

GRAND JUNCTION, COLORADO

May 18, 1977

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. May 18, 1977, in the Civic Auditorium at City Hall. Council members present and answering roll call: Larry Brown, Robert Holmes, Karl Johnson, Bill 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 Councilman Johnson and seconded by Councilman Tufly that the minutes of the regular meeting May 4, 1977, and the recessed meeting May 11, 1977, be approved as written. Motion carried.

PLANNING COMMISSION APPOINTMENTS

Mayor Lawrence Kozisek stated that Richard Ummel has submitted his resignation from the Planning Commission as he is moving out of town. In addition, Mr. John Abrams' term on the Planning Commission has expired. Mr. Abrams has indicated an interest in being reappointed to the Planning Commission.

By secret ballot, John Abrams was reappointed to a four-year term on the Planning Commission.

By secret ballot, Vern Denison was appointed to serve the unexpired term of Richard Ummel.

APPOINTMENTS TO THE BOARD OF ADJUSTMENT AND APPEALS

Warren Lowe
Don Henry
Blaine Ford
Virginia Flager
Chuck Brumbaugh

It was moved by Councilman Brown and seconded by Councilwoman Quimby that the above listed people be reappointed to a three-year term on the Board of Adjustment and Appeals. Motion carried.

STUDY PLAN FOR HIGHWAY 6 & 50 ACCESS - ENDORSED

Mr. Carl Vostatek was present to discuss a study plan for the Highway 6 & 50 Access in the area of Les Shellabarger Chevrolet. He requested an endorsement by Council of the access request.

It was moved by Councilman Johnson and seconded by Councilman

O'Dwyer that the concept as outlined for the access be approved on the condition that an endorsement be obtained from the local Division of State Highway Department and the Planning Department. Motion carried.

PUBLIC SERVICE FRANCHISE

Mr. Jim Temple of Public Service Company was present and introduced Mr. Jack Brouse, the Vice-President. Mr. Temple submitted a copy of a proposed ordinance granting a franchise to Public Service. He requested that the question of granting such franchise be submitted to a vote of the qualified electors of the City at a special election to be called and held on July 26, 1977.

After discussion, Mr. Temple stated that he would be willing to forego the July 26 election date since Council has agreed to meet not later than the last of July to discuss items in the proposed franchise and prepare it for submission to a vote of the electorate.

EMERGENCY ORDINANCE NO. 1678 - IMPLEMENTING WATER RATE INCREASE

It was moved by Councilman Tufly and seconded by Councilman O'Dwyer that the Emergency Ordinance implementing water rate increase be called up and read. Motion carried.

It was moved by Councilman Johnson and seconded by Councilman Brown that Proposition No. 3 as submitted by the staff for the proposed rate increase be approved. Motion carried.

The following entitled proposed emergency ordinance was read: AN ORDINANCE RAISING THE CHARGES FOR THE USE OF WATER IN THE CITY OF GRAND JUNCTION AND DECLARING AN AGENCY.

The following people discussed the proposed rates: Merton Heller, 309 Belaire Dr., Jack Gidney, 1705 N. 21st Street.

Staff recommended that residences and commercial users be permitted to water from 6 a.m. to 9 a.m. and 6 p.m. to 9 p.m., with the even numbered houses watering on even numbered days, except Thursdays and Fridays; odd numbered houses watering on odd numbered days, except Thursdays and Fridays, and that the 31st day of each month be excluded as a day for watering.

Gaylord Kirkham discussed the proposed revenue increase. There were also comments from Rosella Cobb, 1507 N. 7th Street, Al Wing, 205 Teller Avenue, Mr. Ambrosich, American Linen Company, John Patterson, 846 Orchard Avenue, Bill Gerdeman, Holiday Motel on North Avenue, Forrest Adair who resides on Orchard Avenue, Barbara Chambliss, 1350 Mesa Avenue, Linda Cowden, 1428 Grand, Howard Roland, 1208 Main, Mrs. Senn, El Palomino Hotel on North Avenue.

It was moved by Councilman Brown and seconded by Councilman Tufly that the Ordinance be passed, adopted as an Emergency Ordinance,

numbered 1678, and ordered published. Upon roll call, all members of Council voted AYE. The President declared the motion carried.

It was moved by Councilman Brown and seconded by Councilman O'Dwyer that the hours of watering be regulated from 7 to 9 a.m. and 7 to 9 p.m. provided that the new policy be advertised in the local newspaper immediately for three consecutive days after which the City strictly enforce the policy.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the motion be amended by inserting 6 to 8 a.m. and 6 to 8 p.m. Motion carried.

The question being that the lawn watering hours be permitted from 6 to 8 a.m. and 6 to 8 p.m., and that the new policy be advertised in the local newspaper immediately for three consecutive days with the City strictly enforcing the new policy. Motion carried with Councilman Holmes voting NO.

EMERGENCY ORDINANCE NO. 1679 - RAISING UTE WATER RATES

It was moved by Councilman Tufly and seconded by Councilman Brown that the Emergency Ordinance to raise Ute Water rates be called up and read. Motion carried.

The following entitled proposed emergency ordinance was read: AN ORDINANCE RAISING THE RATES FOR USERS OF WATER FROM THE UTE WATER CONSERVANCY DISTRICT SYSTEM IN THE CITY OF GRAND JUNCTION AND DECLARING AN EMERGENCY. There being no comments, it was moved by Councilman Johnson and seconded by Councilwoman Quimby that the Ordinance be passed, adopted as an Emergency Ordinance, numbered 1679, and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

EMERGENCY ORDINANCE NO. 1680 - AMENDING THE ORDINANCE CONCERNING THE WASTING OF WATER

It was moved by Councilman Brown and seconded by Councilwoman Quimby that the Emergency Ordinance amending the Ordinance concerning the wasting of water be called up and read. Motion carried.

The following entitled proposed emergency ordinance was read: AN ORDINANCE AMENDING THE ORDINANCE CONCERNING THE WASTING OF WATER IN THE CITY OF GRAND JUNCTION AND DECLARING AN EMERGENCY. There being no comments, it was moved by Councilman Tufly and seconded by Councilman O'Dwyer that the Ordinance be passed, adopted as an Emergency Ordinance, numbered 1680, and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

EMERGENCY ORDINANCE NO. 1681 - REDUCING THE SEWER CHARGE FOR COMMERCIAL PROPERTIES

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the proposed Emergency Ordinance reducing the sewer charge for commercial properties be called up and read. Motion carried.

The following entitled proposed emergency ordinance was read: AN ORDINANCE REDUCING THE SEWER CHARGE FOR COMMERCIAL PROPERTIES INCLUDING HOTELS AND MOTELS AND DECLARING AN EMERGENCY. It was moved by Councilman Brown and seconded by Councilwoman Quimby that the Ordinance be passed, adopted as an Emergency Ordinance, numbered 1681, and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

The President declared a five-minute recess.

Upon reconvening, all Council members were present.

APPLICATION FOR RENEWAL OF LIQUOR LICENSE AS "TAVERN" EL CHARRO, -
227 ROOD

Submitted for consideration was the application by Michelle Garcia, dba "El Charro," 227 Rood Avenue, to renew her liquor license under the category "tavern." Reports from the following agencies were read:

- (1) Fire Department - All safety requirements are being met. This place of business is maintained well and is very nice.
- (2) Mesa County Health Department - The "El Charro" was inspected and meets Health Department regulations for the renewal of their liquor license.
- (3) Police Department - During the past licensing period there have been no complaints, problems or violations at the "El Charro" Restaurant.

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

RESOLUTION OF FINDINGS AND DECISION REGARDING APPLICATION FOR
RETAIL LIQUOR STORE LICENSE TO BE MOVED TO 740 PITKIN

The following Resolution was presented and read:

RESOLUTION

DECISION ON APPLICATION FOR CHANGE OF LOCATION FOR A RETAIL LIQUOR STORE LICENSE FOR BARBOUR'S FORESIGHT LIQUORS, INC.

A public hearing having been held on May 4, 1977, on the application by Barbour's Foresight Liquors, Inc. for change of location for said license to move from 201 Main Street to 740

Pitkin Avenue, Grand Junction, and the City Council having considered the evidence adduced at said hearing;

FINDS:

1. That the hearing was held after proper notice thereof.
2. That the survey conducted by the City indicates 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 185 persons so stated while 41 felt the needs were being met by the other outlets. No letters were received opposing the change of location.
3. The applicant presented petitions bearing 539 signatures of persons living within the proposed trade area of the license relocation who were in favor of the change of location stating that the needs of the neighborhood were not being met by existing outlets.
4. That no one appeared at the hearing in opposition to the granting of the change of location and no petitions or letters of disapproval were received by the City Council.
5. The evidence supports the position that the needs of the neighborhood are not being met by other outlets of the same type and the position that the desires of the inhabitants of the neighborhood are that the change of location be approved.

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

That the change of location be approved.

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

President of the Council

Attest:

City Clerk

It was moved by Councilman Brown and seconded by Councilman Tufly that the Resolution be passed and adopted as read. Roll Call resulting with the following Council members voting AYE: BROWN, QUIMBY, JOHNSON, TUFLY, O'DWYER, KOZISEK. Council members voting NO: HOLMES. The President declared the motion carried and the Resolution duly passed and adopted.

HEARING ON CONDITIONAL USE FOR RESTAURANT WITH LIQUOR LICENSE TO

BE LOCATED AT 119 NORTH 7TH STREET - TRADE NAME "JUNCT'N SQUARE"

A hearing on this item was held after proper notice. Senior Planner Don Warner advised that the Planning Commission reviewed the request and recommended approval with no conditions.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the conditional use for restaurant with liquor license to be located at 119 N. 7th Street under the trade name "Junct'n Square" be approved. Motion carried with Councilman Holmes and O'Dwyer voting NO.

HEARING - APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE

Advertised for hearing on this date was the application by Raymond Earl Stevenson for a Hotel-Restaurant Liquor License to be located at 119 N. 7th Street under the trade name "Junct'n Square." Results of the City survey:

(1) Yes, I am in favor of the issuance of the license as I believe the needs of the neighborhood are not being met by existing outlets. 261

(2) No, I am not in favor of the issuance of the license as I believe the needs of the neighborhood are being met by existing outlets. 69

(3) No opinion. 1

(4) Did not wish to sign. 52

(5) Vacant 23

Total Contacts 406

The map showing similar type outlets was reviewed. A report from the Police Department advised that Raymond Earl Stevenson is clear NCIC, CCIC and local files. Teletypes were sent to all places of former residence and all were returned "no record found." Nothing was found during the background check which would prohibit Raymond Earl Stevenson from being granted a hotel-restaurant liquor license. Fingerprint card has been submitted, but has not been returned to date. No letters were filed opposing the application. There were no petitions submitted opposing the application.

Mr. Joseph Hambright, attorney, and the applicant Raymond Earl Stevenson were present.

There was no one in the audience who indicated a desire to speak on this matter.

In line with Council policy, this item was tabled with a Resolution of Findings and Decision scheduled on the June 1 Agenda.

HEARING - APPLICATION BY MESA COLLEGE FOR 3.2% FERMENTED MALT BEVERAGE SPECIAL EVENTS PERMIT FOR FRIDAY, MAY 27, 1977, FROM 3 P.M. TO 8 P.M.

A hearing on this item was held after required positing of property. A report from the Police Department advised that this event will be an outdoor barbecue which will be held in a roped-off area south of the Student Center Building. Food will be provided from the Student Center Cafeteria under supervision of Jay Jefferson. Beer will be sold by the cup and identification will be checked at the time of purchase.

Three Mesa College security officers will be present to patrol the crowd and see that beer does not get passed along to underage students. Security personnel will be assisted by members of the Student body Association and College staff personnel under the direction of Dr. Alan Workman.

Dr. Workman was present and advised that the outdoor barbecue is in recognition of the Mesa College basketball team.

There was no one in the audience who indicated a desire to speak, and no letters were filed regarding this application.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the application for a 3.2% Beer Special Events Permit be granted Mesa College for May 27, from 3 p.m. to 8 p.m. Motion carried with Councilman Holmes and O'Dwyer voting NO.

HEARING - CONDITIONAL USE FOR RESTAURANT WITH LIQUOR LICENSE TO BE LOCATED AT 336 MAIN STREET UNDER THE TRADE NAME "LAMPWICK'S"

A hearing on this item was held after proper notice. Senior Planner Don Warner advised that the Planning Commission considered this proposal and recommended approval with no conditions.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the Conditional Use for a restaurant with a liquor license to be located at 336 Main Street under the trade name "Lampwick's" be approved. Motion carried with Councilmen Holmes and O'Dwyer voting NO.

HEARING - PROPOSED ORDINANCE ZONING PATTERSON ENCLAVE ANNEXATION R-1-A

A hearing on this item was held after proper notice. 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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Johnson and seconded by Councilman O'Dwyer that the proposed ordinance be passed for publication. Motion carried.

HEARING - PROPOSED ORDINANCE ZONING PHIPPS ANNEXATION H.O.
(HIGHWAY ORIENTED)

A hearing on this item was held after proper notice. The following entitled proposed ordinance was introduced and read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the proposed ordinance be passed for publication. Motion carried.

HEARING - FINAL PLAT - COLORADO WEST DEVELOPMENT PARK, 12TH AND WINTERS

A hearing on this item was held after proper notice. Senior Planner Don Warner advised that the Planning Commission considered Fire Department request for five fire hydrants, Utilities Department requesting sewer and water service to Lot 6, the Engineering Department request for right-of-way on heavy truck service road to be 60 feet, that a drainage ditch be covered, that sufficient easement by Lot 6 be provided for the covered ditch, and a Power of Attorney for full improvement on 12th Street.

It was moved by Councilman Tufly and seconded by Councilman O'Dwyer that the final plat for Colorado West Development Park at 12th and Winters be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING - DEVELOPMENT IN H.O. ZONE FOR THE NUCLEAR ASSURANCE BUILDING ON HORIZON DRIVE

A hearing on this item was held after proper notice. Senior Planner Don Warner advised that the Planning Commission approved the plan with the stipulation that no building permit be issued until the Fire Department approves the fire flow water for this area. The developer has been informed of this. He recognizes and accepts this condition. The Engineering Department requested Power of Attorney for full cost improvements on Horizon Drive. The Planning Commission requested that the entrance to Tech del Sol be widened from 40 feet to 50 feet. Utility Companies need perimeter easements.

It was moved by Councilman Tufly and seconded by Councilman Brown that the development in H.O. zone for the Nuclear Assurance Building on Horizon Drive be approved with the conditions set forth by the Planning Commission. Motion carried.

HEARING - PRELIMINARY PLAN ON THE FIRST ADDITION TO ARBOR VILLAGE, NE CORNER OF 24TH STREET AND ORCHARD AVENUE

A hearing on this item was held after proper notice. Senior Planner Don Warner stated that the Planning Commission directed that the developer come up with a redesign of three lots into two on the final plan. Public Service requests easements, the

Engineering Department requested that a drainage plan be worked out. Planning Commission recommended approval with these conditions.

It was moved by Councilman Brown and seconded by Councilman Johnson that the Preliminary Plan for the First Addition to Arbor Village be approved contingent upon the recommendations of the Planning Commission. Motion carried.

HEARING - PRELIMINARY PLAT FOR PHEASANT RUN AT SPRING VALLEY
SUBDIVISION NORTH OF PATTERSON ROAD BETWEEN 27 1/2 AND 28 ROADS

A hearing on this item was held after proper notice. The Planning Commission comments: They asked for Power of Attorney for full improvement on 28 Road and F-3/4 Road. Mr. Warner stated that in discussion with the developer, Mr. Barru, this could cause a problem in that FHA or VA will not finance housing when there is a future assessment hanging over it. Mr. Warner advised that before the Final Plat they would work out some method whereby the improvements could be made without the Power of Attorney philosophy. The Planning Commission also requested fencing along 28 Road which the developer has agreed to. Certain easements were requested, and these will be submitted with the Utilities Composite. The Engineering Department had a drainage easement requirement which is being handled. The Engineering Department requested a soil report. The Planning Commission requested that a street light be submitted with the Utilities Composite.

Mr. Paul Barru was present to answer questions from Council.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the Preliminary Plat for Pheasant Run at Spring Valley be approved subject to Planning Commission recommendations with the understanding that on the final plat the street improvements will be resolved. Motion carried.

RESOLUTION - DESIGNATION OF ROAD AND UTILITY RIGHT OF WAY, ORCHARD
MESA PARK

The following Resolution was presented and read:

RESOLUTION

WHEREAS, it is necessary to provide access to properties through the use of the dedication of a right-of-way over certain lands owned by the City of Grand Junction;

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

That the City Manager be authorized and directed to convey to the City of Grand Junction for Public Use a right-of-way situate in the County of Mesa and State of Colorado and described as:

Beginning at a point which bears West 495 feet and South 1134 feet from the Northeast Corner of the Northwest quarter of the Northwest quarter of Section 31, Township 1 South, Range 1 East of the Ute Meridian, said point being the Southeast Corner of Lot 16, Alpine Acres Subdivision, as recorded in Book 8, Page 23, in the office of the Mesa County Clerk and Recorder, Mesa County, Colorado, thence South 91 feet, thence East 50 feet, thence North 91 feet, thence West 50 feet to the point of beginning,

For road right-of-way and utility purposes, as the act of the City and on behalf of the City.

PASSED and ADOPTED this 18th 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 CONVEYING EASEMENTS TO MOUNTAIN BELL FOR TIARA RADO AND SHERWOOD PARK

The following Resolution was presented and read:

RESOLUTION

WHEREAS, the Mountain States Telephone and Telegraph Company has requested that it be granted certain easements over lands owned by the City of Grand Junction for undergrounding certain of its lines and increasing its service; and

WHEREAS, the location of the easements and their use has been approved by the Parks and Recreation Department as being consistent with the use of the lands for park and golf course purposes;

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

That the City Manager be authorized and directed to execute easements over lands situate in the City of Grand Junction and County of Mesa, respectively, and described as follows:

A strip of land ten (10) feet in width, being five (5) feet on

each side of a centerline described as follows: Beginning at a point on the North right-of-way line of East Sherwood Drive from when the City Monument at Third Street and East Sherwood Drive bears South 48° 34' East 34.91 feet, thence North 46° 26' West 371.18 feet, thence North 50° 58' West 3.23 feet to the Easterly right-of-way line of West Sherwood Drive from whence the City Monument at Elm Avenue and West Sherwood Drive bears North 36° 38' West 33.40 feet;

AND

A strip of land ten (10) feet in width, being five (5) feet on each side of a centerline described as follows: Beginning at the Southeast Corner of Lot 15, Block 2 of Tiara Rado Subdivision Filing No. 1; thence West a distance of 5 feet to the True Point of Beginning; thence North 01° 40' East, 130.0 feet, thence North 27° 33' West 130.0 feet; thence north 62° 41' 15" East, 466.21 feet to a point which bears South 72° 50' East, a distance of 7.1 feet from the Southeast Corner of Lot 3, Block 2 in said Tiara Rado Subdivision No. 1,

as the act of the City and on behalf of the City.

PASSED and ADOPTED this 18th 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.

APPOINTMENT OF JOSEPH H. SKINNER DEPUTY CITY ATTORNEY FOR MUNICIPAL COURT

It was moved by Councilman Brown and seconded by Councilman Tufly that Joseph H. Skinner be appointed Deputy City Attorney for Municipal Court. Motion carried.

POLICE DEPARTMENT MONTHLY REPORT

City Manager Wysocki pointed out that in the April monthly report and for the first three months of this year the reports from the Police Department show negative statistics such as: Auto Theft -

down 34%, Aggravated Assault - down 43%.

MEETING

City Manager Wysocki reminded Council of a meeting Thursday, 7:00 a.m. at the Bar X.

ADJOURNMENT

It was moved by Councilman Brown and seconded by Councilman Johnson that the meeting be adjourned. Motion carried.

Neva B. Lockhart

Neva B. Lockhart
City Clerk