

Grand Junction, Colorado

January 17, 1979

The City Council of the City of Grand Junction, Colorado, convened in regular session the 17th day of January, 1979, in Council Chambers at City Hall. Those present were Council members Larry Brown, Frank Dunn, Robert Holmes, Larry Kozisek, Jane Quimby, Bill O'Dwyer, and Karl Johnson, a quorum. Also present were City Attorney Gerald Ashby, City Manager Jim Wysocki, and City Clerk Neva Lockhart.

The meeting was called to order by Council President Johnson.

MINUTES

December 20, 1978, Minutes were corrected: Councilman Holmes seconded the motion that the proposed revenue sharing funds distribution for 1979 be approved and Councilwoman Quimby seconded the motion to pass and adopt the Resolution as read appointing Charles R. Cole Deputy City Attorney for Municipal Court cases.

January 3, 1979, Minutes were corrected: The title RESOLUTION OF DECISION REGARDING APPLICATION BY ARCTIC CIRCLE FOR DRIVE-UP WINDOW at 709 NORTH AVENUE to have added DENIED, Councilman O'Dwyer seconded the motion approving the final plat of Peterson Minor Subdivision, E side of 27-1/2 Road, Orchard Mesa.

The Minutes of December 20, 1978, and January 3, 1979, were approved as corrected. The Minutes of the adjourned meeting January 9, 1979, were approved as written.

REQUEST APPLICATIONS FOR CONTRACTORS LICENSING BOARD (ENGINEER AND ARCHITECT)

President Johnson announced again the two openings on the Contractors Licensing Board and requested applications from engineers and architects to fill the vacancies. Term on this Board is two years.

LIQUOR - APPLICATION FOR RETAIL LIQUOR STORE LICENSE - DALE E. MITCHELL, CROWN LIQUORS, 2851 1/2 NORTH AVE. (CHANGE OF OWNERSHIP) - APPROVED

Considered application by Dale E. Mitchell for retail liquor store license at Crown Liquors, 2851 1/2 North Avenue. The business is presently owned by Mary Ann Benetti. Police Department report: DALE MITCHELL was checked May 8, 1978, when he was registered as manager for Ramada Inn. As of this updated report, MITCHELL is still clear locally, statewide and nationally of any wants, warrants and/or recorded criminal history. Fingerprints were sent May, 1978; results are clear of any record.

Mr. Mitchell was present.

Moved by Councilman Kozisek: That the application be approved and authorized the issuance of the license when the State license has been received. Seconded by Councilman Brown.

Vote: AYES: QUIMBY, KOZISEK, DUNN, O'DWYER, BROWN, JOHNSON

NOES: HOLMES.

BEER - APPLICATION BY MESA FARMERS MARKET TO RENEW 3.2% FERMENTED MALT BEVERAGE LICENSE AT 2651 HIGHWAY 50 SOUTH - APPROVED

Considered application by Mesa Farmers Market, Inc., to renew 3.2% fermented malt beverage license at 2651 Highway 50 South. Police report: During the past licensing period there have been no recorded complaints or violations concerning the sale of 3.2 beer by this establishment.

Moved by Councilman Kozisek: That the application be approved and authorized the issuance of the license when the State license has been received. Seconded by Councilwoman Quimby.

Vote: AYES: QUIMBY, KOZISEK, DUNN, O'DWYER, BROWN, JOHNSON

NOES: HOLMES.

UNFINISHED BUSINESS - DEVELOPMENT FEE PROPOSALS - TABLED

Reviewed the handout from Development Director. After discussion, moved by Councilman Brown: To table until such time as the attitude of the County Commissioners to the development fees can be determined and that it be brought up at the Council's next workshop. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

UNFINISHED BUSINESS - PRELIMINARY PLAN, THE FALLS, PD-8 ZONE - BETWEEN 28 1/4 and 28 1/2 ROADS PETITIONER: BOB GERLOFS - APPROVED

This item was tabled January 3, 1979, so that Council could receive review comments from City Departments regarding the parking and streets as planned. Council acknowledged receiving the comments from review departments.

Mr. Bob Gerlofs was present.

Moved by Councilman Kozisek: That the preliminary plan for The Falls Development be approved subject to the L-shaped street being standard width. Seconded by Councilman Brown.

Moved by Councilman Brown: That the motion be amended to enable the developer to eliminate the upper parking cluster. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

Vote on main motion: AYES: QUIMBY, KOZISEK, DUNN, O'DWYER, BROWN, JOHNSON

NOES: HOLMES.

Mr. Gerlofs commented that any developer can live with any street standards the Council feels are appropriate as long as the developer can count on them. He noted there is no definition in the standards for a court. Del Beaver pointed out that the recently adopted street standard should take precedent over alluded to street standards in any of the regulations.

HEARING - PROPOSED FIRST STREET POLICY STATEMENT, S OF KENNEDY AVENUE TO SOUTH AVENUE, ONE BLOCK E AND W OF FIRST STREET - APPROVED

A hearing was held on the above item. No opponents, no letters, no counterpetitions. Mr. Keith Mumby, attorney representing the First Street merchants, was present for the hearing. The following policy statements for the First Street corridor were a part of the hearing:

PROPOSED POLICY STATEMENTS FOR THE FIRST STREET CORRIDOR (KENNEDY TO SOUTH AVENUE, AND FROM SPRUCE STREET TO SECOND STREET)

Multi-story, secure, for young marrieds without children, singles and elderly when single family residential housing is no longer feasible in this area.

These policy statements are NOT rezonings.

1. Because First Street is a heavy traffic carrier, the following should be considered:

a. A raised median should be considered for parts of First Street with turn bays when necessary.

b. Curb Cuts should be limited and consolidated.

c. First Street between North Avenue and Grand Avenue should have full improvements with four lanes of traffic with on-street parallel parking on 80 feet of right-of-way.

d. Parking should not be permitted to back into First Street.

e. Uses deemed to be traffic hazards should be discouraged.

f. The uniform setback from the property line on an 80 foot right-of-way is 5 feet between North Avenue and Grand Avenue.

2. Underground all utilities in the corridor.

3. Cooperative parking should be encouraged to the rear of the businesses whenever possible.
4. Pedestrian circulation should be accommodated and protected along and across First Street with sidewalks constructed and expanded.
5. Incentives should be explored and developed to encourage redevelopment along First Street.
6. The First Street corridor should be aesthetically treated so as to assume a positive character.
7. All access to businesses, high density residential, and parking facilities north of Grand between First and Second Streets should be from the avenues, not Second Street, except those fronting on First Street.
8. Office use would be encouraged between First and Second Streets north of Grand as a buffer use when residential use is removed.
9. Second Street should be designated as a street with a bikeway in this area.
10. Existing single family housing should be respected and protected wherever possible in the area east of First Street, south of Belford and north of the alley between Grand and Ouray.
11. Residential use should be the only use south of Belford to the alley north of Grand and east of Second Street in this area.
12. High density residential uses may be encouraged on both sides of Second Street.
13. The area of the corridor south of Grand should be rejuvenated such that redevelopment would be compatible with the "Superblock" proposal between First and Third Streets and between Rood and Colorado.
14. Business and retail uses are the highest priority uses in the corridor south of Colorado, but high density residential uses should also be encouraged.
15. High-rise (10-12 stories) structures may be appropriate in this corridor if they are not incompatible with the adjacent uses or scale.

Moved by Councilman Dunn: That the policy statements for the First Street corridor be approved. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

HEARING - PROPOSED EASEMENT VACATION BACK LOT LINE 483 1/2 HARRIS

ROAD, E 3 FEET OF THE 10-FOOT EASEMENT ON W END OF LOT 1, ROKO
SUBDIVISION - PROPOSED ORDINANCE

A hearing was held on this item after proper notice. No letters, no opponents, no counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING AN EASEMENT. Moved by Councilman Kozisek: That the proposed ordinance be passed for publication. Seconded by Councilwoman Quimby.

Vote: AYES: Unanimous.

HEARING - PROPOSED REZONE FROM R-1-C TO R-3, NW CORNER OF ORCHARD
AVENUE AND COLLEGE PLACE - RESOLUTION OF FINDINGS AND DECISION
SCHEDULED FEBRUARY 7, 1979

A hearing was held on this item after proper notice. The Planning Commission denied this request for rezoning on the basis of not being able to monitor the density of this project to protect the surrounding single-family residential neighborhood from possible adverse effects of a multiple-family development. The Planning Commission indicated to the petitioner that under the right set of circumstances PD-B might be appropriate if the surrounding properties could be protected because of its proximity to Mesa College.

Les Lupton, developer, was present for the hearing.

No letters, no opponents, no counterpetitions.

A Resolution of Findings and Fact is scheduled February 7, 1979.

Consensus of Council was that the fee paid for this rezone request be credited against the fee he will need to pay for the PD-B application.

HEARING - PROPOSED OUTLINE DEVELOPMENT PLAN FOR PD-20 - NISLEY
APARTMENTS, NW CORNER 28 1/2 ROAD AND ELM AVENUE - APPROVED

A hearing on this item was held after proper notice. Tom Logue, Paragon Engineering, was present representing petitioner, Jack Nisley, also present.

No letters, no opponents, no counterpetitions.

Moved by Councilman Kozisek: That the proposed outline development plan for PD-20, Nisley Apartments, be approved subject to the conditions of the Planning Commission. Seconded by Councilwoman Quimby.

Vote: AYES: Unanimous.

HEARING - 6 & 50 WEST SUBDIVISION, FILING #3, PRELIMINARY PLAN -

BETWEEN HIGHWAY 6 & 50 AND RIVER ROAD, N OF WEST GUNNISON AVENUE -
PROPOSED LIGHT COMMERCIAL SUBDIVISION ON 19.2 ACRES - APPROVED

A hearing on this item was held after proper notice. Tom Logue, Paragon Engineering, was present representing petitioner. No letters, No opponents, no counterpetitions.

Moved by Councilman Kozisek: That the Preliminary Plan for the 6 & 50 West Subdivision, Filing #3, be approved subject to the conditions of the Planning Commission and subject to continuity of the sidewalks being consistent throughout the development. Seconded by Councilman Holmes.

Vote: AYES: Unanimous.

PROPOSED FOR COUNCIL/PLANNING WORKSHOP FEBRUARY 13 or 20, 1979

Council to visit about this invitation at its workshop on the 13th of February.

PROPOSED ORDINANCE AMENDING THE CONTRACTORS LICENSING ORDINANCE AS TO CONDUCT

The following entitled proposed ordinance was read: AN ORDINANCE PROVIDING FOR AN ADDITIONAL GROUND FOR REVOCATION OF A CONTRACTOR'S LICENSE.

Moved by Councilman Brown: That the propose ordinance be passed for publication. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

PROPOSED ORDINANCE REGARDING FENCES AND BUILDINGS AND OTHER STRUCTURES

City Attorney Ashby stated this ordinance is one Council directed him to draft. It should not be referred to the Planning Commission for consideration.

Moved by Councilwoman Quimby: That the proposed ordinance be referred to the Planning Commission. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

SELECTION OF ARCHITECT FOR FIRE STATION #4 - DILLON & HUNT - UP TO \$12,400 AUTHORIZED FOR DESIGN AND PRELIMINARY WORK

City Manager Wysocki reported that after interviewing three architectural firms, it is the recommendation of Staff that the City obtain the services of Dillon & Hunt, Architects, for Station 34.

Fee not to exceed \$12,400. Mr. Wysocki requested authorization to

enter into a contract with Dillon & Hunt.

Moved by Councilman Brown: That the Contract with Dillon & Hunt be approved and authorized the City Manager to sign said contract for a fee not to exceed \$12,400. Seconded by Councilwoman Quimby.

Vote: AYES: Unanimous.

ADDENDUM TO EXCHANGE AGREEMENT WITH SAM AND KAY ANTONOPOLOUS
EXTENDED SIX MONTHS - WITH MONTH TO MONTH OPTION THEREAFTER UNLESS
TERMINATED

City Manager Wysocki presented an addendum to the exchange of property agreement with Sam and Kay Antonopolous and requested authorization to continue the agreement for six months at \$100 per month with a month to month option after the six months.

Moved by Councilman O'Dwyer: That the City Manager be authorized to enter into the Agreement as outlined. Seconded by Councilwoman Quimby.

Vote: AYES: Unanimous.

WATER SUPPLY

Mr. Wysocki stated he would provide a copy of a report on City Water Supply System, December, 1977, to any Council member who does not have one.

TIM SCOTT, KSTR REPORTER

Tim Scott, KSTR reporter, was introduced to Council.

POLICY STATEMENTS ON DOWNTOWN AREA FEBRUARY 6TH CIVIC AUDITORIUM,
7:30 P.M.

Del Beaver announced a public meeting to formulate policy statements for the downtown area in the Civic Auditorium at 7:30 p.m. February 6, 1979.

HOUSE BILL 1232

Councilwoman Quimby called attention to House Bill 1232 introduced by Representative Hertzberger which required that proposed municipal annexations be approved by the Board of County Commissioners in the County from which the proposed territory to be annexed is located. She called attention to other legislative bills that Council should note.

INSPECTIONS

Councilman Holmes called attention to Fire, Building, and Electrical inspections made at Raggedy Ann Donuts on Orchard Mesa December, 1978.

He cited specifically the rude, crude, and harassing tactics used by Inspectors Fred Fuhrmeister, Wayne Hanna, and Wes Painter, as related to him by proprietor Yvonne Bingham. Councilman Holmes stated he brought this matter to the attention of the City Manager who in turn requested reports from the Chief Building Inspector. The report was made available to Councilman Holmes.

He took the report to Mrs. Bingham for review. There were items in the report which she did not agree with as being accurate and factual.

Today Councilman Holmes learned Mrs. Bingham has received a letter dated January 11, 1979, that indicates there are seven items of deficiency and that correction shall be made within thirty days. Councilman Holmes requested that the letter be declared null and void until a specific investigation of the circumstances surrounding the inspection among the inspectors, the proprietor, and the City Manager. He feels a determination be made as to what did take place during the inspection.

Mr. Wysocki responded that this shop was once a liquor store. Now it is a food preparation store. There are a number of changes which would be necessary. He pointed out that Councilman Holmes has available to him more information than he (Mr. Wysocki) has. He suggested that Mrs. Bingham sit down with him along with the inspectors to discuss the problem. He still feels that if there is concern about the health, safety and welfare of the community that the proprietor should be required to move ahead with the accommodation of those problems.

Councilman O'Dwyer suggested that a 30-day extension be granted this proprietor and that regardless of the outcome of the actions of the inspectors, she clearly understands that the requirement to meet the Codes at the end of the thirty-day extension will stand.

Councilman Holmes suggested that Council needs to reexamine the Codes.

Consensus of Council was that all parties involved meet to explore what did or did not occur.

STREET REGULATIONS

Councilman Kozisek recommended that it be worked into the regulations that wherever the 24 foot street is mentioned it be footnoted that any 24 foot street must carry the explicit approval of the Council.

REQUEST FOR PLANNING STAFF LIST OF WHAT IT PERCEIVES TO BE ITS BUSINESS REGARDING DEVELOPMENTS

Councilman Brown expressed concern with what he heard during the meeting this evening regarding a Planning Staff member relating

what he wanted instead of a common barbeque/patio/storage area, individual ones. Councilman Brown stated that he does not believe that is the City's business. One-side parking and things that impact the City are the City's business.

Moved by Councilman Brown: That the Planning Staff prepare a list of what it perceives is the City's business and that the list be made available to Council one week before the City Council's next work shop. Seconded by Councilman Kozisek.

Vote: AYES: Unanimous.

CITY EMPLOYEES SHOVELING SNOW ON MAIN STREET

Councilman O'Dwyer said that he has had a couple of calls this winter regarding City employees shoveling snow on Main Street. On Saturday he visited downtown to see why. He counted six City employees working overtime shoveling snow in the middle of the block in front of businesses.

President Johnson stated that since the shopping mall was put in, City employees cleaned from the aggregate out to the curb because that is part of the City park.

Moved by Councilman Brown: That the City Manager be requested to meet with the downtown merchants in an attempt to get them to take up the snow removal from the sidewalks in front of their businesses. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

Councilman Brown moved that Frank Dunn be appointed to take charge of Block Captains for the cleaning of snow and litter removal.

AIR QUALITY ADVISORY COMMITTEE

President Johnson requested names of people who would be interested in serving on the Air Quality Advisory Committee. Nine to ten people will be necessary.

ADJOURNMENT

Moved by Councilman Brown: That the meeting be adjourned. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

Neva B. Lockhart, CMC

Neva B. Lockhart
City Clerk