

Grand Junction, Colorado

November 17, 1982

The City Council of the City of Grand Junction, Colorado, convened in regular session the 17th day of November, 1982, at 7:30 p.m. in the City Council Chambers at City Hall. Those present were Council members Betsy Clark, Frank Dunn, Robert Holmes, Karl Johnson, Christine Kreissler, Gary Lucero, and President of the Council Louis Brach. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

President of the Council Louis Brach called the meeting to order and led in the Pledge of Allegiance.

INVOCATION

Councilman Robert Holmes

MINUTES

Upon motion by Councilwoman Kreissler, seconded by Councilman Holmes and carried, the minutes of the regular meeting November 3, 1982, were approved as written.

COUNCIL CONFIRMS ITS SELECTION AND DESIGNATION OF CHRISTINE KREISSLER AS COUNCIL REPRESENTATIVE FOR DISTRICT B AS OF OCTOBER 6, 1982

Upon motion by Councilwoman Clark, seconded by Councilman Lucero and carried with Councilwoman KREISSLER ABSTAINING, Council confirmed its selection and designation of Christine Kreissler as Council representative for District B as of October 6, 1982.

APPLICATIONS APPROVED FOR THE RENEWAL OF LIQUOR AND BEER LICENSES

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the applications by the following businesses to renew liquor and beer licenses were approved:

VFW Beye Lotz Post #1247, 1404 Ute Avenue (Tavern)  
Cafe Caravan, 105 Main Street (Hotel-Restaurant)  
Board of Trade Restaurant, 336 Main Street (Hotel-Restaurant)  
Jensen's Flamingo Lounge, 201 Colorado Avenue (Tavern)  
Paul's Restaurant & Lounge, 233 North Avenue (Tavern)  
The Office, 159 Colorado Avenue (Hotel-Restaurant)  
The Brass Rail, 476 28 Road (Tavern)  
Get 'N Go Grocery, 2355 Belford Avenue (3.2% Beer)  
Don Burgess Liquors, 202 Ute Avenue (Retail Liquor Store)  
The Feed Lot, 118 Main Street (Hotel-Restaurant)

HEARING - PROPOSED ORDINANCE - EASEMENT VACATION, 1057 BOOKCLIFF AVENUE

A hearing was held after proper notice on the petition by Thomas Karlen and Charles Holmes to vacate a utility easement at 1057 Bookcliff Avenue. There were no opponents, letters or counterpetitions.

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

HEARING - PROPOSED ORDINANCE - SEWER AND UTILITY EASEMENT VACATIONS, LOT 3, PETERSON-IRWIN SUBDIVISION, 24TH COURT AND I-70-B FRONTAGE ROAD

A hearing was held after proper notice on the petition by Jerry and James Eisenhauer and Jim Kinkead to vacate sewer and utility easements on Lot 3, Peterson-Irwin Subdivision, 24th Court and I-70-B Frontage Road. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING EASEMENTS IN THE CITY OF GRAND JUNCTION. Upon motion by Councilwoman Kreissler, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - ZONING GRAF ANNEXATION RSF-4, W SIDE OF 29 ROAD, ONE-QUARTER MILE S OF F ROAD

A hearing was held after proper notice on the petition by John Kilpatrick to zone Graf Annexation of approximately 1.25 acres from County R-2 to City Residential Single-Family, four units per acre. There were no opponents, letters, 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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

HEARINGS - PLANNING COMMISSION ITEMS

Hearings were held after proper notice on the following Planning Commission items. These are items submitted to Council for final action where all conditions or requirements have been agreed to or met prior to this meeting. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the following items were approved:

1. #79-81 (2 of 2) - Woodsmoke Final Plat and Plan, W Side of 29 Road, 1/4 Mile S of F Road. Request for Final Plat and Plan of 252 Units on approximately 12 acres in Planned Residential Zone at 19.4 units per acre.

Petitioner: John Kilpatrick

2. #63-81 (2 of 3) - Persigo Village Preliminary Plat and Plan, southeast corner of C Road and 25 Road. Request is for 740 units on approximately 46.3 acres in Planned Residential Zone at 17 units per acre.

Petitioner: M. Ray Painter, PWS Investments

3. #63-81 (3 of 3) - Persigo Village Phase I, Final Plat and Plan, southeast corner of G Road and 25 Road. Request for 84 units on approximately 5.7 acres in Planned Residential Zone at 17 units per acre.

Petitioner: M. Ray Painter, PWS Investments

4. #13-81 (2 of 2) - Orchard Mesa Center Minor Subdivision, northwest corner of Highway 50 and 27-3/4 Road, south of B-1/2 Road. Request for Minor Subdivision of 5 lots on approximately 10.4 acres in Highway-Oriented Zone.

Petitioner: Gary Fritzler, Dillon Real Estate Company, Inc.

5. #50-82 - The Falls Filing No. 3 Final Plat, east side of 28-1/4 Road, approximately 330 feet south of Patterson Road. Request for final plat for 51 units on approximately 4.8 acres in a Planned Residential Zone at 8 units per acre.

Petitioner: Robert Rewinkle, Valley Housing and Development

6. #46-82 - PDC Subdivision Filing no. 2 Final Plat and Plan, 605 26-1/2 Road (7th Street). Request for a final plat and plan on approximately .72 acre in a Planned Business Zone.

Petitioner: Dr. Ray Painter, PDC Investments

RESOLUTION NO. 87-82 OF FINDINGS AND DECISION RE: APPLICATION BY GRANDMET SITE SERVICES, INC., AND HOSPITALITY VENTURES CORPORATION, A PARTNERSHIP, FOR CONDITIONAL USE AND FOR A HOTEL-RESTAURANT LIQUOR LICENSE AT THE ASPEN TREE, NEW TERMINAL BUILDING WALKER FIELD AIRPORT APPROVED

The following Resolution was read:

RESOLUTION NO. 87-82

OF DECISION ON APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE BY GRANDMET SITE SERVICES, INC., AND HOSPITALITY VENTURES CORP. FOR THE ASPEN TREE AT NEW TERMINAL BUILDING, WALKER FIELD, COLORADO, PUBLIC AIRPORT, GRAND JUNCTION, COLORADO.

A public hearing having been held on November 3, 1982, on the application by Grandmet Site Services, Inc., and Hospitality

Ventures Corporation for a hotel-restaurant liquor license for The Aspen Tree at the new terminal building, Walker Field, Colorado, Public Airport, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. The hearing was held on November 3, 1982, on the application after proper notice thereof under the Liquor Code.

2. 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 279 persons so stated while 38 felt the needs were being met by the other outlets. In addition, a petition favoring the issuance of the license and bearing 93 signatures was entered by the applicants.

3. No one appeared at the hearing in opposition to the granting of the license and no petitions or letters of disapproval were received by the City Council.

4. The characters of those involved in the application are good as determined by checking done by the Police Department and by letters attesting to their good characters.

5. The evidence supports the position that the license should issue both under the Liquor Code and the previous practice of the City Council.

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

That a Hotel-Restaurant Liquor License issue to Grandmet Site Services, Inc. and Hospitality Ventures Corporation for The Aspen Tree at the new terminal building at Walker Field, Colorado, Public Airport, Grand Junction.

PASSED and ADOPTED this 17th day of November, 1982.

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President of the Council

Attest:

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City Clerk

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried by roll call vote with Councilman HOLMES voting NO, the Resolution was passed and adopted as read.

HEARINGS - APPLICATIONS BY GRAND JUNCTION DOWNTOWN DEVELOPMENT ASSOC. INC., FOR MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS

PERMITS - APPROVED

Hearings were held after proper posting of properties on the applications by the Grand Junction Downtown Association, Inc., for malt, vinous and spirituous liquor special events permits on the following dates and times. Gloria Ferns was present for the hearings. There were no opponents, letters, or counterpetitions. Upon motion by Councilwoman Clark, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the applications were approved.

1. Two Rivers Plaza, 159 Main Street, January 29, 1983, 5:00 p.m. to 2:00 a.m. - City Market Awards Dinner and Dance - 1st Permit for 1983
2. Two Rivers Plaza, 159 Main Street, December 11, 1982, 5:00 p.m. to 2:00 a.m. - City of Grand Junction Employees Dinner/Dance - 6th Permit
3. Liff Auditorium, Mesa College, December 10, 1982, 6:30 p.m. to 2:00 a.m. - First National Bank Holiday Dinner/Dance - 7th Permit

HEARING - APPLICATION BY GRAND JUNCTION AREA CENTENNIAL COMPANY FOR MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AT TWO RIVERS PLAZA, 159 MAIN STREET, DECEMBER 18, 1982, 5:00 P.M. TO 2:00 A.M. DIXSON, INC., CHRISTMAS AWARDS DINNER/DANCE - 5TH PERMIT - APPROVED

A hearing was held after proper posting of property on the application by the Grand Junction Area Centennial Company for a malt, vinous and spirituous liquor special events permit at Two Rivers Plaza, 159 Main Street, on December 18, 1982, from 5:00 p.m. to 2:00 a.m. for the Dixson, Inc., Christmas Awards Dinner/Dance. Jim Eisenhower was present for the hearing. There were no opponents, letters, or counterpetitions. Upon motion by Councilwoman Clark, seconded by Councilman Dunn and carried with Councilman HOLMES voting NO, the application was approved.

HEARINGS - APPLICATIONS BY MOOSE LODGE #270, 567 25 1/2 ROAD FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMITS - APPROVED

Hearings were held after proper posting of property on the applications by the Moose Lodge #270, 567 25-1/2 Road, for malt, vinous and spirituous liquor special events permits on the following dates and times: John Krizman was present for the hearings. There were no opponents, letters or counterpetitions. Upon motion by Councilwoman Kreissler, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the applications were approved.

1. Moose Lodge, 567 25-1/2 Road, December 11, 1982, 6:00 p.m. to 2:00 a.m. - Bureau of Reclamation Employees Christmas Dinner/Dance - 1st Permit

2. Moose Lodge, 567 25-1/2 Road, December 17, 1982, 6:00 p.m. to 2:00 a.m. - Federal Aviation Administration Employees Christmas Dinner/Dance - 2nd Permit.

BIDS - AWARD OF CONTRACT - 28 ROAD FROM I-70 BUSINESS LOOP TO GRAND AVENUE - CORN CONSTRUCTION - \$164,418.25

Bids were received and opened November 16, 1982, on Federal Aid Project M7503(1), 28 Road, I-70 Business Loop to Grand Avenue. Bidders were:

Peter Keiwit & Sons \$221,450.00  
Elam Construction \$180,657.70  
Corn Construction \$164,418.25  
Engineer's Estimate \$192,128.50

The contract calls for a 90-day completion after a notice to proceed that will be issued in February. Staff recommended award of contract to Corn Construction for its low bid of \$164,418.25 subject to Federal Highway Administration approval. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the bids were accepted and the contract for 28 Road from I-70 Business Loop to Grand Avenue was awarded to Corn Construction for its bid of \$164,418.25 subject to Federal Highway Administration approval.

HEARING - URBAN DEVELOPMENT ACTION GRANT PROGRAM APPLICATION - APPROVED AND MAYOR AUTHORIZED TO SIGN APPLICATION - DDA PROGRAM

Skip Grkovic, Director of the Downtown Development Authority, reviewed the Urban Development Action Grant Program and the proposed application by DDA for a grant under the program. There were no opponents, letters or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilwoman Kreissler and carried, the application was approved for Urban Development Action Grant and the Mayor was authorized to sign the application.

HEARING - REZONE FROM PR-8 TO PR-13.1 AND HOUSTON HEIGHTS SUBDIVISION FINAL PLAT AND PLAN FOR THE NE CORNER OF 15TH STREET AND WELLINGTON AVENUE - RESOLUTION OF FINDINGS AND DECISION SCHEDULED DECEMBER 1, 1982

A hearing was held after proper notice on the petition by Ken Shrum, Colex, ltd., for rezone from PR-8 to PR-13.1 and Houston Heights Subdivision final plat and plan for the northeast corner of 15th Street and Wellington Avenue. The request is to change from planned residential uses at 8 units per acre to planned residential uses at 13.1 units per acre and a final plat and plan of 40 units on approximately 3 acres. The Planning Commission recommended denial because of neighborhood concerns and the 15th Street and Wellington Avenue improvements.

Bob Goldin, Planner, reviewed the proposal. Mr. Goldin advised that the Planning Commission recommended approval of the rezone,

but recommended denial of the final plat and plan pending the outcome of 15th Street improvements.

Sam Haupt was present representing Colex, Ltd. He explained that the Planning Commission's concern was the bridge across the Grand Valley Canal. He submitted letters from adjacent property owners who have agreed to petition to go into an improvement district for 15th Street.

Comments were had from: Claudia McKinley, 1308 Wellington, Dave McKinley, 1308 Wellington, Maybelle Kanavel, 1313 Wellington, and Leona Kochivar, 1238 Wellington. Mr. McKinley indicated that Council should overturn the Planning Commission's recommendation for the rezone, but uphold its recommendation regarding the plat and plan.

A Resolution of Decision is scheduled on the December 1, 1982, City Council agenda.

HEARING - DEVELOPMENT BY CITY PLANNING DEPARTMENT FOR AMENDMENTS TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE - PROPOSED ORDINANCE SCHEDULED DECEMBER 1, 1982

A hearing was held after proper notice on the petition by the City Planning Department for amendments to the Zoning and Development Code. Karl Metzner, Planning, reviewed the proposed changes and the proposed increases in the fee schedule. There were no opponents, letters, or counterpetitions. An ordinance is scheduled on the December 1, 1982, City Council agenda.

PROPOSED ORDINANCE - APPROPRIATIONS FOR 1983 AND FIXING THE SALARY OF THE CITY MANAGER

The following entitled proposed ordinance was read: AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1983, AND FIXING THE SALARY OF THE CITY MANAGER OF SAID CITY. Upon motion by Councilman Johnson, seconded by Councilwoman Kreissler and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - SUPPLEMENTAL APPROPRIATIONS FOR 1982

The following entitled proposed ordinance was read: AN ORDINANCE APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE CITY OF GRAND JUNCTION, COLORADO. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication.

RESOLUTION NO. 88-82 APPOINTING PHILIP COEBERGH DEPUTY MUNICIPAL JUDGE - APPROVED

The following Resolution was read:

RESOLUTION NO.88-82

APPOINTING DEPUTY MUNICIPAL COURT JUDGE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Philip Coebergh be appointed as Deputy Municipal Court Judge until further order of the City Council.

PASSED and ADOPTED this 17th day of November, 1982.

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President of the Council

Attest:

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City Clerk

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried by roll call vote, the Resolution was passed and adopted as read.

RESOLUTION NO.89-82 CONCERNING ANTI-TRUST LIABILITY - APPROVED

The following Resolution was read:

RESOLUTION NO. 89-82

CONCERNING ANTI-TRUST LEGISLATION

WHEREAS, the exposure of municipalities in Colorado and throughout the country to Federal antitrust lawsuits has been greatly expanded as a result of recent decisions of the United States Supreme Court; and

WHEREAS, the potential for treble damage awards and the substantial expense of defending antitrust litigation, even if successful in the defense, may inhibit municipalities from enacting or enforcing regulations which are intended to protect the public health, safety and welfare, but which also may serve to restrict competition; and

WHEREAS, at least four Colorado municipalities already have been sued under the Federal antitrust laws for various regulatory activities, with claimed damages, when trebled, exceeding \$235,000,000; and

WHEREAS, the cost to the taxpayers of one Colorado municipality in defending one of these lawsuits, which was settled prior to trial, exceeded \$250,000; and



WHEREAS, municipalities differ from private enterprise in that private enterprise is not charged with protecting the public health, safety and welfare; and

WHEREAS, numerous protections from municipal regulations, other than treble damages under the Federal antitrust laws, are available, such as public notice, public hearing, public meeting and public record requirements, court review of actions, periodic elections and the rights of initiative, referendum and recall, and the continuing authority of the state General Assembly or the people of Colorado to modify the statutory and constitutional authority of Colorado's municipalities; and

WHEREAS, state legislation does not provide any certain solution to the problem and years of litigation will be necessary to decide whether any state legislation meets the test established by the United States Supreme Court for local government antitrust immunity; and

WHEREAS, Federal legislation can address the problem directly by seeking a specific exemption from the Federal antitrust laws for local governments and all or some of their activities; and

WHEREAS, Federal legislation could eliminate damages from the antitrust remedies available against local governments and their taxpayers; and

WHEREAS, local governments should not be imperiled when engaging in traditional local-government regulatory activities such as zoning, enacting and enforcing building and fire codes, regulating the use of public rights-of-way, licensing, franchising and the myriad of other regulatory activities traditionally engaged in by local governments;

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

That the Congress of the United States be urged to act as quickly as possible to provide appropriate exemptions for municipalities from Federal antitrust liability.

PASSED and ADOPTED this 17th day of November, 1982.

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President of the Council

Attest:

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City Clerk

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried by roll call vote, the Resolution was passed and adopted as read.

#### DOWNTOWN ASSOCIATION

Councilman Dunn reported on a meeting of the Downtown Association. The merchants seem to be very happy with the removal of the parking meters, and they indicate business has picked up.

They are now pressuring for the removal of the one-way pair of Colorado and Rood and two-way traffic being implemented on those streets.

#### AIM

Councilwoman Kreissler attending a meeting of AIM. The Committee discussed the update on the request for the Energy Impact Funds for the pedestrian walkways. The information should be available Thursday or Friday as to whether they will receive the funds.

They discussed a coordination effort on park land acquisition and development with various municipal representatives from Mesa County.

A decision was made to pursue a grant from the Attorney General of Colorado Public Health Fund for \$10,000. The funds are designated for a drug and alcohol abuse education program, and these funds are designated to go to the Police Department Liaison School with the schools.

#### RECREATION BOARD

Councilwoman Kreissler reported that the Recreation Board received an update on the Orchard Mesa Pool. Discussed the possible addition of a solar assist package and a possible solarium. The Board favors both items.

Discussed the status of the proposed Recreation Center.

Discussed the various recreation programs currently in progress.

#### MAYOR'S REPORT

November 9, 1982 - Attended CITF Management and Budget Meeting. Attended several Airport Board meetings.

November 16, 1982 - Attended the DDA and State Office Building Meeting

#### ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk