

Grand Junction, Colorado

January 5, 1983

The City Council of the City of Grand Junction, Colorado, convened in regular session the 5th day of January, 1983, 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.

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

INVOCATION

Councilman Robert Holmes

MINUTES

Upon motion by Councilwoman Clark, seconded by Councilman Lucero and carried, the minutes of the regular meeting December 15, 1982, were approved as submitted.

EXCHANGE STUDENTS FROM AUSTRALIA

Exchange students from Australia, sponsored by the Orchard Mesa Lions Club, were present. Rosemary Courtney, Red Cliff, Queens Lane, James Redfern, New South Wales, and Ian Grummett, State of Victoria.

LIQUOR-BEER APPLICATIONS APPROVED FOR RENEWAL OF LICENSES

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the applications by the following businesses for the renewal of licenses were approved:

7-11 Store, 666 Patterson Avenue, Unit A (3.2% Beer)

The Timbers, 1810 North Avenue (Hotel-Restaurant)

Penny Saver Service, 459 Pitkin Avenue (3.2% Beer)

St. Regis Lounge, 355 Colorado Avenue (Tavern)

LIQUOR - APPLICATION BY SHANARA, INC., FOR TRADE NAME CHANGE FROM "ROUND THE CORNER RESTAURANT" TO "O'SHEA'S RESTAURANT" APPROVED

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the application by Shanara, Inc., for trade name change from "Round the Corner Restaurant" to "O'Shea's Restaurant" was approved. (Beer-Wine

License)

LIQUOR - APPLICATION BY DALE E. MITCHELL LIQUOR, INC., FOR RETAIL LIQUOR STORE LICENSE AT CROWN LIQUOR, 2851-1/2 NORTH AVENUE APPROVED (CHANGE OF OWNERSHIP)

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the application by Dale E. Mitchell, Inc., for retail liquor store license at Crown Liquor, 2851-1/2 North Avenue, was approved. This was a change of ownership going from sole owner (Dale Mitchell) to corporation.

HEARING #40-82 - PROPOSED ORDINANCE - TEXT AMENDMENTS TO THE 1981 GRAND JUNCTION ZONING AND DEVELOPMENT CODE, 1982 ANNUAL UPDATE - AMENDING VARIOUS PARAGRAPHS IN SECTION 5-8, FLOODPLAIN REGULATIONS

A hearing was held after proper notice on the amendments to various paragraphs in Section 5-8, Flood Plain Regulations, of the Grand Junction Zoning and Development Code. There were no letters or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE FLOODPLAIN REGULATIONS OF THE CITY OF GRAND JUNCTION AND AMENDING THE ZONING AND DEVELOPMENT CODE OF THE CITY BY THE ADDITION OF CERTAIN DEFINITIONS RELATED TO THE FLOODPLAIN REGULATIONS. Upon motion by Councilman Johnson, seconded by Councilwoman Kreissler and carried with Councilmen HOLMES and DUNN voting NO, the proposed ordinance was passed for publication.

HEARING #75-82 - CONDITIONAL USE FOR HOTEL-RESTAURANT LIQUOR LICENSE AT CASA DI ITALIA, 1048 INDEPENDENT AVENUE, SUITE A-101 - APPROVED

A hearing was held after proper notice on the petition by Gerald Greenberg for George Harper for a conditional use to permit a hotel-restaurant liquor license at Casa di Italia, 1048 Independent Avenue, Suite A-101. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the petition for conditional use was approved.

RESOLUTION NO. 1-83 OF FINDINGS AND DECISION RE: APPLICATION BY GEORGE R. HARPER FOR HOTEL-RESTAURANT LIQUOR LICENSE AT CASA DI ITALIA, 1048 INDEPENDENT AVENUE, SUITE A-101 - APPROVED

The following Resolution was read:

RESOLUTION NO. 1-83

OF DECISION ON APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE BY GEORGE R. HARPER FOR CASA DI ITALIA LOCATED AT 1048 INDEPENDENT AVENUE, SUITE A-101, GRAND JUNCTION, COLORADO.

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

application by George R. Harper for a hotel-restaurant liquor license for Casa di Italia at 1048 Independent Avenue, Suite A-101, Grand Junction, and the City Council have 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. 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 268 persons so stated while 58 felt the needs were being met by the other outlets. In addition, a petition favoring the issuance of the license and bearing 336 signatures was entered by the applicant.

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

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 George R. Harper for Casa di Italia located at 1048 Independent Avenue, Suite A-101, Grand Junction, Colorado.

PASSED and ADOPTED this 5th day of January, 1983.

/s/ Louis R. Brach

President of the Council

Attest:

/s/ Neva B. Lockhart

City Clerk

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

HEARING - APPLICATION BY THE MANHATTAN DELICATESSEN, INC., FOR A 3.2% BEER LICENSE (PACKAGE CARRYOUT) AT 2889 NORTH AVE. UNIT NO. 3 - RESOLUTION OF FINDINGS AND DECISION SCHEDULED JANUARY 19

A hearing was held after proper notice on the application by The Manhattan Delicatessen, Inc., for a 3.2% beer license which permits the sales in sealed containers for consumption off the premises of the licensee at 2889 North Avenue, Unit No. 3. The following report was read:

"On December 1, 1982, the application by The Manhattan Delicatessen, Inc., for a 3.2% beer license at 2889 North Avenue, Unit #3, was accepted. Corporate officers are:

President: Walter C. Thoms, 1515 Cedar Circle, #10
Vice Pres: Walter R. Thoms, 621 20 Road

The display ad giving notice of hearings was published in The Daily Sentinel December 24, 1982, and the sign giving notice of hearing was posted on the property December 24, 1982.

A survey of the area from 28-3/4 Road on the west, Bunting Avenue on the north, through 2909 North Avenue on the east, to Hill Avenue, if extended, 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. 37

a. An owner of property in the neighborhood. 15

b. An employee or business lessee of property in the neighborhood. 17

c. An inhabitant of the neighborhood. 11

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. 23

a. An owner of property in the neighborhood. 12

b. An employee or business lessee of property in the neighborhood. 5

c. An inhabitant of the neighborhood. 6

A letter was filed by Mrs. George Fults opposing the granting of a license. There have been no petitions, letters, or counterpetitions filed.

The Mesa County Health Department and the Fire Department have seen the construction plans, and they have no problems so long as all aspects of the construction plans are followed. The Police Department advises that the background investigations of Walter R. and Walter C. Thoms (father and son respectively) revealed nothing of a derogatory nature.

Similar-type outlets within survey area: 0.

Similar-type outlets within one mile: 3."

The map showing similar-type outlets was reviewed.

Mr. Walter R. Thoms was present for the hearing. There were no opponents, letters, or counterpetitions.

The Resolution of decision is scheduled on the January 19, 1983, City Council agenda.

HEARING - APPLICATION BY GRAND JUNCTION DOWNTOWN ASSOCIATION, INC., FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT JANUARY 22, 1983, 6 PM TO 2 AM AT TWO RIVERS PLAZA, 159 MAIN STREET - POLISH POLKA PARTY DINNER-DANCE - 2ND PERMIT APPROVED

A hearing was held after proper notice on the application by the Grand Junction Downtown Association, Inc., for a malt, vinous and spirituous liquor special events permit January 22, 1983, from 6:00 p.m. to 2:00 a.m., at Two Rivers Plaza, 159 Main Street, for the Polish Polka Party Dinner-Dance. Gloria Ferns and Jim Wysocki appeared for the granting of the permit. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Johnson, seconded by Councilwoman Kreissler and carried with Councilman HOLMES voting NO, 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. 2093 - REZONE 128 TELLER AVENUE FROM RMF-32 TO PB

Upon motion by Councilwoman Clark, seconded by Councilman Holmes and carried, the proposed ordinance was called up for final passage and the title only 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.

There were no comments. Upon motion by Councilman Johnson, seconded by Councilwoman Kreissler and carried by roll call vote, the Ordinance was passed, adopted, numbered 2093, and ordered published.

ORDINANCE NO. 2094 - REZONE 1330 NORTH 12TH STREET FROM RMF-64 TO PB

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

There were no comments. Upon motion by Councilwoman Clark, seconded by Councilwoman Kreissler and carried by roll call vote, the Ordinance was passed, adopted, numbered 2094, and ordered published.

ORDINANCE NO. 2095 - AMENDING CHAPTER 13 OF THE 1981 ZONING AND DEVELOPMENT CODE

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

There were no comments. Upon motion by Councilwoman Kreissler, seconded by Councilman Johnson and carried by roll call vote, the Ordinance was passed, adopted, numbered 2095, and ordered published.

ORDINANCE NO. 2096 - INCREASING THE EQUIVALENT RESIDENTIAL UNIT CHARGE FOR SEWER USE

Upon motion by Councilman Lucero, seconded by Councilman Dunn and carried, the proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE INCREASING THE EQUIVALENT RESIDENTIAL UNIT CHARGE FOR SEWER USE.

There were no comments. Upon motion by Councilwoman Kreissler, seconded by Councilman Johnson and carried by roll call vote, the Ordinance was passed, adopted, numbered 2096, and ordered published.

ORDINANCE NO. 2097 - CONCERNING GARBAGE AND TRASH AND INCREASING THE RATE FOR COLLECTION OF SAME

Upon motion by Councilman Lucero, seconded by Councilman Dunn and carried with Councilman HOLMES voting NO, the proposed ordinance was called up for final passage and the title was read along with the amendment to Section A-2-D.

There were no comments. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried by roll call vote with Councilman HOLMES voting NO, the Ordinance was passed and adopted as amended, numbered 2097, and ordered published.

ORDINANCE NO. 2098 - VALLEY PLAZA WEST ANNEXATION

Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried, the proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

There were no comments. Upon motion by Councilman Lucero, seconded by Councilman Dunn and carried by roll call vote, the Ordinance was passed, adopted, numbered 2098, and ordered published.

RESOLUTION NO. 2-83 CORRECTING RESOLUTION NO. 96-82 - BOISE CASCADE ANNEXATION - ORDINANCE NO. 2099

The following Resolution was read:

RESOLUTION NO. 2-83

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:

Beginning S 89 deg. 33 min. W 722.5 ft from the SE Cor of the NE 4 of the NW4 of Section 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 min. 41 sec. 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 min. 41 sec. W 545.4 ft, thence S 14.9 ft to the N right-of-way of denver & Rio Grande Western Railroad, thence S 56 min. 34 sec. 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.

ALSO Beginning at a point on the S right-of-way line of Highway 6 & 50 which point lies S 00 deg. 05 min. W 341.96 ft and W 25 ft from the NE Cor of the SE 4 of th NE Cor of the SE4 of the NW4 of Section 9, T1S, R1W, Ute Meridian, thence S 00 deg. 05 min. W 344.33 ft, thence N. 56 deg. 34 min. W 299.16 ft, thence N 33 deg. 26 min. E 283.4 ft to the S line of Highway 6 & 50, thence along the arc of a curve right with radius of 5680 ft a distance of 110 ft the chord of which bears S 58 deg. 46 min. 05 sec. E 109.93 ft to beginning, EXCEPT that part taken by right-of-way as described in Book 1289 at Page 506, Mesa County records.

Also adjacent Highway 6 & 50 right-of-way.

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 has petitioned for annexation;

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

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

2. That this Resolution is made to correct Resolution No. 96-82 passed and adopted December 15, 1982, which did not include the complete description.

PASSED and ADOPTED this 5th day of January, 1983.

/s/ Louis R. Brach

President of the Council

Attest:

/s/ Neva B. Lockhart

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.

Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried, the proposed ordinance was called up for final passage and the title was read along with the amendment: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed and adopted as amended, numbered 2099, and ordered published.

LIQUOR - TAVERN LIQUOR LICENSE SUSPENDED 1 DAY - LA BARRA FAMOSA DEL CHARRO, 227 ROOD AVENUE

The recommendation by Liquor/Beer Hearing Officer Dave Palmer on the matter of Michelle Garcia and her tavern liquor license at La Barra Famosa del Charro, 227 Rood Avenue, for a violation of Section 24-5-101 C.R.S. 1973, was to suspend the license for a period of five days with four days of the five days' suspension being suspended because of the licensee's long history as a productive and law-abiding citizen of the community. Mrs. Garcia and her attorney, Robert Traylor, were present.

It was moved by Councilman Johnson, seconded by Councilwoman Kreissler, that the findings of the Hearing Officer be accepted

and that the license held by Michelle Garcia at La Barra Famosa del Charro be suspended for five days with four days of that suspension being suspended through the renewal of the license and that the one-day suspension commence Thursday morning, January 6, 1983.

Councilman Dunn felt that suspending four days of the five-day suspension was being a little lenient. He moved to amend the motion to impose a three-day suspension with two days being withheld. Councilman Holmes seconded the motion. Council members voting AYE: DUNN, HOLMES. Council members voting NO: JOHNSON, CLARK, LUCERO, KREISSLER, BRACH. The President declared the amendment lost.

Council members voting AYE on the main motion: CLARK, JOHNSON, LUCERO, KREISSLER, BRACH. Council members voting NO: DUNN, HOLMES. The President declared the motion carried.

CML

The City Manager announced a program by the CML for the Legislative Conference on February 3 at 9 a.m. in downtown Denver. He encouraged Council members to make arrangements with him to attend the conference.

DDA

Councilman Johnson reported that the DDA Board met the morning of January 5, 1983, at which time it was announced that Gloria Ferns will be leaving her position. He indicated that the staff is now advertising and recruiting to fill the position. The Board considered the proposed action taken by a Committee and by the Planning Commission related to zoning and redevelopment regulations in the downtown planning area. Also, it authorized the Director to enter into a contract with the Colorado Department of Local Affairs for a \$25,000 impact assistance grant. The Board also authorized entering into a contract with Laventhol and Horwath to finish up the hotel feasibility study for the downtown area.

MESA COUNTY ENERGY IMPACT ASSISTANCE PROGRAM

Councilwoman Kreissler attended the meeting of the Mesa County Energy Impact Assistance Program hearing request for funds. The Youth Detention facility was prioritized number one. The requested amount was \$120,000.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC

City Clerk