doors will still be locked to the general public. A petition with 139 signatures for approval of the license was presented. Seventy-three of the signers were from the immediate neighborhood. A letter from Chief of Police Karl Johnson was read which said that his investigation of the officers of this organization had revealed no derogatory information on any of them. No other letters had been filed, and there were no others in the audience who indicated they wished to speak for or against the application. The President closed the hearing.

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.

DAYS

Close Main St bet 5th/6th - 8 AM to 12 Sat 11/25 for Christmas promotion

Mr. Mancel Page, representing the Downtown Retail Trade Committee, appeared before the Council to request the closure of Main Street between 5th and 6th Streets from 8:00 A.M. to 12:00 noon on Saturday, November 25, for the annual Christmas promotion.

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that permission be granted the Downtown Retail Trade Committee for the closure of Main Street. Motion carried unanimously.

LIQUOR LICENSE RENEWALS FOR 1973

Presented for consideration were the applications for renewal of the 1973 liquor licenses for the following businesses:

Hotel & Restaurant

Arn's, Arnold C. Ebert, 2882 North Avenue

Bar X Motel & Lounge, Elmer B. Nelson & Donna R. Nelson, 1600 North Avenue

Beacon Cafe & Lounge, Loma Senst, 609 Main Street

Cafe Caravan, Marian Young, Alan M. Simpson, Martin F. Apezarena, & Thelma R. Hays, 105 W. Main St.

Dream Restaurant, Lucille M. Buchanan, 118 Main St.

El Charro Cafe, Michelle Garcia, 1215 No. 23d St.

Flamingo Lounge, 201 Colorado Ave., Mrs. Hazel S. Jensen

Ivanhoe Inn, Ski-Lu, Inc., 233 North Ave.

La Coquille Continental Restaurant, James F. & Gertrude Ramsey, 1320 North Ave.

Marks Finer Dining, Inc., Mark M., Antonia V. Wagner & L.C. Kopanos, 105 North 2d St.

The Matador, Robert C. Miller, 215 Colorado Ave.

Pantuso's Pizzeria, James & August Pantuso, 103 N 1st

Reverse R Bar, Virginia A. Ritter & Jack D. Ritter, 122 South Fifth St.

Royal Motel, Royal Motel Company, 1810 North Ave.

Saint Regis Hotel & Lounge, Katherine Blackshear, 4th & Colo. Ave.

Santy's Cafe & Lounge, Anthony Santy & Willow Bea Santy, 335 Main St.

The Sir Loyne, Paul J. Mitchell, 2879 North Ave.

Tw-We Corporation, Beefeaters, Ltd., 159 Colo. Ave.

V.F.W. Post #3981, David Queens & Stanley Seybold, 476 28 Road

V.F.W. Post #1247, Inc., 1404 Ute Ave. Box 97

Retail Liquor Stores

Barbour's Foresight Drive-In Liquors, Inc., 201 Main St.

City Liquor Store, Gus Morris, 901 No. 1st St.

Crown Liquor Store, Americo Benetti & Mary Ann Benetti, 2851 1/2 North Ave.

Grand Liquor Store, Thomas N., Marguerite Mulvihill, & Barbara Charlesworth, 220 West Grand

Hilltop Liquors, Clarence B. & Vernace E. Olson, 1563 Highway 50

Jim's Liquor Store, Melvin J. & Helen M. Benton, 1560 North Ave.

Johnnie's Liquor Store, Johnnie J. Retolaza, 1000 No. 5th St.

Last Chance Liquor Store, Clara E. Warren, 1203 Pitkin

North Ave. Liquor Store, Jack M. & Alice N. Mackenzie, 801 North Avenue

Raso Liquor Store, Dora F. Pantuso, 202 Ute Ave.

State Liquors, Inc., Richard Stranger, 659 Rood Ave.

Taylor's Liquors, Craig & Joyce Taylor, 401 North Ave.

Teller Arms Liquor Shoppe, Rufus M. Jones & Florence M. Jones, 24th & North Ave., Unit #5

Club Licenses

Fraternal Order of Eagles, Aerie No. 595, 1674 US Hwy 50

B.P.O. Elks, #575, 249 So. 4th St.

The Mesa County Health Department report from Mr. Charles Milholland, Sanitarian, indicated that inspections were made of the restaurants and two clubs, and the applicants meet health and sanitation standards for renewal of the licenses. A letter from

Chief of Police Karl Johnson advised that during the past year, none of the licensees has been charged with or convicted of a violation of the Colorado Liquor Code. He noted there have been some complaints on the operation of a few establishments, but these problems have been satisfactorily resolved by calling them to the attention of the licensee or the management. In some cases, a change of ownership has helped to improve the operation where problems had previously existed. He continued that in general the operation of the liquor licensed business in Grand Junction is good. Cooperation with the enforcement agencies has in most cases been outstanding.

It was moved by Councilman Youngerman that the applications for renewal of liquor licenses for 1973 for the respective businesses be approved and the licenses issued when the State licenses have been received, which motion was seconded by Councilman Kozisek. Motion carried with Councilman Paruch voting NO.

ORD. NO. 1441

Vacate N/S Alley Blk 3 Milldale Sub

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

It was moved by Councilman Youngerman and seconded by Councilman Paruch 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 Paruch and seconded by Councilman Colescott that the Ordinance be passed, adopted, numbered 1441, and ordered published. Roll was called upon the motion with all Councilmen voting AYE. The President declared the motion carried.

ORD. NO. 1442

Vacate alley (E/W) in Blk 18 Milldale Sub.

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

It was moved by Councilman Paruch and seconded by Councilman Grantham 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 Colescott and seconded by Councilman Grantham that

the Ordinance be passed, adopted, numbered 1442, and ordered published. Roll was called upon the motion with all Councilmen voting AYE. The President declared the motion carried.

ORD. NO. 1443

Vacate alleys-N/S Alley Lots 9 & 24, Blk 3 & E/W Blk 3, Benton Cannon's 1st Sub

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

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

The Ordinance was read. There being no comments, it was moved by Councilman Colescott and seconded by Councilman Grantham that the Ordinance be passed, adopted, numbered 1443, and ordered published. Roll was called upon the motion with all Councilmen voting AYE. The President declared the motion carried.

ORD. NO. 1444

Vacate street in Cindy Ann Subdiv.

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 Colescott and seconded by Councilman Grantham 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 Colescott and seconded by Councilman Kozisek that the Ordinance be passed, adopted, numbered 1444, and ordered published. Roll was called upon the motion with all Councilmen voting AYE. The President declared the motion carried.

EQUITABLE LIFE ANNUITY POLICIES OF R. N. GRAY

Transferred to City of Norman, Okla.

The following Resolution was introduced and read:

RESOLUTION

WHEREAS, under the terms of the employment agreement entered into

by the City Council of the City of Grand Junction with Mr. Richard N. Gray as City Manager, it was agreed to provide certain retirement income policies during the period of such employment, and

WHEREAS, under the terms of such agreement, there were acquired from Equitable Life Insurance Company retirement income policies N70,261,384; N71,225,317; and N72,272,974, all owed by the City of Grand Junction, Colorado, and

WHEREAS, Mr. Gray is now employed by the City of Norman, Oklahoma, and it is desired to transfer the ownership of these policies to said City,

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

THAT there be transferred by the necessary officers of the City, the ownership of the City in and to the policies above described to the City of Norman, Oklahoma, for the benefit of Richard N. Gray.

PASSED and ADOPTED this 15th day of November, 1972.

Stanley R. Anderson
President of the Council

ATTEST:

\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 upon the motion with all Councilmen voting AYE. The President declared the motion carried and the Resolution duly passed and adopted.

FIRE & POLICE PENSION

Deductions on full amt of salary for 1973

The following Resolution was introduced and read:

RESOLUTION

WHEREAS, heretofore payroll deductions from members of the Police and Fire Departments have been limited to a percentage of the maximum salary figure as used for Social Security deductions; and

WHEREAS, it has been determined that such limitation should no

longer be kept;

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

That the percentage deduction for the Fire and Police Pension Funds from members of such Departments extend to the full amount of their salaries with the department, to be effective January 1, 1973.

PASSED and ADOPTED this 15th day of November, 1972.

Stanley R. Anderson
President of the Council

ATTEST:

City Clerk

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

FIREMEN'S PENSION

Escalator clause coverage for retirees prior to 9-3-1969

The following Resolution was introduced and read:

RESOLUTION

WHEREAS, certain former Grand Junction Fire Department members, now retired, have petitioned the City Council of the City of Grand Junction, to provide monies to pay additional benefits to provide one-half of any increase in salary and longevity or additional pay based on length of service granted during the period of their retirement to the rank occupied by them in said department; and

WHEREAS, the Council has heretofore granted such pension increase to those who retired subsequent to September 3, 1969, and is now desirous of extending such benefits to those who have retired prior to that date;

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

That beginning January 1, 1973, the City shall provide the necessary monies to pay the additional benefits to provide one-

half of any increase in salary and longevity or additional pay based on length of service granted during the period of retirement of any person now or hereafter retired from the Grand Junction Fire Department to the rank occupied by such retired member in the department at the time of his retirement.

Such sums of monies to provide such benefits shall be annually budgeted and appropriated by the City as a supplement to the regular pension funds.

PROVIDED, HOWEVER, that any such retired member may refuse to accept such additional monies, in which case they shall revert to the City General Fund.

PASSED and ADOPTED this 15th day of November, 1972.

Stanley R. Anderson\President of the Council

ATTEST:

\City Clerk

Finance Director William Manchester said that this matter was referred to the Firemen's Pension Board. (October 18, 1972). After a meeting of the Firemen's Pension Board, it recommended that this was an item it would not oppose provided the Council would take care of the funding. Mr. Manchester indicated this is provided in the 1973 and 1974 Budgets. Councilman Colescott said that he feels that these men are entitled to this escalator clause. It was moved by Councilman Colescott and seconded by Councilman Paruch that the Resolution be passed and adopted as read. Roll was called upon the motion with all Councilmen voting AYE. The President declared the motion carried and the Resolution duly passed and adopted.

ORD. NO. 1445 (E)

Annexation of Reservoir Hill

Instr No. 4298

Acting City Manager Harvey Rose explained that the proposed annexation of 120 acres owned by the City of Grand Junction and known as Reservoir Hill adjacent to the cemeteries south of town is so that it can be removed from the Fire District and save the County some paper work. At the same time, it will increase the City Limits perimeter and permit worthwhile annexations on Orchard Mesa in the future.

The following entitled proposed emergency ordinance was presented and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND

JUNCTION AND DECLARING AN EMERGENCY.

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the Ordinance be passed, adopted as an emergency ordinance, numbered 1445, and ordered published. Roll was called upon the motion with all Councilmen voting AYE. The President declared the motion carried.

PROPERTY

To sell property on Kannah Creek watershed to Alexanders

Future requests to be referred to County Planning Commission

Acting City Manager Harvey Rose reported that in accordance with Council's direction on October 18, 1972, an appraisal of the approximately 10 acres that the Gene Alexanders are interested in purchasing on Kannah Creek watershed has been accomplished. The appraisal was made by Mr. L. W. Crosswhite of the Mountain Realty Company, and listed the property at \$60 an acre. Mr. Rose read a letter from Mr. Arthur A. Cohn of Clearwater, Florida. Mr. Cohn said he would like to purchase all the available acreage (approximately 30 acres) in Lots 14 and 15 of Section 33 and offered \$65 an acre. Mr. Cohn indicated that his interest in the property is for a private residence and that he would need to tap on to the City flowline. Mr. Rose said that since this property is adjacent to that of the Alexanders, the appraisal would hold for both properties.

Councilman Colescott said that he had requested a report from the City's water legal counsel, Jim Dufford, regarding these requests. To date, the City has not received this report. President Anderson said that the south side of Grand Mesa is not presently inhabited. If the City starts opening it up, it could get out of hand.

Mrs. Gene Alexander was present and said they wished to reaffirm their request for the property. She noted that the rainy weather has prevented a survey being made of the property they are interested in, but that just as soon as it is dry, one will be made.

Councilman Paruch said that he feels the Gene Alexanders have given a valid request and that it should be acted upon by the Council. He said that he knows that the Alexanders indicated an interest in the property some two years ago. Councilman Kozisek agreed that Council should continue with the proposed sale to the Alexanders. He said, however, the third request, or any forthcoming requests, should be referred to the County Planning Commission so that Council can get some advice regarding any developments that might be planned.

Councilman Naff stated that he did not feel that it would be right to allow a water tap in this location and then a little farther down the line declare a moratorium against water taps.

It was moved by Councilman Colescott that the Council should proceed with the sale to the Gene Alexanders subject to Senate Bill 35; reserving the water rights and mineral rights to the City; and allowing a water tap to the City flowline; providing that the request from Mr. Cohn be referred to the County Planning Commission with a request for a comprehensive study and guidelines established for the use of the land in this area, which motion was seconded by Councilman Paruch and said motion carried unanimously.

AUDIT - 1972

4 firms interested

Letters from four firms indicating an interest in performing the City Audit for calendar year 1972 were presented to Council.

It was moved by Councilman Colescott and seconded by Councilman Kozisek that the appointment of an auditor should be an item on the agenda for the Special Council meeting on November 29, 1972. Motion carried unanimously.

ADJOURNMENT

The President declared the meeting adjourned.

Neva B. Lockhart
City Clerk