

Grand Junction, Colorado

July 7, 1976

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m., July 7, 1976, in the Council Chambers at City Hall. Members present and answering roll call: Larry Brown, Harry Colescott, Karl Johnson, Jane Quimby, Elvin Tufly, Robert Van Houten, and President of the Council Lawrence Kozisek. Also present were City Manager James Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

MINUTES

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Minutes of the Regular Meeting held June 16, 1976, be approved as written. Motion carried.

INTRODUCTION OF NEW CITY EMPLOYEES

The following new City employees were present and introduced to Council:

Gary Rasco - Data Processing, Finance Department

Larry Nelson - Police Officer, Police Department

1975 AUDIT REPORT ACCEPTED

It was moved by Councilman Van Houten and seconded by Councilman Brown that the Audit of the 1975 City documents be accepted. Motion carried.

\$10,024 - CITY FUNDS AUTHORIZED TO ACCEPT COMMUNITY LIAISON GRANT FOR THE POLICE DEPARTMENT THROUGH LEAA

Police Chief Ed Vander Took appeared before Council to recommend the acceptance of the Community Liaison Grant which was unanimously approved by the State Board July 1, 1976. The Grant was approved in the sum of \$30,068 Federal Funds with the requirement of matching local funds in the amount of \$10,024. Mr. Vander Took stated this is a continuation of the school-age program at West Junior High and the Community Relations Officer within the Department.

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the Community Liaison Grant be accepted and authorized \$10,024 matching funds. Motion carried unanimously.

There followed a discussion as to whether the City's matching funds were budgeted for the rest of 1976. City Manager Wysocki said that if an adjustment in the Budget is necessary, he will

report back to Council.

RETAIL STORE LIQUOR LICENSE - GRANTED DICK WILL ENTERPRISES, LTD.-
DOING BUSINESS AS JIM'S LIQUORS, 1560 NORTH AVENUE

Submitted for consideration was the application by Dick Will Enterprises, Ltd. doing business as Jim's Liquors, 1560 North Avenue. This is a change of ownership. Present owners: Melvin and Helen M. Benton. A report from the Police Department advised that a background investigation was previously conducted regarding the liquor application as made by Richard H. and Marilyn S. Will. The Wills have formed a corporation and have added Robert Philip Horen as a Director of the Corporation. The Police Department has conducted a background investigation on the above-named individual, and nothing of a derogatory nature was disclosed which would prevent him from obtaining a liquor license.

It was moved by Councilman Colescott and seconded by Councilman Johnson that the application be approved and the license issued when the State license has been received. Motion carried unanimously.

RENEWAL OF 3.2 BEER LICENSES

Submitted for consideration were the applications by the following businesses to renew 3.2 Beer Licenses: (1) Kubena, Inc., Shakey's Pizza Parlor, 2560 North Avenue, (2) Circle K Food Store No. 782, 1st and Chipeta Avenue, (3) City Market Store No. 9, 1909 North 1st Street, (4) City Market Store No. 2, 865 North Avenue. Reports from the Police Department advised there have been no complaints or violations in connection with the sale of 3.2 beer by any of the above listed establishments.

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

APPLICATION BY ROBERT J. STACK, "NIGHT GALLERY," 1900 MAIN, FOR
TAVERN LICENSE - GRANTED

In compliance with recently enacted Senate Bill No. 7 which concerns a new category of retail liquor license for consumption on-premises, Robert J. Stack, doing business as "The Night Gallery," 1900 Main Street, submitted his application to renew under the new category "Tavern License." A verbal report from the Police Department advised there have been no complaints or violations.

It was moved by Councilman Johnson and seconded by Councilman Colescott that the application be approved and the license issued when the State license has been received. Motion carried.

REVIEW OF OCCUPATIONAL TAXES ON ALL LIQUOR LICENSE ESTABLISHMENTS

In light of all the recently enacted Legislation, Councilman Johnson moved that the City Council review its Occupational Taxes on all classifications of liquor licensed establishments to determine the desirability or the need of adjusting occupational taxes to meet the demands of the policing problem, as well as the other factors that are attendant to enforcement of the liquor code, which motion was seconded by Councilman Brown. Motion carried unanimously.

HEARING - INTENT TO CREATE S.S. 33-76 (PHASE 3 - ORCHARD MESA SEWER) RESOLUTION CREATING DISTRICT

Advertised for hearing on this date was the intent to Create Sanitary Sewer District 33-76, Phase 3, Orchard Mesa. No letters were filed regarding this District. Mr. George A. Walker, 261 Allyce Avenue, was present and stated he did not oppose the Sewer District. He did, however, request that Council consider a tax relief or some rebate on taxes for people who are on fixed incomes. He said he felt the improvement would snowball the tax situation. No others in the audience indicating a desire to speak, the President closed the hearing.

The following Resolution was read:

RESOLUTION

CREATING AND ESTABLISHING SANITARY SEWER DISTRICT NO. 33-76 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 2nd day of June, 1976, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Sanitary Sewer District No. 33-76 and authorizing Notice of Intention to Create said District; and

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

WHEREAS, 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. 33-76 be, and the same is hereby, created and established, and that construction of a sanitary sewer there be, and the same is hereby, authorized and directed, in accordance with the details, plans and specifications prepared and filed therefor.

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, 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 2nd day of June, 1976, and in accordance with the published Notice of Intention to Create said District.

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. 33-76 for the purpose of paying the cost and expenses of construction of said District No. 33-76.

PASSED AND ADOPTED this 7th day of July, 1976.

President of the Council

Attest:

City Clerk

It was moved by Councilman Tufly and seconded by Councilman Brown that the Resolution be passed and adopted as read. Upon roll call vote, all members of Council voted AYE. The President declared the motion carried and the Resolution duly passed and adopted.

HEARING - PROPOSED TEXT CHANGE TO ZONING AND SUBDIVISION REGULATIONS - STREETS - PROPOSED ORDINANCE

Advertised for hearing on this date was the proposed text change to Zoning and Subdivision Regulations pertaining to Streets. The following entitled proposed ordinance was read: AN ORDINANCE

CHANGING THE CLASSIFICATION OF CERTAIN STREETS WITHIN THE CITY OF GRAND JUNCTION, COLORADO.

Senior Planner Don Warner reviewed the proposal. Mr. Willard H. Long, 301 Hopi Drive, appeared before Council and stated that B1/2 Road, U.S. 50 to 32 Road, should not be designated as a principal arterial for these reasons: (1) It does not meet the criteria of a principal arterial as set forth in the Small-Cooley Comprehensive Roadway Plan and further updates of that plan. B1/2 Road does not and will not act as a corridor for Valley-wide or inter-County/State travel. B1/2 Road does not and will not serve to link cities and larger towns. B1/2 is not necessary to bring an area within a reasonable distance of an arterial as residents of Orchard Mesa are already a reasonable distance from such systems. (2) The soil along B1/2 Road is poor and has a high shrink-swell potential, thus resulting in an additional, and greater than usual maintenance cost. (3) The area along B1/2 Road is zoned R-2, and as set forth in the Small-Cooley Plan. Residential areas should allow for the development of residential neighborhood within the arterial collector roadways network. They should not be exposed to major traffic carriers passing through the neighborhood, but should have easy access to these traffic carriers. Mr. Long felt these same points would apply to that section of C Road within the City Limits which is proposed to be designated as a minor arterial. Further, C Road traffic must enter B1/2 Road at 29 Road. Traffic from C and B1/2 Roads would, no matter which way they go, enter a two-lane road at 32 Road. Schools are on both sides of C Road and B1/2 Road. He noted that if they widened C Road, they would lose the hedges and most of the front yards.

Mr. Rex Sidener, 1537 Grand, stated that if Grand Avenue is proposed for four-laning, he does not believe the property owners along that street would approve such action.

The proposal has been approved by the Planning Commission and recommended to Council for adoption. No letters having been filed and no others in the audience indicating a desire to speak, the President closed the hearing.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the ordinance be passed for publication. Motion carried with Councilman Brown voting NO.

CONSIDERATION OF PROPERTY FOR FIRE STATION ON ORCHARD MESA

Senior Planner Don Warner advised that a site on Orchard Mesa has been offered to the City as a location for a Fire Station. The site contains approximately .87 acres, and is located at the SE Corner of the intersection of B1/2 Road and Hwy 50. Fire Chief R. T. Mantlo feels the location is ideal to gain access to the total area. Mr. Warner has negotiated with the owners, and they say they would accept \$12,500 for this property. Mr. Warner recommended that the City purchase this site with monies available at this time in the Land Fund.

It was moved by Councilwoman Quimby and seconded by Councilman Brown that the Staff be directed to proceed with the acquisition of the property for use as a Fire Station. Motion carried unanimously.

DISCUSSION OF ESTIMATED COSTS FOR STREET IMPROVEMENT DISTRICT FOR AREA CONNECTING WEST KENNEDY AVENUE TO WEST FRANKLIN AVENUE

After discussion, it was moved by Councilman Johnson and seconded by Councilman Brown that no action be taken on the petition for Street Improvement in this area until such time as a petition is submitted by the property owners who live on this particular street. Motion carried.

ORDINANCE NO. 1622 - AMENDING CHAPTER 31, SECTION 12.e(1) - RATE CHANGE FOR USERS OF WATER FROM UTE WATER CONSERVANCY DISTRICT SYSTEM (WITHIN CITY LIMITS)

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE RAISING THE CHARGE FOR THE USE OF WATER FOR THOSE PERSONS BEING BILLED UNDER THE IN-CITY UTE WATER CONSERVANCY RATE. It was moved by Councilman Colescott and seconded by Councilman Brown that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Brown and seconded by Councilman Van Houten 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 Brown and seconded by Councilman Johnson that the Ordinance be passed, adopted, numbered 1622 and ordered published. Roll call vote resulted in all Council members voting AYE. The President declared the motion carried.

PROPOSED ORDINANCE REPEALING 4.1(b) AND 4.1 (c) - CODE OF ORDINANCES - ALCOHOLIC BEVERAGES

The following entitled proposed ordinance was read: AN ORDINANCE REPEALING SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION RELATING TO THE CARRYING OF DRINKS IN BARS AND THE LIGHTING REQUIRED IN BARS IN THE CITY. It was moved by Councilman Van Houten and seconded by Councilman Brown that the proposed ordinance be passed for publication. Motion carried.

PROPOSED ORDINANCE CONTROLLING MOTORCYCLES AND MOTORBIKES ON PRIVATE PROPERTY

The following entitled proposed ordinance was introduced and read: AN ORDINANCE REGULATING THE USE OF MOTORCYCLES AND OFF-HIGHWAY MOTOR VEHICLES.

Favoring the passage of such an ordinance were Linda Norlin, 2858

Brittany Drive, John Hayes, 2858 Brittany, and Carolyn Leary, owner of property on Mantey Heights.

It was moved by Councilman Johnson and seconded by Councilman Brown that the proposed ordinance be passed for publication. Motion carried.

STAFF REPORT ON LINCOLN PARK BARN - \$3,200 COUNCIL'S CENTENNIAL-BICENTENNIAL FUNDS AUTHORIZED FOR INTERIM REPAIRS - CONDITIONS FOR RETAINING AND RENOVATING LINCOLN PARK BARN

City Manager Wysocki advised that he met with Parks & Recreation Director Ken Idleman and a number of the Lincoln Park Barn Committee, Building & Fire Department personnel, and others. In order to repair and make the auditorium safe for interim use, the following items are recommended:

- (1) Electrical wiring and installation of the main disconnect switch; all areas fused;
- (2) Put 5/8 inch sheet rock wall or a 1R Fire Railing around the boiler room area;
- (3) Remove all the kitchen equipment and cut the gas;
- (4) Replace fire extinguishers;
- (5) Remove plastic coverings from windows and replace with either plywood or masonite for screening;
- (6) Install exit lights for exit designations;
- (7) Install ramp or landing to north exit outside;
- (8) Repair existing panic bars on the doors;
- (9) Remove all the ceiling material that is in the main floor area along with removing the enclosure around the platform;
- (10) Install exit door on the west end of the building.

It is estimated these conditions can be accomplished for approximately \$3,200.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the Lincoln Park Barn be renovated and that Council budget \$25,000 January 1, 1977, for that renovation contingent upon receiving \$25,000 matching funds from the Public.

It was moved by Councilman Brown and seconded by Councilman Tufly to amend the motion to the effect that Council commit a total of \$15,000 maximum for work to be done during Calendar Year 1977 contingent upon the match by the community dollar by dollar. Motion carried with Councilman Van Houten voting NO.

The question being upon renovating Lincoln Park Barn; the City Council budgeting \$25,000 in 1977 for that renovation contingent upon receiving \$25,000 matching funds from the Public; and the expenditure of a maximum of \$15,000 matched funds during the Calendar Year 1977, the motion carried with Councilman Van Houten voting NO.

It was moved by Councilman Brown and seconded by Councilman Colescott that the expenditure of \$3,200 of Centennial-Bicentennial funds be authorized for the immediate repairs as outlined by the City Manager. Motion carried.

It was moved by Councilman Van Houten and seconded by Councilwoman Quimby that the City Council go on record endorsing and supporting the renovation of the Barn. Motion carried unanimously.

Mr. Swain, member of the National Board of Realtors, stated the Grand Junction Board hopes to join with the City Council and the Youth Commission in raising funds. The Lincoln Park Barn Committee was charged with coordinating the community fund raising, receiving, and accounting for the funds.

The President declared a five-minute recess.

Upon reconvening, all Council members were present.

EXPENDITURE OF \$3,585 CENTENNIAL-BICENTENNIAL FUNDS AUTHORIZED

Approved by the Centennial-Bicentennial Committee and recommended for approval by the City Council were \$500 for the Art Festival, September 17 and 18, and \$3,085 to the Mesa County Library for an oral history project. Mrs. Maria Baldi, Co-Chairman of the Oral History Project, stated that the recordings of early settlers and the early history has been completed through voluntary effort. This will be a continuing project through volunteers, however, they have reached the point now where the same 40 tapes need to be transcribed and indexed. This will be a six-month project.

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the two projects be approved and authorized the expenditure from Centennial-Bicentennial funds. Motion carried unanimously.

SEWER AGREEMENT BETWEEN THE CITY OF GRAND JUNCTION AND GLEN GREEN, WESTGATE PARK

Submitted for consideration was the Agreement between the City of Grand Junction and Glen Green, Westgate Park.

It was moved by Councilman Brown and seconded by Councilman Tufly that the Agreement be approved and authorized the City Manager to sign. Motion carried unanimously.

SAM ANTONOPOULOS PROPOSAL FOR LAND TRADE

Jim Golden, Attorney, was present, representing Mr. Sam Antonopoulos, also in the audience, regarding a proposal for land trade. Last December Mr. Antonopoulos requested of Council and was granted an option to trade at such time that Mr. Antonopoulos acquired property acceptable to the City for this land trade. Mr. Antonopoulos has now acquired property which he feels would be in accordance with the requirements of the City. Lots 9, 10 and 11 in Block 101, which is a 75-foot frontage in the 200 Block on Rood Avenue. The property is presently occupied by the Rico Apartments. The value of this property is \$68,000 for trade purposes. The property owned by the City and which Mr. Antonopoulos hopes to acquire in the transaction are Lots 17, 18, 19 and 1/2 of Lot 20 in Block 99. It is understood there would be no building included in the property traded by the City to Antonopoulos. The proposal is a trade of properties to be consummated on October 15, 1976, with the City to pay a difference of \$10,600 and title to the properties to be conveyed free and clear of any liens or encumbrances.

There was discussion regarding the difference the City would pay in this transaction; the Rico Apartment building located on the property the City would acquire should the City consummate the trade; and the Montgomery Ward warehouse on the City-owned property, and the lease which does not expire until 1979. Council proposed: an exchange of land for land with no financial obligation to the City and including the right for Mr. Antonopoulos to obtain the income for two years from the Rico Apartments which is located on the property that the City would be getting in the trade. After conferring with Mr. Antonopoulos, Mr. Golden suggested that effective January 1, 1977, Mr. Antonopoulos would exchange with the City the Rico Apartment PROPERTY FOR THE CITY'S PROPERTY; MR. ANTONOPOULOS WOULD THEN RETAIN THE RICO APARTMENT building for two full calendar years from that date: insure the City against any liability: at the end of the two-year period, Mr. Antonopoulos would have the responsibility of razing the building and clearing the site, and he would retain the salvage; the City would assist Mr. Antonopoulos without any financial obligation to the City to negotiate with Montgomery Ward and relocate them to some alternate suitable location. And last, eliminate the condition under the present option that the Hotel will be built.

After discussion, Councilman Van Houten moved that the City accept the exchange of properties and directed the City Attorney to draw up an Agreement under the terms discussed with these specifics and exceptions:

- (1) That it be a land for land exchange.
- (2) That if the City wants to exercise the use of the land prior to the two years after January 1, 1977, the City Attorney and the City Manager work up a formula which would reimburse Mr.

Antonopoulos for the loss of revenue for that period.

(3) That the building be demolished at whatever time the City takes final possession.

(4) That the transfer be specifically tied to the hotel concept, and that the hotel be initiated by July 1, 1977.

The motion was seconded by Councilman Colescott. The motion carried.

The City Attorney was directed to draft an Agreement incorporating the above to be considered at the next meeting of Council.

DISPOSITION OF CITY-OWNED PROPERTY

It was moved by Councilman Brown and seconded by Councilman Van Houten that a listing of locations and acreage of all City-owned parcels in the City and Council be submitted to the City Planning Commission, the County Planning Commission, and the City Staff for recommendations as to which parcels should be retained and for what purposes, which are unnecessary, giving reasons for retention such as future mountain-site park site, a Utilities Installation, or Fire Station, and request the recommendations be returned to Council within sixty days. Motion carried.

It was moved by Councilman Brown and seconded by Councilman Van Houten that the City Attorney be directed to prepare a Resolution for consideration at the next Council Meeting stating that it is the policy of the Grand Junction City Council to dispose of City-owned real estate in exchange for real estate that better suits the City's needs whenever possible. The motion carried with Council members TUFLY, COLESCOTT, and JOHNSON voting NO.

COMMITTEE REPORT - COG

President Kozisek announced he attended a COG Meeting in Rifle on July 6, 1976. The COG instructed the COG staff to proceed with the possibility of having Moffatt County designated an economic development area. If accomplished, the possibility exists that all four counties of Region 11 could be included. There are some distinct benefits if this can be accomplished.

ADJOURNMENT

It was moved by Councilman Van Houten and seconded by Councilman Tufly that the meeting be adjourned. Motion carried.

Neva B. Lockhart

Neva B. Lockhart
City Clerk