

Grand Junction, Colorado

January 4, 1984

The City Council of the City of Grand Junction, Colorado, convened in regular session the 4th day of January, 1984, 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 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

Pastor Bud Frazier.

MINUTES

Upon motion by Councilman Phipps, seconded by Councilwoman Clark and carried, the minutes of the December 31, 1983, meeting were approved as submitted.

PROCLAMATION DECLARING MONTH OF JANUARY, 1984, "NATIONAL VOLUNTEER BLOOD DONOR MONTH"

BEER - APPLICATIONS TO RENEW LICENSES APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried with Councilman HOLMES voting NO, the following applications for the renewal of 3.2% beer licenses were approved:

Pizza Hut, 601 North 1st Street

Pizza Hut, 704 Horizon Drive

Pizza Hut, 1440 North Avenue

APPLICATION BY KMOCO, INC. FOR 3.2% BEER LICENSE AT AMERICAN CONVENIENCE STORES, 2355 BELFORD AVENUE - APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried with Council members HOLMES and PACHECO voting NO, the application by KMOCO, Inc. for a 3.2% beer license at American Convenience Stores, 2355 Belford Avenue, was approved. This was a change of ownership. KMOCO, Inc., officers, directors and stockholders are: Keith J. Messinger, Jr. - 100%, and Floyd H. Dickerson.

HEARING - ORCHARD MESA LANES - AMENDMENT TO THE FINAL PLAN FOR AN INCREASED LOUNGE AREA, 295 27 ROAD - HOTEL-RESTAURANT LIQUOR LICENSE

Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried with Councilman HOLMES voting NO, the amendment to the final plan for Orchard Mesa Lanes to enlarge the lounge area in a planned business zone at 295 27 Road was approved.

HEARING - APPLICATION BY AIRPORT ART COMMITTEE FOR MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT FEBRUARY 3, 1984, 6 PM TO 2 AM AT THE AIRPORT TERMINAL, 2828 H ROAD - ART GALA BALL - 1ST PERMIT - APPROVED

A hearing was held after proper notice on the application by the Airport Art Committee for a malt, vinous and spirituous liquor special events permit for February 3, 1984, from 6 p.m. to 2 a.m. at the Airport Terminal, 2828 H Road, for the Art Gala Ball. Art Dodworth, 620 Rushmore, was present in behalf of the application. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried with Councilman HOLMES voting NO, the application was approved.

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 - ANIMAL CONTROL - TABLED

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the following entitled proposed ordinance was called up for final passage and the title read: AN ORDINANCE REPEALING AND REENACTING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION CONCERNING THE CONTROL OR PROHIBITION OF ANIMALS AND FOWL WITHIN THE CITY OF GRAND JUNCTION, COLORADO.

The City Attorney explained that the proposal with this ordinance was to make it exactly the same as the County's. Since the County had not seen the City's proposal, the City Attorney recommended the ordinance be tabled.

Comments were had from the following people: Dr. Darrell Schweitzer, 3198 Bunting; Dr. John Heideman, 3012 Poppy.

Councilwoman Clark reported a telephone call from Dr. Bob Marcus, 564 29 Road, who expressed similar concerns as did Dr. Schweitzer and Dr. Heideman. Councilwoman Kreissler expressed concern with the portion of the Ordinance dealing with the chaining or tying down of dogs in the back of pickup trucks. She would like the opportunity to discuss with the County Commissioners as to why they have it in place when they have no intentions of enforcing it, and she questioned whether or not it would need to be included in the City's portion of the Ordinance.

Councilman HOLMES said that he objected to the Ordinance in total. Upon motion by Councilman Holmes, seconded by Councilman Pacheco and carried the proposed ordinance was tabled.

ORDINANCE NO. 2166 - I.D. ST-82 SUPPLEMENTAL ASSESSMENT ORDINANCE

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the following entitled proposed ordinance was called up for final passage and the title was read: AN ORDINANCE ASSESSING CERTAIN PROPERTIES FOR IMPROVEMENTS UNDERTAKEN IN IMPROVEMENT DISTRICT NO. ST-82, PHASES A, B AND C IN THE CITY OF GRAND JUNCTION.

There were no comments. Upon motion by Councilwoman Kreissler seconded by Councilman Holmes and carried by roll call vote, the Ordinance was passed, adopted, numbered 2166, and ordered published.

ORDINANCE NO. 2167 - AMENDING ANNUAL APPROPRIATIONS ORDINANCE NO. 2159 - DOWNTOWN DEVELOPMENT AUTHORITY

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the following entitled proposed ordinance was called up for final passage and the title was read: AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF GRAND JUNCTION, THE SAME BEING ORDINANCE NO. 2159.

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 2167, and ordered published.

ORDINANCE NO. 2168 - SUPPLEMENTAL APPROPRIATIONS FOR 1983 - DDA

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the following entitled proposed ordinance was called up for final passage and the title was read: AN ORDINANCE MAKING A SUPPLEMENTAL APPROPRIATION FOR THE YEAR 1983 TO THE DOWNTOWN DEVELOPMENT AUTHORITY IMPROVEMENT FUND.

There were no comments. Upon motion by Councilman Phipps, seconded by Councilwoman Kreissler and carried by roll call vote, the Ordinance was passed, adopted, numbered 2168, and ordered published.

ORDINANCE NO. 2169 - AMENDING CHAPTER 25, SEWERS, INDUSTRIAL PRETREATMENT

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the following entitled proposed ordinance was called up for final passage and the title was read: AN ORDINANCE REPEALING ARTICLE X, SECTIONS 25-27 THROUGH 25-69 OF CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION ENTITLED INDUSTRIAL COST RECOVERY, REENACTING AND ADDING A NEW

ARTICLE ESTABLISHING UNIFORM REQUIREMENTS FOR USERS OF THE CITY'S AND COUNTY'S WASTEWATER TREATMENT WORKS, AND ENABLING THE CITY TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL WATER QUALITY AND SLUDGE DISPOSAL AND RELATING TO ARTICLE X, PRETREATMENT OF INDUSTRIAL WASTES.

There were no comments. Upon motion by Councilman Dunn, seconded by Councilman Pacheco and carried by roll call vote, the Ordinance was passed, adopted, numbered 2169, and ordered published in pamphlet form.

RESOLUTION NO. 1-84 PERMITTING ENCROACHMENT INTO PUBLIC RIGHT-OF-WAY FOR A 3-FT BY 25-FT BALCONY EXTENSION, CHAMBERLAIN ARCHITECTS BUILDING, 435 MAIN STREET

The following Resolution was read:

RESOLUTION NO. 1-84

PERMITTING THE ENCROACHMENT INTO THE AIR SPACE ABOVE PUBLIC RIGHT-OF-WAY IN THE CITY.

Recitals

Chamberlin Architects has petitioned the City Council for permission to construct a portion of a building on Lot 9, Block 118, City of Grand Junction, Mesa County, Colorado, into the air space above the public right-of-way for a distance of three (3) feet at eight (8) feet above the right-of-way. The City Council has previously indicated that, in certain areas of the City where conditions would permit, it would permit encroachment into the right-of-way.

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

That Chamberlin Architects be permitted to encroach into the air space at the eight-foot level a distance of three feet on the lot above-described in accordance with the plans attached hereto and proper safety conditions for the right-of-way.

PASSED and ADOPTED this 4th day of January, 1984.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Phipps, seconded by Councilman Pacheco

and carried by roll call vote, the Resolution was passed and adopted as read.

RESOLUTION NO. 2-84 GRANTING TEMPORARY CLOSING OF ELM AVENUE FROM COLLEGE PLACE TO 12TH STREET - MARCH 13, 1984, THROUGH MAY 15, 1984

The following Resolution was read:

RESOLUTION NO. 2-84

ALLOWING THE TEMPORARY CLOSING OF ELM AVENUE FROM COLLEGE PARK TO 12TH STREET

WHEREAS, Mesa College has sought the closing of Elm Avenue to through vehicular traffic from College Place to 12th Street in the City of Grand Junction in order to permit a better integration of the College grounds and facilities; and

WHEREAS, the City Council wishes to obtain information as to the impact of such a closing and believes that this information may be obtained by a temporary closing;

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

That Mesa College be permitted to close to through vehicular traffic that portion of Elm Avenue in the City from College Place to 12th Street for the period from March 13, 1984, to May 15, 1984, to develop information to permit the possible closing of the portion of street for future use by vehicles. The period selected covers time when the College is in session and a period when it is not. The temporary closing will be undertaken under the supervision of the Engineering Department of the City. A meeting will be held for neighborhood comment on May 3, 1984.

PASSED and ADOPTED this 4th day of January, 1984.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Comments were had from the following people: Conni McDonough Consultant representing Mesa College; Dr. Carl Wahlberg, Mesa College; letter from Barnicoats, 890 Texas Avenue; Colleen Warner, 850 Kennedy; Sigrid Carlson, 855 Kennedy; John Schoening, 907 Texas; Jim Bragdon, Traffic Engineer, Jack Ott, 901 Texas Avenue.

Upon motion by Councilwoman Kreissler, seconded by Councilman Pacheco and carried by roll call vote with Councilman HOLMES voting NO, the Resolution was passed and adopted as read. There will be a public meeting held on this issue May 3, 1984.

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

RESOLUTION NO. 3-84 SETTING FEES FOR CEMETERY USES

The following Resolution was read:

RESOLUTION NO. 3-84

SETTING FEES FOR CEMETERY USES

WHEREAS, it is now necessary to increase the charges in connection with the cemeteries to reflect increased costs;

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

1. That fees and charges for cemetery uses shall be as follows:

Opening and closing of graves:		
Regular....\$265.00		
Child (3 ft. x 5 ft.)....120.00		
Infant....90.00		
Perpetual Care....130.00		
Monument Setting (per sq ft)....10.00		
Grave Space....275.00		
Landscaping for Monuments....90.00		
Cremation Urns....115.00		

Disinterments....535.0 0	
Reinterments....265.00	
Addition to above charges when work is performed on weekends and holidays265.00	

2. This Resolution shall become effective January 9, 1984.

PASSED and ADOPTED this 4th day of January, 1984.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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.

LIQUOR AND BEER HEARING OFFICER'S RECOMMENDED DECISION IN THE MATTER OF HARRY M'S RESTAURANT AND DISCO - TEN-DAY (10) SUSPENSION HELD IN ABEYANCE SIX MONTHS (6) PENDING NO FURTHER VIOLATIONS

Copies of the recommendation by the Hearing Officer, Philip Coebergh, were made available to the City Council prior to the meeting. There were also an addendum from the Hearing Officer that was made available to the Council for its consideration. Comments were had from Carroll Multz, Attorney for Harry Mahleres, and Randall Pea4rce, Attorney for John Hardesty. It was moved by Councilman Phipps and seconded by Councilwoman Clark that the Hearing Officer's recommended decision and the addendum recommending a ten-day suspension with that suspension being held in abeyance for six months pending no further violations be adopted.

Councilman Holmes felt that a suspension was in order but that it not be held in abeyance for a six-month period.

Councilman Pacheco said that to hold the suspension in abeyance was to put the burden back on the people who had proven their case already.

Council members voting in favor of the motion: PHIPPS, KREISSLER, CLARK, DUNN, LUCERO.

Council members opposed to the motion: HOLMES, PACHECO.

LIQUOR AND BEER HEARING OFFICER'S RECOMMENDED DECISION IN THE MATTER OF QUINCY'S BAR LIQUOR HEARING - 3-DAY SUSPENSION IMPOSED EFFECTIVE JANUARY 5, 1984, THROUGH JANUARY 7, 1984

Copies of the Hearing Officer's recommendation were made available to the City Council prior to the meeting. Phil Freitas, owner of Quincy's Bar & Grill, 609 Main Street, was present with comments about the Hearing Officer's recommendations.

It was moved by Councilwoman Clark, seconded by Councilman Phipps that the Hearing Officer's recommendations be approved with a three-day (3) suspension being imposed against Quincy's as opposed to the seven-day (7) suspension recommended by the Hearing Officer, said suspension to commence January 5, 1984, ending January 7, 1984. Council members voting AYE: PHIPPS, KREISSLER, CLARK, DUNN, LUCERO. Council members voting NO: HOLMES, PACHECO.

Councilwomen Clark stated that when the Hearing Officer concept was developed, it was with the understanding that the program would be reviewed from time to time. With respect to the inconsistencies that appear to be apparent in the foregoing two hearings, she recommended that perhaps the time has come to review the process again with recommendations from the Council. The matter was taken under advisement.

TWO-YEAR CONCESSION AGREEMENT WITH ROY T. PIERCE FOR LINCOLN PARK POOL AND RALPH STOCKER MEMORIAL STADIUM

Upon motion by Councilwoman Clark, seconded by Councilwoman Kreissler and carried, the Concession Agreement for the Lincoln Park Pool and Ralph Stocker Memorial Stadium was approved.

ENGINEERING SELECTION COMMITTEE APPOINTMENTS

Mark Eckert, Bob Engleke, and Henry Fausson were appointed to the Engineering Selection Committee.

POLICE BUILDING REMODEL AND EXPANSION - VAN DEUSEN - ADDITIONAL FUNDING OF \$10,500 TO PROVIDE ADDITIONAL 2100 SQUARE FEET AND DETAILED SPECS FOR FURNISHINGS

Upon motion by Councilwoman Kreissler, seconded by Councilman Holmes and carried with Councilman PHIPPS voting NO, the agreement with Van Deusen and Associates was amended to provide \$10,500 additional professional fees to provide for 2100 square feet additional to the project and for detailed specs for the furnishing of the expansion.

MEETING WITH COUNTY COMMISSIONERS JANUARY 11, 1984, AT THE ASPEN

TREE

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk