

# GREATER DENVER

Rob Reuteman, City Editor; Burt Hubbard, Suburban Editor ■ 892-5381

## Judge rejects pavilion office

### Denver's plans for City Park ruled illegal

By Sue Lindsay  
Rocky Mountain News Staff Writer

The city can't put an office building in the middle of City Park, a Denver judge ruled yesterday.

The ruling by Denver District Judge Clifton Flowers scuttles plans to convert the historic City Park Pavilion into a headquarters for the Denver Parks and Recreation Department.

"This is a real jewel of a park, and I think it should be kept as such," Flowers said. "The proposed use of the pavilion at City Park as an office building for the parks and recreation department is an illegal use of city park."

Flowers said the proposal was inconsistent with the park's historical use, violated the city's charter and zoning ordinance and "would interfere with the public's use and enjoyment of the park."

Citizens who organized the Save the Pavilion campaign filed the lawsuit after they learned that a \$400,000 bond issue to improve the park approved by the voters last fall would be used to convert the pavilion into an office building.

Members of the group who filled the courtroom let out a sigh of relief as Flowers gave his ruling.

"We're absolutely delighted," said Barbara Wright, one of the plaintiffs. "Frankly, I didn't think we could beat city hall on this. But I want to stress that we think the parks managers have done a terrific job for Denver's parks. We just didn't like this one idea. We're looking forward to working with them on finding another use for the pavilion."



Photos by Janet Reeves/Rocky Mountain News

Some of the Save the Pavilion organizers are, from left, Mark Appel, Patty Paul, Barbara Wright, David Knowles and Anna McRae. They celebrated their court victory yesterday.

#### RULING TO COST PAVILION

■ Money will go for office elsewhere, officials say./33

They have proposed that the pavilion be converted for public use, such as exhibitions, meetings and weddings. "We are ready to sit down with the city tomorrow and work together to come up with a legal use for the pavilion," said Walter Garnsey, attorney for the group.

Donald Etter, co-manager of the parks department said he was disappointed by the ruling.

"For four decades, the pavilion has been a problem looking for a solution and we thought we had come up with a superb solution to a very difficult problem," he said. "We think the community would lose under this decision."

He and assistant city attorney John Stoffel said no decision had been made on whether to appeal the ruling.

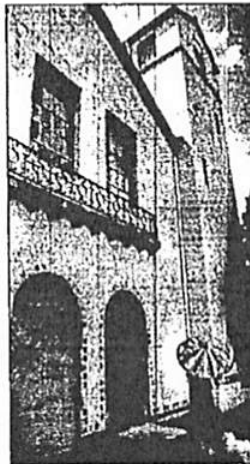
"We went into this thinking that project was legal and we still think it is legal," Etter said.

Etter said 50% of the park districts he surveyed had headquarters located in the parks. "Often they were put there to solve problems involving historical buildings such as the one we have," he said.

But Flowers said what other cities or states do has no bearing on what can be done under Denver law and zoning ordinances.

Flowers also said zoning administrator Dorothy Nepa's decision was erroneous and that she had no jurisdiction over the parks manager to enforce the city's zoning ordinance.

Flowers said parks managers don't have "unfettered discretion" to use the parks any way they want to. "For example," he said, "the manager couldn't put a hazardous waste plant in the middle of City Park just because he's the manager and those facilities are under his exclusive management and control."



Belle McGrath strolls by the pavilion to join others in celebrating Judge Clifton Flowers' ruling that Denver's parks department can't renovate the building for its own use.

## Romer rips foe's stance on Silverado

By John Sanko  
Rocky Mountain News Capitol Bureau

Gov. Roy Romer accused his Republican opponent yesterday of "grasping at straws" for attempting to tar him with the messy Silverado Banking, Savings and Loan scandal.

"It's an act of desperation from someone very far behind in the campaign," Romer said after GOP nominee John Andrews criticized state involvement with the collapsed bank.

Much of the national focus on the bank's woes has involved bank director Neil Bush, son of President Bush, but Andrews accused the state and Romer of not taking swift enough action to shut it down.

He also said the governor should follow the example of Sen. Tim Wirth, D-Colo., and others by returning \$66,400 donated in 1986 and 1987 from Silverado and individuals connected with it.

In a hastily called news conference, Romer said he refused to take blame for the bank's collapse, which began to crumble years before he took office.

"We need to deal with facts," Romer said. "We don't need a Salem witchhunt."

"My decision today is I will not return those funds, because I think to do so would be to imply a wrongdoing that I don't think is accurate."

However, Romer said he would refuse any future donations from the troubled S&Ls or from controversial Silverado figures such as Ken Good and Bill Walters.

In making the charges against Romer, Andrews said powerful Republican fund-raiser Larry Mizel, chairman of M.D.C. Holdings Inc., had let it be known he was "very unhappy" with him over making Silverado an issue.

"The crooks, be they Republi-

See ANDREWS on 22