

Grand Junction, Colorado

August 6, 1975

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. August 6, 1975, in the Council Chambers at City Hall. Members present for roll call: Larry Brown, Harry Colescott, Karl Johnson, Jane Quimby, Elvin Tufly, Robert Van Houten, and President of the Council Lawrence Kozisek. Also present: City Manager Harvey Rose, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

MINUTES

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the minutes of the regular meeting July 16, 1975, be approved as written. Motion carried.

INTRODUCTION OF NEW CITY EMPLOYEES

City Manager Harvey Rose introduced the following new City employees to Council:

Michael Lewis, Buyer Purchasing Department
Theresa Martinez, Deputy City Clerk
Donna Maes, Clerk Customer Service
Vernon Visto, Meter Reader Customer Service
Nancy Carrasco, Clerk Sales Tax Division
Darrel Lowder, Engineering Aide - Public Works
John Kenney, Project Engineer - Public Works
Norman Blood, Engineering Aide - Public Works
Herbert Frisbie, Custodian - Public Works
Willie Berg, Crewman 2 - Forestry Division
John Aragon, Custodian - Public Works
Connie Martinez - Police Service Aide
Maria Chapa - Police Service Aide
Ronald Maez - Police Officer
Donald Hancock - Police Officer
James Miller - Police Officer
Jerrel "Jet" Capps - Fire Department
William Green - Fire Department
John Knudsen - Fire Department
Virgil Taylor - Fire Department
Glen Crespin - Fire Department
Dan Hicks - Fire Department

HEARING - CONSIDER CANCELLATION OF HOTEL-RESTAURANT LIQUOR LICENSE

County Seat 601 N. First St.

Scheduled for hearing on this date was the consideration of the cancellation of hotel-restaurant liquor license for The County

Seat, 601 North First Street. April 2, 1975, the City Council approved the application by Mesa Corporation for the license, and to date there has been no indication of remodeling or preparation for the opening of the restaurant. Council's concern is that it may be contributing to the escalation in price of a piece of property because of the fact that there is now attached to that property a liquor license. This hearing was to determine what is being done by the applicants to open the business. Mr. John Anderson, President of the Mesa Restaurant Corporation, and Mr. Gary Springfield, Treasurer, were present for the hearing.

Mr. Springfield stated that the Corporation has been working the last three to four months to achieve financial arrangements. He assured Council they are in no way using the location for escalating the value of the land. Their intent is to perform the contract as expeditiously as financing allows. Mr. Springfield and Mr. Anderson stated that if the financial arrangements are not completed within the next 90 to 120 days, they will report back to Council to give a progress report and if necessary withdraw the application for the hotel-restaurant liquor license. Mr. Springfield indicated that the option that was up July 20 has been renewed with a contract and that renegotiations will start August 7 for the purchase of the property under the new option.

HEARING - VIOLATIONS OF LIQUOR REGULATIONS CITY LIQUOR DRIVE-IN,
901 N. FIRST STREET LICENSE SUSPENDED 10 DAYS

Scheduled for hearing on this date was the report of alleged violations of the State Liquor Code by Harold Rutt, Jr., employee at City Liquor Drive-In, 901 North First Street, in the sale of spirituous liquors to a person under 21 years of age on June 18, 1975.

Mr. Charles Quarles, owner of the liquor store, was present for the hearing. Also present for the hearing were Miss Lynnne Ann Ottman, 818 - 24-1/2 Road, Grand Junction, and Miss Sandra Marie Holloway, 2424-1/2 "H" Road, Grand Junction.

Mr. James E. Gilliam State Enforcement Officer, testified that on June 18, 1975, two subjects were into the City Liquor Store. The subjects were Sandra Marie Holloway, 18, and Lynnne Ann Ottman, 18. The subjects came out of the liquor store a few minutes later with a pint of Jim Beam liquor and were stopped by Sergeant Truman Haley of the Mesa County Sheriff's Department. Officer Haley asked the subjects for identification. Lynnne Ottman identified herself with her provisional's operator's license. No. 460394, which listed her date of birth as October 28, 1956. Sandra Holloway identified herself with her provisional operator's license, No. E472751, which listed her date of birth as April 21, 1957. Contact was made by Sergeant Haley with the salesperson in the store who identified himself as Harold Rutt, Jr. Sergeant Haley contacted Mr. Gilliam and asked him to come to the Sheriff's Department, which he did June 19. Mr. Gilliam stated that on the 19th of June he went to the Sheriff's Department, advised Miss Lynnne Ottman

and Miss Sandra Holloway of their rights of miranda and talked with them. The subjects stated to Mr. Gilliam that both of them were in the City Liquor Store and that the purchase had been made by Lynnne Ottman and that Sandra Holloway had provided the money for the purchase. For this reason, both were charged with a violation of purchasing.

After writing tickets for the two girls, Mr. Gilliam contacted the salesperson, Harold Rutt, Jr., at City Liquor Store and after advising him of his rights of miranda, Mr. Gilliam questioned Mr. Rutt as to whether he had requested to see the ID of either of the girls to which Mr. Rutt replied he had not. Mr. Gilliam asked Mr. Rutt if he had asked how old they were, to which Mr. Rutt replied he had not. When asked if he knew how old they were, Mr. Rutt stated that he did not know their age. Mr. Rutt also indicated to Mr. Gilliam that they had not shown any identification which would indicate that they were over 21 years old such as false identification or altered ID. All three subjects were cited into Mesa County court; all three subjects appeared on the 9th of July, 1975; all three subjects pled guilty -- the two girls to purchasing spirituous liquors and Mr. Rutt to a charge of selling spirituous liquors to a minor; all three subjects were fined \$25 and court costs. Mr. Gilliam said there had been one previous alleged violation which allegedly occurred May 28, 1975. An 18-year-old girl allegedly purchased a bottle of Southern Comfort at the City Liquor Store. Mr. Gilliam said he had some reason to doubt her testimony so no charges were filed. At that time, however, Mr. Gilliam did give an oral warning to the owner of City Liquor Drive-In, Mr. Ralph Quarles.

City Attorney Gerald Ashby advised Council that subpoenas were issued to Miss Lynnne Ann Ottman and Miss Sandra Marie Holloway to appear at the hearing so Council could evaluate their ages as it might if it were selling liquors. The two young ladies were requested to stand and were identified.

Mr. Ralph Quarles advised Council that Mr. Rutt is a part-time employee and had just previously been employed because of illness in the family. He stated that Mr. Rutt had been advised and did know he was not to sell to minors. He stated that Mr. Rutt is now checking ID's.

Council discussed a previous penalty imposed upon another liquor store owner for sale of spirituous liquors to a minor at which time the license was suspended and the suspension was suspended for a period of six months pending no further violations.

Councilman Johnson said he did not feel that Council needed to follow past policy. He viewed this incident as a serious violation, apparently not intentional, but certainly one of a great deal of negligence. He stated that he hasn't been convinced that token penalties serve any great purpose. He felt that if the serious problem of sales to minors is to be controlled, he would be in favor of a suspension without any suspending abeyance of the

suspension.

HE MOVED THE SUSPENSION OF THE LIQUOR LICENSE AT CITY LIQUOR DRIVE-IN, 901 NORTH FIRST STREET, FOR A PERIOD OF 10 DAYS WITH THE SUSPENSION COMMENCING AUGUST 7, WHICH MOTION WAS SECONDED BY COUNCILMAN COLESCOTT.

Councilman Van Houten commented that after seeing the two girls any clerk should be extremely suspicious and should ask to see their identification. He feels there is a continual stream of people under 18 years of age buying liquor. He stated that it is up to the liquor store owner to adequately see to it that his employees screen the people who are making purchases. He said he feels sure that for the one who is caught there are one hundred who are not. From his standpoint, the next one of these cases that comes up he is going to look long and hard and will put up quite a battle in suggesting that the suspension be long and serious in order to convince the liquor store owners that this isn't a game being played to see who can get away with what. He stated that if he had his choice in this particular case, and with no apologies, he would say that the license should be suspended at least 90 days. He feels that if the license is not suspended for that long, there will continue to be the same thing over and over again. Councilman Van Houten stated that with the next one he will make a motion to this effect. He does not feel Council has to consistently impose like penalties which have not worked.

Councilman Tufly said that he agrees that the owner is responsible for the employee who committed the offense, but in the previous case it was the owner who committed the offense and he felt that perhaps that instance the penalty should have been more strict.

The question being upon the suspension of the liquor license at City Liquor Drive-In, 901 North First Street, for a period of 10 days with the suspension commencing August 7, roll call vote resulted in Council members voting AYE: QUIMBY, COLESCOTT, JOHNSON, KOZISEK. Council members voting NO: TUFLY, VAN HOUTEN, BROWN. A majority of the members having voted for the 10-day suspension of the license, the President declared the motion carried.

HEARING - PRELIMINARY BULK DEVELOPMENT PLAN FOR PATTERSON GARDENS
(R-1-C- ZONING) - 15TH STREET AND PATTERSON ROAD

Advertised for hearing on this date and recommended by the Planning Commission was the Preliminary Bulk Development Plan for Patterson Gardens with R-1-C Zoning at 15th Street and Patterson Road. City Planner Don Warner reviewed this location and the previous presentations to Council. He noted that this is a bulk development with no change in Zoning. The plan is for forty (40) units as four-plexes and is compatible with the surrounding neighborhood. Before submission of the final plan to the Planning Commission, the developer has ben directed to: provide the additional easement as requested by Public Service; have the trash

area location set out as requested by the Sanitation Department; walkways from the parking areas to the buildings as requested by the Planning Commission; location of an additional fire hydrant down inside the area as requested by the Fire Department. One thing which might change was the question of a tennis court or a swimming pool.

Councilwoman Quimby said there was no one present at the Planning Commission meeting in opposition to the plan. She noted that she had talked to one of the opponents to the previous plans and had received acquiescence to this plan.

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 Tufly that the Preliminary Bulk Development Plan for Patterson Gardens at 15th and Patterson be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING - PRELIMINARY DEVELOPMENT PLAN FOR HORIZON PARK PLAZA

Advertised for hearing on this date and recommended from the Planning Commission without conditions was the Preliminary Development Plan for Horizon Park plaza to be located southeast of Howard Johnson Motel on Horizon Drive. The Plan calls for five tennis courts and a small building with a proposal for a clubhouse type structure for future development. All tennis courts will be outdoor type with three to be covered with air bubble type structures in the winter. Mr. Warner advised there were no objections from reviewing agencies nor from the Planning Commission. No letters having been filed and on 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 Councilman Johnson that the Preliminary Development Plan for Horizon Park Plaza be approved. Motion carried.

HEARING - FINAL DEVELOPMENT PLAN IN P.D.B. ZONING FOR LA COQUILLE RESTAURANT 1320 NORTH AVENUE

Advertised for hearing on this date was the Final Development Plan in P.D.B. Zoning District for La Coquille Restaurant, 1320 North Avenue. Senior Planner Don Warner explained that this Plan had been approved by the Planning Commission nearly a year ago, but that Mr. Ramsey has been working on the financing. In the Preliminary Plan, he proposed a new addition to the building on the west side, expansion of the building on the north side (to the back), and a parking lot to be developed to the back. Mr. Warner advised that policy on Planned Development is to allow sections to be developed if they are leading toward the full plan. What Mr. Ramsey is proposing now in the Final Plan is to develop the section of the building on the west side, a small part of the new

addition to the back as proposed, and not to build the parking lot to the back at this time. Mr. Warner said that a letter from Mr. Johnson, a florist next door, will allow parking in the immediate area to augment the parking in this area. The parking to the rear as shown on the Plan will be put in later when the full expansion of the facility is done. The only change between this Plan and the one presented nearly a year ago is the expansion of the building. This Plan shows a smaller expansion to the rear. Mr. Warner further advised that before Mr. Ramsey can expand the Building from this Plan, it must be approved by Council. Should he propose to expand more than was approved one year ago, the Plan must be submitted to the Planning Commission prior to submission to Council. Mr. John Piasecki was present representing the owner. No questions were directed to Mr. Piasecki. No letters having been filed and no one in the audience indicating a desire to speak on this item, the President closed the hearing.

It was moved by Councilman Van Houten and seconded by Councilman Tufly that the Final Development Plan as outlined for La Coquille Restaurant, 1320 North Avenue, be approved. Motion carried.

HEARING - PROP. ORD. TO REZONE NW CORNER 12TH AND PATTERSON FROM P.D.B. TO B-2 AND P - REFERRED BACK TO PLANNING COMMISSION

Advertised for hearing on this date was the proposal to rezone the northwest corner of 12th Street and Patterson Road from P.D.B. to B-2 and P (Parking). Mr. Warner said that when the request to rezone to PDB was made more than a year ago by the developer, the Planning Commission requested right-of-way on 12th Street and on Patterson Road. Prior to tonight's meeting a letter was received from the owners of this area stating they do not choose to give the right-of-way, therefore, they would bow to the Council's condition that it would be rezoned to its former zoning of B-2 and P.

Councilwoman Quimby stated she would like to see this item referred back to the Planning Commission. She noted that in January, 1974, when this first came to the Planning Commission, there was a considerable hassle. She stated that the Planning Commission has been requiring right-of-way in granting changes in zoning, etc., and she felt it is Council's position to grant the reversion. For this reason she felt the Planning Commission should have the opportunity to look at this again. The adoption of the ordinance by the City Council in February of 1974 granting the zoning change was based upon the recommendations from the Planning Commission who had accepted the Planning Staff recommendations.

City Attorney Ashby advised that it would serve no purpose to refer this back to the Planning Commission as the passage of the ordinance was conditional upon the owner granting the right-of-way which he is now declining to do so legally the only position of the Planning Commission or the City Council at this point is to zone it back to what it was before.

Councilman Van Houten stated that at the time this first came before the Planning Commission, this plot was zoned partially commercial and partially parking. As it was laid out initially with the parking zone, the owner could not put in what he wished. The owner appeared before the Planning Commission requesting the zoning change so he could develop the complex desired. There was considerable hassle and the upshot was that the Planning Commission agreed to the rezoning subject to the additional right-of-way on 12th Street. The developers objected to that quite seriously. Councilman Van Houten continued that as Councilman he will still take the same approach as he took while still a member of the Planning Commission in that the people who create the traffic problems are going to have to help correct those problems. Councilman Van Houten explained that his position is that it is not up to the City to go out and buy right-of-way from the developer to correct the traffic problem the developer creates. He feels that anything the developer does in that area is going to increase the traffic problem so, therefore, he could not see any reason for the City to spend taxpayers money to correct the problem that is caused by the development. He feels the zoning change was logical one year ago and nothing has since been presented to cause him to change his position. He stated that if the developer wishes to do something else with the property then that developer is going to have to go back through the Planning Commission and get an approval with whatever conditions or restrictions the Planning Commission hangs on it. He sees no reason for shuffling back and forth on the zoning.

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 Brown that the proposal to rezone the northwest corner of 12th Street and Patterson Road from P.D.B. to B-2 and P be referred back to the Planning Commission for its review. Motion carried.

ORDINANCE NO. 1571 - ZONING KANALY ANNEXATION R-1-B

The Proof of Publication to the following entitled proposed 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 ADDING THE ZONING OF CERTAIN LAND WITHIN THE CITY. It was moved by Councilman Tufly and seconded by Councilman Johnson that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Colescott and seconded by Councilman Brown 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 Tufly and seconded by Councilman Brown that the Ordinance be passed, adopted, numbered 1571, and ordered published. Roll was called upon the motion with all members of

Council voting AYE. The President declared the motion carried.

ORDINANCE NO 1572 - ZONING HOWARD JOHNSON ANNEXATION NO. 2
(HIGHWAY ORIENTED)

The Proof of Publication to the following entitled proposed 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 ADDING THE ZONING OF CERTAIN LAND WITHIN THE CITY. It was moved by Councilman Tufly and seconded by Councilman Brown that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Colescott and seconded by Councilman Brown 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 Tufly and seconded by Councilman Van Houten that the Ordinance be passed, adopted and numbered 1572, and ordered published. Roll was called upon the motion with all members of Council voting AYE. The President declared the motion carried.

ORDINANCE NO. 1573 - NAMING 8TH STREET NORTH OF WELLINGTON -
RENAMING 8TH STREET BETWEEN BOOKCLIFF AND PATTERSON TO "LITTLE
BOOKCLIFF DRIVE"

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE RENAMING CERTAIN PORTION OF STREETS IN THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby 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 Johnson and seconded by Councilman Colescott that the Ordinance be passed, adopted, numbered 1573, 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 (4) WITH STATE HIGHWAY
DEPARTMENT - AUTHORIZING CITY MANAGER TO SIGN AGREEMENT

Councilman Van Houten moved the adoption of the following Resolution:

RESOLUTION

WHEREAS, the Department of Highways has submitted for the approval of the City Council of Grand Junction an agreement for preliminary engineering project on the Federal Aid Urban system in the City of

Grand Junction denominated M-7500(4) for various locations in Grand Junction; and

WHEREAS, the City Council of the City of Grand Junction has considered the agreement and approves of the same and needs to authorize the signing thereof;

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

That the City Manager, Harvey M. Rose, be authorized and directed to execute the described Agreement as the act of the City and on behalf of the city.

PASSED AND ADOPTED this 6th day of August, 1975.

President of the Council

Attest:

City Clerk

STATE OF COLORADO)		
)SS		
COUNTY OF MESA)		

I, Neva B. Lockhart, City Clerk of the City of Grand Junction, Colorado, do hereby certify that the foregoing Resolution was unanimously adopted by the City Council at its regular meeting August 6, 1975.

WITNESS my hand and the Seal of the said city this 7th day of August, 1975.

City Clerk

which motion was seconded by Councilwoman Quimby. 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 ACCEPTING THE 201 GRAND JUNCTION AREA FACILITIES PLAN

Councilman Colescott moved the adoption of the following Resolution:

RESOLUTION

WHEREAS, the consulting Engineering Firm of Nelson, Haley, Patterson and Quirk was authorized April 17, 1974, by the City Council of the City of Grand Junction, Colorado, to prepare the Grand Junction Area Facilities Plan in compliance with Public Law 92-500, Section 201; and

WHEREAS, Nelson, Haley, Patterson and Quirk has completed and submitted the three reports comprising the Grand Junction Area Facilities Plan;

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

That the Grand Junction Area Facilities Plan be, and the same is hereby accepted and approved.

Passed and Adopted this 6th day of August, 1975.

President of the Council

Attest:

City Clerk

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

RESOLUTION SUPPORTING COMMUNITY ACTION COUNCIL IN ESTABLISHMENT OF EMERGENCY ENERGY CONSERVATION PROGRAM

Councilman Van Houten moved the adoption of the following Resolution:

RESOLUTION

WHEREAS, the City Council of the City of Grand Junction is aware that the Colorado West Community Action Council has applied to the Community Services Administration for a grant of \$60,000.00 to establish an Emergency Energy Conservation Program, and

WHEREAS, it is the intent of the Community Action Council to utilize these funds and man-power provided through the Comprehensive Employment Training Act to winterize homes of low income families, and

WHEREAS, the City Council of the City of Grand Junction recognizes the need and importance of such a program in this community;

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

That it supports the efforts of the Community Action Council in the establishment of the Emergency Energy Conservation Program, and let all agencies and persons concerned be notified of the City Council's support.

PASSED and ADOPTED this 6th day of August, 1975.

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.

COLORADO RIVER PARK RC&D MEASURE PLAN

Mr. Duane Hogue, 2854 F Road, presented a draft of the Measure Plan for the Colorado River Park which will be going to the Regional Office and Federal level for approval of the grant. He indicated that the projected sources of funding are in the document. Mr. Hogue invited Council and City Staff members to attend a work session scheduled later this month with representatives from the State level RC&D offices and from the Four Corners area.

City Manager harvey Rose presented to Mr. Hogue an award designating him as Public Employee of the Year. Mr. Hogue was selected by the WCAPA based upon his experience as an Administrator at the State Home and his community participation.

HUMANE SOCIETY ANIMAL WARDENS DOGS

City Manager Rose reported that as a result of a meeting between the City County Humane Society, representatives of the Sheriff's Department, Police Department, and the City-County Attorney the representatives of the Humane Society Board agreed to take over the total supervision of the animal wardens. There will be an extensive training program developed by the Sheriff's Department and the Police Department for the animal wardens. He indicated that the Humane Society has presented copies of its budget to Council members for its review. He said the problem still remaining is the question of overtime pay for emergency call back.

There was discussion about the \$18,000 (salary, vehicle, rental and maintenance) plus whatever dog license fees the Humane Society receives from the City plus a similar contribution from the County, making a total of approximately \$40,000 the Society is now receiving. Councilman Johnson commented that the City is now paying a pretty high price for something that just two years ago the City was getting for \$10,000 a year plus retaining the license fees. Councilman Brown stated that before adding another \$1,000 on top of what is already being given, he would like to see increased fines against the dog owners and the Humane Society be authorized to write tickets. In addition, Councilwoman Quimby said she would like to see some effort on the Society's part to license animals. Councilman Van Houten stated that it appears to him at this point the Society is looking to the City and the County to supply the operating funds and is making no effort to take care of the problem which would develop operating funds for them. Councilman Colescott said this is a serious problem and he does not fee that the City is getting its money's worth. He noted there will have to be some changes by the Society before he would vote on another \$1,000.

Councilman Tufly commented about for as long as he has been on the Council, all he has heard about is "dogs." He feels it really isn't a "dog" problem but a "people" problem, and he feels stronger action must be taken. He proposed going to a mandatory \$25 fine any time the dog is picked up and that \$2 of that fine be sent bank to the Humane Society to help pay for the overtime. He felt that if overtime is authorized, the warden would be driving around from eight o'clock to midnight just to collect his overtime. Councilman Brown recommended a \$25 fine for a first offense, \$50 fine for the second offense of the same dog even though the second offense occurs 10 years from now.

Consensus of Council was to direct the City Attorney to draft an amendment to the Ordinance pertaining to the fines and a portion of that fine would be turned over to the Humane Society for emergency overtime calls.

President Kozisek said the Council will be taking a careful look at the Humane Society contribution during budget sessions.

PROPERTY AND CASUALTY INSURANCE

City Manager Rose advised Council that the City is ready to go to bid on its property and damage insurance. The City has been bidding this to the insurance brokers in the area every three years. Premium costs for the last go-round was approximately \$20,000. He said that normally this is an item which would not come to the attention of Council; however, it is becoming increasingly difficult to get bids on insurance. Mr. Rose said that Staff members discussed the situation with Mr. Harold Barnett of the Valley Agency who has won the contract several times, and Mr. Barnett submitted a number of observations pertaining to the City's previously self-insured physical damage type of collision on all City-owned vehicles and equipment with values under \$9,000: due to the general economic conditions, he recommended an increase to at least \$10,000. Three years ago, the liability limit was \$50,000, and has since increased to \$100,000: recommended \$100,000 as the minimum limit. The blanket umbrella policy general liability has been increased to \$4,000,000: recommended that this be considered the minimum limit. Mr. Rose reported that these three recommendations were prepared for the set.

He continued that Mr. Barnett has indicated the insurance industry has gone through a very difficult economical cycle. In 1974 the industry experienced the worst loss ratios in history nationwide. In discussing the possibility of bidding the City insurance with two other local agents. it was the consensus of opinion that this was a poor time to throw the City business out for bids. The insurance companies are faced with so many problems that they are not willing to expend the tremendous amount of time to work up a bid. The Insurance Companies recommended that the City of Grand Junction negotiate with the Hartford Insurance Company, the present insurance carrier. They have a substantial file on the City and are well acquainted with the risks. Mr. Rose said that if this recommendation is followed, it would be a departure from normal procedure and he would like Council's thoughts on the matter.

It was moved by Councilman Van Houten and seconded by Councilman Colescott that the City Manager be instructed to negotiate with the Hartford Insurance Company for a three-year contract and bring back to Council for final approval. Motion carried with Councilman Tufly voting NO.

DISCUSSION OF COMMUNITY CENTER CONCESSION AGREEMENT

Assistant City Manager James Wysocki discussed the Agreement that the City signed with Mr. Kirk Whitely about two years ago regarding the concession rights for the Multi-Purpose Building. Mr. Wysocki indicated that no real progress has been made with Mr. Whitely, so a letter was written to him in July asking him to respond by July 25 to answer the question as to whether he was going to continue to pursue the concession agreement or if he had a person for a sublease with the reminder that, if so, he had to

bring this person's name before the City Council to determine whether it was suitable in the eyes of the Council. During conversations the last couple of days between City Manager Rose and Mr. Whitely and on this date between Mr. Wysocki, City Manager Rose and Mr. Whitely it appears that Mr. Whitely has ceased to be interested to fulfilling the contract. Mr. Wysocki requested permission to write to Mr. Whitely terminating the Agreement and then proceed as quickly as possible with a bid for the concessionaire for the Community Center. Mr. Wysocki indicated he has a couple of other people who are interested, although the percentages that were in the original agreement may have been something that couldn't be dealt with. Those percentages were 10 percent on food and 20 percent on beverage items and alcoholic beverages provided the Council sees fit to put a liquor license at this location. He stated that it may be possible that those percentages may be lower than originally thought. He said that traditionally the first two years are rough for a concessionaire and business has to be generated, so it would be in the best interest to talk in terms of a five-year contract. Mr. Wysocki said that in the interest of the time involved it could be determined that it is not feasible for Mr. Whitely to meet the opening date and the notice would need to so state. Mr. Rose indicated this is a mutual decision.

Councilman Van Houten commented that as part of the purchase price of the land bought from Mr. Whitely, there was the consideration that he be given the concession. Apparently at that point it had a value. Now the city or Mr. Whitely unilaterally decides upon a breach of the contract. He said he feels that when Mr. Whitely agreed to supply the concession to that building he was bound to do so.

City Attorney Ashby advised that at this point the City's position is that if Mr. Whitely does not care to exercise the option for the concession, he is under no obligation to do so.

City Attorney Ashby advised that at this point the City's position is that if Mr. Whitely does not care to exercise the option for the concession, he is under no obligation to do so.

It was moved by Councilman Van Houten and seconded by Councilman Tufly that if Mr. Whitely will give the City Attorney an agreement that he relinquishes all rights to the concession for the Multi-Purpose Building, he will at that point be permitted to back out of the original agreement. Motion carried.

Mr. Wysocki was directed to go ahead and start looking for another concessionaire with the understanding that nothing can be firm until the letter of relinquishment has been received from Mr. Whitely.

HOUSING AUTHORITY

Councilwoman Quimby reported that the Housing Authority has taken

an option on some property between 17th and 19th on Walnut just north of the Orchard Avenue School. Subsequently, a second piece of property just north of this was obtained giving a total of approximately eight acres. The original proposal to HUD included only the first parcel. When the second parcel was acquired, the Housing Authority thought it should be developed differently from the original proposal, so an amendment was sent on to the State agencies for review. It will not be a total of approximately 70 units for elderly and family housing. The Housing Authority has been informed that it will probably receive a grant of \$13,400 from HACA, which is Housing Assistance Council, a Washington-based group. This will be front-end money from engineering and architectural fees. There has been some indication that the Authority will receive \$25,000 which will help in the purchase of the second piece of property and any appurtenances. She reported that applications for housing are being accepted at Colorado West Office, but she stated that it will be two years at least before any one can hope to be moved in.

FALSE ALARM COMMITTEE

Councilman Brown reported that the False Alarm Committee met Monday night. He indicated the Committee should have recommendations ready for Council consideration in September.

COMMITTEE NAMED TO FORM YOUTH COMMISSION

Councilman Brown recommended Council appointment of five men to form a youth commission. The responsibility of the five-member committee would be communication liaison between the City Council and the young people.

It was moved by Councilman Brown and seconded by Councilman Tufly that five men be appointed to establish a youth commission of 10 youngsters. Motion carried. Members appointed to the Committee were: David Allen, Milo Vig, Dick Steele, Jim Wysocki, and Bruce Jones.

SIGN CODE - 90 DAY MORATORIUM ON PERMITS FOR PERMANENT SIGNS

Councilman Brown discussed the Sign Code. Councilwoman Quimby said the Planning Commission has directed the Sign Code Committee to present its preliminary report in August and a final recommendation in September. Mr. Joe Hughes, a member of the Sign Code Committee, stated that the more people he contacts the more opposition he is receiving to the Sign Code.

It was moved by Councilman Brown and seconded by Councilman Van Houten that the City Council direct a moratorium on permits for permanent signs for 90 days and that allowance be made on the temporary signs that must come down upon the adoption of the Sign Code. Motion carried with Councilman Tufly and Councilman Colescott voting NO.

HOUSING AUTHORITY - WILLIAM E. RATEKIN APPOINTED

ADJOURNMENT

President Kozisek appointed Mr. William E. Ratekin, 522 Chipeta Avenue, to serve the unexpired term of Chan Edmonds on the Housing Authority.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the meeting be adjourned. Motion carried.

Neva B. Lockhart

City Clerk