

Grand Junction, Colorado

December 3, 1975

ROLL CALL

The City Council of Grand Junction, Colorado, met in regular session at 7:30 p.m., December 3, 1975, in the Council Chambers at City Hall. Members present and answering roll call: Larry Brown, Karl Johnson, Elvin Tufly, Robert Van Houten. Members absent: Harry Colescott, Jane Quimby, and President of the Council Lawrence Kozisek. Also present: City Manager Harvey Rose, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

COUNCILMAN JOHNSON DESIGNATED ACTING PRESIDENT

It was moved by Councilman Brown and seconded by Councilman Tufly that Councilman Johnson be elected Acting President of the Council for this meeting. Motion carried.

MINUTES

It was moved by Councilman Brown and seconded by Councilman Tufly that the minutes of the regular meeting, November 19, 1975, be corrected as follows: (1) Under Council Decision Regarding Application for Hotel-Restaurant Liquor License for "The Funny Pages," 9th and North Avenue, Parkwood Plaza - Motion carried "with Councilwoman Quimby voting NO." (2) The motion regarding the grant for Bridge House include "and before anything else comes to Council, it must come with a recommendation from the Health Department." Motion carried.

INTRODUCTION OF NEW CITY EMPLOYEES

The following new City employees were introduced to Council:

Chip Clark - Public Works

Vincent Theis - Cemetery Division, Parks & Recreation Department

APPOINTMENTS TO CENTENNIAL-BICENTENNIAL COMMISSION

At the request of Mayor Kozisek, Acting President Karl Johnson submitted the following names for appointment to the Centennial-Bicentennial Commission:

Dr. Hurst Otto

Blake Chambliss

Al Look

Ted Ford

It was moved by Councilman Tufly and seconded by Councilman Brown that the appointments be ratified. Motion carried.

1976 LIQUOR LICENSE RENEWALS

Tabled at the last meeting were applications by the following businesses for additional reports:

Dream Restaurant, 118 Main Street - A report from the Fire Department advised a reinspection was made of the Dream Restaurant on December 3, 1975. The rear exit door has been installed with the panic hardware and the lighted exit sign is in the process of being installed.

The Timbers Restaurant, 1810 North Avenue - A report from the Police Department advised that during the short period of time this liquor license has been in effect there have been no known complaints or violations concerning the management of this establishment.

Kings II, 215 Colorado Avenue - A report from the Police Department advised that a check into the background of Bernice Medina disclosed nothing of a derogatory nature which would prevent her from being added to the liquor license currently being held by Richard Medina.

The Sir Loyne Restaurant, 2879 North Avenue - The follow-up report from the Police Department advises that on 9 July 1975 two subjects, 19 and 20 years of age, were contacted for fighting and creating a disturbance on the parking lot of The Sir Loyne. The only evidence to indicate the subjects had been served within the licensed premises were statements given to the Police Officer making the contact. Each subject told the officer he had been drinking beer in the licensed establishment. As a result of these statements, Paul Mitchell and the on-duty bartender were issued warnings by the State Liquor Inspector. Since this occurrence numerous checks have been made and there have been no violations noted. Management appears to be making every effort to avoid any such occurrences.

State Liquor Inspector James Gilliam was present and was asked by Councilman Brown how he distinguishes between warnings and violations.

Mr. Gilliam responded that in this particular case, the waitresses were quizzed without being advised of their Rights of Miranda and the arresting officers of the case felt the evidence would not be admissible in court.

The Vault, 5th and Rood Avenue - A follow-up report from the Fire Department advised that on December 3, 1975, reinspection was made of The Vault for blocked and obstructed exitway. It was found the exitways were clear. Since the last inspection a storage room has been constructed which seems to have corrected the problem. On the inspection and talking with Mr. Harry Mahleres, he was cooperative and said he would make sure the exit passageway would be kept clear. He requested permission to keep three empty metal trash cans in one corner of the exit passage. Since these cans are not

combustible and can be stacked one in the other, they should not hinder passage through the exit. The Fire Prevention Officer gave approval for this, subject to Council consideration.

It was noted that Mr. Danny Williams will no longer be listed on the license as a Corporate Officer. The City Clerk's office has been advised that the mother of Mr. Mahleres is to be added at a later date. It was also noted that Mr. Mahleres has been advised that he must file an addendum of this Corporate Officer change for approval by the City Council.

Cork 'N Embers, 105 North 2nd Street - The Police Department advised that during the past licensing period there have been no reported violations concerning the operation of this establishment. Routine checks by officers indicate patrons are quiet and orderly in nature. Liquor is served in conjunction with the dining facilities.

A report from the Fire Department advised that on December 3, 1975, a re-inspection of the Cork 'N Embers showed that the table and chairs that were blocking the exit door have been removed. The exit passage to the rear door is now clear. The exit light that was recommended by the Fire Department for the rear of the bar area is being reviewed. Due to construction problems such as the rear door swinging inward with the possibility of people becoming trapped, it is almost impossible to swing the door outward due to the proximity of the door to the entrance door to the gift shop. Requiring this door to be lighted may cause an undue hardship to the owner, and since there are other exits, this one may not be necessary.

It was moved by Councilman Tufly and seconded by Councilman Van Houten that the applications be approved and the licenses issued when the State licenses have been received, subject to a hearing at the next meeting of Council to consider the revocation or suspension of the license at the Sir Loyne Restaurant. Motion carried.

#### RENEWAL OF 1976 BEER-WINE LICENSE FOR THE PRESS ROOM, 634 MAIN STREET

Submitted for consideration was the application by The Press Room, 634 Main Street, to renew its beer-wine license for 1976. A report from the Police Department advised that during the past licensing period there have been no known violations or complaints concerning the sale of beer-wine by this establishment. Management seems to be working well within the limits of the law.

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

### 3.2 BEER RENEWALS

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

- (1) Safeway Store No. 603, 2686 US Hwy 50 South
- (2) Circle K Store No. 560, 2685 Unawep Avenue
- (3) John F. Dunlap, The Whatever, 1603 Hwy 50 South

Reports from the Police Department advised that during the past licensing period there have been no known violations concerning any of these establishments. With respect to The Whatever, it was noted that management has been very cooperative during this period and has been subject to numerous checks by Police Officers.

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

HEARING - APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE - LMG CORPORATION "THE LIVERY," 615 NORTH FIRST STREET

Advertised for hearing on this date was an application by LMG Corporation for a hotel-restaurant liquor license to serve drinks on the premises in connection with a restaurant to be known as "The Livery," 615 North First Street. Corporate Officers: President and Manager: Jack L. Ludwig, 2348 South Broadway, Vice President: Eugene K. Stevens, 2869 Pinyon, Secretary-Treasurer: Thomas C. Gatie, 2223 Twilight Lane.

Acting President Johnson opened the hearing. Mr. Gatie advised Council that he and his partners are concerned in establishing a business that will in every way be a credit to the community. He presented architect drawings showing the remodeling of the building. He indicated that there will be parking, front and back, for 50 cars. He advised that this concern is planning to use parking attendants. He stated that 30% of the gross would go to the bar with the balance to the restaurant portion of the operation. Steaks and one seafood will be the menu. They will have a nice dance floor, music by a western band. He indicated they could be open within 15 weeks once they are granted the license.

Submitted for the record were results of city survey of the neighborhood with the map.

- (1) I favor the issuance of the license as I believe the needs of the neighborhood are not being met by other outlets. 112
- (2) I believe the needs of the neighborhood are being met by existing outlets. 51
- (3) I am otherwise opposed. 26
- (4) No Opinion 56

Petition from trade area containing 142 signatures favoring

issuance of the license.

Map showing this location in conjunction with locations of similar type licenses.

Report from the Police Department which advised special background investigation has been made on the applicants of the LMG Corporation for a liquor license. Nothing of a derogatory nature was disclosed during the course of the investigation which would prevent their being eligible to hold a hotel-restaurant liquor license in this State.

No letters nor petitions in opposition were filed and there was no one in the audience who opposed the license.

The Acting President closed the hearing.

In line with Council policy, the decision will be offered at the next meeting of Council.

City Attorney Ashby advised that Council could stipulate 90 days for the beginning of construction, with that the applicant is to proceed as expeditiously as possible toward the completion of the building. Mr. Gatie did advise Council that the officers of this corporation are providing the financial backing for the remodeling of the building.

HEARING - APPLICATION FOR FERMENTED MALT BEVERAGE LICENSE (3.2% BEER), SITE MINI MART, 2833 NORTH AVENUE

This date was advertised for hearing on the application by Ruth Oil Co. of St. Louis, Missouri, for a fermented malt beverage license (3.2% beer) to sell in sealed containers for consumption off the premises of the licensee at Site Mini Mart, 2833 North Avenue. Corporate officers are: President: Alvin Siteman, 26 Vuga Lane, St. Louis, Missouri, Vice President: Howard Kanefield, 12 Rio Vista, St. Louis, Missouri, Secretary-Treasurer: Leonard Adreon, #2 Creekwood Lane, St. Louis, Missouri, Manager: Austin H. Sadler, 2925 North Avenue, Grand Junction, Colorado.

Acting President Johnson opened the hearing. Mr. William D. Prakken, local attorney, represented the applicant. City Attorney Ashby advised that the applicants requested that the City conduct the survey of the neighborhood. Results of that survey are as follows:

(1) I favor the issuance of the license as I believe the needs of the neighborhood are not being met by other outlets. 48

(2) I believe the needs of the neighborhood are being met by existing outlets. 52

(3) I am otherwise opposed. 18

(4) No Opinion.

Mr. Austin Sadler, Manager of the Site Mini Mart, also was present for the hearing. Mr. Prakken advised that Ruth Oil Co. has been in operation in Grand Junction on North Avenue for approximately 10 years. He further advised that they offer for sale gasoline as well as convenient store items. It is the intent of the corporate officers to expand the scope of the goods offered for sale to a similar operation like Circle K and 7-11 markets, with, of course, the sale of gasoline. He noted the plan for the building which was presented for the record. He advised the store is open from 6:00 a.m. to 12:00 midnight. Presented for the record was a petition containing 138 signatures from the trade area. Mr. Prakken said he felt there are two separate areas under consideration. The neighborhood in this area is commercial and becoming more so as time passes. He noted the major residential area is a trailer park about 1/4 of a mile south of North Avenue. He noted that as far as the city survey is concerned, it is almost evenly split between those who favor the license to those who feel the needs are being met. As far as the trade area petition with 138 signatures, Mr. Prakken felt it was important in this context to emphasize the trade area as opposed to the immediate neighborhood. The petition was signed by people from Montrose and Mr. Prakken felt that this was indicative of the region this license might service. That is, people who stop to purchase gas and sundry items. An important item he felt, was that Site Mini Mart was open from 6:00 a.m. to 12:00 midnight. An additional point is that currently there are Site Mini Marts in operation in Montrose and Glenwood Springs, and 3.2% beer licenses have been granted those stores. The Vice-President of the firm advises there has been no difficulty whatsoever in connection with those licenses.

Councilman Brown stated that he puts a lot of credence in the city survey with no reflection on the applicants. He felt that the city survey indicating 48 favoring the license versus the 52 who felt the needs are being met, plus the 18 who were otherwise opposed, and several who had no opinion, really did not give Council a handle on why the neighbors around this place seem to tend to be against the issuance of the license.

Mr. Prakken said he had no idea why the results came out that way; in fact, he was rather surprised. He felt that in this instance, the trade area is a more important consideration than the neighborhood because there are not residences that close by. The other point he wanted to make was that the potential for abuse of an outlet of this type is far less than it would be in another category.

No letters were filed and there was no one in the audience who indicated a desire to speak on this matter.

Submitted for the record was the map which indicates the location of licenses in this category. Also submitted was the map showing the result of the survey. A report from the Police Department

advised that after a background investigation concerning the application for a 3.2 beer license by the Ruth Oil Company, no reason was found why the applicants would not be eligible under State laws.

Acting President Johnson closed the hearing.

Decision will be offered at the next meeting of Council.

HEARING - CROSSROADS ANNEXATION RESOLUTION PROPOSED ORDINANCE

This date was scheduled for hearing upon the petition for annexation to the City of Grand Junction. Senior Planner Don Warner indicated on the map the location of Crossroads Annexation which consists of approximately 60 acres of land.

Mr. Sam Haupt was present and stated that he represents the owners of Crossroads Subdivision who are petitioning for annexation. He noted that earlier this year 40 sites were subdivided under Highway Service zoning in the County. Plans right now are for development of offices, motels, etc. Planner Don Warner explained that under the H.O. zoning, each lot for development must present a development plan to Council for approval.

Mr. Jim Dufford appeared before the Council representing Western States Motel Corporation which operates the Holiday Inn located just north and west of Horizon Drive in the annexation. He stated his clients would like to oppose annexation for a purely economical reason. He said that his clients would not oppose the rest of the annexation if they wish it. He noted spot zoning on Horizon Drive and he felt there would be no advantage to the Holiday Inn being annexed at this time. He stated that the Holiday Inn has the necessary sewer and water arrangement. Planner Don Warner noted that no requirement was made at the time of this area hooking onto the Horizon Drive sewer for a power of attorney giving the City the right to annex.

Councilman Brown stated that the Horizon Drive community, within a reasonably short time, will be annexed anyway. He cannot see any advantage to tine little islands out there. City Attorney Ashby advised that Council will be considering in its resolution to annex the following items: (1) that 1/6 the perimeter of the area proposed to be annexed is contiguous with the City; (2) that a community of interest exists between the territory and the City; (3) that the territory proposed to be annexed is urban or will be urbanized in the near future; (4) that the territory is integrated with said City; (5) that no land in single ownership has been divided by the proposed annexation nor is any of the land now subject to other annexation proceedings; and (6) that no election is required under the Municipal Election Act of 1965.

The Acting President closed the hearing. The following Resolution was presented and read:

RESOLUTION

WHEREAS, on the 3rd day of December, 1975, a hearing was held before the City Council of the City of Grand Junction, Colorado, to determine the eligibility for annexation to said City of the following described territory, situate in Mesa County, Colorado, to wit:

Beginning at the Northeast corner of Lot 1 Block 1 Crossroads Colorado West Subdivision, thence Northwesterly and West along Northeasterly and North line said Subdivision to the Northwest corner Lot 2 Block 5 said Subdivision, thence South along West line said Subdivision to intersection with right-of-way line Interstate 70, thence Southeasterly along said right-of-way line to intersection with Horizon Drive, thence Northeasterly along Horizon Drive to point of beginning also road right-of-way adjacent to Southeasterly side of this tract,

and

WHEREAS, the Council has found, and does hereby find, that one-sixth the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the territory is integrated or is capable of being integrated with said City; that no land in single ownership has been divided by the proposed annexation nor is any of the land now subject to other annexation proceedings; and that no election is required under the Municipal Annexation Act of 1965.

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

That said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 3rd day of December, 1975.

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

Attest:

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

It was moved by Councilman Tuflly and seconded by Councilman Brown that the Resolution be passed and adopted as read. Upon roll call all members present voted AYE. The Acting President declared the motion carried and the Resolution duly passed and adopted.



The following entitled proposed ordinance was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Tufly and seconded by Councilman Brown that the proposed ordinance be passed for publication. Motion carried.

HEARING - GRAND LIQUOR STORE, 220 WEST GRAND AVENUE

Mr. Ashby advised that this hearing comes to Council at the request of Mr. Uhrlaub, attorney for Mr. Briggs England, owner of Grand Liquor Store. He said that as a general rule, the City waits until the proceeding is had in the Court on Criminal Charges. These have occurred, but then normally the City gives a certain period of notice. He stated that Mr. Uhrlaub, on behalf of his client, has waived that notice in order to get this matter before Council at this time.

The first consideration is the question as to whether there was any violation of the Liquor Code; the second consideration is the application to renew the license for 1976; and the third consideration is the application for trade name change to the "Jolly Jug."

The Acting President opened the hearing. The owner, Mr. England, Grand Liquor Store, did admit the violation.

Mr. James Gilliam, State Liquor Enforcement Officer, appeared before Council and read the report of City Police Officer Dave Schumacher regarding the incident; which, in summary, stated that on the 6th day of November, 1975, at approximately 11:00 p.m. the reporting officer called out Colorado passenger plate VL88775 in the 200 block of West Grand Avenue. The reason for the traffic stop was that the driver of the vehicle, Norman R. Lopez, 216 E. 7th Street, Delta, Colorado, made an illegal left turn. The reporting officer turned on the red lights at this time. While the officer was with the driver, he observed the passenger leave the vehicle and go into the Grand Liquor Store 220 West Grand Avenue. A few minutes later the officer observed the passenger leave the Grand Liquor Store carrying a brown paper bag to the vehicle. The officer observed the subject place the brown paper bag in the back of the vehicle behind the passenger side of the seat. After having already checked the driver, and noting his age, the officer requested the passenger to produce some type of identification. The subject did so with a United States draft card showing date of birth as November 10, 1955 and subject stated his date of birth was November 10, 1955. The officer then requested subject to show what he had purchased. The subject stated only cigarettes. The officer then asked subject to show what was in the paper sack. (This time all the subject asked for was a refund.) The subject showed he had purchased a six-pack of Schlitz beer from the liquor store which sells malt, vinous, and spirituous liquors. The subject was advised at that time that he was under arrest for purchasing beer greater than 3.2 while under the age of 21.

The clerk at the Liquor Store was also advised at that time that

he had sold beer to a minor. The clerk's name: Robert R. Watson, 950 Northern Way, No. 18. Subject Christopher Ortiz, 720 West White, was transported to the Mesa County jail and then released on Summons No. C21216. The beer which the subject purchased is being held in the property facility at the Grand Junction Police Department as evidence.

Mr. Gilliam stated that he was advised by Officer Schumacker on that same date (November 6, 1975) of the violation. The following day Mr. Gilliam met with Officer Schumacker between 7:00 to 8:00 p.m. and proceeded to Grand Liquor Store and made contact with Mr. Robert R. Watson. Upon entrance, Mr. Gilliam advised Mr. Watson of his Rights of Miranda and asked if he had checked the I.D. at the time of purchase. Mr. Watson said he did not but that he had checked about 3 or 4 months ago and that Mr. Ortiz had shown a pictured drivers license at that time.

Mr. Ortiz appeared in Court on the 24th day of November, 1975, pled guilty and was fined \$100 with \$8 court cost. Fifty dollars (\$50) of the fine was suspended.

Mr. Watson appeared in Court November 24, 1975, was found guilty and was fined \$50 and \$8 court costs; \$25 of the fine was suspended.

Mr. Christopher D. Ortiz, 720 West White, resident of Mesa County, appeared before Council. Mr. Ortiz stated that the arresting officer was talking to the driver at the time he went into Grand Liquor Store; he stated he was not asked to show an I.D. at that time; he stated he had been in the liquor store once or twice before and had not been asked to show an I.D.; he stated he has never offered a falsified driver's license; he stated he does not have a driver's license; he stated that on the other occasions in the store he has purchased beer; he stated his birth date is November 10, 1955; he stated that just the 6% beer is all he has purchased, not hard liquor.

Mr. Uhrlaub appeared before Council and stated that obviously there would be a conflict of testimony. He said that Mr. England would advise Council that in fact Mr. Ortiz has presented a driver's license indicating that he was 21 years or more and that Mr. Ortiz has done this to the employee of whom the Liquor Inspector spoke.

Mr. England stated that he could not recall whether the driver's license was in Mr. Ortiz's name. He could remember a pictured I.D., but he could not connect a name with the driver's license as they see so many. Mr. England indicated that Mr. Ortiz appeared three or four months ago very much as he does today.

Mr. Uhrlaub advised that the employee of Mr. England did see the patrol red lights during this incident while Mr. Ortiz was in the store, so obviously if he had had some doubt, he should have asked for an I.D. that night. The clerk told Mr. England that he, too,

had checked a pictured I.D. at some time in the past.

Mr. Uhrlaub said that he asked Mr. Ashby to advance this item on this meeting and waived notice because of concern for Mr. England. The store is a small operation, but this is a busy season. He stated that his impression is that Mr. Ortiz appears to be a 21 year plus young man. He stated that with the patrol car's flashing lights visible to the clerk, the clerk surely would have asked for an I.D. if he had some doubt, but Mr. Uhrlaub felt the clerk's statement that he had checked a pictured I.D. at some time prior to this was consistent with Mr. England's statement that he, too, has checked a pictured I.D. in the past. He submitted that, technically, there is a violation, but that the evidence would warrant a warning. He continued that if Council does not feel that way, he would hope that Council would consider this business enterprise and that an extended suspension at this time would make quite an impact on Mr. England's way of making a living.

In answer to Councilman Johnson's question regarding whether Mr. Ortiz has now or has ever had a Colorado driver's license, Mr. Gilliam said a check was made with the Department of Revenue. It appears that Mr. Ortiz had a minor's license No. 5027(9) or (0) and another minor's license No. 242643. He was denied a license 4-11-74. It was noted that a minor's license is stamped with large letters across the face of it. Mr. Gilliam said he has had word that there might be forged driver's licenses, but he personally has not seen one.

The Acting President closed the hearing.

After discussion, it was moved by Councilman Brown that the Retail Store Liquor License for Grand Liquor Store, 220 West Grand Avenue, be suspended for a period of three (3) days. Motion lost for lack of a second.

It was moved by Councilman Tufly that the license be suspended for ten (10) days with three (3) days of the suspension being suspended. Motion lost for lack of a second.

It was moved by Councilman Van Houten and seconded by Councilman Tufly that the license be suspended for a period of ten (10) days commencing January 2, 1976. Motion carried with Councilman Brown voting NO.

It was moved by Councilman Van Houten and seconded by Councilman Tufly that the application to renew the license for 1976 be approved and the license issued when the State license has been received with the caution that any violation during 1976 will be rougher than this time and that the application for trade name change to the "Jolly Jug" be approved. Motion carried.

#### ALLEGED VIOLATION BY THE SIR LOYNE RESTAURANT

In view of the penalty to Grand Liquor Store, Councilman Brown

moved that the alleged violation at The Sir Loyne Restaurant, 2579 North Avenue, be brought to Council for hearing. Councilman Van Houten seconded the motion and said motion carried.

ORDINANCE NO. 1593 - REZONING FROM R-2-A TO H.O. THE NORTH SIDE OF HIGHWAY 50 FROM PALMER TO LINDEN

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 LANDS 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 Tufly 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 1593, and ordered published. Upon roll call all members of Council present voted AYE. The Acting President declared the motion carried.

ORDINANCE NO. 1594 - REZONING FROM R-1-C TO H.O. THE NORTH SIDE OF HWY 50 FROM DOROTHY TO DRAINAGE CANAL

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 LANDS 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 Tufly and seconded by Councilman Van Houten 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, numbered 1594, and ordered published. Upon roll call all members of Council present voted AYE. The Acting President declared the motion carried.

ORDINANCE NO. 1595 - REZONING FROM R-1-C TO B-1 23RD AND GRAND

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 LANDS WITHIN THE CITY. It was moved by Councilman Brown and seconded by Councilman Tufly that the Proof of Publication be accepted for filing. Motion

carried.

It was moved by Councilman Brown and seconded by Councilman Van Houten 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 Brown and seconded by Councilman Tufly that the Ordinance be passed, adopted, numbered 1595, and ordered published. Upon roll call all members of Council present voted AYE. The Acting President declared the motion carried.

ORDINANCE NO. 1596 - REZONING FROM R-1-D TO C-1 THE NW CORNER OF NORTH AVENUE AND 28 1/4 ROAD

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 LANDS WITHIN THE CITY. It was moved by Councilman Brown and seconded by Councilman Van Houten that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Tufly 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 1596, and ordered published. Upon roll call all members of Council present voted AYE. The Acting President declared the motion carried.

ORDINANCE NO. 1597 - APPROPRIATIONS FOR 1976

The Proof of Publication to the following entitled proposed ordinance was presented: 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, 1976, AND ENDING DECEMBER 31, 1976, AND FIXING THE SALARY OF THE CITY MANAGER OF SAID CITY. It was moved by Councilman Brown and seconded by Councilman Tufly that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Tufly 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 1597, and ordered published. Upon roll call all members of Council present voted AYE. The Acting President declared the motion carried.

PROPOSED ORDINANCE TO PERMIT USE OF PLASTIC PIPE FOR WATER SERVICE LINES

The following entitled proposed ordinance was presented and read: AN ORDINANCE PERMITTING THE USE OF CERTAIN PLASTIC PIPE FOR WATER SERVICE LINES. Councilman Van Houten wanted to know the pressure orientation on this type pipe. The answer will be provided at the next meeting of Council.

It was moved by Councilman Tufly and seconded by Councilman Van Houten that the proposed ordinance be passed for publication. Motion carried.

PROPOSED ORDINANCE REGARDING \*???? PARKING LOT AT CORNER OF 5TH AND GRAND AVENUE

The following entitled proposed ordinance was presented and read. AN ORDINANCE APPROVING THE TERMS OF A PARKING LOT LEASE. City Attorney Ashby advised this is necessary in order to take the property off the tax rolls under the provisions of the Statutes concerning the long-term leasing to governmental entities.

It was moved by Councilman Tufly and seconded by Councilman Brown that the proposed ordinance be passed for publication. Motion carried.

SEWER AGREEMENT - HEATHERIDGE ESTATES

Submitted for consideration was the Sewer Agreement between the City and Heatheridge Estates.

It was moved by Councilman Brown and seconded by Councilman Tufly that the Sewer Agreement with Heatheridge Estates be approved and authorized the City Manager to sign. Motion carried.

CONTRACT AGREEMENT - COLORADO CENTENNIAL-BICENTENNIAL COMMISSION - TURN OF THE CENTURY STREET LIGHTS

Submitted for consideration was the contract with Colorado Centennial-Bicentennial Commission for funding in the amount of \$2,750 for City Project "Turn of the Century Street Lights."

It was moved by Councilman Brown and seconded by Councilman Van Houten that the City Manager be authorized to sign the said Agreement. Motion carried with Councilman Tufly abstaining.

NORTH AVENUE LANDSCAPING - BIDS - CONTRACT AWARDED REX GARDEN SERVICE

Assistant City Manager-Parks and Recreation Director Jim Wysocki reported that on October 27 bids were opened on the landscaping of some of the medians along North Avenue. The bid was almost \$39,000. The estimate was in the neighborhood of \$20,000. In 1974, \$10,000 was encumbered to be placed with the \$10,000 budgeted for

1975. At this point, the total of the project is \$25,700. Some of the 2 foot wide strips were removed from the project, and some of the sprinkling system was removed from that area, the Parks & Recreation Department will do some of the planting of the trees which was a large item in the proposal. Four of the larger islands (including the one in front of Teller Arms) are included in this project.

Mr. Wysocki recommended award of contract to Rex Garden Service in the amount of \$25,700 in two phases. Phase No. 1 would include those monies encumbered from 1974 and those funds available in 1975 which will be encumbered. When the second phase is ready, Mr. Wysocki will be back to ask Council for approval.

It was moved by Councilman Tufly and seconded by Councilman Van Houten that Phase 1 of the project be approved and authorized the expenditure of \$10,000 1974 encumbered funds and \$10,000 budgeted funds of 1975, and that the contract be awarded to Rex Garden Service. Motion carried.

#### MISCELLANEOUS DISCUSSION

Councilman Brown asked about the alley behind State Liquors on North 7th Street, between 6th and 7th, Rood and Main. He was particularly concerned about the Mountain Bell Trailer that is parked in that area. Don Warner advised that it is still a public alley; Mountain Bell is breaking out old equipment there and the trailer is used to load copper. When it gets to a certain weight, they take it to Denver. Permission was granted by the City Traffic Department for the vehicle to be parked there on the basis of very little traffic use of the alley, and the Mountain Bell spokesman indicated they have about one more month of work. Councilman Brown wants to know what sort of open ended authority was given to block that alley, and whether the liquor store and others in the area were contacted.

Councilman Van Houten reviewed the liquor and beer petitions. He noted that no where on the form does it indicate the age of the signer. Secondly, he would like to have the tabulation breakdown on how the owners of property and renters of property vote.

Councilman Van Houten directed that a proposed ordinance be drafted to the effect that at any time Public Service undergrounds its utilities, the other utility companies must at the same time (if it's carried on the same pole) underground utilities. He included the underground service in the building; feeder and house drop.

#### ADJOURNMENT

It was moved by Councilman Brown and duly seconded to adjourn the meeting.

Neva B. Lockhart

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City Clerk