

Grand Junction, Colorado

July 2, 1975

ROLL CALL

The City Council of the City of Grand Junction, Colorado met in regular session at 7:30 p.m. July 2, 1975 in the Civic Auditorium at City Hall. Members present for roll call: Larry Brown, Harry Colescott, Karl Johnson, Jane Quimby, Elfin Tufly, Robert Van Houten and President of the Council Lawrence Kozisek. Also present City Manager Harvey Rose, City Attorney Gerald Ashby, City Clerk Neva Lockhart.

MINUTES

Councilwoman Quimby moved to correct the minutes of June 4, 1975, to reflect that Mary Ann "Packard" was appointed to the Mesa County Foundation and approved the minutes as corrected, which motion was seconded by Councilman Tufly. Motion carried.

EXTENSION OF LEASE AGREEMENT

ACE Kindergarten Bldg 134 West Avenue Head Start

Head Start Director, Mrs. Sharon Keikeljohn, was present and requested extension of lease agreement for the premises known as the ACE Kindergarten Building located at 134 West Avenue in Grand Junction.

It was moved by Councilman Colescott and seconded by Councilman Brown that the lease extension through June 30, 1976, be approved. Motion carried.

REPORT ON STATUS OF

Oliver's 323 Rood Avenue

Mr. Bob Wilson was present to provide a report to Council on the status of his hotel-restaurant liquor license, and the opening of business at Oliver's, 323 Rood Avenue. He stated that one of the reasons he has not opened was because he ran into some financial difficulty, but he now feels he has those problems taken care of. He reported it should be ready to open within 75 days.

It was moved by Councilman Brown and seconded by Councilman Tufly that the license be automatically revoked within 90 days if the restaurant, to be called "Oliver's," 323 Rood Avenue, is not open for business. Motion carried.

Councilman Van Houten noted that The County Seat, 601 North First Street, does not show any sign of activity preparatory to opening and suggested that it be on the next agenda to file a report on the status of this hotel-restaurant liquor license.

### RENEWAL OF 3.2 BEER LICENSES

Submitted for consideration were the applications by the following businesses for the renewal of 3.2 Beer licenses:

- (1) Circle K Food Store, Inc., NE Corner First & Chipeta
- (2) City Market, Inc. 2830 North Avenue
- (3) Shakey's Pizza Parlor, 2560 North Avenue
- (4) Teddy's Cafe, 1648 Hwy 50

A report from the Police Department indicated there have been no problems during the past licensing period.

It was moved by Councilman Colescott and seconded by Councilman Johnson that the applications be approved and the licenses be issued when the State licenses have been received. Motion carried.

### CORPORATE OFFICER CHANGE AFFECTING LIQUOR LICENSE

Galley Restaurant, Inc. 929 Main Street

Submitted for consideration was the application by The Galley Restaurant for a Corporate Officer change: President and Stock Holder Vincent Paul Oddo, Vice President and Stock Holder Paul Silengo, Secretary and Stock Holder Jerry Uhrlaub, Treasurer and Stock Holder Roger C. Head, and Stock Holder Charles Silengo, Manager Rene De Best. A report from the Police Department indicated that nothing was found in background of the proposed Corporate Officers that would make them ineligible for licensing within this State.

It was moved by Councilman Tuflly and seconded by Councilman Brown that the change in corporate officers be approved. Motion carried.

### CHANGE OF OWNERSHIP HOTEL-RESTAURANT LIQUOR LICENSE, BEACON LOUNGE 609 MAIN STREET

Approved

Submitted for consideration was the application by Gloria Melvin for a Hotel-Restaurant Liquor License for the Beacon Lounge, 609 Main Street. A report from the Police Department indicated that the background check on the applicant revealed nothing of a derogatory nature.

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the application be approved and the license issued when the State license has been received. Motion carried.

### HEARING - CONSIDER THE REVOCATION OR SUSPENSION OF 3.2 BEER LICENSE

Pretzel Factory 1230 North 12th St.

Advertised for hearing on this day was the item to consider the revocation or suspension of the 3.2 Beer License at the Pretzel Factory, 1230 North 12th Street. Mr. William Foster was the Attorney representing certain members of the neighborhood. Mr. Fred Alrich was the Attorney for the owners.

Mr. Ronald L. Smith of 673 Eastcliff Drive, Lieutenant in Special Investigations with the Police Department, was called to testify. He noted that he has been employed by the Police Department for thirteen and one half years. He stated that he has a general familiarity with this license and he noted the history of calls to the Police Department since the 1st day of January. He said that calls from nearby residents complained of beer bottles, cans, patrons using profane and obscene language, fights, patrons of establishment urinating in the alley behind the business. He noted one item that could be considered a violation which was the band playing very loud. He stated that Mr. Christensen has been very cooperative with the Department and he appears to be trying to operate within the guidelines.

Mr. Foster asked Mr. Smith if he recalled a fight between Mr. Christensen and a Mr. Hajek February 19, 1975, to which Mr. Smith replied he did.

Submitted by Mr. Foster were photographs showing the condition of the fence to the south of the Pretzel Factory and the vandalism that has occurred. The fence is owned by the Intermountain Bible College Church Supplies. Mr. Foster stated that it is not the purpose of his clients to put anyone out of business but his clients do feel that it is up to the person to whom the license is issued to police the area or to control the occurrences on the parking lot. Called to testify was Mrs. Kathryn Heald of 2912 Jon Hall, Manager of the Intermountain Bible College Church Supplies. Mrs. Heald testified that she is not around in the evenings so therefore, could not verify complaints about noise or fights. However, she could testify about the vandalism and littering. The IBC Church Supplies has been at its present location for nine years and she testified the conditions are worse with respect to physical damage to property the last short while.

Reverend Erksine Skates, President of Intermountain Bible College, presented a drawing of the Intermountain Bible Patio and its proximity to the Pretzel Factory.

Mr. Roy Zimmerman, 1240 Glenwood, complained about the noise, parking, trash, beer bottles, loud, profane language and that after drinks boy and girl come over and lie in his yard. Mr. David Skates who lives in the alley behind the Pretzel Factory testified to the complaints that had been alleged.

Mr. Aldrich said one of the problems that the Pretzel Factory has is turning away patrons. Once they are turned away, the owner does not have control over them after that.

These neighbors are requesting that the Pretzel Factory exercise control over people who are not then patrons of the Pretzel Factory. He said that the Pretzel Factory is willing to do whatever is reasonable or possible on the parking lot. The Pretzel Factory sells draft beer served in glasses or pitchers on the premises. It does not sell beer in bottles or cans.

Mr. James E. Gilliam, State Liquor Enforcement Officer, whose residence address is 539 Pierce Street, Clifton, Colorado, testified that as part of his job he inspects 3.2 Beer establishments to spot violations of the State 3.2 Beer Act such as sales to underage drinkers, intoxicated persons, illegal sales items, and general contact with the establishment. He stated that of some 12 to 15 inspections this year all but three were at night. He recalled one or two violations at the Pretzel Factory which he had discussed with Michael Christensen relative to infraction with the bathroom facilities under the State Health Program and sanitary conditions in the restaurant facility. He stated he had not received any complaints from neighbors of this facility nor has he observed any violations as alleged in earlier testimony. He has filed no charges for violations against The Pretzel Factory since the Christensens have taken over. Under cross examination by Mr. Foster, Mr. Gilliam stated he makes inspections approximately once every two weeks. He has observed no illegal alcohol on premise; he has been present on "band night" when patrons have been turned away, and has not observed any fights, arguments, or other incidents in the parking lot. He stated he does not have access to the Police Department records.

Mr. Michael Christensen, 1311 N. 16th St., Apt. 3, owner and manager of The Pretzel Factory, testified that he was involved in a fight as referred to earlier. The circumstances were that a gentleman threw a glass at a member of the band from approximately one half of the distance across the building. The gentleman was removed to the parking lot where he assaulted one of Mr. Christensen's employees. Mr. Christensen testified that the gentleman was charged, pled guilty to assault and disturbance, and was fined. Mr. Christensen stated that he was not charged with any offense. He said that the interior of the building is patrolled by himself and Mr. Vogely, plus the bartender and the doormen are required to make periodic checks outside. He testified that he walks around outside at thirty minute intervals. No off-duty policemen are hired to patrol as they are unable to acquire them, nor do they have a security officer patrolling outside. He stated that a Meridian Security Patrolman was hired during the time the Indegardds owned the license, but Mr. Christensen stated that the gentleman proved to be inadequate as far as authority to handle anyone. One year ago this summer was the last time a security officer was hired to patrol and parking lot. He stated there are tie-off fencing along the front and the back, but he personally has not been instructed to install fences. No fencing to the North and the fencing on the South belongs to Intermountain. Mr. Christensen testified that with regard to the wooden fence and its

damage, he made no effort to contact the owner and offer to have it repaired. Mr. Christensen said he had not been approached by anyone in the neighborhood about any problems. He stated he is willing to take any reasonable steps necessary to create a more cohesive neighborhood.

Mr. Gerald Reynolds, owner and operator of the Security Meridian Patrol, testified that he resented the allegations made by Mr. Christensen. He said that effectiveness in patrolling the lot was done only to the extent that Mr. Christensen permitted. He stated that Mr. Christensen stationed the patrol at the gate to check ID's and to collect money which prevented their patrolling the lot. He further testified that men assigned duty at the Pretzel Factory refused to work there anymore for less than \$10 an hour. He said that he personally worked for a short while and that he observed incidents which were filed in the complaint.

Mr. Ronald Skinner, 1416 Elm Avenue, spoke with regard to The Pretzel Factory and its Beer license and all other beer licenses. He is opposed to the way in which liquor or beer licenses are issued with the final results.

City Attorney Ashby advised that Council would not make a decision tonight, but would do so at its next meeting.

In summation, Mr. Foster requested that an affirmative action plan be presented by Mr. Christensen as to how he can obviate the complaints. Mr. Foster further requested that the neighbors be included in working out those recommendations.

Mr. Aldrich said he agrees with Mr. Foster and asked what can reasonably be done to correct the situation. He indicated that Mr. Christensen is willing to work with the City Council taking into consideration that this is a unique situation.

Consensus of Council was that the neighborhood deserves consideration. It requested that Mr. Christensen be prepared to come forward at the next meeting of Council with his suggestions as to what he intends to do to eliminate the problems coupled with suggestions of the neighbors.

The President closed the hearing.

The President declared a five-minute recess.

HEARING - PROP. ORD. - FALSE BURGLAR ALARM CALLS - TABLED

Advertised for hearing on this date was the proposed ordinance entitled: AN ORDINANCE PROVIDING FOR THE ASSESSMENT OF A CHARGE FOR RESPONSE TO ALARM FROM A BURGLAR ALARM SYSTEM OTHER THAN AN ALARM GENERATED BY CRIMINAL ACTIVITY.

Business concerns opposing the proposed ordinance were: Mr. R. W. Holmes, 1660 Delores Avenue, owner of the Redlands Drugs, 2516

Broadway, Mr. Burt Rosenthal, 2547 Mira Vista, owner of Cook Jewelry & Sporting Goods on Main Street, Mr. Craig Harris, 745 Golfmore, owner of the Mesa Drug Stores, Mr. Ernest Johnson, 2935 North Avenue, owner of Swede's House of Chrome, Mr. J. Walker, owner of Peyton Jewelry downtown, residence, 530 W. Mesa Avenue, Mr. Jack Mackenzie, owner of the North Avenue Liquor Store. The alarm users requested that Council define what constitutes a false alarm.

City Manager Rose reported that in January of this year there were 77 false alarms, February 55, March 69, April 81, May 69 and in June 75. He stated that of the 75 reported in June, 28 were listed as mechanical problems, 22 employee error, and 25 no fault found for the alarm. He stated he is sympathetic with the businesses and the alarm systems, but that he is also concerned with the fact that the majority of these calls being false as far as the Police Department is concerned, the Police Officer tends to respond to these calls after awhile as though they were all false, the therefore, starts making errors in responding to these calls and could get himself killed in the process.

He suggested looking at the ordinance in reverse form. Rather than attempting to find every false alarm, analyze the false alarm statistics, direct attention to those businesses where the majority of false alarms occur. Then, through fining, negotiation or some other method, halt that kind of activity.

Councilman Johnson noted there are a lot of outside influences that can trigger an alarm system. His primary concern is eliminating those causes for alarm that are due to negligence or improper use by the subscriber. Councilman Van Houten added to that list the equipment which may not be suitable or adequate.

Councilwoman Quimby suggested that if a pattern can be established where false alarms occur she would prefer a cooperative arrangement with abusers of the systems rather than adoption of an ordinance. If the cooperative arrangement does not correct the problem then Council can resort to adoption of an ordinance.

Councilman Johnson said he would ask the installers to furnish the Police Department with a list of all their subscribers and then when an alarm goes off, the Police Department can mark it and list what the determining cause might be. This would give some statistics as to who the abusers might be and where the problems lie. Councilman Brown recommended that a copy of that list also be directed to Council.

Councilman Johnson moved to table the ordinance until it can be given further study. In the meantime get further input from installers and subscribers and draft a new ordinance that would be satisfactory to both sides. Motion lost for lack of a second.

Councilman Tufly reiterated the suggestion of working in a cooperative effort to find out where the problems lie first,

rather than adopting an ordinance.

Councilman Van Houten moved that the City Council continue to study this in conjunction with a committee appointed by the Mayor and consisting of seven members, including subscribers and installers, who should present recommendations of what they feel would solve the problem, which motion was seconded by Councilwoman Quimby. Motion carried with Councilman Brown voting NO.

The committee appointed by Council President Kozisek are as follows:

Chairman, Mr. Larry Brown, Councilman  
Mr. William Pitts, General Business Alarms  
Mr. Stanley Anderson, Vice President, Valley Federal Savings & Loan  
Mr. Ernest Johnson, Swede's House of Chrome  
Mr. Gerald A. Reynolds, Meridian Security Patrol  
Mr. David Hoyt, Dave's Schwinn Cyclery  
Member of Police Department to be appointed by City Manager

HEARING - PROP. ORD. TO CONSIDER REQUEST FOR REZONING FROM R-2 TO R-3, 1402 GLENWOOD AND 1412 GLENWOOD

Advertised for hearing on this date and approved by the City Planning Commission was the request by Mr. George Tracy for rezoning from R-2 to R-3 at 1402 Glenwood Avenue and 1412 Glenwood Avenue. Senior Planner Don Warner reviewed the request. No letters having been filed and no one in the audience indicating a desire to speak, the President closed the hearing.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Colescott and seconded by Councilman Brown that the proposed ordinance be passed for publication. Motion carried.

HEARING - TO CONSIDER FINAL PLAN FOR INTERMOUNTAIN BIBLE COLLEGE 27 1/2 ROAD AND F ROAD

Advertised for hearing on this date and recommended by the Planning Commission was the final plan for the Intermountain Bible College located at 27 1/2 Road and F Road. No letters having been filed and no one in the audience indicating a desire to speak on this matter, the President closed the hearing.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the final plan for Intermountain Bible College be approved. Motion carried.

DISCUSSION OF ANIMAL CONTROL PROGRAM

City Manager Rose discussed the request by the Humane Society for

an additional \$1,000 from the City and from the County to be used as overtime pay during off hours for wardens to respond to complaints. He said it is the intent to hire as many animal wardens as is necessary to control the problem. Certain complaints will not be responded to by the Police Officers. Mrs. Knowlton, 1600 Rood Avenue, Treasurer of the Humane Society, stated that according to the Humane Society Charter and its By-laws it cannot act as an enforcement agency. The understanding by City Officials was that it could. It was recommended that prior to the first Council meeting in August, representatives of the Humane Society meet with the City Officials to review the Humane Society agreement.

HEARING - PROP. ORD. REQUEST FOR ROAD VACATION NORTH 5TH STREET NORTH OF BOOKCLIFF AVENUE

This date was advertised for hearing upon the request for road vacation of North Fifth Street North of Bookcliff Avenue. This item was recommended by the Planning Commission. City Planner Don Warner reviewed the area in question. There being no letters filed and no one in the audience indicating a desire to speak, the President closed the hearing.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING A PORTION OF NORTH FIFTH STREET IN THE CITY OF GRAND JUNCTION. It was moved by Councilman Colescott and seconded by Councilman Brown that the proposed ordinance be passed for publication. Motion carried with Councilman Van Houten voting NO.

HEARING TO CONSIDER PRELIMINARY DEVELOPMENT FOR HORIZON PARK PLAZA

Advertised for hearing on this date and recommended by the Planning Commission was the preliminary development plan for Horizon Park Plaza located NE of Howard Johnson Motel in Highway Oriented Zoning District. Senior Planner Don Warner indicated that Howard Johnson Motel has no objections. No letters having been filed, and no one in the audience indicating a desire to speak, the President closed the hearing.

It was moved by Councilman Van Houten and seconded by Councilman Johnson to approve the preliminary development plan for Horizon Park Plaza. Motion carried.

HEARING TO CONSIDER PRELIMINARY BULK DEVELOPMENT PLAN FOR 2235 NORTH 15TH STREET - HARCROFT

Advertised for hearing on this date and recommended by the Planning Commission was the preliminary bulk development plan for 2235 North 15th Street. Senior Planner Don Warner stated that this will be 3 apartments connected and he noted that the Planning Commission approved with one recommendation to have screen fencing along the south side of the development. No letters having been filed and no one in the audience indicating a desire to speak, the President closed the hearing.



It was moved by Councilman Brown and seconded by Councilman Johnson to approve the preliminary bulk development plan for 2235 North 15th Street. Motion carried.

HEARING TO CONSIDER PRELIMINARY PLAN FOR LA VILLA GRANDE SUBDIVISION

Advertised for hearing on this date and recommended by the Planning Commission was the preliminary plan for La Villa Grande Subdivision located at the NW corner of Wellington Avenue and Little Bookcliff Road. The petitioner is William E. Colson, et al. No letters having been filed and no one in the audience indicating a desire to speak, the President closed the hearing.

It was moved by Councilman Johnson and seconded by Councilman Brown that the preliminary plan for La Villa Grande Subdivision be approved. Motion carried.

HEARING TO CONSIDER PRELIMINARY PLAN FOR BOOKCLIFF VIEW SUBDIVISION

Advertised for hearing on this date and recommended by the Planning Commission was the preliminary plan for Bookcliff View Subdivision located on the SE corner at 27 3/8 Road and C 1/4 Road involving 8.014 acres. Senior Planner Don Warner reviewed the area in question. No letters having been filed and no one in the audience indicating a desire to speak, the President closed the hearing.

It was moved by Councilman Tuflly and seconded by Councilman Brown that the preliminary plan for Bookcliff View Subdivision be approved. Motion carried.

ORD. NO. 1567 S.S. 30-74 PHASE I ASSESSMENTS ORCHARD MESA

The Proof of Publication to the following ordinance was presented: AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 30-74, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS. It was moved by Councilman Van Houten and seconded by Councilman Tuflly that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Tuflly and seconded by Councilman Brown that the Ordinance be called up for final passage and read. Motion carried.

The Ordinance was read as amended. There being no comments, it was moved by Councilman Van Houten and seconded by Councilman Brown that the Ordinance be passed, adopted as amended, numbered 1567, and ordered published. Roll was called upon the motion all members of the Council voting AYE. The President declared the motion carried.

ORD. NO. 1568 REZONING SE CORNER 7TH AND WELLINGTON TO B-1

The Proof of Publication to the following entitled ordinance was presented: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING ON CERTAIN LAND WITHIN THE CITY. It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the Ordinance be called up for final passage and read. Motion carried.

The Ordinance was read. There being no comments it was moved by Councilman Tufly and seconded by Councilman Brown that the Ordinance be passed, adopted, numbered 1568 and ordered published.

Roll was called upon the motion with all members of Council voting AYE. The President declared the motion carried.

RESOLUTION APPROVING PROJECT M-7500(3) WITH STATE HIGHWAY DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENT

Councilman Tufly moved the adoption of the following Resolution:

RESOLUTION

WHEREAS, the State Department of Highways, Division of Highways, State of Colorado, has submitted to the City Council of the City of Grand Junction a proposed agreement, numbered M 7500 (3), providing for the improvement of certain streets within the City under the "Urban Program" as authorized by Title 23 of the United States Code, and

WHEREAS, approval of the agreement and authorization for the execution of it are required;

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

That the proposed agreement denominated M 7500 (3) be, and the same is hereby, approved; and the City Manager, Harvey M. Rose, is hereby authorized and directed to execute the same as the act of the City and on behalf of the City.

PASSED and ADOPTED this 2nd day of July, 1975.

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President of the Council

Attest:

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

which motion was seconded by Councilman Brown. Roll was called upon the motion with all members of Council voting AYE. The President declared the motion carried and the Resolution duly passed and adopted.

RESOLUTION APPOINTING LAWRENCE KOZISEK TO REPRESENT THE CITIES OF MESA COUNTY TO THE COUNCIL OF GOVERNMENTS

Councilman Brown moved the adoption of the following Resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Lawrence L. Kozisek be, and he is hereby designated, as the representative of the City of Grand Junction to the Western Colorado Council of Governments.

PASSED and ADOPTED this 2nd day of July, 1975.

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President of the Council

Attest:

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

which motion was seconded by Councilman Johnson. Roll call was called upon the motion with all members of Council voting AYE. The President declared the motion carried and the Resolution duly passed and adopted.

LEAA COMMITTEE REPORT

Councilman Colescott reported that funds in the amount of \$2,400 are available to send one police officer to Kentucky for training at the FBI School. He noted that Captain Ed Vander Took attended the training earlier this year under a grant program and that the City may not get this fund allotment.

MISCELLANEOUS DISCUSSION

Councilman Brown noted that the City Council will be going into Rap Sessions next week. He stated that for two years people have said they want bike paths. He asked Council to give tacit approval of \$2,000 to implement such a program. No action was taken.

Councilman Brown stated that a Mr. Lewis Johnson, owner of Hillcrest Conoco, First and Orchard, was concerned about the \$700 expended by Council and staff members in April to attend a COG meeting in cooperation the Staff of Governor Lamm before the Joint Budget Committee. He said that Mr. Johnson wanted some assurance that this would not happen again.

City Manager Harvey Rose explained the reason for the trip.

Councilman Tufly reported that work is being done on the back nine at the Tiara Rado Golf Course. He also stated that the football field is pretty badly torn up at Lincoln Park. He stated that it took quite a beating during the Circus and Rodeo.

#### ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart  
City Clerk