

CITY OF GRAND JUNCTION, COLORADO MINUTES OF THE REGULAR MEETING OF
THE CITY COUNCIL

January 4, 1978

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. Wednesday, January 4, 1978, in the Council Chambers at City Hall. President Lawrence Kozisek called the meeting to order with Council members Larry Brown, Robert Holmes, Karl Johnson, Bill O'Dwyer. Jane Quimby and Elvin Tufly present. Also present were City Attorney Gerald Ashby, City Manager Jim Wysocki, and City Clerk Neva Lockhart.

MINUTES

The Minutes of the meetings December 7 and December 21, 1977, were approved as written.

INTRODUCTION OF NEW CITY EMPLOYEES

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

Juanita Franklin - Police Department
Michael Graham - Utilities Department
Debbie Durbin - Police Department
Tim Bevan - Fire Department

LIQUOR - APPLICATION TO RENEW HOTEL-RESTAURANT LIQUOR LICENSE,
"GALLEY RESTAURANT," 929 MAIN STREET

Submitted for consideration was the application by Galley Restaurant, Inc. to renew its hotel-restaurant liquor license at 929 Main Street. The Fire Department report noted that after a reinspection on January 3, 1978, a handrail barrier had been provided, the occupant load for the second floor posted at 46; the first floor at 50. They recommend consideration for the renewal of the license. The Health Department report advised that the Galley Restaurant meets health regulations for the renewal of its license. The Police Department report advised there have been no complaints or violations during the past licensing period.

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

HEARING - CONDITIONAL USE, 3.2% FERMENTED MALT BEVERAGE LICENSE AT
1144 N. 12TH STREET

This item was heard by the Grand Junction Planning Commission on December 28, 1977. The request is for a conditional use permit to

serve 3.2% beer only. It was noted there will be no changes in the structure. There are 6 parking spaces in front of the building as shown on the posted chart. There were no objections from review agencies. The Planning Commission expressed concern on the smallness of the building, with approximately 3 tables inside. They were also concerned that in granting this request other surrounding businesses would make the same request. It was noted in the Minutes of the Planning Commission that the petitioner was not present. It was recommended to Council to deny this request due to lack of parking and increasing present traffic hazard, with one member voting to approve the conditional use, as he felt this would be mostly walk-in business. This item was properly advertised for hearing by the City Council. Mr. Weber was present. He stated that he had forgotten the Planning Commission hearing, and had attended a service club meeting the night of the hearing. He stated there are 3 parking places allocated in front of the restaurant, and he has conferred with the owner of the property for parking in the rear. He estimated that approximately 75% of his business is carry-out. He stated that on this date he had posted the occupant load of the Sandwich Shop at 17 persons as required by the Fire Department.

A Resolution of Findings and Decision is scheduled for January 18, 1978.

HEARING-APPLICATION FOR 3.2% FERMENTED MALT BEVERAGE LICENSE, DER WEBER SANDWICH SHOP, 1144 NORTH 12TH STREET

The application by Richard D. Weber dba Der Weber Sandwich Shop, 1144 North 12th Street, was advertised for hearing on this date. The display ad giving notice of hearing was published in The Daily Sentinel on Friday, December 23, 1977, and the sign giving notice of hearing was posted on the property December 22, 1977. Mr. Weber filed with his application the required documents. The investigation by the Police Department shows Mr. Weber is clear NCIC, CCIC and local files. A check was made with areas of former residency, and all returns indicate "no prior record found." Fingerprint card was mailed with no return as of this date. The independent investigation and survey by the City to determine the desires of the inhabitants and the needs of the 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. 492

(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. 219

(3) Neutral. 2

(4) Refused to vote. 16

(5) On vacation. 5

(6) Vacant. 24

Similar type outlets and their locations:

- (1) Ye Ole Saloon, 1230 North 12th Street
- (2) Pizza Hut No. 1, 1440 North Avenue
- (3) Lincoln Park Golf Club, Lincoln Park
- (4) Shakey's Pizza Parlor, 2560 North Avenue

Mr. Weber was present and spoke in behalf of his application. There were no others in the audience who indicated a desire to speak.

A Resolution of Findings and Decision is scheduled on the January 16, 1978, Council Agenda.

HEARING-ADOPTION BY REFERENCE OF MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES, 1977 EDITION

Advertised for hearing on this date was the notice of adoption by reference of the Model Traffic Code for Colorado Municipalities, 1977 edition. Police Chief Ed Vander Took reviewed some of the major changes in the 1977 Model Traffic Code.

There was no one present who indicated a desire to speak, and no letters were filed.

The adopting ordinance is scheduled for January 18, 1978.

HEARING-LIQUOR CODE VIOLATION BY DON AND BILLIE LOU BURGESS DBA "DON BURGESS LIQUORS," 202 UTE AVENUE

A hearing was held on the violation of the Colorado State Liquor Code, Section 12-47-128(1) (b) of selling spirituous liquor to a person under 21 years of age. This incident occurred on or about January 14, 1977. Present for the hearing were Don and Billie Lou Burgess with their attorney, Mr. Amos Raso. Mr. John Martines was present. It was noted that Mr. Martinez was charged with the purchase and appeared in court, paid \$33 with an \$8 court cost. Mr. Burgess was summoned into court and after negotiation received deferred sentencing.

It was moved by Councilman Johnson and seconded by Councilman Tufly that Don Burgess Liquors be assessed a five-day suspension with that suspension being held in abeyance for one year pending no further violation.

It was moved by Councilman Brown and seconded by Councilman Johnson that the motion be amended to show that no action be taken against Burgess Liquors. Upon roll call Council members voting

AYE: JOHNSON, TUFLY, BROWN, KOZISEK. Council members voting NO: O'DWYER, QUIMBY, HOLMES.

The motion as amended carried with Councilman Holmes voting NO.

PETITION FOR ANNEXATION, ETTER ANNEXATION #2 (SE SIDE HORIZON DRIVE BETWEEN 12TH STREET AN G ROAD AND TRACT AT SW CORNER OF HORIZON DRIVE AND G ROAD)-PROPOSED ORDINANCE

Submitted for consideration was the following petition for annexation:

PETITION FOR ANNEXATION

WE THE UNDERSIGNED do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described property to the said City:

Beginning at a point on the West right-of-way line of 27 1/2 Road, said point being 25 feet West and 230 feet South of the Northeast corner of the Northeast quarter of the Northwest Quarter of Section 1, Township 1 South, Range 1 West of the Ute Meridian; thence South along the West right-of-way line of 27 1/2 Road 552.5 feet; thence West 383 feet; thence South 82° 49' West 220 feet; thence South 55° 57' West 596 feet; thence West 190 feet; thence South 176 feet; thence West approximately 200 feet to the East line of O'Nan Subdivision; thence North along the East line of O'Nan Subdivision 30 feet to the North right-of-way line of Cliff Drive; thence West along said right-of-way line to the Southeast right-of-way line of Horizon Drive; thence northeasterly along said right-of-way line to the North right-of-way line of G Road; thence East along said right-of-way line to the Northerly extension of the West right-of-way line of 27 1/2 Road; thence South along said extension 60 feet to the South right-of-way line of G Road thence West along said right-of-way line 205 feet; thence South 200 feet; thence East 205 feet to the point of beginning.

That part of the Northeast one quarter of the Northwest one quarter of Section One, Township One South, Range 1 West, Ute Meridian lying North and West of County Highway (Horizon Drive), also that part of County Highway (Horizon Drive) adjacent on the South and East.

As ground therefor, the petitioners respectfully state that annexation to the City of Grand Junction, Colorado is both necessary and desirable and that the said territory is eligible for annexation in that the provisions of the Municipal Annexation Act of 1965, Sections 3 and 4 have been met.

This petition is accompanied by four copies of a map or plat of the said territory, showing its boundary and its relation to established city limit lines, and said map is prepared upon a

material suitable for filing.

Your petitioners further state that they are the owners of one hundred per cent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of each signer and the date of signature are set forth hereafter opposite the name of each signer, and that the legal description of the property owned by each signer of said petition is attached hereto.

WHEREFORE these petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance.

<u>DATE</u> <u>SIGNATURE</u> <u>ADDRESS</u> <u>PROPERTY</u> <u>DESCRIPTION</u>			
K.L. Etter J.L. Etter and Emanuel Epstein That part of the Northwest one- quarter of the Northwest one- quarter of Section 1, Township 1 South, Range 1 West, Ute Meridian lying South and East of Horizon Drive.			
12-22-77/s/ K.L. Etter 697 27 1/2 Road, Grand Jct., CO			
12-22-77/s/ J.L. Etter 697			

<p>27 1/2 Road, Grand Jct., COand</p>			
<p>12-27-77/s/ Emanuel Epstein443 N. 6th, Grand Jct., COBeginning at the Northeast corner Northeast one- quarter Northwest one- quarter of Section 1, Township 1 South, Range 1 West, Ute Meridian, thence South 782.5 feet, thence West 408 feet, thence South 82° 49' West 220 feet, thence South 55° 57' West 596 feet, thence West 190 feet to West line Northeast one- quarter Northwest one- quarter said Section 1, thence North to Horizon Drive, thence Northeasterly along Horizon Drive to North line Northeast one-quarter Northwest one- quarter said Section 1, thence East to</p>			

point of beginning except for road right-of-way on East and except for the North 230 feet of Northeast one-quarter Northwest one-quarter said Section 1.			
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STATE OF COLORADO)			
) ss. AFFIDAVIT			
COUNTY OF MESA)			

Emanuel Epstein, of lawful age, being first duly sworn, upon oath, deposes and says:

That he is the circulator of the foregoing petition;

That each signature on the said petition is the signature of the person whose name it purports to be.

/s/Emanuel Epstein

Subscribed and sworn to before me this 28th day of December, 1977.

Witness my hand and official seal.

/s/Elizabeth C. Loughier

Notary Public

My Commission expires: 9-17-80

Council accepted the petition for annexation.

The following Resolution was presented and read:

RESOLUTION

WHEREAS, on the 28th day of December, 1977, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following properties, to wit:

Beginning at a point on the West right-of-way line of 27 1/2 Road, said point being 25 feet West and 230 feet South of the Northeast Corner of the Northeast Quarter of the Northwest Quarter of Section 1, Township 1 South, Range 1 West, Ute Meridian; thence South along the West right-of-way line of 27 1/2 Road 552.5 feet; thence West 383 feet; thence South 82° 49' West 220 feet; thence South 55° 57' West 596 feet; thence West 190 feet; thence South 176 feet; thence West approximately 200 feet to the East line of O'Nan Subdivision; thence North along the East line of O'Nan Subdivision 30 feet to the North right-of-way line of Cliff Drive; thence West along said right-of-way line to the Southeast right-of-way line of Horizon Drive; thence Northeasterly along said right-of-way line to the North right-of-way line of G Road; thence East along said right-of-way line to the Northerly extension of the West right-of-way line of 27 1/2 Road; thence South along said extension 60 feet to the South right-of-way line of G Road; thence West along said right-of-way line 205 feet; thence South 200 feet;

That part of the Northeast quarter of the Northwest Quarter of Section 1, Township 1 South, Range 1 West, Ute Meridian, lying North and West of County Highway (Horizon Drive), also that part of County Highway (Horizon Drive) adjacent on the South and East;

and

WHEREAS, the Council has found and determined, and does hereby find and determine, that said petition is in substantial compliance with statutory requirements for petitions signed by owners of 100 percent of the property; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City, and that no election is required under the Municipal Annexation Act of 1965 as the owners of 100 percent of the property have petitioned for annexation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF

GRAND JUNCTION, COLORADO:

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 4th day of January, 1978.

President of the Council

Attest:

City Clerk

It was moved by Councilman Johnson 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.

The following entitled proposed ordinance was introduced and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the proposed ordinance be passed for publication. Motion carried.

EMERGENCY ORDINANCE NO. 1717-AMENDMENT TO TRI-STATE TRACTOR CO. BOND ORDINANCE

City Attorney Ashby reviewed the request for this ordinance. He introduced and read the following entitled ordinance: AN ORDINANCE AMENDING ORDINANCE NO. 1715 TO ADDRESS THE MAXIMUM AND NET EFFECTIVE INTEREST RATE ON BONDS FOR TRI-STATE TRACTOR CO. AND DECLARING AN EMERGENCY.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Ordinance be passed and adopted as an Emergency Ordinance, numbered 1717, and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

WASTE WATER TREATMENT PLANT APPROVAL BY WATER QUALITY CONTROL COMMISSION

Utility Engineer Duane Jensen appeared before Council and reported that on this date unanimous approval by the Water Quality Control Commission for the Waste Water Treatment Plant was given with the conditions of the Council and the County Commissioners on land application. He noted that a letter is forthcoming on the Commission's position regarding land application.

ENGINEERING AGREEMENT WITH NHPQ FOR ORCHARD MESA LAND FILL SITE

DEVELOPMENT AND OPERATION PLAN-\$30,000 STUDY

Utility Engineer Duane Jensen reviewed the Engineering Agreement with Nelson, Haley, Patterson & Quirk for the Orchard Mesa Land Fill Site Development and Operation Plan. He stated that the study is on environmental effects and lifeload and an overall study of the sanitary land fill project. It is a \$30,000 study to meet the requirements of EPA, the State Health Department, and the Bureau of Land Management in order that the City may expand its BLM leases at the Solid Waste Disposal Site. This is a joint effort with the County picking up half the cost. He noted that the paleontology study has been completed.

It was moved by Councilman O'Dwyer and seconded by Councilwoman Quimby that the Agreement with Nelson, Haley, Patterson & Quirk be approved and authorized the City Manager to sign jointly with Mesa County. Motion carried.

WATER AGREEMENTS-K&P WATER COMPANY, WHISKEY FLATS WATER & SANITATION COMPANY

Utility Engineer Duane Jensen reviewed the contract with K&P Water Company. He noted that the Agreement limits to five existing 3/4" taps, limits to no storage, limits to no more than ten structures, with an expiration date of October 20, 1987.

It was moved by Councilman Johnson and seconded by Councilman Tuflly that the K&P Water Agreement be approved and authorized the City Manager to sign. Motion carried.

Mr. Jensen reviewed the Whiskey Flats Water & Sanitation Company Agreement. He noted that it is limited to one tap, 1 1/2", for five buildings, no storage, with an expiration date of October 20, 1987.

It was moved by Councilman Tuflly and seconded by Councilman O'Dwyer that the Agreement with Whiskey Flats Water & Sanitation Company be approved and authorized the City Manager to sign. Motion carried.

Councilman Brown requested an inventory of the potential maximum use before the next agreement is brought to Council.

MISCELLANEOUS DISCUSSION

Solid Waste

Councilman Johnson reported that he will be going to Denver on Friday to attend the State meeting on Solid Waste Disposal.

Valley Trash

Councilman Holmes discussed the implied Agreement by Valley Trash to keep the area screened from the highway. He stated that the

trucks are consistently parked with the back end of the vehicles facing the highway. Mr. Warner stated that he has been working on this. He said that the mini-storage to be installed by Mr. Heald has not been constructed yet, so the screening has not been placed. Mr. Teed said that Mr. Murchison is willing to do the housekeeping at his own speed. Councilman Johnson suggested a letter be directed to Mr. Murchison over the Mayor's signature requesting that the conditions be met. Councilman Brown stated he would rather get some kind of report from the Planning Commission Director on this and follow up on all others that have been noted recently. It was agreed that the Staff would follow up on this item.

Ackerman, 7th and White

Mr. Warner stated that he had contacted Mr. Ackerman regarding the curb at 7th and White. Mr. Ackerman related that he did not understand an immediacy to following up on the condition. Mr. Warner has requested a letter from Mr. Ackerman outlining his time of completion on the condition.

Councilman Johnson suggested having the Engineering Department look at this and consider the feasibility of putting the curb adjacent to the sidewalk so parking would be off the street as much as possible.

Community Social Services

Councilwoman Quimby asked City Attorney Ashby where the City stands with regard to the Contract with Community Social Services. Mr. Ashby stated that one copy of the Agreement with Mesa County has been filed which really doesn't give the City very much to work on. The City Manager stated he has asked Community Social Services to have their attorney get with the City Attorney to work out an agreement.

Combined Government Meeting Day

Councilwoman Quimby asked when the Combined Government Meeting would be held during January. It was determined that a date would be set later.

Airport

Councilman Brown reported on the Christmas and New York weekend traffic at the airport. He felt that the airport staff did a commendable job.

False ID's

Councilman Tufly discussed the problem of false ID's among young people who attempt to purchase liquor. After discussion it was suggested the City Attorney brief the point as to whether an ordinance would be appropriate.

ADJOURNMENT

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

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk