

Grand Junction, Colorado

April 21, 1976

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. April 21, 1976, in the Council Chambers at City Hall. Members present and answering roll call: Larry Brown, Harry Colescott, Karl Johnson, Jane Quimby, Elvin Tufly, Robert Van Houten and President of the Council Lawrence Kozisek. Also present: Assistant City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

MINUTES

It was moved by Councilman Tufly and seconded by Councilman Brown that the Minutes of the regular meeting April 7, 1976, and the Minutes of the recessed meeting April 13, 1976, be approved as written. Motion carried unanimously.

COUNCIL DECISION: HOTEL-RESTAURANT LIQUOR LICENSE, EL CHARRO Y LA BARRA FAMOSA SUPPER CLUB, 227 ROOD AVENUE GRANTED

The following decision was read:

A public hearing having been held on April 7, 1976, on the application by Michelle Garcia for a Hotel and Restaurant Liquor License for El Charro Y La Barra Famosa Supper Club at 227 Rood Avenue in the City of Grand Junction, and the City Council having considered the evidence adduced at said hearing:

FINDS:

1. That the hearing was held after proper notice under the Liquor Code.
2. That the survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet, in that 67 persons so stated while 30 felt the needs were being met by the other outlets and 4 persons were otherwise opposed to the issuance of the license. No letters were received opposing the issuance of the license.
3. That no one appeared at the hearing in opposition to the issuance of the license.
4. That the character of the Applicant, as determined through the check of her fitness by the Police Department and through letters attesting to her good character, is good.

IT IS THEREFORE the decision of the City Council of the City of Grand Junction that a Hotel and Restaurant Liquor License be

issued to Michelle Garcia for El Charro Y La Barra Famosa Supper Club at 227 Rood Avenue in Grand Junction; provided, however, that construction or other work shall commence within 6 months from the date hereof toward opening of the restaurant with completion following expeditiously.

Dated this 21st day of April, 1976.

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President of the Council

Attest:

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City Clerk

It was moved by Councilman Tufly and seconded by Councilman Brown that the decision be approved and the license granted when the State license is received. Motion carried unanimously.

DISCUSSION OF SALE OF CITY PROPERTY - LOTS 17-20, BLK 99 (HOLSUM)

Mr. Stan Anderson reported on the progress at 2nd and Rood with respect to Sam Antonopolus' option for Lots 17-20, Block 99, so that Council could have a better feel as to what is happening. The land that has been purchased by Mr. Antonopolus is four lots - 100 feet of frontage on Rood Avenue, 125 feet deep, and seven lots with frontage on White Avenue, totaling 11 lots. Mr. Antonopolus has a conditional franchise which is approved by The Sheraton, conditioned upon the completion of the building in accordance to requirements outlined by Sheraton Hotel Corporation to be finished according to their plans and specifications. Nelson, Haley, Patterson and Quirk (NHPQ) has been retained as Architect and Design Developer for the hotel. The land which is owned by the City and optioned for use as a hotel is imperative to the development of that end of town.

Mr. Anderson stated that he does not require any decision from Council tonight. He is merely bringing Council up to date as to what is happening and what has happened concerning the property Mr. Antonopolus has an interest in.

The Sheraton requires 100 rooms. A feasibility study accomplished by Real Estate Research Development Company of Denver recommends 120 rooms. There is a City requirement which provides that there must be one parking space for each two rooms, and one car parking space for each four seats in a restaurant. In order to have surface parking space to meet this requirement, there must be a good deal of land. Parking is an important factor and is one reason that this additional land is imperative to the efficient development of the property. Mr. Anderson feels that Mr. Antonopolus and the City have joint goals in this case.

## YOUTH COMMISSION REPORT ON "SAVE THE BARN" CAMPAIGN

Mr. Bruce Jones appeared before Council stating that it has been approximately 75 days since the Commission had approached Council on the subject "Save the Barn." Mr. Jones reviewed a few of the chains of events which lead up to the discussion tonight regarding the fate of the Lincoln Park Auditorium. There has been much conflicting information pertaining to the structure's soundness, and the cost of reconditioning it. Mr. Jones and the Youth Commission were present to report back to Council what their activities have been and the success. The Commission has met over 25 times collectively during the 75-day period, and separately, all have been involved in this effort in some way almost daily.

Mary Pat Shannon and Chris McKinney reviewed input submitted by several local organizations. Two letters were received supporting the project: (1) American Legion Auxiliary - pledge \$100; (2) Western Slope Bottle Club - pledge \$125. Presently, there is \$850 cash on hand, \$2,150 worth of service and labor has been pledged, and \$5,200 in funds has been pledged. There have been 218 responses in the "Save The Barn" campaign, with 213 who favored saving the Barn. Several letters in favor of the project were read aloud.

Mr. Jones felt that he would be disappointing a great number of people if he were unable to complete the project. He now feels it was unwise to volunteer to tackle this project. Mr. Jones feels that the task is beyond his organization's capability. It has neither the experience, manpower, nor organization to carry out this effort. He, therefore, asked to be relieved of the primary responsibility, but urged Council to continue the effort. He thanked everyone for their interest and assistance, and the kindness and patience of all concerned.

Mayor Kozisek assured Mr. Jones that his Committee had done a tremendous job and wished to thank him for what he had accomplished thus far.

Mr. Carl Snyder, 679 - 29 1/2 Road, representing the Square Round Dancers of Grand Junction, stated he would like to see the Lincoln Park Auditorium saved for his group's purposes because of the high rental rates of Two Rivers Plaza. Councilman Van Houten assured Mr. Snyder that the rates at Two Rivers Plaza are very nominal to local groups, but are outrageous for the outsider.

It was moved by Councilman Brown that the barn not be razed, wrecked, or demolished for an indefinite period, or until it be brought back to Council on an advertised public hearing, such motion being seconded by Councilman Colescott. Motion carried unanimously.

President of the Council, Larry Kozisek, requested that Council condition the consideration of appropriations for 1977 upon

receipt of monies from the community, etc., in order for a group of any kind to use it.

Centennial-Bicentennial Director Mark Williams suggested to Council that it appoint a Task Force of citizens to collect information as to feasibility, costs, etc. of rehabilitation and methods of fund raising.

It was moved by Councilman Brown and seconded by Councilman Van Houten that word go out that Council is looking for 7 people to begin a "Save The Barn" Commission. Motion carried unanimously.

Council hopes to make appointment of the 7-member committee at the next regularly scheduled Council meeting, which will be May 5, 1976.

APPLICATIONS TO RENEW 3.2 BEER LICENSES - 7-2-11 FOOD STORE NO. 10, INC., 1134 N. 12TH STREET - LAURENCE FLANAGAN, WEST SIDE GROCERY, 506 WEST COLORADO

Submitted for consideration were the applications by 7-2-11 Food Store No. 10, Inc., 1134 North 12th Street, and Laurence Flanagan, West Side Grocery, 506 West Colorado Avenue, for the renewal of their 3.2 beer licenses. Reports from the Police Department indicated that during the past licensing period there have been no known violations or complaints filed in connection with the sale of 3.2% fermented malt beverage by either of these establishments.

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

ASSIGNMENT OF OIL AND GAS LEASE FROM CARL L. AND LOUISE P. BURLEY TO BURTON/HAWKS, INC., CASPER, WYOMING (120 ACRES NE OF AIRPORT IN CLIFTON AREA - LEASE GRANTED TO MR. BURLEY JANUARY 19, 1973)

It was recommended by City Attorney Ashby that City Manager Rose be authorized to execute the assignment on behalf of the City. It was moved by Councilman Colescott and seconded by Councilwoman Quimby that the City Manager be authorized to sign the Oil and Gas Lease from Carl L. and Louise P. Burley to Burton/Hawks, Inc., Casper, Wyoming. Motion carried unanimously.

OFFER TO PURCHASE CITY LAND - 200 BLOCK LAWRENCE ST - CHARLES AND DONNA ROTH - \$2,400 PLUS APPRAISAL COST

Senior Planner Don Warner stated that the City now owns a piece of land approximately .4 acre, on Lawrence Avenue, between Colorado Avenue and Ute. The City has owned the property for well over 20 years. It is situated in such a way that park purposes would be difficult to develop. Charles and Donna Roth have offered the appraised price of \$2,400. They own property on both sides of this tract. Councilman Brown said that after review of the property in

question, he would endorse the sale of this particular tract so long as the buyers absorb the incidental costs of appraisal.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the City Attorney be directed to draw up a Resolution authorizing the conveyance of property to the Roths. Motion carried with Councilman Van Houten voting NO.

Councilman Brown requests a list of all City-owned parcels. Don Warner assured him he would provide Council with a list within one week's time.

HEARING - REQUEST FOR A FINAL DEVELOPMENT PLAN IN LAKESIDE SUBDIVISION

The President opened the hearing. Senior Planner Don Warner stated this plan has been recommended by the Planning Commission. Planning Commission asked for: (1) trees to shield park; and (2) that road be revised to connect with Horizon Drive at a 90° angle. There were no letters received in opposition to the plan, and no one in the audience wished to speak on the matter. The President closed the hearing.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the Final Development Plan in Lakeside Subdivision be approved. Motion carried unanimously.

HEARING - FINAL PLAT FOR SPRING VALLEY SUBDIVISION FILING NO. 4, NE CORNER 27 1/2 ROAD AND F ROAD

Ed Ceno was present to answer any questions of Council or the audience. The President opened the hearing. Senior Planner Don Warner reviewed the final plat for Spring Valley Subdivision Filing No. 4. The Planning Commission approved this filing with the following conditions: (1) that no Certificate of Occupancy be granted until the improvements are in; (2) easement was requested along the side of the lot which has now been placed on the final plat. No letters having been received, and no one in the audience indicating a desire to speak on the matter, the President closed the hearing.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the Final Plat for Spring Valley Subdivision Filing No. 4 be accepted and signed by the President of the Council and the City Manager, that it be approved and filed with the Mesa County Clerk and Recorder, and that a copy thereof be filed in the offices of the County Assessor and the City Engineer, contingent upon the conditions of the Planning Commission. Motion carried unanimously.

HEARING - PROPOSED BULK DEVELOPMENT - HARRIS ROAD APARTMENTS, 482 HARRIS ROAD

Dean Harris was present to answer any questions. The President opened the hearing. The development was reviewed by Don Warner. The Planning Commission asked that the parking be delineated and riving space be shown with improved landscaping. Conditions were: (1) showing where the landscaping was; and (2) that 25 foot of right of way be given off of Harris Road, which has been agreed to by Mr. Harris. There being no letters submitted, 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 Proposed Bulk Development for Harris Road Apartments be approved, with the stipulations that have been requested by the Planning Commission. Motion carried unanimously.

HEARING - PROPOSED BULK DEVELOPMENT - 2716 F ROAD

The President opened the hearing. This development was reviewed by Mr. Warner. The one condition of the Planning Development was that Mr. Al Goffredi deed 20 foot of right of way on the north side of Patterson Road. Mr. Goffredi has agreed to this. There being no letters submitted 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 Councilman Johnson that the proposed bulk development for 2716 F Road be approved. Motion carried unanimously.

HEARING - PROPOSED CONDITIONAL USE - DRIVE-IN, TACO TIME, SE CORNER 5TH STREET AND NORTH AVENUE

The President opened the hearing. Don Warner stated the building is already on the property. The conditions placed on this project by the Planning Commission are: (1) that the driveways on 5th Street be closed (they are already closed); and (2) that the drive closest to 5th Street corner be closed. The Development Department proposes that they put a drive-up window on the South side for drive-up use. There being no letters submitted 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 Tufly that the conditional use be approved contingent upon the stipulations placed by the Planning Commission. Motion carried unanimously.

HEARING - PROPOSED PD-B (PLANNED DEVELOPMENT-BUSINESS) VIDA ALEGRE APARTMENTS, 509 28 1/2 ROAD

Levi Lucero was present to answer questions. The President opened the hearing. Senior Planner Don Warner reviewed the proposed PD-B Zoning. The Planning Commission requested a study of necessary sidewalks and a complete landscaping plan for the final plan. The Planning Commission recommends approval. No letters were received

and no one in the audience indicated a desire to speak on this matter. The President closed the hearing.

It was moved by Councilman Colescott and seconded by Councilman Johnson that the PD-B zoning for Vida Alegre Apartments be approved subject to the stipulations of the Planning Commission. Motion carried unanimously.

#### DISCUSSION OF KAREN LEE TRANSITIONAL SUBDIVISION

This item is a County Project. Karen Lee Subdivision is located on 29 Road north of F Road, just West of Partee Drive and southwest Karen Lee Subdivision. The County Planning Commission recommends that the petitioner be allowed to develop this as designed and presented. The City Planning Commission recommended that Hermosa Street be developed through to Partee Drive rather than the cul de sac as shown on the Plan.

Mr. Henry Fausson spoke on behalf of the petitioner, Mr. Bill Norris, and Robert Fausson, also owner. He said he had met with the Planning Staff for review. He discussed the accessibility of automobile traffic to all of the other areas there, and determined that if they were going to maintain a concept, then the use of automobiles should be reduced. The access and egress to Karen Lee Subdivision is on 29 Road with a total of 15 houses within the subdivision.

After much discussion as to whether to have a cul de sac or through street, it was moved by Councilman Van Houten and seconded by Councilman Brown that Karen Lee Subdivision be approved subject to Hermosa Street running through to Partee Drive. Motion carried with Councilman Tufly, Councilwoman Quimby and President Kozisek voting NO.

#### DISCUSSION OF FRUITWOOD NO. 6 TRANSITIONAL SUBDIVISION

This Subdivision is located southeasterly of 30 Road and E Road. This plan has progressed and received favorable recommendations through sketch and preliminary. It has not yet travelled through County Planning Commission, but has received approval by the City Planning Commission.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the plan for Fruitwood No. 6 Transitional Subdivision be approved. Motion carried unanimously.

#### REPORT ON PROPOSED HEARING ON ALLEGED VIOLATION BY "THE WHATEVER," 1607 HWY 50

City Attorney Ashby stated there have been some problems over a considerable amount of time at "The Whatever," 1607 Highway 50. State Liquor Enforcement Officer Jim Gilliam and Sergeant Albrecht, and a representative from the Health Department, along with Mr. Ashby, met and discussed the problems. It was their

recommendation that Council advise the owner of "The Whatever" that it will be a requirement that uniformed officers be on duty at any time it is open for business. After a trial period, it will then be brought to Council to see what it wishes to do. It was made clear by Mr. Ashby that the uniformed officer would in no way be connected with the City's Police Department.

REPORT ON PROPOSED HEARING ON ALLEGED VIOLATION BY THE PIZZA HUT,  
1440 NORTH AVENUE

Mr. Ashby stated he will set a hearing up for the next meeting of Council and advise the owner of the Pizza Hut, in view of the violation where the young waitress indicated that she, by plea of guilty in the County Court, had served beer to a minor, and Council may determine then what it wishes to do about it.

PUBLIC SERVICE - MEMORANDUM OF UNDERSTANDING FOR INTERIM PERIOD  
THROUGH JANUARY, 1977

City Attorney Ashby advised that as a result of conversations with Mr. Robb and Mr. Temple, a Memorandum of Understanding was suggested. It is recommended to Council only to be used on an interim basis. It will keep the budget somewhat intact also.

The following Memorandum of Understanding was read:

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding entered into this 22nd day of April, 1976, by and between the CITY OF GRAND JUNCTION, COLORADO, and the PUBLIC SERVICE COMPANY OF COLORADO, to provide an understanding between the parties while franchise renewal or other relationship between them is explored.

IT IS AGREED, for the exploratory period, that:

1. Public Service Company will pay 2% of its gross receipts, as this is called for in its previous franchise with the City, through March 31, 1976.
2. Beginning April 1, 1976, Public Service Company will pay to the City under the formula basis of 3-10 and 2 on its gross receipts, all as set out in its latest proposed franchise with the City.
3. Public Service Company shall continue in its use of streets, alleys and easements of the City as permitted under its previous franchise and general City regulations.

It is further understood and agreed that, since this is intended as an interim solution only, nothing herein shall in any way preclude either party from investigating and pursuing all possible alternatives to the supplying of electrical and gas service within the City. In any event, this Memorandum shall be of no further force and effect after JANUARY 31, 1976.



PUBLIC SERVICE COMPANY OF COLORADO

By: /s/ N. J. Temple

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Manager, Western Division

Attest:

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CITY OF GRAND JUNCTION, COLORADO

By: /s/ Harvey M. Rose

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City Manager

Attest:

/s/ Neva B. Lockhart\City Clerk

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Memorandum of Understanding be accepted and the City Manager be authorized to sign the document. Motion carried unanimously.

FUNDS - APPROVAL OF \$650 TO COMMUNITY SOCIAL SERVICES FOR LIFT VAN  
- COUNCIL CONTINGENCY FUNDS

It was moved by Councilman Johnson and seconded by Councilman Tufly that the expenditure of \$650 to Community Social Services for lift van be approved. Motion carried unanimously.

REPORT ON DEMOLITION BIDS FOR TREECE PROPERTY ON ROOD AVENUE

Assistant City Manager Jim Wysocki stated one bid was received on the proposal, with the property located at 625 1/2 26 1/2 Road not include din the bid. The only property to be bid on is the Treece Furniture warehouse which is located at 315 to 319 Rood. The bid was from Batchelor House Wrecking in the amount of \$300 for the removal of the building on the site. The wrecker would salvage.

It was moved by Councilman Brown and seconded by Councilman Van Houten that the \$300 bid to cover demolition of both buildings be accepted and should Batchelor House Wrecking not accept both buildings, then Council is back to negotiation. Motion carried with Councilman Johnson voting NO.

PUBLIC HEARINGS ON COMMUNITY DEVELOPMENT REHABILITATION GRANTS

It was announced by Assistant City Manager Jim Wysocki that on April 22, 1976, at 8:00 p.m. and 6:00 p.m. there will be public hearings for the Community Development Rehabilitation Grant that is pending. The hearings will be conducted in the Council

Chambers.

#### PHASE III OF ORCHARD MESA SANITATION SEWER DISTRICT

Jim Wysocki announced there will be an informal meeting to discuss Phase III of the Orchard Mesa sewer project at 7:30 p.m., Thursday, April 29, 1976, at the Columbus Community Church on Unawep.

#### DISCUSSION OF BOND REFUNDING

It was noted by Jim Wysocki that the bond index has dropped considerably since last discussing the possibility of re-issuing bonds in the City's Utilities and some other areas. It was approximately 7.5% when last talked about last fall. Presently it is 6.5%. The City has been advised by Boettcher and Company that perhaps this is the time to begin looking at the bonds to see if there would be anything in the line of a program. The Staff will be looking at this with Mr. Dan Herrington.

#### CITIZEN COMPLAINT - INTERSECTION AT 4TH AND WHITE

Mr. Bert Schilling discussed the enforcement of traffic regulations at 4th and White. Out-of-State vehicles are adhering to the traffic regulation that says a vehicle will stop for pedestrians in a marked crosswalk, while local vehicles are not observing the regulation. He feels the City Police Department is not enforcing the law.

Mr. Rose and Mr. Wysocki were directed to work with the Police Department to see, if on a concentrated basis, the City can have some law enforcement at that location at periods of time.

#### APPOINTMENTS TO RECREATION BOARD

The terms of Mr. Ed Vander Took, Mr. James Echave, and Mrs. Ruth Cheskaty expired in the month of March. Mr. Vander Took and Mrs. Cheskaty have expressed interest in serving another term. The names of Mr. Jim Wilds, 2126 North 24th Street, and Judy Prakken, 1224 Main Street, have been submitted. By secret ballot, Council elected Judy Prakken. It was moved by Councilman Colescott and seconded by Councilman Johnson that the appointment of Judy Prakken and reappointment of Mr. Ed Vander Took and Mrs. Ruth Cheskaty be ratified. Motion carried unanimously.

#### APPOINTMENT TO HOUSING AUTHORITY

Mr. Tom Brimhall has resigned from the Housing Authority Board. Two names have been submitted to fill that vacancy. They are Mr. Daniel Robinson, member of CRLS, and Lucille Crumbaker, 229 Bookcliff Court. By secret ballot, Council elected Lucille Crumbaker. It was moved by Councilman Colescott and seconded by Councilman Johnson that the appointment of Lucille Crumbaker to the Housing Authority be ratified. Motion carried.

## COUNCIL COMMITTEE REPORTS

Com Act Housing - Councilwoman Quimby stated a report on Com Act Housing meeting will be forthcoming. The organization received \$19,982 from CSA, plus the \$10,000 they have by the City Council, they will have matching funds of \$50,000. It is requesting \$50,000 from the Colorado Division of Housing.

Criminal Justice Meeting - Councilman Colescott attended a Criminal Justice meeting last Thursday. An application was received for LEAA funds for a match. It cleared the Commission, from there it will be directed to COG and then on to the State Board.

Human Resources Meeting - Councilman Johnson attended the Human Resources Meeting Tuesday, April 20, 1976. They are in the process of publishing a directory of all agencies in the community that are available for providing various services.

Recreation Board Meeting - Councilman Tufly reported that softball season is here again. There are 93 teams that have signed up for softball. There are 2 vacancies in the Triple-A League. There is 1 vacancy in the Slow-Pitch League. The fields are going to be very full working at Columbine Park 7 days a week all summer long. The summer programs have been prepared and published in printed form. There are a number of programs in swimming.

Thank You Letter from Students on "Beautifying the Duck Pond" - Mayor Kozisek read a letter from students of Lincoln Orchard Mesa and Columbus Elementary Schools thanking Council for its support.

City-County Day, May 5, 1976 - A reminder was made by Mayor Kozisek that Wednesday, May 5, 1976, is Grand Junction City-County Day.

### Executive Session

It was requested by Assistant City Manager Jim Wysocki that Council go into Executive Session immediately following this evening's meeting.

It was moved by Councilman Brown and seconded by Councilwoman Quimby that Council retire into Executive Session with Mr. Wysocki to discuss personnel matters. Motion carried unanimously.

### ADJOURNMENT

It was moved by Councilman Tufly and seconded by Councilman Brown that the meeting be adjourned.

Neva B. Lockhart

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Neva B. Lockhart

City Clerk