

GRAND JUNCTION, COLORADO

MAY 4, 1977

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. May 4, 1977, in the Council Chambers at City Hall. Council members present and answering roll call: Larry Brown, Robert Holmes, Karl Johnson, William O'Dwyer, Jane Quimby, Elvin Tufly, and President of the Council Lawrence Kozisek. Also present: City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

MINUTES

It was moved by Councilwoman Quimby and seconded by Councilman Johnson that the minutes of the Recessed Meeting May 2, 1977, be approved as written. Motion carried.

ELECTION OF PRESIDENT-EX-OFFICIO MAYOR-OATH

Lawrence L. Kozisek submitted his resignation as President of the Council Ex-Officio Mayor. Consensus of Council was that Lawrence Kozisek assume the chair as Acting President for the election of the President.

It was moved by Elvin Tufly and seconded by Karl Johnson that Jane Quimby be nominated President-Ex-Officio Mayor.

It was moved by Larry Brown and seconded by Robert Holmes that Larry Kozisek be nominated President-Ex-Officio Mayor.

Nominations closed.

Ballots were distributed to the members of Council.

Councilman Tufly stated that according to the way he, and apparently other citizens, interpreted the Charter Amendment on the ballot and the way he voted was to change the Mayor each year. He felt that by the same token the reason people voted against the Amendment was that there would not then be a consistency to the Mayor. He felt that because of a moral obligation as well as morale of the Council, he needed to make this statement. He further noted that rereading the Amendment to the Charter as it was filed with the State he could see that his initial interpretation may not have been correct.

Councilman Brown said that apparently there is a differing opinion. He believes the Amendment was the idea of simply affording the Council total flexibility without any particular thrust as to how long or short the Mayor would serve.

Lawrence L. Kozisek was elected President of the Council Ex-

Officio Mayor.

Councilwoman Quimby explained that Mr. Tufly summed up her position. She feels very strongly that the intent of the Amendment that was just passed was that the position of the Mayor be passed around the Council. She perceives some problems if it is not. She believes a change would have been beneficial for the Council as a whole, and would enhance its ability to work together. She noted that in the past few weeks the working relation of the Council has not been that great and certainly needs improvement. She continued that she can live with the decision not to change and she stated she would continue to work for what she sees is the good of the whole as she has done in the past. She trusted her remarks would be taken objectively.

The Oath of Office was administered to Lawrence L. Kozisek.

ELECTION OF PRESIDENT PRO-TEM - OATH

It was moved by Councilwoman Quimby and seconded by Councilman Brown that Karl Johnson be nominated President of the Council Pro Tempore Ex-Officio Mayor Pro Tempore. There being no other nominations, it was moved by Councilman Brown and seconded by Councilwoman Quimby that Karl Johnson be nominated by acclamation. Motion carried. The Oath of Office was administered to Karl Johnson.

REORGANIZATION OF COUNCIL

President Kozisek stated that the following people would be appointed to the following Boards:

Airport Authority - Larry Brown, Bob Holmes, Larry Kozisek
Housing Authority - Karl Johnson
Downtown Development Authority - Karl Johnson
Planning Committee - Larry Brown
Comact Housing - Larry Brown
Parks and Recreation Board - Elvin Tufly
PIAB - Bill O'Dwyer
Grand Junction Employees' Supplemental Retirement Board - Elvin Tufly
Valley Wide Sewer Committee - Bill O'Dwyer

RESOLUTION OF APPOINTMENT OF THE PLANNING COMMITTEE-BROWN

The following Resolution was presented and read:

RESOLUTION

APPOINTING A MEMBER OF THE PLANNING COMMITTEE

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

That Larry Brown be, and he is hereby, appointed as the representative of the City Council on the Planning Committee.

PASSED and ADOPTED this 4th day of May, 1977.

President of the Council

Attest:

City Clerk

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Resolution be passed and adopted as read. Motion carried.

RESOLUTION OF APPOINTMENTS TO THE AIRPORT AUTHORITY-KOZISEK, BROWN, HOLMES

The following Resolution was presented and read:

RESOLUTION

APPOINTING THE REPRESENTATIVES OF THE CITY OF GRAND JUNCTION ON THE WALKER FIELD COLORADO PUBLIC AIRPORT AUTHORITY BOARD.

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

That Robert Holmes and Lawrence Kozisek are hereby designated as representatives of the City of Grand Junction on the Walker Field Colorado Public Airport Authority Board.

PASSED and ADOPTED this 4th day of May, 1977.

President of the Council

Attest:

City Clerk

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the Resolution be passed and adopted as read. Upon roll call, the motion carried.

The President noted that a member of Council usually serves on the Community Action Board and that appointment will be made later.

Mrs. Quimby is a member of the Board of the Colorado Municipal League, as well as being the Chairman of the Governor's Energy Impact Committee. He noted that Councilman Johnson and Tufly are serving in an advisory capacity to the Colorado Municipal League. He stated that at present we do not have a member serving on the LEAA Board, but in the future may ask for an appointment to that Board with one of the Council members serving as an alternate.

It was moved by Councilman Brown and seconded by Councilman Johnson that the appointments to the Boards be ratified. Motion carried.

INTRODUCTION OF NEW CITY EMPLOYEES

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

Nola Roper, Police Records Clerk
Michail Brooke, Tiara Rado Golf Course
Steve Craig, Lincoln Park Golf Course
Otis Spurgeon, Computer Operator
Harold Blankenship, Meter Reader, Customer Service Division
Donald Irwin, Public Works
Gregg Heule, Firefighter Trainee

REPORT REGARDING BAR-X ALLEY

Attorney Vince King was present and filed a report on the progress that has been made to date regarding the Bar-X Alley. Mr. King spoke with Mr. Jeppesen today. Mr. Jeppesen stated that the Warranty Deed and the Agreement has been signed by all of the partners except two. One will be in Europe for three weeks, and the other is out of town for a few days. Mr. King noted that these gentlemen have, however, given verbal acquiescence, and that as soon as they are available, their signatures will be obtained and the matter can then be concluded. Mr. King expects to have the Deed and the Agreement in Grand Junction within approximately three weeks. Consensus of Council was that it is satisfied with the progress being made.

REQUEST REGARDING WAIVER OF BIDDING PROCEDURES ON RENOVATION OF LINCOLN PARK AUDITORIUM

Mr. Mark Williams was present to discuss waiver of bidding procedures on the renovation of Lincoln Park Auditorium. He filed a Treasurer's Report by the Renovation Committee. He stated they have \$12,608 plus a \$5,000 grant from the Colorado Centennial-Bicentennial Commission. He said that the grant has been awarded, but it has to be spent by June 15. In order to meet that deadline, he was requesting that the Committee be permitted to negotiate the Contract rather than bid it out. City Manager Wysocki clarified that the Staff would be doing the negotiations with the architect.

It was moved by Councilman Brown and seconded by Councilman

Johnson that the City Manager be authorized to proceed with the negotiations with Chambliss, Dillon & Associates, and to proceed with the grant and match towards the renovation of the building. Motion carried.

LIQUOR-APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE - CHANGE OF OWNERSHIP AFFECTING "THE VAULT," 225 NORTH 5TH STREET

Submitted for consideration was the application by Litas, Inc. for a Hotel-Restaurant Liquor License to operate "The Vault," 225 North 5th Street. "The Vault" is presently operated by M & W, Inc.; Harry Mahleres is President/Manager. The President/Manager of the new corporation: Saul V. Grebliunas, Vice President: Vincent Grebliunas, Secretary/Treasurer: Diamenta Grebliunas. The report from the Police Department advised that checks were made through NCIC, CCIC and local Police Department files. Subjects are clear in Colorado Springs and Chicago, Illinois. Nothing was found in the background checks that would prohibit the Grebliunas being granted a liquor license under this proposed change of ownership application. It was noted that print cards have been sent to CBI and FBI, but as of this date, a clearance of these cards has not been received.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the application be approved and the license issued when the State license has been received. Motion carried with Councilman Holmes voting NO.

HEARING-APPLICATION BY BARBOUR'S FORESIGHT LIQUORS, INC., TO MOVE ITS RETAIL LIQUOR STORE LICENSE FROM 201 MAIN STREET TO 740 PITKIN AVENUE

A hearing on this item was held after proper posting of property and Notice of Hearing. The survey of the neighborhood resulted in:

(1) Yes, I am in favor of the change of the location as I believe the needs of the neighborhood are not being met by existing outlets. 185

(2) No, I am not in favor of the change of location as I believe the needs of the neighborhood are being met by existing outlets. 41

(3) Neutral. 2

Two forms were received after the closing date. One Yes, the other has no objections to it being there, but not because she feels it is needed. 2

(4) Vacant. 17

(5) Would rather not sign. 16

Total Contact Responses 263

The map showing similar outlets was presented for consideration. Mr. Frank Spiecker, attorney, appeared on behalf of the applicant. He stated there were 217 signatures secured from within the canvassed area who approved the change of location, and he presented a petition with 539 signatures of the trade area. He stated that the change is primarily because Foresight Liquors, Inc., is one of the casualties of the Downtown Development Authority. He noted that the proposed new location is the old Crescent Creamery building. He stated that Foresight Liquors needs to move if it is to remain in business.

No letters were filed regarding this proposed change of location, and there was no one in the audience who indicated a desire to speak on the matter.

In line with Council policy, this item was tabled. A Resolution of Findings and Decision is scheduled on the May 18 agenda.

APPLICATION FOR 3.2% BEER SPECIAL EVENTS PERMIT FOR SATURDAY, MAY 21, 12:00 NOON TO 6:00 P.M. APPLICANT, MESA COLLEGE

A hearing on this item was held after posting of property. The application by Mesa College was for a 3.2% Beer Special Events Permit for Saturday, May 21, 12:00 noon to midnight, on the Mesa College Campus in the open space behind the Roe Saunders Physical Education building. Mesa College is sponsoring the Mesa College Student Body Association and the Football Club in an event entitled "Spring Fest." A report from the Police Department advised that this function will be a keg party with a live band playing. Beer will be dispensed from the bed of a pickup truck and will be served in cups. Individual identification will be checked as beer is dispensed. The area of the kegger will be roped off, and about 50 people will be working the area to keep people contained and to insure beer is not being acquired by adults and passed along to juveniles. Dr. Workman of Mesa College estimates the crowd will probably run about 500 to 600 students. Lighting of the entire area will be provided during the hours of darkness. No reason was known why this request should not be granted.

Councilman Johnson expressed concern about this being an outside activity, the bands playing during the evening hours, and its location to residences in the area and the impact upon the neighborhood. Mr. Tom O'Connor from Mesa College advised that present plans are to dispense 3.2 beer from 12 noon and end at 6 p.m. He stated that the bands will start playing at 8 p.m. and will end at midnight. He assured Council that they would end at that time. He stated that last year they received many neighborhood letters expressing appreciation for the fact that the young people ended their activities when they stated they would. He also noted that residents of the neighborhood will be informed of this activity. Mr. O'Connor was in agreement that the Special Events Permit application be amended to permit the sale of beer from 12:00 noon until 6:00 p.m.

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the application be approved subject to the change of the time from 12:00 noon until 6:00 p.m. Motion carried with Councilmen Holmes and O'Dwyer voting NO.

ORDINANCE NO. 1673-REZONING FROM R-1-D TO C-1 TRACT ORTH OF NORTH AVENUE BETWEEN 28 ROAD AND 28 1/2 ROAD

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 Tufly 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 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 Tufly and seconded by Councilman Brown that the Ordinance be passed, adopted, numbered 1673, and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1674-REPEALING SECTION OF CHAPTER 11, CODE OF ORDINANCES, ELECTRICITY

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE CONCERNING WIRING IN FIRE ZONES 1 AND 2, INTERIOR WIRING, METAL AND WOOD NEAR CONDUCTORS AND RADIO AND TV AERIALS. It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Tufly and seconded by Councilman Johnson 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 1674, and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1675-VACATION OF E-W ALLEY, BLOCK 5, GARFIELD PARK SUBDIVISION

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE VACATING AN ALLEY WITHIN THE CITY OF GRAND JUNCTION. It was moved by Councilman Tufly and seconded by Councilman Brown that the Proof of Publication be

accept for filing. Motion carried.

It was moved by Councilman Johnson 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 Tufly and seconded by Councilman Johnson that the Ordinance be passed, adopted, numbered 1675, and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1676-DANIELS ANNEXATION (E OF 1ST STREET, N OF PATTERSON)

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 Tufly 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 Councilwoman Quimby that the proposed ordinance be called up for final passage and read. Motion carried.

The Ordinance was read. Senior Planner Don Warner advised that Daniels Annexation consists of the three homes just beyond the entrance to Northridge Estates Subdivision. It was moved by Councilman Tufly and seconded by Councilman Brown that the Ordinance be passed, adopted, numbered 1676, and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1677-REZONING FROM R-1-C TO P THE SW CORNER OF 12TH STREET AND HILL AVENUE

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 Johnson and seconded by Councilman Tufly that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Johnson 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 Tufly and seconded by Councilman Johnson that the Ordinance be passed, adopted, numbered 1677, and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

CONSIDERATION OF BIDS-AWARD OF CONTRACT FOR STREET OVERLAY AND
PATCHING OF THE PHASE III, ORCHARD MESA SANITARY SEWER-CORN
CONSTRUCTION, \$59,290

Bids were received and opened at 2:00 p.m. Tuesday, May 3, 1977, regarding the Street Overlay and Patching for Phase III of the Orchard Mesa Sanitary Sewer District. Three bids were received:

- (1) Asphalt Construction, Inc. \$61,620.00
- (2) Elam Construction Company, Inc. 61,495.00
- (3) Corn Construction Company 59,290.00

Engineer's Estimate 77,360.00

It was recommended that the low bid of Corn Construction be accepted and award of Contract be made.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the Contract for Street Overlay and Patching of Phase III Orchard Mesa be awarded to Corn Construction for its low bid of \$59,290. Motion carried.

RESOLUTION CORRECTING VAN GUNDY TRANSACTION

The following Resolution was presented and 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 and State of Colorado, and described as:

Lot 5, in Block 1 of SOUTH FIFTH STREET SUBDIVISION, except the West 4 feet thereof;

AND

A parcel of land situated in Section 23, 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 Northwest Corner of the South Fifth Street Subdivision bears West

7.90 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 Section 23, 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 Northwest Corner of the South Fifth Street Subdivision bears West 118.18 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 4th day of May, 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, all Council members voted AYE. The President declared the motion carried and the Resolution duly passed and adopted.

RESOLUTION CORRECTING ORCHARD MESA BANK LAND TRADE

The following Resolution was presented and read:

RESOLUTION

WHEREAS, the City of Grand Junction has heretofore acquired for the purpose of constructing a fire station the land situate in the County of Mesa, State of Colorado, and described as:

Beginning at the Northeast Corner of the Southwest Quarter of Section 25, Township 1 South, Range 1 West of the Ute Meridian, thence North 89° 54' 30" West for a distance of 15.0 feet, thence South 0° 05' 30" West for a distance of 30.0 feet, thence South 80° 54' 30" West for a distance of 116.7 feet, thence South 21° 55' West for a distance of 96.2 feet, thence South 13° 45' East for a distance of 105.45 feet, thence South 69° 23' East for a

distance of 150.79 feet and to the East line of said Southwest Quarter of Section 25, thence North for a distance of 293.2 feet and the point of beginning; SUBJECT to an easement for the installation of an underground sewer pipeline over and across the East 15 feet thereof, as deeded to the Orchard Mesa Sanitation District, Mesa County, Colorado; EXCEPT the North 30 feet of the East 15 feet of the above described tract for road purposes, and ALSO EXCEPT for any drain ditch easement on the Westerly boundary of said tract;

and

WHEREAS, the O.M. Building Associates has offered to trade other land for the described land and to annex the approximately seven acres owned by it to the City of Grand Junction; and

WHEREAS, the land proposed to be deeded by O.M. Building Associates would better serve the purpose of a fire station location;

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

That the City Manager be authorized and directed as the act of the City and on behalf of the City to convey the land above described to O.M. Building Associates, or to whom it may direct, upon receipt of a warranty deed conveying the site owned by the O.M. Building Associates to the City and upon the execution of Annexation Petition by O.M. Building Associates as aforesaid.

PASSED and ADOPTED this 4 day of May, 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.

COOPERATION AGREEMENT BETWEEN THE CITY AND THE HOUSING AUTHORITY
REGARDING HUD PROPOSAL FOR 34 UNITS OF LOW-INCOME HOUSING

Mr. Paul Malinowski was present and advised that the City of Grand Junction has been invited to HUD to submit a preliminary application for a new Federal Housing Program known as Low-Rent Public Housing. This is only a preliminary application and does

not assure the City of Grand Junction of participating in the program even though initial approval is granted by HUD. It is to provide up to 34 units of family housing. He noted that many options are available such as all single-family, all duplexes, or all in one apartment building. The option selected is dispersed throughout the community probably using single-family and duplexes.

The Cooperative Agreement between the City and the Housing Authority was presented for review.

Members of Council expressed concern with the concept and also accepting more Federal monies for housing of this nature whereby the units are rental in perpetuity versus home ownership. Also concern was expressed as to whether the units would be compatible with other residences of the area.

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the City Manager be authorized to sign the Cooperative Agreement between the City and the Housing Authority. Motion carried with Councilman Tufly and Councilman O'Dwyer voting NO.

MEETINGS

City Manager Wysocki requested that tonight's meeting be recessed to 7:00 p.m. Wednesday, May 11, 1977, to discuss the matter of the National Flood Insurance Program. Notification is to be given all those people who are interested in this item.

There will be a Valley Wide Sewer Committee Meeting at 8:00 p.m. Wednesday, May 11. President Kozisek announced a public meeting regarding the Horizon Drive Study Committee at 7:30 p.m. Thursday, May 5, 1977, in the Civic Auditorium.

COUNCIL COMMITTEE REPORTS

Planning Committee-Councilman Brown advised that the Planning Committee will be getting more involved in planning with citizen involvement in the near future. He advised that at the May 16 meeting during the Transportation Study Hearing, one of the alternatives which Council has is to delay it in the absence of more master planning.

He stated that the Planning Committee has approved a kind of a quickie in lieu of more master planning, since it does take approximately two years to do a thorough job, by bringing a group of experts in for a concentrated effort that will be well shot through with local effort. They proposed to have something on this order this month, after which the drafts will be given the City Council, the Mesa County Commissioners and the two Planning Commissions.

RECESS

It was moved by Councilman Johnson and duly seconded that the meeting be recessed to 7:00 p.m., Wednesday, May 11, 1977.

Neva B. Lockhart

Neva B. Lockhart
City Clerk