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Grand Junction, Colorado

June 5, 1974

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. June 5, 1974, in the Civic Auditorium at City Hall. Present for roll call were President of the Council Lawrence Kozisek, Council members Stanley Anderson, Silas Grantham, Jane Quimby, and Elvin Tufly. Councilmen Harry Colescott and Robert Van Houten were absent. Also present were City Attorney Gerald J. Ashby, City Manager Harvey Rose and City Clerk Neva Lockhart.

MINUTES

Councilwoman Quimby moved to correct the minutes of the May 15, 1974, meeting to show "Duane" Hogue and the adjournment of the meeting, which motion was duly seconded and carried. Councilman Grantham moved the Minutes of the May 15, 1974, Council meeting be approved as corrected. Councilman Tufly seconded the Motion and said motion carried.

HEARING

San. Sr. 30-74 Resol-Create Dist. Phase 1 Orchard Mesa

This date was advertised for hearing upon the creation of Sanitary Sewer District No. 30-74. Mr. Albert Wales, 1761 Palisade Street, requested that his Lots 31 and 32, Block 13, Orchard Mesa Heights, be excluded from the District. Mr. Gerald Powers, 1750 Aspen Street, requested that his four parcels of land be excluded from the District. Mr. W. J. Andrews, 1140 Santa Clara Avenue, asked if the tap fee for duplexes would be the same as single-family dwellings. Public Works Director Gus Byrom advised that the tap fee is based on the size of the water service and not on the unit involved. Mr. Charles Teed said that Mr. Dale Hamilton, 1100 Santa Clara Avenue, wishes to be included in the District. The following Resolution was presented and read:

RESOLUTION

CREATING AND ESTABLISHING SANITARY SEWER DISTRICT NO. 30-74 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF A SANITARY SEWER WITHIN SAID DISTRICT AND PROVIDING FOR THE PAYMENT THEREFOR.

WHEREAS, on the 17th day of April, 1971, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Sanitary Sewer District No. 30-74 and authorizing Notice of Intention to Create said District;

and

WHEREAS, Notice to Create said District was duly published; and

WHEREAS, the Council has caused a canvass of the area proposed to be assessed, other than that no written complaints or objections have been made concerning the proposed improvements;

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

1. That said Sanitary Sewer District No. 30-74 be, and the same is hereby, created and established, and that construction of a sanitary sewer therein be, and the same is hereby, authorized and directed, in accordance with the details, plans and specifications prepared and filed therefor except as hereinafter set out.

2. That the construction of the said sanitary sewer shall be made by contract let to the lowest responsible bidder, except that if it be determined by the City Council that the bids are too high, and that the proposed improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary material, supplies and equipment.

3. That the sanitary sewer in said district was duly ordered, after Notice duly given; that no remonstrance, protest or objection was filed against the creation or establishment of said District; or any of the proceedings adopted therefor; that the canvass caused to be performed by the Council in accordance with statements made prior to the annexation of the territory proposed to be assessed has caused the deletion of lands as hereinafter set out from said district; and all conditions precedent and all requirements of the laws of the State of Colorado, the Charter of said City, and Ordinance No. 178, as amended, being Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, have been strictly complied with.

4. That the description of the sanitary sewer, the boundaries of said sanitary sewer district, the amounts to be assessed, the number of installments and assessments, the time in which the cost shall be payable, the rate of interest on unpaid installments and the manner of apportioning and assessing such cost, shall be as prescribed in the Resolution adopted for said District on the 17th day of April, 1974, and in accordance with the published Notice of Intention to Create said District, except that the following described properties are deleted from said district for purposes of assessment:

2945-233-04-006 1757 Escalante
Stone, Venton J. & T.S.

Lots 7 & 8 Blk 10 Orchard Mesa Heights & 20 feet adjacent Lots on

East

2945-233-09-007 1673 Dolores
Burgman, Harry C. & E.

Lots 33 to 35 Inc. Blk 4 Orchard Mesa Heights

2945-234-01-015 1002 Santa Clara
Gutilla, Madelene G. & L.S. c/o Tom Elder

All Blk 30 Orchard Mesa Hts. Sub & Vacated Alley in SD Blk 30 EXC
W 102 ft. of Blk 30 Orchard Mesa Hts. & East 25 ft. of vacated
Palisade St. Adj. Lots 12-20 Inc. & Also EXC Beg. 119 ft. East of
Southwest Corner of SD Blk 30 North 62.5 ft. East 150 ft. South
62.5 ft. West 150 ft. to Beg. in Sec. 23 T1S R1W

2945-234-03-006 1737 Palisade Street
Kukulan, Thomas M. & Wallace Gross, Delta, Colo. 81416

Lots 26-27 & North half of Blk 13 Orchard Mesa Heights and 15 ft.
Adj. Lots on East

2945-234-03-015 1732 Palmer Street
Roberts, Minnie A.

Lots 11, 12, 13, Block 13 Orchard Mesa Heights

2945-234-04-006 1750 Aspen Street
Powers, Gerald J.

South 5 ft. Lot 15 All Lots 16 to 19 inc. and North 20 ft. Lot 20
Blk 12 Orchard Mesa Heights

2945-234-04-008 1811 Palmer St. 830 UnawEEP
Smith, Anna Mae

Lots 35 & 36 Blk 12 Orchard Mesa Heights

2945-234-05-004 1735 Aspen
Knox, Lillian

Lots 7 & 8 Blk 11 Orchard Mesa Heights

2945-234-05-006 1751 Aspen
Hamilton, Troy & Edith H. Graven

Lots 12 & 13 Blk 11 Orchard Mesa Heights

2945-261-16-009 1930 & 1932 Palmer Street
Foust, Floy J. & R.T.

Lots 28 to 31 Inc. Blk 21 Orchard Mesa Heights

2945-261-22-001 1811 Palmer

Smith, Loyd & A.

Lots 1 to 4 Inc. Blk 19 Orchard Mesa Heights

2945-234-03-008 1761 Palisade
Wales, Albert H. & M.E.

Lots 31 and 32 Blk 13 Orchard Mesa Heights plus 15 ft. adjacent
Lots on East.

5. That after the construction of the sanitary sewer has been let,
the Council shall, by resolution, provide for the issuance of
public improvement bonds for said Sanitary Sewer District No. 30-
74 for the purpose of paying the cost and expenses of construction
of said District No. 30-74.

PASSED and ADOPTED this 5th day of June, 1974.

President of the Council

ATTEST:

City Clerk

The President closed the hearing.

It was moved by Councilman Grantham and seconded by Councilman
Anderson that the Resolution be passed and adopted as read. Roll
was called upon the motion with the following result: Council
members voting AYE: Jane Quimby, Stanley Anderson, Elvin Tufly,
Silas Grantham and Lawrence Kozisek. Council members voting NO:
None. Councilmen absent: Harry Colescott and Robt. Van Houten. The
President declared the motion carried and the Resolution duly
passed and adopted.

HEARING

Liquor License Robt. Miller & Bobby Wilson dba Frontier Steak
House, 323 Rood

Advertised for hearing on this date was the application by Robert
C. Miller and Bobby Wilson for a hotel & restaurant liquor license
for the proposed "Steak House" at 323 Rood Avenue. Councilman
Stanley Anderson excused himself from discussion and voting on
this application. There were no objections.

Mr. Charles Buss, Attorney, represented Mr. Miller and Mr. Wilson,
who were present for the hearing. Mr. Buss gave brief background
information about the applicants. Submitted for the record:

Results of the survey of the neighborhood
Petitions for the license submitted by the applicants
Lease Agreement
Partnership Agreement
Statement included as to the proposed operation
Map
Police Department report

Mr. Chris Holloway, Social Sciences Instructor at Mesa College, said he would endorse the applicants and their plans for 323 Road. He noted that there will be older college students on campus with Mesa College becoming a four-year college and the proposed plans for 323 Road Avenue would offer a place with a wholesome atmosphere for these students.

No letters had been filed regarding this application and there were no others in the audience who indicated a desire to speak. The President closed the hearing. In line with new Council policy, a determination will be made when Council meets again on June 26, 1974.

HEARING

3.2 Beer License Trsf Robt. Johnson, 460 28 1/2 Rd. apprvd

Advertised for hearing on this date was the application by Robert L. Johnson to transfer his 3.2 beer license to 460 28 1/2 Road. Mr. Clay Hanlon, representing Mr. Johnson, presented a petition with 135 signatures which had been circulated in the immediate area. It was noted that six residents in the area did not sign. A report from the Police Department advised here have been no complaints or violations during his operation at 1660 North Avenue. No letters had been filed regarding this application, and there were no others in the audience who indicated a desire to speak on this matter. The President closed the hearing.

It was moved by Councilman Anderson and seconded by Councilman Grantham that the application by Robert L. Johnson to transfer his 3.2 beer license to 460 28 1/2 Road be approved. Councilman Tufly said he did not feel Council should approve the transfer of the license at this meeting. His feeling was it is a new license in a new location and the determination should be given at the next meeting of Council. Motion carried with Councilman Tufly and Councilwoman Quimby voting NO.

FINAL P.U.D.

Landing Heights Nursing Home approved

Assistant Planning Director Rick Cisar presented for consideration the final Planned Unit development for the Landing Heights Nursing Home located south of Patterson Road, east of the Mantey Heights Subdivision and west of the Mantey Heights water tank involving 4.0 acres with Planned Development Residential zoning, PD-8. The

development consists of a new 60-bed nursing home and retirement apartments. This item was considered by the City Planning Commission at its meeting on May 29, 1974, and approval was unanimously recommended subject to the relocation of the parking lot adjacent to Patterson Road two feet to the south and out of the public right of way of the development to protect the existing single-family subdivision; and the final Certificate of Occupancy to be withheld until the existing facility is removed. The developer agreed to the requirements.

It was moved by Councilman Anderson and seconded by Councilman Grantham that the Final Planned Unit Development for the Landing Heights Nursing Home be approved contingent upon the developer complying with the requirements of the Planning Commission. Motion carried.

FINAL SUBDIV PLAT

Landing Hts Nursing Care Center approved

Submitted for consideration was the final plat of the Landing Heights Nursing Care Center. This was considered by the City Planning Commission at its meeting on May 29, 1974, and approval was unanimously recommended.

It was moved by Councilwoman Quimby and seconded by Councilman Tufly that the Subdivision Plat of Landing Heights Nursing Care Center be accepted and signed by the President of the City Council and the City Manager; that it be approved and filed with the Mesa County Clerk & Recorder; and that a copy thereof be placed on file in the office of the County Assessor and the office of the City Engineer. Motion carried.

FINAL PLAT APPRVD

Lucas Sub N of Elm & W of 28 1/4

Assistant Planning Director Rick Cisar presented for consideration the final plat of the Lucas Subdivision, a .738-acre tract with R1D (single-family residential) zoning located north of Elm Avenue and west of 28 1/4 Road. Mr. Cisar explained that this is a three-lot minor subdivision involving the split of a metes and bounds parcel and the platting of an adjacent metes and bounds parcel. The plat conforms to all the requirements of the Subdivision Regulations. The plat was reviewed by the Planning Commission May 29, 1974, and unanimously recommended for approval.

It was moved by Councilman Anderson and seconded by Councilman Grantham that the plat of Lucas Subdivision be accepted and signed by the President of the City Council and the City Manager; that it be approved and filed with the Mesa County Clerk & Recorder; and that a copy thereof be placed on file in the office of the County Assessor and the office of the City Engineer. Motion carried.

PROP. ORD.

Amend definition of home occupation

Reviewed by the Council on May 1, 1974, and referred back to the Planning Commission was the zoning text change pertaining to Home Occupations. City Attorney Ashby had recommended deleting the prohibition against beauty shops and barber shops in the home so long as they conduct themselves under the other eight criteria. Assistant Planning Director Rick Cisar reported that the Planning Commission has reviewed the proposed filing requirements prepared by the Staff. After discussion, the Planning Commission recommended no filing requirements be implemented at this time. If problems or complaints rise due to certain home occupations, the Planning Commission will review and reconsider implementing the filing requirements. The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE DEFINITION OF HOME OCCUPATIONS. It was moved by Councilman Grantham and seconded by Councilman Tufly that the proposed ordinance be passed for publication. Motion carried.

DAYS

Sale of Rodeo tickets on Main Street June 19

Mr. Virgil Van Dyke appeared before Council to request permission for the Quarter Horse Youth Club to sell rodeo tickets on Main Street Wednesday, June 19. It was moved by Councilman Tufly and seconded by Councilman Anderson that permission be granted. Motion carried.

3.2 BEER LICENSE

Renewals apprvd

Presented for consideration were applications for renewal of 3.2 beer licenses for the following businesses:

1. Circle K Food Stores, Inc., 1st St. & Chipeta Ave.
2. Kubena, Inc., Shakey's Pizza Parlor, 2560 North Ave.
3. Hobby and Bonnie Frazer, 7-2-11 Food Store, 2231 N 7th St.

A report from the Police Department advised there have been no complaints or violations during the past year at these locations.

It was moved by Councilman Grantham and seconded by Councilman Tufly that the applications be approved and the licenses issued when the State licenses have been received. Motion carried.

3.2 BEER CHANGE OF OWNERSHIP

Pretzel Factory, 1230 N 12th

Presented for consideration was the application by Michael F.

Christensen and Oliver F. Christensen for a 3.2 beer license for the Pretzel Factory, 1230 North 12th Street. Mr. Walt Phillips, attorney, represented the Christenses. A report from the Police Department was read which advised that Michael Christensen is presently the manager of the Pretzel Factory and that co-applicant Oliver Christensen is known to be a responsible member of the community. Mr. Phillips advised that the applicants plan to continue having a security officer present on dance nights. In answer to Councilman Grantham's question about the old wrecked car on the lot, Michael Christensen advised it is not a permanent fixture and will be moved within the week.

It was moved by Councilman Grantham and seconded by Councilman Tufly that the application by Michael F. and Oliver F. Christensen for a 3.2 beer license for the Pretzel Factory, 1230 North 12th Street, be approved and the license issued when the State license has been received. Motion carried.

ORD. 1507

Garfield View Annex.

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Anderson and seconded by Councilman Grantham that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the proposed ordinance be called up for final passage and read. Motion carried.

The Ordinance was read. There being no comments, it was moved by Councilman Anderson and seconded by Councilwoman Quimby that the ordinance be passed, adopted, numbered 1507, and ordered published. Roll was called upon the motion with all Council members present voting AYE. The President declared the motion carried.

ORD. 1508

Partee Heights Annexation

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Grantham and seconded by Councilman Anderson that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the proposed ordinance be called up for final passage and read. Motion carried.

The Ordinance was read. There being no comments, it was moved by

Councilman Grantham and seconded by Councilman Tufly that the Ordinance be passed, adopted, numbered 1508 and ordered published. Roll was called upon the motion with all Council members voting AYE. The President declared the motion carried.

ORD. 1509

Amend Chapt 2, Sec 11 Code of Ords-Bonds required for employees

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE AMENDING THE BOND REQUIREMENTS OF CITY EMPLOYEES. It was moved by Councilwoman Quimby and seconded by Councilman Tufly that the Proof of Publication be accepted and filed. Motion carried.

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

The Ordinance was read. There being no comments, it was moved by Councilwoman Quimby and seconded by Councilman Grantham that the Ordinance be passed, adopted, numbered 1509, and ordered published. Roll was called upon the motion with all Council members voting AYE. The President declared the motion carried.

ORD. NO. 1510

Amend Zoning Ord. R-3 to allow Business uses (4.1) service business Ltd inside & (4.6) indoor restaurant & provide for landscaped area

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE AMENDING THE SETBACK REQUIREMENTS IN THE R-3, B-1, B-2, B-3, C-1, C-2, I-1 AND I-2 ZONING DISTRICTS WITHIN THE CITY, PERMITTING CERTAIN BUSINESS USES IN THE R-3 ZONING WITHIN THE CITY AND PROVIDING FOR LANDSCAPED AREAS WITHIN SUCH ZONE. It was moved by Councilwoman Quimby and seconded by Councilman Grantham that the Proof of Publication be accepted and filed. Motion carried.

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

The Ordinance was read. Discussion followed regarding the surface area required to be used for landscaping. Councilman Anderson moved to amend by striking "one-half" and inserting "10%" of the open portion must be devoted to landscaped area, which motion was seconded by Councilman Tufly and said motion carried.

It was moved by Councilman Anderson and seconded by Councilman Tufly that the Ordinance be passed and adopted as amended, numbered 1510, and ordered published. Roll was called upon the motion with the following result: Council members voting AYE:

Stanley Anderson, Elvin Tufly, Silas Grantham, and Larry Kozisek. Council members voting NO: Jane Quimby. The President declared the motion carried.

ORD. NO. 1511

Vacate portion of D Road between 11th & 12th Sts.

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE VACATING A PORTION OF STREET WITHIN THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Anderson and seconded by Councilman Tufly that the Proof of Publication be accepted and filed. Motion carried.

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

The Ordinance was read. There being no comments, it was moved by Councilman Tufly and seconded by Councilman Grantham that the Ordinance be passed, adopted, numbered 1511, and ordered published. Roll was called upon the motion with all Council members present voting AYE. The President declared the motion carried.

DEED PORTION OF D ROAD BET 11TH/12TH TO D&RGW

Resol authorize CM to sign deed

The following Resolution was presented and read:

RESOLUTION

WHEREAS, the City Council has by ordinance vacated the portion of right of way hereinafter described; and

WHEREAS, the DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY has requested that a quit claim deed to such portion of right of way also be given them;

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

That the City Manager be authorized and directed to convey to the DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY by quit claim deed the right of way heretofore vacated situated in Mesa County, Colorado, and described as follows:

All that public road right of way located in the Northeast quarter Northeast quarter of Section 23 of Township 1 South of Range 1 West of the Ute Meridian and lying north of the following described line:

Beginning at a point on the East line of Lot 12 Block 8 Milldale

Subdivision Section 23 Township 1 South Range 1 West from which point the Northeast corner of Lot 21 Block 8 bears South 00° 24' 00" West a distance of 80.00 feet; thence along the arc of 450.00 foot radius curve to the left for an arc distance of 276.20 feet, long chord of said curve bears North 72° 49' 00" East 271.88 feet; thence North 55° 14' 00" East 433.44 feet to a point 40.00 feet West of the East Section line of said Section 23, EXCEPT that right of way for 12th Street lying in the East 40 feet of said Northeast quarter Northeast quarter Northeast quarter Section 23, said described tract containing 0.71 acres, more or less.

PASSED and ADOPTED this 5th day of June, 1974.

President of the Council

Attest:

City Clerk

It was moved by Councilman Grantham and seconded by Councilwoman Quimby that the Resolution be passed and adopted as read. Roll was called upon the motion with all Council members presenting voting AYE. The President declared the motion carried and the Resolution duly passed and adopted.

ORD (Proposed)

Amend Ord. No. 1500, Grand Junction, Colo., Parking Authority

The following entitled proposed ordinance was presented and read: AN ORDINANCE OF THE CITY OF GRAND JUNCTION, COLORADO, AMENDING ITS ORDINANCE NO. 1500 WHICH ORDINANCE PROVIDED FOR CERTAIN OFF-STREET PARKING FACILITIES BY MEANS OF THE LEASING OF SUCH OFF-STREET PARKING FACILITIES BY THE CITY OF GRAND JUNCTION FROM THE GRAND JUNCTION, COLORADO, PARKING AUTHORITY, A COLORADO NON-PROFIT CORPORATION, FOR APPROVING THE FORM OF LEASEHOLD AGREEMENT WITH OPTION TO PURCHASE BETWEEN THE CITY AND SAID AUTHORITY FOR SAID PURPOSE, AND PROVIDING OTHER MATTERS RELATING THERETO; THIS AMENDMENT TO CHANGE THE MAXIMUM TERM OF THE LEASE AND THE OPTION DATE TO DECEMBER 31, 1991, INSTEAD OF DECEMBER 31, 1989. It was moved by Councilman Tufly and seconded by Councilman Grantham that the proposed ordinance be passed for publication. Motion carried with Councilman Anderson abstaining.

PARK-FIRE STA #3

Pomona School area Agrmt w School Dist To bring back later

City Attorney Ashby advised that the School District is still

concerned about the provision in the Agreement which binds them in permitting the City the use of the park in the event they might want to abandon the school site. If they abandon the school site, they might want to sell it. He indicated the Staff would meet with the School Board and their attorney in the next few days to try to work it out and any amendments would be brought back for Council approval June 26. Council agreed with the concept of the Agreement.

TRASH HAULING, O.M.

Contract w private haulers Subsidize \$704 pr mo

City Manager Rose reviewed the concept of the contract with private trash haulers to provide trash hauling services for the Orchard Mesa Annexation (all territory south of the River). The City will subsidize the private trash haulers approximately \$704 per month. The private trash haulers are to provide service to this area comparable to what the City Sanitation Department provides the rest of the City. Trash hauling service will start July 1, 1974, and billing will start August 1, 1974.

It was moved by Councilman Anderson and seconded by Councilman Grantham that the City Manager be authorized to enter into the contract with the private trash haulers. Motion carried.

ORIGIN & DESIGNATION STUDY

CM authorized to sign ltr to State Div of Hwys requesting

City Manager Rose said that Ted Ford, County Budget Officer, and the City Manager will submit a joint letter to Mr. Prosenice, District Engineer of the State of Colorado Division of Highways for an Origin and Destination Study and requested Council's authorization to sign the letter.

It was moved by Councilman Anderson and seconded by Councilwoman Quimby that the City Manager be authorized to sign the letter. Motion carried.

CITY SEAL

\$200 for contest for new design

Mr. Charles Teed advised Council that the group working on the contest for the new City Seal has met and determined that entries will be open to everyone in Mesa County. The deadline for entries will be November 3, 1974. The Art Center will accept the entries and a screening committee will make recommendations for Council's decision. It is anticipated the new Seal will be ready when the remodeling of City Hall is completed. He noted that entries submitted should be in black and white as well as in color. He suggested a \$200 award as an honorarium for the design that is finally chosen. Consensus of Council was that the new City Seal

contest is good public relations and authorized Mr. Teed to proceed.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

City Clerk