

Grand Junction, Colorado

July 5, 1978

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session on Wednesday, July 5, 1978, at 7:30 p.m. in the Council Chambers at City Hall. Council members present: Larry Brown, Robert Holmes, Lawrence Kozisek, Bill O'Dwyer, Jane Quimby, Elvin Tufly, and President of the Council Karl Johnson. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

MINUTES

Additions to the June 7, 1978 Minutes under the hearing for application by Mel Mulder and Hine Quarter, Inc. for a tavern license to reflect that the outlet was not complying with either type of license, and in the June 21 Minutes under the hearing for the William Building that the applicant was told that they have no guarantees of future retail outlets. The Minutes were approved as corrected.

INTRODUCTION OF NEW CITY EMPLOYEES

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

Jodi Horton - Purchasing
Rafael Collazo-Davila - Meter Reader
Marie Williams - Police Department

RESIGNATIONS FROM PLANNING COMMISSION REQUEST APPLICATIONS TO FILL VACANCIES

It was moved by Councilman Kozisek and seconded by Councilwoman Quimby to accept the resignations of Mac Brewer, M.D., and Vern Denison from the Planning Commission and to extend Council's thanks for their service on this Board. Motion carried.

The President requested applications to fill the vacancies. He outlined the criteria an applicant should be prepared to meet. Councilman Brown suggested that applicants send in a one page letter telling what they have to offer and that the criteria sheet then be mailed to all applicants. He further suggested that Council set a time to interview them with at least fifteen minutes per applicant.

Councilwoman Quimby requested that Mac Brewer be permitted to continue serving on the Rewrite Task Force. There being no objection from Council, the President requested that Mr. Brewer continue with this task.

It was moved by Councilman Brown and seconded by Councilman O'Dwyer to request applicants submit a one-page summary of background and reasons for desiring the post and that the Council set aside an evening to interview the applicants. Motion carried.

Councilman Kozisek suggested an exit interview with those who have resigned during the last year. Councilman Brown and Councilman Kozisek were to meet with Mac Brewer, Councilwoman Quimby to meet with Vern Denison, and President Johnson to meet with Blake Chambliss, Councilman Holmes to meet with John Abrams.

RESOLUTION - COUNCIL TO ACT AS FISCAL AGENT FOR GRAND JUNCTION MUSICAL ARTS ASSOCIATION IN ITS APPLICATION FOR GRANT FROM COLORADO COUNCIL OF ARTS AND HUMANITIES

Mr. Ted Albers appeared before Council to request the City to act as fiscal agent for the Grand Junction Musical Arts Association in its application for a grant from the Colorado Council on Arts and Humanities. The Grand Junction Musical Arts Association does not yet have tax-exempt status. This in no way obligates the City other than in staff time.

The following Resolution was presented and read:

RESOLUTION

WHEREAS, the City of Grand Junction has been asked to act as fiscal agent for Grand Junction Musical Arts Association in its application for a grant from the Colorado Council on the Arts and Humanities; and

WHEREAS, the City Council is willing to act in such capacity with the understanding that the City shall not be physically involved through such application other than as indicated;

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

That the City act as the fiscal agent for the Grand Junction Musical Arts Association in regard to the grant application above described.

PASSED and ADOPTED this 5th day of July, 1978.

President of the Council

Attest:

City Clerk

It was moved by Councilman Brown and seconded by Councilman Kozisek 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.

LIQUOR - APPLICATION BY WESTERN STATES RESTAURANT, A PARTNERSHIP,
DBA HOLIDAY INN, FOR HOTEL-RESTAURANT LIQUOR LICENSE

Submitted for consideration was the application by Western States Restaurant, a partnership, dba Holiday Inn, 755 Horizon Drive, for a hotel-restaurant liquor license. This application for change of ownership came about at the direction of the State Liquor Enforcement Division. The Fire Department report noted safety inspections being met except one exit sign is needed for second exit from the kitchen, grease collecting filters in hood system over cooking appliances in kitchen need cleaning, and one 10-lb. ABC fire extinguisher is needed. The facility occupant load is to be posted at 200 persons. The facility meets health requirements. The Police Department investigation of the partners, Errett C. Sechler, Jr., Doyle C. McGraw, H. Tiffin Teters, and Roy E. Teters, Jr., revealed no criminal records nor problems with liquor establishments owned in Missouri. They are clear NCIC and locally. Fingerprint cards were sent to the FBI on 6-16-78 with no return to date. There have been no complaints on any liquor violations or related incidents since the first of the year. There have been 47 bar checks and all have indicated orderly crowds.

Ms. Mary Hurst, Manager, was present and stated that the deficiencies listed by the Fire Department have been corrected.

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

BEER - APPLICATION BY B.D.W., INC., DBA SUDS 'N SOUND, 2825 NORTH
AVENUE FOR RENEWAL OF 3.2% BEER LICENSE

Submitted for consideration was the application by B.D.W., Inc. dba Suds 'N Sound, 2825 North Avenue, for the renewal of its fermented malt beverage license. The Health Department report advised that Suds 'N Sound meets health requirements, and the Fire Department report advises that it meets Life Safety requirements. The Police Department report advised that during the past licensing period there have been several incidents involving liquor violations or violations of Grand Junction Municipal Codes. There have been far less incidents since Council's suspension last year involving a liquor violation on 7-29-77. In most cases on sight violations have been minor and no fault of the management. Recently officers have attempted to count patrons. In each case, they have indicated there are weekend crowds exceeding their crowd capacity by over 100 people. Other than this, there are no real problems. Management has been more cooperative toward police.

Council discussed the crowd situation and its appearance in the report. Councilman Brown suggested that, not just for Suds 'N Sound but for any organization, if the Fire Department is going in and counting what the capacity should be and make people post it, then they need to develop a procedure whereby there is followup. And by the same token, if the Police Department is going to do this, then they need to pass that information along so that after so many warnings the Fire Department can issue a citation.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the application be approved and the license issued when the State license has been received. Motion carried with Councilmen HOLMES and O'DWYER voting NO.

LIQUOR - APPLICATION BY GOERKES AND SMITHS FOR RETAIL LIQUOR STORE LICENSE AT D & D LIQUORS, 401 NORTH AVENUE - TABLED

Due to insufficient information being filed by applicants, it was moved by Councilman Brown and seconded by Councilwoman Quimby that this item be tabled until the next meeting of Council. Motion carried.

LIQUOR - APPLICATION BY PITKIN COUNTY FOOD & BEVERAGE COMPANY DBA LAMPWICK, 336 MAIN STREET - TABLED

Due to insufficient information being filed by applicants, it was moved by Councilman Brown and seconded by Councilwoman Quimby that this item be tabled until the next meeting. Motion carried.

LIQUOR - APPLICATION FOR RENEWAL OF TAVERN LIQUOR LICENSE - JOHN AND RUTH MURRAY DBA TEDDY'S PUB CAFE AND LOUNGE, 603 HWY 50 SOUTH

Submitted for consideration was the application by John E. and Ruth D. Murray to renew the tavern liquor license for Teddy's Pub Cafe and Lounge, 603 Highway 50 South. The report from the Mesa County Health Department advised the tavern meets health requirements. The Fire Department listed a fire extinguisher be checked and placed in mounting brackets in the kitchen. It noted improper use of extension cords and requested adequate electrical outlets be provided or relocation of electrical appliances. The Police Department report advised that during the past licensing period, there have been no violations or complaints in connection with the sale of liquor by this establishment. Frequent checks have been made of this establishment with no adverse reports.

It was moved by Councilman Tufly and seconded by Councilman Kozisek that the application be approved and the license issued when the State license has been received subject to the applicant correcting the deficiencies noted by the Fire Department. Motion carried with Councilman HOLMES voting NO.

It was moved by Councilman Kozisek and seconded by Councilman Brown that Council establish policy that when a renewal comes up and there are deficiencies noted that the application be approved

subject to those deficiencies being corrected, and that the Department noting the deficiencies report to the City Clerk that deficiencies have been corrected before issuance of the license. Motion carried.

3.2% BEER - APPLICATION FOR 3.2% BEER LICENSE BY RICHARD D. WEBER AND WALTER R. THOMS DBA BUNKER HILL SUB SHOP, 1144 NORTH 12TH STREET

Submitted for consideration was the application by Richard D. Weber and Walter R. Thoms dba Bunker Hill Sub Shop, 1144 North 12th Street, for a 3.2% beer license. This application is adding Walter Thoms to the license. A report from the Police Department advised that a background check on Walter R. Thoms shows he is clear CCIC, NCIC, and local records. His fingerprint card was mailed on 5 May with a return showing "no record found." Nothing of an adverse nature was located concerning Walter R. Thoms.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby 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 - THE JUNCTION CORPORATION REQUEST FOR RESTAURANT WITH DRIVE-UP WINDOW, SOUTH OF NORTH AVENUE, 176 FEET WEST OF 28 1/2 ROAD

Senior Planner Del Beaver stated that the request is for a drive-up window. The structure could be constructed in the existing zone as a use by right except for the drive-up window provision. The Planning Commission turned down the request. Staff comments were:

(1) The sign that was proposed in required R-O-W is in the required R-O-W and would need to be set back from that because an additional 10 feet of R-O-W from North Avenue and an additional 17 feet of R-O-W from 28 1/2 Road.

(2) Better directional ingress from 7-11 from North Avenue with additional landscaping involved at the ingress and egress at 28 1/2 Road.

(3) Additional landscaping.

(4) Power of Attorney for improvements to 28 1/2 Road.

(5) City Utilities indicated no trash area shown on the submitted map.

(6) Fire Department indicated adequate water supply.

(7) City Engineering Staff indicated existing cuts on North Avenue must be closed when new cuts are made. If no drive-up window is permitted, Engineering and Planning would like to see one curb cut serving both 7-11 and the proposed restaurant.

(8) Recommending curb cut on 28 1/2 Road be 25 feet wide starting 35 feet from the North Avenue right of way line.

(9) Public Service had no objections.

The Planning Commission denial was based on the submitted plan and its perception that that was the plan the petitioner preferred to go with. It was noted that some of the site design and the possible environmental impact from the drive-up window would also be sufficient to warrant denial. It was turned down 7-0.

Mr. Gardner stated that three local businessmen and a gentleman from Louisiana who has been in the restaurant business for many years decided that a restaurant would be a good idea. The gentleman that is the expert on these matters has done several of them in the south and always had drive-up facilities with them. Since the easterly portion of this land had already been leased for 35 years, there was an obligation to go to Southland Corporation and say to them "what do you think of these plans." That brought to the attention of the developers that cross traffic, that is, traffic accessing the restaurant on the west of the curb cut and 7-11 on the east of the curb cut, was an undesirable thing and wouldn't it be a better idea if there was a drive-up window at the restaurant to access from 28 1/2 Road. He outlined the plan. At the Planning Commission hearing, he was surprised, shocked, and a bit angered at seeing for the first time the Planning Department's recommendations for the 7-11 store. He stated he had had no prior notice of it. He submitted to Council an alternative as he understood the Planning Commission concern. The alternate plan has not been presented to the Planning Commission.

He stated that he does not believe Judge Harper's, as they propose to call the establishment, can be said to generate additional traffic on North Avenue. The gentleman that they got Judge Harper's from is from Louisiana, has operated a large group of these, sold them out, and feels that 40% of the business comes out of the convenience of a drive-up window. He got into the business a number of years ago by going into a Kentucky Fried Chicken or some such similar franchise in the south, and not receiving as quick a service as he thought he might and built the restaurant beside with the drive-up window.

It was moved by Councilman Brown and seconded by Councilman Kozisek that the alternate plan be referred back to the Planning Commission for the July meeting and that Planning Commission objections, if any, be isolated by the outlet - that is, what objections they have to the restaurant, if any, and what objections they have to 7-11, if any. Councilman Tufly stated that he feels the issue of the drive-up window is not being addressed by the Planning Commission. Motion carried.

HEARING - VACATION OF R-O-W IN FAIRMONT NORTH SUBDIVISION, F1/4

ROAD, BETWEEN 13TH AND 15TH STREETS - PROPOSED ORDINANCE

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

The following entitled proposed ordinance was introduced and read: AN ORDINANCE VACATING A RIGHT OF WAY IN THE CITY. It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that the proposed ordinance be passed for publication. Motion carried.

HEARING - REQUEST BY CENTRE CONSTRUCTION COMPANY TO INSTALL BOLLARDS ACROSS UNIMPROVED SECTION OF BRITTANY DRIVE, WEST OF 28 1/2 ROAD - RESOLUTION - REVOCABLE PERMIT

Mr. Beaver stated a series of four by four posts were put across the right of way. Secondly, fire access was required to the south of Cedar Terrace projects I and II.

The following Resolution was presented and read:

RESOLUTION

WHEREAS, Centre Construction Company has petitioned the City Council of the City of Grand Junction, for a Revocable Permit to allow bollards to be installed six (6) feet on center on extension of the west right of way line of 28 1/2 Road within Brittany Drive right of way installed to permit fire vehicle access; and

WHEREAS, such action has heretofore been approved by the City Planning Commission and City Engineer and would not be detrimental to the interest of the inhabitants of the City;

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

That the City Manager, on behalf of the City and as the act of the City, be and he is hereby authorized to grant such Revocable Permit to the above-named petitioner for the purpose above described upon the execution by the petitioner of an agreement to save and hold the City harmless from any claims arising out of the encroachment and use granted, and execution by the petitioner of an agreement that upon the revocation of such Permit, the petitioner will remove said encroachment at its own expense, restoring the right of way to its original condition.

PASSED and ADOPTED this 5th day of July, 1978.

President of the Council

Attest:

City Clerk

REVOCABLE PERMIT

WHEREAS, Centre Construction Company has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow encroachment of bollards to be installed six (6) feet on center on extension of the west right of way line of 28 1/2 Road within Brittany Drive right of way installed to permit fire vehicle access; and

WHEREAS, the City Planning Commission and City Engineer have approved such action, and the City Council is of the opinion that such would not be detrimental to the City or to any of the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to the Centre Construction Company a Revocable Permit to allow the encroachment of bollards as above to be installed six (6) feet on center on extension of the west right of way line of 28 1/2 Road within Brittany Drive right of way; provided, however, that said Permit may be revoked by the City Council at its pleasure at any time; provided, further, that the above-named petitioner shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from the permitted use; and provided further that said petitioner shall agree that upon the revocation of such permit, it will, at its own expense, remove said encroachment and restore the right of way to its original condition.

Dated this 17th day of July, 1978.

James E. Wysocki

Attest:

City Clerk

It was moved by Councilman Brown and seconded by Councilman Kozisek 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.

ORDINANCE NO. 1754 - REZONE FROM R-1-B TO PD-B, NW CORNER 1ST STREET AND LOREY DR

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 BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Kozisek 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 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 1754, and ordered published. Upon roll call, Council members TUFLY, O'DWYER, BROWN, QUIMBY, KOZISEK and JOHNSON voted AYE. Councilman HOLMES voted NO. The President declared the motion carried.

RESOLUTION ACCEPTING STREET MAINTENANCE CONTRACT WITH STATE HIGHWAY DEPARTMENT AND AUTHORIZING CITY MANAGER TO SIGN

The following Resolution was presented and read:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the Maintenance Contract with the State Highway Department be approved and the City Manager be authorized to sign the same.

PASSED and ADOPTED this 5th day of July, 1978.

President of the Council

Attest:

City Clerk

It was moved by Councilwoman Quimby and seconded by Councilman Tufly that the Resolution be passed and adopted as read. Upon roll call all Council members voted AYE. The President declared the motion carried and the Resolution duly passed and adopted.

RESOLUTION ACCEPTING TRAFFIC CONTROL DEVICES MAINTENANCE CONTRACT WITH STATE HIGHWAY DEPARTMENT AND AUTHORIZING CITY MANAGER TO SIGN

The following Resolution was presented and read:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the Traffic Control Devices Maintenance Contract with the State Highway Department be approved and the City Manager be authorized to sign the same.

PASSED and ADOPTED this 5th day of July, 1978.

President of the Council

Attest:

City Clerk

It was moved by Councilman Tufly and seconded by Councilman Kozisek 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.

INDIAN VILLAGE SUBDIVISION (COUNTY TRANSITIONAL)

Mr. Jim Robb, attorney representing Sego Services, the developer of Indian Village Subdivision, appeared before Council to request that it reconsider a previous action with respect to curb cuts for Filing No. 2. Hollywood curb was permitted in Filing No. 1, and the developer would like to continue the conformity in Filing No. 2.

It was moved by Councilman Kozisek and seconded by Councilman Tufly to rescind its previous action and to permit the Hollywood curb for Indian Village Subdivision Filing No. 2. Motion carried with Councilman Brown voting NO.

Councilman Brown stated that if the Staff is going to deal with the street standards and any variances thereof then they should consistently do that and the Council should not be involved.

President Johnson agreed and stated he feels Council should meet soon and set some guidelines for the Staff.

AWARD OF CONTRACT TO ARMSTRONG ENGINEERING FOR THE ADMINISTRATION AND INSPECTION OF CONSTRUCTION OF JUNIATA RESERVOIR ENLARGEMENT

The administration of the contract documents fee for the Juniata Reservoir Enlargement is \$17,000 and the inspection of the construction is approximately \$25,000 to Armstrong Engineering. It was moved by Councilman O'Dwyer and seconded by Councilman Tufly to approve the contract and authorize the City Manager to sign. Motion carried.

PROFESSIONAL SERVICE FOR DIKE ON NE CORNER OF JUNIATA RESERVOIR ENLARGEMENT

City Manager Wysocki reported that the cost for professional services for a dike on the NE Corner of the Juniata Reservoir Enlargement is \$2,000. He stated that it is the suggestion of Utilities Engineer Duane Jensen that Council hold off on this proposal until it is known what may be going along on the permit for the 1.4 acres. At a later date it could be added as a change order.

Councilmen Brown and Kozisek felt that \$2,000 is a very small fee to pay in order to insure the City's major water supply.

Councilman Tufly disagreed. He felt there was reasonable doubt to go ahead with the engineering project until such time as it is seen to be warranted.

It was moved by Councilman Brown and seconded by Councilman Kozisek that the City Manager be authorized and directed to sign the contract for \$2,000 with the Engineer to proceed on the preliminary design. Upon roll call Council members HOLMES, KOZISEK and BROWN voted AYE. Council members QUIMBY, TUFLY, O'DWYER and JOHNSON voted NO. The motion lost.

RESOLUTION -- TRAFFIC ENFORCEMENT SURVEY GRANT

Mr. Wysocki explained that the City has an opportunity to participate with the Highway Safety Traffic Enforcement Survey in the amount of a \$15,000 grant with a 25% plus in-kind contribution by the City. The project would go to bid on July 17th at 2:00 p.m. This would include such matters as to assess current level of traffic enforcement including DUI enforcement, determine future 5-year growth projections for the City, and to identify present and future needs of the department to adequately respond to these traffic problems on a year-to-year basis.

It was moved by Councilman O'Dwyer and seconded by Councilman Holmes not to accept the grant. Council members HOLMES, KOZISEK and O'DWYER voted AYE. Council members TUFLY, BROWN, QUIMBY and JOHNSON voted NO. Motion lost.

The following Resolution was presented and read:

RESOLUTION

????No Resolution

????Motion to accept Grant

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Resolution be passed and adopted as read. Upon roll call Council members TUFLY, BROWN, QUIMBY and JOHNSON voted

AYE. Council members KOZISEK, O'DWYER and HOLMES voted NO. A majority having voted in favor of the motion, the President declared the motion carried and the Resolution duly passed and adopted.

It was moved by Councilman Brown and seconded by Councilwoman Quimby that it be a standing policy that all applications for grants be submitted to the City Council before submitting to granting agencies. Motion carried.

RESOLUTION - HIGHWAY SAFETY GRANT FOR INTOXILIZER

The following Resolution was presented and read:

RESOLUTION

????No Resolution

????Motion to Accept Grant

It was moved by Councilman Kozisek and seconded by Councilman Tufly that the Resolution be passed and adopted as read. Upon roll call Council members TUFLY, BROWN, QUIMBY, HOLMES, KOZISEK and JOHNSON voted AYE. Councilman O'DWYER voted NO.

AIRPORT PARKING FACILITIES - AIR PHOTO SURVEY ENGINEERING - \$5665

It was moved by Councilman Kozisek and seconded by Councilman Tufly to approve the Contract between Air Photo Survey and the City for the final design of parking facilities at the Airport for the amount of \$5665 and authorize the City Manager to sign. Motion carried.

MISCELLANEOUS DISCUSSION

Rap Sessions

Council members are to contact Charles Teed regarding the rap sessions.

Transportation Task Force Meeting July 12 with County Commissioners

Special Rap Session at Noon July 11, with North Avenue Merchants

ADJOURNMENT

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

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk