

Grand Junction, Colorado

December 2, 1976

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular adjourned session at 7:30 p.m. December 2, 1976, in the Council Chambers at City Hall. Members present and answering roll call: Larry Brown, Harry Colescott, Karl Johnson, Jane Quimby, Elvin Tufly and President of the Council Larry Kozisek. Also present: 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 November 17, 1976, be approved as written. Motion carried.

INTRODUCTION OF NEW CITY EMPLOYEES

The following City employees were present and introduced to Council:

David Brauneis - Police Department

Harry Long - Police Department

COUNCILMAN VAN HOUTEN ARRIVED AT THE MEETING AT 7:35 P.M.

LIQUOR - APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE - THE FEED LOT, JOHN C. & JOANNE K. HANNA, 118 MAIN ST - APPROVED

Submitted for consideration was the application by John C. and Joanne K. Hanna for a hotel-restaurant liquor license to be located at 118 Main Street, under the trade name of "The Feed Lot." This business is presently owned by Lucile Buchanan, dba The Dream Restaurant. The report from the Police Department advised that John C. and Joanne K. Hanna are both clear NCIC and CCIC, as well as local Police files. Nothing was revealed in the background check which would prohibit either of them being granted the license. Mr. and Mrs. Hanna have held a liquor license since 1967 in Montrose, Colorado, and have been operating "The Red Barn Restaurant & Lounge." Background investigation revealed the Hannas to be highly recommended by numerous citizens and business people in Montrose.

The applicant, Mr. Hanna, and his attorney, Warren Reams, were present for the discussion.

It was moved by Councilman Tufly and seconded by Councilman Brown that the application be approved and the license issued when the State license has been received subject to the applicant filing an

approved plot showing the remodeling of the interior of the building. Motion carried unanimously.

LIQUOR - APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE - THE GALLEY RESTAURANT DBA UTE CATERING SERVICE, TWO RIVERS PLAZA, 2ND AND MAIN - REGISTRATION OF MANAGER ROGER HEAD

Submitted for consideration was the application by The Galley Restaurant, Inc. dba Ute Catering Service, Two Rivers Plaza, 2nd and Main Street. A report from the Police Department advised that the Galley Restaurant, Inc. is applying for a hotel-restaurant liquor license in its name for Ute Catering Service, Two Rivers Plaza. At the same time, they are also applying for the registration of manager Roger Head. A check of the Police Department local files, CCIC and NCIC reveal nothing derogatory concerning the owners. During the background check on subject Roger Head, nothing was revealed which would prohibit his employment in this position as manager.

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

RESUBMISSION OF RETAIL LIQUOR LICENSE APPLICATION RENEWAL FOR 1977 - V.F.W. BEYE LOTZ POST #1247, 1404 UTE AVENUE

Resubmitted for consideration was the application by the V.F.W. Beye Lotz Post #1247, 1404 Ute Avenue, for the renewal of its retail liquor license for 1977. The Fire Department advised that on November 18, 1976, Robert Nolan and Dean Hurt, officers of the V.F.W. Club, and Battalion Chief Wes Painter, Fire Prevention Officer, re-inspected the V.F.W. Club. All corrections had been made.

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

RESUBMISSION OF RETAIL LIQUOR LICENSE APPLICATION RENEWAL FOR 1977 - RICHARD MEDINA DBA "RICARDO'S," 215 COLORADO AVENUE

Resubmitted for consideration was the application by Ric Medina dba "Ricardo's," 215 Colorado Avenue. A reinspection report from the Fire Department stated that corrections have been made.

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

REGISTRATION OF MANAGER EDWARD L. HINES, TIMBERS RESTAURANT & LOUNGE, 1810 NORTH AVENUE

Submitted for consideration was the registration of manager Edward L. Hines, Timbers Restaurant & Lounge, 1810 North Avenue. A report

from the Police Department advised that teletypes were sent to Police Departments in Steamboat Springs, Aspen, Amhurst, Massachusetts, Northborough, Massachusetts, Auburn, Massachusetts. Mr. Hines was known by several of the members of the Police Department in Northborough, Massachusetts, and was highly recommended. Mr. Hines was clear via NCIC and CCIC as well as local Police Department files. Nothing was revealed during the course of the background investigation which would prohibit Mr. Hines from being employed as the manager for the Timbers Restaurant & Lounge.

It was moved by Councilman Tuflly and seconded by Councilman Brown that the registration of Edward L. Hines be approved. Motion carried.

RESOLUTION OF FINDINGS & DECISION REGARDING APPLICATION BY 543 ROOD, INC. FOR RETAIL LIQUOR STORE LICENSE AT CENTENNIAL LIQUORS, 2721 NORTH 12TH ST

The following Resolution was presented and read:

RESOLUTION

WHEREAS, 543 Rood, Inc. has applied for a Retail Liquor Store license on the premises described as 2721 North 12th Street; and

WHEREAS, a hearing was held before the City Council of the City of Grand Junction on the 17th day of November, 1976, which hearing was held after proper notice thereof; and

WHEREAS, after consideration of the evidence, the City Council has found, and does hereby find:

1. That the investigation by the Police Department disclosed no reason that would disqualify the corporation to hold the license.
2. That there are four Retail Liquor Store licensed premises within approximately two miles of the proposed location.
3. That the City had conducted a survey generally within an area bounded on the west by 26 3/4 Road, the Grand Valley Canal on the south, 13th Street on the east and the north side of Bonita Avenue on the north and including Lakeside Subdivision. Of those responding, 118 favored the issuance of the license declaring that the needs of the neighborhood were not being met by other outlets, 28 believed that needs were being met by other outlets, 9 were otherwise opposed to the issuance of the license and 8 had no opinion.
4. That the applicant filed a petition with signatures of 444 persons, most of whom were from the trade neighborhood, as opposed to the immediate neighborhood, the petitions stating that there is a need for the outlet and the needs of the signers are not being met by existing outlets.

5. That petitions containing 192 signatures, 41 signatures and 32 signatures were filed in opposition to the license; the first because the needs of the neighborhood were otherwise being met; the second and third because of the needs being met and because of the proximity of the location to a church and nursing homes.

6. That, while respecting the conviction of those who oppose liquor on a moral basis, the Council must recognize that the courts do not permit this to be considered by the licensing authorities, nor is location within a certain distance of a church a disqualifying factor. Further, the Council does not believe that the outlet should be offensively visible from the church property.

7. That, while there are four outlets within about two miles of the proposed location, the City survey and the petitions presented indicate that the desires of the inhabitants of the neighborhoods considered are that the license issue and that the needs of the neighborhoods are not being met by existing outlets.

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

That the application of 543 Rood, Inc. for a Retail Liquor Store license at 2721 North 12th Street be, and the same is hereby, approved.

PASSED and ADOPTED this 2nd day of December, 1976.

President of the Council

Attest:

City Clerk

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

RESOLUTION OF FINDINGS & DECISION ON CONDITIONAL USE APPLICATION FOR ARBY'S, SW CORNER 12TH ST AND NORTH AVENUE

The following Resolution was presented and read:

RESOLUTION

WHEREAS, A. H. Gould and Fulenwider Company have applied for the approval of a conditional use to permit them to build and operate a drive-in restaurant on the East Half of Lot 13 and all of Lots

14 through 17 of Block 1 of the City of Grand Junction; and

WHEREAS, a hearing was held before the City Council of the City of Grand Junction on the 17th day of November, 1976, which hearing was held after proper notice thereof; and

WHEREAS, after consideration of the evidence, the City Council has found, and does hereby find:

1. That the use was approved by the Planning Commission.
2. That the principal reasons the proposed use is conditional in the zone district concern traffic and affect upon surrounding properties, normally those which are residential in use.
3. That the traffic department has approved the use of the site.
4. That the proposed use will provide no more adverse impact on any surrounding properties than the use presently on the site and will affect near residential properties little, if at all.
5. That, while the site of the proposed use is on one of the busiest intersections in the City, that intersection is completely controlled both as to vehicular and pedestrian traffic permitting orderly entrance and exit onto and off the site.
6. That the proposed use will permit the closing of some of the curb cuts required for the gasoline service station presently operated on the premises, improving the corner from a vehicular traffic standpoint.
7. That, for the reasons stated, the conditional use should be approved in accordance with the plan of use and development as presented.

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

That the application for a drive-in restaurant at the location above-stated is approved.

PASSED and ADOPTED this 2nd day of December, 1976.

President of the Council

Attest:

City Clerk

It was moved by Councilman Colescott and seconded by Councilman

Tufly that the Resolution be passed and adopted as read. Upon roll call, the following members voted AYE: QUIMBY, COLESCOTT, JOHNSON, TUFLY, BROWN. The following members voted NO: VAN HOUTEN, KOZISEK. The President declared the motion carried and the Resolution duly passed and adopted.

HEARING - INTERIM DEVELOPMENT PLAN PDB - LANDING HEIGHTS SUBDIVISION

A hearing on this item was held after proper notice. Senior Planner Don Warner reviewed the development plan and advised that this item was approved by the Planning Commission which would allow the Landings to keep the old building until 1982, provided the building is brought up to the Fire Code and Building Code specifications. This has been agreed to by the Landings. Mr. Warner indicated that he does have a signed Agreement from the Landings that this building will come down in 1982. Mr. Clayton Tipping, attorney, was present representing the Landings.

