

Grand Junction, Colorado

March 2, 1983

The City Council of the City of Grand Junction, Colorado, convened in regular session the 2nd day of March, 1983, at 7:30 p.m. in the 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 February 16, 1983, were approved as submitted.

#### LIQUOR LICENSE RENEWALS

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

The Jolly Jug, 220 W. Grand Avenue - Retail Liquor Store  
Horizon Liquors, 715 Horizon Drive - Retail Liquor Store  
Last Chance Liquor, 1203 Pitkin - Retail Liquor Store  
Ramada Inn, 718 Horizon Drive - Hotel-Restaurant  
Moose Lodge #270, 567 25-1/2 Road - Club

HEARING - APPLICATION BY FOLKLORICO DE LA GENTE LATINA FOR 3.2% BEER SPECIAL EVENTS PERMIT AT 500 BLOCK OF MAIN STREET MAY 7, 1983, 11 A.M. TO MIDNIGHT, CINCO DE MAYO CELEBRATION - FIRST PERMIT

A hearing was held after proper notice on the application by Folklorico de la Gente Latina for a 3.2% Beer Special Events Permit in the 500 Block of Main Street on May 7, 1983, from 11 a.m. to midnight for the Cinco de Mayo Celebration. Maria Loyd, 3045 Hall Drive, was present and responded to questions by Council. There were no opponents, letters, or counterpetitions. Upon motion by Councilwoman Kreissler, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO and Councilman LUCERO ABSTAINING, the application was approved.

#### ORDINANCES ON FINAL PASSAGE

Proofs of Publication for the following Ordinances numbered 2107, 2108 and 2109 have been received and filed. Copies of the proposed ordinances were submitted in writing to the City Council prior to the meeting.

ORDINANCE NO. 2107 - AUTHORIZING THE ISSUANCE OF A CITY OF GRAND JUNCTION, COLORADO, INDUSTRIAL REVENUE BOND (FIRST SECURITY SAVINGS & LOAN), SERIES 1983, IN THE PRINCIPAL AMOUNT OF \$1,500,000

Upon motion by Councilman Lucero, seconded by Councilman Dunn and carried with Councilman HOLMES voting NO, Ordinance No. 2107 was amended to provide that the proposed form of the Deposit Agreement be dated as of April 1; that Section 3 of the Ordinance be amended to show interest at the rate of 8.5% per annum and that the Bonds be sold to the purchaser for a price equal to 100%; and that Section 7 be amended to insert the name of Central Bank & Trust Company of Denver, dba Central Bank of Denver, as Trustee.

Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the Ordinance was called up for final passage as amended and the title only was read: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$1,500,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF GRAND JUNCTION, COLORADO, INDUSTRIAL DEVELOPMENT REVENUE BONDS (CERTIFICATE OF DEPOSIT PROGRAM) FIRST SECURITY SAVINGS AND LOAN ASSOCIATION--1983 SERIES A, TO FINANCE PROPERTY SUITABLE FOR COMMERCIAL OR BUSINESS ENTERPRISES; RATIFYING CERTAIN ACTIONS HERETOFORE TAKEN; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A DEPOSIT AGREEMENT, TRUST INDENTURE, BOND PURCHASE AGREEMENT, INDUCEMENT LETTER, SAID BONDS AND CLOSING DOCUMENTS IN CONNECTION THEREWITH; AND REPEALING ACTION HERETOFORE TAKEN IN CONFLICT HEREWITH.

There were no comments. Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried by roll call vote with Councilman HOLMES voting NO, the Ordinance was passed and adopted as amended, numbered 2107, and ordered published.

ORDINANCE NO. 2108 - AMENDING THE GOALS AND OBJECTIVES SECTION OF THE ZONING AND DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION AND AUTHORIZING PUBLICATION IN PAMPHLET FORM

Upon motion by Councilman Johnson, seconded by Councilwoman Kreissler and carried, the proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE AMENDING THE GOALS AND OBJECTIVES SECTION OF THE ZONING AND DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION.

There were no comments. Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried by roll call vote, the Ordinance was passed, adopted, numbered 2108, and ordered published in pamphlet form.

ORDINANCE NO. 2109 - REZONE FROM RSF-8 TO PR-10 TRACT OF LAND S OF

B-3/4 ROAD, APPROXIMATELY 240 FEET E OF 27 ROAD

Upon motion by Councilman Johnson, seconded by Councilman Lucero 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 Kreissler, seconded by Councilman Lucero and carried by roll call vote, the Ordinance was passed, adopted, numbered 2109, and ordered published.

RESOLUTION NO. 13-83 - SUPPORTING PASSAGE OF ANTI-TRUST LEGISLATION FOR LAND USE

The following resolution was read:

RESOLUTION NO. 13-83

A RESOLUTION CONCERNING PROTECTION FROM ANTITRUST LITIGATION ON LAND USE MATTERS.

WHEREAS, the State of Colorado relies upon local governments to plan for and regulate land use and should provide local governments and their taxpayers with sufficient protection to exercise that responsibility without the fear of expensive antitrust litigation and liability; and

WHEREAS, the exposure of municipalities in Colorado and throughout the country to antitrust lawsuits has been 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, may inhibit municipalities from enacting or enforcing land use regulations which protect the public health, safety and welfare, but which also may be deemed to restrict competition; and

WHEREAS, at least two Colorado municipalities, Aspen and Grand Lake, already have been sued under the antitrust laws for land use decisions with claimed damages, when trebled, exceeding \$100 billion; and

WHEREAS, other Colorado municipalities have been threatened with antitrust lawsuits for local land use decisions; and

WHEREAS, the cost to the taxpayers of Boulder, Colorado, in defending one federal antitrust lawsuit, which was settled prior to trial, exceeded \$250,000.00; and

WHEREAS, municipalities differ from private enterprise in that private enterprise is not charged with protecting the public

health, safety and welfare through land use planning and regulation; and

WHEREAS, numerous projections from municipal land use planning decisions and regulations, other than damages under the 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 General Assembly or the people of Colorado to modify the statutory or constitutional authority of Colorado's municipalities;

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

That the Colorado General Assembly should act as quickly as possible to adopt S.B. 211 and protect local governments and their taxpayers from expensive antitrust litigation and liability for local land use planning and regulation, and that the City of Grand Junction support efforts of the Colorado Municipal League in this regard.

PASSED and ADOPTED this 2nd day of March, 1983.

/s/ Louis R. Brach

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

#### TRANSPORTATION SYSTEMS

John King, 942 Santa Clara, Older American advocate, requested Council to reconsider its stand and participate in the transportation system for Mesa County -- \$40,000 to \$60,000.

Councilman Holmes and Councilwoman Clark said that when the County Commissioners took over the selling of the 2% County sales tax program, the City Council supported the County sales tax under the premises that the County Commissioners would take over the responsibility for the transportation program for the elderly and handicapped.

The City Manager recommended that this item be placed on the Council's next workshop agenda, and that Mr. King have a representative from Community Action attend the meeting.

#### AMERICAN FLAG AND SIGN CODE

Delbert Clement, 2153 Broadway, representative of patriotic organizations, requested information regarding the flying of the American Flag and the City's sign code. Don Warner, Planning Analyst, said he would meet with Mr. Clement on Thursday regarding his question.

#### GRAND JUNCTION DOWNTOWN ASSOCIATION MEETING

Councilman Dunn reported that the annual Downtown Association banquet was held March 1, 1983.

#### AIRPORT AUTHORITY

Councilman Dunn reported that there was an Airport Board meeting last Thursday; another meeting the 3rd of March; new management at the Aspen Tree Restaurant.

Councilwoman Clark discussed the Airport By-Law Revisions. She suggested that Council members give them ideas or thoughts on selecting members to the Authority.

#### COM ACT HOUSING

Councilman Lucero reported that ComAct has just acquired another home, and they will be looking for new occupants.

#### PARKS AND RECREATION

Councilwoman Kreissler reported that the Orchard Mesa Pool is going along very well.

Mayor Brach announced that Airport Board meetings are the first and third Thursday, each month, at 8:00 a.m. in the Board room at the terminal.

The Mayor reported that he would be the first member from the City on the Airport Authority who would need to be replaced. In order to initiate interviews and get someone selected to fill his position, Mayor Brach appointed a Committee of three, Betsy Clark, Chairman, Councilman Dunn, and Councilwoman Kreissler, to select one or two names for recommendation to Council.

#### LODGING TAX PROPOSAL COMMITTEE

Mayor Brach recommended that Councilman Dunn, Councilwoman Clark and Councilman Lucero meet and recommend to Council what the makeup of the Lodging Tax Committee should be; also how the money will be distributed, how it will be spent, and what will be done with any surplus. He suggested this Committee meet before the 14th of March and be prepared to report on that date.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk