

Grand Junction, Colorado

March 15, 1978

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. March 15, 1978, at Two Rivers Plaza, Second and Main, with Council members Larry Brown, Robert Holmes, Karl Johnson, Bill O'Dwyer, Jane Quimby and President Lawrence Kozisek present. Councilman Elvin Tufly was absent. Also present were City Attorney Gerald Ashby, City Clerk Neva Lockhart, and City Manager Jim Wysocki.

ORDINANCE PROHIBITING SALE OR EXHIBITION TO MINORS OF INDECENT PUBLICATIONS, PICTURES OR ARTICLES - MOTION TO PASS DEFEATED

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE PROHIBITING THE SALE OR EXHIBITION TO MINORS OF INDECENT PUBLICATIONS, PICTURES, OR ARTICLES. It was moved by Councilman O'Dwyer and seconded by Councilman Holmes that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Holmes and seconded by Councilman O'Dwyer that the proposed ordinance be called up for final passage and read. Motion carried.

Since Council members had received a copy of the proposed ordinance, the title only was read.

The public hearing was opened. There were twenty proponents who appeared on behalf of the passage of the Ordinance.

Thirty-two opponents of the Ordinance appeared before Council.

District Attorney Terrance Farina commented about the difficulty in writing a law on this topic. With respect to the proposed ordinance under consideration tonight, he noted some repetition with respect to State law, however, it has broad terminology and has a much broader sweep than the State statute has. His personal opinion, based on his experience as a public official, was that this statute would be unconstitutional. Letting the courts decide could be one position that could be taken; however, as a public official, he felt he should come forth and say that because of concern for tax dollars both in police time, prosecutor's time and court time, he thought the group should have the benefit of some thinking in not wasting taxpayers' money and public officials' time if it is not reasonably thought that the statute will achieve the goals desired. His interpretation of this ordinance is that it is not only a display ordinance but also an obscenities ordinance. He submitted a draft ordinance to the City Attorney this morning which perhaps Council may wish to consider.

It was moved by Councilman O'Dwyer and seconded by Councilman Holmes that the Ordinance be passed, adopted, numbered 1728, and ordered published. Upon roll call Council members HOLMES, O'DWYER, and KOZISEK voted AYE. Council members BROWN, QUIMBY and JOHNSON voted NO. The President declared the motion defeated.

It was moved by Councilman Holmes and seconded by Councilman O'Dwyer that the short, or display only, ordinance be passed for publication.

Councilwoman Quimby requested the reading of the proposed ordinance drafted by District Attorney Terrance Farina.

Council members Brown and Johnson stated the Council should move a little more slowly, and that it take the time to review and refine any proposal.

Councilman O'Dwyer withdrew his second.

The motion lost for lack of a second.

President Kozisek requested that copies of the ordinance drafted by Mr. Farina be given to the Council members for study.

MINUTES

The Minutes of the meetings held February 15 and March 1, 1978, were approved as written.

APPOINTMENTS TO RECREATION BOARD

Betsy Clark was reappointed to the Recreation Board to serve until March, 1980. Ed Vander Took was reappointed to the Recreation Board to serve until March, 1981. Ruth Cheskaty was reappointed to the Recreation Board to serve until March, 1982.

Note: The current terms of Ed Vander Took and Ruth Cheskaty have not expired, but Council reappointed now to get the Board members rotation in accordance with the Code of Ordinances.

It was moved by Councilman Brown and seconded by Councilwoman Quimby that the reappointments of CLARK, VANDER TOOK and CHESKATY for the terms specified be ratified. Motion carried.

By secret ballot, Jeannie Ballard was appointed to serve until March, 1980, Floyd Hunt appointed to serve until March, 1981, and John McLennan appointed to serve until March, 1982.

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the appointments be ratified. Motion carried.

Alan Workman is to continue serving the Recreation Board as a consulting member in order to continue the liaison with Mesa College.

LIQUOR - RENEWAL OF HOTEL-RESTAURANT LIQUOR LICENSE, CHRISTOPHER BROS, INC. DBA GAY JOHNSON'S RESTAURANT, 333 N. FIRST STREET

Submitted for consideration was the application by Christopher Brothers, Inc., doing business as Gay Johnson's Restaurant, 333 N. First Street, to renew its hotel-restaurant liquor license. The Fire Department noted the corrections made and recommended Council's consideration of the renewal of the license.

The Mesa County Health Department approves the renewal application. The Police Department report advised there have been no complaints or violations concerning the sale of liquor by the drink for on-premise consumption at this establishment during the past licensing period.

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the application be approved and the license issued when the State license has been received. Motion carried with Councilman HOLMES voting NO.

ELECTION OF PLANNING COMMISSION MEMBER APRIL 5

Seven people have expressed interest in serving on the Planning Commission. By secret ballot the names of Stan Anderson and Bill Foster were selected.

Two succeeding secret ballots resulted in three-to-three votes.

It was moved by Councilman Johnson and seconded by Councilman O'Dwyer to carry the names of Stan Anderson and Bill Foster to the next meeting for vote. Motion carried with Council members QUIMBY and HOLMES voting NO.

HEARING - CONDITIONAL USE FOR RESTAURANT LIQUOR LICENSE AT 748 NORTH AVENUE

Senior Planner Del Beaver reviewed the plan. Planning Commission approved subject to vacation of the alley, widening alley and closing curb-cuts as proposed.

Petitioner Connie Jouflas and Chris Jouflas were present. Mr. Keith Mumby, attorney, and Loran Dake were present.

A hearing was held after proper notice. There was no one in the audience who opposed, and no letters were filed.

A Resolution of Findings and Decision is scheduled on the April 5 City Council Agenda.

HEARING - APPLICATION BY HIGH LONESOME, INC. FOR HOTEL-RESTAURANT LIQUOR LICENSE TO BE LOCATED AT AURILLIO'S 748 NORTH AVENUE

A hearing was held after proper notice on the application by High

Lonesome, Inc., for a hotel-restaurant liquor license to be located at Aurillio's, 748 North Avenue. Corporate officers are:

President/Manager: James P. Swift, 2903 B1/2 Road
Vice President: Judith S. Evans, Lake Creek, Edwards, CO
Treasurer: Pamela B. Swift, 2903 B1/2 Road
Secretary: George P. Evans, Lake Creek, Edwards, CO

The sign giving Notice of Hearing was posted on the property Thursday, March 2, and the display ad giving Notice of Hearing was published in The Daily Sentinel Friday, March 3, 1978.

Wes Miller was hired to survey the area commencing February 20 and ending March 3. The area bounded by Elm Avenue on the north, College Place and 11th Street on the east, Hill Avenue on the south, and 4th Street on the west had 681 contacts.

Results were:

(1) Yes, I am in favor of the issuance of the license as I believe the needs of the neighborhood are not being met by existing outlets. 276

(2) No, I am not in favor of the issuance of the license as I believe the needs of the neighborhood are being met by existing outlets. 183

(3) Neutral, no vote, and refused to vote. 40

(4) Forms not counted - home addresses out of area. (4 yes, 5 no)
9

(5) Underage 3

Total 517

The report from the Police Department advises that James Patrick and Pamela B. Swift, George Perry and Judith Sally Evans are clear NCIC, CCIC, and local files. Teletypes were sent to all areas of former residency and returns received indicate "no record found." Print cards were mailed on 2-22-78 with no return received to date.

The map showing similar-type outlets was reviewed. Mr. Keith Mumby, attorney, representing the applicant, presented the qualifications of the individuals to hold such a license.

The corporate officers were present for the hearing.

There was no one in the audience who opposed, and there were no letters filed. No counter petitions were filed.

A Resolution of Findings and Decision is scheduled on the April 5 City Council Agenda.

HEARING - APPLICATION BY MESA COLLEGE FOR 3.2% FERMENTED MALT BEVERAGE SPECIAL EVENTS PERMIT FOR FRIDAY, APRIL 7 - FUND RAISER FOR STUDENT BODY ASSOCIATION BUDGET - 4TH PERMIT

Posted for hearing was the application by Mesa College for a 3.2% fermented malt beverage special events permit to be used Friday, April 7. This is a fund raiser for the Student Body Association budget.

The report from the Police Department advised there were no problems at the dance on February 24. This function will be a "kegger dance" sponsored by the Mesa College Student Body Association. Admission fee will be charged at the door, and an identification check will be made. Live music will be furnished, and this function will be the same as those in the past.

Greg Walcher, representing the Student Body Association, appeared in behalf of the application.

There was no one in the audience who opposed, and no letters were filed.

It was moved by Councilman Johnson and seconded by Councilman Brown that the application be approved. Motion carried with Council members HOLMES and O'DWYER voting NO.

ADJOURNMENT TO 7:30 P.M., THURSDAY, MARCH 16, 1978

It was moved by Councilman Brown and seconded by Councilman O'Dwyer that the meeting be adjourned to 7:30 p.m. Thursday, March 16, 1978, in the Council Chambers at City Hall. Motion carried.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk