

Grand Junction, Colorado

December 15, 1982

The City Council of the City of Grand Junction, Colorado, convened in regular session the 15th day of December, 1982, at 7:30 p.m. in the City Council Chambers at City Hall. Those present were Council members Betsy Clark, Frank Dunn, Karl Johnson, Christine Kreissler, Gary Lucero, and President of the Council Louis Brach. Councilman Robert Holmes was absent. 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 Karl Johnson

MINUTES

Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried, the minutes of the regular meeting December 1, 1982, were approved as submitted.

RESOLUTION NO.F 91-82 OF INDUCEMENT FOR PROPOSED HOLIDAY INN EXPANSION UNDER IRB PROGRAM - \$3,500,000 - APPROVED

After statements by Bob Gardner, member of the IRB Committee, and Errett C. Sechler, President of the Western States Motel Operations, Inc., the following Resolution was read:

RESOLUTION NO. 91-82

WHEREAS, City of Grand Junction, Colorado (the "Issuer"), a body politic and corporate and a political subdivision of the State of Colorado, is authorized and empowered by the provisions of the County and Municipality Development Revenue Bond Act, Colorado Revised Statutes Section 29-3-101 et. seq., as amended (the "Act"), to finance a project, as that term is defined in the Act, and to issue its industrial development revenue bonds for the purpose of paying the cost of financing a project; and

WHEREAS, Western States Motel Corporation, Inc. dba Holiday Inn of Grand Junction, (the "Corporation") has requested the Issuer to issue and sell to the order of the Corporation, subject to the unqualified approving opinion of the Corporation's bond counsel, as approved by the Issuer ("Bond Counsel"), its industrial development revenue bonds pursuant to provisions of the Act for the purpose of financing two commercial and business facilities constituting projects, as that term is defined in the Act (the "Projects"), for the Corporation; and

WHEREAS, the Issuer wishes to declare its intention to authorize issues of its industrial development revenue bonds for the purpose of paying the cost of financing the Projects, when so requested by the Corporation, upon such terms and conditions as may then be agreed upon by the Issuer and the Corporation.

NOW, THEREFORE, be it resolved by the City Council of the Issuer that it does hereby declare its intention to authorize the issuance and sale of industrial development revenue bonds of the Issuer to the order of the Corporation, subject to the unqualified approving opinion of Bond Counsel, under and in accordance with the Act, in an amount necessary to pay the cost of the Projects as described in Attachment A, presently estimated to be \$3,500,000, and upon such terms and conditions as may be mutually agreed upon by the Issuer and the Corporation, the issuance and sale of such bonds to be authorized by resolution of the Issuer at a meeting to be held for such purpose. Such bonds and the interest coupons, if any, appurtenant thereto shall never constitute the debt or indebtedness of the Issuer within the meaning of any provision or limitation of the Colorado constitution or statutes, and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing power. If the bonds have not been issued within one year from the date of this Resolution, the Corporation shall be required to reapply to Issuer for reauthorization of the issuance and sale of its industrial development revenue bonds.

PASSED and ADOPTED this 15 day of December, 1982.

President of the Council

Attest:

City Clerk

EXHIBIT A

INDUSTRIAL REVENUE BOND (IRB) EVALUATION FORMAT

1. BUSINESS ENTERPRISE DATA AND INFORMATION: (if a subsidiary, provide this information for subsidiary and parent company.)

1. Name of Business Enterprise WESTERN STATES MOTEL OPERATIONS, INC.

2. Address/Telephone 755 Horizon Drive, Grand Junction, Colorado

a. Business Headquarters

Suite 304, Plaza Towers

1736 E. Sunshine
Springfield, Missouri 65804

3. If incorporated:

- a. State of Incorporation Colorado
- b. Date of Incorporation October 14, 1964

4. Business Officers

- a. Chairman and Board of Directors

E. C. Sechler, President and Chairman
Henry T. Teters
Dr. Doyle C. McCraw
Terry Patrick

- b. Operating Officers

E. C. Sechler - President
Henry T. Teters - Vice President
Dr. Doyle C. McCraw - Treasurer
Terry Patrick - Secretary

- c. Partners/Limited Partners

Partners Western States Motel Operations, Inc.:

Roy Teters, Marilyn H. Teters, Nancy Blackwell and Mary Briggie

5. Auditors

- a. Name: Roberts, McKenzie and Cummings, Certified Public Accountants

- b. Address: Plaza Towers, Springfield, Missouri 65804

- c. Length of Service to the Firm: Four Years

6. Corporate Credit Rating

- a. Dunn and Bradstreet

- b. Standard and Poors

- c. Bank References:

1st National Bank, Grand Junction, Colorado; United States Bank
(Now IntraWest Bank), Grand Junction, Colorado; Boatmen's Union
National Bank, Springfield, Missouri

II. PURPOSE OF THE PROPOSED INDUSTRIAL REVENUE BOND ISSUE

1. Brief Description: To expand existing Holiday Inn facilities, and to build 38 New Deluxe Rooms and Holidome
2. Economic Feasibility Analysis has been completed by the company from historical operations.

III. RATIONAL FOR SEEKING PUBLIC PARTICIPATION (IRB)

1. Explanation. Conventional sources of financing and the resultant cost of interest expenses make the economic feasibility less certain at this time.
2. Downstream Implications and Requirements (e.g. future IRB requirements and other public incentives associated with this project). The Holiday Inn now employs two hundred, of which four to five are management, ten to fifteen skilled individuals, and the remainder will be semi-skilled or unskilled individuals. This added facility will assist in maintaining present employees, as well as new employees, and bring families into Grand Junction in the medium price range, which this facility will cater to. To our knowledge, there are no further requirements for street, water, or sewer. The additional development of this site will enhance the entrance into Grand Junction in an aesthetically pleasing manner. In addition, the local tax base will be increased, as well as sales taxes bases for the city, county, and state and will create real estate taxes by virtue of the improvement.
3. Other public incentives considered in lieu of IRB.

None.

IV. FISCAL AND FINANCIAL CONSIDERATIONS

1. Proposed IRB Issue
 - a. Amount of the Proposed IRB Issue - Principal:
3.5 Million Dollars - \$3,500,000.00
 - b. Proposed Amortization Schedule: Twenty years.
 - c. Anticipated Interest Rate: 10 to 12-1/2 percent.
 - d. Comparable Rate for Firm's Taxable Debt Securities:
Prime Interest - 18 Month Note
 - e. Integrity of Issue - Secured (Method) or Unsecured:
Secured.
2. Operational
 - a. Review of most recent (5 years) audits and financial statement

of issuing business. No audited statements, but five years of operational statements which are attached.

b. Corporate Structure and Subsidiaries: None.

c. Summary of Corporate Securities

i. Stocks

a) Preferred

b) Common: All common/closely held

c) Current Price/Earning Ration

d) Summary (5 year) of dividend payments

e) Traded on which exchange (\$)

f) Most recent quote

g) High and Low Market Price for previous twelve months

ii. Other Securities

a) Long-term: None

b) Short-term: None

c) Types

d) Amounts

3. Other Related

a. Previous Participation in IRB Financing. None.

i. Location(s)

ii. Amounts (Original Principal for each issue)

iii. Purpose(s)

iv. Form or current status of each issue, including outstanding balance

v. Lease or installment purchase

b. Security Arrangement for Each Outstanding Issue

i. Trustee

ii. Insurance (American Municipal Assurance Corp., Municipal Guarantee Insurance Corp.)

iii. Bank Letters of Credit

iv. Mortgage

V. ANALYSIS OF PROPOSED PUBLIC IMPACTS

1. Fiscal and Financial Impacts

a. Revenue (Property Tax, Head Tax, Sales Tax, Inventory Tax, Other)

b. Public Service Requirements (public safety, streets utility connections, zoning, transportation, etc.)

c. Summarize benefits that will accrue to the City and County

2. Employment Opportunity

a. Number of jobs anticipated to be added over the life of the project as proposed; professional, technical, skilled and unskilled: 30 Construction, 20 Additional, Help Maintain present employment of 200.

b. Annualized payroll added to the City: \$180,000

c. New Jobs Created

i. Anticipated to be filled by transfers: None

ii. Anticipated to be filled by recruitment from within the City and County: All

3. Investment

a. Accompanying Business Investment

i. Amount: \$500,000 - \$1,000,000

ii. Anticipated Scheduling: 1982-1983-1984 as needed.

iii. Anticipated Source: Individual stockholders of Corporation

a) Corporate - internal (method)

b) Financial Institutions

4. Location

a. Where will investment take place: Grand Junction, Colorado

b. Does firm own site? (If not, how held?): No. Leases under long-term lease

- c. Size of parcel: Approximately 10 acres
- d. Zoning requirements: None
- e. Anticipated social and environmental effects: None
- f. Site Plan - Neighborhood Impact Explanation: Will be landscaped, architecturally pleasing front door to Grand Junction - New Face Lift

5. Growth and Development

- a. Related firms (suppliers or other sub-contractors) that might logically accompany the project:

Primarily Grand Junction contractors, sub-contractors and suppliers

- b. Relationship of functions (Products or services) to be performed in the project facility to existing enterprise in the City.

Same as present operation.

- c. Relationship to Business Operations

- i. Expansion of business operations.

To expand Holiday Inn operations in Grand Junction

- ii. Relocation from other area of the State of nation (where):

None.

6. Community Involvement

- a. Past History (United Way, College Scholarships, etc.):

Participated in and contributed to St. Mary's Hospital Surgical Department, Mesa Rehabilitation Center, Mesa College (New Student Center) (Alumni Fund) (Athletic Program), United Way, Chamber of Commerce, Lion's Club, Club-20 and Secretary's Week. Management involvement in tourism industry.

- b. Proposed Involvement in Community:

Will continue community involvement. Management is and will be involved in hospitality and tourism industry of Western Colorado.

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

LIQUOR AND BEER - APPLICATIONS FOR LICENSES APPROVED (CHANGES OF

OWNERSHIP)

The following applications for liquor and beer licenses were considered:

1. David V. Christensen for Retail Liquor Store License at First Street Liquor, 901 North First Street License presently held by Leslie Somerville
2. Westerly Slope Development, Inc., for 3.2% Beer License at Big Cheese Pizza, 1320 North Avenue (On-Premise) License presently held by Zugmier Enterprises, Inc.
3. Carol A. Matthews for 3.2% Beer License at This is It Grocery, 215 South 11th Street (Package Carryout) License presently held by Eddie and Mary Davis

Upon motion by Councilwoman Clark, seconded by Councilwoman Kreissler and carried, the applications were approved.

HEARING - CONDITIONAL USE - HOTEL-RESTAURANT LIQUOR LICENSE ON APPROX .14 ACRE IN LIGHT COMMERCIAL ZONE AT 421 BRACH DRIVE - APPROVED

A hearing was held after proper notice on the petition by Scott Howard for Conditional Use for Hotel-Restaurant Liquor License on approximately .14 acre in a light commercial zone at 421 Brach Drive. There were no comments, letters, or counterpetitions. Upon motion by Councilwoman Clark, seconded by Councilwoman Kreissler and carried with Councilman BRACH ABSTAINING, the conditional use was granted.

HEARING - PROPOSED ORDINANCE - REZONE FROM RMF-32 TO PB, 128 TELLER AVENUE

A hearing was held after proper notice on the petition by Lorene C. Bright to rezone from residential multi-family uses at 32 units per acre to planned business uses on approximately .14 acre at 128 Teller Avenue. 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 CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - REZONE FROM RMF-64 TO PB, AND CENTURY 21 REAL ESTATE OFFICE FINAL PLAN, 1330 N. 12TH STREET

A hearing was held after proper notice on the petition by Gary DeRush to rezone from residential multi-family uses at 64 units per acre to planned business uses and a final plan for Century 21 real estate office on approximately .18 acre at 1330 N. 12th Street. There were no opponents, letters, or counterpetitions.

Upon motion by Councilwoman Clark, seconded by Councilwoman Kreissler and carried, the final plan for Century 21 real estate office was approved subject to the conditions of the Planning Commission.

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 OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - AMENDING THE CITY OF GRAND JUNCTION 1981 ZONING AND DEVELOPMENT CODE, CHAPTER 13

A hearing was held after proper notice on the petition by the Development Department amending the City of Grand Junction 1981 Zoning and Development Code, Chapter 13. There were no opponents, letters, or counterpetitions. The following entitled proposed ordinance was read: AN ORDINANCE AMENDING SECTIONS OF THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE TO DEFINE "BOARDING HOUSE" AND PERMIT IT AS A SPECIAL USE IN A B-3 ZONE. Upon motion by Councilwoman Kreissler, seconded by Councilman Lucero and carried, the proposed ordinance was passed for publication.

HEARING - NORTH FIRST STREET SUBDIVISION, W SIDE OF FIRST STREET, 1/4 MILE S OF PATTERSON ROAD - APPROVED

A hearing was held after proper notice on the petition by Gary Merrilat for minor subdivision of 2 lots on approximately .4 acre in residential single-family zone at 4 units per acre. Diane Steinbruecker, Paragon Engineer, was present representing the applicant.

Jim McEvoy, 2112 North First Street, noted the very serious traffic bottleneck on First Street. There were no other opponents, letters, or counterpetitions. Upon motion by Councilman Lucero, seconded by Councilman Dunn and carried, the North First Street Minor Subdivision was approved subject to the conditions of the Planning Commission.

RESOLUTION NO. 92-82 HONORING THE MESA COLLEGE FOOTBALL TEAM - APPROVED

The following resolution was read:

RESOLUTION NO. 92-82

WHEREAS the Mesa College football team has defeated Moorhead State College and Hillsdale College to gain an entry in the National Association of Intercollegiate Athletics Division I Championship game against Central State of Oklahoma; and

WHEREAS the Mesa College football team has compiled a record of 11

wins, no losses and one tie for the 1982 season; and

WHEREAS the Mesa College football team won the Rocky Mountain Athletic Conference Championship for 1982; and

WHEREAS the Mesa College football team has brought national attention to Mesa College and Grand Junction; and

WHEREAS the fine play of the Mesa College football team has maintained a high exemplary attitude throughout the season and the playoff games;

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

That the City of Grand Junction formally acknowledges the Mesa College football team, its players and coaches, and commends them on the fine season this year.

BE IT FURTHER RESOLVED that the City of Grand Junction fully supports Mesa College and its football team and wishes them the best of luck in the Championship game.

PASSED and ADOPTED this 15th day of December, 1982.

President of the Council

Attest:

City Clerk

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

BEER - APPLICATION BY GILLIN COMPANY, INC., FOR 3.2% BEER LICENSE AT COLORADO SOCIAL CLUB, 2825 NORTH AVENUE - APPROVED WITH CONDITIONS (CHANGE OF OWNERSHIP, LICENSE PRESENTLY HELD BY B.D.W., INC., SUDS 'N SOUND)

The application by Gillin Company, Inc., for a 3.2% beer license for on-premise consumption at the Colorado Social Club, 2825 North Avenue, was removed from the consent portion of the agenda because of the Police Department report in regard to the operation of Mr. G's. The City Attorney, Gerald Ashby, said that under a change of ownership the matter looked at essentially is the character of the applicants. Mr. Ashby reviewed the report from the Police Department with regard to the various problems that had occurred at the 12th Street outlet when operated by the Gillins: the parking, the neighborhood complaints. There was a hearing on

various items some short item ago, and as a result of that there was a short suspension with some of the suspension that had been decreed by the Council held in abeyance. Mr. Ashby noted the two current charges against the operation: one, an alleged sale to a minor, and the second the alleged removal of beer from the premises. Neither of these have been to court yet. Each of the people directly involved has been charged, and those matters will eventually be heard as a matter of misdemeanor proceedings. Mr. Ashby stated that he met this morning with the Messrs. Gillin and their attorney, Carroll Multz. As a result of that meeting and because Mr. Ashby thinks the Council through the last period of several years has hoped that at sometime the 12th Street outlet might be closed so that in the future if something developed there where some application was made for that particular location the circumstances in regard to any 3.2 outlet there if the Council determined that such was desirable would be under stricter guidelines than now exist, he would recommended that, since the Gillins are anxious to begin anew - they believe that by this transfer they will effectively remove those things that have been the difficulty on 12th Street - they have ample parking, of course - they are removed, certainly from a residential area of operation, but in addition to that they have agreed that they will upon the move which should occur approximately the middle of January surrender the 12th Street license so that it is not available for transfer, and Mr. Ashby clarified that when he says that he is not saying to the Council that if the owner of the building who is other than the Gillins could not attempt to secure a tenant who would subsequently come in and apply for a 3.2 license, and should that occur the applicant would have to get conditional use permission and he would have to come in and meet all of the other requirements Council might determine should be set on that location, so Mr. Ashby's recommendation was that the Council grant this transfer of ownership and that it not pursue the charges as a proceeding before the hearing officer or proceeding before the Council, leaving those charges to be handled entirely within the County Court upon the condition that the 12th Street license be surrendered sometime the middle part of January when the move will be made from the 12th Street location to what is presently known as the Suds 'N Sound building.

Carroll Multz, attorney representing the Gillins, responded to Councilman Lucero's question that as a condition as stated by Mr. Ashby, his clients authorized him to indicate their agreement by way of a guarantee that their quid pro quo for the Council's consideration of their application was that they would indeed upon their move surrender their license to the 12th Street property.

Bruce Troy expressed concern that at the time the contract was signed he was not aware of the fact that the Gillins had two liquor violations in November. Also he was not aware of the agreement with the Council that if there were any other violations during the six-month period after they were closed in June or July that the Council might have the opportunity to close them down. As the mortgage holder and as the owner of the adjacent office

building, Mr. Troy felt it was imperative that the Council continue to watch the operation. He felt that some of the violations he did not know about at the time of the contract signing were management oriented rather than the parking situation which is specific to their present business.

Mr. Ashby stated that the Gillins have agreed to get together with the Police Department so that a cooperative agreement can be worked out. They understand that they cannot continue to operate if they violate the regulations and that they understand thoroughly that they are going to be shut down by the Council if the operation does not work, and that if anything is wrong with management it has to be corrected.

Councilman Johnson commented that he was at a loss to know how the Council could determine the character and reputation of the licensee when there are violations pending, and especially in light of the repeated occasions when the operation of the current establishment has had to be reviewed by the City Council. He was not in favor of the Council in any way waiving the responsibility to push forward with the hearings that have been scheduled on alleged violations. In addition, Councilman Johnson thought there had been sufficient complaint made from the neighborhood about noise and other types of nuisance to justify a hearing on the violation of Article 46-105.2 of the Beer Code which concerns itself with the conduct of the establishment. He thought that the people who live in that neighborhood have a right to have their complaints heard and to have the validity of those complaints determined either by a court or by a hearing officer to establish whether the applicant has the proper character and reputation to be granted a license. In conclusion, Councilman Johnson said that he had no way of knowing and was, frankly, quite dubious that a change of location would change the character of the operation.

After further discussion, it was moved by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman JOHNSON voting NO, that the application by Gillin Company, Inc., for a 3.2% beer license which permits sales on the premises at the Colorado Social Club, 2825 North Avenue, be approved subject to the conditions as stated by the City Attorney.

RESOLUTION NO. 93-82 APPROVING APPLICATION BY A C RESTAURANTS, INC., FOR HOTEL-RESTAURANT LIQUOR LICENSE AND CONDITIONAL USE AT 490 28-1/4 ROAD, K-BOB'S STEAK HOUSE

The following Resolution was read:

RESOLUTION NO. 93-82

OF DECISION ON APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE BY A C RESTAURANTS, INC. FOR K-BOB'S STEAK HOUSE LOCATED AT 490 28-1/4 ROAD, GRAND JUNCTION, COLORADO.

A public hearing having been held on December 15, 1982, on the

application by A C Restaurants, Inc. for a hotel-restaurant liquor license for K-Bob's Steak House at 490 28-1/4 Road, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was held on December 15, 1982, on the application after proper notice thereof under the Liquor Code.
2. That 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 70 persons so stated while 32 felt the needs were being met by the other outlets. In addition, a petition favoring the issuance of the license and bearing 328 signatures was entered by the applicant.
3. That 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. That 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, the applicants being the members of the corporation making the application.
5. That 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 A C Restaurant, Inc., for K-Bob's Steak House located at 490 28-1/4 Road, Grand Junction.

PASSED and ADOPTED this 15 day of December, 1982.

President of the Council

Attest:

City Clerk

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

RESOLUTION NO. 94-82 APPROVING APPLICATION BY JACK M. DECKARD FOR HOTEL-RESTAURANT LIQUOR LICENSE AT SAL'S PIZZA, 755 NORTH AVENUE

The following Resolution was read:

RESOLUTION NO. 94-82

OF DECISION ON APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE BY JACK M. DECKARD FOR SAL'S PIZZA LOCATED AT 755 NORTH AVENUE, GRAND JUNCTION, COLORADO

A public hearing having been held on December 15, 1982, on the application by Jack M. Deckard for a hotel-restaurant liquor license for Sal's Pizza at 755 North Avenue, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. The hearing was held on December 15, 1982, on the application after proper notice thereof under the Liquor Code.

2. That 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 259 persons so stated while 191 felt the needs were being met by the other outlets. In addition, a petition favoring the issuance of the license and bearing 259 signatures was entered by the applicant.

3. That 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 character of the applicant are good as determined by checking done by the Police Department and by letters attesting to his good character.

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 Jack M. Deckard for Sal's Pizza located at 755 North Avenue, Grand Junction.

PASSED and ADOPTED this 15 day of December, 1982.

President of the Council

Attest:

City Clerk

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

HEARING - APPLICATION BY GEORGE R. HARPER FOR HOTEL-RESTAURANT LIQUOR LICENSE AT CASA DI ITALIA, 1048 INDEPENDENT AVENUE, SUITE A-101

A hearing was held after proper notice on the application by George R. Harper for a hotel-restaurant liquor license at Casa di Italia, 1048 Independent Avenue, Suite A-101. The following report was read:

"On November 12, 1982, the City accepted the application for a hotel-restaurant liquor license filed by George R. Harper dba Casa di Italia, 1048 Independent Avenue, Suite A-101.

The display ad giving notice of hearing was published in The Daily Sentinel December 3, 1982, and the sign giving notice of hearing was posted on the property December 3, 1982.

A survey of the area from 25-1/4 Road Line on the west, to West Orchard Avenue on the north, to 25-3/4 Road Line/Poplar Drive on the east, to North Avenue Line on the south has been completed. Results:

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. 268

a. An owner of property in the neighborhood. 46

b. An employee or business lessee or property in the neighborhood. 187

c. An inhabitant of the neighborhood. 60

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. 60

a. An owner of property in the neighborhood. 30

b. An employee or business lessee or property in the neighborhood. 19

c. An inhabitant of the neighborhood. 26

A petition signed by 363 people has been filed supporting the issuance of the license. A letter of opposition from Myrtle B. Mudgett, 1040 Independent Avenue, was filed December 9, 1982.

The conditional use hearing is scheduled for Tuesday, January 4, 1983.

The Police Department indicates nothing of a derogatory nature concerning the background of the applicant. The Fire Department and Health Department reports indicate compliance with Fire and Health Regulations.

Similar-type outlets within survey area: 0.

Similar-type outlets within one mile: 0."

The map showing similar-type outlets was reviewed. George R. Harper, 3004 Bookcliff Avenue, was present for the hearing. Walter Zenk and Scott Bauers were present and spoke for the granting of the license. There were no opponents, letters, or counterpetitions. A Resolution of findings and decision is scheduled on the January 5, 1983, City Council agenda.

HEARINGS - APPLICATIONS BY MESA COLLEGE FOR 3.2% BEER SPECIAL EVENTS PERMITS - 5 PERMITS

Hearings were held after proper notice on the applications by Mesa College for 3.2% Beer Special Events Permits for the following dates:

January 14, 1983, 8 p.m. to 12 p.m. - Liff Auditorium

February 18, 1983, 8 p.m. to 12 p.m. - Liff Auditorium

March 18, 1983, 8 p.m. to 12 p.m. - Liff Auditorium

April 22, 1983, 2 p.m. to 6 p.m. - Saunders Field

April 23, 1983, 1 p.m. to 5 p.m. - Saunders Field

These dates are the Student Body Association activities through the Spring Semester. Richard Boorum, Vice president of the Student Body Association, was present for the hearings. There were no opponents, letters, or counterpetitions. Upon motion by Councilwoman Clark, seconded by Councilman Johnson and carried, the applications by Mesa College for the 3.2% Beer Special Events Permits were approved.

HEARING - APPLICATION BY WESTERN COLORADO HORTICULTURAL SOCIETY FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AT TWO RIVERS PLAZA, 159 MAIN STREET, JANUARY 20, 1983, 4 P.M. TO 2 A.M. - DINNER-DANCE - 1ST PERMIT

A hearing was held after proper notice on the application by Western Colorado Horticultural Society for a malt, vinous and spirituous liquor special events permit at Two Rivers Plaza, 159 Main Street, on January 20, 1983, from 4 p.m. to 2 a.m. for a dinner dance. Fritz Gobbo, 1156 22-1/2 Road was present for the

hearing. There were no opponents, letters, or counterpetitions. Upon motion by Councilwoman Kreissler, seconded by Councilman Dunn and carried, the application was approved.

ORDINANCES ON FINAL PASSAGE

Proofs of Publication on the following Ordinances for final passage have been received and filed. Copies of the Ordinances for final passage were submitted in writing to the City Council prior to the meeting.

ORDINANCE NO. 2091 - AMENDMENTS TO GRAND JUNCTION ZONING AND DEVELOPMENT CODE AND REVISING FEE SCHEDULE

Upon motion by Councilwoman Clark, seconded by Councilman Dunn and carried, the proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE TO DEFINE DENSITY, TO PERMIT SIGN INTRUSION INTO THE RIGHT-OF-WAY AND SETTING FEES WITHIN THE DEVELOPMENT DEPARTMENT.

There were no comments. Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed, adopted, numbered 2091, and ordered published.

ORDINANCE NO. 2092 - REZONE FROM PR-8 TO PR-13.1 THE NE COR OF 15TH AND WELLINGTON

Upon motion by Councilman Lucero, seconded by Councilwoman Kreissler and carried, the proposed ordinance was called up for final passage and read by title only: 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.

There were o comments. Upon motion by Councilman Lucero, seconded by Councilwoman Kreissler and carried by roll call vote, the Ordinance was passed, adopted, numbered 2092, and ordered published.

PROPOSED ORDINANCE AMENDING CHAPTER 25, SEWER, AND REVISING FEES

The following entitled proposed ordinance was read: AN ORDINANCE INCREASING THE EQUIVALENT RESIDENTIAL UNIT CHARGE FOR SEWER USE. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE AMENDING CHAPTER 14, REFUSE AND TRASH, AND REVISING FEES

The following entitled proposed ordinance was read: AN ORDINANCE CONCERNING GARBAGE AND TRASH AND INCREASING THE RATE FOR COLLECTION OF SAME. Upon motion by Councilman Johnson, seconded by Councilwoman Kreissler and carried, the proposed ordinance was

passed for publication.

RESOLUTION NO. 95-82 GRANTING REVOCABLE PERMIT TO RAY QUAN, FAR EAST RESTAURANT 1530 NORTH AVENUE, FOR ENCROACHMENT INTO PUBLIC RIGHT-OF-WAY

The following Resolution was read:

RESOLUTION NO. 95-82

GRANTING A REVOCABLE PERMIT TO FAR EAST RESTAURANT.

WHEREAS, the Far East Restaurant has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to extend into the public right-of-way approximately 5 feet for parking and a planter adjacent to and south of Lots 8, 9, 10, Block 3, Parkplace Heights Subdivision and into the public right-of-way approximately 6-1/2 feet for parking adjacent to and north of Lots 1 and 3 of said Block 3, in the City of Grand Junction; and

WHEREAS, such action would not be detrimental to the interest of the inhabitants of the City;

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

That the City Manager, on behalf of the City and as the act of the City, be and he is hereby authorized to grant such Revocable Permit to the above-named petitioner for the purpose above described upon the execution by the petitioner of an agreement to save and hold the City harmless from any claims arising out of the encroachment and use granted, and execution by the petitioner of an agreement that upon the revocation of such Permit, the petitioner will remove said encroachment at its own expense, restoring the right-of-way to its original condition.

PASSED and ADOPTED this 15 day of December, 1982.

President of the Council

Attest:

City Clerk

REVOCABLE PERMIT

WHEREAS, the Far East Restaurant has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to extend into the public right-of-way approximately 5 feet for

parking and a planter adjacent to and south of Lots 8, 9, 10, Block 3, Parkplace Heights Subdivision and into the public right-of-way approximately 6-1/2 feet for parking adjacent to and north of Lots 1 and 3 of said Block 3, in the City of Grand Junction; and

WHEREAS, the City Council is of the opinion that such action would not be detrimental to the City or to any of the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to the Far East Restaurant a Revocable Permit to extend into the public right-of-way approximately 5 feet for parking and a planter adjacent to and south of Lots 8, 9, 10, Block 3, Parkplace Heights Subdivision and into the public right-of-way approximately 6-1/2 feet for parking adjacent to and north of Lots 1 and 3 of said Block 3, in the City of Grand Junction; provided, however, that said Permit may be revoked by the City Council at its pleasure at anytime; provided, further that the above-named petitioner shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from the permitted use; and further provided that said petitioner shall agree that upon the revocation of such permit, it will, at its own expense, remove said encroachment and restore th right-of-way to its original condition.

DATED this _____ day of _____, 19_____.

James E. Wysocki, City Manager

Attest:

City Clerk

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

PETITION, RESOLUTION NO. 96-82, PROPOSED ORDINANCE BOISE CASCADE ANNEXATION, 24-1/2 ROAD AND HIGHWAY 6 AND 50 WEST

A petition for annexation of the Boise Cascade property at 24-1/2 Road and Highway 6 & 50 was accepted for filing. The following Resolution was read:

RESOLUTION NO. 96-82

WHEREAS, on the 15th day of December, 1982, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

Beginning S 89 deg. 33 min. W 722.5 ft from the SE Cor of the NE4 of the NW4 of Sec 9, T1S, R1W, Ute Meridian, thence along the arc of a curve left radius 5660 ft distance of 134.8 ft chord bears N 66 deg. 41 min. W 134.8 ft thence N 67 deg. 32 min. 30 sec. W 501.8 ft, thence along the arc of a curve right radius 5800 ft for a distance of 545.6 ft chord bears N 64 deg. 41 min. W 545.4 ft thence S 14.9 ft to the N right-of-way of Denver & Rio Grande Western Railroad, thence S 56 deg. 34 min. E along the railroad right-of-way 848.8 ft, thence N 89 deg. 33 min. E 371.7 ft more or less to beginning together with Highway right-of-way adjacent on the E;

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City, and that no election is required under the Municipal Annexation Act of 1965 as the owner of one hundred percent of the property as petitioned for annexation;

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

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 15 day of December, 1982.

President of the Council

Attest:

City Clerk

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

The following proposed ordinance was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Upon motion by

Councilwoman Kreissler, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

PETITION, RESOLUTION NO. 97-82, PROPOSED ORDINANCE VALLEY PLAZA WEST ANNEXATION, 24-1/2 ROAD AND HWY 6 AND 50 WEST

A petition for the annexation of Valley Plaza West property at 24-1/2 Road and Highway 6 and 50 West was accepted for filing.

RESOLUTION NO. 97-82

WHEREAS, on the 15th day of December, 1982, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

Lots 1, 2 and 3, SAWTELLE SUBDIVISION and 24-1/2 Road right-of-way adjacent on West;

and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-six of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City, and that no election is required under the Municipal Annexation Act of 1965 as the owner of one hundred percent of the property has petitioned for annexation;

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

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 15 day of December, 1982.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried by roll call vote, the Resolution was passed and adopted as read.

The following entitled proposed ordinance was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

CENTENNIAL ATTIRE

Councilwoman Clark and Mayor Brach were appropriately attired for the last meeting of the year in their Centennial clothing.

MUSEUM

Councilman Dunn filed a report on the Museum.

AIRPORT

Councilman Dunn reported on the ribbon cutting at the new terminal building at the Airport this morning.

PIAB

Councilwoman Clark reported that she attended a PIAB Board meeting. She believes that Committee will become more involved and start looking at a regional level of recreation after the first of the year and start coordinating some things.

DDA

Councilman Johnson reported that the DDA Board met last Friday and adopted its Budget for 1983.

He noted that since the parking meters were removed from downtown, some of the merchants have reported more traffic in their stores.

AIM

Councilwoman Kreissler reported that the AIM Committee has been allocated \$150,000 from the Energy Impact Funds for the bike and walkways.

RECREATION BOARD

Councilwoman Kreissler reported that the Recreation Board discussed the Orchard Mesa pool and started planning a grand opening party.

She noted that School District 51 has been very cooperative during the last week after the fire at Lincoln Park Auditorium by letting their buildings be used for the scheduled classes.

HOUSING AUTHORITY

Councilman Lucero reported that although the contractor got a late

start on Ratekin Towers, he is ahead of schedule. It appears there may be an earlier opening date than August.

MAYOR'S REPORT

December 7 - Attended the Grand Opening of Western Motel 6 on Horizon Drive. Met with Brian Vote with Parents Who Care on Drug and Alcohol Abuse. It appears Grand Junction and Mesa County will be a model program as it has taken the lead in this program.

The Mayor reported that the Council of Governments is now the Associated Governments, and has been in existence for 10 to 15 years and the City of Grand Junction has had a member on the Board since its inception mainly because representatives from Fruita, Palisade, Collbran have been unable to attend. Since Mayor Brach's term will be expiring soon, he recommended that the City lend its support to the Mayor of Palisade, Larry McNeese, to take the position. He has been attending the meetings regularly the last year. Council members present endorsed the Mayor's recommendation.

The Mayor reported that he met with the International Bicycle Classic Race group to discuss the meet here in Grand Junction the 11th and 12th of July, 1983. The contract should be forthcoming soon.

The Mayor read a letter from the Chipeta Girl Scout Council commending Betsy Clark for her participation with the group.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk