

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

February 15, 1978

ROLL CALL

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

MINUTES

The Minutes of the meeting February 1, 1978, were approved with the insertion under the heading "DISCUSSION OF POLICY AND COMMUNICATION REGARDING PLANNING COMMISSION HEARINGS AND CITY COUNCIL HEARING," in the fourth paragraph, following the first sentence to read: "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." This insertion was requested by Councilman Holmes.

PROPOSED ORDINANCE PROHIBITING THE SALE OF EXHIBITION TO MINORS OF INDECENT PUBLICATIONS, PICTURES, OR ARTICLES

Letters and phone calls were acknowledged. Two ordinances were proposed. The shorter ordinance deals with display - the longer ordinance or "Rhode Island" ordinance deals with display and sale.

Councilman Johnson expressed concern with the proposed ordinance and whether the library, as a lending institution, might at some time be in violation. Mr. Ashby felt the ordinance was structured to the business enterprise out of which the lending would arise. Mrs. Gsell stated that the definitions of the words "exploits," "principally," "made up of" deal with pornographic material only. She felt that even if a book or a magazine were found at the library that someone might feel falls under this law, all that would be necessary is to ask that it be put out of sight and checked out to adults only. Councilman Johnson commented that he has had enough experience to know that what is true in Rhode Island is not necessarily true as far as interpretation of the Law is in Colorado, and he felt that each issue is going to have to eventually come before the court. He continued that he is not trying to object to or dispute the efforts that have been made or the purpose. He is in full agreement that something must be done, but hoped that what is done will stand the test of the courts and can be upheld and enforced and it is not something to lead into constant litigation and create uncertain problems that cannot be resolved until each one is brought up specifically and

individually.

Mr. Lance Oswald, 2721 Unawep Avenue, owner of New World Books, expressed concern, particularly where a parent would like to buy materials for the express purpose of educating his child on human sexuality. Mr. Ashby stated that the parent can do with the material whatever he wishes in relation to his own children.

Mr. Maxwell Aley, attorney, appeared on behalf of the Right to Decency organization, and urged Council to adopt the longer or "Rhode Island" ordinance.

Others who appeared before Council: Larry Chenoweth, 2881 Pinyon, representing a delegation from the Four Square Church; Jim Houle, Cinema 25; Patty Bower, 3019 B1/2 Road; Darlene Gsell, representing Right to Decency, Inc., Grand Junction Chapter; Doug Frasier, representing Young Men's Group, Assembly of God Church, 4th and Grand; Cheryl Sherwood, 2147 Ranier Court, representing the Colorado Eagle Forum; Kevin Lowell, a concerned citizen; Geri Haycock, Girl Scout Troop No. 13; George Harmon, a concerned citizen; Carol Lowell, 80 1/2 Melrose Court; Nowell Cardon, 508 Blevins Road.

Councilman Johnson questioned whether, under the definition of what is prohibited that is, with reference to pamphlet, magazine cover, or content of which exploits, the proposed ordinance is getting into censorship of the printed word as well as pictorial and otherwise. Mr. Ashby said he feels the ordinance is addressing pictures, but it may also cover the words because of description or depiction.

Mr. Aley commented that if it is interpreted to cover content, it would simply mean it would have to be put behind the counter to be asked for by some adult and not exposed for public display.

Councilman Johnson that asked if it would also prohibit anyone under 18 from obtaining any book that didn't have pictures but only had printed material in it and asked if it might not be interpreted under this definition. Mr. Aley said "Yes."

Councilman Johnson stated his position is supportive of some type of controlling legislation, but from his past experience in law enforcement he feels compelled to point out that someone is going to pick this ordinance apart on technicalities, and he wishes to avoid as many of those as possible before the Council adopts an ordinance.

Mr. Aley pointed out the severance clause in this particular ordinance.

Councilman Tufly clarified that the material may be available in a store for sale, but may not be displayed to anyone under the age of 18. He also pointed out that this ordinance does not prohibit the showing of an "R" or "X" rated movie in a closed theatre, and

that his ordinance does not prohibit the showing of an "R" or "X" rated movie at an outdoor theatre.

Councilman Brown asked the City Attorney if the difference between the long ordinance and the short ordinance is covered in the existing State Statutes. Mr. Ashby said they are not exactly parallel. The long ordinance doesn't speak to the question of obscenity. It just says certain things are prohibited. As submitted by Mrs. Gsell and Mr. Aley, this is a virtue which makes this ordinance easily enforceable.

It was moved by Councilman Holmes and seconded by Councilman O'Dwyer that the following entitled proposed ordinance be passed for publication: AN ORDINANCE PROHIBITING THE SALE OR EXHIBITION TO MINORS OF INDECENT PUBLICATIONS, PICTURES, OR ARTICLES. Motion carried.

After a five-minute recess, Council reconvened in the City Council Chambers. All members of Council were present.

BENEFIT BASKETBALL GAME FOR "SAVE THE BARN"

Mr. Larry Milhouse, of KEXO, appeared before Council to challenge it to a basketball game with proceeds going to "Save the Barn."

It was moved by Councilwoman Quimby and seconded by Councilman Johnson that the Council accept the challenge with the time and place to be determined at a later date. Motion carried.

3.2% BEER - RENEWAL OF LICENSES

Submitted for consideration were the applications by the following businesses for the renewal of 3.2% Beer licenses:

- (1) Gerald W. Wieker, The Corral, 539 Colorado Avenue
- (2) City Market, Inc., Store No. 1, 433 Garden Avenue

Reports from the Fire Department, Police Department and Health Department advised that The Corral meets all requirements for renewal of its license. Police Department Report advised there have been no complaints or violations during the past licensing period at City Market Store No. 1.

It was moved by Councilman Tuflly and seconded by Councilman Johnson that the applications be approved and the licenses issued when the State licenses have been received. Motion carried with Councilman Holmes voting NO.

LIQUOR - RESOLUTION APPROVING ISSUANCE OF HOTEL-RESTAURANT LIQUOR LICENSE TO ORCHARD BOWL, INC., 295 - 27 ROAD

The following Resolution was presented and read:

RESOLUTION

OF DECISION ON APPLICATION FOR A HOTEL-RESTAURANT LIQUOR LICENSE AT 295 27 ROAD IN THE CITY OF GRAND JUNCTION.

A public hearing having been held on February 1, 1978, on the application by Orchard Bowl, Inc. for a Hotel and Restaurant Liquor License at 295 27 Road, 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 76 persons so stated while 48 felt the needs were being met by the other outlets.
3. The applicant filed a petition from the survey area containing 163 signatures and a petition from the bowling alley patrons containing 232 signatures, all in favor of the issuance of a "Hotel Restaurant License". The value of the petitions is limited as it is not apparent that the signers knew the license was one for liquor.
4. John Snyder, Sherry Turner and Howard Owen spoke in opposition to the issuance of the license. Each felt that the license was not needed. All shared a concern that the issuance of the license would lead to an increased hazard to the children in the neighborhood, because of schools and churches in the area. Mr. Snyder was concerned that the fact bowling was engaged in through school programs might be inconsistent with the issuance of the license.
5. While the Council shares the concerns of those who are in opposition to the issuance of the license, it is bound to observe the law as to the issuance of the license. In this regard it cannot determine that the outlet will be operated improperly so that children using the bowling alley will be adversely affected by the granting of the license. As to the questions of the safety of the children in the neighborhood, the Council believes that the real impact to the area of the restaurant will occur mainly during times the children are not on the streets; but, in any event, the Council believes that an outlet at this location would not impose a greater danger to children than would any other similar outlet in the City.
6. The check of the fitness of those involved in the application to hold the license indicates that all are of good character.
7. The evidence supports the position that the needs of the

neighborhood are not being met by other outlets within the City (there are no other outlets of the same kind in the neighborhood) and that the desires of the inhabitants is that the license issue.

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

That the application of Orchard Bowl, Inc. for a Hotel and Restaurant Liquor License at 295 27 Road, Grand Junction be approved and said license be issued.

PASSED and ADOPTED this 15th day of February, 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 Council members TUFly, BROWN, QUIMBY, JOHNSON, and KOZISEK voted AYE. Council members O'DWYER and HOLMES voted NO. The President declared the motion carried and the Resolution duly passed and adopted.

HEARING - 3.2% FERMENTED MALT BEVERAGE SPECIAL EVENTS PERMIT GRANTED MESA COLLEGE FOR FEBRUARY 24, 1978, FROM 8:00 P.M. TO MIDNIGHT

Posted for hearing on this date was the application by Mesa College for a 3.2% Fermented Malt Beverage Special Events Permit for Friday, February 24, 1978, from 8:00 p.m. to midnight. The Police Department Report advised this is a dance to benefit the KMSA Radio Station. Mr. Jeff Frye, KMSA Station Manager, appeared in support of the request. There was no one in the audience who opposed, and no letters were filed.

It was moved by Councilman Tufly and seconded by Councilman Brown that the Special Events Permit be granted. Motion carried with Council members HOLMES and O'DWYER voting NO.

HEARING - PROPOSED ORDINANCE - PROPOSED DEVELOPMENT - BUSINESS AND REVISION TO EXISTING PLANNED DEVELOPMENT FOR THE LA COQUILLE RESTAURANT, 1320 NORTH AVENUE AND 1309 GLENWOOD

The proposal was reviewed. The Planning Commission considered this at its meeting January 25, 1978. The petitioner is scheduled on the February agenda with the Preliminary Plan that addresses most of the issues that the Planning Commission has. Staff comments:

City Utilities: no comments. Fire Department: One fire hydrant at 13th and Glenwood. The City Engineer commented that increased traffic would compound already existing traffic problems specifically at 12th and Glenwood. Parks and Recreation: Cottonwood varieties proposed materials not be permitted, and recommend Honey Locust, Green Ash, Blue Ash, etc. Suggested some vegetative screening between Glenwood and the parking area. The biggest question the Planning Commission had were the four curb cuts on Glenwood. It was suggested that as a maximum number of curb cuts the petitioner consider two. The Planning Commission recommended approval of the preliminary plan subject to Staff comments. Councilman Johnson asked if Staff has advised the petitioner of the proposed new parking regulations. Mr. Beaver indicated that he has given this information to one of the three people involved with this item.

Mr. Gary Cowan, attorney, was present for the petitioner. He commented they felt the fencing was picking at straws, however, the petitioner will add the extra foot under protest. He continued that he understands that if this plan is approved and the petitioner complies with the existing parking requirements, the Council cannot later change those requirements, and come back and make the petitioner buy additional parking. Mr. Ashby indicated that this was so.

A hearing was held after proper notice. There was no one in the audience who opposed the request 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 ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY.

Discussion was had regarding transitional or buffer areas. Councilman Johnson suggested that the Planning Commission submit a proposal for treatment of this area for Council's consideration.

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

It was moved by Councilman Tufly and seconded by Councilman O'Dwyer that the proposed development plan be approved subject to the conditions of the Planning Commission. Motion carried with Councilman Holmes voting NO.

HEARING - CONDITIONAL USE APPLICATION FOR ZION SPANISH ASSEMBLY OF GOD CHURCH, EAST OF 2863 ORCHARD AVENUE, NORTH OF NISLEY SCHOOL

The proposal was reviewed. Staff comments: Engineering wants power of attorney for full half-street improvements on Orchard Avenue and on-site detention of the drainage. Also obstructions at the exits removed. Fire Department indicated two fire hydrants contingent upon 10,000 square feet of construction. Parks

Department addressed species of trees and surface treatment and recommends dry landscaping. It was indicated that construction may start within one year.

Mr. David Garza, pastor of the Zion Spanish Assembly of God Church, was present. He stated that they accept the conditions of the Planning Commission.

A hearing was held after proper notice. There was no one in the audience to oppose, and no letters were filed.

It was moved by Councilman Brown and seconded by Councilman Johnson that the Conditional Use application be approved subject to the conditions of the Planning Commission and subject to Rev. Garza's pledge to do something about the drainage situation.

Councilman Tufly commented that he feels there are undue burdens being placed on this particular petitioner in that he must perform these conditions before he can get a building permit. Councilman Tufly stated there is no one on the Council or the Planning Commission who can tell Mr. Garza what he should be doing, and therefore, he feels constraints are a little bit restrictive. Particularly if it should require pumping of the drainage.

Mr. Garza indicated that all major decisions must go through the church members.

Council members Johnson and Kozisek felt that now is the time to impose the conditions so they can be addressed when the Conditional Use is granted.

The Council charged Staff to work out with the petitioner the best possible solution to all the conditions. Motion carried.

HEARING - FINAL PLAT, LAURIE AND SUBDIVISION, NW CORNER ORCHARD AVENUE AND CINDY ANN ROAD

Proposal was reviewed. Planning Commission stipulated no access from Orchard Avenue. The engineer requires power of attorney for full half-street improvements for Orchard Avenue. Grand Junction Drainage approved. Mountain Bell approved. Fire Department approved. Public Service Company approved.

Mr. Doug Sawtelle, the petitioner, was present.

A hearing was held after proper notice. There was no one in the audience to oppose and no letters were filed.

It was moved by Councilman Johnson and seconded by Councilman Tufly to approve the final plat for Laurie Ann Subdivision subject to the conditions of the Planning Commission. Motion carried.

HEARING - PRELIMINARY PLAN, MC FARLAND ESTATES FIRST ADDITION, WEST OF INTERSECTION MC FARLAND COURT AND CONSISTORY COURT

The proposal was reviewed. Staff comments were: Engineering requires curb, gutter and sidewalk shown in plan for Consistory Court have a 34-foot mat. Power pole on the southeast corner of the subdivision to be relocated. Six inch water line required. One fire hydrant required on the southeast corner of Lot 8. The Grand Junction Drainage District approved. Public Service approved. Mountain Bell approved.

A hearing was held after proper notice. There was no one in the audience who opposed and no letters were filed.

It was moved by Councilman Tuflly and seconded by Councilman O'Dwyer to approve the Preliminary Plan for McFarland Estates First Addition subject to the conditions of the Planning Commission. Motion carried.

HEARING - CONDITIONAL USE APPLICATION, SONIC BURGER NO. 2, 2720 U.S. HIGHWAY 50

The proposal was reviewed. Staff comments: The petitioner has addressed the drainage from his property. The raised median from U.S. 50 would prevent left turns. Drive cuts will require Colorado Highway Department approval. Fire Department requires one fire hydrant within 300 feet of the building. Sewer hook-up to be coordinated with City Utilities Engineer. Elimination of the first stall, the ingress be treated with some landscaping, employee parking to be contained with another landscaped area, and elimination for the neon zigzag sign. These conditions have been agreed to by the petitioner.

Mr. Chester Lindsay, representing the petitioner, was present.

A hearing was held after proper notice. There was no one in the audience who opposed this application and there were no letters filed.

It was moved by Councilman Tuflly and seconded by Councilman Brown that the Conditional Use application by Sonic Burger No. 2, be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING - CONDITIONAL USE APPLICATION BY BURGER KING, 1730 NORTH AVENUE

The proposal was reviewed. It was noted that this request is to overturn the Planning Commission's recommendation for denial. The petitioner is requesting a drive-up window. There has been an arrangement with Arrow Glass to permit the drive-up customer to come along the west side of the structure. There is to be an 8-foot well-lit clearance sign posted and the width of the drive-thru is listed at 12 feet to access. City Engineering states the drive radii is all right, but the area between the buildings is still very tight. The access from North Avenue should be rebuilt

with a 44-foot apron. City Engineer also indicates a minimum of 30 feet between curb cuts. The Planning Commission denied because not every fast-food restaurant has an absolute right to a drive-up window. It was thought that this proposed drive-up window would not function in view of the present configuration of ingress and egress.

Mr. Rick Welsh, manager of Burger King, was present.

Mr. Gary Cowan, attorney representing Burger King of Grand Junction, appeared and stated this drive-in proposal is not ideal, but he submitted that it is workable. He stated that an almost identical plot plan is in operation in Aurora.

Staff requested that if Council approves this request, additional landscaping be addressed. The petitioner accepted this stipulation.

A Resolution of Findings and Decision is scheduled on the March 1st agenda.

Councilman Brown stated that regardless of Council's decision, he would like to see some discussion by Planning Staff or others on improvements to that alley area between the Bar X and 18th Street.

Councilman Johnson stated some immediate attention needs to be given to the possibility of prohibiting parking on 18th Street from North Avenue, north to Belford and Glenwood Avenue west of 19th Street. He noted that these streets are very narrow, and it is difficult for two vehicles to pass on those streets, and certainly when a fire truck attempts to get through, it creates a very tight situation.

The area was reviewed. Necessary easements are required by Public Service.

There was considerable discussion about the improvements to Horizon Drive and the assessment policy.

HEARING - FINAL PLAT OF REPLAT OF LOTS 1-5, BLOCK 2, CROSSROADS COLORADO WEST SUBDIVISION, NW OF CROSSROADS BOULEVARD AND HORIZON DRIVE, NORTH AND EAST OF HOLIDAY INN

A hearing was held after proper notice. There was no one in the audience who opposed, and no letters were filed.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the final plat of replat of Lots 1-5, Block 2, Crossroads Colorado West Subdivision, be approved subject to the conditions of the Planning Commission. Motion carried.

The President declared a five-minute recess. Upon reconvening, all Council members were present.

The proposal was reviewed. Staff comments required two fire hydrants.

HEARING - DEVELOPMENT IN H.O., CBW OFFICE BUILDING, NW CORNER OF CROSSROADS BOULEVARD AND CROSSROADS COURT

A hearing was held after proper notice. There was no one in the audience who opposed, and no letters were filed.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the development in H.O. for CBW Office Building be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING - DEVELOPMENT IN H.O. - CROSSROADS BUSINESS COMPLEX, NW OF CROSSROADS BOULEVARD AND HORIZON DRIVE

The proposal was reviewed. Stipulations from the Planning Commission were for a walk-way and a gate for the hydrant.

A hearing was held after proper notice. There was no one in the audience who opposed, and there were no letters filed.

It was moved by Councilwoman Quimby and seconded by Councilman Tufly that the Crossroads Business Complex Development in H.O. zone be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING - DEVELOPMENT IN H.O. - REGAL 8 INN, NE OF HOLIDAY INN ON HORIZON DRIVE

The proposal was reviewed. Engineering requests power of attorney for full half-street improvements on Horizon Drive. Access is approved. Fire Department requires a fire hydrant at entrance to Horizon Drive. Planning Commission stipulated that the petitioner provide a walk-way on the Horizon Drive side of the complex now, and that petitioner be required to conform to the architectural and landscaping requirements being put on the Crossroads Complex.

A hearing was held after proper notice. There was no one in the audience who opposed and there were no letters filed.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the development in H.O. for Regal 8 Inn be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING - DEVELOPMENT IN H.O. - THE OXY BUILDING, HORIZON COURT AT INTERSECTION WITH SKYLINE COURT

The proposal was reviewed. Fire Department requires one additional fire hydrant. Parks and Recreation had no problem with the proposed landscaping. The lots between the Oxy Building and the Country Kitchen will be used for overflow parking for both

buildings.

A hearing was held after proper notice. There was no one in the audience who opposed, and there were no letters filed.

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the development in H.O. for the Oxy Building be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING - DEVELOPMENT IN H.O. - COUNTRY KITCHEN, SE CORNER OF HORIZON DRIVE AND HORIZON COURT

The proposal was reviewed. Engineering needs power of attorney for full half-street improvements for Horizon Drive. Four-foot attached sidewalk on Horizon Court to be consistent with the one proposed in front of the Oxy Building. One fire hydrant required on the corner of Horizon Drive and Horizon Court. Petitioner is to coordinate trash pick-up site with Utilities Engineer. Petitioner is to coordinate landscaping with Planning Staff and Parks and Recreation Department.

A hearing was held after proper notice. There was no one in the audience who opposed and there were no letters filed.

It was moved by Councilman Brown and seconded by Councilman Tufly that the development in H.O. for Country Kitchen be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING - PROPOSED ORDINANCE - PROPOSED REZONE AND OUTLINE DEVELOPMENT PLAN, R-3 TO PLANNED DEVELOPMENT BUSINESS - THE WILLIAM BUILDING, NE CORNER OF 11TH STREET AND BELFORE AVENUE

The proposal was reviewed. The Planning Commission approved the plan as submitted weighing the Engineering Department indication that the larger parking lot should not have access to the alley. Utilities has requested that the trash tank be constructed or set at such an angle to enable front pick-up for the trash trucks.

Bob Gerloffs, Paragon Engineering, was present representing the petitioner.

A hearing was held after proper notice. There was no one in the audience who opposed, and there were no letters 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 ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Brown and seconded by Councilman O'Dwyer that the proposed ordinance be passed for publications, and suggests getting a request from the City Engineer for the treatment of that alley. Motion carried with Councilman Holmes voting NO.

HEARING - FINAL PLAT, GOLDEN COURT SUBDIVISION, 250 FEET WEST OF
12 STREET AND PATTERSON ROAD INTERSECTION ON THE SOUTH SIDE OF
PATTERSON ROAD

The proposal was reviewed. All stipulations have been complied with.

Mr. Harold Quick was present representing the petitioner.

A hearing was held after proper notice. There was no one in the audience who opposed and there were no letters filed.

It was moved by Councilman Brown and seconded by Councilman Johnson that the final plat of Golden Court Subdivision be approved subject to a minimum 4-foot chain link fence along the ditch. Motion carried.

HEARING - PROPOSED ORDINANCE - REZONE R-2 TO P, LOCATED ON PINION
AVENUE AND PINION STREET WEST OF 1250 PINION

The proposal was reviewed. No Staff comments. The proposal is subject to agreements in Mr. Cottingham's letter. The petitioner has indicated agreement. Mr. Ray Guthrie, the petitioner, was present.

A hearing was held after proper notice. There was no one in the audience who opposed 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 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 proposed ordinance be passed for publication. Motion carried.

HEARING - DEVELOPMENT IN H.O. - PROSPECTOR MOTEL ADDITION, 437
HIGHWAY 50

The proposal was reviewed. An additional fire hydrant has been requested. This is being worked out with the Fire Department personnel and the Utility Engineer.

Ed Carpenter, representing Biltec Corporation, stated that the project has been reduced from 8 units to 3 units. He requested that the Fire Department request for a fire hydrant be rescinded. This was based on the reduction of the project as well as the cost of the project which was in the neighborhood of \$37,000. He submitted that it would be no more than the addition to the back of someone's home.

A hearing was held after proper notice. There was no one in the audience who opposed and no letters were filed.

It was moved by Councilman Brown and seconded by Councilwoman Quimby that the development in H.O. zone for Prospector Motel Addition be approved with no requirements for a fire hydrant. Motion carried with Councilman Holmes voting NO.

HEARING - PROPOSED ORDINANCE - ZONING TEXT CHANGE ADDING 4.4 USE AS AN ALLOWED USE IN I-1 AND I-2

A hearing was held after proper notice. There was no one in the audience who opposed and no letters were filed.

The following entitled proposed ordinance was introduced and read: AN ORDINANCE ADDING RETAIL BUSINESS USES WITHIN THE INDUSTRIALLY ZONED AREAS OF THE CITY. It was moved by Councilman Johnson and seconded by Councilman Brown that the proposed ordinance be passed for publication. Motion carried.

HEARING - ZONING TEXT ADDITION, SITE PLAN REVIEW - A REQUIREMENT FOR SITE PLAN REVIEW TO BE ADDED TO ZONE DISTRICTS R-2, R-2-A, R-3, B-1, B-2, B-3, C-1, C-2, I-1 and I-2 - RETURNED TO PLANNING COMMISSION

This item was directed back to the Planning Commission for consideration. President Kozisek requested a Staff report dealing with the impact on all services based on all of the preceding Planning Commission items.

PROPOSED ORDINANCE CONCERNING THE MANNER OF ASSESSMENTS FOR STREET IMPROVEMENTS - TABLED

The following entitled proposed ordinance was introduced and read: AN ORDINANCE CONCERNING THE MANNER OF ASSESSMENTS FOR STREET IMPROVEMENTS. It was moved by Councilman Tufly and seconded by Councilman Brown that the proposed ordinance be tabled. Motion carried.

ID ST-78, PHASE A, 28 ROAD NORTH OF NORTH AVENUE TO TEXAS AVENUE RESOLUTION OF INTENT TO CREATE - RESOLUTION ADOPTING DETAILS AND SPECS AND GIVING NOTICE OF HEARING

The following Resolution of Intent to Create ID ST-78, Phase A, was presented and read:

RESOLUTION

DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO TO CREATE WITHIN SAID CITY A LOCAL IMPROVEMENT DISTRICT NO. ST-78, PHASE A, AND AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME.

WHEREAS, the City Council has determined the desirability of the construction of the following improvements:

28 Road from North Avenue to Elm Avenue and South 221.35 feet from

the monument line of North Avenue, between 25th Street and 28 1/4 Road:

To include vertical curb and gutter with sidewalk on the East side and a six foot (6') wide Hot Mix Bituminous paved bicycle path on the West side of the street. The roadway will be a base course material under a mat of Hot Mix Bituminous Paving that will allow for four lanes of traffic (two lanes Southbound, two lanes Northbound). Indian Wash improvements including concrete lining will be necessary.

Where acceptable curb, gutter and/or sidewalk exists, credit will be given.

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a special improvement district;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO: That the district of land to be assessed is described as follows:

Beginning at a point on the West line of Section 18, Township 1 South, Range 1 East of the Ute Meridian, which is 221.35' South of the Northwest Corner of said Section 18; thence East 120.00 feet; thence North 1,916.35', more or less, to the South right-of-way line of Elm Avenue (February 1978); thence West 120.00 feet along said right-of-way line to a point on the West line of Section 7, Township 1 South, Range 1 East, Ute Meridian; thence South 1,916.35 feet, more or less, along said West line to the point of beginning, Mesa County, Colorado.

That the City Engineer be, and he is hereby, authorized and directed to have prepared and filed full details, plans and specifications for such sidewalk, curb, gutter and street paving, and estimate of the total costs thereof, exclusive of the per centum for cost of collection and other incidents; and of interest to the time the first installment becomes due; and a map of the district to be assessed, from which the approximate share of said total cost that will be assessed upon each piece of real estate in the District may be readily ascertained, all as required by Ordinance No. 178, as amended, of the City of Grand Junction, Colorado.

ADOPTED and APPROVED this 15th day of February, 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 Resolution adopting details, plans, and specs and giving notice of hearing was presented and read:

RESOLUTION

ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR CONSTRUCTING SIDEWALKS, CURBS AND GUTTERS AND PAVING STREETS AND AVENUES IN THE CITY OF GRAND JUNCTION, COLORADO, IN IMPROVEMENT DISTRICT ST-78, PHASE A, DETERMINING THE NUMBER OF INSTALLMENTS AND THE TIME IN WHICH THE COST OF SAID IMPROVEMENTS SHALL BE PAYABLE, THE RATE OF INTEREST ON UNPAID INSTALLMENTS AND THE DISTRICT OF LANDS TO BE ASSESSED WITH THE COST OF THE PROPOSED IMPROVEMENTS, AND AUTHORIZING NOTICE OF INTENTION TO CREATE SAID DISTRICT AND OF A HEARING THEREON.

WHEREAS, on February 15, 1978, the City Council of the City of Grand Junction, Colorado, by a Resolution, authorized the City Engineer to prepare and file full details, plans and specifications for constructing sidewalks, curbs, gutters and paving streets and avenues in said City within proposed Improvement District No. ST-78, Phase A, together with an estimate of the total cost of such improvements and a map of the District to be assessed; and

WHEREAS, said City Engineer has fully and strictly complied with the directions so given, and has filed such details, plans and specifications, estimate and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City;

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

Section 1. That said details, plans and specifications, estimates and map be and the same are hereby approved and adopted.

Section 2. That the district of lands to be assessed are as follows:

Beginning at a point on the West line of Section 18, Township 1 South, Range 1 East of the Ute Meridian; which is 221.35 feet South of the Northwest Corner of said Section 18; thence East 120 feet; thence North 1,916.35 feet, more or less, to the South right-of-way line of Elm Avenue (February 1978); thence West 120 feet along said right-of-way line to a point on the West line of Section 7, Township 1 South, Range 1 East; thence South 1,916.35 feet, more or less, along said West line to the point of

beginning.

All installations to be constructed in accordance with General Conditions, Specifications and Details for Street Improvement Projects, City of Grand Junction, Colorado. Where acceptable curb, gutter and/or sidewalk exists, credit will be given.

Section 3. The assessments to be levied against the property in the said District to pay the cost of such improvements shall be due and payable, without demand within thirty (30) days after the ordinance assessing such costs becomes final, and, if paid during this period, the amount added for costs of collection and other incidentals shall be deducted; provided that all such assessments may, at the election of the owners of property in said District be paid in ten (10) equal installments, the first of which shall be payable at the time the next installment of general taxes is, by the laws of the State of Colorado, made payable, after the expiration of said thirty-day period; and the following annual installments shall be paid on or before the same date each year thereafter, with interest, in all cases, on unpaid principal, payable annually at a rate not to exceed eight percent per annum.

Section 4. Notice of Intention to Create said Improvement District No. ST-78, Phase A, and of a hearing thereon, shall be given by advertisement in one issue of the Daily Sentinel, a newspaper of general circulation published in said City, which Notice shall be in substantially the following form:

NOTICE

OF INTENTION TO CREATE IMPROVEMENT DISTRICT NO. ST-78, PHASE A, IN THE CITY OF GRAND JUNCTION, COLORADO, AND OF A HEARING THEREON.

PUBLIC NOTICE IS HEREBY GIVEN to the owners of real estate in the District hereinafter described, and to all persons generally interested that the City Council of the City of Grand Junction, Colorado, intends to create Improvement District No. ST-78, Phase A, in said City for the purpose of constructing sidewalks, curbs and gutters and paving streets and avenues to serve the property hereinafter described, which lands are to be assessed with the cost of the improvements, to wit:

2943-073-00-061

Beginning 362.5 feet North and 30 feet East of the Southwest Corner of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 7, Township 1 South, Range 1 East, Ute Meridian; thence South 144.5 feet; thence East 100 feet; thence North 153.5 feet, thence West 88 feet Southwesterly to Beginning, Except the South 60 feet.

2943-073-00-071

Beginning at the Northwest Corner of the Northwest Quarter of the

Southwest Quarter of the Southwest Quarter, Section, Township 1 South, Range 1 East, Ute Meridian; thence East 150 feet; thence South 100 feet; thence West 150 feet to Beginning.

2943-073-00-104

North 78.5 feet of the West Half of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter and the North 78.5 feet of the West 15 feet of the East Half of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter, Section 7, Township 1 South, Range 1 East, Ute Meridian.

2943-073-00-105

Beginning 490 feet North of the Southwest Corner of Section 7, Township 1 South, Range 1 East, Ute Meridian; thence East 345 feet; thence North 95 feet more or less; thence West 345 feet South to Beginning.

2943-073-00-110

Beginning North 50 feet and 50 feet East of the Southwest Corner of Section 7, Township 1 South, Range 1 West, Ute Meridian; thence East 124 feet; thence North 100 feet; thence West 124 feet South to Beginning.

2943-073-00-162

Beginning 218 feet North and 30 feet East of the Southwest Corner of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter, Section 7, Township 1 South, Range 1 East, Ute Meridian; thence East 100 feet; thence North 60 feet; thence West 100 feet South to Beginning.

2943-073-00-182

The Northwest Quarter of the Southwest Quarter of the Southwest Quarter, Section 7, Township 1 South, Range 1 East, Ute Meridian, Except the East 132 feet and Except the West 120 feet of the East 252 feet of the North 165 feet and Except the West 55 feet of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter and Except the North 100 feet of the West 150 feet.

2943-073-00-211

Beginning 350 feet North of the Southwest Corner of Section 7, Township 1 South, Range 1 East, Ute Meridian; thence North 140 feet; thence West 245 feet; thence South 140 feet; thence West 245 feet to Beginning.

2943-073-00-214

Beginning 150.0 feet North and 30.0 feet East of Southwest Corner

of Section 7, Township 1 South, Range 1 East, Ute Meridian; thence North 200 feet; thence East 215 feet; thence North 140 feet; thence East 233.45 feet; thence South 0° 0' 45" East 451.12 feet; thence North 89° 52' West 304.47 feet; thence North 0° 8' East 110.41 feet; thence West 144.35 feet to Beginning.

2943-073-10-002

Lot 3, RG Subdivision, Section 7, Township 1 South, Range 1 East, Ute Meridian.

2943-073-10-003

Lot 2, RG Subdivision, Section 7, Township 1 South, Range 1 East, Ute Meridian.

2943-182-00-051

Beginning South 89° 54' East 50 feet and South 40 feet from the Northeast Corner of Section 18, Township 1 South, Range 1 East, Ute Meridian; thence South 89° 54' East 128 feet; thence South 181.35 feet; thence North 89° 54' West 128 feet; thence North 181.35 feet to Beginning.

Where acceptable curb, gutter and/or sidewalk exists, credit will be given. Any portion of the District cost not covered by said assessment shall be paid by the City.

The probable total cost of said improvements as shown by the estimate of the City Engineer is \$527,127 exclusive of collection, interest and incidentals. The estimated assessable cost is \$34,000, also exclusive of costs of collection, interest and incidentals.

The maximum share of such total cost shall be as follows:

28 Road from North Avenue to Elm Avenue and South 221.35 feet from the monument line of North Avenue, between 25th Street and

28 1/2 Road . . . \$20.00 per front foot.

To the estimated assessable cost of \$34,000 (said amount reflects estimated credit for existing curb, gutter and sidewalk) to be borne by the property owners, there shall be added six (6) percent for costs of collection and incidentals, and also interest at the rate borne by the special assessment bonds of said District to the next succeeding date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado, made payable. The said assessment shall be due and payable without demand, within thirty (30) days after the ordinance assessing such cost shall have become final, and if paid during such period, the amount added for costs of collection and incidentals shall be

deducted; provided that all such assessments, at the election of the owners of the property in said District, may be paid in ten (10) annual installments which become due upon the same date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado, made payable. Interest not to exceed eight (8) percent per annum shall be charged on unpaid installments.

On April 5, 1978, at the hour of 7:30 o'clock p.m. in the Council Chambers in City Hall of said City, the Council will consider objections that any be made in writing concerning the proposed improvements, by the owners of any real estate to be assessed, or by any person interested.

A map of the District, from which the approximate share of the total estimated cost to be assessed upon each piece of real estate in the District may be readily ascertained, and all proceedings of the Council in the premises are on file and can be seen and examined by any person interested therein in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, this 16th day of February, 1978.

BY ORDER OF THE CITY COUNCIL
CITY OF GRAND JUNCTION, COLORADO

By:

Neva B. Lockhart, City Clerk

PASSED and ADOPTED this 15th day of February, 1978.

President of the Council

Attest:

City Clerk

Upon roll call, all Council members voted AYE. The President declared the motion carried and the Resolution duly passed and adopted.

PROPOSAL FOR THE REFUNDING OF GENERAL OBLIGATION BONDS ISSUED FOR TWO RIVERS PLAZA - DENIED

In 1976 the City Council gave Hanifen, Imhoff & Co. of Denver the charge of refunding the G.O. bonds for Two Rivers Plaza. If refunded prior to March 1st the City would realize a savings of

\$28,000 over a 10-year period. The Finance Director recommends holding off on this refunding with the possibility of a larger refunding in the near future.

It was moved by Councilman Brown and seconded by Councilman Tufly to deny the proposal. Motion carried.

ZEROX COPYING FEES

Mr. Richard Coakley discussed the zerox copying fees charged for accident reports.

It was moved by Councilman Brown and seconded by Councilman Holmes that the cost be set at a quarter per page and one dollar for any mail requests. Upon roll call, Council members BROWN, HOLMES, KOZISEK voted AYE. Council members QUIMBY, JOHNSON, TUFLY and O'DWYER voted NO. The motion lost.

ADJOURNMENT

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

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk