

Grand Junction, Colorado

November 2, 1983

The City Council of the City of Grand Junction, Colorado, convened in regular session the 2nd day of November, 1983, at 7:30 p.m. in the City-County Auditorium at City Hall. Those present were Betsy Clark, Frank Dunn, Robert Holmes, Christine Kreissler, Mike Pacheco, Ray Phipps, and President of the Council Gary Lucero. Also present were City Attorney Gerald Ashby, City Manager Jim Wysocki, and City Clerk Neva Lockhart.

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

#### INVOCATION

Pastor Boaz.

#### MINUTES

Upon motion by Councilman Pacheco, seconded by Councilman Dunn and carried, the minutes of the regular meeting October 19, 1983, were approved as submitted.

PROCLAMATION DECLARING SATURDAY, NOVEMBER 12, 1983, "TIM AND RUTH HAWKINS DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING WEEK OF NOVEMBER 14 THROUGH 18, 1983, "GRAND JUNCTION DISTRIBUTIVE EDUCATION CLUBS OF AMERICA WEEK"

#### APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

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

Happy Joe's Pizza & Ice Cream Parlow, 2424 Hwy 50, #232, Mesa Mall (3.2% Beer)

Big Cheese Pizza, 1320 North Avenue (3.2% Beer)

Circle K Store No. 560, 2685 Unawep (3.2% Beer)

Centennial Liquors, 2721 N. 12th street (Retail Liquor store)

Talley's Bar B Que & Biscuit Factory, 623 Main Street (Beer-Wine)

The Winery, 642 Main Street (Hotel-Restaurant)

Eugene's, 546 Main Street (Hotel-Restaurant)

Casa di Italia, 1048 Independent Avenue (Hotel-Restaurant)

HEARING - DEVELOPMENT IN H.O. - TRUE VALUE HARDWARE STORE, 2686 HWY 50 SOUTH

A hearing was held after proper notice on the petition by Thomas Maddox, Safeway Stores, Inc., for development of a hardware store (True Value) on approximately 1.6 acres in an H.O. Zone. There

were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried, the development in H.O. Zone to permit True Value Hardware Store at 2886 Highway 50 was approved subject to the conditions of the Planning Commission.

HEARING - APPLICATION BY MOOSE LODGE #270 FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT NOVEMBER 19, 1983, 5 P.M. TO 2 A.M. AT 567 25/12 ROAD - SPONSORING FRUITA CO-OP AWARDS DINNER - 2ND PERMIT - APPROVED

A hearing was held after proper notice on the application by Moose Lodge #270 for a malt, vinous and spirituous liquor special events permit on November 19, 1983, from 5 p.m. to 2 a.m. at 567 251/2 Road to sponsor the Fruita Co-Op Awards Dinner.

John Krizman, Secretary of the organization, was present to speak for the permit. 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.

HEARING - APPLICATIONS BY THE GRAND JUNCTION DOWNTOWN ASSOCIATION FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMITS DECEMBER 2 AND DECEMBER 10, 1983, AT TWO RIVERS PLAZA, DECEMBER 17, 1983, AT LIFF AUDITORIUM - APPROVED - 5TH PERMIT

A hearing was held after proper notice on the applications by the Grand Junction Downtown Association for malt, vinous and spirituous liquor special events permits on the following dates and locations:

December 2, 1983, 4:30 p.m. to 2:00 a.m., Two Rivers Plaza, 159 Main Street, Sponsoring Ducks, Unlimited, Dinner Meeting

December 10, 1983, 6:00 p.m. to 2:00 a.m., Two Rivers Plaza, 159 Main Street, Sponsoring City of Grand Junction Employees Dinner-Dance

December 17, 1983, 6:30 p.m. to 2:00 a.m., Mesa College Liff Auditorium, Sponsoring First National Bank Christmas Banquet

Kathy Glenn, event manager, was present. There were no opponents, letters, or counterpetitions. Upon motion by Councilwoman Kreissler, seconded by Councilman Pacheco and carried with Councilman HOLMES voting NO, the applications were approved.

PROPOSED ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY, COMMUNITY HOSPITAL, 12TH TO WALNUT

The following entitled proposed ordinance was read: AN ORDINANCE VACATING A PORTION OF ROAD RIGHT-OF-WAY IN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried, the proposed ordinance was passed for

publication.

PROPOSED ORDINANCE AUTHORIZING ISSUANCE AND SALE OF \$1,425,000 INDUSTRIAL DEVELOPMENT REVENUE BONDS - POMA OF AMERICA, INC., PROJECT

The following entitled proposed ordinance was read: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$1,425,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF GRAND JUNCTION, COLORADO, INDUSTRIAL DEVELOPMENT REVENUE BONDS (POMA OF AMERICA, INC., PROJECT) SERIES 1983, TO FINANCE PROPERTY SUITABLE FOR COMMERCIAL OR BUSINESS ENTERPRISES; RATIFYING CERTAIN ACTIONS HERETOFORE TAKEN; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A LOAN AGREEMENT, INDENTURE OF TRUST, BOND PURCHASE AGREEMENT, SAID BONDS AND CLOSING DOCUMENTS IN CONNECTION THEREWITH, AND REPEALING ACTION HERETOFORE TAKEN IN CONFLICT HEREWITH. Upon motion by Councilman Phipps, seconded by Councilman Pacheco and carried with Councilman HOLMES voting NO, the proposed ordinance was passed for publication.

ORDINANCE ON FINAL PASSAGE - PROOFS OF PUBLICATION

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

ORDINANCE NO. 2151 - ISSUANCE OF TAX INCREMENT FINANCING BOND ANTICIPATION NOTES - AS AMENDED

Upon motion by Councilman Holmes, seconded by Councilman Pacheco and carried, the following entitled proposed ordinance was called up for final passage and the title and amendments were read: AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF GRAND JUNCTION, COLORADO, TAX INCREMENT BOND ANTICIPATION NOTES, DATED DECEMBER 1, 1983, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,250,000, FOR THE PURPOSE OF PROVIDING PUBLIC IMPROVEMENTS DESIGNED TO IMPROVE TRAFFIC AND PEDESTRIAN CIRCULATION WITHIN THE DOWNTOWN AREA.

There were no comments. Upon motion by Councilman Pacheco, seconded by Councilman Holmes and carried by roll call vote, the Ordinance was passed and adopted as amended, numbered 2151, and ordered published.

ORDINANCE NO. 2152 - REZONE FROM B-3 AND RMF-64 TO PB THE SE CORNER OF 12TH STREET AND WALNUT AVENUE

Upon motion by Councilman Holmes, seconded by Councilman Pacheco and carried, the following entitled proposed ordinance was called up for final passage and the title 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 Phipps, seconded by Councilman Dunn and carried by roll call vote, the Ordinance was passed, adopted, numbered 2152, and ordered published.

RESOLUTION NO. 65-83 SETTING MILL LEVY - 10 MILLS - APPROVED

The following Resolution was read:

RESOLUTION NO. 65-83

CITY OF GRAND JUNCTION 1984 BUDGET

IMPLEMENTING DOCUMENTS

LEVYING TAXES FOR THE YEAR 1984 IN THE CITY OF GRAND JUNCTION, COLORADO.

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

That there shall be and hereby is levied upon all taxable property within the limits of the City of Grand Junction, Colorado, for the year 1984 according to the assessed valuation of said property, a tax of ten (10) mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado, for the purpose of paying the expenses of the municipal government of said City and certain indebtedness of the City, for the fiscal year ending December 31, 1984.

ADOPTED AND APPROVED THIS 2nd day of November, 1984.

/s/ Gary A. Lucero

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

RESOLUTION NO. 66-83 REAUTHORIZING ISSUANCE AND SALE OF \$3,500,000 INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR WESTERN STATES MOTEL OPERATION, INC., HOLIDAY INN PROJECT APPROVED EXTENSION TO DECEMBER 12, 1984

The following Resolution was read:

RESOLUTION NO. 66-83

WHEREAS, the 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, C.R.S. 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 Operations, 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 has heretofore agreed to issue and sell such bonds in a total amount not to exceed \$3,500,000 to be issued and sold by December 12, 1983; and

WHEREAS, general economic conditions have precluded the Corporation from initiating the Projects in the one year period initially planned for initiation; and

WHEREAS, the Corporation has requested an extension of the original period in which the City and the Corporation shall have agreed to mutually acceptable terms for the Bonds and the sale and delivery thereof, for an additional one year period; and

WHEREAS, the City finds that the requested one-year extension is acceptable;

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

That the time period within which the issuance and sale of the Bonds is extended to December 12, 1984, subject to the conditions contained in the Inducement Resolution and the Memorandum of Agreement supporting it.

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

/s/ Gary A. Lucero

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

#### 12TH STREET AND PATTERSON ROAD MEDIAN

There was a lengthy discussion regarding the median on Patterson Road west of 12th Street. Comments were had from the following:

Joe Hambright, Attorney, representing Centennial Liquors located in Centennial Plaza at 12th and Patterson.

Don Pettygrove, Armstrong Engineers. Mr. Pettygrove submitted a proposal for the modification of the median at Mr. Hambright's request. Also a letter signed by Mr. Pettygrove and David M. Leonard, PE, Executive Vice President of Armstrong Engineers analyzing the traffic situation at the 12th and Patterson intersection which stated in part: "It is therefore our opinion that the proposed shortened median and left turn entrance from Patterson Road to Centennial Plaza and Hilltop Rehab Center, is in fact safer than traffic being rerouted to 12th Street and using the east Centennial Plaza entrances."

Mr. Hambright submitted a letter from Dennis Stahl, Hilltop Rehabilitation Hospital.

Richard Livingston, Attorney representing Mr. Dan Cubby the owner of Centennial Plaza. On behalf of Mr. Cubby, Mr. Livingston apologized for the fact that this matter has taken an undue amount of Council's time, and in particular that it came about in an after-the-fact fashion. Mr. Livingston said that through error on the part of the representatives of Mr. Cubby here in Grand Junction the individual who have business in Centennial Plaza were not given enough and sufficient notice to allow them to participate in the numerous meetings and decision-making processes that went on prior to the commencement of construction on this intersection. Mr. Livingston indicated confidence that something can be worked out with Hilltop House for the mutual driveway. Mr. Cubby asked Mr. Livingston to convey to Council that he is financially capable of financing the removal of the median to permit eastbound traffic to make a left turn into Centennial Plaza and to replace it should Council at some future date determine that for safety reasons the median should be replaced. One of the problems in making an absolute commitment was that the specific dollar amount was unknown. Mr. Livingston said that if the amount were to exceed \$25,000 he might have to come back to Council and ask for some kind of payment terms.

It was moved by Councilman Holmes that the decision arrived at during the workshop at which time there was a consensus of Council that what was in place was proper and that it should remain in place, and should it be proved that the median is not satisfactory

or workable then at that point Council should give consideration to an alternative. Motion lost for lack of a second.

Further discussion ensued. Comments were had from:

Dr. Ron Vincent, Oral Surgeon, owner of property in Centennial Plaza, 12th and Patterson.

Dr. Steve Kelly, Oral Surgeon, 12th and Patterson.

Jerry Henrycki, tenant at Centennial Plaza, 12th and Patterson.

Barbar Sirra, Travel Emporium, Centennial Plaza, 12th and Patterson.

Ken Reedy, City Engineer.

Councilman Pacheco and Councilman Phipps.

Councilwoman Kreissler suggested that the only motion that would even be reasonable would be: 1. Leave it as is because Council has the authority to do that; or 2. Table the item. Her concern was approving a plan that would be contingent upon Hilltop agreeing to a mutual driveway.

Upon motion by Councilman Dunn, seconded by Councilman Phipps and carried with Councilmembers HOLMES and KREISSLER voting NO, Council consented to the modification of the median proposed by Armstrong Engineers contingent upon:

1. Hilltop Rehabilitation Hospital Board of Directors consenting to the mutual driveway;
2. The City Engineer approving the design of the driveway;
3. The expense of the modification to the median being borne completely by the owners of Centennial Plaza; and
4. If in the future it is determined that by the shortening of this median it creates a danger, a hazard, for safety that the owners of Centennial Plaza will at their expense replace the median the way it is today.

The President declared a five-minute recess. Upon reconvening, all Council members were present.

#### ORCHARD AVENUE STORM DRAINAGE REPORT

The City Manager reported that the contract for the Orchard Avenue Storm Drainage Project is on schedule. Contract time is 45 days.

#### TEMPORARY LIGHTING FOR THE DOWNTOWN AREA

Staff was directed to investigate some temporary lighting for the

downtown area.

#### CORN CONSTRUCTION

Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried with Councilwoman KREISSLER ABSTAINING, a letter of telegram was authorized to be sent to Governor Lamm stating Council's support of Corn Construction Company and its relevance to the economy of the area and request reasonable consideration.

#### AIRPORT AUTHORITY

Councilman Dunn filed a report on the Airport. The Authority has received \$50,000 from Air Travel and they have agreed to start construction by March, 1984, on the hotel. There are two new airlines: Sky West and Rocky Mountain. Proposal for a ball January 20, 1984.

#### CML LEGISLATIVE POLICY MEETING

Council members Clark and Kreissler attended the recent CML Legislative Policy meeting. Minutes of the meeting will be submitted to Council soon.

#### PROPOSAL FOR COMBINED CITY-COUNTY ANIMAL CONTROL

Councilman Phipps reported that he had met with County representatives and with members of the Police Department regarding a combined City-County animal control. He indicated that a proposal will be submitted soon for consideration.

#### TRANSMISSION LINES - PUBLIC SERVICE

Councilman Lucero reported on a meeting he attended at Public Service regarding transmission lines and the upgrading of those lines as they affect the City.

#### ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk