

Grand Junction, Colorado

March 3, 1982

The City Council of the City of Grand Junction, Colorado, convened in regular session the 3rd day of March, 1982, at 7:30 p.m. in the Council Chambers at City Hall. Those present were Council members Betsy Clark, Arlene Harvey, Robert Holmes, Karl Johnson, Gary Lucero and President of the Council Louis Brach, a quorum. Councilman Frank Dunn was absent. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

The President called the meeting to order and led in the Pledge of Allegiance.

INVOCATION

Pastor Jack Olsen, Columbus Evangelical Free Church.

MINUTES

Upon motion by Councilwoman Clark, seconded by Councilwoman Harvey and carried with Councilman LUCERO ABSTAINING, the minutes of the regular meeting February 17, 1982, were approved as submitted.

PROCLAMATION DECLARING 1982 "NATIONAL YEAR OF DISABLED PERSONS"

APPLICATION BY GRAND JUNCTION ATHLETIC CLUB, INC., TO RENEW TAVERN LIQUOR LICENSE AND CHANGE IN CORPORATE OFFICERS APPROVED - 2525 FORESIGHT CIRCLE

Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the application by Grand Junction Athletic Club, Inc., to renew its tavern liquor license and a change in the corporate officers, stockholders and directors was approved.

President: Daniel R. Thurlow 33-1/3%

Vice Pres: Robert V. Turner 33-1/3%

Sec/Treas: Kenneth W. Hobbs 33-1/3%

3.2% BEER - APPLICATION BY BRACH'S MINI MARKET TO RENEW LICENSE APPROVED - 2516 BROADWAY

Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO and President of the Council BRACH ABSTAINING, the application by Brach's Mini Market, 2516 Broadway, to renew its 3.2% beer license was approved.

APPLICATION BY WORFGANG AND MARY E. KLAIBER FOR RETAIL LIQUOR STORE LICENSE AT HORIZON LIQUORS, 715 HORIZON DRIVE - APPROVED

Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the application by Wolfgang and Mary E. Klaiber for retail liquor store license at Horizon Liquors, 715 Horizon Drive, was approved.

HEARING - PROPOSED ORDINANCE - ZONING WALKER FIELD AIRPORT ANNEXATION PZ (PUBLIC ZONE), NW COR OF H ROAD AND HORIZON DRIVE, PARCEL B, 8 ACRES

A hearing was held upon the petition by Walker Field Airport Authority to zone 8 acres, Parcel B, of the Walker Field Airport Annexation to PZ (Public Zone), the northwest corner of H Road and Horizon Drive. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY THE ADDITION OF THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication.

HEARINGS - APPLICATIONS BY MESA COLLEGE FOR 3.2% BEER SPECIAL EVENTS PERMITS MARCH 19, APRIL 23 AND 24, 1982 - APPROVED - 3RD, 4TH & 5TH PERMITS

Upon were held after proper posting of property on the applications by Mesa College for 3.2% beer special events permits for March 19, 1982, 8 p.m. to midnight in Liff Auditorium Student Center, April 23, 1982, 2 p.m. to 6 p.m. and April 24, 1982, 1 p.m. to 5 p.m. for the Spring Fest west of Saunders Fieldhouse. Katie Kaufmanis, Vice President of Student Affairs, Student Body Association, was present for the hearings. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the applications by Mesa College for special events permits were approved.

HEARING - APPLICATION BY TELEPHONE PIONEERS OF AMERICA/FREDERICK H. REID CHAPTER NO. 8 FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AT TWO RIVERS PLAZA, 159 MAIN STREET, MAY 3, 1982, 5 P.M. TO 2 A.M. - DINNER-DANCE (1ST PERMIT) APPROVED

A hearing was held after proper posting of property on the application by Telephone Pioneers of America/Frederick H. Reid Chapter No. 8 for malt, vinous and spirituous liquor special events permit at Two Rivers Plaza, 159 Main Street, May 3, 1982, from 5 p.m. to 2 a.m. for a dinner dance. Mr. Harold Hawksworth, 584 Raven Lane, was present for the hearing on behalf of the Chapter. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Johnson, seconded by Councilman Lucero

and carried with Councilman HOLMES voting NO, the application was approved.

BIDS - AWARD OF CONTRACT PATTERSON ROAD INTERSECTION CULVERT EXTENSIONS AND ORCHARD AVENUE INDIAN WASH MODIFICATIONS CORN CONSTRUCTION - \$473,506.50

One bid was received and opened at 2 p.m. Tuesday, March 2, 1982, for the Patterson Road Intersection Culvert Extensions and Orchard Avenue Indian Wash Modifications.

Corn Construction Company \$473,506.50

Engineer's Estimate \$478,560.50

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the contract was awarded Corn Construction Company for its low bid of \$473,506.50, and the City Manager was authorized to sign said contract.

HEARING - CONDITIONAL USE - HOTEL ON 8 ACRES IN A PUBLIC ZONE, NW COR OF H ROAD AND HORIZON DRIVE

A hearing was held after proper notice on the petition by Paul Penner and Norm Frantz for conditional use to permit a hotel on 8 acres in a public zone on the northwest corner of H Road and Horizon Drive. Bob Goldin, Planner, indicated there is still a concern about the storm drainage and the turnoff. The petitioners will be meeting with the City Engineer tomorrow morning with some solutions to the problem. All other technical concerns have been resolved.

The City Manager recommended approval contingent upon the petitioners resolving the details for the storm drainage and surface runoff within thirty days.

Andy James, Penner-Frantz, Denver, indicated there should be no problem in responding to the issue within thirty days.

There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the petition for conditional use to permit a hotel on 8 acres in a public zone on the northwest corner of H Road and Horizon Drive was approved on the condition that the Planning Commission and Staff concerns are resolved within a period of thirty days.

ORDINANCE NO. 2034 - AUTHORIZING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BOND (MESA BEVERAGE CO. PROJECT), SERIES 1982, IN PRINCIPAL AMOUNT OF NOT MORE THAN \$5,460,000

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the Proof of

Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CITY OF GRAND JUNCTION, COLORADO, INDUSTRIAL DEVELOPMENT REVENUE BOND (MESA BEVERAGE COMPANY PROJECT), SERIES 1982, IN THE PRINCIPAL AMOUNT OF NOT MORE THAN \$5,460,000; AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS RELATING THERETO.

Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the proposed ordinance was called up for final passage and read.

There were no comments. Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried by roll call vote with Councilman HOLMES voting NO, the Ordinance was passed, adopted, numbered 2034, and ordered published.

ORDINANCE NO. 2035 - ZONING HETLAND ANNEXATION RSF-4

Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: 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.

Upon motion by Councilman Holmes, seconded by Councilman Lucero and carried, the proposed ordinance was called up for final passage and read.

There were no comments. Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried by roll call vote, the Ordinance was passed, adopted, numbered 2035, and ordered published.

ORDINANCE NO. 2036 - REZONE FROM RMF-32 TO P (PARKING) THE SW COR OF 7TH AND GLENWOOD

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY.

Upon motion by Councilwoman Clark, seconded by Councilman Holmes and carried, the proposed ordinance was called up for final passage and read.

There were no comments. Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed, adopted, numbered 2036, and ordered published.

ORDINANCE NO. 2037 - CROSSROADS #3 ANNEXATION

Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

Upon motion by Councilwoman Clark, seconded by Councilman Holmes and carried, the proposed ordinance was called up for final passage and read as amended.

There were no comments. Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed and adopted as amended, numbered 2037, and ordered published.

PROPOSED ORDINANCE AMENDING CHAPTER 19, SECTION 29, CODE OF ORDINANCES, CONCERNING DRINKING OF BEER OR ALCOHOLIC BEVERAGES IN A PUBLIC PLACE - FAILED TO PASS

The following entitled proposed ordinance was read: AN ORDINANCE CONCERNING THE CONSUMPTION OF BEER AND LIQUOR IN PUBLIC PLACES. The City Attorney indicated that this matter came up on the question of the events that are from time to time to be held in the downtown area as a part of the due process there where upon occasion parts of the public right of way would be designated as being within a special license or as an extension of licensed premises.

Councilman Holmes said the implication of this proposal is to serve the downtown area, but indeed in truth it affects the entirety of the City.

Mr. Bill O'Dwyer, 1427 White, suggested the Council give very serious consideration before the adoption of this proposal, specifically in the areas of enforcement, cleanup, and money expended for each event. He felt that control would be a problem.

Councilman Johnson stated that Council is in the position where it has to consider the desires and needs of the neighborhood on each of these applications the same as it does on any other application. The restriction as it presently exists is one of the City's own. He thought there were adequate safeguards to overcome any problems that may come up, and he did not think one could justifiably place a restriction on an anticipation of problems that may develop later.

It was moved by Councilman Johnson that the proposed ordinance be passed for publication. The motion was seconded by Councilwoman Clark.

Councilmembers Lucero and Harvey suggested more discussion of this matter at the workshop on Monday.

Roll was called upon the motion with the following result:

Councilmembers voting AYE: JOHNSON, CLARK, BRACH,

Councilmembers voting NO: HOLMES, LUCERO, HARVEY.

The President declared the motion failed to pass.

PROPOSED ORDINANCE AMENDING CHAPTER 2, SECTION 13, CODE OF ORDINANCES, CONCERNING REQUIRED SIGNATURES ON CHECKING ACCOUNTS FOR THE CITY OF GRAND JUNCTION

The following entitled proposed ordinance was read: AN ORDINANCE ESTABLISHING THE SIGNATURES TO DRAW ON THE CHECKING ACCOUNTS OF THE CITY OF GRAND JUNCTION. Upon motion by Councilman Lucero, seconded by Councilman Holmes and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE VACATING EASEMENTS IN VILLAGE FAIR, SW COR OF 12TH AND PATTERSON

The following entitled proposed ordinance was read: AN ORDINANCE VACATING EASEMENTS IN THE CITY. Upon motion by Councilman Holmes, seconded by Councilman Lucero and carried, the proposed ordinance was passed for publication.

CITIZEN COMPLAINT RE: LIQUOR LICENSE AT HEIDELBERG INN, 233 NORTH AVENUE - PUBLIC HEARING TENTATIVELY SET FOR MARCH 17, 1982

Mrs. Greenberger: I am Mrs. Greenberger. I have a business at 233 North Avenue which is known as the Heidelberg Inn Restaurant, Cocktail Lounge and Restaurant. The lounge and restaurant has been leased. It was brought to my attention that you . . . that the Council has approved a liquor license to an individual who at a later date advised me of being here in this country illegally on an expired visa. Now, I'm asking you people how can a liquor license possibly be approved on a person that's here in this country illegally, has a visitor's visa, and is operating under a liquor license which I know that you can have a liquor license and you do not have to be a citizen to own a liquor license. You don't even have to be in the country providing that it's in a corporation form. But illegally in the country as a student going to school you are not even allowed to work on a visa. Only if I have a green card. Now how could you possibly have passed this? I unders . . . From what I gather there really was no investigation done on this whatsoever. Uh when it was investigated I understand from what I asked him when he came and approached me on this I asked him how in the world did you get a liquor license and he says I just didn't fill it all in.

Now when I filled in an application for my liquor license, and that goes back four years ago and I think you ought to take a look at this, I was a legal citizen, I also held a liquor license, a liquor store in Glendale, California, and I had to go through all this. Now I was told . . . through this investigation. Now I was

told the only reason for the investigation is to keep the Mafia and the underground people out of the liquor business. Now if they want to get into it they will get into it one way or another. And I don't think it's right that some should be investigated so intensely and others not. Now I have a lease which he signed, a three-year lease. When I was approached on this I asked . . . he told my husband in the morning and I asked my husband . . . he acted rather shocked about what was happening . . . so I asked him what was wrong and he says this man has immigration problems. And I says what kind of problems and he says he got here on a expired visa. And I said well how in the world did he get a liquor license. Sil says I don't know. So I asked him how it happened and he says well I just didn't fill in the part where it asked about immigration. Whether he's a legal residence . . . My husband was naturalized and he had to show his naturalization number . . . prove his naturalization number. And I understand from what he told me none of this was in there whatsoever. And he signed the three-year lease and when I told him I says it will have to be straightened out and his answer to that he looked at me and laughed and he says well he says I'll just have to operate until such time as I get kicked out and try and get all the money back that I've invested in it. Now how could you people have put me in this position? Because I am obligated on the lease but he has no obligations. The only other thing I can suggest is that you people give him his green card or whatever he needs and make him a legal citizen so that I do have . . . he has a legal lease with me `cause he's not obligated to hold that lease.

President Brach: All right. We'll let the City Attorney tackle this one.

City Attorney Ashby: We can do nothing in regard to his citizenship. That has to be done by the United States Government.

Mrs. Greenberger: I realize that. But how is it that it wasn't caught.

Mr. Ashby: He . . . when he filled out his application, he said he was not a citizen.

Mrs. Greenberger: What about the rest of the form?

Mr. Ashby: It's all completed . . . The only thing that he didn't comment on was what was the status of his noncitizenship. Why was he here. he didn't fill that part out. But he was perfectly candid in saying that he wasn't a citizen. He's committed no violation of the liquor code, and your lease with him is perfectly valid.

Mrs. Greenberger: It is valid, but as far as he is concerned he doesn't have to be obligated to us on the lease.

Mr. Ashby: All you've got to do then is kick him out.

Mrs. Greenberger: No, that's not it, he's paying his lease and everything, don't get me wrong. But the thing is . . .

Mr. Ashby: Well why do you want him out?

Mrs. Greenberger: I don't want him out. What I want you to do is help him establish a legal residence so that we do know that we have a legal lease there with him so that he has some obligation toward me because tomorrow he could leave and my lease is sitting there and I can't do a thing about it. How are you going to . . .

Mr. Ashby: You would take it back. You could take your property back.

Mrs. Greenberger: We leased it to get out of it, not to be taking it back.

Mr. Ashby: Yes, but you're blaming the City for something that you didn't bother to investigate.

Mrs. Greenberger: Well, I don't . . .

Mr. Ashby: You don't know any more about this man than we did when he came in here and filled . . . in fact, less, than when he came in here and filled out his application. But he has done nothing in regard to the City that's a violation at this point.

Councilman Holmes: Mr. Mayor.

President Brach: Mr. Holmes.

Councilman Holmes: I would think that there's more serious, almost appalling, information here than what the City Attorney addresses. It's true an alien can hold a liquor license is it not Mr. Ashby . . .

Mr. Ashby: Yes.

Councilman Holmes: . . . but if an alien is in the United States without a valid visa . . .

Mr. Ashby: He wasn't when he filled out the papers. He had a perfectly valid visitor's visa.

Mrs. Greenberger: The liquor . . . well when I looked at it he showed it to me because we recommended an attorney in Denver by the name of Heisman and he went up there and talked to this attorney up there and I looked at his visa before he went up and it had expired sometime in May of '81.

Mr. Ashby: I thought his visa was sound when he came here.

Mrs. Greenberger: No. The Liquor Inspector also checked it and the Liquor Inspector told me he was making a appointment with him in

Denver, and I says did he admit to being here illegally and he says oh yeah he made no . . . he did not deny it which he never has denied being here illegally. No, the man has never denied it.

Mr. Ashby: Is he working on his citizenship application and everything?

Mrs. Greenberger: I don't have any idea.

Mr. Ashby: Well . . . Did you have something else . . .

Councilman Holmes: This matter was brought to my attention just recently, and I was I guess dumfounded, appalled that this type of thing could happen. You know, we go through the motions of listening to the City Clerk and her giving the reports of the . . . I don't remember the initials, but the NICC or whatever they are and the different reports and all of these things, but to think that the State Liquor Inspector is aware, as I am led to believe that he is aware that the individual upon whom the City Council acted to grant this license is in this country with a supposed expired visa and nothing is done about it that it sets on a position of don't do anything, it's liable to cause tremors or rock the boat. It's just hard to believe that this kind of thing can happen. I would say this: the Council, of course, should not be concerned to the extent that the lady is . . . Mrs. Greenberger, is it?

Mrs. Greenberger: Right.

Councilman Holmes: . . . in regards to the lease, but I think we should be very much concerned if we have indeed issued a license to a person and we've done so in good faith at that hearing but they do not meet the requirements according to the things that have been put forth. It would appear to me that we would have no alternative except to revoke that license and the . . . we are the licensing authority. If the State Liquor License and the State Liquor Board and anyone else that's involved doesn't see fit to take action, then it's the . . . we're right here in square one . . . and we are the ones that are responsible for it, and to do nothing is I would say criminal.

Councilman Johnson: I have some of the same concerns. But all that we can do . . . this is an allegation. We don't know whether it's true or not.

Councilman Holmes: But it shouldn't take much to clarify it.

Councilman Johnson: But we've got to hold a public hearing to determine whether a violation has occurred, whether the licensee is qualified to hold it, before we can take any action. We can't take any action on the basis of what we have been told here tonight.

Councilwoman Clark: That's true.

Councilman Johnson: And the law requires that we hold a public hearing to determine the facts of this case.

Mrs. Greenberger: I also have the broker that sold it for me. He handled it at the time. He can also verify that the man did admit to being here illegally, and we did try to help him very much to get his legal situation straightened out. In fact my husband even took over the restaurant one night to get him up to Denver to talk to an attorney, talked to an attorney by the name of Mr. Heisman. The information that Pawel gave us when he came back, we asked him how did everything go and he says the attorney told me he says, had he not left his visa expire, you know, and had he not bought a business, he could be in a better position to help him, but since he went into business, had left his visa expire, even got a liquor license that the intent to prove intent was there, you know, that he meant, that he had no intentions of ever going back and got himself involved. Now he says there's only one other thing I can do. I can take you into Mexico which we recommended Pawel should do. Anything to get a legal visa and get himself straightened out. He would have to take him into Mexico and there is a possibility that they would probably renew his visa so he could come back into the States legally, and at that point they would give him ninety days to straighten out his business so called so that he has a chance to sell it and everything. But it would cost him \$750 and it would cost his wife \$750 to do this. But the attorney also told him he says could not guarantee them that they may not even let them back into the country since he left his visas expire. And that would be about the only thing he could do now, 'cause if he went for a hearing next week they'd have to prove intent that they could 'cause he went into business and everything. What he told us that he did this under the information of his friends and attorney in L.A. that handles immigration that told him not to renew his visas like he was told . . .

President Brach: Miss Clark?

Mrs. Greenberger: . . . now in the meantime we were also accused of having known it, too, which we knew nothing about it. I wouldn't even have talked to the man if he'd a told me. I wouldn't even have sold it, I'd rather locked up the place than to do something like that. If he'd a told me he was here illegally I would of just have sent him right back to L.A. and says sorry.

Councilman Johnson: Didn't you just say that your broker at the time that you made this transaction knew about this?

Mrs. Greenberger: No. He did not know about it. No, in fact I have my broker right here.

President Brach: All right. Miss Clark has a comment.

Councilwoman Clark: I certainly appreciate your bringing this to our attention, and it certainly seems to me that we had some

communication breakdowns both at the State and possibly at our level also and I would hope that we would start the wheels of investigation rolling and see if we can resolve some questions and see what action we should take.

Councilman Johnson: I would go further than that. I would move that we schedule a public hearing to determine the qualifications of this licensee to hold a license.

Councilwoman Clark: Through our Hearing Board?

Mr. Ashby Councilman Johnson, President Brach: Before the City Council.

Mrs. Greenberger: See the thing is . . . if you remember, Lamm even made a remark the other day. Said if uh to put out stiffer fines for those that were employing illegal aliens in this country, etc., okay, fine. There's never a law until such time as something comes up and then they could say well you know you were just as much to blame because you were harboring an illegal alien which we did not harbor. We had no idea of it. My broker knew nothing about him being here illegally. But when my broker came back from Christmas, I called him and I says Bud I says did you know this man was here illegally and he was just as shocked as I was when he heard the news. He had no idea the man was here illegally.

President Brach; When did you find out all this?

Mrs. Greenberger: I would say probably uh . . . a few days after . . . you can very easily check because at the time we really did try to help the man. But the thing is what he feels is . . . oh then he came up with this. I'll run an ad in the press uh stating that I'm in this ca . . . first he says he wanted to know about this running a legal ad. And I says well what kind of an ad, and he says well if I run an ad in the paper stating that my illegal presence in this country and if nobody picks it up after a certain length of time it automatically takes me off the hook. And I says well I've never heard of anything like that. That is a possibility but I've never heard it but I says you do have to get straightened out on your legal situation `cause you cannot operate illegally in this country, you can't even work here. WE called Mr. Robb, you know Robb, to find out information what we could do to help him. We called Senator Armstrong and he recommended I think it was Jackson, and then we finally ended up sending him to an attorney in Denver and as it turned out he says he just didn't wanta straighten out `cause he didn't wanta spend any money and he says I'll just drain and run the business as long as I can and then he says if they kick me out they kick me out. At least I'll get some of my money back. Now that to me was a absolute slap in the face `cause I didn't lease it out for that purpose.

Councilman Johnson: Yeah, but you haven't answered Mr. Brach's

question. When did you first know about this?

President Brach: Yeah. When . . . When did you find out about it?

Mrs. Greenberger: Uh . . . Let's see . . . It was . . . I would say around the 20 . . . it was just a few days before Christmas Eve.

President Brach: And then how come we wasn't notified at that particular time?

Mrs. Greenberger: Pardon me?

President Brach: How come we wasn't notified then?

Mrs. Greenberger: Because we sent him to an attorney `cause we really wanted to help him. We wanted him to get his matters straightened out have have him talk to an attorney and get it straightened out which is nothing wrong with giving him that advice because he should straighten out his situation `cause he just couldn't operate that way, you know . . .

President Brach: Well don't you think that you should . . .

Mrs. Greenberger: . . . but I don't know why he told us about it. If he'd a just kept still I'm sure with getting a liquor license I'm sure you people would have issued him a Social Security number too. Nobody would of ever known about it.

Councilwoman Harvey: We don't issue those.

President Brach: Don't you think that we should have been advised right along with the attorney, though?

Mrs. Greenberger: We had him go to Denver to an attorney and talk to an attorney. We figured he should have an attorney to take care of this, not just walk in because we didn't want him . . . we didn't feel that we leased it out because we wanted someone there, we don't want anything to do with the business. We bought our home and everything.

Councilwoman Clark: I'd move that we schedule a public hearing.

Mr. Ashby: Next meeting?

Councilwoman Clark: At the next meeting and try and find out . . .

President Brach: All right. The City Manager has . . .

City Manager Wysocki: Wait a minute. Don't we need to talk with the other party and find out if the fact . . .

Mr. Ashby: Oh yeah, we will. But we'll tentatively schedule a meeting or a hearing on the next meeting. At least we'll give you a hearing . . .

Councilwoman Clark: . . . and any investigative reports . . .

Mrs. Greenberger: I'm not out to kick him out of the lease. I wanted to be made legal and I don't want to be involved in this type of situation.

President Brach: We understand.

Mrs. Greenberger: Uh . . . I didn't . . . when I leased out the restaurant I leased it out and the lounge because we were working like twenty-four hours a day. We were very tired. I couldn't take it any more. We leased it out and we bought our home and I can verify with the broker so we wouldn't even have to stay at the motel. `Cause we weren't getting any rest at the motel, now we have a night clerk so we don't even have to be there, so I'm not so foolish as to want this back but I feel that there is a problem there and it should be straightened out and it should be done legally.

President Brach: All right. We're going to schedule a public hearing . . .

Mrs. Greenberger: . . . and I have also . . .

President Brach: . . . on the 17th.

Mrs. Greenberger: . . . Bud Lovato, who sold the business for me, and he can verify . . .

President Brach: . . . yeah . . .

Mrs. Greenberger: . . . is that not what he told us about his illegal situation?

President Brach: . . . yeah. Let's not go any farther tonight. We need to have a public hearing and we'll get it all uncovered. In the meantime the City Attorney can check on the other end of it. But let's stop for tonight . . .

Mrs. Greenberger: It was brought to the City's attention, too. I believe, Ashby, if I'm not mistaken Josephine Thomas called you to bring it to your attention . . .

Mr. Ashby: Oh yeah, we've . . .

Mrs. Greenberger: . . . very shortly . . .

Mr. Ashby: . . . we've known about it for the about the last two weeks, I think. Or at least I have.

President Brach: Mr. Holmes.

Councilman Holmes: I believe one could draw a parallel between this circumstance, if you would, and the consequences of hijacking of planes. It's very possible, as we know every day, that a hijacker can get on and hijack a plane and I think the lesson that should be here for us as is when they try to do something about that process is to tighten security. I think that it would behoove us to recommend that the screws be tightened down to where the applications are perused more in detail. I believe that had this been done, this never would have gotten past the City Clerk in the first place, not putting blame or anything on Mrs. Lockhart at all. It's just that these things need to be examined and done so with scrutiny, and obviously there was little if any scrutiny or this could never have gotten to the place where it has at this point in time.

Mrs. Greenberger: Karl Strecker knew about it because he checked with me about it. He talked with Pawel. In fact I understand he made a call to the Immigration Office. If I'm not mistaken I think his appointment with Immigration was the 8th of February. I can't say for sure but I think it was the 8th of February. The 4th of January we had him in Denver to an attorney by the name of Heisman but he made no effort to correct it. He just didn't care, you know

. . .

President Brach: I think in fairness to this case now we'd better close it for tonight, and we'll schedule a public hearing in two weeks and hear it all. We've got to be fair to the other party. Thank you very much. One more word?

Bud Lovato: I'm Bud Lovato, broker with Bray & Company, that handled the transaction. And in regard to Mr. Holmes' comments as far as Neva is concerned, she was very helpful in helping me get this expedited because the lessor wanted to get out and the lessee wanted to get in. And there is no place on your application, the State application, that mentions anything about visa and I think that's a bad . . .

President Brach: Bud. Bud . . . excuse me . . . excuse me just a minute, Bud. We've got to be fair. We've scheduled a public hearing which will be in two weeks to which I hope you will come back with these people . . . But in fairness to the other party, we've got to stop this this evening.

Mr. Lovato: Okay. I'd just like to say . . . may I have just one minute?

President Brach: One word, yeah.

Mr. Lovato: I have been kept up to date on this from closing. This all came about after closing. And Karl Strecker, your liquor inspector, was advised back in December, January. Nothing has come out of it from him. Karl knew the situation we have right now, and

Bob Evers from the Police Department who did the investigation from the California fingerprint cards who I sat right across from Bob Evers in probably November and he knows about this and it's never came up to you people. I just thought that should be of record.

President Brach: That's why we need to close this. We need to check out all the avenues and we'll have a hearing in two weeks and I hope you'll come back with her then, will you?

Mr. Lovato: I'll be glad to.

President Brach: All right. Thank you.

COUNCIL COMMITTEE REPORTS

Councilwoman Clark reported on a business trip of hers to Washington, D.C., and her discussion with some of the congressional delegation regarding Ratekin Towers. Both Hank Brown and Ray Kogovsek will be in town Saturday, so she encouraged members of Council to appeal to them.

DISABLED CITIZENS

Councilman Holmes expressed his appreciation to the Mayor for proclaiming 1982 as the "National Year of Disabled Citizens."

RATEKIN TOWERS PROJECT

Councilman Lucero reported on the Ratekin Towers project and the difference of opinion with Farmers Home Administration regarding the commercial space to be included in the project. After discussion, it was moved by Councilman Johnson that the Housing Authority be encouraged to continue its planning for this project and that in the meantime the Council lend its support to negotiations with the Farmers Home Administration and also pursue other avenues that might be open to the Housing Authority. The motion was passed by Councilwoman Clark and carried.

LOTTERY BILL

Councilman Johnson reported on the progress of the Lottery Bill.

ADJOURNMENT

Upon motion by Councilman Johnson, seconded and carried, the meeting was adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk