

GRAND JUNCTION, COLORADO

MARCH 2, 1977

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. Wednesday, March 2, 1977, 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, Larry Kozisek. Also present City Manager James Wysocki, City Attorney Gerald Ashby, and City Clerk Neva B. Lockhart.

MINUTES

It was moved by Councilman Johnson and seconded by Councilman Tufly that the minutes of the regular meeting February 2, 1977, and February 16, 1977, be approved as written. Motion carried.

INTRODUCTION OF NEW CITY EMPLOYEES

Present for the Council Meeting and introduced to Council were the following new City employees: Joe Gallegos, Utilities, Lester Stites, Utility Billing Division, Brenda Groves, Offset Press Operator, Deborah Crim, Parks and Recreation, Joe Mendicelli, Police Department, Kathy Veatch, PBX Receptionist, Penny Roehm, Meter Reader, Customer Service Division, Reva Stoddart, Public Works, Shelley Spain, City Clerk's Office.

RATIFICATION OF THE YOUTH COMMISSION CONSTITUTION

It was moved by Councilman Van Houten and seconded by Councilman Brown that the City Council ratify the Youth Commission Constitution. Motion carried.

It was moved by Councilman Johnson and seconded by Councilman Van Houten that the Youth Commission be commended for the effort it has expended this past year in its activities in one of the finest examples of young people taking the initiative to do something constructive without looking toward compensation or personal recognition for their accomplishments. Motion carried.

PROPERTY AT 8TH AND ROOD-HOUSING AUTHORITY

Mr. Dave Humphries, Chairman of the Grand Junction Housing Authority, appeared before Council to advise that a party has offered to purchase the property at 8th Street and Rood Avenue for \$30,000.00 which Mr. Humphries considered a very fair price. Mr. Humphries requested permission to sell the property, deposit the funds in a Land Acquisition Interest Bearing Account for a period of 36 months while the Authority looks for a suitable site to purchase for the next Housing Authority project. If a suitable piece of ground is not located within 36 months, the money plus

interest will be turned over to the City.

Discussion then followed regarding the property at 8th and Rood and its unsuitability for development as a Housing Authority project.

It was moved by Councilwoman Quimby and seconded by Councilman Johnson that the request be approved with the stipulation that any purchase of property with the \$30,000.00 would come to Council for approval and that if suitable property has not been found within 36 months, the \$30,000.00 plus interest reverts to the City. Councilmen Brown and Van Houten had reservations about selling to the first offer tendered before submitting to a bid and before a current appraisal of the property can be accomplished. Also, the timing was of concern. President Kozisek agreed but said the motion could state that "The Housing Authority be authorized to sell the property for not less than \$30,000.00 and/or to the highest bidder."

Councilman Brown asked why the request is made of Council to approve the sale if the deal has been made.

Councilman Johnson advised that no deal has been made. He said that some earnest money has been put down on the property and that the deadline has passed and been extended until tonight in order for the Council to decide whether or not the purchase would be approved. The offer was made one week ago yesterday.

Mr. Humphries said there have been two previous offers which the Housing Authority turned down as it felt the offers were too low.

Councilwoman Quimby stated that she could understand the concerns expressed by Council members. By the same token, however, she feels the Housing Authority members work very hard to accomplish the things they do. She felt the Council did give the Housing Authority certain latitude. If Council feel the Authority is overstepping that latitude, then she felt that perhaps Council should reaffirm how it feels about the Authority's responsibilities.

Councilman Tufly stated that as he understood the original concept regarding this piece of property when it was handed to the Housing Authority, it was on the basis that it had to be held as security. As he recalled also, there was of latitude permitting the Housing Authority to right to sell that property without first bringing the offer to Council which of course the Authority is doing tonight. However, he felt that where there has been an offer tendered, Council should have been advised so that the members had some idea what the details were. He felt Council should be consistent in its procedures: either offer for bid or not offer for bid.

Councilman Johnson advised that Council learned at the earliest opportunity on Monday. he had indicated to Council members Monday

he would detail the offer upon request.

Upon roll call Council members Quimby, Colescott and Johnson voted AYE. Council members Tufly, Van Houten, Brown and Kozisek voted NO. The President declared the motion lost.

Council directed Mr. Humphries to have an appraisal made of the property and submit the property to bid.

RESOLUTION-FINDINGS AND DECISION REGARDING APPLICATION FOR 3.2
BEER LICENSE-PIZZA HUT OF GRAND JUNCTION, INC., PIZZA HUT NO. 3,
601 NORTH 1ST STREET

The following Resolution was presented and read:

DECISION ON APPLICATION FOR FERMENTED MALT BEVERAGE LICENSE TO BE LOCATED AT PIZZA HUT OF GRAND JUNCTION INC., 601 NORTH FIRST STREET, GRAND JUNCTION, COLORADO

A public hearing having been held on February 16, 1977, on the application by Pizza Hut of Grand Junction, Inc. for a fermented malt beverage license for Pizza Hut at 601 North First Street in the City of Grand Junction; and the City Council having considered the evidence adduced at said hearing:

FINDS:

1. That the hearing was held after proper notice under the Fermented Malt Beverage Code.
2. That the survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet, in that 108 persons so stated while 41 persons felt the needs were being met by the other outlets and no letters were received opposing the issuance of the license.
3. That no one appeared at the hearing in opposition to the issuance of the license.
4. That the character of the officers of the Applicant, as determined through the check of their fitness by the Police Department and through letters attesting to their good character, is good.

IT IS THEREFORE the decision of the City Council of the City of Grand Junction that a Fermented Malt Beverage License for consumption on the premises be issued to Pizza Hut of Grand Junction, Inc. at 601 North First Street, Grand Junction.

Dated this 2 day of March, 1977.

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 all Council members voted AYE. The President declared the motion carried and the Resolution duly passed and adopted.

APPLICATIONS TO RENEW 3.2% FERMENTED MALT LICENSES-CITY MARKET,
STORE NO. 1, 433 GRAND-ORCHARD BOWL, INC., 295 27 ROAD

Submitted for consideration were the applications by City Market, Inc., Store No. 1, 433 Grand Avenue, and Orchard Bowl, Inc., 295 27 Road, to renew their 3.2% fermented malt beverage licenses. The Police Department report for City Market advised there have been no complaints or violations concerning the sale of 3.2 beer.

The Police Department report for Orchard Bowl, Inc., advised that 3.2 beer is sold by this establishment and is consumed on the premises. During the past licensing period there have been no violations or complaints registered in connection with the sale of 3.2 beer by this establishment. The Fire Department reported that on February 14, an inspection was made at Orchard Bowl, Inc., and no fire hazards were found. The report from the Mesa County Health Department advised that Orchard Bowl, Inc., has been inspected and meets all health regulations for the renewal of its 3.2% beer license.

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

REGISTRATION OF MANAGER-SHERWIN D. FRIEDMAN, BRYNDON ENTERPRISES,
RAMADA INN, 718 HORIZON DRIVE

Submitted for consideration was the application by Bryndon Enterprises, dba as Ramada Inn, 718 Horizon Drive, to register its manager, Sherwin D. Friedman. The report from the Police Department advised there was nothing in the background check of Mr. Friedman to prohibit his registration as manager.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the application to register Sherwin D. Friedman as Manager of Ramada Inn be approved. Motion carried.

HEARING-APPLICATION BY MESA COLLEGE, 1175 TEXAS, FOR 3.2% BEER
SPECIAL EVENTS PERMIT SATURDAY, APRIL 2, 1977, 8 P.M. TO MIDNIGHT

A hearing on this item was held after positing sign on property as

required by 3.2% Beer Code. This event is being sponsored by Mesa College for the Student Body Association. A report from the Police Department advised that arrangements have been made for crowd control and I.D. checks.

It was moved by Councilman Tufly and seconded by Councilman Brown that the application by Mesa College for 3.2% Beer Special Events Permit be approved. Motion carried.

FRUITWOOD FILING NO. 7-TRANSITIONAL SUBDIVISION

Senior Planner Don Warner outlined the area in question. It is located south of E Road 800 feet east of 30 Road. Mr. Warner noted that it is similar in nature and continues the streets as in the other six filings. Planning Commission recommended approval.

It was moved by Councilman Tufly and seconded by Councilman Johnson that Fruitwood Filing No. 7 be approved. Motion carried.

HEARING-PROPOSED ORDINANCE-REQUEST TO REZONE FROM R1D TO PDB-
OUTLINE DEVELOPMENT PLAN-SOUTHEAST CORNER OF 28 ROAD AND ELM
AVENUE

A hearing on this item was duly held after proper notice. Senior Planner Don Warner outlined the area in question. Mr. Warner stated that this is the W.R. Hall property. The proposal is for a planned development to permit an office complex in this area. Planning Commission and other agency comments: 1. These people would be responsible for making an inner road connect with Court Road. 2. The need for right-of-way along 28 Road would have to be dedicated. 3. Half of right-of-way for a future street along the drainage canal. 4. Enter into a Power of Attorney for the development of the inner road.

No letters were filed regarding this application. Mr. Robert Engelke appeared for the developer.

The following entitled proposed ordinance was 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 LAND WITHIN THE CITY. It was moved by Councilman Tufly and seconded by Councilman Johnson that the proposed ordinance be passed for publication. Motion carried.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the Outline Development Plan be approved subject to the recommendations of the Planning Commission. Motion carried.

HEARING-REZONE FROM R3 TO PDB PRELIMINARY DEVELOPMENT PLAN FOR
10TH STREET AND BELFORD AVENUE-PROPOSED ORDINANCE

A hearing on this item was duly held after proper notice. Senior Planner Don Warner outlined the area in question and stated that the Engineering Department recommended against ripple rock in one

particular area of the development and recommended landscaping. The Planning Commission recommended that the fence to be used around the development line up with Park Plaza Development fence and that the sidewalks line up. Sidewalks to be five feet on both sides.

The following entitled Proposed Ordinance was 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 Tufly and seconded by Councilman Brown that the Proposed Ordinance be passed for publication. Motion carried.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the Preliminary Development Plan for 10th Street and Belford Avenue be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING-REZONE FROM R3 TO B1 THE TRACT AT 1001 F ROAD

A hearing on this item was held after proper notice. Senior Planner Don Warner advised that the Planning Commission considered this item and recommended to Council for approval.

The following entitled proposed Ordinance was 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 Tufly and seconded by Councilman Johnson that the proposed ordinance be passed for publication. Motion carried.

HEARING-PROPOSED ORDINANCE-ZONING TEXT CHANGE-SETBACK

A hearing on this item was held after proper notice. A letter from Philip LaLena, Chairman of the Orchard Mesa Citizens' Advisory Committee was read. The Orchard Mesa Citizens' Advisory Committee opposes this Ordinance and requests that the City Council turn it down. It was stated the Ordinance would change the character of established neighborhoods. Further, it is premature at this time. A transportation study now underway will result in redesignation of some roadways. As the setback requirement varies with the roadway designations, setbacks will change with the roadways when they are changed. If setbacks are changed now, dwellings built at the minimum setback line will be closer to the right-of-way when a road is designated to a wider right-of-way.

It was submitted that this is poor planning. The setback requirements were changed a few years ago. The group feels the setback requirements should not be changed again until the new roadway plan is finalized. The Orchard Mesa Citizens' Advisory Committee and other groups have had discussions with City officials about citizens' input which can impact the planning process. They feel they have the right to participate in the planning process. They urged the City Council to take action to

implement a system whereby citizens can take an active constructive roll in the planning of their community.

Senior Planner Don Warner reviewed the setback requirements. He advised that the Planning Commission reviewed the proposed setback regulations and making no changes sent it back to Council with a recommendation to approve. Mr. Warner advised that certain problems have come up for which some action is needed: 1. With the present setback and classification, the Grand Junction Army Store cannot rebuild. 2. The church on the corner of 7th and Teller wishes a permit to extend slightly to the front. Mr. Warner advised the setback problem is becoming major as building permits are being held up.

It was noted that Mr. LaLena did not attend the Planning Commission meeting when this subject item was last considered. This item has been under consideration for a year and is printed on the Planning Commission Agenda. Mr. Warner stated that in all recommendations, the City is coming down in grades on the streets except one and that is the one Mr. LaLena lives on. Mr. Warner said he would be happy to leave that one in abeyance.

The following entitled proposed ordinance was introduced and read: AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND SUBDIVISION REGULATIONS TO CHANGE MINIMUM SETBACK REQUIREMENTS FOR BUILDINGS. It was moved by Councilman Tuflly and seconded by Councilman Johnson that the proposed Ordinance be passed for publication. Motion carried.

REPORT ON PORNOGRAPHY

City Attorney Ashby filed his report on pornography.

Present for the discussion and commenting were:

Lois Lampert, 2302 Palace Verdes Drive
Ray Rosto, 1897 L Road, Fruita, Colorado
David Robinson, 3044 Gunnison Avenue
Hal Gardner, 2612 F1/8 Road
Clarence Cope, Pastor of First Assembly of God Church
Richard Clark, 967 25 Road
Don Walker, 803 Rood
Dr. Andrew Christiansen, 2669 Paradise Drive
Steve Williams, 449 E. Scenic Drive
Rev. Dan Jamison, 2460 Orchard Avenue
Zack Soelburg, 657 Young Street
Keith Messinger, 1180 19 Road
Bruce Ricks, 720 Hemlock
Virginia Sevenans, 254 1/2 Allyce Avenue
Deborah Ing (Eng), 1315 Grand Avenue

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

PLANNING COMMITTEE REQUESTS

Submitted for consideration was a memorandum from Councilman Larry Brown regarding Planning Commission requests for reallocation of funds in the Planning Budget.

1. To set the Planning Director's salary at \$18,000.00 annually.

The second request concerns the State Department of Local Affairs' offer of a grant in the amount of \$5,500.00 for a position dealing with citizen's involvement in planning and every facet of it ranging from working with citizens and staff to researching what has been done elsewhere and funding.

A local match of \$5,500.00 is needed for the job until the end of the year. Connie McDonough, the Development Director, explained the Citizen's Involvement Program. She said that they need someone who is experienced in dealing with the public and in assimilating facts and getting the information out.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the Planning Director's salary be set at \$18,000.00 annually. Motion carried.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the matching funds to provide the temporary position be approved providing that it basically revert to a zero budget situation at the end of the year. Motion carried.

PROPOSED ORDINANCE CREATING A DOWNTOWN DEVELOPMENT AUTHORITY

The following entitled proposed ordinance was introduced and read: AN ORDINANCE CREATING AND ESTABLISHING A DOWNTOWN DEVELOPMENT AUTHORITY IN THE CITY OF GRAND JUNCTION, COLORADO, AND APPOINTING THE BOARD THEREOF. It was moved by Councilman Tufly and seconded by Councilman Brown that the proposed ordinance be passed for publication. Motion carried.

The first organizational meeting of the Grand Junction, Colorado, Downtown Development Authority is to be Friday, March 4, at 8:15 a.m., in the Council Chambers. Councilman Karl Johnson was appointed the temporary Chairman.

PROPOSED ORDINANCE AMENDING DOG LICENSE FEES

The following entitled proposed ordinance was presented and read: AN ORDINANCE CHANGING THE DOG LICENSE FEES IN THE CITY OF GRAND JUNCTION. It was moved by Councilman Johnson and seconded by Councilman Colescott that the proposed ordinance establishing fees of \$3.50 annually for each dog which has been spayed or neutered and \$7.00 annually for any dog not so treated be passed for publication. Motion carried.

RESOLUTION CONCLUDING VAN GUNDY SETTLEMENT

The following Resolution was read:

RESOLUTION

WHEREAS, the City Council of Grand Junction has concluded the condemnation settlement with Elveta E. Van Gundy requiring the conveyance of certain lands to her as a part of said settlement, said lands not being used or held for park purposes; and

WHEREAS, it is necessary to provide for the conveyance of title to said lands;

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

That the City Manager, James E. Wysocki, be authorized and directed as the act of the City to convey to Elveta E. Van Gundy the property situate in the County of Mesa, State of Colorado, and described as:

Lot 5, SOUTH FIFTH STREET SUBDIVISION, except the West 4 feet thereof,

AND

A parcel of land situated in Mesa County, Colorado Section 14, Township 1 South, Range 1 West, Ute Meridian, being more particularly described as follows: Beginning at the Southwest Corner of said property from whence the city block monument at the intersection of 5th Street and 4th Avenue bears West 67.90 feet; thence North 06° 31' 49" East 40.12 feet; thence North 17° 03' 38" East 19.96 feet; thence North 34° 19' 19" East 19.82 feet; thence North 59° 54' 48" East 19.96 feet; thence North 87° 03' 33" East 19.99 feet; thence South 73° 53' 21" East 20.47 feet; thence South 78° 35' 23" East 16.11 feet; thence South 77.48 feet; thence West 94.28 feet to the point of beginning

AND

A parcel of land situated in Mesa County, Colorado Section 14, Township 1 South, Range 1 West, Ute Meridian, being more particularly described as follows: Beginning at the Southwest Corner of the property from whence the city block monument at the intersection of 5th Street and 4th Avenue bears West 178.18 feet; thence North 70.41 feet; thence South 63° 32' 07" East 157.99 feet; thence West 141.43 feet to the point of beginning.

PASSED and ADOPTED this 2nd day of March, 1977.

President of the Council

Attest:

City Clerk

It was moved by Councilman Tufly and seconded by Councilman Johnson that the Resolution be passed and adopted as read. Upon roll call Council members Johnson, Tufly, Van Houten, Brown, Quimby and Kozisek voted AYE. Councilman Colescott voted NO. The President declared the motion carried and the Resolution duly passed and adopted.

RESOLUTION-TWO-CENT GAS TAX

The following Resolution was read:

RESOLUTION

CONCERNING ADDITIONAL MONIES FOR THE HIGHWAY USERS TAX FUND.

WHEREAS, the Highway Users Tax Fund provides important revenues to support the City of Grand Junction street system; and

WHEREAS, user taxes provide an alternative to other taxes already overburdening the taxpayers;

WHEREAS, during recent years, skyrocketing inflation and shortages of vital materials and supplies necessary for road maintenance and construction has resulted in an average annual increase in excess of 50% in the cost of these materials and supplies, with no prospect of relief in sight; and

WHEREAS, the resulting financial crises means that cities will be unable to even maintain existing street conditions, much less improvements, thus causing an extreme deterioration in the city street system;

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

That the First Regular Session of the Fifty-First General Assembly enact legislation providing additional state funds for local highway maintenance and construction by means of a substantial increase in highway user taxes; and

BE IT FURTHER RESOLVED that the legislation enacted provide for the disbursement of HUTF solely for purpose of maintenance and construction of the highway system in this state; and

BE IT FURTHER RESOLVED that the Legislature is urged to adopt House Bill 1316 as the same was originally submitted as

representing an excellent solution to the problem.

PASSED and ADOPTED this 2nd day of March, 1977.

President of the Council

Attest:

City Clerk

It was moved by Councilman Colescott and seconded by Councilman Johnson that the Resolution be passed and adopted as read. Discussion then followed. Council members Colescott, Johnson and Van Houten were reluctant to pass any increased cost back to the consumer.

Keith Messinger, Amoco Oil Company and Richard Clark commented that they felt the same as the Council members. Upon roll call all Council members voted NO. The President declared the motion lost.

AGREEMENT WITH STATE OF COLORADO DEPARTMENT OF HIGHWAYS FOR PROJECT M8438(1), 28 ROAD IMPROVEMENTS-RESOLUTION

The following Resolution was presented and read:

RESOLUTION

WHEREAS, the Department of Highways has submitted for the approval of the City Council of Grand Junction an agreement for a construction project on Federal-Aid Urban System in the City of Grand Junction denominated M8438(1) for 28 Road in Grand Junction; and

WHEREAS, the City Council of the City of Grand Junction has considered the agreement and approves of the same and needs to authorize the signing thereof;

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

That the City Manager, James E. Wysocki, be authorized and directed to execute the described Agreement as the act of the City and on behalf of the City.

PASSED and ADOPTED this 2nd day of March, 1977.

President of the Council

Attest:

City Clerk

It was moved by Councilman Johnson and seconded by Councilman Colescott 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.

UTILITY RATES-LETTER OPPOSING

Councilman Colescott presented a letter he wished to have directed to the Public Utilities Commission, all the state legislators, editors, Mountain Bell, and Public Service regarding proposed increases in utility billings.

It was moved by Councilman Tufly and seconded by Councilman Colescott that upon the deletion of paragraph two the letter be approved and mailed to the agencies listed. Motion carried.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart
City Clerk