

**GRAND JUNCTION, COLORADO  
MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL**

**APRIL 7, 1993**

The City Council of the City of Grand Junction, Colorado convened in regular session the 7th day of April, 1993, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, John Bennett, Bill Bessinger, Bill McCurry, Paul Nelson, Conner Shepherd, and President of the Council Reford Theobold. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Theobold called the meeting to order and Councilman Nelson led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Eddie Kelemen, Redlands United Methodist Church.

**PROCLAMATIONS/RECOGNITIONS**

PROCLAMATION DECLARING APRIL 16, 1993, AS "ARBOR DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING APRIL 25 THROUGH MAY 1, 1993 AS "CRIME VICTIMS RIGHTS WEEK" IN THE CITY OF GRAND JUNCTION

SPECIAL RECOGNITION AWARD TO TAD HALL, PUBLIC WORKS DEPARTMENT

SPECIAL RECOGNITION AWARD TO TRAVIS HALDEMAN, SOPHOMORE, GRAND JUNCTION HIGH SCHOOL - PROPOSED RESOLUTION RECOGNIZING THE EFFORTS OF TRAVIS HALDEMAN IN CLEANING UP THE COLORADO RIVER ISLAND NORTH OF THE GRAND AVENUE BRIDGE

**CANVASSING BOARD - CERTIFICATE OF ELECTION**

Councilmembers BENNETT, MC CURRY, NELSON and SHEPHERD stepped down from their seats. Councilmembers Jim Baughman, Reford Theobold, and Bill Bessinger, along with Public Notaries Helen Carmack, Mildred Fowler, Mary Kreps and Theresa Martinez, served on the Canvassing Board. The City Clerk filed the report regarding her findings after review of the returns by the Judges of Election. The following Certificate of Election was filed: (Full copy in P.R.).

CITY OF GRAND JUNCTION, COLORADO

CERTIFICATE OF ELECTION

APRIL 3, 1993

I, Stephanie Nye, City Clerk of the City of Grand Junction, Colorado, do hereby certify that the results of the General Municipal Election held in the City on Tuesday, April 6, 1993, were as follows:

Total Ballots Cast in District A, Precinct 1	182
Total Ballots Cast in District A, Precinct 2	219
Total Ballots Cast in District B	702
Total Ballots Cast in District C	331
Total Ballots Cast in District D	701
Total Ballots Cast in District E	577
Total Ballots Cast Absentee	<u>104</u>
<b>TOTAL BALLOTS CAST</b>	<b>2816</b>

FOR COUNCILMAN - DISTRICT "A" - FOUR-YEAR TERM

<u>Candidates</u>	Dist A-1	Dist A-2	Dist B	Dist C	Dist D	Dist E	Dist ABS	TOTAL
Linda E. Afman	63	137	286	138	297	176	30	1127
Cindy Enos- Martinez	75	40	172	104	176	240	21	828
Ellsworth "Al" Stein	32	35	200	71	148	115	30	640

FOR COUNCILMAN - DISTRICT "D" - FOUR-YEAR TERM

Don Everhart	26	27	150	49	108	98	19	477
Terence L. Terry Hammer	46	30	70	56	117	86	11	416
Betty L. Kline	12	14	20	15	19	21	2	103
Joseph V. Marie, II	4	1	7	3	5	3	2	25
William E. "Bill" McCurry	31	15	57	53	78	81	15	330
Daniel J. Rosenthal	47	106	366	143	352	255	51	1320

FOR COUNCILMAN - DISTRICT "E" - FOUR-YEAR TERM

Loretta Harrison	23	29	91	55	90	77	10	375
Christopher "Chris" Kanaly	45	29	113	64	122	88	23	484
Chuck Locke	32	56	202	90	181	120	16	697
Ron Maupin	43	51	192	72	165	202	32	757
Linda C. "Lipa" Villa	26	20	49	29	42	71	8	245

FOR COUNCILMAN - CITY AT LARGE - FOUR-YEAR TERM

<u>Candidates</u>	Dist A-1	Dist A-2	Dist B	Dist C	Dist D	Dist E	Dist ABS	TOTAL
John W. Bennett	41	35	183	83	193	128	22	685
Scott Brown	24	26	57	37	78	102	11	335
R.T. Mantlo	67	114	367	149	303	258	55	1313
Helen K. Wootten	46	33	69	50	97	65	8	368

CITY PARKS QUESTION:

SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE FOR AT LEAST THE APPRAISED VALUE THEREOF, THE 2.37 ACRE PARK SITE REPLAT OF CROSSROADS COLORADO WEST SECTION 1, 1N 1W. IF TRADED, THE LANDS TRADED SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE DEPOSITED IN THE CITY'S OPEN SPACE FUND FOR THE ACQUISITION AND/OR IMPROVEMENT OF PARK LANDS.

	Dist A-1	Dist A-2	Dist B	Dist C	Dist D	Dist E	Dist ABS	TOTAL
YES	91	139	428	182	433	350	66	1689
NO	44	24	74	38	83	75	13	351

Certified this 7th day of April, 1993.



*Stephanie Nye*  
 \_\_\_\_\_  
 Stephanie Nye, CMC  
 City Clerk

We, the undersigned Canvassing Board, have reviewed the results of the General Municipal Election held April 6, 1993, and do hereby conclude:

That LINDA E. AFMAN has been duly elected as Councilman for District "A" by the greater number of votes.

That DANIEL J. ROSENTHAL has been duly elected as Councilman for District "D" by the greater number of votes.

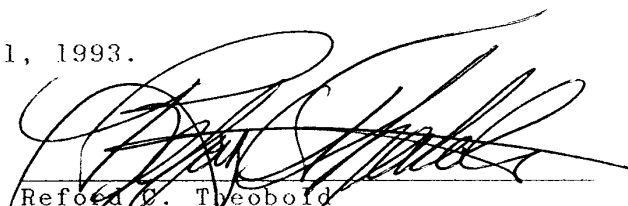
That RON MAUPIN has been duly elected as Councilman for District "E" by the greater number of votes.

That R.T. MANTLO has been duly elected as Councilman, City at Large, by the greater number of votes.


That on the question "SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE FOR AT LEAST THE APPRAISED VALUE THEREOF, THE 2.37 ACRE PARK SITE REPLAT OF CROSSROADS COLORADO WEST SECTION 1, IN 1W. IF TRADED, THE LANDS TRADED SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE DEPOSITED IN THE CITY'S OPEN SPACE FUND FOR THE ACQUISITION AND/OR IMPROVEMENT OF PARK LANDS" the question CARRIED by the greater number of votes.


Dated this 7th day of April, 1993.

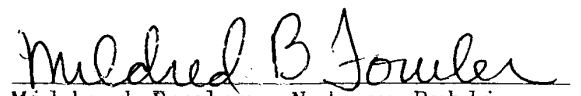
  
James R. Baughman  
Councilman, District B

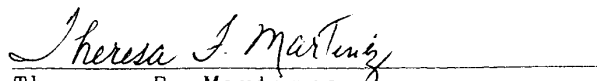
  
Refoed C. Theobald  
Councilman, District C

  
Bill L. Bessinger  
Councilman, City at Large

  
Mary L. Kreps, Notary Public  
582 Ronlin Street

  
Helen Carmack, Notary Public  
1233 N. 17th Street

  
Mildred Fowler, Notary Public  
582 22-1/2 Road

  
Theresa F. Martinez  
Notary Public  
760 Teller Avenue

The Certificate of Election was accepted, signed and prepared for filing with the Secretary of State and for publication in The Daily Sentinel.

**CONSENT ITEMS**

Upon recommendation of counsel, the Resolution recognizing Travis Haldeman was changed to a proclamation.

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Upon motion by Councilmember Nelson, seconded by Councilmember Bessinger and carried by roll call vote with Councilmember **BESSINGER** voting **NO** on the recognition award for Travis Haldeman being changed, the following consent items 1-7 were approved:

1. **Approve** the minutes of the Regular Meeting March 17, 1993 and the Special Meeting March 18, 1993
2. **\* Resolution No. 21-93** authorizing a Revocable Permit for a sign in the public right of way for the new Hi-Fashion Fabrics store located at 2586 Patterson Road

The new Hi-Fashion Fabrics store was recently approved through a zoning to Planned Business and a final development plan. The plan showed a monument type sign located within the right of way for Patterson Road. At this location the right of way line is set back from the street improvements due to the old alignment of Patterson. The location of the sign in relationship to the improvements is consistent with the location of other signs along Patterson.

3. **\* Resolution No. 22-93** regarding Lloyd Ranch Limited Easement

The Lloyd Ranch has requested the use of an existing road across the City's Somerville Ranch. The Lloyd Ranch has used this road for a considerable amount of time and is seeking a permanent easement to use the right-of-way.

The City Services Committee, on February 11, 1993, reviewed the request with staff input from Tim Woodmansee and recommended that a perpetual easement be granted.

4. **Proposed Ordinance** making Supplemental Appropriations to the 1993 Budget of the City of Grand Junction

The appropriation requests are to re-appropriate certain amounts appropriated for 1992 and not spent. They include various requests

previously approved by the Council for which appropriations have not yet been made. They include appropriations for certain projects for which additional revenues have been received. They also include new requests which are individually described in the memo.

a. First reading of proposed Ordinance

5. **Authorization** to purchase a Jacobsen 1684D Triplex Mower - Mile High Turf Equipment, Inc. - \$17,519

Bids were opened March 25th for the purchase of a Triplex Mower for the city's Golf Course Maintenance Division. Invitation for Bids were distributed to three turf equipment dealers; we received one responsive bid from Mile High Turf Equipment for a Jacobsen Model 1684D Mower for \$17,519. The mower shall be purchased to replace Unit #1108, a 1989 Toro Reelmaster Mower.

6. **Authorization** to award contract for removal of underground fuel storage tanks to Enviro 25 Environmental Services - \$18,971.62

Enviro 25 proposes to remove seven (7) tanks located at city fire stations for \$18,971.62. Requests for Proposals were solicited from four companies certified to remove and dispose of underground fuel storage tanks and soil contaminants. The scope of work includes the removal and disposal of seven underground fuel storage tanks and City associated delivery system equipment at city fire stations. All work will be done in accordance with applicable federal, state and local laws and guidelines. All underground tank sites will be tested for contaminants.

The City received the following three responsive proposals that fulfilled the city's scope of work:

Enviro 25	\$18,971.62
Reed Constructors	\$20,984.00
Storage Tank Tech.	\$24,529.00

The above figures do not include costs associated with the removal and disposal of contaminated soils. If test results reveal any soil contamination, we will have additional disposal expenses based on pre-agreed contingency pricing.

7. **Acceptance** of low bid submitted by Mays Concrete, Inc. for Curb, Gutter and Sidewalk Replacement 1993 - \$181,644

Bids received March 30, 1993, are summarized as follows from lowest to highest:

Mays Concrete, Inc.	\$181,644.00
G & G Paving Construction Co.	\$214,547.50
Lyle States Construction	\$232,866.56

\* \* \* END OF CONSENT CALENDAR \* \* \*

**\* \* \* ITEMS NEEDING INDIVIDUAL CONSIDERATION \* \* \***

**HEARING - APPLICATION BY LATIN ANGLO ALLIANCE FOR A 3.2% FERMENTED MALT BEVERAGE SPECIAL EVENTS PERMIT ON MAY 8, 1993, FROM 10:30 A.M. TO 11:59 P.M. IN THE 500 TO 700 BLOCKS OF MAIN STREET, FOR THE ANNUAL CINCO DE MAYO CELEBRATION**

A hearing was held after proper notice on the application by Latin Anglo Alliance for a 3.2% Fermented Malt Beverage Special Events Permit on May 8, 1993, from 10:30 a.m. to 11:59 p.m. in the 500 to 700 blocks of Main Street, for the annual Cinco de Mayo celebration. Mr. Benny Mestas was present representing the organization. Upon motion by Councilmember McCurry, seconded by Councilman Nelson and carried, the application was approved.

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**HEARING - APPLICATION BY GRAND JUNCTION AREA CHAMBER OF COMMERCE FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT ON MAY 12, 1993, FROM 6:00 P.M. TO 12:00 MIDNIGHT AT LIFF AUDITORIUM, MESA STATE COLLEGE, FOR A RECOGNITION BANQUET FOR SCHOOL DISTRICT #51 TEACHERS**

A hearing was held after proper notice on the application by Grand Junction Area Chamber of Commerce for a Malt, Vinous and Spirituous Liquor Special Events Permit on May 12, 1993, from 6:00 p.m. to 12:00 midnight at Liff Auditorium, Mesa State College, for a recognition banquet for School District #51 teachers. Diane Schwenke, President, was present. Upon motion by Councilmember Bessinger, seconded by Councilmember Nelson and carried, the application was approved.

**REQUEST TO WAIVE THE REQUIREMENT FOR HALF STREET IMPROVEMENTS ON PROPERTY LOCATED AT 2700 I-70 BUSINESS LOOP - DENIED**

The owners of the property located at 2700 I-70 Business Loop are appealing the requirement for half street improvements along Grand Avenue for the use of the property as a mobile home sales lot.

Kathy Portner, Community Development Department, reviewed this item. The property is bounded by I-70B to the south, Grand Avenue to the north, and 28 Road to the east. David and Jan Marie have leased the property for a mobile home sales lot. A building permit is necessary to place a modular unit on the lot. For the hookups of that to be used for their office, along with other requirements for setbacks, landscaping and parking the Zoning and Development Code requires that "the developer of all developments shall be responsible for one half road improvements to the centerline of all exterior rights-of-way." Grand Avenue which abuts the property to the north has no curb, gutter or sidewalk. In accordance with the Code and past practice, the developer is being required to pay for half-street improvements to Grand Avenue with an estimated cost of \$50/linear foot of frontage (estimated total cost of \$7,000, based on a total property frontage of 140 feet). Since the original estimate, it was realized that a portion of the property frontage has the Indian Wash bridge along it which is approximately 40 feet



of that frontage. Therefore, the frontage would be 100 feet and the estimated cost is \$5,000. Section 5-4-16 of the Zoning and Development Code allows the City Council, after recommendation by Planning Commission, to consider variances to the requirements where:

- a. There are exceptional topographic soil or other sub-surface conditions or other conditions peculiar to the site;
- b. An undue hardship would be created by the strict application of the provisions of this Section;
- c. Such hardship is not created by action of the applicant;
- d. Such variance would not be detrimental to the public welfare or impair the intent and purpose of the Section.

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Staff feels the request does not meet the above criteria for a variance. The requirement has been applied to other projects since the adoption of the Ordinance. It has been the policy of the City that infrastructure improvement be made as development occurs. In that way the developer that is benefiting from the City infrastructure, and further impacting the same, is paying for the improvements. If the developer does not pay, it puts more burden on the general taxpayer when that road is improved. Staff recommends denial of the request. Planning Commission recommended denial on a 3-1 vote at the April 6, 1993 hearing.

Councilmember Bessinger suggested that if the petitioner does not wish to make improvements at this time that they bond it so that the money will be available at such time as the City makes the improvements.

Mr. J.D. Snodgrass, 704 Galaxy Drive, attorney representing the owners of the property, Mr. and Mrs. Irwin, presented information that he felt would be helpful in Council's deliberation of the appeal:

- a. Mr. and Mrs. Irwin's property was used as a mobile home sales lot until 1986. In 1986 that use ended and the property has been vacant. Mr. Marie leased the property in 1992 for the purpose of using it as a mobile home sales lot. The lease rate is \$500/month to the owner and the owner does pay real property taxes in addition. The amount requested exceeds the amount of rent for one year on this property.
- b. Photographs were submitted showing curb and gutter on the south side of Grand Avenue stops approximately midway through the School District's property (approximately four to four and one half blocks to the west of this property). There is no curb, gutter or sidewalk for about 4 to 4-1/2 blocks until you arrive at the subject property.
- c. Mr. Snodgrass presented a plat showing the area that crosses Indian Wash on Grand Avenue. There is a curb going over the bridge. The plat shows the relationship of the property line on the north end of the property to the edge of the asphalt. The curb begins at the bridge and goes around the corner.

Mr. Marie was required by State law to obtain approval by the Community Development Department (approval date November 23, 1992) before he could get a State license to sell manufactured homes. Mr. Marie commenced to purchase the unit that would be placed on the property and used as his office facility. A building permit was required. Mr. Marie has submitted plans to the Community Development Department to gravel the entire lot and to landscape around the building at an estimated cost of \$10,000. The Zoning and Development Code defines a development as "the construction improvement or placement of a use on a parcel of land." The uses along Grand Avenue include multi-family units and other small businesses. In accordance with the dictates of this Code, if anyone of those uses went in to get a building permit for a deck (example) on their property, that would be an improvement of the use of that land, and would require them to pay the \$50/lineal foot charge for improvement of Grand Avenue. Mr. Snodgrass interprets the Code to say that the person who owns the property is allowed to do one of two things:

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1. They may be required to put in the actual improvement itself;
2. They may be required to simply place the money in escrow with the City for future use and improvement of the facility.

Mr. Snodgrass stated that under these circumstances, the petitioner does not know when Grand Avenue (for the 4-1/2 blocks) will be improved. The City is now asking Mr. Irwin to put up \$5,000 into an escrow fund, and not get the improvement until some time in the future. The alternative is to require the petitioner to put the improvements in. Mr. Snodgrass felt that the usual process for constructing major improvements on a parcel of property is getting a loan to construct those improvements, and paying it off over a period of time. That is the theory that is used in the special improvement district statutes for the purpose of constructing improvements. It allows the land owners to pay over a period of time with interest. Without the protections that are provided under the special improvement district statutes, the small individual owner must dig into his pocket to either put in the improvements or to put the money into the City's coffers and wait for the improvement at some point down the line. Mr. Snodgrass stated that this request meets the criteria for a variance under the Code, and requested Council's favorable consideration.

Public Works Manager Mark Relph was present to answer questions regarding street improvement costs. He explained that the width of the Indian Wash bridge would not be expanded, and the curb and gutter is to abut the bridge (with a taper).

City Manager Mark Achen discussed the practical ability of the City to obtain the improvement funds when needed. He explained that if the development does not incur the financial obligation at the time the development initiates, the new owner of the property feels it is a very unfair financial burden and frequently appeals to the City Council saying "You should have got me back when I developed. That's when the cash was flowing. Now here I am ten or fifteen years later, the City has just decided to do the street, and you caught me at a really bad time." Councils

have had a very difficult time saying no under those circumstances. The policy was written forcing the cash flow for required improvements at the time the approval was given, either in the form of the developer having to make the improvement or having to cover the obligation by paying the money to the City. The County has also wrestled with this issue.

In the past, the rationale has been that any kind of new use that requires a building permit should require installation of the half-street improvements. Now the applicant is moving a building onto the property, but is not building anything. Mr. Achen does not feel that it is the appropriate time to require public improvements.

Councilmember Baughman stated that the Ordinance was passed to get the half-street developments from a major developer such as Sam's Club when a major improvement is required. Mr. Baughman felt that when moving a modular unit, that is not even a permanent unit, onto a piece of property, and then making it trigger the half-street improvement, is a bit oppressive.

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President of the Council Theobald was concerned about the "triggering" of a building permit. A discussion ensued regarding the extent of development in relation to the triggering of the requirement for half-street improvements.

It was moved by Councilmember Shepherd and seconded by Councilmember Nelson that the request to waive the requirement for half street improvements on property located at 2700 I-70 Business Loop be approved. A vote was taken with the following result:

YES: NELSON, BAUGHMAN, THEOBOLD.  
NO: BENNETT, BESSINGER, MC CURRY, SHEPHERD.

The President of the Council declared the motion lost, thereby denying the waiver request.

Staff was directed by Council to work with the applicant regarding a method of security by which the funding for the improvements would be guaranteed other than the applicant depositing the funds in escrow.

**RATIFICATION OF DIVISION OF LOCAL GOVERNMENT GRANT APPLICATION FOR THE AVALON PROJECT**

City Manager Achen stated that the City and the Downtown Development Authority have reached an agreement regarding the acquisition of the Avalon, Theatre. It was agreed tentatively that the DDA and the City will each fund \$100,000 toward the purchase of the Avalon Theatre, with the understanding that if Avalon, Inc. is able to obtain it at a lesser price, they can use whatever remaining balance of the \$200,000 available for other purposes. The City will provide minimal property insurance coverage, and \$25,000/year for five years as operating subsidy. Avalon, Inc., before receiving any of the funds, is to demonstrate that it has raised the funds (approximately \$350,000) to remodel the facility. The grant is an application for State assistance to accomplish Avalon, Inc.'s commitment.

It was moved by Councilmember Bennett and seconded by Councilmember Baughman

that over the next five years, an expenditure not to exceed \$235,000 for the purchase, renovation, and insurance of the Avalon Theatre be authorized, contingent upon the \$350,000 commitment by Avalon, Inc., and the \$100,000 commitment by the Downtown Development Authority.

President of the Council Theobald clarified that \$350,000 is needed for renovation. Avalon, Inc., will be paying \$350,000 over and above the City's \$100,000 and the DDA's \$100,000.

A motion to amend was made by Councilmember Shepherd and seconded by Councilmember Nelson that the City provide Avalon, Inc., with \$235,000 contingent upon Avalon, Inc.'s successful finding of \$350,000, that \$100,000 be earmarked for acquisition and restoration depending on the final acquisition cost, that \$35,000 be earmarked for insurance and \$100,000 be earmarked to subsidize operation over the next five years. Councilmember Bennett did not accept the amendment.

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Councilmember Shepherd amended his motion to delete "that \$35,000 to be earmarked for insurance," and insert "provide property insurance coverage through the City's umbrella policy." Councilmember Nelson seconded the amended motion. Roll was called on the motion by Councilmember Shepherd with the following result:

YES: SHEPHERD, NELSON, MC CURRY, THEOBOLD  
NO: BENNETT, BESSINGER, BAUGHMAN.

President of the Council Theobald clarified the amended motion by restating: the City Council will contribute \$100,000 toward the purchase, \$20,000/year (total of \$100,000) for five years only for operations, and will provide in-kind property coverage estimated at \$2,000/year (total of \$10,000), contingent upon \$100,000 from the DDA, and contingent upon \$350,000 from Avalon, Inc. to make this project go. Roll was called on the motion with the following result:

YES: NELSON, BAUGHMAN, MC CURRY, SHEPHERD, THEOBOLD  
NO: BENNETT, BESSINGER.

#### **APPROVAL OF ONE-YEAR EXTENSION OF OPTION TO PURCHASE AVALON THEATRE**

Upon motion by Councilmember Bennett, seconded by Councilmember Bessinger and carried, the one-year extension of option to purchase Avalon Theatre was approved, with Avalon, Inc., paying the property taxes.

#### **RECESS**

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

#### **ORDINANCE NO. 2666 - AMENDING TABLE 5-A OF THE UNIFORM BUILDING CODE, 1988 EDITION, TO ALLOW BREAKS OF A FIRE WALL UNDER CERTAIN CIRCUMSTANCES**

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember McCurry, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2666 was passed and adopted, and

ordered published.

**ORDINANCE NO. 2667 - REZONING FROM RMF-32 TO B-1 PROPERTY LOCATED AT 640 BELFORD AVENUE**

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Baughman, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2667 was passed and adopted, and ordered published.

**ORDINANCE NO. 2668 - VACATING TWO UTILITY EASEMENTS ON PROPERTY LOCATED AT 865 NORTH AVENUE**

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember McCurry, seconded by Councilmember Nelson and carried by roll call vote, Ordinance No. 2668 was passed and adopted, and ordered published.

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**ORDINANCE NO. 2669 - VACATING TWO UTILITY EASEMENTS THROUGH THE ST. JOSEPH'S CATHOLIC CHURCH PROPERTY LOCATED ON THE NORTHEAST CORNER OF THIRD STREET AND WHITE AVENUE**

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Baughman, seconded by councilmember McCurry and carried by roll call vote, Ordinance No. 2669 was passed and adopted, and ordered published.

**ORDINANCE NO. 2670 - VACATING TWO ALLEYWAYS THROUGH THE ST. JOSEPH'S CATHOLIC CHURCH PROPERTY LOCATED ON THE NORTHEAST CORNER OF THIRD STREET AND WHITE AVENUE**

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember McCurry, seconded by Councilmember Baughman and carried by roll call vote, Ordinance No. 2670 was passed and adopted, and ordered published.

**ORDINANCE NO. 2671 - ALLEY IMPROVEMENT DISTRICT 1992, PHASE A, ASSESSMENTS**

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Bennett, seconded by Councilmember McCurry and carried by roll call vote, Ordinance No. 2671 was passed and adopted, and ordered published.

**ORDINANCE NO. 2672 - ALLEY IMPROVEMENT DISTRICT 1992, PHASE B, ASSESSMENTS**

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Bessinger, seconded by Councilmember McCurry and carried by roll call vote, Ordinance No. 2672 was passed and adopted, and ordered published.

**NON-SCHEDULED CITIZENS - DWIGHT MORGAN DISCUSSES LOCAL LIQUOR ENFORCEMENT**

Mr. Dwight Morgan, 629 Ouray Avenue, a former Board member on the Liquor and Massage Licensing Authority in Ft. Collins, Colorado, discussed several

recent disturbances at Cahoot's Crossin located at 490 28-1/4 Road. He learned of these disturbances through the City Police Department. He suggested a letter of concern from the Council be addressed to the licensee regarding any intention in resolving the problems. He also felt applications for Special Events Permits should be more closely scrutinized.

Councilmember Bennett explained that the majority of applications for Special Events Permits are by local organizations that have applied many times in the past, and are familiar with policy and procedure. Mr. Bennett was not aware of any problems at Cahoot's Crossin and felt that the Police Department should notify City Council when there are such problems.

Mr. Morgan felt it was important that licensees and employees of liquor establishments know what a drunk looks like, knows how to identify a false ID, etc. Mr. Morgan also discussed massage therapist licensing. He also discussed "sting" operations.

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City Attorney Dan Wilson stated that in the mid 80's a Liquor Hearing Officer was appointed to conduct hearings on beer and liquor applications. The meeting is held at 8:00 a.m. on the first and third Wednesdays of each month in the City-County auditorium. The Police Department does regularly supply incident reports to the Hearing Officer at the time of renewal.

It was suggested that changes for consideration of beer and liquor license applications be discussed at a future Council workshop or the City Council Retreat to be held later this month.

#### **ADJOURNMENT**

Upon motion by Councilmember McCurry, seconded by Councilmember Bessinger and carried, the meeting was adjourned at 10:08 p.m.

Stephanie Nye, CMC  
City Clerk