

Grand Junction, Colorado

November 16, 1983

The City Council of the City of Grand Junction, Colorado, convened in regular session the 16th day of November, 1983, at 7:30 p.m. in the City-County Auditorium at City Hall. Those present were Betsy Clark, Frank Dunn, Christine Kreissler, Mike Pacheco, Ray Phipps, and President of the Council Gary Lucero. Councilman Robert Holmes was absent. 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 Dunn led in the Pledge of Allegiance.

INVOCATION

City Manager Jim Wysocki

MINUTES

Upon motion by Councilman Phipps, seconded by Councilman Dunn and carried, the minutes of the regular meeting November 2, 1983, were approved as submitted.

LIQUOR AND BEER - APPLICATIONS TO RENEW LICENSES APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the applications by the following businesses to renew liquor and beer licenses were approved:

Orchard Mesa Liquor, 2706 Highway 50 (Retail Liquor Store)  
The Office, 159 Colorado Avenue (Hotel-Restaurant)  
The Manhattan Delicatessen, 2889 North Avenue (3.2% Beer)  
The Reverse R Bar, 122 South 5th Street (Tavern)  
VFW Beye Lotz Grand Junction Post 1247, 1404 Ute (Tavern)  
Cafe Caravan, 105 Main Street (Hotel-Restaurant)

3.2% BEER - APPLICATIONS APPROVED FOR VARIOUS CHANGES AT ROCKY MOUNTAIN FOOD STORE, 459 PITKIN AVENUE

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the applications to change corporate name from Morrison Refining Company to Southwestern Refining Company, to change trade name from Penny Saver Service to Rocky Mountain Food Store, and a change in the corporate structure by adding Deborah Lynn Wiist as Secretary/Director to the license were approved.

3.2% BEER - APPLICATION BY PATRICK LANE BAILEY AND DONNA LEE BAILEY FOR 3.2% BEER LICENSE AT HAPPY JOE'S PIZZA & ICE CREAM PARLOR, 2424 HWY 6 & 50, MESA MALL, SPACE 232, APPROVED (CHANGE OF OWNERSHIP)

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and

carried, the application by Patrick Lane Bailey and Donna Lee Bailey for a 3.2% beer license at Happy Joe's Pizza & Ice Cream Parlow, 2424 Highway 6 & 50, Mesa Mall, Space 232, was approved. This was a change of ownership; license presently held by Colorado P.I.C., a Partnership.

HEARING - PROPOSED ORDINANCE RIGHT-OF-WAY VACATION ON A SECTION OF 15TH STREET, SOUTH OF WINTERS AVENUE

A hearing was held after proper notice on the petition by Colorado West Warehouses to vacate right-of-way on a section of 15th Street south of Winters Avenue. There were no opponents, letters or counterpetitions. The following entitled proposed ordinance was read: AN ORDINANCE VACATING A RIGHT-OF-WAY IN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE ZONING HOUSTON ENCLAVE ANNEXATION C-2, NW CORNER OF 251/2 ROAD AND INDEPENDENT AVENUE

A hearing was held after proper notice on the petition by the Planning Department to zone Houston Enclave Annexation C-2. The property is located at the northwest corner of 251/2 Road and Independent 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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilwoman Clark, seconded by Councilman Pacheco and carried, the proposed ordinance was passed for publication.

3.2% BEER - APPLICATION BY COLORADO SOCIAL CLUB, 2825 NORTH AVENUE, TO RENEW 3.2% BEER LICENSE APPROVED SUBJECT TO COUNCIL'S EVALUATION OF THE POLICE REPORT LISTING 7 OR 8 INCIDENTS AND PERHAPS FURTHER ACTION IN REGARD TO SUSPENSION OR REVOCATION OF THE LICENSE

The City Attorney advised Council that the Police Department report regarding the application by the Colorado Social Club to renew its 3.2% beer license came in rather late this afternoon. It listed some seven or eight incidents which may or may not reflect upon the operation of the club but they should be examined by the Staff and certainly by the City Council. Mr. Ashby recommended that the Council approve the application with the understanding that the application to renew the license was being approved subject to a later evaluation of the Police report and perhaps further action in regard to the suspension or revocation of the license. Upon motion by Councilwoman Clark, seconded by Councilman Phipps and carried, the application by the Colorado Social Club to renew its 3.2% beer license was approved with the understanding that the application was approved subject to a later evaluation of the Police Department report and perhaps further action in regard to the suspension or revocation of the license.

HOTEL-RESTAURANT LIQUOR LICENSE APPLICATION BY GRANDMET SITE SERVICES, INC., AND HOSPITALITY VENTURES CORP. TO RENEW HOTEL-RESTAURANT LIQUOR LICENSE AT THE ASPEN TREE, 2828 H ROAD, AIRPORT TERMINAL, SUBJECT TO FAVORABLE REPORTS FROM THE FIRE, HEALTH AND POLICE DEPARTMENTS

Tim Shawy, Manager of The Aspen Tree, 2828 H Road, Airport Terminal, was present to submit the application by Grandmet Site Services, Inc., and Hospitality Ventures Corporation to renew the hotel-restaurant liquor license at The Aspen Tree and to explain the reasons for the late filing. Upon motion by Councilman Dunn, seconded by Councilman Pacheco and carried with Councilwoman CLARK voting NO, the application to renew the hotel-restaurant liquor license at The Aspen Tree, 2828 H Road, Airport Terminal, was approved subject to receiving favorable reports from the Fire, Health and Police Departments.

HEARING - PROPOSED 1984 BUDGET - REVENUE SHARING FUNDS

A hearing was held after proper notice on the proposed 1984 Budget and the distribution of the 1984 Revenue Sharing Funds. Requests were had from the following people:

Juanita Ulibarri, Anciano Advocacy  
Christine Kreissler, Mesa County Council for Arts & Humanities  
Joe Skinner, Downtown Development Authority  
Bruce Kay, Partners, Inc.  
Representative, Attention to Youth  
Susanna Dosh, Domestic Violence Program

The hearing was closed. Decision for the distribution of revenue sharing funds to be made December 7, 1983.

HEARING - CONDITIONAL USE - DAY-CARE CENTER AT 130 AND 132 ORCHARD AVENUE - DECISION DECEMBER 7, 1983

A hearing was held on the petition by Randall Curtis and Richard Magor for conditional use to permit a day-care center on approximately .63 acre in a residential single-family zone at 5 units per acre at 130 and 132 Orchard Avenue. Janet Stephens of the Planning Department, stated that five (5) people were present at the Planning Commission hearing who were opposed; three (3) letters were received opposing any type of development on Orchard Avenue; six (6) were received which were in favor; and two (2) petitions were submitted favoring the conditional use -- one from the neighbors with 16 signatures, and one from the day-care parents and friends with 51 signatures. The Planning Commission recommended approval subject to signage, parking and the Traffic Engineer's concerns being addressed.

The President of the Council Gary Lucero noted the report from Janet Stephens listing the number of conditional uses granted by various Councils for day-care centers in single-family residential

zones and stated that this was not at all an unusual request and, in fact, was very consistent with how the Code reads and with what has been done in the past.

Victor Daniel, Attorney, was present representing the petitioners. Also speaking in favor was Rhonda Porter, 3208 Main Circle West, Clifton.

Opponents:

William R. Barter, 191 Orchard Avenue  
Georgia Munro, 350 Orchard Avenue. Ms. Munro submitted a petition signed by 125 people of which 61 live on Orchard Avenue.

Joan Raser, former Orchard Avenue resident now living in the Northridge Subdivision.

Hearing was closed. Resolution of Decision scheduled 12-6-83.

HEARING - PROPOSED ORDINANCE - I.D. ST-82 PHASES A, B, C  
ASSESSMENTS

A hearing was held after proper notice on the assessments for I.D. ST-82, Phases A, B and C. William M. Kane, Attorney for Etter and Epstein, entered an objection to assessment to the Etter-Epstein property in Phase C of the Improvement District on the basis that the amount of the assessment exceeds the special benefit to their property as a result of the improvements constructed pursuant to the Ordinance creating such Improvement Districts. He requested a hearing at the next meeting on December 7th so that he would have time to prepare for it. He was engaged by Mr. Etter on November 14. He offered to get an appraisal of the property before the next meeting.

Greg Bostrom, Manager of Pioneer Steel and Tube Distributors, Inc., filed a letter of protest November 10, 1983, stating that all costs associated with the improvements made for South 12th Street by the Improvement District should be directed to Colorado West Improvements, Inc., its successors, Richard L. Sparkman.

A letter from Jim Eisenhauer, Chairman of IDI, was acknowledged. Mr. Eisenhauer's concern was with the assessment for the 251/2 Road Improvements.

The hearing was continued to December 7, 1983, so that Mr. Kane could present his case in behalf of Etter-Epstein.

The following entitled proposed ordinance was read: AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. ST-82, PHASES A, B AND C, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST

AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS. Upon motion by Councilman Pacheco, seconded by Councilman Phipps and carried, the proposed ordinance was passed for publication.

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

#### PROPOSED ORDINANCE LICENSING MASSAGE PARLORS AND MASSAGISTS

The following entitled proposed ordinance was read: AN ORDINANCE DESIGNATING THE LOCAL LICENSING AUTHORITY IN THE CITY OF GRAND JUNCTION FOR THE LICENSING OF MASSAGE PARLORS IN THE CITY AND PROVIDING FOR THE LICENSING OF MASSAGISTS WITHIN THE CITY. Comments were had from Ed and Rowena Cohn, 604 N. 17th Street. A letter from Dr. Paul Farber, D.C., Ph.D., was presented for the file. Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the proposed ordinance was passed for publication. The City Attorney and the Chief of Police will meet with the group prior to December 7, 1983.

#### APPROPRIATIONS ORDINANCE FOR 1984 PROPOSED ORDINANCE

The following entitled proposed ordinance was read: AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1984, AND ENDING DECEMBER 31, 1984, AND FIXING THE SALARY OF THE CITY MANAGER OF SAID CITY. Comments were had from Tim McGauley, 2444 Bookcliff. Upon motion by Councilman Pacheco, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication.

#### PROPOSED ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS

The following entitled proposed ordinance was read: AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS. Upon motion by Councilwoman Clark, seconded by Councilman Pacheco and carried, the proposed ordinance was passed for publication.

#### PROPOSED ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$7,000,000 CITY OF GRAND JUNCTION, COLORADO, INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR THE FIRST NATIONAL BANK IN GRAND JUNCTION PROJECT

The following entitled proposed ordinance was read: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$7,000,000 CITY OF GRAND JUNCTION, COLORADO, INDUSTRIAL DEVELOPMENT REVENUE BONDS (FIRST NATIONAL BANK IN GRAND JUNCTION PROJECT) SERIES 1983 TO FINANCE A PROJECT FOR FIRST NATIONAL BANK IN GRAND JUNCTION; RATIFYING CERTAIN ACTION HERETOFORE TAKEN; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A MORTGAGE AND LOAN AGREEMENT, AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT, CLOSING DOCUMENTS AND SUCH BONDS IN CONNECTION THEREWITH; MAKING DETERMINATIONS AS TO THE SUFFICIENCY OF REVENUES AND AS TO OTHER MATTERS RELATED TO

THE PROJECT; AND REPEALING ACTION HERETOFORE TAKEN IN CONFLICT HEREWITH. Upon motion by Councilman Dunn, seconded by Councilman Pacheco and carried with Councilman Phipps ABSTAINING, the proposed ordinance was passed for publication. A special meeting of the City Council will be held on Wednesday, November 30, 1983, at 8:00 a.m. at which time a hearing on this proposed ordinance will be held prior to its final passage.

#### PROPOSED ORDINANCE CHANGING THE CHARGES FOR WATER IN THE CITY

The following entitled proposed ordinance was read: AN ORDINANCE CHANGING THE CHARGES FOR WATER IN THE CITY. Comments were had from Tim McGauley, 2444 Bookcliff, and John Thome, 1347 White. Upon motion by Councilman Phipps, seconded by Councilman Pacheco and carried, the proposed ordinance was passed for publication.

#### ORDINANCES ON FINAL PASSAGE - PROOFS OF PUBLICATION

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

#### ORDINANCE NO. 2153 - VACATING PORTION OF RIGHT-OF-WAY, COMMUNITY HOSPITAL, 12TH AND WALNUT

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the following entitled proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE VACATING A PORTION OF ROAD RIGHT OF WAY IN THE CITY OF GRAND JUNCTION. There were no comments. Upon motion by Councilman Pacheco, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed, adopted, numbered 2153, and ordered published.

#### HEARING - ORDINANCE NO. 2154 - AUTHORIZING ISSUANCE AND SALE OF \$1,425,000 INDUSTRIAL DEVELOPMENT REVENUE BONDS, POMA OF AMERICA, INC., PROJECT - AS AMENDED

A hearing was held after proper notice on the proposed adoption by the City Council of the following entitled proposed ordinance: 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. There were no opponents, letters or counterpetitions.

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the proposed ordinance was called up and the amendments

were read.

Upon motion by Councilman Phipps, seconded by Councilwoman Kreissler and carried, the amendments were approved.

Upon motion by Councilman Phipps, seconded by Councilman Pacheco and carried by roll call vote, the Ordinance was passed and adopted as amended, numbered 2154, and ordered published.

RESOLUTION NO. 67-83 LEVYING TAXES IN THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY (4.787 MILLS)

The following Resolution was read:

RESOLUTION NO. 67-83

LEVYING TAXES FOR THE YEAR 1983 IN THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY.

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

That in accordance with the provisions of 31-25-817 of Colorado Revised Statutes, 1973, there shall be and hereby is levied upon all taxable property within the Grand Junction, Colorado, Downtown Development Authority limits, for the year 1983 according to the assessed valuation of said property, a tax of four point seven eight seven (4.787) mills on the dollar (\$1.00) upon the total assessment of taxable property within the Grand Junction, Colorado, Downtown Development Authority, for the purpose of paying the expenses of said Authority for the fiscal year ending December 31, 1984.

APPROVED and ADOPTED this 16 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 Councilwoman Clark and carried by roll call vote, the Resolution was passed and adopted as read.

TEMPORARY LIGHTING FOR DOWNTOWN

The City Manager reported that the temporary lighting downtown is in place.

## 12TH AND PATTERSON

Public Works Director Jim Patterson reported that the meeting with Hilltop House representatives has occurred; the Hilltop Board will be considering the proposal for the mutual driveway with Centennial Plaza at their November 28 meeting. A meeting was also held with Armstrong Engineering to look at their proposed revised plans for the combination driveway. Mr. Patterson said that the City Engineers agreed that the plan Armstrong has proposed is about the best they can do given what they are going to try to accomplish at that location. Mr. Patterson said the department had also gotten a price from various people to modify the median. Peter Kiewit & Sons, who did the original work, submitted a proposal of \$30,921; an estimate from the Telephone Company to move a pedestal of \$2,542; an estimate from Public Service Company to relocate overhead power lines of about \$5,000; which comes to an estimated total of \$38,463 to revise the median. This figure does not include the relocating of the sidewalk which Centennial indicated they would do. According to Mr. Patterson, the proposal from Peter Kiewit & Sons seemed a bit high, and the Department would like to be prepared to offer it for bid should Hilltop House go with the mutual driveway.

## TRAFFIC SIGNAL SYNCHRONIZATION

Public Works Department Jim Patterson reported on Traffic Signal Synchronization at 12th and Patterson and in the downtown area. Prior to starting the work downtown, Mr. Patterson or his designees will check with the downtown merchants and let them determine the construction dates.

POLICE BUILDING (ENERGY IMPACT ASSISTANCE MONEY - \$175,000 ANTICIPATED)

The City Manager reported that \$175,000 of the line item budgeted for the Police Building will be anticipating Energy Impact Assistance money, so the General Fund contribution to that project remains at \$675,000. Application for the Energy Impact Assistance money will be made after the first of the year.

## AIRPORT AUTHORITY

Councilman Dunn reported on recent activities of the Airport Authority.

## AIM COMMITTEE

Councilman Pacheco reported that the AIM Committee received an excellent report on the recreation costs for both the City and the County with four recommendations for ways of approaching those costs in the future.

## PIAB



According to Councilman Pacheco, the PIAB Board met and discussed the stadium and other recreational costs.

#### RECREATION BOARD

Councilman Lucero reported on the Recreation Board meeting. He thought an item for discussion with the County Commissioners on Monday would be the County's use of the lottery money.

#### ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk