

Grand Junction, Colorado

February 16, 1983

The City Council of the City of Grand Junction, Colorado, convened in regular session the 16th day of February, 1983, at 7:30 p.m. in the Council Chambers at City Hall. Those present were Council members Betsy Clark, Robert Holmes, Karl Johnson, Christine Kreissler, Gary Lucero, and President of the Council Louis Brach. Councilman Dunn was absent. Also present were Assistant City Manager Ron Ruskey, City Attorney Gerald Ashby, and Deputy City Clerk Teddy Martinez.

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

INVOCATION

Reverend Lowell Anderson, First Assembly of God Church.

MINUTES

Upon motion by Councilwoman Kreissler, seconded by Councilman Lucero and carried, the minutes of the regular meeting February 2, 1983, were approved as submitted.

APPLICATIONS TO RENEW BEER AND LIQUOR LICENSES APPROVED

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

The Corral, 539 Colorado Avenue (3.2% Beer)  
Holiday Inn, 755 Horizon Drive (Hotel-Restaurant)  
Holiday Liquors, 755 Horizon drive (Retail Liquor Store)

BEER - APPLICATION BY PIZZA HUT OF GRAND JUNCTION, INC., FOR 3.2% BEER LICENSES AT 704 HORIZON DRIVE AND 601 N. 1ST STREET AND CHANGE IN CORPORATE STRUCTURE

Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by Pizza Hut of Grand Junction, Inc., for 3.2% Beer Licenses at 704 Horizon Drive and 601 N. 1st Street, and Change in Corporate Structure adding Richard Joel Bloomer, 1457 Caddy Street, Wichita, Kansas, and Sharol Rasberry, 220 Post Oak, Wichita, Kansas, to the license, was approved. This is a change of ownership - merger of separate corporations into Pizza Hut of Grand Junction, Inc.

HEARING - DEVELOPMENT IN H.O. ZONE, COLOR TILE STORE AND OIL EXPRESS, N OF F ROAD, W OF 24.5 ROAD

A hearing was held after proper notice on the petition by Mesa Mini-Mall Properties, Robert Hirons, for development in H.O. Zone,

Color Tile Store and Oil Express, north of F Road, west of 24.5 Road. This is a request for Retail/Services uses on approximately 1.44 acres. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried, the development in H.O. Zone was approved.

HEARING - WALNUT GROVE SUBDIVISION, NW CORNER OF WALNUT AVENUE ND N. 15TH STREET

A hearing was held after proper notice on the petition by J. P. White for Walnut Grove Subdivision, northwest corner of Walnut Avenue and North 15th street. This is a request for a minor subdivision of 2 lots on approximately .26 acre in a Residential Single-Family Zone at 8 units per acre. Mrs. Wilda Holleyfield, 1345 Walnut Avenue, appeared before Council to question exactly what type of building is to be constructed at said location. Bob Goldin, Planner, stated the plans for the site consist of two single-family homes. There were no opponents, letters, or counterpetitions.

Upon motion by Councilwoman Kreissler, seconded by Councilman Lucero and carried, Walnut Grove Subdivision was approved.

APPLICATION FOR RENEWAL OF HOTEL-RESTAURANT LIQUOR LICENSE BY RICHARD E. ROBIDOUX DBA THE DOUBLE RR BAR, 2879 NORTH AVENUE

City Attorney Ashby reviewed the Police Department report dated February 1, 1983, stating a domestic disturbance took place on June 17, 1982, at the Robidoux home. On October 6, 1982, Mr. Robidoux pled guilty to third degree assault which is a Class I misdemeanor. There was a felony menacing charge which was dropped as a result of the plea bargain, and Mr. Robidoux was fined \$600 plus court costs. Mr. Ashby clarified that this offense does reflect on the character of the applicant. Mr. Ashby recommended that Council approve the extension of the license which expires on February 19, 1983, and send the matter to the Liquor/Beer Hearing Officer for his recommendation to Council.

Councilman Holmes made the point that Council's judgement and concern is normally based upon the facts stated in the Police Department reports pertaining to each licensee. He felt that neglecting consideration of the Police Department reports and going ahead and approving the renewal, and then dealing with the subject matter of the report after the fact, is circumventing that which the Council is responsible for.

Mr. Holmes stated that only as a result of a plea bargain has this offense been dropped from a felony classification to a misdemeanor, but if the attitude of the Council is such to circumvent that which is its guidelines, then he wanted it to be aired that that is the way Council is functioning. He felt that Council is making a mockery out of that which it is charged with in the responsible stewardship of the licensing of beer and liquor outlets in Grand Junction.

Councilman Johnson stated that the Liquor Code provides that the conviction of a felony only is the grounds for denial of a license. Misdemeanor offenses may be considered as a matter in determining the character of the applicant. Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the recommendation of the City Attorney that the license be renewed and that the matter be referred to the Hearing Officer for review and recommendation to Council was accepted.

CONSIDERATION OF BIDS - AWARD OF CONTRACT - HORIZON DRIVE FROM I-70 TO H ROAD - ELAM CONSTRUCTION, INC. - \$571,195

Assistant City Manager Ron Ruskey reviewed the three bids that were received on February 4, 1983, for Horizon Drive, from I-70 to H Road. Bids were as follows:

Elam Construction, Inc. \$571,195.00  
Corn Construction Company \$601,327.90  
Peter Kiewit Sons' Company \$617,834.90  
Engineer's Estimate \$574,774.25

Staff recommends that the bid of Elam Construction Company in the amount of \$571,195.00 be accepted.

Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried with Councilwoman KREISSLER ABSTAINING, the contract for Horizon Drive from I-70 to H Road was awarded Elam Construction, Inc., in the amount of \$571,195.00 and the City Manager was authorized to sign said contract.

CONSIDERATION OF BIDS - AWARD OF CONTRACT - 1983 PARK AND CEMETERY FERTILIZATION AND WEED CONTROL - HIGH COUNTRY LAWNS - \$28,475 FOR PARKS, \$9,000 FOR CEMETERIES

Assistant City Manager Ron Ruskey reviewed the bids received February 4, 1983. Staff recommended that Don Mundy dba High Country Lawns be awarded the contract in two separate units - Parks \$28,475 and Cemeteries \$9,000. Both figures are under the estimates which were budgeted at \$35,000 and \$13,000 respectively, for the fertilization and weed control of City parks and cemetery for 1983.

Upon motion by Councilwoman Clark, seconded by Councilman Lucero and carried, the contract for fertilization and weed control for City parks and cemeteries in the amount of \$28,475 and \$9,000 respectively, was awarded High Country Lawns, and the City Manager was authorized to sign said contract.

HEARING - PROPOSED ORDINANCE REZONE FROM RSF-8 TO PR-10 AND VILLA PARK TOWNHOMES PRELIMINARY PLAN, S OF B-3/4 ROAD, APPROXIMATELY 240 FT E OF 27 ROAD

A hearing was held after proper notice on the petition to rezone from RSF-8 to PR-10 and Villa Park Townhomes preliminary plan, located south of B-3/4 Road, approximately 240 feet east of 27 Road. Planner Mary Ann Carlson reviewed the preliminary recommended approval of the plan with the stipulations that the drainage, the water and sewer lines, and the location of sidewalks be addressed. The developer has requested that a petition be drafted for an improvement district. Mr. Roger Foisy, Colorado West Engineering, representing the developer, appeared and requested that a decision be made by Council at this meeting. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried, the preliminary plan for Villa Park Townhomes, south of B-3/4 Road, approximately 240 feet east of 27 Road, was approved.

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 Councilwoman Clark and carried, the proposed ordinance was passed for publication.

ORDINANCE NO. 2106 - AMEND CHAPTER 5, AMUSEMENTS - COIN-OPERATED AMUSEMENT DEVICES

Proof of Publication on the following Ordinance has been received and filed. A copy of the Ordinance was submitted in writing to the City Council prior to the meeting.

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the proposed ordinance was called up for final passage and read by title only: AN ORDINANCE PROVIDING FOR A LICENSE AND LICENSE FEE FOR COIN-OPERATED SKILL OR AMUSEMENT DEVICES.

There were no comments. Upon motion by Councilwoman Clark, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the Ordinance was passed, adopted, numbered 2106, and ordered published.

CML CONFERENCE

Councilwoman Kreissler reported on her attendance at the CML Conference in Denver along with Councilman Johnson and City Manager Wysocki. She and Councilman Johnson also attended the CML Police Meeting the following day.

Councilman Johnson reported that there is a number of bills being introduced into the Legislature this year that are of major concern to the municipalities throughout the State of Colorado. Senate Bill No. 64 would modify the Police and Fire Pension benefits and reduce the retirement age from 60 to 55. It would put five more years of paying retirement benefits to a retiree, and the cities, under the present Bill, would be carrying a major part

of that cost.

Mr. Johnson stated that Council would have been very proud of Councilwoman Kreissler as she offered an amendment to the bill on developing funds for tourism. In its original form it provided that there would be a commission appointed by the Governor, but it did not say how that commission would be composed. Councilwoman Kreissler offered the recommendation that any commission that was appointed be on a regional basis rather than just at the whim of the Governor, so that all interests in tourism in the State would be represented and not just concentrated in the front range. That recommendation was adopted by the committee.

Councilman Lucero stated there were several bills that concerned giving more flexibility to municipal investments.

#### HOUSING AUTHORITY

Councilman Lucero reported that in approximately five weeks the Housing Authority will have completed its first unit which will be a model unit open for view.

#### AIRPORT

Councilwoman Clark reported that the Airport Authority is reviewing By-Laws now that the new terminal is completed. She suggested that Council be provided copies of the proposed By-Laws for review.

#### CLUB 20 MEETING

Councilwoman Clark reported on the Club 20 Meeting which took place on Saturday, February 12, 1983, at Two Rivers Plaza. The emphasis was Economic Development. She reported approximately 400 people were in attendance at the meeting.

#### MAYOR'S REPORT

President Brach's activities over the past two weeks:

1. Met with the Chamber of Commerce on Industrial Development;
2. Visited Orchard Mesa Pool twice;
3. Met with Insurance Underwriters;
4. Attended Special Olympics at the State Home (3rd Annual Basketball Tournament);
5. Attended Club 20 Meeting;
6. Attended Valentine Celebration at Veterans Administration Hospital saluting hospitalized Veterans;

7. Attended City/County Meeting;

8. Met with U.S. Wildlife & Fisheries on a proposed fish ladder on the Gunnison River;

9. Met with Representative Kogovsek and Representative of Majority Leaders Jim Wright.

ADJOURNMENT

The President adjourned the meeting.

Theresa F. Martinez

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Theresa F. Martinez  
Deputy City Clerk