

Grand Junction, Colorado

February 1, 1984

The City Council of the City of Grand Junction, Colorado, convened in regular session the first day of February, 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 Attorney-Acting City Manager Gerald Ashby and City Clerk Neva Lockhart.

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

INVOCATION

Council President Gary Lucero.

MINUTES

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the minutes of the regular meeting January 18, 1984, were approved as submitted.

SENIOR CITIZENS GOLF COMMITTEE SUBMITS PROPOSAL FOR GOLF COURSE FEES

Lawrence Aubert, representing the Senior Citizens Golf Committee submitted a proposal for golf course fees. A large delegation of Senior Citizens were in the audience. The Committee proposed the following schedule:

Annual Limited Senior Membership (Lincoln Park - Tiara Rado)\$1.00	
60 Years and Older (Monday through Friday)	
Additional Fee April 1 through October 31\$1.00 per 9 Holes	
Additional Fee January, February, March, November, December\$1.00 per Day	
Senior Non-Member\$2.00 per 9 Holes	

A meeting was schedule for next week with Mr. Ashby, Mr. Novack, and Mr. Aubert in attendance to work out a schedule and bring back to the next meeting of the Council.

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

LIQUOR - BEER - APPLICATIONS TO RENEW LICENSES APPROVED

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

The Corral, 539 Colorado Avenue (3.2% Beer)

Double RR Bar, 2879 North Avenue (Hotel-Restaurant)

BEER - APPLICATION BY BRADLEY PETROLEUM, INC., FOR 3.2% BEER LICENSE AT 2833 NORTH AVENUE - APPROVED - CHANGE OF OWNERSHIP

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by Bradley Petroleum, Inc., for a 3.2% beer license, sales for consumption off the premises of the licensee, at 2833 North Avenue, was approved. This was a change of ownership; license presently held by Ruth Oil Company dba Site Food mart. Officers, Directors and Stockholders: Bradley H. Calkins 100%, Kathryn V. Calkins, George W. Calkins, Peter A. Robinson.

LIQUOR - APPLICATION BY M & W OF G.J., INC., DBA HARRY M'S, 715 HORIZON DR, REGISTERING JACK L. LUDWIG AS MANAGER OF THE HOTEL-RESTAURANT LIQUOR LICENSE APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by M & W of Grand Junction, Inc., dba Harry M's, 715 Horizon Drive, registering Jack L. Ludwig as manager of the hotel-restaurant liquor license was approved.

LIQUOR - APPLICATION BY TORNIC, INC., FOR HOTEL-RESTAURANT LIQUOR LICENSE AT 748 NORTH AVENUE UNDER TRADE NAME OF MARIA'S APPROVED - CHANGE OF OWNERSHIP

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by Tornic, Inc., for a hotel-restaurant liquor license at 748 North Avenue under trade name of Maria's was approved. This was a change of ownership; license presently held by High Lonesome, Inc., Officers, Directors and Stockholders:

President/Director/Manager/Stockholder: Joseph C. Nicklas 33 1/3%

Secretary/Treasurer/Stockholder: Maria R. Nicklas jointly

Stockholders: Joseph I. Nicklas & Jean C. Nicklas 33-1/3%
Paul Torres & Mary E. Torres 33-1/3%

HEARING - APPLICATION BY 202 MAIN, INC., FOR RETAIL LIQUOR STORE LICENSE AT 202 MAIN STREET UNDER TRADE NAME OF TWO RIVERS WAREHOUSE LIQUORS - DECISION SCHEDULED FEBRUARY 15, 1984

A hearing was held after proper notice on the application by 202 Main, Inc., for a retail liquor store license at 202 Main Street under the trade name of Two Rivers Warehouse Liquors. The following report was read:

"On December 22, 1983, Joe Hambright, attorney for 202 Main, Inc., filed an application and supporting documentation for a retail liquor store license at 202 Main Street under the trade name of Two Rivers Warehouse Liquors. The application and supporting documents were reviewed and accepted, and the hearing date on the application for the license was set for February 1, 1984.

The display ad giving Notice of Hearing was published in The Daily Sentinel January 20, 1984, and the sign giving Notice of Hearing was posted on the property January 20, 1984.

Officers, Stockholders, Directors of the Corporation are:

President/Treasurer/Director/Stockholder: Frederick Blaine "Fritz" Easterberg 100%

Vice-President/Secretary: Joyce Aber

A survey of the area from Chipeta Avenue on the north, 7th Street on the east, South Avenue on the south, to Rice Street on the west, and including both sides of the street which are indicated as the boundaries, has been completed by Mrs. June Miller. Results:

1. Yes, I am in favor of the issuance of the license as I believe the needs of the neighborhood are not being met by existing outlets. 87

a. An owner of property in the neighborhood. 21

b. An employee or business lessee of property in the neighborhood. 48

c. An inhabitant of the neighborhood. 23

2. No, I am not in favor of the issuance of the license as I believe the needs of the neighborhood are being met by existing outlets. 37

a. An owner of property in the neighborhood. 6

b. An employee or business lessee of property in the neighborhood.
22

c. An inhabitant of the neighborhood. 9

Forms mailed in or hand delivered to the office (these forms may or may not have been distributed by June as opponents were using the same form with no apparent distinction or mark as to the circulator):

1. Yes, I am in favor of the issuance of the license as I believe the needs of the neighborhood are not being met by existing outlets. 69

a. An owner of property in the neighborhood. 7

b. An employee or business lessee of property in the neighborhood.
61

c. An inhabitant of the neighborhood. 3

2. No, I am not in favor of the issuance of the license as I believe the needs of the neighborhood are being met by existing outlets. 133

a. An owner of property in the neighborhood. 12

b. An employee or business lessee of property in the neighborhood.
103

c. An inhabitant of the neighborhood. 23

Forms turned in by Barney Barnett on 1-23-84: 292.

1. Yes, I am in favor of the issuance of the license as I believe the needs of the neighborhood are not being met by existing outlets. 12

a. An owner of property in the neighborhood. 3

b. An employee or business lessee of property in the neighborhood.
6

c. An inhabitant of the neighborhood. 3

2. No, I am not in favor of the issuance of the license as I believe the needs of the neighborhood are being met by existing outlets. 274

a. An owner of property in the neighborhood. 49

b. An employee or business lessee of property in the neighborhood.
164

c. An inhabitant of the neighborhood. 80

Petition from Clay Hanlon, attorney for applicant.

The building wherein the license is sought to be exercised is located more than 500 feet from any public or parochial school, college, university, or seminary.

The Police Department has not filed its background investigation report on the officers as of this date.

Similar-type outlets within one mile: 11 (count includes the three (3) within survey area). "

The map showing similar-type outlets was reviewed.

Clay Hanlon was the attorney representing the applicant. Mr. Hanlon submitted for the record a Statement from June Miller who was the agent hired by the City to do the independent survey of the neighborhood adjacent to the proposed liquor licensed outlet. Comments were had from Scott Ewing, 965 Pinyon Avenue, who was hired by the applicant to petition the downtown businesses for signatures. Frederick Easterberg, President of 202 Main, Inc., and the principal stockholder spoke on behalf of the granting of the license. Also speaking in favor were Dave Flatt, 743 Ash Drive, Joe Hambright, one of the lessors, Ray Watkins, 631 Braemer Circle, owner of a business at 4th and Main, and Dick Maynard, 607 26 Road, also owner of a business at 639 1/2 Main Street.

Opponents: Randall Pearce, representing four liquor store owners in the downtown area: State Liquors, Burgess Liquor, Jolly Jug, and Foresight Liquors. Bruce Bengel, 950 Rood, and owner of shoe store in the 500 block of Main Street; Rob Jenkins, 859 Ouray, Architect with business address at 620 Main Street; Nels Cary, Manager of State Liquors, 7th and Rood; Billie Burgess, 202 Ute, owner of Burgess Liquor Store; Linda Nichols, Foresight Liquor, 740 Pitkin; Barney Barnett, 714 26 Road, Stockholder in State Liquors; letter from Larry Dixon and Rex Malone, owners of Horizon Liquors located on Horizon Drive. Mr. Pearce submitted that the demand just isn't there for an additional retail liquor store license. The opponents felt the needs of the neighborhood were being adequately met.

Mr. Hanlon submitted closing remarks for the granting of the license, and in conclusion he said that if any Council member were to vote based solely on their own religion or moral beliefs, he would respectfully request that they consider disqualifying themselves to vote on it. He thought that was required under the statute, and he would respectfully request that they do that, although that would be up to the individual.

Councilman Holmes stated that "we are charged with a very strong stewardship in governing the licensing of such a product, just as much as if it were heroin . . ." He continued that the

insinuation that Mr. Hanlon might be asking for a religious or a moral abstinence in the vote has been sought before by people who have sat on the Council and have sought the removal of Councilman Holmes from this office because they thought his premise and his position was based on religious and moral attitude. He stated that his attitude is and has been based on fact and forty years as a registered pharmacist in the State of Colorado, and he would not abstain from voting on any issue involving the further distribution of alcohol or the licensing of it in the City of Grand Junction so long as he is privileged to sit in this seat.

A Resolution of Findings and Decision scheduled on the February 15, 1984, City Council agenda.

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

HEARING - APPLICATION BY HOMEBUILDERS ASSOCIATION OR NORTHWESTERN COLORADO INC., FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AT TWO RIVERS PLAZA, 159 MAIN STREET, MARCH 2, 1984, 12 NOON TO 2 A.M. FOR HOME & GARDEN SHOW AND VIP PARTY APPROVED - FIRST PERMIT

A hearing was held after proper notice on the application by the Homebuilders Association of Northwestern Colorado, Inc., for a malt, vinous and spirituous liquor special events permit at Two Rivers Plaza, 159 Main Street, on March 2, 1984, from 12:00 noon to 2:00 a.m. for the Grand Junction Home and Garden Show and a VIP party. John Ballagh was present for the application. There were no opponents, letters or counterpetitions. Upon motion by Councilman Phipps, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application was approved.

BIDS - AWARD OF CONTRACT 7TH STREET AND HORIZON DRIVE CANAL STRUCTURES - ELDORADO CONSTRUCTION - \$173,819.95

Bids were opened on the 7th Street and Horizon Drive Canal Structures project at 2:00 p.m. January 26, 1984. The project was bid with shotcrete slope paving and an alternate for shotcrete slope paving of poured in place concrete slope paving. The first bid in each case includes shotcrete slope paving and the second amount includes poured in place concrete slope paving. Results:

Kiewit Western Company	\$356,662.00
	382,662.00
John A. Young Building Contractor	\$282,087.78

295,117.78	
Francis Constructors, Inc.\$244,392.00	
248,792.00	
CCN ConstructionNo Bid	
\$235,192.34	
Commercial Services Construction Co.\$227,470.00	
228,470.00	
Corn Construction Company\$214,691.50	
217,091.50	
Franklin Construction Company\$199,043.00	
201,543.00	
Parkerson Construction, Inc.\$184,994.50	
186,994.50	
Engineer's Estimate\$204,305.00	
201,305.00	

Staff recommended award of the contract to Eldorado Construction for its low bid.

Upon motion by Councilman Holmes, seconded by Councilman Phipps and carried, the bids were accepted and the contract for the 7th Street and Horizon Drive Canal Structures were awarded to Eldorado Construction for its bid of \$173,819.95.

* Eldorado Construction\$173,819.95	
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178,819.95	
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BIDS - AWARD OF CONTRACT - SANITARY SEWER REPLACEMENTS COMMERCIAL SERVICES CONSTRUCTION COMPANY, INC. - \$55,973.30

Bids were received and opened January 25, 1984, for the Sanitary Sewer Replacements Project. Bidders were:

R.L. Atkins Construction, Inc. \$128,058.80	
Pioneer Construction Company 81,856.45	
Franklin Construction Company 74,865.70	
G.R. Construction, Inc. 70,055.84	
Parkerson Construction, Inc. 59,824.90	
John H. Young Building Contractor 58,460.74	
Commercial Services Construction Co., Inc. 55,973.30	
Engineer's Estimate 72,387.00	

Staff recommended award of contract to Commercial Services Construction Company, Inc., for its low bid. Upon motion by Councilman Holmes, seconded by Councilman Pacheco and carried, the bids were accepted and the contract for the Sanitary Sewer Replacements was awarded to Commercial Services Construction Company, Inc., for its bid of \$55,973.30.

BIDS - AWARD OF CONTRACT - DUGOUT REPLACEMENT AT LINCOLN PARK BASEBALL FIELD - ELDORADO CONSTRUCTION COMPANY - \$29,649.00

Bids were received and opened January 24, 1984, on the Dugout Replacement at Lincoln Park Baseball Field. Bidders were:

G & R Construction, Inc.\$36,300.00	
Eldorado Construction Company\$29,649.00	

Staff recommended award of contract to Eldorado Construction for its low bid. Upon motion by Councilman Pacheco, seconded by Councilman Holmes and carried, the bids were accepted and the contract for the Dugout Replacement at Lincoln Park Baseball Field was awarded to Eldorado Construction Company for its low bid of \$29,649.00.

HEARING - APPLICATION BY FOLKLORICO DE LA GENTE LATINA FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT FEBRUARY 25, 1984, FROM 8 P.M. TO 2 A.M. AT TWO RIVERS PLAZA, 159 MAIN ST, FOR DANCE - APPROVED - FIRST PERMIT

A hearing was held after proper notice on the application by Folklorico de La Gente Latina for a malt, vinous and spirituous liquor special events permit February 25, 1984, from 8 p.m. to 2 a.m. at Two Rivers Plaza, 159 Main Street, for a dance. Salvador Salas was present for the permit. There were no opponents, letters or counterpetitions. Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried with Councilman HOLMES voting NO, the application was approved.

PROPOSED ORDINANCE CONCERNING CHARGES FOR CERTAIN USES IN LINCOLN PARK

The following entitled proposed ordinance was read: AN ORDINANCE CONCERNING CHARGES FOR CERTAIN USES IN LINCOLN PARK. Upon motion by Councilman Pacheco, seconded by Councilman Dunn 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 prior to the meeting.

ORDINANCE NO. 2171 - AMENDING THE ZONING AND DEVELOPMENT CODE

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the following proposed ordinance was called up for final passage and the title was read: AN ORDINANCE AMENDING SECTIONS OF THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE CONCERNING PROPERTY LINE CONSTRUCTION WALLS IN BULK DEVELOPMENTS, SETBACKS IN THE RMF-6 ZONE, REAR AND SIDE YARD SETBACKS IN CERTAIN BUSINESS AND COMMERCIAL ZONES, ADDING "MAJOR SHOPPING CENTERS" TO

THE RETAIL BUSINESS-UNLIMITED, INSIDE AND ASSIGNING THAT USE TO CERTAIN ZONES, EXPANSION OF NON-CONFORMING USES, TEMPORARY SIGNS, CORPORATE FLAGS, THE DEFINITION OF A SIGN, WIND-DRIVEN SIGNS, APPLICATION FEES FOR MINOR CHANGES UNDER THE CODE.

There were no comments. Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried by roll call vote, with Councilman PHIPPS ABSTAINING, the Ordinance was passed, adopted, numbered 2171, and ordered published.

ORDINANCE NO. 2172 - LOUIS ANNEXATION, NE CORNER 7TH STREET AND HORIZON DRIVE

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the following proposed ordinance was called up for final passage and the title was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

There were no comments. Upon motion by Councilman Holmes, seconded by Councilman Pacheco and carried by roll call vote, the Ordinance was passed, adopted, numbered 2172 and ordered published.

RESOLUTION NO. 6-84 - AUTHORIZING CONVEYANCE OF DOWNTOWN PROPERTY TO DDA - APPROVED

The following Resolution was read:

RESOLUTION NO. 6-84

AUTHORIZING THE CONVEYANCE OF LANDS TO THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY.

WHEREAS, the City of Grand Junction is the owner of certain lands in the City, Mesa County, Colorado, described as:

Lots 16, 17, 18 and the E2 of Lots 19 and 20, in Block 116, CITY OF GRAND JUNCTION:

and

WHEREAS, the lands were obtained with monies obtained through tax increment financing within the Grand Junction, Colorado, Downtown Development Authority, and are not used or held for park or governmental purpose; and

WHEREAS, the lands should be conveyed to the Authority in furtherance of the purposes of the Authority;

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

That Acting City Manager Gerald J. Ashby be authorized and directed on behalf of the City and as the act of the City, as Commissioner to Convey, to convey the said lands to the Grand

Junction, Colorado, Downtown Development Authority.

PASSED and ADOPTED this 1st day of February, 1984.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

HEARING - RESOLUTION NO. 7-84 DECLARING THE INTENTION OF GRAND JUNCTION, COLORADO, TO ISSUE \$15,000,000 INDUSTRIAL DEVELOPMENT REVENUE BONDS TO FINANCE THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF A COMMERCIAL HOTEL PROJECT TO BE OWNED BY ALLIED ENTERPRISES, A COLORADO LIMITED PARTNERSHIP - APPROVED

The title of the following Resolution was read:

RESOLUTION NO. 7-84

RESOLUTION DECLARING THE INTENTION OF GRAND JUNCTION, COLORADO, TO ISSUE INDUSTRIAL DEVELOPMENT REVENUE BONDS TO FINANCE THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF A COMMERCIAL HOTEL PROJECT TO BE OWNED BY ALLIED ENTERPRISES, A COLORADO LIMITED PARTNERSHIP.

WHEREAS, Grand Junction, Colorado (the "City") is a municipal corporation, body politic and a political subdivision of the State of Colorado, created and existing under and by virtue of Article XX of the Colorado Constitution and Title 31 of the Colorado Revised Statutes (1973), as amended; and

WHEREAS, the City is authorized and empowered by the provisions of the Colorado County and Municipality Development Revenue Bond Act, Article 3, Title 29, Colorado Revised Statutes (1973), as amended (the "Act"), to issue industrial development revenue bonds (the "Bonds") for the purpose of defraying the cost of financing, acquiring, and equipping any projects for industrial, manufacturing, commercial and other business purposes, upon such terms and conditions as the City may deem advisable; and

WHEREAS, in order to promote industry and develop trade or other economic activity by inducing industrial, manufacturing, commercial and other business enterprises to locate, expand or remain in the State of Colorado and the City, the City proposes to

finance the acquisition, construction, improvement and equipping of land and facilities located within the boundaries of the City to be used as a hotel and for related purposes (the "Project"). The Project will be owned by Allied Enterprises, a Colorado limited partnership, or assigns (the "Company"); and

WHEREAS, the Company is reluctant to take steps toward the realization and completion of the Project without satisfactory assurance from the City that the proceeds of the sale of the Bonds of the City will be made available to finance the development of such Project; and

WHEREAS, it is deemed necessary and advisable for the development, welfare and prosperity of the City and its inhabitants that the Project be constructed, and that the City take such action as may be required under applicable statutory provisions to induce the issuance of its Bonds to finance the cost thereof, to an aggregate amount not exceeding \$15,000,000, and comply with the "official action" requirements to the regulations promulgated under Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code").

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

Section 1. The City Council finds that the Project is a "project" within the meaning of the Act, and that in order to assure that the Project be and remain located within the boundaries of the City, with the resulting public benefits which flow therefrom, the City will, subject to the limitations and conditions set forth in Sections 2 and 3 of this resolution, (a) authorize the issuance and sale of its Bonds in the amount of approximately \$15,000,000; (b) loan the proceeds of the sale thereof to the Company, or to otherwise provide such proceeds to the Company or cause such proceeds to be provided to the Company, directly or indirectly, to finance in part the costs of the Project; and (c) take, or cause to be taken, such other action and adopt such further proceedings as may be required to implement the foregoing undertakings or as it may be deemed appropriate in pursuance thereof.

Section 2. The Bonds shall be special, limited obligations of the City payable solely from the revenues and receipts of the City derived from the loan to the Company and from such other revenues and receipts of the City as may be expressly pledged by the City to secure the payment of such revenue bonds, and shall not be guaranteed by the City or secured with a pledge of the credit or taxing power of the City.

Section 3. All commitments of the City under Section 1 hereof with regard to the issuance and sale of the Bonds and the loan of the proceeds of sale to the Company are expressly contingent upon:

(a) compliance with, and the obtaining of all approvals required by, applicable law;

(b) the approvals of the appropriate officers, partners or directors of the Company;

* be mutually satisfactory to the City and the company) the City and the Company

(c) the condition that on or before one year from the date hereof (or such other date as shall*have agreed to mutually acceptable terms for the issuance, sale and delivery of the Bonds and related agreements and proceedings;

(d) compliance with all conditions, covenants, terms and requirements of City guidelines, policies and directives as previously established or as may be hereafter established by the City, including the payment of any fees to the City; and

(e) indemnification of the City against any costs, expenses or damages arising from or connected with the offer and sale of the bonds, the loan of the Bonds' sale proceeds and the payment or default in payment of principal or interest on the Bonds.

Section 4. The City hereby finds, determines and declares that the City intends that this resolution constitutes official action toward the issuance of industrial development revenue bonds within the meaning of the regulations under Section 103(b) of the Code.

Section 5. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. The City Council considers that this resolution is necessary and in the best interest of the City, and therefore, it shall become effective immediately upon its passage, approval and adoption.

PASSED and ADOPTED this 1st day of February, 1984.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart

City Clerk

J. King Clemons, 2561 I Road, Chairman of the IRB Committee, reported to Council the recommendation of the Committee to deny this petition by a three to two vote. Paul Penner, Partner with Allied Enterprises, 2707 S. Fenton, Denver, Colorado, spoke for the Resolution. Bill Love, Chairman of the Airport Authority, also spoke for the Resolution. Randall Pearce, Attorney for the Airport Authority, offered comments regarding the lease of the ground

where the hotel will be constructed.

Opponents: Tab Hoyt, 2904 Dawn Drive, President of the Mesa County Motel Association; Gail Madsen, Nine Iron Drive; Joe Frampton, 733 Horizon Drive; Dennis Sanfilippo, 743 Horizon Drive, representing Hilton Hotel.

Upon motion by Councilwoman Clark, seconded by Councilman Phipps and carried by roll call vote with Councilman HOLMES voting NO, the Resolution was passed and adopted as read.

RESOLUTION NO. 8-84 RE: MOBILE HOME LEGISLATION

The following Resolution was read:

RESOLUTION NO. 8-84

EXPRESSING OPPOSITION TO S.B. 102 HOUSING ZONING

WHEREAS, local land use decisions should be made by local governments, not by state government; and

WHEREAS, S.B. 102 provides state interference with local land use decision on the siting of manufactured housing, mobile homes and modular homes; and

WHEREAS, S.B. 102 is unclear in its meaning and application, creating potential administrative and enforcement problems for municipal and county officials, including the potential for expensive litigation against local governments; and

WHEREAS, S.B. 102 could lean to additional costs for municipalities in adjusting local land use regulations; and

WHEREAS, S.B. 102 is unnecessary because the City of Grand Junction currently permits manufactured housing, including mobile homes, within the City limits, subject to appropriate local regulation; and

WHEREAS, the City of Grand Junction has worked to facilitate affordable housing, such as Walnut Park Apartments and Ratekin Tower;

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

That the Colorado General Assembly should defeat S.B. 102 and prevent this unneeded interference in local control of land use and zoning, and that the City support efforts of the Colorado Municipal League in this regard.

PASSED and ADOPTED this 1st day of February, 1984.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart

City Clerk

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

RESOLUTION NO. 9-84 RE: ANTI-TRUST LEGISLATION

The following Resolution was read:

RESOLUTION NO. 9-84

EXPRESSING SUPPORT FOR H.B. 1254 LAND USE ANTITRUST IMMUNITY.

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 three Colorado municipalities, Aspen, Grand Lake and Greenwood Village, already have been sued under the antitrust laws for land use decisions with claimed damages, when trebled, exceeding \$400 million; 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; 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 protections from municipal land use planning decisions and regulations, other than damages under the antitrust laws, are available such as public notice, public hearings, 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 the State 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 H.B. 1254 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 1st day of February, 1984.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart

City Clerk

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

PARKING PROBLEMS AT FIRST AND GUNNISON

The City Attorney reported on the conversations he had with Mr. Frank Simonetti regarding parking in the area of First and Gunnison. Signing of the streets was not felt to be a resolution of the problem. Sandra Donnelly, 3084 Evanston, Manager of the American Beauty College, addressed the problems the College would have in attempting to provide off-street parking for the students.

The City Attorney suggested that more time be given to the participants in this issue. He suggested that he meet next week with Don Warner, Mr. Simonetti, and Ms. Donnelly.

CML - TELEPHONE RATE INCREASES

This item was placed on the agenda to get the consensus of Council. The City will participate with payment of funds to CML on the latest Telephone Company proposed rate increase. Upon motion by Councilman Pacheco, seconded by Councilwoman Clark and carried,

the expenditure was authorized.

ASSOCIATED GOVERNMENTS OF WESTERN COLORADO - \$5000 ANNUAL DUES

Upon motion by Councilman Pacheco, seconded by Councilwoman Clark and carried, the \$5,000 annual dues payment to Associated Governments of Western Colorado was authorized.

ORCHARD MESA POOL - EXPANSION OF PARKING LOT, CORN CONSTRUCTION - \$4,300

Upon motion by Councilman Pacheco, seconded by Councilwoman Clark and carried, the proposed expansion of the parking lot at the Orchard Mesa Pool for 27 additional spaces for a cost of \$4,300 payable to Corn Construction was approved.

CONTRACT WITH BANNER ASSOCIATES, INC., FOR 15TH STREET BRIDGE - \$10,100 LUMP SUM

Upon motion by Councilman Pacheco, seconded by Councilman Dunn and carried, the Contract with Banner Associates, Inc., for that engineering and design for the 15th Street Bridge was approved.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk