

GRAND JUNCTION, COLORADO

FEBRUARY 16, 1977

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. on Wednesday, February 16, 1977, 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: City Manager, James Wysocki, City Attorney, Gerald Ashby and City Clerk, Neva Lockhart.

MINUTES

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the minutes of the regular meeting, January 19, 1977, be approved as written. Motion carried.

APPOINTMENT OF RICHARD UMMEL TO A THREE-YEAR TERM ON THE PLANNING COMMISSION

The following people have indicated an interest in serving on the Grand Junction Planning Commission. They are: Alex Thompson, Jean Rabideau, James Garman, Jack Berry, W. B. Hill, Vern Dennison, and Richard Ummel. By secret ballot Richard Ummel was elected to serve the three-year term.

APPLICATION TO RENEW 1977 TAVERN LIQUOR LICENSE-DENNIS KIRKHART, THE BRASS RAIL, 476-28 ROAD

The matter of the Application to Renew the 1977 Tavern Liquor License submitted by Dennis L. Kirkhart, The Brass Rail, 476-28 Road, was taken from the table for further discussion. Mr. Kirkhart with his attorney Mr. Ed Dixson were present. Mr. James Gilliam, State Liquor Enforcement Officer, was present. Mr. Gilliam had submitted a memorandum to the City Council which in summary had indicated that on or about January 10, 1975, he had met with Mr. Kirkhart and Mr. Miller regarding the partnership they were proposing to form for the operation and management of The Brass Rail. He had at that time advised them of all the fees that would be required. He indicated that no action was taken by him on the partnership between Miller and Kirkhart for the following reasons:

- 1) In compliance and consistent with the policy of the liquor enforcement regulations, he sought voluntary compliance with the liquor laws.
- 2) The filing of a case like this without documents such as the partnership agreement and lease with both names on it would, in all probability, not sustain a conviction in Court. (Mr. Gilliam

indicated that he did not receive a copy of the partnership agreement until early 1976 when Mr. Miller filed a Civil Action against Mr. Kirkhart)

3) He did not feel then nor does he feel now that he had sufficient evidence to request an administrative hearing before this State Licensing Authority or the Local Licensing Authority. Also in compliance with Council policy, he did not have a conviction in Court.

4) Other problems of a more serious nature existed at the time, and the solution of these problems was, in his opinion, far more important than anything else.

5) That after August, 1975, the partnership was reportedly no longer in existence and the matter of monies owed to Miller became a matter for Civil Action.

City Attorney Ashby recapped previous testimony by stating that the offense occurred in 1975 between January and September; there were no misrepresentations on the application during 1975 and 1976; the error occurred in not seeking a partnership change during that period; Mr. Miller was apparently a qualified person to be added to the license; the operation had been quite good since the incident occurred in 1975.

Councilman Johnson said that in his view the information that has been presented here indicates very clearly that Mr. Kirkhart was adequately informed and fully aware of his responsibility to change the character of his license when he took in Mr. Miller as a partner in January of 1975. He was informed on more than one occasion of the process that would be necessary. Councilman Johnson thinks the testimony that was given shows that Mr. Kirkhart did not do this primarily because of the expense that was involved in reapplying for a license as a partnership rather than a single licensee. Councilman Johnson continued that in his view it was a deliberate evasion of responsibility and for that reason he has very little compassion for Mr. Kirkhart.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the application be approved and the license prepared when the State license has been received and that the license be issued to Mr. Kirkhart 30 days from this date.

Councilman Tufly agreed with Councilman Johnson. He also felt that in this case, Council should take into consideration the fact that the State Liquor Enforcement Officer was aware that even though after the partnership was dissolved, he did not see fit to bring this before the Council or to the attention of the State. Councilman Tufly's opinion was that Mr. Gilliam's semi-approval of the fact that it was alright should be mitigating circumstance in this case. He felt the 30 day suspension on the renewal was justified. He also indicated that if the Police Department knew of this, the Police Department was lax in not notifying Council.

Councilman Brown stated that for all practical purposes Mr. Kirkhart has already been suspended for two weeks. He felt that more serious offenses in the past have received less severe penalties.

President Kozisek concurred with Councilman Johnson's remarks. He felt that the failure of Mr. Gilliam to notify Council had nothing to do with the deliberate and intentional disregard by Mr. Kirkhart and Mr. Miller to follow the proper procedure for filing a change.

Councilwoman Quimby was bothered that Mr. Kirkhart and Mr. Miller willfully did not enter into the proper procedure for a partnership license. She was concerned that Council was not notified at the time and hoped this would not occur again and that something had been learned from this experience.

The motion carried with Councilman Brown voting NO.

HEARING-CONDITIONAL USE-PIZZA HUT OF GRAND JUNCTION, INC., 601 NORTH 1ST STREET

A hearing on this item was duly held after proper notice. Senior Planner Don Warner, stated that the Planning Commission held a hearing at its last meeting on the request by Pizza Hut of Grand Junction, Inc., for conditional use at 601 North 1st Street. The item was approved by the Planning Commission subject to the developer providing:

- 1) Additional ten feet of right-of-way on North 1st Street.
- 2) Construction of curb, gutter, and detached sidewalk.
- 3) Drainage be routed west through use of site grading on parking lot.
- 4) Landscape along front right-of-way.

Mr. Keith Mumby was present to speak on behalf of the developers. He questioned the need for the detached sidewalk. He stated that it was a personal observation, but that the engineering requirement for a detached sidewalk is in error in the development of commercial areas.

Jim Patterson, Public Works Director, stated that since this is the first commercial development along that area, they want to continue the requirement for the detached sidewalk by other developers.

It was moved by Councilman Tufly and seconded by Councilman Brown that the conditional use be approved subject to the requirements of the Planning Commission. Motion carried.

HEARING-APPLICATION FOR 3.2 BEER LICENSE PIZZA HUT OF GRAND JUNCTION, INC., PIZZA HUT NO. 3, 601 NORTH 1ST STREET

Advertised for hearing on this date was the Application for a 3.2 Beer License submitted by Pizza Hut of Grand Junction, Inc., Pizza Hut No. 3, 601 North 1st Street. Corporate officers:

President: Robert A. Geist
Vice-President: Jamie Coulter
Secretary-Treasurer: Ken Wagnon
Manager: Leo Seiler

The neighborhood survey resulted in:

- 1) I favor the issuance of the license . . . 108
- 2) I believe the needs of the neighborhood are being met by existing outlets . . . 41
- 3) I am otherwise opposed . . . 6
- 4) No opinion . . . 14

Three people marked (1) and (2) and counteracted vote . . . 3

Total - 172

The map showing other similar outlets was reviewed. No counter petitions were filed and no letters were filed regarding the granting of a license. A report from the Police Department advised that a background investigation on the corporate officers: Robert A. Geist, Jamie Coulter and Ken Wagnon, as well as the Manager, Leo Seiler, was conducted by the Grand Junction Police Department in 1973 for a license at Pizza Hut No. 1, located at 1440 North Avenue. All individuals were clear at that time and are still clear to date. This group also operates Pizza Hut No. 2 in Mesa County on Horizon Drive and G Road. Nothing was found which would prohibit this group of individuals and their corporation from being granted a 3.2 beer license for Pizza Hut No. 3, located at 601 North 1st Street.

Leo Seiler, the District Manager of Pizza Hut of Grand Junction, Inc., was present for the hearing accompanied by his attorney, Mr. Keith Mumby.

In line with Council policy, the item was tabled until the next meeting of Council when a Resolution of Findings and Decision will be presented.

HEARING-FINAL PLAT-NORTHRIDGE ESTATES, FILING NO. 1, NORTH OF PATTERSON ROAD, SOUTH OF F1/4 ROAD, AND EAST OF 26 ROAD

A hearing on this item was duly held after proper notice. Senior Planner Don Warner outlined the area in question. He noted the temporary entrance and that it will receive temporary paving; it feeds onto 1st Street about a block north of Patterson Road. The permanent entry onto 1st Street will be determined after the Horizon Drive extension has been determined. Mr. Warner advised that when the preliminary plat of the entire development was presented to Council some months ago, one of the conditions of

Council was at least one more entrance/exit be reviewed. The Planning Commission in looking at filing no. 1, stated that would approve this filing with the entrance/exit onto 1st Street but that no further platting of the development is to be allowed until further entrances and exits from the development either on F1/4 or on 1st Street have been developed. The Public Service requirements for additional easements have been taken care of on this platting. The Fire Department requires three additional hydrants. The developers are to work this out with Ute District, Grand Valley Irrigation Company has given permission for the developers to use Independent Ranchman's Ditch for drainage with some stipulations as to how the piping should be run in to prevent damage to the canal bank. The Engineering Department stated that it should be designated on the final plat that the entry/exit is a temporary roadway. The Project Engineers are working with the Engineering Office on this. On any particular structure, no Certificate of Occupancy is to be granted until improvements are completed in front of that structure.

A Mr. Ivan Miracle was present and stated that he and Mr. Jones, a neighbor, are concerned and not in agreement with the 90° turn in that area. Mr. Logue, the engineer for the developers, stated that access will be gained to these two parcels through the dogleg coming off 1st Street. A turn with easements will be provided to the two driveways. Mr. Miracle indicated that would resolve their concerns.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the final plat of Northridge Estates Filing No. 1 be approved with the conditions of the Planning Commission. Motion carried.

HEARING-FINAL PLAT-MOTOR CITY SUBDIVISION, 2578 U.S. HIGHWAY 6 & 50

A hearing on this item was duly held after proper notice. Senior Planner Don Warner outlined the area and stated that it was recommended to Council from the Planning Commission. This is to be a commercial subdivision and the intent in the proposal is for car dealership. The Fire Department wants one fire hydrant near Lot 8 with a minimum six-inch supply. The Project Engineers of the development are working with the City Engineer in the location of sewer and water and the placing of the streets. The requirements are for full improvements. Mr. Warner recommended that the street improvements be in before any licenses are granted the car lots.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the final plat of Motor City Subdivision be approved subject to the fire hydrant. Motion carried with Councilman Van Houten ABSTAINING.

HEARING-FINAL PLAT-BOOKCLIFF COURT SUBDIVISION, EAST OF 15TH STREET AND THE GRAND VALLEY CANAL

A hearing on this item was duly held after proper notice. The Planning Commission recommended approval subject to full improvements on Bookcliff Court.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the final plat of Bookcliff Court Subdivision be approved subject to the requirements of the Planning Commission. Motion carried.

HEARING-PROPOSED ORDINANCE-REQUEST REZONE FROM B-1 TO PDB, 12TH AND BELFORD AVENUE-APPROVAL OF THE PRELIMINARY PLAN

A hearing on this item was duly held after proper notice. Mr. Warner outlined the area in question. He stated that when the preliminary plan was presented to the Planning Commission the City Engineer had requested that the developers provide curbing or landscape to separate the drive from the sidewalk on 12th at Belford. There was a request for landscape barrier in new right-of-way in back of the sidewalk. The Planning Commission further said the southwest drive should be two-way and the developers were requested to eliminate any parking in right-of-way on 12th Street. Mr. Warner indicated the developer has agreed to these requests and that they will be shown on the final plan.

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 CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Tufly and seconded by Councilman Johnson that the proposed ordinance be passed for publication. Motion carried.

It was moved by Councilman Colescott and seconded by Councilman Brown that the preliminary plat be approved subject to the conditions imposed by the Planning Commission. Motion carried.

ORDINANCE NO. 1661-VACATING PORTIONS OF STREET AND ALLEY (GRAND JUNCTION STEEL)

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE VACATING PORTIONS OF A STREET AND OF AN ALLEY WITHIN THE CITY OF GRAND JUNCTION. It was moved by Councilman Colescott 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 Johnson 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 Johnson that the Ordinance be passed, adopted, numbered 1661, and ordered published. Upon roll call Councilmembers Tufly, Van Houten,

Quimby, Colescott, Johnson, and Kozisek voted AYE. Councilman Brown voted NO. The President declared the motion carried.

PROPOSED ORDINANCE-LICENSING AMUSEMENT BUSINESSES

The following entitled proposed ordinance was read: AN ORDINANCE PROVIDING FOR THE LICENSING OF AN AMUSEMENT CENTER AND SETTING STANDARDS FOR THE OPERATION THEREOF.

Councilman Johnson said that if there is going to be an ordinance of this type he would like to see a provision made for "truancy". He felt the proximity of some amusement centers to the school was conducive to this form of delinquency.

Councilman Brown stated that he did not feel Council could pass parental responsibility onto the owner of one of these businesses.

Councilman Tufly said he totally disagrees with the concept of licensing these outlets.

Police Chief Ed VanderTook reported on the types of problems the Police Department has had with amusement centers. Specifically, The Golden Rod and The Getaway on North Avenue. The Chief said he believed it would help the Police Department if the ordinance had a provision requiring management of amusement centers to file reports with the Police Department on each incident similar to those that are required under the State Liquor Code.

City Attorney Ashby said that under this proposed ordinance when disturbances become a nuisance to the neighborhood, a hearing can be held and the license revoked.

There was discussion regarding compliance with the Building and Fire Codes and occupancy.

There was discussion regarding a double tax; this occupancy tax plus the machine license tax. Consensus of Council was that the occupancy license fee should be levied at \$5.00.

Mr. Joe Hughes, owner of the Silver Spur Motel on North Avenue, spoke about the drinking and litter from these businesses. He felt the purpose of an ordinance should be to prohibit these businesses from becoming neighborhood nuisances.

Councilman Johnson commented there was no argument that there is noise and misconduct wherever young people gather. He questioned whether licensing would change this. He commented that if it does, then why not license parking lots. He questioned whether licensing in itself would change the character of the operation. In his view the licensing under this ordinance gives clout to only one type of business in that it can be put out of business because of these conditions. He felt the same recourse can be taken under present ordinances by having the business declared a public nuisance if these conditions persist.

Councilman Tufly questioned to what extent the owner or manager of an operation is responsible for those individuals who frequent that particular operation.

Councilman Johnson questioned whether a provision should be made in the proposed ordinance setting time limitations that the operation could be open.

Councilman Brown said that his intent of the ordinance is solely to put a license on the books and stick it back on the shelf somewhere with the idea that when the Police Department or the City needs it, it is there. He said he is not interested in otherwise running these businesses.

Councilman Johnson said that he feels it will be one of those ordinances that in the future the Council will purge because it is not being enforced.

Councilman Tufly felt Council has the means to combat a nuisance under present ordinances and could not see what would be gained by adding another ordinance.

It was moved by Councilman Brown and seconded by Councilman Van Houten that the proposed ordinance be amended to require a license fee of \$5.00 and by the addition of a provision requiring management to report incidents to the Police Department and that the proposed ordinance as amended be passed for publication. Motion carried with Councilman Johnson and Councilman Tufly voting NO.

RESOLUTION COMMENDING COORS ON ITS SUCCESSFUL RECYCLING PROGRAM

The following Resolution was presented and read:

RESOLUTION

WHEREAS, the City of Grand Junction has been advised that Coors of Grand Junction, Inc. has been honored by Aluminum Company of America for "outstanding achievement in aluminum beverage can recycling . . . significantly contributing to the beautification of Colorado and conservation of our resources," and

WHEREAS, the City Council believes that activities which contribute to conservation of resources and beautification of the area call for additional mention:

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

That the Council add the congratulations of the City to Coors of Grand Junction, Inc., for the honor which it has received concurring in the recognition that the honor was one well deserved.

PASSED and ADOPTED this 16th day of February, 1977.

Attest:

President of the Council

City Clerk

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

PROPOSED ORDINANCE ESTABLISHING APPLICATION FEE FOR SPECIAL EVENTS PERMIT

The following entitled proposed ordinance was introduced and read: AN ORDINANCE DETERMINING APPLICATION FEE FOR ACTUAL AND NECESSARY EXPENSES IN CONNECTION WITH THE PROCEEDINGS INVOLVING A SPECIAL EVENTS PERMIT FOR LIQUOR OR FERMENTED BEVERAGE LICENSES. It was moved by Councilman Tufly and seconded by Councilman Brown that the proposed ordinance be passed for publication. Motion carried.

RESOLUTION-CONVEYANCE OF AIRPORT LANDS

The following Resolution was presented and read:

RESOLUTION

WHEREAS, The City of Grand Junction and the County of Mesa combined under the Public Airport Authority Act to create the Walker Field, Colorado, Public Airport Authority; and

WHEREAS, under said Act it is provided that the land theretofore belonging to the creating bodies and used for airport purposes will become land of the authority; and

WHEREAS, it is necessary to provide title evidence of such ownership of the land;

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

That the City Manager, as the act of the City and on behalf of the City, be authorized to issue a quit claim deed conveying to Walker Field, Colorado, Public Airport Authority the interest of the City of Grand Junction in and to the following described lands situate in the County of Mesa, Colorado, to wit:

The Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 24, Township 1 North, Range 1 West, Ute Meridian;

The Northeast Quarter of the Southwest Quarter of Section 24, Township 1 North, Range 1 West of the Ute Meridian;

Beginning at the Northeast Corner of the Southeast Quarter of the Northeast Quarter of Section 25, Township 1 North, Range 1 West of the Ute Meridian, thence North $54^{\circ} 54'$ West 752 feet; thence South $35^{\circ} 06'$ East 252 feet; thence North $54^{\circ} 54'$ West 2300 feet to the West line of the Southeast Quarter of Section 24, South to the Southeast Corner of the North Half of the Northeast Quarter of the Southwest Quarter, Section 25, West 477 feet; thence South $54^{\circ} 54'$ East to a point North $54^{\circ} 54'$ West 24 feet from the West line of the Southeast Quarter of the Northeast Quarter; thence South $35^{\circ} 06'$ West 250 feet; thence South $54^{\circ} 54'$ East 1810 feet to the East line of Section 25, North to the Point of Beginning;

The North Half of the Northeast Quarter of the Northwest Quarter of Section 25, Township 1 North, Range 1 West of the Ute Meridian; Lots 1, 2, 7, 8, 9, and 10, JANEY'S SUBDIVISION, Section 1, Township 1 South, Range 1 West of the Ute Meridian, and Section 36, Township 1 North, Range 1 West of the Ute Meridian, North of USBR Highline Canal except Highway I-70;

Beginning at the Southwest Corner of Section 29, Township 1 North, Range 1 East, of the Ute Meridian, thence North $0^{\circ} 28'$ East 257.20 feet; thence South $54^{\circ} 54'$ East 443.96 feet, thence South $89^{\circ} 42'$ West 365.31 feet to the Beginning;

Beginning at the Northwest Corner of the Southwest Quarter of the Northwest Quarter of Section 30, Township 1 North, Range 1 East of the Ute Meridian, thence South $54^{\circ} 54'$ East to the North line of the South Quarter, Section 30, West to the West line of Township 1 North, Range 1 East, North to Beginning;

Beginning South $89^{\circ} 52'$ East 342.03 feet to the West Quarter Corner of Section 31, Township 1 North, Range 1 East of the Ute Meridian; thence South $89^{\circ} 52'$ East 974.03 feet; thence North $0^{\circ} 02' 40''$ East 1319.24 feet; thence North $89^{\circ} 50' 20''$ West 252.99 feet; thence South $33^{\circ} 46' 05''$ East 454.63 feet; thence South $54^{\circ} 46' 30''$ West 1333.85 feet; thence South $40^{\circ} 10'$ East 44.40 feet along an arc 587.47 feet curve to the right whose chord bears South $32^{\circ} 16' 10''$ East 161.40 feet to the Beginning;

Southwest Quarter and the South Half of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 31, Township 1 North, Range 1 East, of the Ute Meridian, except beginning at the

Southeast Corner of the Northeast Quarter North 1085 feet; thence South 55° 35' West to the West line of the Southeast Quarter of the Northeast Quarter; thence So. 190 feet East to the beginning and also except 3.00 acres described in Book 962, Page 720 of the records of the Mesa County Clerk and Recorder;

AND

The Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 32, Township 1 North, Range 1 East of the Ute Meridian.

for airport purposes.

PASSED and ADOPTED this 16th day of January, 1977.

Attest:

President of the Council

City Clerk

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

PHIPPS ANNEXATION-B1/2 ROAD AND HIGHWAY 50 SOUTH-RESOLUTION
PROPOSED ORDINANCE

A petition for annexation was presented. Senior planner Don Warner outlined the area of the proposed annexation. He indicted that the City of Grand Junction is part owner of certain of this property and requested that the Mayor be authorized to sign the annexation petition. It was therefore moved by Councilman Johnson and seconded by Councilman Brown that the Mayor be authorized to sign the annexation petition. Motion carried.

The following Resolution was presented and read: (Full copy in P.R.). It was moved by Councilman Tufly and seconded by Councilman Johnson that the Resolution be passed and adopted as read. Upon roll call all Council members voted AYE. The President declared the motion carried and the Resolution duly passed and adopted.

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

PROPOSED AGREEMENT FOR SEWER SERVICE TO THE BLUFFS-CENTRAL REDLANDS AREA

A copy of the proposed agreement for sewer service to the Bluffs area, Central Redlands, was given to Council members last Friday for its review. Mr. Bob Engelke was present representing the developers of the area.

It was moved by Councilman Johnson and seconded by Councilman Colescott that the Agreement for Sewer Service to the Bluffs be approved and authorized the Mayor to sign said Agreement. Motion carried.

VISITORS

Mr. Darrell Curtis and Mr. Jim Wilcox, ninth graders from Bookcliff Junior High School, were present for the Council meeting.

DISCUSSION-PORNOGRAPHY

Dr. Page, a property owner in the City of Grand Junction, was present representing a group of people who were concerned that Council was tacitly approving pornographic theatres, shops, etc., in the City of Grand Junction based on the action taken by Council at its last meeting. Mr. Lois Lampert, Mrs. Darlene Gsell, Mrs. Judy Huffaker and Mrs. Noel Cardon appeared before Council to offer proof that other areas do not want these obscenities to locate in their communities, and they wanted to offer their assistance to Council in writing an ordinance prohibiting the entry of these types of concerns in this family-oriented community. They cited Sedalia, Missouri, and an article by Larry Parrish in the Good Housekeeping from Memphis, Tennessee, as having provided legislation that prohibited the location of these types of businesses in those communities. The group feared that Council's direction to the City Attorney to draft a zoning ordinance for the location of x-rated movies, porno shops, porno shows, porno bookstores was tacit approval for these concerns to come into the community.

Councilman Johnson reassured the group that the direction of the City Attorney was not intended to mean Council's approval for these types of businesses. It was a suggestion to explore the control of these concerns by zoning because Detroit has adopted this procedure and it has withstood the test in the United States Supreme Court. He noted that it is one of the few laws on obscenity that has withstood the test. Council's intent by zoning is to control the location of offensive businesses in the community.

Mr. Robert Engelke asked how effective prohibition was during the 1930s. He asked if the concern of the community might be directed to setting a standard so that no one would patronize these

concerns.

Council advised the group that it appreciated the concern expressed. The direction to the City Attorney to explore the zoning is merely step one. Council also stated it would appreciate receiving all the material the ladies wish to present regarding the obscenity ordinance adopted by other communities. Council reassured the ladies that they would be happy to work with them in formulating the control of these types of businesses in this community.

COUNCIL COMMITTEE REPORTS-RECREATION BOARD

Councilman Tufly stated that a citizen's committee is working toward a recreational facility. He noted that a steering committee has been formed. This committee will come to Council at some future time with the entire proposal and at that time Council will have to determine how it is to be done.

He also noted that some type of bike paths or bike trails will be brought back to Council sometime in the near future.

DESIGNATED TRUCK ROUTES

Councilman Brown commented on the speed control regarding truck routes. He stated that the City used to have designated truck routes and load limits that were marked. He said that the signs have since been removed and they are not marked. City Manager Wysocki said that there is a transportation study to be completed by July. He stated the Traffic Engineer will be instructed to specifically look at the two areas noted which was Independent Avenue and East Main Street to see if something can be done in the interim.

L.E.A.A.

Councilman Colescott reported that a planner has been hired for the Region II Criminal Justice Board.

SUIT AGAINST THE CITY BY WEST ORCHARD MESA RESIDENTS

It was noted that West Orchard Mesa is bringing a suit against the City and Ute Water Conservancy District so that West Orchard Mesa can buy water from the City.

LEGISLATIVE COMMITTEE

Councilwoman Quimby discussed the legislative bills at the back of the Colorado Municipal League Newsletter.

She also commented that with the water situation as it is, what is the City doing for conservation. City Manager Wysocki outlined the steps the Administration is taking to seek voluntary water conservation.

Councilman Brown stated the newly formed Planning Committee is to get together tomorrow afternoon.

ADJOURNMENT

President Kozisek adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart
City Clerk