

Grand Junction, Colorado

January 16, 1985

The City Council of the City of Grand Junction, Colorado, convened in regular session the 16th day of January, 1985, at 7:30 p.m. in the City-County Auditorium at City Hall. Those present were John Bennett, Betsy Clark, Frank Dunn, Christine Kreissler, Gary Lucero, Ray Phipps, and President of the Council Mike Pacheco. 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 Councilman Dunn led in the Pledge of Allegiance.

INVOCATION

Council President Mike Pacheco

MINUTES

Upon motion by Councilman Phipps, seconded by Councilwoman Clark and carried, the minutes of the regular meeting held December 19, 1984, were approved as submitted.

OATH OF OFFICE ADMINISTERED TO JOHN BENNETT, COUNCILMAN DISTRICT "A" - WIFE BARBARA BENNETT'S PRESENCE IN AUDIENCE ACKNOWLEDGED AND WELCOMED

APPOINTMENT TO GRAND JUNCTION PLANNING COMMISSION - 4-YEAR TERMS

Upon motion by Councilwoman Clark, seconded by Councilwoman Kreissler and carried, the appointment of Miland Dunivent, Warren Stephens, and Bill O'Dwyer to serve a second four-year term on the Grand Junction Planning Commission was ratified.

APPOINTMENT OF HAROLD O'NEAL TO CONTRACTORS' LICENSING BOARD FOR 2-YEAR TERM RATIFIED

Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried, the appointment of Harold O'Neal to a two-year term on the Contractors' Licensing Board was ratified.

PROCLAMATION DECLARING FEBRUARY 4-8, 1985, "SCHOOL GUIDANCE AND COUNSELING WEEK"

SERVICE AWARDS PRESENTED TO MIKE KRONKRIGHT AND TO MEADOW GOLD MILK PRODUCTS, REPRESENTED BY HARVIE TRABER

Ted Novack, Parks and Recreation Director, and Jim Wilds, Chairman of the Parks and Recreation Advisory Board, were present to present Service Awards to Mike Kronkright and to Meadow Gold Milk Products, represented by Harvie Traber, for their outstanding volunteer work with the Parks and Recreation Department.

LIQUOR-BEER - APPLICATIONS TO RENEW LICENSES APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried, the applications by the following businesses to renew their licenses were approved subject to the alleged violations by Double RR Bar, 2879 North Avenue, and by The Corral, 539 Colorado Avenue, being turned over to the Hearing Officer and if the allegations are found to have substance, the Hearing Officer may suspend or revoke or impose any other penalties that are permitted the Hearing Officer:

Double RR Bar, 2879 North Avenue Hotel-Restaurant
The Corral, 539 Colorado Avenue 3.2% Beer
Safeway Stores, 644 North Avenue 3.2% Beer

LIQUOR-BEER - APPLICATIONS FOR LICENSES, CHANGES OF OWNERSHIP - APPROVED - REGISTRATION OF JAMES R. SPEARS AS MANAGER OF AIR HOST, WALKER FIELD - APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried, the following applications for licenses were approved and the application to register James R. Spears as Manager of Air Host, Walker Field, was approved:

1. Florence M. Jones for a Retail Liquor Store License at Teller Arms Liquor, 2353 Belford (Change of Ownership - License presently held by Charles R. Finkel)

2. William Arthur Galletly and Margaret Ann Galletly for a Retail Liquor Store License at State Liquors, 659 Rood Avenue (Change of Ownership - License presently held by 659 Rood Corporation)

3. Alan M. Simpson, Thelma R. Hays and Ronald D. Vogel for a Hotel-Restaurant Liquor License at Cafe Caravan, 105 West Main Street (Change of Partnership - Marian Young assigned her interest to Ronald D. Vogel)

4. Air Host Grand Junction, Inc., for a Hotel-Restaurant Liquor License at Air Host, Walker Field, 2828 H Road (Change of Ownership - License presently held by Grandmet, Inc., and Hospitality Ventures Corporation dba The Aspen Tree)

1. Application by Air Host Grand Junction, Inc., to Register James R. Spears as Manager of Air Host, Walker Field

5. Gerald W. Arnold for a 3.2% Beer License at 484 28 Road under trade name of Valley Grocery & Gas (Change of Ownership - License presently held by Joe Pifer and Josephine Pifer)

BIDS - AWARD OF CONTRACT - 26.6 PATTERSON ROAD BRIDGE REPLACEMENT PROJECT - UNITED SAND & GRAVEL - \$246,081.25

Mr. Earl Jensen, 215 Easterhill, representing the Village Fair

Shopping Center, expressed concern over the closure of the bridge during construction and the economic viability of the corner of 12th Street and Patterson Road. Interested persons in the area are to meet with the City Engineers to work out some options for directing the traffic during the construction period. Wayne Capehart, 614 Lodgepole, owner of Captain CC Foods in Village Fair, expressed concern that this closure is already affecting his business and he urged that the job be expedited. Bernard Coulson, 2510 N. 12th Street, stated that a four-way stop at 12th and Bookcliff would have traffic backed up to Horizon Drive.

Bids were received and opened January 14, on the 26.6 Patterson Road Bridge Replacement Project. Bidders were:

Total Bid Items 1 thru 12 Total Bid Deduct Item No. 52		
Locke Associates, Inc. \$436,953.00 \$398,70 3.00		
Corn Paving Company \$275,670.30 \$255 ,950.30		
Eldorado Construction \$265,553.2 8 \$245,153.28		
Nikko Constructors \$256,632.5 0 \$231,982.50		
Parkerson Construction \$255,116.0 0 \$236,417.00		
United Companies \$246,081.25 \$2 24,831.25		
Engineer's Estimate \$253,570.00 \$23 2,320.00		

Upon motion by Councilman Lucero, seconded by Councilwoman Kreissler and carried, the bids were accepted, the Contract was awarded to United Companies for its bid of \$246,081.25, the City Manager was authorized to sign said Contract with the provision for additional signage along Bookcliff near the elementary schools and on Orchard.

Councilman Lucero suggested that Staff look at extended hours on the part of the contractor, alternatives for detours, and Councilman Phipps suggested that the contractor do as much work as possible before he tears out the bridge, and Councilwoman Clark suggested that the Staff do everything it can to have the Utility Companies cooperate on this project.

HEARING - APPLICATION BY DOMESTIC VIOLENCE PROJECT FOR MESA COUNTY, CO. INC., FOR MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT MARCH 8, 1985, 6:00 TO 10:00 P.M., AT WESTERN COLORADO CENTER FOR THE ARTS, 1803 N. 7TH STREET - APPROVED - CHOCOLATE FANTASIA III - 1ST PERMIT

A hearing was held after proper notice on the application by the Domestic Violence Project for Mesa County, Colorado, Inc., for a malt, vinous and spirituous liquor special events permit on March 8, 1985, from 6:00 p.m. to 10:00 p.m. at the Western Colorado Center for the Arts, 1803 N. 7th Street, for their fundraiser -- Chocolate Fantasia III. Sarah Kennedy, 835 26 1/2 Road, and Susie Coulter were present. There were no opponents, letters or counterpetitions. The hearing was closed. Upon motion by Councilwoman Clark, seconded by Councilman Lucero and carried, the application for the special events permit was approved.

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

PETITION FOR REZONE FROM RSF-8 AND PB TO PB AND OUTLINE DEVELOPMENT PLAN FOR SMITH'S FOOD & DRUG, SE COR 12TH STREET AND PATTERSON ROAD - SENT BACK TO PLANNING COMMISSION

After lengthy discussion regarding this item, Councilman Phipps moved to send the petition to rezone from RSF-8 and PB to PB and the Outline Development Plan for Smith's Food and Drug, southeast corner of 12th Street and Patterson Road, back to the Planning Commission with the direction that the Planning Commission meet with the developers and try to relocate this building on this property in a manner that will not crowd the property owners on the east. The motion was seconded by Councilwoman Kreissler and said motion carried with Council members CLARK and LUCERO voting NO.

ORDINANCE NO. 2221 - REZONE FROM C-2 TO PB, 1310 UTE AVENUE

Upon motion by Councilwoman Kreissler, seconded by Councilman Phipps and carried, the following proposed ordinance was called up

for final passage and the title read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY.

There were no comments. Upon motion by Councilman Phipps, seconded by Councilwoman Kreissler and carried by roll call vote, the Ordinance was passed, adopted, numbered 2221, and ordered published.

RESOLUTION NO. 1-85 DESIGNATING PHILIP COEBERGH AS THE CITY'S LIQUOR AND BEER HEARING OFFICER AND LOCAL LICENSING AUTHORITY

The following Resolution was read:

RESOLUTION NO. 1-85

APPOINTING A HEARING OFFICER AS THE LOCAL LICENSING AUTHORITY.

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

That Philip Coebergh be appointed as hearing officer and the local licensing authority for the City of Grand Junction until further resolution of the Council, having those powers granted by the ordinances of the City of Grand Junction and the Beer and Liquor Codes of the State of Colorado.

PASSED and ADOPTED this 16th day of January, 1985.

/s/ J.P. Mike Pacheco

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Dunn, seconded by Councilman Bennett and carried by roll call vote with Councilwoman KREISSLER voting NO, the Resolution was passed and adopted as read.

RECOMMENDATION OF HEARING OFFICER ACCEPTED RE: VIOLATION OF 3.2% BEER CODE BY FEATHER PETROLEUM CO., STOP N SAVE #2, 2050 NORTH AVE - 3-DAY SUSPENSION IMPOSED EFFECTIVE 5 A.M. JANUARY 17, 1985, AND ENDING AT MIDNIGHT JANUARY 19, 1985

Upon motion by Councilman Phipps, seconded by Councilwoman Clark and carried, the recommendation of the Hearing Officer was accepted regarding the violation of the 3.2% Colorado Beer Code by Feather Petroleum Company, Stop N Save #2, 2050 North Avenue, and a three-day suspension was imposed.

RESOLUTION NO. 2-85 CONCERNING PROPOSED ANTITRUST LEGISLATION
RELATING TO LOCAL GOVERNMENTS

The following Resolution was read:

RESOLUTION NO. 2-85

CONCERNING PROPOSED ANTITRUST LEGISLATION RELATING TO LOCAL
GOVERNMENTS.

WHEREAS, the State of Colorado relies upon local governments to carry out many licensing and regulatory activities 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 damage awards and the substantial expense of defending antitrust litigation, even if successful, may inhibit municipalities from enacting or enforcing regulations which protect the public health, safety and welfare, but which also may be deemed to restrict competition; and

WHEREAS, at least five Colorado municipalities already have been sued under the antitrust laws; and

WHEREAS, the City of Grand Junction along with other Colorado municipalities has ben threatened with antitrust lawsuits for licensing or regulatory decisions; and

WHEREAS, the cost to the taxpayers of Boulder, Colorado, in defending one federal antitrust lawsuit, which was settled prior to trial, was an estimated one-quarter million dollars; and

WHEREAS, municipalities differ from private enterprise in that private enterprise is not charged with protecting the public health, safety and welfare through licensing and regulation; and

WHEREAS, numerous protections from municipal licensing and regulatory actions, other than damages under the antitrust laws, are available such as, public notice, public hearing, 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 Colorado to modify the statutory or constitutional authority of Colorado's municipalities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GRAND JUNCTION, COLORADO, that the Colorado General Assembly should act as quickly as possible to adopt H.B. 1134 in order to protect local governments and their taxpayers from expensive antitrust

litigation and liability for local licensing and regulatory activity and that the City support efforts of the Colorado Municipal League in this regard.

PASSED and ADOPTED this 16th day of January, 1985.

/s/ J.P. Mike Pacheco

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

EMERGENCY PREPAREDNESS CONTRACT FOR SERVICES APPROVED - COUNCIL PRESIDENT AUTHORIZED TO SIGN

Upon motion by Councilwoman Clark, seconded by Councilman Phipps and carried, the Emergency Preparedness Contract for Services was approved and the President of the Council was authorized to sign said Contract.

PLANNED DEVELOPMENT PROCESS

David McKinley stated that he was familiar with the planning process but that the City's was very difficult to understand. He offered to work with the City at some future time in developing an understandable process.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart CMC
City Clerk