It was moved by Councilman Brown and seconded by Councilwoman Quimby that the interim development plan be approved. Motion carried with Councilman Tufly abstaining.

RECESS

The meeting was recessed for five minutes. Upon reconvening in the Civic Auditorium, all Council members were present.

PROPOSED ORDINANCE CHANGING THE CLASSIFICATION OF CERTAIN STREETS WITHIN THE CITY OF GRAND JUNCTION

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE CHANGING THE CLASSIFICATION OF CERTAIN STREETS WITHIN THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Johnson and seconded by Councilman Tufly that the Proof of Publication be accepted for filing. Motion carried.

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

The Ordinance was read. Entered into the record were letters from Duane Scott and John W. Burkey regarding this change. Submitted for consideration were petitions signed by more than 250 people. City Planner Don Warner reviewed the ordinance and outlined the areas of change. At this point, the meeting was opened for comments from the audience.

The following people presented statements:

- (1) Bill Foster, 1701 Orchard Avenue
- (2) Philip LaLena, 2851 B1/2 Road

- (3) Joan Raser, 1630 Orchard Avenue
- (4) Douglas Steiner, 2880 1/2 Orchard Avenue
- (5) Harry Pforzheimer, 336 Belaire
- (6) Dave Kolstad, 467 23rd Street
- (7) Jim Naselroad, President, Orchard Avenue P.T.A.
- (8) Sam Suplezio, 360 Belaire
- (9) Dan Lind, 2852 Orchard Avenue
- (10) Dick Coakley, 150 Willowbrook Road
- (11) Betsy Cowden, 558 Orchard Avenue
- (12) Harold L. Crick, 425 Orchard Avenue
- (13) Janey Ballard
- (14) O. A. Brock, 415 Orchard Avenue

This group of people requested Council to scrap the present ordinance and start with a new one. It was suggested that the matter be referred back to the Planning Commission so that a Citizen Advisory Committee could work with the Planning Commission in planning major traffic patterns such as belt loop approaches around the perimeter of the City of Grand Junction, and mass transit.

Mayor Kozisek recommended that the ordinance be directed back to the Planning Commission for further review with the people who were present tonight who would make up the Citizen Advisory Committee, and directed that special emphasis be given to truck routes, belt way designations, speed limits, and better utilization of existing streets with the thought in mind that the ordinance can be brought to the City Council no later than July 1, 1977. Councilman Brown commented that the study should include goals and reassessing the problems.

It was moved by Councilman Colescott that the Ordinance be tabled. Motion lost for lack of a second.

It was moved by Councilman Van Houten and seconded by Councilman Johnson that the proposed ordinance, as presently drafted, not be passed and adopted. Motion carried.

It was moved by Councilman Brown and seconded by Councilman Tufly that the Planning Commission be directed, with the use and cooperation of the Citizen Advisory Committee, to investigate all phases of moving people through the City of Grand Junction, and

through that citizen input, make recommendation through publicized meetings to the City Council no later than July 1, 1977. Motion carried.

The President declared a five-minute recess. When the meeting was reconvened, all Council members were present.

ORDINANCE NO. 1640 - ANNEXATION OF BLOCK 16, FAIRMOUNT SUBDIVISION

The Proof of Publication to the following entitled ordinance was presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. 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 Tuflly and seconded by Councilman Brown 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 Brown that the Ordinance be passed, adopted, numbered 1640 and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1641 - REZONE TO PDB CENTENNIAL PLAZA

The Proof of Publication to the following entitled proposed ordinance was presented: 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 Tuflly and seconded by Councilman Johnson that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Colescott and seconded by Councilman Brown 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 1641 and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

ORDINANCE PURGE

Mayor Kozisek recommended this item be placed on the December 8 agenda for full discussion and to get a consensus of Council.

PROPOSED ORDINANCE TO CREATE DOWNTOWN DEVELOPMENT AUTHORITY

Mr. Leland Schmidt and Mr. Joe Lacy were present and explained the concept of the Downtown Development Authority. The following

entitled proposed ordinance was read: AN ORDINANCE SUBMITTING TO A VOTE THE QUESTION OF CREATING A DOWNTOWN DEVELOPMENT AUTHORITY. It was moved by Councilman Johnson and seconded by Councilman Tufly that the proposed ordinance be passed for publication. Motion carried.

RESOLUTION TO WATER QUALITY CONTROL COMMISSION REGARDING VALLEY WIDE SEWER POLICY

The following Resolution was introduced and read:

RESOLUTION

OF

VALLEY WIDE SEWER COMMITTEE; THE COUNTY COMMISSIONERS OF THE COUNTY OF MESA, AND THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO.

WHEREAS, the County of Mesa and the City of Grand Junction are working together to provide sewerage facilities with the advice and suggestion of the Valley Wide Sewer Committee; and

WHEREAS, since the existing treatment plant is approaching capacity, as that is defined by statute and by the Water Quality Control Commission, a criterion for determining the approach to that capacity is required; and

WHEREAS, it is believed that a control through the use of building permits is the fairest, surest and soundest method of approach;

NOW, THEREFORE, BE IT RESOLVED BY THE VALLEY WIDE SEWER COMMITTEE, THE COUNTY COMMISSIONERS OF THE COUNTY OF MESA AND THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. That a completed application for a building permit shall be required for purchase of tap fee.
2. That proof of purchase of tap fee shall be required for issuance of a building permit by the Building Department, if building permit is not issued the City will return the tap fee.
3. That when the throughput and treatment of the Grand Junction wastewater treatment plant reaches 95% of rated capacity of 5.8 million gallons per day, that issuance of building permits for units which may contribute wastewater or organic flows to the existing Grand Junction wastewater treatment plant will cease until such time as construction has commenced on an additional wastewater treatment facility.
4. That when the throughput and treatment of Grand Junction wastewater treatment plant reaches 100% of rated capacity of 5.8 million gallons per day, the issuance of building permits for units which may contribute wastewater or organic flows to the

existing Grand Junction wastewater treatment plant will cease until such time s another facility for wastewater treatment is placed in operation.

5. That the Valley Wide Sewer Committee in response to growth demands will meet with all levels of local government and special districts to coordinate the establishment of development criteria concerning sewage service availability.

6. That the City of Grand Junction and Mesa County will notify developers within the City and County of this policy.

7. That we request that the Water Control Commission should only approve site applications for sewer lines in Mesa County after the developments which these sewer lines serve have been approved by the appropriate local authority.

PASSED and ADOPTED this 2nd day of December, 1976.

(6 day of December, 1976 approved by County Commissioners.)

VALLEY WIDE SEWER COMMITTEE

By: /s/ Howard Roland

Chairman

Attest:

/s/ James E. Patterson, Jr.

Secretary

CITY OF GRAND JUNCTION

By: /s/ Lawrence L. Kozisek

President of the Council

Attest:

/s/ Neva B. Lockhart

City Clerk

COUNTY OF MESA

By: /s/ Maxine Albers

Chairman of the Board of County Commissioners of the County of Mesa

Attest:

/s/ Earl Sawyer

County Clerk

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

CONSIDERATION OF BIDS - AWARD OF CONTRACT - EQUIPMENT FOR LAND FILL OPERATIONS

City Manager Wysocki and Staff recommended that Council purchase the 1975 crawler tractor with dozer for land fill operation at a cost of \$97,000. It is an International TD25C used tractor, bid without ripper, quoted by H.W. Moore Equipment Company. The tractor appears to be in excellent condition and can be utilized in the operation of the sanitary land fill in any future types of operation that the City should undertake. It is to be leased for the remainder of 1976, and then purchased in 1977.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the purchase of the crawler tractor with dozer for land fill operation be authorized for the bid price of \$97,000. Motion carried.

CLOSING OF LAND FILL ON SUNDAYS BETWEEN DECEMBER 1 & APRIL 1

City Manager Jim Wysocki read a memorandum from Utilities Engineer Duane Jensen, which advised that a considerable amount of time is being spent on Sundays between December 1 and April 1, and not enough use is made of the land fill. Mr. Jensen advised that between December 1 and April 1, land fill operations will be closed on Sundays.

PRESENTATION OF 1977 WORK PROGRAM FOR CITY/COUNTY DEVELOPMENT DEPARTMENT

Senior Planner Don Warner presented for consideration the 1977 Work Program for the City/County Development Department.

MISCELLANEOUS DISCUSSION

Councilwoman Quimby reported that the NLC meeting was very beneficial.

Councilman Van Houten stated that he has been concerned for some time with the problems that have to do with the local cable company, and particularly, has to do with the service fees and reception. He said that he would like to include in this year's budget the sum of \$5,000 to be expended over a period of three years to survey the citizens and to monitor the type of service received, and to do whatever is necessary to raise the revenue fees to cover the extra costs.

Councilman Tufly said that he would like to know more about the type of study, how in depth it would be, before he could go along with this request. Consensus of Council was it would discuss this further during a budget study session after the Council meeting on December 8.

RECESS

It was moved by Councilman Johnson and seconded by Councilman Tufly that the meeting be recessed to 7:30 p.m., Wednesday, September 8, 1976. Motion carried.

Neva B. Lockhart

Neva B. Lockhart
City Clerk