

Grand Junction, Colorado

June 1, 1977

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. June 1, 1977, in the Council Chambers 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 18, 1977, be approved as written. Motion carried.

INTRODUCTION OF NEW CITY EMPLOYEES

Present for Council meeting and introduced to Council were the following new City employees:

Linnea Hurst - Police Dispatcher
Janice Pruitt - Police Dispatcher
Paula Toft - Dog Warden
Suzanne Bradfield - Meter Maid
Patrick McGarry - Engineering Inspector
Carolyn Rugani - Sales Tax
John Chiodo - Utility Systems
Robert Atwood - Water Plant Operator

SEWER - REQUEST BY RIDGES DEVELOPMENT COMPANY TO TRANSFER TO RIDGES METROPOLITAN DEVELOPMENT DISTRICT

City Attorney Ashby advised that the Ridges Metropolitan District is in the process of forming, and in that process they will be issuing bonds to provide the construction within the district itself. A large part of that construction will be the sewerage system. In May, 1975, the City entered into an Agreement with Doremus, Fleisher, Mason Company concerning the Ridges Subdivision. Subsequent to that, the City approved an assignment of that Agreement to what is called Ridges Corporation. Tonight it is requested that the Agreement in turn be assigned to the Ridges Metropolitan District with one change, and this change is necessitated with the bond issue and that is that the District retain ownership of the line until such time as the bonds are retired. In which event, the District will deed the entire system to the City. Staff members advised that this makes no difference insofar as the operation and maintenance costs are concerned.

It was moved by Councilman Tufly and seconded by Councilman

Johnson that the City reaffirm the assignment from Doremus, Fleisher, Mason Company to the Ridges Subdivision and to affirm the assignment of that Agreement to the Ridges Metropolitan District and approve the Agreement as outlined by the City Attorney with reference to ownership with the Ridges Metropolitan District. Motion carried.

RENEWAL OF 3.2% FERMENTED MALT BEVERAGE LICENSES

Submitted for consideration were the applications to renew following 3.2 Beer Licenses:

- (1) 7-11 Store, 1134 North 12th Street
- (2) 7-11 Store, 1117 North 1st Street
- (3) 7-11 Store, 2355 Belford Avenue
- (4) City Market Store No. 18, 2830 North Avenue

A report from the Police Department advised there have been no complaints or violations during the past licensing period. It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the applications be approved and the licenses issued when the State licenses have been received. Motion carried with Councilman Holmes voting NO.

LIQUOR - APPLICATION APPROVED FOR RENEWAL OF RETAIL LIQUOR STORE LICENSE - DICK WILL ENTERPRISES LTD., DBA JIM'S LIQUORS, 1560 NORTH AVENUE

Submitted for consideration was the application by Dick Will Enterprises, Ltd., dba "Jim's Liquors," 1560 North Avenue. A report from the Police Department advised there have been no complaints or violations during the past licensing period.

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.

RESOLUTION OF FINDINGS AND DECISION ON HOTEL-RESTAURANT LIQUOR LICENSE TO BE LOCATED AT 119 NORTH 7TH STREET

The following Resolution was presented and read:

RESOLUTION

DECISION ON APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE FOR JUNCT'N SQUARE AT 119 NORTH SEVENTH STREET, GRAND JUNCTION, COLORADO.

A public hearing having been held on May 18, 1977, on the application by Raymond Earl Stevenson for a Hotel and Restaurant Liquor License for Junct'n Square at 119 North Seventh Street, 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 Liquor 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 261 persons so stated while 69 persons felt the needs were being met by other outlets.
3. That no one appeared at the hearing in opposition to the granting of the license and no petitions or letters of disapproval were received by the City Council.
4. That the character of the Applicant, as determined through a check of his fitness by the Police Department and through letters attesting to his good character, is good.
5. That 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 license issue.

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

That a Hotel and Restaurant Liquor License issue to Raymond Earl Stevenson doing business as Junct'n Square for the premises at 119 North Seventh Street, Grand Junction, Colorado.

PASSED and ADOPTED this 1 day of June, 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. Upon roll call, the following Council members voted AYE: JOHNSON, TUFly, BROWN, QUIMBY, KOZISEK. Council members voting NO: O'DWYER, HOLMES. The President declared the motion carried and the Resolution duly passed and adopted.

HEARING - APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE - PITKIN COUNTY FOOD AND BEVERAGE COMPANY - TRADE NAME "LAMPWICK'S" 336 MAIN STREET

A hearing on this item was held after proper notice of hearing published in the newspaper and posting of the property. A report from the Police Department advised that a background check was made on each of the listed applicants: Robert W. Self, Louis Mozer, Donald J. Fleisher. All applicants were cleared through CCIC, NCIC and local files. Fingerprint cards were mailed on all three applicants, but have not been returned as of this date.

A survey of the immediate neighborhood resulted in:

(1) Yes, I am in favor of the license as I believe the needs of the neighborhood are not being met by existing outlets. 233

(2) No, I am not in favor of the issuance of the license as I feel the needs of the neighborhood are being met by existing outlets. 67

(3) No opinion. 22

(4) Neutral. 13

(5) Refused to Sign. 17

(6) Vacant. 8

Total 360

The map showing similar type outlets was reviewed by Council. No letters were received which oppose the granting of the license and no petitions were received opposing this application.

Mr. Maxwell Aley presented a petition containing signatures of approximately 329 people in the trade area. He noted that Robert W. Self will reside in Grand Junction and will be the local manager. The restaurant will seat approximately 107 persons. Mr. Self was present.

Dick Will, a tenant in the same building as "Lampwick's" will be located, was present and spoke for the character of the applicants and was in favor of the issuance of the license.

In line with Council policy, this item was tabled with a Resolution of Findings and decision scheduled for the June 15 Agenda.

HEARING - ZONING ORDINANCE AMENDMENT - SETBACK ON CORNER LOT PROPOSED ORDINANCE

A hearing on this item was held after proper notice. Senior Planner Don Warner advised that the Planning Commission has reviewed the proposal and recommends it to Council for approval.

The following entitled proposed ordinance was introduced and read:

AN ORDINANCE AMENDING THE SETBACK REQUIREMENTS IN THE CITY OF GRAND JUNCTION ZONING ORDINANCE. It was moved by Councilman Johnson that the proposed ordinance be passed for publication. Motion carried.

HEARING - ZONING FAIRMOUNT ANNEXATION R-1-C - PROPOSED ORDINANCE

A hearing on this item was held after proper notice. The following entitled proposed ordinance was introduced and read: AN ORDINANCE AMENDING THE ZONING ORDINANCE, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY ADDING THE ZONING OF 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.

HEARING - CONDITIONAL USE ON 3.2 BEER LICENSE EXPANSION OF OPERATION AT SUDS & SOUND, 2825 NORTH AVENUE

A hearing on this item was held after proper notice. Senior Planner Don Warner advised that the expansion south of the building will require an 8-foot screen fence and volleyball courts with some tables for the drinking of beer. The Planning Commission saw the proposal and approves. This is located in a commercial area. The applicant Bruce Troy was present. Mr. Warner advised that 76 additional parking spaces will be provided.

Councilman Johnson stated that he has had a number of complaints from the Eastgate tenants regarding the use of the Eastgate parking lot, the litter, and the noise by the patrons of this establishment. Many of the tenants have stated they are considering opposing the license when it comes up for renewal because it has become a nuisance to the neighborhood. Councilman Johnson was concerned that Council may be opening a gate to a "beer garden" type of operation that could create a lot of other types of problems.

City Attorney Ashby advised that the State Liquor Enforcement Officer has stated that in regard to the premises question both on the liquor and the beer, the State policy now is that as long as the local licensing authority, wherever it is, designates a particular area as being part of the premises, such as in this case, the State will accept this as long as it is not patently a public area. This applies more to liquor than to beer.

Mr. Troy advised there will be no glass containers outside.

Police Chief Ed Vander Took said that until two weeks ago there were complaints from the tenants at Eastgate. These are generated from the parking lot itself by patrons leaving the area. He said that there was one incident in Eastgate parking lot. This case is pending.

Pat Garrett asked about noise from the open area. Mr. Troy advised that it will be open, and there might be somewhat more noise.

Councilman Tufly stated that he feels this facility is serving a true need and that although there are complaints from the residences that are there, the number of residences are far less than in any other area in the City. He felt the impact on the parking lot can be expected. He noted that the impact on other parking lots has been felt even though there has not been a 3.2 outlet near those parking lots.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Conditional Use for the 3.2 Beer License Expansion by Suds & Sound at 2825 North Avenue be approved.

Councilman Johnson agreed with Councilman Tufly's summation of the need. He did feel, however, the expansion would create more problems. This type of expansion concerns him because of the complaints from business concerns in the area.

Councilman Brown said he was uneasy about the expansion perhaps because it is new and his mind is getting old.

Councilwoman Quimby said that comments she has received from young people who visit the establishment "It is a nice place and it is needed." She was concerned with the problems and expressed the hope that Mr. Troy would continue to work out the difficulties.

Upon roll call, the following Council members voted AYE: QUIMBY, TUFLY. Council members voting NO: HOLMES, JOHNSON, O'DWYER, BROWN, KOZISEK. The President declared the motion lost.

ORDINANCE NO. 1682 - ZONING PATTERSON ENCLAVE ANNEXATION R-1-A

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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. 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 Brown 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 Tufly and seconded by Councilman Johnson that the Ordinance be passed, adopted, numbered 1682, and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1683 - ZONING PHIPPS ANNEXATION H.O.

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 ADDING THE ZONING OF 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 Tufly and seconded by Councilman O'Dwyer 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 Councilwoman Quimby that the Ordinance be passed, adopted, numbered 1683 and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

RESOLUTION CORRECTING A CONVEYANCE TO THE HOUSING AUTHORITY OF THE CITY OF GRAND JUNCTION

The following Resolution was presented and read:

RESOLUTION

WHEREAS, the City of Grand Junction formerly was the owner of the land hereinafter described, and

WHEREAS, in order to convey a marketable title to prospective purchasers of the property, it is necessary that the City join in a Quit Claim Deed conveying the land to the purchasers;

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, on behalf of the City and as the act of the City, a Quit Claim Deed conveying any interest the City may have in the property situate in the County of Mesa, Colorado, and described as:

The West one-half of Lot 30 and all of Lots 31 and 32 in Block 92 in the City of Grand Junction

to Patricia L. Simeone and Eugene J. Cahill.

PASSED and ADOPTED this 1 day of June, 1977.

President of the Council

Attest:

City Clerk

It was moved by Councilman Brown 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.

DESIGNATION OF BRUCE KAYE AS DEPUTY CITY ATTORNEY FOR MUNICIPAL COURT

It was moved by Councilman Tufly and seconded by Councilman Johnson that Bruce Kaye be designated Deputy City Attorney for Municipal Court cases. Motion carried.

FIRE PENSION ESCALATION APPROPRIATION

It was moved by Councilman Johnson and seconded by Councilman Tufly that the sum of \$40,389.91 be transferred from the Sales Tax Rebate Account to the Fire Pension Escalation Account. Motion carried.

LEAA GRANT - \$13,844 RECORDER COMMUNICATIONS SYSTEM - POLICE DEPARTMENT

City Manager Wysocki said there is an item budgeted at \$19,105. The actual grant is going to total \$13,844 from LEAA because of changes in some of the equipment in the recorder communications system at the Police Department. The local match is less than \$1,000. He requested that Council accept the grant and authority the Staff to move in the installation of this equipment.

It was moved by Councilman Johnson and seconded by Councilman Brown that the LEAA Grant of \$13,844 be accepted and authorized the installation of the equipment. Motion carried.

AUDIT REPORTS FOR THE POLICE PENSION FUND, THE FIRE PENSION FUND, AND REVENUE SHARING FUND SUBMITTED

City Manager Wysocki submitted to Council the audit reports of the Police Pension Fund, the Fire Pension Fund, and the Revenue Sharing. Any questions regarding the audit will be taken up at the next meeting of Council.

REGIONAL COMPUTER CENTER

Councilman Brown noted a joint meeting held at the college regarding a Regional Computer Center. He requested a recommendation by City Manager Wysocki and Computer Center Supervisor Yuki Kobayashi.

MEETINGS

Councilman Johnson stated he will be attending a CML Policy Committee Meeting on June 10.

Councilwoman Quimby advised she will be attending a CML Board Meeting tomorrow.

COUNCIL COMMITTEE REPORTS

DDA - Councilman Johnson advised that the Downtown Development Authority will be meeting tomorrow with the developers who are interested in the Downtown Development Project.

STUDY OF RAIL SITUATION IN COLORADO AS FAR AS COAL DEVELOPMENT IS CONCERNED

President Kozisek advised that there has been money appropriated for the study of the rail situation in Colorado as far as the coal development is concerned. He noted he has received a recommendation that Senior Bishop have the study assigned to the State Highway Department as it is felt this department would most logically be the best to study the situation. Consensus of Council was that President Kozisek should contact Senator Bishop with this thought in mind.

SENATE BILL 35

Councilman Brown stated that he had reviewed Senate Bill 35 and noted various projects that are funded under this. He said he would like to see the City of Grand Junction get involved in requesting funds from the Colorado Conservation Board in Denver for certain projects within the City of Grand Junction.

ADJOURNMENT

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

Neva B. Lockhart

Neva B. Lockhart
City Clerk