

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

January 18, 1978

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. Wednesday, January 18, 1978, in the Council Chambers at City Hall. President Lawrence Kozisek called the meeting to order with Council members Larry Brown, Karl Johnson, Bill O'Dwyer, Jane Quimby and Elvin Tufly present. Councilman Robert Holmes was absent. Also present were City Attorney Gerald Ashby, City Manager Jim Wysocki, and City Clerk Neva Lockhart.

MINUTES

The minutes of the meeting January 4, 1978, were approved as written.

REQUEST NAMES FOR BOARD OF ADJUSTMENT AND APPEALS

The terms of four members serving on the Board of Adjustment and Appeals are expiring. Two members wish to be reappointed leaving a vacancy of two members with three alternatives to be appointed. It was the consensus of Council that a display ad be placed in the newspaper requesting names and designating those particular trades which the Ordinance requires be appointed.

3.2% BEER-RENEWAL OF LICENSES, PIZZA HUT OF GRAND JUNCTION, 1440 NORTH AVENUE, MESA FARMERS MARKET, 2651 HIGHWAY 50 SOUTH

Submitted for consideration were the applications by Pizza Hut of Grand Junction, Inc., 1440 North Avenue, and Mesa Farmers Market, Inc., 2651 Highway 50 South for the renewal of 3.2% fermented malt beverage licenses. The reports concerning Pizza Hut of Grand Junction, Inc; The Health Department advised that Pizza Hut has been inspected and it does meet health requirements. The Fire Department has inspected and found a few minor problems in maintenance which have been corrected. They recommended that Council consider the renewal of the license. The Police Department report advised there have been no complaints or violations noted during the past licensing period concerning the sale of 3.2% beer for consumption on the premises at Pizza Hut, 1440 North Avenue. The Police Department report advised that with respect to Mesa Farmer's Market, Inc., during the past licensing period there have been no complaints or violations concerning the sale of 3.2% beer for off-premises consumption. It was moved by Councilman Tufly and seconded by Councilman Johnson that the applications be approved and the licenses issued when the State licenses have been received. Motion carried.

RESOLUTION OF FINDINGS AND DECISION ON CONDITIONAL USE, 3.2%

FERMENTED MALT BEVERAGE LICENSE AT 1144 NORTH 12TH STREET-APPROVED

The following Resolution granting the Conditional Use at 1144 North 12th Street was presented and read:

RESOLUTION

ADOPTING A DECISION ON A CONDITIONAL USE AT 1144 NORTH TWELFTH STREET

A public hearing having been held on the 4th day of January, 1978, on the application of Richard Weber for a conditional use to permit him to operate an on-premises consumption outlet for fermented malt beverages at the premises at 1144 North 12th Street in the City of Grand Junction, and the City Council having considered the evidence offered at said hearing,

FINDS:

1. That the City Planning Commission recommended that the application be denied because of lack of information as to off-street parking, lack of information as to the load limit of the premises, and because of the feeling that traffic generated by the proposed outlet would add to the congestion already existing at the corner of Glenwood and 12th Street.

2. That information provided by the applicant at the hearing before the Council shows that he is providing the parking required by him for the outlet; that a proper load limit has been established by the Fire Department and acceded to by the applicant, and that, because of the nature of the applicant's business and its clientele, the traffic situation should not be materially worsened.

3. That there is an apparent community need for the use at this location near the college; that the area is suitable for the use in that it is within an area providing business services for local community needs; that the surrounding property values are not being diminished by the use presently on the site, and would not be lowered by the addition of the on-premises consumption of fermented malt beverages in the setting in which this will occur; and, that the plan of development of the use is not a problem where the premises are.

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

That the application of Richard Weber for a conditional use to permit him to operate an on-premises consumption outlet for fermented malt beverages at the premises at 1144 North 12th Street be granted.

PASSED and ADOPTED this 18th day of January, 1978.

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 Councilmembers BROWN, QUIMBY, JOHNSON, TUFLY and KOZISEK voted AYE. Councilman O'DWYER voted NO. The President declared the motion carried and the Resolution duly passed and adopted.

RESOLUTION OF FINDINGS AND DECISION ON APPLICATION BY RICHARD WEBER FOR 3.2% FERMENTED MALT BEVERAGE LICENSE AT 1144 NORTH 12TH STREET-APPROVED

The following Resolution approving the application by Richard Weber for a 3.2% Fermented Malt Beverage License to serve on-premise at 1144 North 12th Street was presented and read:

RESOLUTION

ADOPTING A DECISION ON AN APPLICATION FOR A FERMENTED MALT BEVERAGE LICENSE AT PREMISES 1144 NORTH TWELFTH STREET

A hearing having been held on the 4th day of January, 1978, on the application of Richard Weber for an on-premises consumption Fermented Malt Beverage License for the premises at 1144 North 12th Street in the City of Grand Junction, and the City Council having considered the evidence presented at said hearing.

FINDS:

1. That the hearing was held after proper notice thereof under the Colorado Beer Code.
2. That, in the survey of the neighborhood conducted by the City, 492 persons favored the issuance of the license feeling that the needs of the neighborhood were not being met by existing outlets, while 219 persons opposed the issuance of the license feeling that the needs of the neighborhood were being met by such outlets. When the returns from Mesa College and the Bible College are withdrawn, the numbers become 287 in favor and 145 opposed.
3. There are two other outlets where on-premises consumption of fermented malt beverages is licensed near the proposed outlet, one within a block and one within about 3 blocks. While it is recognized that these are similar outlets and therefore to be considered with this application, it is apparent that essentially a different type of operation is being conducted, in particular as

the nearer outlet is considered, and that probably a different clientele may be expected.

4. That the application should be approved as the desire of the inhabitants is that the license issue and the needs of the neighborhood are not being met by existing outlets.

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

That the application of Richard Weber for an on-premises consumption Fermented Malt Beverage License for the premises at 1144 North 12th Street be granted.

PASSED and ADOPTED this 18th day of January, 1978.

President of the Council

Attest:

City Clerk

It was moved by Councilman Johnson and seconded by Councilman Tufly that the Resolution be passed and adopted as read. Upon roll call Council members QUIMBY, JOHNSON, TUFLY, BROWN and KOZISEK voted AYE. Councilman O'DWYER voted NO. The President declared the motion carried and the Resolution duly passed and adopted.

HEARING-APPLICATION FOR SPECIAL EVENTS PERMIT BY MESA COLLEGE FOR FRIDAY, FEBRUARY 10, 1978, FROM 8:00 P.M. TO MIDNIGHT - APPROVED

Advertised for hearing was the application by Mesa College for a special events permit to be used Friday, February 10, 1978, from 8:00 p.m. to midnight in Houston Hall at 12th and North Avenue. A report from the Police Department advised that the function will be a "kegger" dance with live music and sponsored by Mesa College Student Body Association. Admission charge will be collected at the door and a check of identification will be made. A request has been made to the department by Student Body Officers for four off-duty police to patrol the kegger dance. Mr. Tom O'Connor, Student Body Association President, appeared before Council in support of the application. He advised Council that three off-duty Police Officers in his opinion would be sufficient along with the Security Patrol at the college, plus there will be approximately 45 chaperones.

No letters were filed and there were no others in the audience who indicated a desire to speak on this matter.

It was moved by Councilman Johnson and seconded by Councilman

Tufly that the application for a special events permit be approved for Friday, February 10, 1978, from 8:00 p.m. to midnight in Houston Hall at 12th and North Avenue. Motion carried with Councilman O'Dwyer voting NO.

HAMMER BULK DEVELOPMENT, 203 EPPS DRIVE

This petition consists of an 18,000 square-foot tract with a single-family residential unit on it currently. The petition is for a bulk development to add another flat to the house so it can be essentially a two-flat on 18,000 square feet. Current regulations in R-1-C speak to one dwelling unit per 6,000 square feet. Staff comments: The City Engineering Department requires 5-foot storm drainage easement along the east property line and 10-foot easement along the south property line. At the Planning Commission hearing, Mr. Hammer and his designee accepted the condition.

Mr. Hammer was present for the hearing.

A hearing was held after proper notice. There was no one in the audience who indicated a desire to speak and no letters were filed.

Mr. Beaver advised that the Planning Commission recommended the petitioner consider consolidating the driveways rather than having two drives opening on Epps Drive and that perhaps the drive could be separated further inside the property.

Mr. Hammer stated he could see no problem with this suggestion.

It was moved by Councilman Tufly and seconded by Councilman O'Dwyer that the Hammer Bulk Development be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING-PROPOSED REZONING FROM R-2-A TO PD-B, AND PRELIMINARY PLAN FOR HIGH COUNTRY STORAGE, SE CORNER OF GRAND MESA AVENUE AND CANNON AVENUE

Senior Planner Del Beaver located the property in question. He advised that this item was denied at the Planning Commission hearing on December 28, 1977, on the basis of objections from property owners. Staff comments: Parks and Recreation Department disapproves use of Siberian Elm and suggests an alternative. This has been worked out with the petitioner. Public Service Company has no objection. City Engineer requests power of attorney for full half-street improvements on Grand Mesa Avenue, Cannon Avenue, and the alley. The tree at the northwest corner will have to be eliminated for sight purposes. Mountain Bell has no objection. Mr. Beaver continued that essentially what is involved is a U-shaped structure with internally opening storage units. Mr. Beaver pointed out the sketch. There would be inside opening storage units. The proposed treatment on the exterior would be a bonding agent on concrete block similar to what is being done on the new

Chinese Restaurant on North Avenue - plasticized epoxy-type bonding which looks rather like stucco. In the interior there is to be a two-bedroom apartment. It was indicated this would be a caretaker type apartment which is to be two-story. The balance is to be single-story. It was proposed that there be possibly landscaping on Grand Mesa Avenue and on Cannon Avenue. Mr. Beaver indicated it might also be further possible because this is a preliminary exposure to a planned development business proposal to possibly work with the developer-at least Staff would prefer to work with the developer if this is approved - to provide some relief or some additional planting on the outside of the walls to get a little softer effect for the surrounding neighborhood. Mr. Beaver stated this summation pretty much constitutes Staff and Planning comments.

Mr. Ashby asked Mr. Beaver if the impact on this is to the interior. Mr. Beaver responded that it is totally internal.

The aerial slide was viewed at this time. Mr. Beaver pointed out the proposed properties and its relationship to the east-west alley, the surrounding commercial areas, the two residential properties zoned R-2, and Delores Street.

He stated this currently is comprised of the Cannon Cabins. They do not have indoor plumbing and they are in apparently shabby condition.

Mr. Warner noted that the two properties immediately adjacent to the proposed development were not objectors. The owners of those properties did not appear at the Planning Commission hearing nor did the owners of property immediately adjacent to the south. It was mostly the property owners on the other side of Delores.

The access to the complex will be from Cannon. The wall is solid along Grand Mesa Avenue, along the back property line, and along the alley. This wall screens the complex from Delores. It was noted there would be two houses breaking the wall from the objecting properties so long as that area remains residential.

Mr. Tome Logue, Paragon Engineering, appeared before Council representing Mr. Payne, the petitioner, who was also present. Mr. Logue submitted photographs taken within the last two weeks or so of the site in its present condition. He stated that assuming the zoning is approved, all the buildings in the photographs would be removed entirely. He also submitted a petition which states "we, the undersigned, have no objections to Mr. Jack Payne's zone change request from R-2-A to PD-B, or the preliminary development plan as submitted to the City of Grand Junction. Said site is located at the southeast corner of Grand Mesa and Cannon Avenue." With signatures of ten individuals who own or lease in the area. Most of them are adjacent to the site. These individuals are different from the other nine individuals who spoke at the Planning Commission meeting. Mr. Logue indicated the petitioner is willing to sign a power of attorney for the half-street

improvements to the streets and the alley. In the Preliminary Development Plan submitted to the Planning Staff, it was indicated the developer would submit a power of attorney for improvements on Grand Mesa and Cannon. They did not indicate for the alley, but they are willing to commit for the alley as well as meet the remaining review comments that were made.

The signers of the petition submitted by Mr. Logue were commercial and there were some R-2-A's. Mr. Payne circulated the petition.

A hearing was held after proper notice. There was no one in the audience who indicated a desire to speak and no letters were filed.

Councilman Brown asked the City Attorney "If the minutes of the Planning Commission reflect opposition in the neighborhood, but none surfaces at this hearing, then that cannot be a consideration of the Council?"

Mr. Ashby stated "That's right. They should appear here if they are going to object."

Councilman Tufly asked if this use was non-conforming at the time it was zoned as it does not conform to an R-2-A zone. Councilman Johnson stated those old cabins have been there since the Day-1.

A Resolution of Findings and Fact with a decision is scheduled on the February 1 City Council Agenda.

Councilman Tufly asked if anyone has checked the ramifications of changing the remainder of that block on the east side to commercial property.

Mr. Beaver indicated that this has been before the Planning Commission once before as a Commercial zoning request. One of the reasons that, as he has been told, the Planning Commission did not act affirmatively on it at that time was that with Commercial zone it opened up the possibility for a lot of things, whatever would be appropriate in a use by right. The Planned Development Zoning category allows the Planning Commission and the Council a much easier time to say "no" and "to stop" - the domino theory, if you will, - in further encroachment down the road. The two residences that back up onto this property face Delores, and though at some point in time there might be some request for that also to go commercial, he sees the Planning Commission, at least as he interprets them at this time, if a request were to come in for Commercial they would recommend Planned Development-Business so they can protect the remaining properties as much as possible. Recognizing that this is a commercial venture, but also recognizing that the entire focus of this structure is toward Cannon Street, he thought it unlikely that this in and of itself, would cause this kind of pressure.

The heights of the wall would be between 8 and 9 feet.

Councilman Brown asked the City Attorney that since the Planning Commission changes or tailors or works with these planned unit developments as they come through, and since in this case the Planning Commission denied the request, does that mean that if the Council chose to override the Planning Commission, it might not be appropriate to send it back to the Planning Commission with a directive to approve and redo their thing, or is it to be approved in its present state. Mr. Ashby replied that you approve it in its present state, approve the preliminary plan, and then as the other plans come through, they are all subject to hearing. They are all advertised hearings.

Councilman Brown said he was talking about the conditions that were placed on it.

Discussed further was screening on the alley side. Mr. Beaver indicated that that was some of the comments and debate by the Planning Commission prior to the vote. The vote was 4 to 3. One of the comments was that to lessen the visual impact of a blank wall, vegetated screening be considered possibly being of some relief. Obviously there was not a chance to work that far along with the petitioner because of the denial. He felt that was where Staff and Commission would approach it from if given the opportunity.

Councilman Johnson asked if there was any type of greenery specified. He noted there was no space for trees or shrubs. Mr. Beaver stated that there was not at this point. He said that it might be that working with the petitioner, perhaps he would have to give up maybe one unit or part of a unit and perhaps some vining would take care of it.

Councilman Johnson said that unless it is an evergreen type of screening, it is going to be ineffective anyway, and there will be bare branches of trees or shrubs in the winter time that will not be any more appealing than a blank wall.

Mr. Beaver said that if this blank wall is comparable to the one going up on North Avenue it would be a sandy colored stucco effect. There might be varieties available to work with the petitioner to put in the necessary maintenance items to help address that point. It would have to be addressed, if this were sent back to the Planning Commission, between now, the preliminary, and prior to final.

HEARING-PRELIMINARY PLAT, 6&50 SUBDIVISION, NW OF GRAND AVENUE AND FIRST STREET

Mr. Beaver reviewed the area in question. This is an individual type subdivision. A skating rink is being constructed within the area. Staff comments: The Fire Department requests not less than 8" looped water mains, and to move hydrant to the southeast corner of Lot 6. The petitioner has indicated he will comply City Utilities states that the City wishes to participate in oversizing

of water lines. Public Service requires 10-foot easement on north and west property lines. City Engineering requires a 31-foot mat with standard vertical face curb and gutter with sidewalk, and storm drainage outlet to be indicated. The Colorado Highway Department desires the petitioner provide frontage road along property to Mulberry constructed to gravel standards. Mountain Bell has indicated some easement is required.

A hearing was held after proper notice. There was no one in the audience who indicated a desire to speak, and no letters were filed.

Council members expressed concern about the traffic through the area and felt this had not been addressed.

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that this matter be sent back to the Planning Commission with a request that it consider very carefully the traffic circulation problems within the area and address the drainage and the street improvements before the submission of the final plat for consideration. Motion carried.

HEARING-PROPOSED REZONING FROM R-1-B TO PD-B AND PRELIMINARY PLAN FOR APPLE CREST, 27-3/4 ROAD NORTH OF F-3/4 ROAD-PROPOSED ORDINANCE

Senior Planner Del Beaver reviewed the area. Because of this development being in the path of Runway 4 at Walker Field, Mr. Beaver stated that as far as can be determined, an aviation easement is going to be required. Mr. Chris Gray, the petitioner, has been contacted and indicates that he will comply. The development will consist of 14 condominium units and 14 single-family units.

The City Utilities has indicated to the petitioner that he try to avoid running sewer lines under buildings. This has been worked out. They requested the petitioner to show fire hydrants and to remind the petitioner that the Homeowners Association will be responsible for maintaining the sewer line within the Condominium Complex. Tanks will be required for trash pickup for the condominium complex. The radius of the turn on the private road should be 35-foot inside radius, and 50-foot outside radius, and the petitioner has indicated he will comply. Parks and Recreation has indicated it would recommend species other than crabapples being next to the apple orchard, and the petitioner has stated he will rework the plan and plant accordingly. City Engineering needs additional information on the cross section of the streets prior to the submission of final plan. Public Service Company and Mountain Bell need some additional easements. The Fire Department has indicated a recommendation that a true looped 8" water system be placed instead of looping the system back on itself. They want it moved back into the 18" main at F-3/4 Road and five hydrants shall be installed in this system. One at each corner outside the condominium setup and one inside the complex near the center.

Mr. Chris Gray, the petitioner, was present. He stated that probably two places for trash pickup will be indicated. As far as the naming of Applewood Street, this is a continuation of the street from Spring Valley Subdivision.

A hearing was held after proper notice. The owner of the orchard contacted the Development Director yesterday and indicated he has no objection to the development. There was one one in the audience who indicated a desire to speak and no letters were filed.

The following entitled proposed ordinance was introduced and read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCE OF THE CITY OF GRAND JUNCTION, BY CHANGING 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 MC COY MINOR SUBDIVISION, 295 CHERRY LANE

Mr. Beaver reviewed the area. The request is a lot split. A jog is shown on the plat because of a structure which the petitioner wants shown with Lot 1. Lot 2 is still significantly large to accommodate the underlying zoning ordinance and to permit structure construction and still honor setback requirements. Staff comments: The Fire Department wants a fire hydrant at the corner of Cherry Lane and UnawEEP. PUBlic Service Company wants a 10-foot easement abutting the north property line of Lot 1. City Engineering states there is inadequate right of way on Cherry Lane. They want power of attorney for full half street improvements and dedication of an additional 12 1/4 feet. This request has been complied with on the final plat.

William Ryden, representing the petitioner, stated that with respect to the fire hydrant at Cherry Lane and UnawEEP, the Planning Commission took the position that this would be a City matter rather than the petitioner's concern. The property is 213 feet south of UnawEEP.

The petitioner will not be required to put in the fire hydrant.

A hearing was held after proper notice. There was no one in the audience who indicated a desire to speak and no letters were filed.

It was moved by Councilman Johnson and seconded by Councilwomen Quimby that the final plat of McCoy Minor Subdivision be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING-FINAL PLAT, FAIRMONT NORTH SUBDIVISION, NE CORNER 13TH AND HERMOSA

Mr. Beaver stated that per Council's recommendations the original

requirement was for full half-street improvements on 15th Street, but after contact with the petitioner and recognizing that it is going to be a difficult matter at best to have a decent street, the Planning Commission has since requested the power of attorney for full half-street improvements on 15th, as well as Hermosa and 13th. Additional right of way has been dedicated along F-3/4 Road which would allow 14th Street to L and go out to 15th Street at some point in time. Additional easements have been granted along the drainage ditch for maintenance and any possible subsequent use. Staff comments: City Utilities water lines behind fire hydrants should be 6" in diameter or more. Loops 6" would be best, although not strictly required. Four fire hydrants required - 8" where dead-end exists. Public Service requires additional easement. City Engineering wants 14th Street to be built according to standard City specifications, vertical curb and walk. The Engineering office has concerns with drainage. The 15" irrigation pipe on Hermosa should be extended to the end of the right of way line. Street lighting plans need to be addressed.

Mr. Tom Logue, Paragon Engineering, representing the petitioner, stated they do not take exception to the review comments.

Councilman O'Dwyer questioned who was responsible for the maintenance of the drainage ditches. After discussion, Councilman Johnson suggested that the Planning Commission review this matter and submit a proposal for the drafting of an ordinance to establish in clearcut language whose responsibility it will be to maintain drainage ditches, waste ditches, etc.

A hearing was held after proper notice. There was to one in the audience who indicated a desire to speak and there were no letters filed.

It was moved by Councilman Tufly and seconded by Councilman O'Dwyer that the final plat of Fairmont North Subdivision be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING-FINAL PLAT 23RD STREET SUBDIVISION, 23RD AND BUNTING

Mr. Beaver reviewed the plat. Staff comments: One on-site hydrant. The City Utilities Department states that 6" sewer line will not be adequate, and a minimum of 8" sewer line will be necessary unless the line is already in and existing. Public Service Electric Section requires 10-foot easement adjacent to the northernmost part of Lot 4, and parking will be prohibited from North Avenue to Bunting Avenue. Since the developer is being required to fence and give 25-feet for the alley, he will not be required to gravel the alley as he will have no access to it.

Tom Logue, Paragon Engineering, representing the petitioner, stated they concur with the action taken regarding the alley.

A bearing was held after proper notice. There was no one in the

audience who indicated a desire to speak, and there were no letters filed.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the final plat for 23rd Street Subdivision be approved subject to the conditions of the Planning Commission.

HEARING-FINAL PLAT PLAN, POWELL APARTMENTS AND BUSINESS CENTER PD-B, NE CORNER 28 1/2 ROAD AND BELFORD AVENUE

Mr. Del Beaver reviewed the final plat. The Staff comments: City Engineering indicates dimension for sidewalks are incorrect. This has since been taken care of. The initial pavement construction must be the same grade as the future improved section of the street. Power of attorney will be required for full half-street improvements on 28 1/2 Road, and curb, gutter and sidewalk on Belford. The 40-foot right of way comments are that parking would be allowed on one side only if any street parking would be allowed because of the narrowness of the right of way. The Fire Department has indicated they need a fire hydrant at 28 1/2 Road. The existing water line on Belford should be tied into the water line on Harris to provide a good loop system. Public Service has indicated a 10-foot easement is necessary adjacent to the east property line of Lot 4, and a 15-foot easement adjacent to the south property line of Lots 1 and 4. The petitioner has complied with the request for additional lighting for the parking area. City Utilities has indicated that when they have seen the initial composite, but no size was shown on the sewer line, and they indicated a need for a possible hydrant which has been addressed by the Fire Department. As far as the sewer line is concerned, that has been satisfactorily worked out with the City Utilities Department. The Parks Department recommends an alternative planting which has also been complied with by the petitioner.

Mr. Tom Logue, Paragon Engineering, stated they questioned the need of the fire hydrant. He said that if the City Council feels that it is really necessary to have one at the location the Fire Department requested, he feels the petitioner will agree with the request. He noted, however, existing fire hydrants and the distances from the development.

City Manager Wysocki said that they would be happy to discuss the fire hydrant with the petitioner.

A hearing was held after proper notice. There was no one in the audience who indicated a desire to speak and no letters were filed.

It was moved by Councilman Tufly and seconded by Councilman Brown that the final plat plan for Powell Apartments and Business Center be approved subject to the conditions of the Planning Commission, with the fire hydrant being a matter of discussion at the discretion of the Administration. Motion carried.

ORDINANCE NO. 1718-ADOPTING BY REFERENCE THE 1977 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE CITY OF GRAND JUNCTION, COLORADO, ADOPTING BY REFERENCE THE 1977 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND PROVIDING PENALTIES FOR VIOLATION THEREOF. 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 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 1718, and ordered published. Upon roll call all Council members present voted AYE. The President declared the motion carried.

ORDINANCE NO. 1719-REZONING FROM R-1-A TO R-1-B, BELLRIDGE SUBDIVISION, 27 1/2 ROAD AND F1/2 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 Councilwoman Quimby and seconded by Councilman Brown 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 1719, and ordered published. Upon roll call all Council members present voted AYE. The President declared the motion carried.

ORDINANCE NO. 1720-CONCERNING THE FILING OF PRELIMINARY SUBDIVISION PLATS

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE CONCERNING THE FILING OF PRELIMINARY SUBDIVISION PLATS. It was moved by Councilman Brown and seconded by Councilman O'Dwyer that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilwoman Quimby and seconded by Councilman Tufly 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 Johnson and seconded by Councilwoman Quimby that the Ordinance be passed, adopted, numbered 1720, and ordered published. Upon roll call all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1721-CONCERNING RESIDENTIAL BULK DEVELOPMENT

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE CONCERNING RESIDENTIAL BULK DEVELOPMENT. It was moved by Councilman Tufly 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 Councilwoman Quimby that the proposed ordinance be called up for final passage and the title only read. Motion carried.

The title only was read. There being no comments, it was moved by Councilman Johnson and seconded by Councilman Brown that the Ordinance be passed, adopted, numbered 1721, and ordered published. Upon roll call all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1722-SUPPLEMENTAL APPROPRIATIONS

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS. It was moved by Councilman Tufly and seconded by Councilman Johnson that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Tufly and seconded by Councilman Brown 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 1722, and ordered published. Upon roll call all Council members present voted AYE. The President declared the motion carried.

PROJECT REALIGNMENT TO ROAD THROUGH "PAINTED BOWL" AREA TO THE RIDGES

Mr. Bob Gerloffs was present and presented the request for realignment of the road through the "Painted Bowl" area to the Ridges.

It was moved by Councilman Brown and seconded by Councilwoman Quimby that the City Attorney be directed to prepare a Resolution to accomplish the request.

PROPOSED ORDINANCE-TELEPHONE COMPANY

The following entitled proposed ordinance was introduced and read: AN ORDINANCE CONCERNING REVENUE AND IMPOSING A BUSINESS AND OCCUPATION TAX ON ALL TELEPHONE UTILITY COMPANIES OPERATING WITHIN THE CITY OF GRAND JUNCTION, PROVIDING FOR THE COLLECTION OF SUCH TAX AND PENALTIES WITH RESPECT THERETO.

It was moved by Councilman Johnson and seconded by Councilman Brown that the proposed ordinance be passed for publication. Motion carried with Councilman Tufly voting NO.

PROPOSED ORDINANCE-REPEALING ARTICLE III, AMBULANCE SERVICES, CHAPTER 30

The following entitled proposed ordinance was introduced and read: AN ORDINANCE REPEALING REGULATIONS AS TO THE PROVIDING OF AMBULANCE SERVICES IN THE CITY OF GRAND JUNCTION. It was moved by Councilman Brown and seconded by Councilman Johnson that the proposed ordinance be passed for publication. Motion carried.

EXPENDITURE OF \$24,000 AUTHORIZED TO RE-SOD FOOTBALL FIELD-PIAB REQUEST

City Manager Jim Wysocki reviewed the PIAB request that the City make a special appropriation of up to \$24,000 for the re-sodding of the football field with the understanding that the monies will be repaid into the City Treasury from the user entities which includes the JUCO Committee, Mesa College, the School District and the City.

It was moved by Councilman Brown and seconded by Councilman Johnson that the request be approved and authorized the expenditure of up to \$24,000. Motion carried.

SMOKING

Councilman Johnson moved that since this item was so controversial and too critical, he would like to table until such time as the full Council is present to discuss. The motion was seconded by Councilman O'Dwyer. Upon roll call Council members QUIMBY, JOHNSON and O'DWYER voted AYE. Council members TUFLY, BROWN and KOZISEK voted NO. Motion lost.

It was moved by Councilman Brown and seconded by Councilman Johnson that the City Manager and the City Attorney be directed in the name of the City Council to establish whatever rules and regulations are necessary in compliance with the State law to set up smoking and non-smoking sections in the audience portions of the Civic Auditorium, Council Chambers, and Two Rivers Plaza.

There was discussion about a penalty clause.

Councilman Brown indicated that the panel section could remain the "grey" area.

Motion carried.

FRINGE BENEFITS DISCUSSION

City Manager Jim Wysocki stated there would be a lunch Monday in the Council Chambers with Martin, Seagle and Co. to talk about the fringe benefit package and what he has found out about it.

TRIP TO WASHINGTON, D.C.

Councilman Johnson stated that when he goes with the delegation next week to Washington, D.C., he will present the packet which the Staff has prepared for him to distribute in support of the Dominquez project, Valley-Wide Sewer System, Transportation, Study, Railroad Crossings.

MISCELLANEOUS DISCUSSION

Visiting the Departments

Councilwoman Quimby reminded the Council members about visiting the various departments of the City organization.

Combined Government Meeting

Councilwoman Quimby suggested that at the next Combined Government Meeting members of Council should come with a "want" or "wish" list.

NLC Committee and Boards

As a request from CML, Councilwoman Quimby asked the Council about the possibility of having anyone appointed to a Policy Committee for NLC because those appointments will be made shortly. As she understands from the discussion on Monday, the Council does not wish to appoint anyone to participate at National meetings or policy committee meetings as far as NLC is concerned. If there is a regional meeting in this area Council would like to participate City Manager Wysocki said he feels it is important for the City to maintain its membership in NLC.

Visiting the Departments

President Kozisek stated that he would like to compare notes about the impressions that the other Council members have from the various departments. City Manager Wysocki said he thinks this is a good idea, and that at the end of the assignment he felt it would be beneficial if Council sit down to compare notes, and compare their impressions to see if they are all coming up with the same impression.

Planning Commission/Council Meeting February 6, 1978, Monday, 6:00 p.m.

There will be a Planning Commission/Council Meeting on Monday, February 6, at 6:00 p.m. Meeting place to be determined at a later date.

Open House

President Kozisek announced that Battery C, 1st Battalion, 157th Field Artillery, Local National Guard Armory, will have an open house on February 4. Everyone is invited to attend.

ADJOURNMENT

It was moved by Councilman O'Dwyer and duly seconded that the meeting be adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk