

Grand Junction, Colorado

September 5, 1973

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. September 5, 1973 in the Civic Auditorium at City Hall. Present for roll call were President Stanley Anderson, Councilmen Silas Grantham, Lawrence Kozisek, Jane Quimby, Elvin Tufly, and Robert Van Houten. Councilman Harry Colescott was absent. Also present were City Attorney Gerald Ashby, City Manager Harvey Rose, and City Clerk Neva Lockhart.

MINUTES

There being no corrections or additions to the Minutes of the Regular Council Meeting held on August 15, 1973, Councilman Van Houten moved they be approved as written which motion was seconded by Councilman Kozisek and said motion carried unanimously.

3.2 BEER LICENSE - ROBT. J. JOHNSON DBA BOB'S SUPER STOP, 1660 NORTH AVENUE - APPROVED CONDITIONALLY

Advertised for hearing on this date was the application by Robert J. Johnson for a 3.2 beer license for consumption off the premises at Bob's Super Stop, 1660 North Avenue. Mr. Johnson was present for the hearing with his attorney, Mr. Clay Hanlon. Mr. Hanlon presented the petition which was circulated by M.A.P., Inc., which indicated that 77 signed for the issuance of the license; 45 were not at home; and 21 said no for various reasons with only 6 of the 21 stating they did not think another outlet was needed. A letter from Chief of Police Karl Johnson was read which noted the applicant's arrest record from the Phoenix, Arizona, Police Department. Also noted was the arrest of the applicant in July of 1973 by the Mesa County Sheriff's Department on a charge of selling illegal fireworks to which he pleaded guilty. Mr. Hanlon stated that on its face it sounded like a bad record. He had talked with the applicant, Mr. Johnson, and learned that the last three instances of arrest in Phoenix, Arizona, had been the result of a stormy divorce situation. He noted that the applicant does not drink at the present time. With regard to the sale of illegal fireworks, the applicant was guilty and he had to bear the loss of \$400 worth of merchandise. No letters had been filed regarding this application, and there was no one in the audience who indicated a desire to speak regarding this application. The President closed the hearing.

It was moved by Councilman Kozisek and seconded by Councilman Tufly that the application be approved and the license issued when the State license has been received subject to the stipulation that at the first report of any problem the license be reviewed pending revocation. Motion carried with President Anderson voting

No.

SANITARY SEWER - WEST ORCHARD MESA - BID - CONTRACT TO SMITH WELDING & CONSTRUCTION - \$10,404

Bids were received and opened at 2:00 p.m. Tuesday, August 28, on the proposed West Orchard Mesa Sanitary Sewer Trunk Line. They are:

| | |
|------------------------------|-------------|
| George Tilton | \$11,289.80 |
| Leon B. Parkerson | 10,694.00 |
| Richard Kipp Construction | 10,634.00 |
| Smith Welding & Construction | 10,404.00 |
| Engineer's Estimate | 9,980.00 |

Public Works Director Gus Byrom recommended award of the contract to the low bidder, Smith Welding & Construction Company. The City Manager concurred and noted that Smith Welding has done several other jobs for the City and their work is satisfactory.

It was moved by Councilman Grantham and seconded by Councilman Kozisek that the contract for the West Orchard Mesa Sanitary Sewer Trunk Line be awarded the low bidder Smith Welding & Construction Company, in the amount of \$10,404. Motion carried.

It was noted that construction will start immediately.

HEARING ZONING ORDINANCE CHANGES (SURVEY, FEES, FILING PROCEDURE, CONDITIONAL USE, RESIDENTIAL BULK DEVELOPMENT) - PROPOSED ORDINANCE

Advertised for hearing on this date were the proposed changes in the Zoning Ordinance Text, Chapter 32, regarding survey, fees, filing procedure, conditional use, and residential bulk development and the proposed changes in the City's Subdivision Ordinance, Chapter 27, pertaining to the filing of development plats and fees. Assistant Planning Director Rick Cisar discussed and reviewed the proposed changes. Mrs. Virginia Flager, Councilwoman Quimby, and Councilman Van Houten endorsed the recommended changes. It was felt that the changes would effect a timetable which a developer or petitioner could depend upon as well as establish fees to help defray the expense of items to be processed. President Anderson commented that the proposed fees are too high. There had been no letters filed regarding these changes, and there were no others present who indicated a desire to speak. The President closed the hearing.

The following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING CHAPTER 32, THE ZONING ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION. It was moved by Councilman Van Houten and seconded by Councilwoman Quimby that the proposed ordinance be passed for publication. Motion carried

unanimously.

PROPOSED ORDINANCE - PLATS OF SUBDIVISIONS

The following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION CONCERNING PLATS OF SUBDIVISIONS. It was moved by Councilman Grantham and seconded by Councilwoman Quimby that the proposed ordinance be passed for publication. Motion carried.

ZONING ORDINANCE TEXT - PROPOSED ORDINANCE SECTION 11 b. - DEFINITIONS & LIMITATIONS - LOT

Recommended from the Planning Commission and advertised for hearing on this date was the proposed change in the Zoning Ordinance Text Section 11 b. Definitions and Limitations - Lot. No letters had been filed regarding this proposed change, and there was no one present who indicated a desire to speak. The President closed the hearing.

The following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING SECTION 11 b., CHAPTER 32, THE ZONING ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION PERTAINING TO DEFINITION OF LOT. It was moved by Councilwoman Quimby and seconded by Councilman Kozisek that the proposed ordinance be passed for publication. Motion carried.

HEARING ZONING FROM R-1-B TO PD-8 LANDING HEIGHTS NURSING HOME - PROPOSED ORDINANCE

Recommended from the Planning Commission and advertised for hearing on this date was the rezoning petition involving approximately 3.67 acres of a 20 acre tract owned by Ralph and Lilamarie Landing located south of Patterson Road, West of the Mantey Heights Water Tank and east of the Mantey Heights Subdivision. The petition requests rezoning from R-1-B (Single-Family Resident) to PD-8

(Planned Development). Mr. Pat Dwyer of NHPQ was present on behalf of the developers. He explained that the plans call for a 60-bed nursing home to the east on the property on the west side of the property, the existing buildings will be replaced by new retirement housing within the one-year time frame required by the Planning Commission--the owners have agreed to this. Mr. Rick Cisar, Assistant Planning Director, stated that when this item was presented to the Planning Commission the density of the area was discussed extensively. He noted that 19 percent of the 3.67 acres is covered with buildings. At the August meeting of the Planning Commission, it recommended that the entire 20 acres be rezoned to PD-8. In order not to delay the developer, the rezoning of the 3.67 acres was advertised for hearing at this time with the balance of the land to be recommended for rezoning in the near future. There had been no letters filed regarding the proposed

rezoning, and there were no others in the audience who indicated a desire to speak on this matter. The President closed the hearing.

The following entitled proposed ordinance was presented and 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 ON CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Kozisek and seconded by Councilman Tufly that the proposed ordinance be passed for publication. Motion carried.

HEARING - REQUEST FOR BUILDING HEIGHT VARIANCE FROM 35' TO 65' IN R-3 ZONE - APPROVED

Recommended from the Planning Commission and advertised for hearing on this date was the request to increase the building height in an R-3 (Multi-Family) Zoning District from 35 feet to 65 feet for a proposed high-rise retirement apartment to be located south of the intersection of Patterson Road and 26 3/4 Road. Mr. Rick Cisar

Assistant Planning Director, noted the Planning Commission's approval of the request to go from one parking space per unit to a one-half parking space per unit provided the developer will reserve the land and additional space should more parking space be necessary. Mr. Cisar noted that St. Mary's Hospital building is 55 feet with a ground elevation of 4,662 feet. The proposed high-rise apartment building site is much lower with a ground elevation of 4,645 feet. Dr. Harold Reeder was present and discussed the plans for the area. It was noted that Wellington Avenue will be improved by the Corporation. There were no other comments from the audience, and no letters were on file with regard to this request. The President closed the hearing.

It was moved by Councilman Grantham and seconded by Councilman Tufly that the building height variance be granted with the stipulation that the rights of way be dedicated on 8th Street and Wellington Avenue. Motion carried.

DAYS - WESTERN SLOPE KALEIDOSCOPE GRANTED PERMISSION FOR MAIN STREET CLOSING ON SEPTEMBER 7

Miss Pat Williams, Coordinator of the Western Slope Kaleidoscope Art Festival which is planned for September 7 and 8, appeared before the Council to report that approximately 100 artists are planning on art display during the Festival. More may be coming and if so, more room on Main Street will be required. She asked Council if Main Street could be blocked between 5th Street and 7th Street for both Friday and Saturday and permission to block all the way to 3rd Street should it be required. City Manager Rose said that two men from the Public Works Department Office could be assigned to the Shopping Park on both of these days and that they would be ready to set up the barricades should they be needed below 5th Street. Mr. Dale Hollingsworth of the Chamber of Commerce was present and said that most of the Downtown merchants

are aware of the Art Festival and the request to close Main Street. He noted that this is the last weekend for shopping before school starts, and he would be reluctant to endorse the closing of Main Street from 3rd to 7th unless the number of people arriving for the Art Festival warrants it.

It was moved by Councilman Kozisek and seconded by Council woman Quimby that the Traffic Department be directed to set up barricades on Main Street between 5th Street and 7th Street on Friday September 7, and Saturday, September 8, and further that barricades be ready to close Main to 3rd Street should it be required to do so. Motion carried unanimously.

WATER TAP - HOME WATER SUPPLY CO. FOR CACTUS PARK RACETRACK

Excerpts from the transcript of the City Council meeting held on March 7, 1973, were read which granted permission for the Home Water Supply Company of Whitewater to increase its 2-inch tap to a 4-inch tap in order to provide service to the Cactus Park Speedway. Permission was granted on the condition that all water service taps would be made after their treatment plant. It was sometime after this that Staff members learned the Home Water Supply Company made a service tap to Cactus Park Speedway upstream to the treatment plant. Staff's concern is that the original agreement is not being met. Reference was made to the October 4, 1972, memorandum to Council from City Engineer Davis Hickman, Water Supply Superintendent Al Wing, and Utility Plants Superintendent Jim Patterson which resulted in Council declaring a moratorium for new water taps on the flow line. The reason for the moratorium was that with more stringent laws by the Health Department, the City might at some future time be required to treat the water being provided to the flow line customers which would be impossible for the City to do.

Mr. Ted Albright of the Home Supply Company was present and presented an Agreement between Home Water Supply Company and the Cactus Park Speedway dated September 5, 1973, which stipulated that the Speedway would not use unfiltered water for human consumption. He noted that the owners of the Speedway and the Home Water Supply Company are willing to enter into an agreement with the City of Grand Junction stating that the water is not being used for any other reason but to water down the racetrack.

City Attorney Gerald Ashby was direct to work with Mr. Albright and get the matter worked out.

TRAFFIC LIGHT - PETITION REQUESTING LIGHT AT 28-1/2 ROAD AND NORTH AVENUE - TABLED UNTIL TRAFFIC COUNT CAN BE OBTAINED FROM STATE

Mr. Roger Heintz, 545-1/2 Normandy Way, and Mr. Russell Church, 547 Normandy Way, presented for consideration a petition signed by 287 people requesting a traffic light at the intersection of 28-1/2 Road and North Avenue. The petition was accepted and

discussion tabled until a traffic count can be obtained from the State Highway Department.

RECESS

Council reconvened after a five-minute recess.

PROPOSED ORDINANCE - MOBILE HOMES - TABLED - TO ADVERTISE FOR HEARING ON OCTOBER 3

The following entitled proposed ordinance was presented and read: AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, ITS TRAILERS AND MOBILE HOMES ORDINANCE AND PROVIDING FOR THE PUBLICATION OF SAID ORDINANCE IN PAMPHLET FORM. City Attorney Ashby said this proposed ordinance will be adopted after it is advertised specifically by special notice. Mr. Bob Mather, owner and manager of the Grand View Mobile Park located at 1550 South U.S. Highway 50, stated that not only would certain sections of the proposed ordinance create a hardship for him but it would also create hardship for trailer owners who are on fixed incomes. He noted that 45 per cent of his trailer space renters are on Social Security. Mr. Mather felt the following sections of the proposed ordinance would create hardships:

- Section 29-21 - Mobile Home Spaces - 20 foot minimum between mobile homes
- Section 29-22 - Access Road and Parking Areas
- Section 29-26 - Storage Facilities
- Section 29-34 - Permanent Additions to Units: Skirting

A Mr. Stafford and a Mr. Richmond, also Trailer Park owners, agreed with Mr. Mather and stated that those items represent a lot of money. City Attorney Ashby said there would be three years for total compliance with the ordinance.

Consensus of Council was to table the proposed ordinance and advertise for hearing on October 3, 1973. It was so moved by Councilman Kozisek and seconded by Councilwoman Quimby and said motion carried unanimously.

PLUMBING CODE - PROPOSED ORDINANCE ADOPTING BY REFERENCE THE 1973 EDITION - HEARING ON OCTOBER 17

Mr. Leman Porter of Lane and Company stated that he had numerous meetings with the Master Plumbers' Association in an attempt to update the Plumbing Code. He felt the City had a very fine local code, but it is time now for the Uniform Code. Consensus of opinion was to leave the gas code alone. The following entitled proposed ordinance was presented and read: AN ORDINANCE REPEALING AND REENACTING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION COVERING PLUMBING AND ADOPTING BY REFERENCE THE UNIFORM PLUMBING CODE, 1973 EDITION, PROMULGATED BY THE

INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS, EXCEPT AS DELETED. It was moved by Councilman Grantham and seconded by Councilman Kozisek that the proposed ordinance be passed for publication. Motion carried.

ELECTRICAL CODE - PROPOSED ORDINANCE ADOPTING BY REFERENCE 1971 EDITION - HEARING ON OCTOBER 17

The following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, THE SAME COVERING ELECTRICAL REGULATIONS IN THE CITY AND ADOPTING BY REFERENCE THE NATIONAL ELECTRICAL CODE, 1971 EDITION. It was moved by Councilman Grantham and seconded by Councilman Kozisek that the proposed ordinance be passed for publication.

Councilman Tufly stated that he does not like to adopt anything by reference until he has had a chance to read it in full. It was noted that three copies of the Plumbing Code and Electrical Code are on file in the office of the City Clerk. Motion carried.

BUDGET - REVENUE SHARING - JULY 1, 1973 TO JULY 30, 1974 - ADOPTED BY RESOLUTION

The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, the City Manager has caused to be prepared a budget for the expenditure of Revenue Sharing Funds; and

WHEREAS, the approval of said budget has been requested of the City Council;

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

That there be, and there hereby is, approved the proposed budget submitted by the City Manager for the expenditure of revenue sharing funds from July 1, 1973 to June 30, 1973.

PASSED and ADOPTED this 5th day of September, 1973.

Stanley A. Anderson
President of the Council

ATTEST:

City Clerk

It was moved by Councilman Grantham and seconded by Councilman Tufly that the Resolution be passed and adopted as read. Roll was called upon the motion with all Council members present

voting AYE. The President declared the motion carried and the Resolution duly passed and adopted.

PARKING LOT LEASE WITH MR. BILLY JONES - COLORADO AVENUE

A parking lot lease between Mr. Billy M. Jones and the City was presented for consideration. The lease is for a piece of property 50 feet x 125 feet located on the south side of Colorado Avenue between 4th Street and 5th Street (Legal Description: Lots 2 and 3, Block 125). It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that the lease be approved and the City Manager authorized to sign said lease. Motion carried.

VACATE ALLEY BETWEEN 5TH AND 6TH STREETS (NEW LIBRARY BUILDING SITE) - PROPOSED ORDINANCE

The following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING A PORTION OF ALLEY WITHIN THE CITY OF GRAND JUNCTION. It was moved by Councilwoman Quimby and seconded by Councilman Grantham that the proposed ordinance be passed for publication.

ORDINANCE NO. 1462 - RAISE SEWER TAP FEES - PASSED

Advertised for hearing before its final passage was the proposed ordinance to raise the sewer tap fees. No letters had been filed and there was no one in the audience who indicated a desire to speak on this subject. The President closed the hearing.

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING SECTION 19 OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION TO INCREASE TAP FEES FOR TAPPING ONTO THE CITY'S SEWERAGE SYSTEM. It was moved by Councilman Kozisek and seconded by Councilman Tuflly that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Kozisek and seconded by Councilman Grantham that the proposed ordinance be called up for final passage and read.

The ordinance was read. There being no comments, it was moved by Councilman Grantham and seconded by Councilman Kozisek that the ordinance be passed, adopted, numbered 1462, and ordered published. Roll was called upon the motion with all Council members present voting AYE. The President declared the motion carried.

POLICE DEPARTMENT - CHIEF KARL JOHNSON TO RETIRE FEBRUARY 1, 1974

City Manager Rose read a memorandum from Chief of Police Karl Johnson which stated he plans to retire effective February 1, 1974. With his accrued sick leave and vacation time, he will

actually be leaving sometime in mid-December. City Manager Rose accepted Chief Johnson's decision with reluctance. He noted that Chief Johnson was one of the reasons he accepted his position with the City of Grand Junction three years ago. Mr. Rose indicated that Personnel Assistant Pat Bittle will be advertising nationally for a replacement and will keep Council informed of the progress.

PROPERTY - AUTHORIZE SALE OF SOUTH SIDE SEWER PLANT ACREAGE TO I.D.I.

City Manager Rose read a letter from I.D.I. requesting to purchase the Southside Sewer Plant acreage. Mr. Rose said the Staff has reviewed the property and would recommend the sale subject to the City retaining all easements necessary for the South Side Interceptor Sewer line. Approximately 7 acres are involved. It was moved by Councilman Kozisek and seconded by Councilman Tufly that the City Attorney be directed to prepare a Resolution authorizing the sale and present it at the next meeting of Council. Motion carried.

CAPITAL IMPROVEMENTS - 1974-1978 ADOPT REVISED PROGRAM

It was moved by Councilman Grantham and seconded by Councilwoman Quimby to adopt the revised Capital Improvements Program, 1974-1978. Motion carried.

CITY HALL REMODELING PROJECT REVIEW WITH ARCHITECT

Mr. Pat Dwyer of NHPQ reviewed with Council the City Hall remodeling project. It is proposed to do the job in three phases. Phase I would be the construction of the center or connecting wing between the existing City Hall and the Library building at an estimated cost of \$100,000; Phase 2, the alterations within the existing City Hall building; and Phase 3, the alterations to the present Library building. Mr. Dwyer recommended releasing the plans for bid on Phase 1. Phase 1 would determine what contractor the City would be dealing with so that Phases 2 and 3 would be negotiated. President Anderson said he would like to see all Phases with the estimates prior to letting Phase 1 for bid.

WATER BILL ADJUSTMENT - CLIFFORD DAVIS, WHITEWATER - \$151.80

City Manager Rose read a letter from Mr. Clifford Davis of Whitewater who requested an adjustment in his water bill due to an underground break in his water line. Repairs have been made. Usage for the August billing was 256,000 gallons at \$157.80. Usage for the July billing was 6,000 gallons at \$6.00. An adjustment of \$151.80 was recommended.

It was moved by Councilman Van Houten and seconded by Councilman Grantham that the account of Clifford Davis be credited in the

amount of \$151.80. Motion carried.

WATER - TRADE WATER RIGHTS WITH OSTRAGER (JUNIATA RESERVOIR & CHAMBERS RESERVOIR) FOR KANNAH CREEK DITCH RIGHTS

City Manager Rose reviewed Council action on July 18, 1973, when it refused the Jack Payne offer to purchase City-owned land in the Whitewater area along with the 92 inch water right. Again on August 1, 1973, after the XYZ Television, Inc. offer on this land, City Manager Rose recommended that Council declare a moratorium on the sale of land, but to make the 92-inch water right available for sale. He presented two offers for these water rights; (1) Whiting-Coburn offer of 200 shares of Deep Creek Reservoir and (2) Mr. Sidney Ostrager offer of 50 shares in the Juniata Reservoir and 144.13 acre feet in the Chambers Reservoir. Staff recommendation is that the City accept the Sidney Ostrager offer which would give the City complete ownership in the Juniata Reservoir and the Juniata Reservoir Enlarged as well as one-third ownership and an interest in the Chambers Reservoir (located in the Indian Point area on Grand Mesa). It was moved by Councilman Grantham that the City Attorney prepare a Resolution to trade the City's 92 inches of water in the Kannah Creek Ditch No. 2 to Mr. Sidney Ostrager for his 50 acre feet in the Juniata Reservoir and 144.13 acre feet in the Chambers Reservoir and present it at the next City Council meeting. The motion was seconded by Councilman Tufly and carried unanimously.

MISCELLANEOUS DISCUSSION

City Manager Rose reminded Council of the 7:00 p.m. joint-budget meeting on Thursday (September 6) with the Mesa County Commissioners in the Commissioners' Room at the Court House.

BUDGET MEETINGS

The first proposed budget study session is scheduled for Tuesday, September 11, at 7:30 p.m. It is planned to have budget study sessions on Tuesday and Thursday of each week. Carl Becker and Company will be here on Thursday, September 13, to discuss the survey on salaries.

MONDAY LUNCHEON MEETINGS

Mr. Rose recommended that Council again start having the meetings Monday luncheon meeting before the regular City Council meetings to review the agenda and make requests for additional information from Staff members on any item on the agenda. Council concurred.

ADJOURNMENT

It was moved by Councilman Van Houten that the meeting be

adjourned. Motion was duly seconded and carried unanimously.

/s/ Neva B. Lockhart
City Clerk