

Grand Junction, Colorado

June 6, 1984

The City Council of the City of Grand Junction, Colorado, convened in regular session the 6th day of June, 1984, in the City-County Auditorium at City Hall. Those present were Betsy Clark, Frank Dunn, Robert Holmes, Gary Lucero, Ray Phipps, and President of the Council Mike Pacheco. Councilwoman Christine Kreissler was absent. Also present were City Manager Mark Achen, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

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

INVOCATION

Councilman Robert Holmes.

MOMENT OF SILENCE IN RECOGNITION OF GRAND JUNCTION WORLD WAR II VETERANS AND THOSE WHO PARTICIPATED IN D DAY INVASION FORTY YEARS AGO

MINUTES

Upon motion by Councilwoman Clark, seconded by Councilman Dunn and carried, the minutes of the regular meeting May 16, 1984, and the minutes of the special meeting May 25, 1984, were approved as submitted.

COUNCIL COMMITTEE ASSIGNMENTS

The President of the Council made the following Council Committee Assignments:

CommitteeAssignee	
AIM (ACTION IN MESA COUNTY) Gary Lucero	
ARCHITECTURAL & ENGINEERING SELECTION COMMITTEEMark Achen and Designated Department Head	
ASSOCIATED GOVERNMENTS OF NORTHWEST COLORADOLarry McNeese	
COLORADO MUNICIPAL LEAGUE (POLICY COMMITTEE) Christine Kreissler	

COMACT HOUSING Betsy Clark	
DDA (DOWNTOWN DEVELOPMENT AUTHORITY) Christine Kreissler	
DOMINGUEZ DAM PROJECT Louis Brach	
EMPLOYEES' SUPPLEMENTAL RETIREMENT BOARD Frank Dunn	
ENERGY IMPACT ASSISTANCE TEAM Gary Lucero	
FIRE PENSION BOARD (MAYOR) Mike Pacheco	
GRAND JUNCTION HOUSING AUTHORITY Ray Phipps	
MUNICIPAL COURT COMMITTEE Robert Holmes	
PIAB (PARKS IMPROVEMENT ADVISORY BOARD) Gary Lucero	
RECREATION BOARD Christine Kreissler	
TPAC (TRANSPORTATION POLICY ADVISORY COMMITTEE) Betsy Clark	
VALLEY WIDE SEWER COMMITTEE Christine Kreissler	
WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY Frank Dunn	
WATER COMMITTEE Christine Kreissler, Gary Lucero, Ray Phipps	

APPOINTMENTS TO DOWNTOWN DEVELOPMENT AUTHORITY (DDA)

Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried, Terry Colony and Dick Will were reappointed to the Downtown Development Authority for four-year terms, and Tom Stuckey and Will Williams were appointed to serve one-year unexpired terms.

MESA COUNTY TAXI CAB COMPANY TO PROVIDE NEW SERVICE, TIPSY TAXI

Don Bittle, General Manager of the Mesa County Taxi Cab Company, reported to Council that his company has started a new service to local residents, Tippy Taxi.

AMBULANCE TRANSPORTATION SERVICES AND CONTRACTS

Lee Kelley, Manager of Quality Ambulance Services of Grand Junction, appeared before Council and stated that as of two days ago he had intended to come before Council and request a citizen advisory committee to work with the group in the negotiations for an ambulance transportation system in the area. However, Mr. Kelley submitted that as of two days ago it appeared that the Fire Department had decided they would work with Monument Ambulance Company as a partner and screen calls for Monument Ambulance Service and Rocky Mountain HMO Insurance Company. He stated that this effectively eliminates his company from any emergency 911 calls. He informed Council that it would receive a letter from the owner of Quality Ambulance in the next few days, also Fire Chief Mantlo, outlining the conditions that were presented to the owner when he came up here. Mr. Kelley charged that the conditions have not been met, in fact, just the opposite. Mr. Kelley stated that he talked with Chief Mantlo after he learned about the screening of calls on the contract with HMO and Monument Ambulance Service. Mr. Kelley said that he told Chief Mantlo he did not think it was the proper thing to do and according to Mr. Kelley the Fire Chief basically let him know that he was not going to change, that that was the way it was going to be. Mr. Kelley consulted his attorneys and started them on a research for an antitrust suit. The antitrust suit would be filed as a last resort or if any of the following listed conditions exist by the time they are ready to file:

1. They will require that the City start enforcing so that the Fire Department will not violate the 911 line. Mr. Kelley charged that it's a captive audience line and allows the Fire Department to control all 911 calls that come in. He said they would insist that every other one of the 911 calls that affect the Grand Junction rescue area be relayed to his company. Verification that this was done must be supplied to his company daily.

2. The Fire Department must cease to transport any patient at any time unless there are no other ambulance companies available. Mr. Kelley stated that as long as the City charges to transport it is in unfair competition as far as the Sherman Antitrust Laws are concerned and his company would have to request that this be enforced. He charged that the Fire Department has been doing this illegally since November 18, 1983. His company would request that it be reimbursed for all transports that have required a paramedic.

3. That the City Council adopt a response and transportation system for the Grand Junction area that uses all qualified services to provide the best EMS system available.

4. They will insist that the Fire Department cease supplying paramedic transportation on the basis of a patient having HMO insurance.

5. The Fire Department will not screen patients for Monument Ambulance on the basis of HMO insurance.

Mr. Kelley's comments were received for consideration.

LIQUOR-BEER - APPLICATIONS TO RENEW LICENSES APPROVED 3 LICENSEES WITH ALLEGED VIOLATIONS TO BE TURNED OVER TO HEARING OFFICER

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 subject to the alleged violations lodged against the Grand Junction Hilton Hotel, the Cork 'N Embers, and Circle K Food Store No. 782 being turned over to the Hearing Officer, with the understanding that the approval of the applications to renew the licenses would not waive any position that the Council may have either to suspend or revoke the license if the results of the hearing indicate that that action should be taken either by the Council or the Hearing Officer:

H.J. Huston's, 2889 North Avenue (Hotel-Restaurant)
Grand Junction Hilton Hotel, 743 Horizon Drive (Hotel-Restaurant)
Rodeway Inn, 2790 Crossroads Blvd. (Hotel-Restaurant)
Cork 'N Embers, 105 N. 2nd Street (Tavern)
Circle K Food Store No. 782, 1st and Chipeta (3.2% Beer)
Skipper's, 2826 North Avenue (3.2% Beer)

Councilman Holmes restated his position as opposed to approving applications to renew licenses where there are alleged violations.

LIQUOR - APPLICATION BY LILLET CORPORATION DBA GRAND JUNCTION HILTON HOTEL, 743 HORIZON DRIVE, TO REGISTER DON W. BRAMER AS MANAGER

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by the Lillet Corporation dba Grand Junction Hilton Hotel, 743 Horizon Drive, to register Don W. Bramer as manager was approved.

LIQUOR - APPLICATION BY LAURA GWEN GOERKE, GARY MACK SMITH AND D. PEARL SMITH, S & G PARTNERSHIP, FOR RETAIL LIQUOR STORE LICENSE AT 401 NORTH AVENUE UNDER TRADE NAME OF ANDY'S LIQUORS APPROVED (CHANGE OF OWNERSHIP)

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by Laura Gwen Goerke, Gary Mack Smith, and D. Pearl Smith, S & G Partnership, for a retail liquor store license at 401 North Avenue under the trade name of Andy's Liquors was approved. This was a

change of ownership; license presently held by Michael A. Walisky.

BEER - APPLICATION BY SAFEWAY STORES, INC., TO ADD BERNAT ROSNER TO THE BOARD OF DIRECTORS OF THE CORPORATION

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by Safeway Stores, Inc., to add Bernat Rosner to the Board of Directors of the Corporation was approved. There are three Safeway stores within the corporate limits of the City of Grand Junction:

23rd Street and North Avenue
644 North Avenue
2692 Highway 50

HEARING - CITY OF GRAND JUNCTION COMPREHENSIVE PLAN - TRANSPORTATION, CHAPTER 11 - REMOVED FROM AGENDA BY CONSENT OF COUNCIL

HEARING - PROPOSED ORDINANCE - REZONE FROM B-1 TO PB AND COLORAMO CREDIT UNION FINAL PLAN, 910 MAIN STREET

A hearing was held after proper notice on the petition by Marilyn Haller, Coloramo Credit Union, to change from limited business zone to planned business zone and a final plan on approximately .21 acre at 910 Main Street. 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 CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Phipps, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication.

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the Final Plan for Coloramo Credit Union on approximately .21 acre at 910 Main Street was approved subject to the conditions of the Planning Commission.

HEARING - REPLAT OF LOT 1, CROSSROADS WEST FILING #2, MINOR SUBDIVISION

A hearing was held after proper notice on the petition by GiBe Investments, Ken Shrum, for two (2) lots on approximately .51 acre in a Planned Residential Zone at Four (4) units per acre located at the southeast corner of 12th Street and Crossroads Boulevard. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the replat of Lot 1, Crossroads West Filing #2 Minor Subdivision was approved.

HEARING - PROPOSED ORDINANCE ZONE REA #2 ANNEXATION C-2, 28 ROAD AND I-70 BUSINESS LOOP

A hearing was held after proper notice on the petition to zone REA #2 Annexation to C2. This property is located at 28 Road and I-70 Business Loop. 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 Councilman Dunn, seconded by Councilman Lucero and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE ZONE SPERBER ANNEXATION RSF-4, LOCATED E OF 26 1/2 ROAD AT SPERBER LANE

A hearing was held after proper notice on the petition to zone Sperber Annexation to RSF-4. This property is located east of 26 1/2 Road at Sperber Lane. 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 Councilman Phipps, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE AMENDING GRAND JUNCTION ZONING AND DEVELOPMENT CODE PERMITTING CERTAIN TEMPORARY STREET BANNERS IN THE CITY

A hearing was held after proper notice on the petition for amendment to the Grand Junction Zoning and Development Code regarding banners. Councilwoman Clark stated that it appeared inappropriate to charge a fee for the installation, removal, and maintenance of banners promoting certain activities such as JUCO Tournament, Coors Bicycle Classic and other events. The clause requiring a reasonable fee was stricken from the proposed ordinance. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was read; AN ORDINANCE PERMITTING CERTAIN TEMPORARY STREET BANNERS IN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication.

HEARING - I.D. ST-84, PHASES A AND B, VARIOUS STREETS, AND 7TH STREET FROM F ROAD TO HORIZON DRIVE - RESOLUTION NO. 32-84 CREATING DISTRICT - CONSTRUCTION BIDS CONSIDERED CONTRACTS AWARDED - PHASE A, VARIOUS STREETS AND LINCOLN PARK BIKE PATH, CORN PAVING COMPANY, \$328,505.40 - PHASE B, 7TH STREET FROM PATTERSON ROAD TO HORIZON, CORN PAVING COMPANY, \$573,000

A hearing was held after proper notice on the creation of I.D. ST-84, Phases A and B, Various Streets, and 7th Street from F Road to Horizon Drive respectively. A letter of objection from William Kane, Attorney representing a number of landowners having property along 26 1/2 Road between Horizon Drive and F Road (Patterson) was entered into record. Mr. Kane advised that the property owners object to the creation of Improvement District No. ST-84 to the extent that it is intended to serve as a vehicle for assessing their property for the cost of any street improvements other than sidewalks, curbs and gutters.

City Attorney Ashby advised that he received a telephone call from Mr. Keith Mumby, Attorney representing Mr. Gene Hansen regarding the 7th Street project between F Road and Horizon Drive. While Mr. Hansen does not object to the creation of the Improvement District, he does object to the assessment, at least to the amount for those particular improvements.

Mr. Skip Mottram, 609 26 1/2 Road (one of the property owners represented by Mr. Kane), voiced his objection to the assessments. Mr. Mottram stated that he understood that this hearing was for the purpose of creating the district and not a hearing on the assessments. Mr. Mottram emphasized that improvements to this street were not petitioned by any of the residents; they are perfectly content with the situation the way it exists. He said that in spite of the lack of enthusiasm on the part of the residents for improvements on 7th Street, they have tried to cooperate with the City on the proceedings. They do, however, object very vigorously to the premise that replacing the present roadway in any way benefits their properties. He noted the loss of front yard, increased traffic, noise and air pollution, inconvenience of access to properties, defoliation of the neighborhood, all serve to devalue rather than increase the value of their properties. Simple fairness, he said, would seem to dictate that the property owners should not have to pay for a four-lane highway being installed for the convenience of the public at large and to the detriment of their residences. In an offer of cooperation, he proposed the curb, gutter and sidewalk as outlined by their attorney, Mr. Kane, and urged the City Council to agree with them in this matter.

City Attorney Ashby clarified that the residents would not be required to pay for a four-lane highway, but for one-half of a residential street.

Orville Layman, 842 21 Road, who attends St. Paul's Lutheran Church, north of Horizon Drive on 7th Street, stated that he could not see where a curb and gutter would be a necessity at the church property. It was clarified that Mr. Layman was addressing extension of curb and gutter on Horizon Drive and it was determined that that extension was not included in this project.

Mr. Dick Weber, 221 Willowbrook Drive, wanted to make it known

that he thinks it's absurd that residents who live on a street such as 7th Street, 12th Street, Patterson Road or any of the other thoroughfares in the City should have to pay for an improvements in front of their homes when, obviously, it's a detriment to their residence.

Ms. Nina Woolen offered comments regarding assessments.

Mr. Tony Whittle, 1434 Wellington Avenue, whose property abuts 15th Street, said that he thought this was the time to talk about assessments but that since there would be an assessment hearing later on, he would come back then. He stated that \$85 an abutting foot is a lot of money and he wanted to be sure he's heard. He stated that he supports the project as 15th Street is a dirt road from Patterson to Wellington and supports a very heavy traffic load and is in constant need of grading and gravel. There is a great need for the improvements, but he reserved the right to discuss with Council the assessments. Mr. Whittle was assured that he would be given the opportunity to discuss assessments at the appropriate time.

Mr. Aden Hogan, 2783 Cheyenne Drive, opposed the double penetration jobs on Laguna Drive, Acoma Drive, and Apache Drive. He felt this was for cosmetic purposes which he felt would be inappropriate and would be a financial burden on several people in the area at \$4.50 per front foot. It was noted that over fifty percent (50%) of the property owners in this area had petitioned for the double penetration. He was not aware of the petition.

Mr. Darrell Love, 1605 Poplar Drive, was for the project.

The hearing was closed.

Resolution No. 32-84 entitled CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-84, PHASES A AND B, WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF CURBS AND GUTTERS, SIDEWALKS AND PAVING OF STREETS THEREIN AND PROVIDING FOR THE PAYMENT THEREOF was read. It was moved by Councilman Dunn and seconded by Councilman Phipps that the Resolution be passed and adopted as read. Roll was called upon the motion with the following result:

Council members voting AYE: CLARK, PHIPPS, LUCERO, DUNN, HOLMES, PACHECO.

Council members voting NO: None.

Council members absent: KREISSLER

Six members of Council having voted in favor of the motion, the President declared the motion carried and the Resolution duly passed and adopted.

Thereafter Council considered the bids for the construction of

Phase A which includes an alley, 24th to 26th Streets between Hill and Teller Avenues; Poplar Drive north of Independent Avenue for a distance of 335 feet; 15th Street from the Grand Valley Canal to Patterson Road; and the Lincoln Park Bike Path along the Stadium fence. Bids were received and opened May 24, 1984. Bidders were:

Eldorado Construction	\$470,339.74	
Elam Construction Company	\$436,235.85	
United Companies	\$332,377.61	
Corn Paving Company	\$328,505.40	
Engineer's Estimate	\$396,566.90	

Staff recommended award of contract to Corn Paving Company. Upon motion by Councilman Phipps, seconded by Councilman Holmes and carried, the bids were accepted, the Contract for Phase A of Street Improvement District No. ST-84 was awarded to Corn Paving Company for its bid of \$328,505.40, and the City Manager was authorized to sign said Contract.

Bids for Phase B of the Street Improvement District No. ST-84 were received and opened May 31, 1984. Bidders were:

United Companies	\$646,552.33	
Elam Construction Company	\$593,268.60	
Corn Paving Company	\$573,000.00	
Engineer's Estimate	\$635,358.25	

This phase of the project consists of 7th Street from Patterson Road (F Road) to Horizon Drive. Staff recommended award of contract to Corn Paving Company. Upon motion by Councilman Phipps, seconded by Councilman Holmes and carried, the bids were accepted, the Contract for Phase B of I.D. ST-84 was awarded to Corn Paving Company for its bid of \$273,000.00, and the City Manager was authorized to sign said Contract.

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

HEARING - APPLICATION BY AMERICAN HISTORICAL SOCIETY OF GERMAN FROM RUSSIA FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT JULY 21, 1984, 5 P.M. TO 2 A.M. AT TWO RIVERS PLAZA, 159 MAIN STREET, FOR DINNER-DANCE APPROVED - 1ST PERMIT

A hearing was held after proper notice on the application by American Historical Society of Germans from Russia for a malt, vinous and spirituous liquor Special Events Permit for July 21-22, 1984, from 5 p.m. to 2 a.m. at Two Rivers Plaza, 159 Main Street, for a dinner-dance. Virginia Stadelman was present for the hearing. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application was approved.

HEARING - APPLICATION BY FOLKLORICO DE LA GENTE LATINA FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT JULY 14-15, 1984, 9 P.M. TO 2 A.M. AT TWO RIVERS PLAZA, 159 MAIN STREET, SPONSORING GOLDEN UNICORN DANCE APPROVED - 2ND 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 on July 14-15, 1984, from 9 p.m. to 2 a.m. at Two Rivers Plaza, 159 Main Street, sponsoring Golden Unicorn Dance. Leroy Arguello was present for the hearing. There were no opponents, letters or counterpetitions. Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application was approved.

HEARINGS - APPLICATIONS BY KIWANIS CLUB OF BOOKCLIFF FOR 3.2% BEER SPECIAL EVENTS PERMITS IN THE 500 BLOCK OF MAIN STREET JUNE 16, 1984, OCTOBER 5 AND 6, 1984, APPROVED - THREE PERMITS

Hearings were held after proper notice on the applications by Kiwanis Club of Bookcliff, Grand Junction, Colorado, for 3.2% beer Special Events Permits in the 500 Block of Main Street for the dates and events as follows:

1. June 16, 1984, 11 a.m. to 7 p.m. - Farm & Ranch Days, Chili Cookoff
2. October 5, 1984, Noon to 10 p.m. - Octoberfest
3. October 6, 1984, Noon to 10 p.m. - Octoberfest

Mr. Robert Colony was present for the hearings. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Phipps and carried with Councilman HOLMES voting NO, the applications were approved.

HEARINGS - APPLICATIONS BY ROCKY MOUNTAIN GHOST SQUADRON FOR 3.2%

BEER SPECIAL EVENTS PERMITS AT HORIZON AVIATION, WALKER FIELD, ON JUNE 23 AND 24, 1984, FOR AIRCRAFT DISPLAY APPROVED - TWO PERMITS

Hearings were held after proper notice on the applications by the Rocky Mountain Ghost Squadron for 3.2% Beer Special Events Permits at Horizon Aviation, Walker Field, June 23, 1984, from 8 a.m. to 11 p.m. and on June 24, 1984, from 8 a.m. to 5 p.m. for an aircraft display including World War II Aircraft Memorabilia. Jerry Feather was present for the hearing. There were no opponents, letters or counterpetitions. Upon motion by Councilwoman Clark, seconded by Councilman Dunn and carried with Councilman HOLMES voting NO, the applications were approved with a waiver of the time requirements for the posting of the property.

PROPOSED ORDINANCE AMENDING ORDINANCE NO. 2185 VACATING A RIGHT-OF-WAY IN TECH DEL SOL SUBDIVISION

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING ORDINANCE NO. 2185 VACATING A RIGHT-OF-WAY IN TECH DEL SOL SUBDIVISION. Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE AMENDING ARTICLE III, CHAPTER 4, CODE OF ORDINANCES, RE: LIQUOR AND BEER LICENSES, HEARING OFFICER, APPEAL PROVISIONS - TABLED

City Attorney Ashby reviewed the proposed ordinance by stating that the Hearing Officer would hear all matters concerning the granting of new liquor and beer licenses, the renewals of licenses, changes of ownership and of locations. Applications for Special Events Permits would continue to come to the Council.

A companion resolution to the proposed ordinance would be a direction to the Hearing Officer in regard to violation of the Liquor and Beer Codes, or the Regulations under those Codes, instructing him to establish certain minimum penalties for what are considered to be those more standard violations that come before the Hearing Officer. Those would be sale to a minor, sale to an intoxicated person, maintenance of a disorderly premises and sale after hours, and after-hours consumption. The Hearing Officer would be required to set a two-day suspension of the license, and it goes on to recite "where there are no mitigating factors, the penalties may be increased by the Hearing Officer in his judgement. Penalties for other violations of the Codes shall be judged in relation to those listed and penalties established commensurate with the severity of the offense in that relationship." Mr. Ashby said that approval of the resolution by the Council meant that for any violation, essentially any violation, a minimum of a two-day suspension would occur and that could range upward depending upon what the Hearing Officer found in regard to the offense.

Council President Pacheco said that Council appointed a special

committee, Councilwoman Clark and himself, to study this problem and to bring before the Council some recommendations that would serve two purposes. The first, attempt to take this issue of the licensing of establishments and violations, hopefully, out of the political arena and into the arena that would be more judicial and hopefully, more fair and consistent. The second assignment of the Committee was to try to find a reasonable direction to give the Hearing Officer since that would be a delegation of authority and responsibility from the City Council that would provide him with the means to then proceed forward with the goal of trying to put across a message to the community, particularly that community involved here that violations to the Liquor and Beer Codes in the City of Grand Junction must be dealt with in a way that would intend to prevent. He said the intent of the Council was to have a preventive course, to try to prevent violations, to try to discourage violations, particularly take that seriously, but certainly not to be oppressive or in any way disadvantage the operation because of a violation.

Councilwoman Clark pointed out that the proposed ordinance dealt with the Hearing Officer and to appeal a decision of the Hearing Officer, a licensee would go directly to the courts for judicial review.

Mr. Norm Cook, Manager of the Holiday Inn on Horizon Drive, was present representing the Colorado West Chapter of the Colorado/Wyoming Restaurant Association. The organization was particularly concerned that none of the members of the liquor-dispensing industry was contacted prior to the drafting of the proposed resolution and specifically disturbed that Council would see fit to put the responsibility for suspensions in the hands of one individual particularly when the individual would also be in charge of issuing liquor licenses. He submitted a letter from the Organization summarizing their concerns. He suggested that representatives from his industry meet with City Council representatives and a representative from the State of Colorado Liquor Division to come up with ideas that would be more practical than the one proposed by Council.

Councilman Holmes took exception to the last paragraph of the letter Mr. Cook submitted which requested that Councilman Holmes abstain from voting on this issue because his publicly stated personal views regarding alcoholic beverages seemed, in the opinion of the group, to negate any objectivity in this matter. Councilman Holmes referred to a portfolio put out by McNeil Laboratories sent to him as a pharmacist regarding "Pharmacists Against Drug Abuse." He stated that alcohol is the number one drug problem in the United States today. He said that the innuendo that his stated personal views would seem in the Association's opinion to negate any objectivity seemed to him to be totally without foundation, totally filled with prejudice, and totally inaccurate. He submitted that he did not believe that his no vote on liquor negated anything any more than the other Council members' yes votes on liquor caused them to be suspect in what they are doing

or throws any less objectivity on the situation. He stated further that he is the only Council member who is opposed to a Hearing Officer dealing with this ever since the matter came up. He recognized the fact that seven people coming from different spectrums and different backgrounds are going to afford the liquor industry a far better shake than a Hearing Officer who might be addicted to the drug alcohol himself.

Mr. Cook stated that perhaps the letter was drafted in a wee bit of a hurry and consideration was not given to the personal feelings and aspects of Councilman Holmes' position, and for that he did apologize.

Comments were had from the following:

Mr. Gonzales, 856 22 Road
Mr. Dale Mitchell, Crown Liquor Store
Mr. Nels Cary, Manager, State Liquor Store
Mr. Frank Bering, Jr., Gladstones Restaurant
Mr. Ed Gerber, Manager of Hilltop Liquor Store
Dan Williams, Dusty's and Santy's Stop
Thelma Hays, Cafe Caravan

Council President Pacheco stated that the elected officials in this community must set a standard on this issue for this community.

Upon motion by Councilman Dunn, seconded by Councilman Phipps and carried with Council members HOLMES and PACHECO voting NO, the proposed ordinance and companion resolution were tabled to the July 5, 1984, meeting, and that members of the liquor industry be invited to meet with the Council's committee so they can share some of their concerns.

The President declared a five-minute recess. Six council members were present when the meeting was reconvened.

PROPOSED ORDINANCE PROVIDING FOR THE BILLING OF CHARGES FOR UTILITY SERVICES TO THE OWNER OF THE PREMISES, REMOVING REQUIREMENT FOR ADVANCE DEPOSIT FOR UTILITY SERVICES - AMENDING CHAPTER 31, CODE OF ORDINANCES

The following entitled proposed ordinance was read: AN ORDINANCE PROVIDING FOR THE BILLING OF CHARGES FOR UTILITY SERVICES TO THE OWNER OF THE PREMISES SERVED AND FOR THE REMOVING OF THE REQUIREMENT FOR AN ADVANCE DEPOSIT FOR UTILITY SERVICES. Upon motion by Councilman Phipps, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

ORDINANCE ON FINAL PASSAGE - PROOFS OF PUBLICATION

The Proofs of Publication to the following Ordinances proposed for final passage had been received and filed. A copy of the Ordinances proposed for final passage had been submitted in

writing to the City Council prior to the meeting.

ORDINANCE NO. 2190 - RIGHT-OF-WAY VACATION, NORTH/SOUTH ALLEY BTN WHITE AVENUE AND THE EAST/WEST ALLEY, EAST OF 7TH STREET

Upon motion by Councilman Lucero, seconded by Councilman Dunn and carried, the following proposed ordinance was called up for final passage and the title was read: AN ORDINANCE VACATING A RIGHT-OF-WAY IN THE CITY OF GRAND JUNCTION.

There were no comments. Upon motion by Councilman Phipps, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed, adopted, numbered 2190, and ordered published.

ORDINANCE NO. 2191 - ZONE P.H. ANNEXATION TO PB AND PR-17, N OF F ROAD, APPROX 650 FT W OF 25 ROAD

Upon motion by Councilman Lucero, seconded by Councilman Dunn and carried, the following 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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY.

There were no comments. Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried, the Ordinance was passed, adopted, numbered 2191, and ordered published.

Councilman Lucero would like to have the Staff make some kind of review as to how much annexations cost the City.

URBANIZED AREA MEMORANDUM OF AGREEMENT APPROVED - PRESIDENT OF COUNCIL AUTHORIZED TO SIGN SAID AGREEMENT

Upon motion by Councilwoman Clark, seconded by Councilman Lucero and carried, the Grand Junction Urbanized Area Memorandum of Agreement was approved and the President of the Council was authorized to sign said agreement.

RESOLUTION NO. 35-84 INDUSTRIAL DEVELOPMENT REVENUE BONDS TO FINANCE A PROJECT FOR 4SC, A COLORADO GENERAL PARTNERSHIP, FOR PROPERTY AT 7TH AND ROOD - 1-YEAR EXT

Mr. Jim Dyer, General Partner of the 4SC, a Colorado Partnership, requested Council's approval of an extension on the proposal to issue Industrial Development Revenue Bonds. The following Resolution was read:

RESOLUTION NO. 35-84

A RESOLUTION AGREEING TO ISSUE INDUSTRIAL DEVELOPMENT REVENUE TO FINANCE A PROJECT FOR 4SC, A COLORADO GENERAL PARTNERSHIP.

WHEREAS, the City of Grand Junction, in the State of Colorado (the

"City"), is authorized by the County and Municipality Development Revenue Bond Act, Title 29, Article 3, Part 1, C.R.S. 1973, as amended (the "Act"), for the benefit of the inhabitants of the State and for the promotion of their health, safety, welfare, convenience, and prosperity, to finance one or more projects, including any land, building or other improvements and all necessary and appurtenant real or personal properties suitable for commercial facilities, upon such conditions as the City Council of the City may deem advisable; and

WHEREAS, the City is further authorized by the Act to issue its revenue bonds or other obligations for the purpose of defraying the cost of financing any such projects; and

WHEREAS, representatives of 4SC, a general partnership duly organized under the laws of the State of Colorado (the "User"), have met with officials of the City and have advised the City of the User's interest in the acquisition and improvement of land and the construction and equipment of an office building located within the City (the "Project") subject to the willingness of the City to finance the project by the issuance of industrial development revenue bonds or other obligations pursuant to the Act; and

WHEREAS, the User has represented to the City that the Project has been designed to qualify as a "project" within the meaning of the Act; and

WHEREAS, the City has considered the User's proposal and has concluded that the economic benefit to the City will be substantial due to an increase in employment and the promotion of industry and development of trade and other economic activity within the City; and

WHEREAS, the City has hereby determined that issuing its industrial development revenue bonds for the Project will benefit the health, welfare, safety, convenience, and prosperity of the inhabitants of the City; and

WHEREAS, the City wishes to proceed with the financing of the Project; and

WHEREAS, the proposed issuance of the industrial development revenue bonds and the execution of related financing documents are not prohibited by any ordinances or rules of the City; and

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

WHEREAS, the User has requested an extension of the original one year period in which the City and the User shall have agreed to mutually acceptable terms for the Bonds, and for 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:

Section 1. In order to induce the User to complete the Project within the City, the City shall take all steps necessary or advisable to effect the issuance of industrial development revenue bonds or other obligations (the "Bonds") in a maximum aggregate principal amount of \$2,500,000. This Resolution is and constitutes the taking of affirmative official action by the City toward the issuance of the Bonds. The Bonds and the financing documents relating to said Bonds shall be subject to the terms and conditions of the Memorandum of Agreement between the City and the User attached hereto as Exhibit "A", and Extension Agreement between the City and the User attached hereto as Exhibit "B", both of which are incorporated herein by this reference. No costs are to be borne by the City in connection with the issuance of the Bonds.

Section 2. The terms and conditions of the Bonds and of the financing documents relating to said Bonds or other obligations will be mutually agreed upon by the City and the User, and prior to their execution, such documents will be subject to authorization by Ordinance of the City Council pursuant to law and any ordinance or rules of the City.

Section 3. The User has agreed to provide for reimbursement of all expenses incurred or to be incurred by the City related to the User's Project pursuant to the Memorandum of Agreement attached hereto as Exhibit "A".

Section 4. Neither the Bonds, including interest and any premiums thereon, nor anything contained in this Resolution shall constitute a debt or indebtedness of the City within the meaning of the Constitution or statutes of the State of Colorado, nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers. The Bonds shall be payable solely from and secured by a pledge of revenues derived from the payable pursuant to the financing documents referred to in Section 2 hereof.

Section 5. All commitments by the City made herein are subject to the condition that on or before June 17, 1985, the City and the User shall have agreed to mutually acceptable terms for the Bonds or other obligations provided for hereunder, in an amount not to exceed \$2,500,000, and for the sale and delivery thereof.

Section 6. The form of Memorandum of Agreement presented to the City Council is approved and the Mayor of the City and the Clerk of are authorized to execute the Memorandum of Agreement, with such changes as the City Attorney may approve, on behalf of the

City are hereby authorized to initiate and assist in the preparation of such documents as may be appropriate to the Bonds.

The above and foregoing Resolution was adopted by the City Council on this 6th day of June, 1984.

/s/ J.P. Mike Pacheco

President of the City Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

EXHIBIT "A"
MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is between the City of Grand Junction, Colorado (the "City") and 4SC, a Colorado general partnership duly formed and existing under the laws of the State of Colorado (the "User").

1. Preliminary Statement. Among the matters of mutual inducement which have resulted in the execution of this Agreement are the following:

(a) The City is a city in the State of Colorado, a body politic and corporate, authorized and empowered by Title 29, Article 3, of the Colorado Revised Statutes 1973, as amended (the "Act"), to issue development revenue bonds to finance one or more projects, including any land, building or other improvement and all real or personal properties suitable or used for Commercial facilities upon such terms and conditions as the City Council of the City of Grand Junction (the "Council") deems advisable.

(b) In order to increase employment and in order to promote industry and development trade and other economic activity within the City of Grand Junction, State of Colorado: (1) the User proposes to acquire and improve land for and construct and equip an office building thereon located within the City and to acquire all necessary and appurtenant real and personal properties, whether or not now in existence (the "Project"), (2) pursuant to a Loan Agreement between City and User (the "Loan Agreement"), City will loan the proceeds of its industrial development revenue bonds or other obligations not to exceed \$2,500,000 (the "Bonds") to the User for such acquisition, improvement, construction, and equipment, and (3) the User will make loan repayments under said Loan Agreement sufficient to pay the principal of, premiums, if any, and interest on the Bonds or other obligations.

(c) The City has indicated its willingness to proceed with the issuance of its Bonds or other obligations as provided by the Act

to finance the Project and has advised the User that, subject to due compliance with all requirements of law, the obtaining of all necessary consents and approvals, and the happening of all acts, conditions and things required precedent to such financing, the City, pursuant to the Act, will issue the Bonds in a principal amount sufficient to pay the costs of such acquisition, improvements, construction, and equipment of the Project, the funding of any necessary reserves and the expenses of issuance and sale of the Bonds, not to exceed an aggregate principal amount of \$2,500,000.

(d) The City considers that financing the Project and entering into the Loan Agreement with the User with respect to the Project will promote economic activity within the City, a public purpose as described in S29-3-102(1), C.R.S. 1973.

2. Undertakings by the City. The City agrees as follows:

(a) The City will issue the Bonds or other obligations pursuant to the terms of the Act in a principal amount not to exceed \$2,500,000 to complete the Project, the funding of any necessary reserves and the expenses incident to the authorization, sale and issuance of the Bonds.

(b) The City will adopt such proceedings and authorize: (i) the execution and delivery of such documents as may be reasonably necessary or advisable for the authorization, issuance and sale of the Bonds, (ii) the financing, acquisition, improvement, construction and equipment of the Project and (iii) the execution of the Loan Agreement with the User and such other documents relating to the Bonds as shall be authorized by the Act or other law and as shall be mutually satisfactory to the City and the User.

(c) The aggregate sums to be paid by the User under the Loan Agreement shall be sufficient to pay the principal of, redemption premiums, if any, and interest on the Bonds as and when the same shall become due.

(d) The City will take such other acts and adopt such further proceedings as may be reasonably required to implement the aforesaid undertakings and as it may deem appropriate in pursuance thereof.

(e) The Bonds shall provide that they shall be payable solely from and secured by a pledge of the revenues derived from and payable pursuant to the provisions of the Loan Agreement, that they shall never constitute the general obligations of the City within the meaning of any provision or limitation of the Constitution or statutes of the State, and that they shall not constitute nor give rise to a pecuniary liability or a charge against the general credit or taxing powers of the City, the State of Colorado or any political subdivision thereof.

(f) In authorizing the issuance of the Bonds pursuant to this Agreement, the City will make no warranty, either expressed or implied, that the proceeds of the Bonds will be sufficient to pay all costs of the Project.

3. Undertakings on the Part of the User. The User agrees as follows:

(a) The User will enter into a contract or contracts for the acquisition, improvement, construction, and equipment of the Project.

(b) Prior to the delivery of the Bonds, the User will enter into the Loan Agreement with the City under the terms of which the User will obligate itself to complete the acquisition, construction, development and equipment of the Project and, to the extent not payable out of proceeds of the Bonds, to pay to the City sums sufficient in the aggregate to pay or reimburse the City for all reasonable expenses incurred by it in connection with the authorization, issuance and sale of the Bonds, including without limitation the reasonable expenses that the City deems necessary for attorneys', accountants', and auditors' fees and expenses, and to make loan repayments sufficient to pay the principal of, premiums, if any, and interest on the Bonds as and when the same shall become due and payable, all utility charges, taxes, assessments, casualty and liability insurance premiums, and any other expenses or charges relating to the ownership, use, operation, maintenance, occupancy and upkeep of the Project, such Loan Agreement to contain such other provisions as may be required by law and as shall be mutually acceptable to the Town and the User.

(c) The User will take such further action and adopt such further proceedings as may be required to implement its aforesaid undertakings or as it may deem appropriate in pursuance thereof.

4. General Provisions.

(a) Prior to the issuance of the Bonds, there shall be a reasonable showing to the City Council that the User is capable and will remain capable of carrying out its financial obligations under the Loan Agreement.

(b) All commitments with respect to the Bonds in a principal amount not to exceed \$2,500,000 of the City under Section 2 hereof and of the User under Section 3 are subject to the condition that, on or before two years from the date of this Agreement, the City and the User shall have agreed to mutually acceptable terms for the Bonds and for the issuance, sale and delivery thereof, and mutually acceptable terms and conditions for the Loan Agreement, and such other documents referred to in Section 2 and the proceedings referred to in Sections 2 and 3 hereof, and the City and the User shall have complied with all of the provisions of the Act applicable to the issuance, sale and delivery of the Bonds and

the financing of the Project.

(c) If the events set forth in Section 4(a) and (b) above do not take place within the time set forth or any extension thereof, and if the Bonds are not issued and sold within that time, the User agrees that it will reimburse the City for all reasonable and necessary direct out-of-pocket expenses which the City may incur arising from the execution of this Agreement, including without limitation the reasonable expenses that the City deems necessary for attorneys', accountants', and auditors' fees and expenses, and the performance of the City's obligations hereunder, whereupon this Agreement shall terminate.

IN WITNESS WHEREOF, the parties have entered into this Agreement by their duly authorized officers on this 17th day of June, 1981.

CITY OF GRAND JUNCTION, COLORADO

By /s/ Louis R. Brach

Mayor

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

4SC, A Colorado General Partnership

/s/ James K. Dyer

By /s/ Joyce A. Aiken

President

EXHIBIT B

EXTENSION AGREEMENT

THIS Extension Agreement is between the City of Grand Junction, Colorado (the "City") and 4SC, a Colorado General Partnership duly formed and existing under the laws of the State of Colorado (the "User").

1. The parties incorporate herein by this reference that Memorandum of Agreement between them entered into by their duly authorized officers on the 17th day of June, 1981, hereinafter referred to as "Exhibit A."

2. The parties agree that the two year period specified in paragraph 4(b) of Exhibit A shall be extended for an additional

one year period ending on June 17, 1985.

IN WITNESS WHEREOF, the parties have entered into this Agreement by their duly authorized officers on this 6th day of June, 1984.

CITY OF GRAND JUNCTION, COLORADO

/s/ J.P. Mike Pacheco

Mayor

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

ACCEPTED:

4SC A Colorado General Partnership

By: /s/ James K. Dyer

General Partner

By: /s/ Joyce A. Aiken

General Partner

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

ADJOURNMENT

The President declared the meeting adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk