

Grand Junction, Colorado

February 21, 1979

The City Council of the City of Grand Junction, Colorado, convened in regular session the 21st day of February, 1979, at 7:30 p.m. 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 Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

The meeting was called to order by Council President Johnson.

MINUTES

The Minutes of the regular meetings January 17, 1979, and February 7, 1979, were approved as written.

CHRIS GRAY, ARCHITECT, APPOINTED TO 2-YEAR TERM ON CONTRACTOR'S LICENSING BOARD

On motion by Councilman Kozisek, seconded by Councilman Brown, the appointment of Chris Gray, Architect, to a 2-year term on the Contractor's Licensing Board was ratified.

Vote: AYES: Unanimous.

REQUEST NAMES OF PEOPLE TO SERVE ON THE ADVISORY BOARD OF THE AIR QUALITY COMMITTEE

President Johnson announced that some names have been received for appointment to the Advisory Board of the Air Quality Committee. More are needed, and he asked the news media to publish the request for more names.

DISCUSSION OF DEVELOPMENT OF CITY OWNED PROPERTY INTO PARK (LOCATED ON F ROAD JUST W OF 30 ROAD - APPROXIMATELY 19 ACRES)

Mr. Chuck DeLoach, representing a northeast neighborhood group, appeared before Council to discuss development of city-owned property into park. The property is located on F Road just west of 30 Road. This property was donated to the City several years ago by the Burley family for park purposes.

Mr. DeLoach stated that after a survey last year by the Parks Department, it was determined by the residents responding to the questionnaire that the needs are for swimming pool, recreation for both young and old, ample parking facilities, a building for various functions such as dances, meetings, youth groups. Development should also contain picnic areas, tennis courts, and baseball diamonds. He stated the group has explored funding sources as well as donation of time and services for surveying and grading. A consortium of local in-area contractors will be brought

together for participation in the grading of the land. They have verbally agreed to participate in the project. The citizen group has a commitment for assistance in the surveying. He concluded that there is citizen participation; it has had the opportunity to view the proposed master plan for this park prepared by the City Recreation Department and indicated the Department is supportive of the Committee and its efforts. He stated that his Committee is requesting advanced development of the park by the City. He is to approach the County Commissioners on February 27th regarding this proposal. He indicated that the cost for full development as outlined is approximately \$330,000. Council recommended a reexamination of the cost as it appears too low.

Council encouraged the enthusiasm of the group but requested it develop the things the group can do rather than asking the City to commit itself to a major expenditure for development of the land not knowing if and when that area might become a part of the City. It was also suggested that the group should consider petitioning for annexation to the City.

LIQUOR - APPLICATION TO RENEW HOTEL - RESTAURANT LIQUOR LICENSE AT ORCHARD BOWL, 295 27 ROAD - APPROVED REPORT TO BE FILED ON DEVELOPMENT PLAN IN 60 DAYS

This item was tabled February 7th. Mr. Keith Mumby, attorney, appeared on behalf of the petitioner. He advised that the problem with the sprinkling system appears to be no City water line in that area. They have reached a written agreement with Dixson, Inc., to hook the sprinkling system into their water line. It cannot, however, be hooked up until the frost goes out of the ground.

Moved by Councilman Brown: That the application be approved and the license issued when the State license has been received. Seconded by Councilman Dunn.

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

Moved by Councilman O'Dwyer that the Council take up the unfinished items for building correction at its meeting 60 days from now. Seconded by Councilman Kozisek.

Vote: AYES: Unanimous.

Councilman Holmes felt there was a third matter which merits consideration. That is, the certificate of occupancy. His concern was that if there are guidelines to be adhered to, there is the need to do so or clarify what it is that it is using for guidelines.

City Manager Wysocki stated that the final development plan for this building goes to the Planning Commission next Tuesday and subsequently to the City Council on March 7th.

Councilman Kozisek agreed with the Councilman Holmes in that an inconsistency is apparent.

Councilman Holmes believes that the City is being very remiss in its responsibility in letting matters as serious as these can be to be allowed to be a matter of a personal individual interpretation, whether that interpretation be of the chief building official or whomever. He feels that it should be very clearly spelled out and very clearly defined so that there are not those latitudes of interpretation that allow and could contribute to discrepancies.

President Johnson stated that there has to be, with any regulation, an area of discretion on the part of the enforcement people. He did not feel that any regulation could be written that it is so ironclad that it can apply to every situation. He felt that only when that discretion is abused should Council be concerned.

LIQUOR - APPLICATION FOR HOTEL - RESTAURANT LIQUOR LICENSE - CHANGE OF OWNERSHIP AFFECTING THE TIMBERS, 1810 NORTH AVENUE - APPROVED

Considered was the application by Kenneth Wayne "Chip" Shaw for hotel-restaurant liquor license at the Timbers, 1810 North Avenue, presently owned by Ken Baiardi. Reports from Health Department and Fire Department advised that the establishment meets Health regulations and Life Safety regulations. The Police Department report advised that Mr. Shaw is clear of any criminal warrants via local files, NCIC/CCIC. The report noted a warrant out for a minor traffic violation in Arapaho County. The fingerprint card has been sent to the FBI with no return to date.

Mr. Shaw advised Council that the traffic warrant is for lack of a safety sticker on a new vehicle.

Moved by Councilman Dunn: 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.

3.2% BEER - APPLICATIONS FOR RENEWAL OF 3.2% BEER LICENSES APPROVED

Considered applications by the following businesses for the renewal of 3.2% beer licenses:

City Market Store No. 1, 433 Grand Avenue
Safeway Store No. 600, 23rd and North Avenue
Safeway Store No. 602, 644 North Avenue

The Police Department advised that during the past licensing period there have been no complaints or violations.

Moved by Councilman Brown: That the applications be approved and the licenses issue when the State licenses have been received. Seconded by Councilman Dunn.

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

LIQUOR - REGISTRATION OF RAYMOND R. WARD AS MANAGER OF RAMADA INN,
718 HORIZON DRIVE - APPROVED

Considered application by Westbrooke Corporation dba Ramada Inn, 718 Horizon Drive, to register Raymond R. Ward as Manager. The Police Department report advised that a manual check of local files and teletypes to NCIC/CCIC and to States of previous residency were made on Raymond R. Ward. He is clear locally as well as NCIC/CCIC of any wants or warrants. The fingerprint card has been mailed to the FBI with no return to date.

Moved by Councilman Dunn: That the application registering Raymond R. Ward manager of the Ramada Inn be approved. Seconded by Councilman Kozisek.

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

LIQUOR - APPLICATION BY UTE CATERING FOR RENEWAL OF HOTEL-
RESTAURANT LIQUOR LICENSE - APPROVED

Considered application by Wilbert D. and Judy L. Collins dba Ute Catering, 159 Main Street, to renew hotel-restaurant liquor license. Reports from Fire Department and Health Department advised that Life Safety regulations and Health regulations are being met. The Police Department report advised that during the past licensing period, there have been no complaints or violations.

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

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

BEER - APPLICATION BY DER WEBER DELI, INC. FOR 3.2% BEER LICENSE
AT DER WEBER DELI SANDWICH SHOPPE, 1144 NORTH 12TH ST. - APPROVED

Considered application by Der Weber Deli, Inc., dba Der Weber Deli Sandwich Shoppe, 1144 North 12th Street, for 3.2% beer license. This is a change from single ownership to corporate ownership. Corporate Officers:

President: Richard D. Weber
Vice Pres: Louis D. Buescher
Sec/Treas: John L. Green

Reports from the Fire Department and Health Department advised that Life Safety regulations and Health regulations are being met. The Police Department report advises that the above officers are clear of any wants, warrants, and/or criminal history records. Fingerprint cards have been mailed to the FBI with no return to date.

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

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

3.2% BEER - HEARING ON APPLICATION FOR 3.2% BEER LICENSE AT GET 'N GO GROCERIES, 2355 BELFORD AVENUE

Posted and advertised for hearing on this date was the application by Charles R. and Carole E. Finkel and Gary L. and Pamela M. Stenger for a 3.2% beer license at Get 'N Go Groceries, 2355 Belford Avenue. The City Clerk read the following report: The sign giving Notice of Hearing was posted on the premises February 9th, and the display ad was published in The Daily Sentinel on February 9, 1979, giving Notice of Hearing. The area surveyed was 21st Street on the west, Gunnison Avenue on the south, to Indian Wash on the east, and Bunting Avenue on the north. Results:

(1) Yes, I am in favor of the issuance of the license as I believe the needs of the neighborhood are not being met by existing outlets. 303

(2) No, I am not in favor of the issuance of the license as I believe the needs of the neighborhood are being met by existing outlets. 104

(3) Neutral. 39

There are eight (8) similar type outlets within one mile in any direction within the City limits from this location. Police Department Report dated 2-7-79: All applicants are clear of any criminal record. Since their original application their standing with the Police Department has not changed.

The applicants were present for the hearing represented by their attorney, Tom La Croix.

No letters, no opponents, no counterpetitions. A Resolution of Findings and Decision is scheduled on the March 7th Council Agenda.

HEARING - APPLICATION BY MESA COLLEGE FOR 3.2% BEER SPECIAL EVENTS PERMIT FOR FRIDAY, MARCH 9TH, 8:00 P.M. TO MIDNIGHT IN HOUSTON HALL - APPROVED (3RD PERMIT)

Posted for hearing on this date was the application by Mesa College for 3.2% Beer special events permit for the evening of March 9, 1979, from 8:00 p.m. to midnight in Houston Hall on the College Campus.

Council acknowledged receiving a report from David Schumacher, Intelligence Section, Police Department, regarding the event on January 26, 1979.

The Police Department report advised that for this event the College will take the following steps to guarantee an orderly event:

(1) The College will check identification at the door to assure that only those 18 or older will be allowed to consume beer;

(2) The College will serve beer only between 8:00 p.m. and 11:40 p.m.;

(3) The College will provide security and faculty supervision along with requesting four off-duty police officers to provide additional security.

Mr. Greg Walcher, Student Body Association President at Mesa College, appeared before Council.

The President read the Police Department report concerning the event held January 26, 1979.

Mr. Walcher responded to the report.

No letters, no opponents, no counterpetitions.

Moved by Councilman Kozisek: That the application by Mesa College for 3.2% beer special events permit be approved subject to a note to the College that if a repeat or a near repeat of a similar incident as occurred on January 26, 1979, any future considerations of special events permits would have to carry a stipulation that only Mesa College students be permitted to attend these functions. Seconded by Councilwoman Quimby.

Councilman Brown stated he was not sure Council wanted to lock into a particular course as spelled out in the latter part of Councilman Kozisek's motion. He would prefer a little more leeway. He would like to work with the students, even if they have problems, and retain the flexibility of either making them pay for additional officers and doing what was suggested in the motion.

President Johnson stated that the Police Department has the

prerogative at anytime that they feel more security is required at these events to make that requirements as a condition of their approval of the event. He continued that it is sometimes very difficult, if not impossible, to control these spontaneous activities that can erupt all at once without any forewarning, and if something happened again where there was a disturbance and without considering the circumstances surrounding it, it might be a little punitive.

Councilman Kozisek explained that by his motion he is providing the students who want to conduct a good affair the opportunity to assist the officers in conducting a good affair, a little self-policing.

Councilman Brown said that, number 1, the Council would be better advised should any problems arise, to be able to take any measures it wants at that time. Number 2, the Council has the prerogative to dry up the College permanently. He felt that Mr. Walcher and the Student Body Association should have the message by now.

Vote: AYES: KOZISEK

NOES: BROWN, QUIMBY, HOLMES, DUNN, O'DWYER, JOHNSON.

Moved by Councilman Brown: That the 3.2% Beer special events permit for Mesa College be approved. Seconded by Councilwoman Quimby.

Vote: AYES: QUIMBY, KOZISEK, DUNN, BROWN, JOHNSON

NOES: HOLMES, O'DWYER.

HEARING - PRELIMINARY WRIGHT SUBDIVISION, N OF CHEYENNE DRIVE, APPROXIMATELY 250 FEET W OF ACOMA COURT

A hearing was held after proper notice. Planning Commission and Staff comments were reviewed. No letters, no opponents, no counterpetitions. Ed Carpenter, Plateau Engineering, was present representing petitioners, William and Donna Wright. He advised that he has reached a compromise agreement with Montana Bell to require only six-foot easements on each side. He requested relief from the restriction by the Planning Commission regarding the covenant for the retaining wall. He stated they have no problem with the proposed ordinance regarding retaining walls and should not hinder their development.

Moved by Councilman Brown: That the preliminary Wright Subdivision for six-lot residential subdivision be approved subject to the conditions of the Planning Commission except that of the covenant on the retaining wall, and that this approval is with the understanding that the petitioners will comply with an ordinance enacted in a timely fashion. Seconded by Councilman Kozisek.

Vote: AYES: Unanimous.

HEARING - FINAL PLAT OF WIMER SUBDIVISION (MINOR), 200 FEET N OR

NORTH AVENUE, 150 FEET E OF COURT ROAD - 2-LOT COMMERCIAL

A hearing on this item was held after proper notice. Planning Commission and Staff comments were reviewed. No letters, no opponents, no counterpetitions.

Moved by Councilman kozisek: That the final plat of Wimer Subdivision be approved subject to the conditions of the Planning Commission. Seconded by Councilman Dunn.

Moved by Councilman Brown: To amend the motion that the power of attorney require full street improvements and full costs for their share of improvements to the drainage ditch. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

Vote on main motion: AYES: Unanimous.

HEARING - PROPOSED ORDINANCE - REZONING FROM R-3 TO PD-B, SW CORNER OF FIRST STREET AND MESA AVENUE - PRELIMINARY DEVELOPMENT PLAN

A hearing was held after proper notice.

The following entitled proposed ordinance was read: 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.

Planning Commission and Staff comments were reviewed along with the preliminary development plan.

The petitioner, John Abrahamson, was present for the hearing.

Moved by Councilman Brown: That the preliminary development plan be approved subject to the conditions of the Planning Commission and added the request for more information in working with the petitioner.

Vote: AYES: Unanimous.

Alex Candalaria, 1616 Balsam Court, suggested Council take a close look at the access and the congestion on West Mesa Avenue.

Councilman Kozisek clarified that there may be a later requirement for traffic circulation.

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

HEARING - BULK DEVELOPMENT - GRAND JUNCTION HOUSING AUTHORITY PROJECT, 1104 BOOKCLIFF AVENUE

The developer nor Mr. Chambliss were present for the hearing, nor were any members of the Housing Authority except Mayor Johnson. Mr. Beaver indicated he has had conversations with the contractor, B.B. Anderson Development Company, Inc., on this project, and he has agreed to all the conditions of the Planning Commission. Mr. Beaver stated that if Council wished to go ahead with the hearing on that basis, it could make that determination. He continued that if Council imposes new restrictions, he would request that Council defer it out of courtesy to the petitioner. Moved by Councilman O'Dwyer: That the hearing be continued until the next meeting.

After discussion, Councilman O'Dwyer withdrew his motion.

Moved by Councilman Kozisek: That when any item has been advertised for hearing by the City Council that it be heard unless there are extenuating circumstances to warrant the abstention of the petitioner. Seconded by Councilman Holmes.

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

A hearing on this item was held after proper notice. The Planning Commission conditions and the staff comments were reviewed. No letters, no counterpetitions.

John Quest, C.E. Maguire, questioned drainage for this property. He suggested factfinding in this case particularly the drainage of the back part of this property to find out if there is indeed an existing drainage easement flowing from the east to the west which would go on to a proposed street which is in essence not existing now, it is private property now. He suggested that if there is not an easement back there, and because of the fact that the street is just merely proposed at this time that this development is placing some undue expense on adjacent properties that they should not have to handle. He stated he represents people who own the property to the north and west which the drainage would affect to some degree.

Mr. Beaver indicated the City Engineer should be fully satisfied with the drainage situation before the final plat is signed off.

Councilman Brown stated that he is concerned about the screening or fence requested by the Police Department. He presumed that it is for security reasons when recommended by the Police Department. He stated that he is not required at all in going further than Council has been going in requiring both outside lights and fences for security unless this Council is prepared to assume that from this point on as it has assumed the way it gets involved in every phase of every development. He wanted to strike those two requirements.

Mr. Beaver stated that 5-foot perimeter fencing was required by the Planning Commission. As far as the lights are concerned, Mr. Beaver concurred with Councilman Brown.

Councilman Brown stated that unless Council is prepared to change policy, he would like word to filter down to the Police Department that that is just not the City's business. Council has not assumed that security responsibility as yet.

Councilman Kozisek discussed easements.

Moved by Councilman Brown: To approve bulk development for Housing Authority subject to all staff and Planning Commission conditions except for the lamps outside and the Police Department's six-foot fence and subject to petitioner resolving the drainage problem. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

HEARING - ZONING HODGE PROPERTY ANNEXATION PD-20 - PRELIMINARY DEVELOPMENT PLAN - S OF PATTERSON ROAD, 1000 FEET W OF 29 ROAD - PETITIONER: SUNDANCE BUILDERS - PROPOSED ORDINANCE

A hearing on the above item was held after proper notice. Jim Tepley, Associated Architects representing the petitioner, was present for the hearing. No letters, no opponents, no counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY ADDING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. Moved by Councilman O'Dwyer: That the proposed ordinance be passed for publication. Seconded by Councilman Dunn.

Vote: AYES: Unanimous.

Moved by Councilman Kozisek: That the preliminary development plan be approved subject to the conditions of the Planning Commission and subject to the petitioner addressing the two guest parking areas so that they do not use the public street for backing. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

HEARING - REZONE FROM R-1-A TO PD-8, SPRING VALLEY TOWNHOMES - PRELIMINARY PLAN, NW CORNER PATTERSON ROAD AND 28 ROAD - PROPOSED ORDINANCE

A hearing on the above item was held after proper notice. Paul Barru, representing the developer, was present. No letters, no opponents, no counterpetitions.

The following entitled proposed ordinance was 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. Moved by Councilman Brown: That

the proposed ordinance be passed for publication. Seconded by Councilwoman Quimby.

Vote: AYES: Unanimous.

Moved by Councilman Brown: That the preliminary development plan be approved subject to conditions of the Planning Commission. Seconded by Councilwoman Quimby.

Vote: AYES: Unanimous.

PETITION FOR ANNEXATION OF CRESTVIEW, LOCATED BETWEEN 27-1/4 ROAD AND 27-1/2 ROAD, AND BETWEEN F-1/4 ROAD AND F-1/2 ROAD - RESOLUTION GIVING NOTICE OF HEARING

A petition for annexation of Crestview was submitted for consideration and was accepted.

The following Resolution giving Notice of Hearing was read:

RESOLUTION

WHEREAS, a petition to annex to the City of Grand Junction certain lands, situate in Mesa County, Colorado, and described as follows:

The Northeast Quarter of the Southwest Quarter of Section 11, Township 1 South, Range 1 West, Ute Meridian,

has been submitted to the City Council of the City of Grand Junction; and

WHEREAS, said petition substantially complies with the requirements of 31-8-107, Colorado Revised Statutes, 1973, as amended;

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

That a hearing to determine whether or not the proposed annexation complies with the provisions of Sections 104 and 105 of said 31-8 of the Colorado Revised Statutes, 1973, will be held on April 4, 1979, in the City Council Chambers at City Hall at 7:30 o'clock p.m. and that Notice of such hearing be given as required by law.

PASSED and ADOPTED this 21st day of February, 1979.

President of the Council

Attest:

City Clerk

Moved by Councilman Brown: That the Resolution be passed and adopted as read. Seconded by Councilman Holmes.

Roll call vote: AYES: Unanimous.

HEARING - REZONE TO PD-8 PRELIMINARY DEVELOPMENT PLAN FOR CRESTVIEW - BETWEEN 15TH STREET AND 27-1/2 ROAD, S OF F-1/2 ROAD (RIDGE DRIVE) - PROPOSED ORDINANCE

A hearing on the above item was held after proper notice. John Quest was present representing the petitioners. No letters, no petitions, no counterpetitions.

The following entitled proposed ordinance was 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. Moved by Councilman O'Dwyer: That the proposed ordinance be passed for publication. Seconded by Councilman Kozisek.

Vote: AYES: Unanimous.

Moved by Councilman Brown: That the Preliminary Plan for Crestview be approved subject to conditions of the Planning Commission except for the 30-foot drainage easement requested by Public Service and their open spaces and that Public Service be notified those will not be granted until they show a need for them. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

HEARING - PROPOSED ADDITION TO NORTH AVENUE POLICY STATEMENT THAT NO ADDITIONAL DRIVE-UP USES BE ALLOWED ON NORTH AVENUE FROM FIRST STREET TO 29 ROAD CONTINUED TO MARCH 21ST

A hearing was held on the above item after proper notice. The Planning Commission vote against the policy statement and recommended this matter be taken up at a workshop.

A letter from Mr. George White, President of the North Avenue Association was read into the record requesting that this matter be deferred.

King Clements, a member of the North Avenue Association, appeared before Council to request this matter be delayed for a month so the Association can meet to see what position it wishes to take.

Moved by Councilman Brown: That the Council continue this hearing until its March 21st meeting. Seconded by Councilwoman Quimby.

Jim Rober, a member of the North Avenue Association, stated that the feeling of the members was that the decision was wrong in

denying the drive-up window at Arctic Circle.

Rich Welsh, Manager of Burger King, stated that he can understand Council discounting competition, but he cannot understand discounting progress. Fast food drive-up windows are for customer convenience.

Councilman Brown commented that he does not feel competition is the business of the City. A factor is what affects the City in its operation. The reason this is a policy statement and not a moratorium is because of the record of denying drive-up windows on the basis of their effect on traffic.

The was to save people filing fees if the attitude and unwritten policy appeared to be to deny them anyway on the basis of impact. He added that it is completely inconsistent, at the risk of singling somebody out of a group like the North Avenue Association, to say that the City spent \$70,000 to synchronize traffic lights on North Avenue because of the mess and then come right back and say just let the mess continue, just let us do anything we want. He continued that had he known that kind of an attitude prevailed, he would not have voted for the expenditure of the \$70,000.

Councilwoman Quimby commented that her conversations with people in the area were that they, too, recognize there is a problem, and their request to delay this was that some way they could come to a better solution of addressing this problem than by a moratorium of all drive-up uses.

President Johnson noted that comments directed to him were that they objected to North Avenue itself being picked out as a zone rather than having a policy that applied where every application for this type of service is handled on its own merit.

Councilman Kozisek would like to see some solutions suggested by the North Avenue Association by the meeting on March 21st.

HEARING - APPLICATION FOR CONDITIONAL USE FOR DRIVE-UP WINDOW AT DUSTY'S, 7TH STREET AND NORTH AVENUE - DEFERRED TO MARCH 7TH

Because of a technical problem with the advertising, this item could not be heard tonight.

Moved by Councilman Kozisek: That this item be deferred to March 7, 1979. Seconded by Councilman Holmes.

Vote: AYES: Unanimous.

HEARING - PROPOSED ORDINANCE AMENDING ZONING ORDINANCE AND CODE OF ORDINANCES BY DELETING SECTIONS MADE OBSOLETE BY ADOPTION OF STREET DEVELOPMENT STANDARDS

A hearing was held after proper notice. No letters, no opponents,

no counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE DELETING REFERENCE TO STREET STANDARDS IN CODE SECTIONS OF THE CITY ORDINANCES SUPERSEDED BY OTHER STANDARDS. Moved by Councilman O'Dwyer: That the proposed ordinance be passed for publication. Seconded by Councilwoman Quimby.

Vote: AYES: Unanimous.

ORDINANCE NO. 1797 - POMONA SCHOOL ANNEXATION

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Moved by Councilman Brown: To accept Proof of Publication for filing. Seconded by Councilman Holmes.

Vote: AYES: Unanimous.

Moved by Councilman O'Dwyer: That the proposed ordinance be called up for final passage and read. Seconded by Councilman Brown:

Vote: AYES: Unanimous.

The Ordinance was read. No comments. Moved by Councilman Brown: That the Ordinance be passed and adopted, numbered 1797, and ordered published.

Roll call vote: AYES: Unanimous.

ORDINANCE NO. 1798 - HODGE PROPERTY ANNEXATION

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Moved by Councilman Brown: To accept Proof of Publication for filing. Seconded by Councilman Holmes.

Vote: AYES: Unanimous.

Moved by Councilman Holmes: That the proposed ordinance be called up for final passage and read. Seconded by Councilwoman Quimby.

Vote: AYES: Unanimous.

The Ordinance was read. No comments. Moved by Councilman Brown: That the Ordinance be passed and adopted, numbered 1798, and ordered published. Seconded by Councilwoman Quimby.

Roll call vote: AYES: Unanimous.

RESOLUTION AMENDING STREET DEVELOPMENT STANDARDS - APPROVED

Street Development Standards in front of this book -

RESOLUTION

AMENDING THE STREET DEVELOPMENT STANDARDS

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

That the Street Development Standards adopted the 6th day of December, 1978, be amended in the following particulars:

An asterisk be placed before the street designated as "Court" under the right of way section of the standards with a footnote to read as follows: The street designated as "Court" shall be incorporated within a street plan only after the approval of the City Engineer and the City Council.

PASSED and ADOPTED this 21st day of February, 1979.

President of the Council

Attest:

City Clerk

Moved by Councilman Brown: That the Resolution be passed and adopted as read. Seconded by Councilman Kozisek.

Roll call vote: AYES: Unanimous.

PROPOSED ORDINANCE CHANGING THE QUALIFICATIONS FOR MEMBERSHIP ON CONTRACTOR'S LICENSING BOARD

The following entitled proposed ordinance was introduced and read: AN ORDINANCE CHANGING THE QUALIFICATIONS FOR MEMBERSHIP ON THE CONTRACTOR'S LICENSING BOARD. Moved by Councilman O'Dwyer: That the proposed ordinance be passed for publication. Seconded by Councilman Holmes.

Votes: AYES: Unanimous.

PROPOSED ORDINANCE CONCERNING THE DISPENSING OF GASOLINE AND RELATED PRODUCTS DEFERRED TO MARCH 7TH AGENDA

PETITION FOR ANNEXATION OF NORTHERN FORESIGHT PARK ANNEXATION, N OF F ROAD BETWEEN 25 ROAD AND 25-1/2 ROAD - RESOLUTION TO ANNEX - PROPOSED ORDINANCE

Submitted was a petition for annexation of Northern Foresight Park with 100% signature. The following Resolution was presented and read:

RESOLUTION

WHEREAS, on the 21st day of February, 1979, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property, to wit:

The Southwest Quarter of Section 3, Township 1 South, Range 1 West, Ute Meridian, except beginning at the West Quarter Corner of said Section 3, thence East 517.2 feet, thence South 517.2 feet, thence West 517.2 feet, thence North 517.2 feet to beginning and except replat of Foresight Park for Industry Filing No. 1 and except beginning 20 feet South and 30 feet West of the Northeast Corner of the Southwest Quarter of said Section 3, thence West 1108.4 feet, thence South 766 feet, thence East 1108.4 feet, thence North 766 feet to beginning and except West 30 feet of said Southwest Quarter and except F Road right of way on the South and except the North 786 feet of the East 30 feet of said Southwest Quarter and except F-1/2 Road right of way on the North,

and

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

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

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

PASSED and ADOPTED this 21st day of February, 1979.

President of the Council

Attest:

City Clerk

Moved by Councilman Brown: That the Resolution be passed and adopted as read. Seconded by Councilman Kozisek.

Roll call vote: AYES: Unanimous.

The following entitled proposed ordinance was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Moved by Councilman Brown: That the proposed ordinance be passed for publication. Seconded by Councilman Quimby.

Vote: AYES: Unanimous.

AGREEMENT WITH HDR FOR SEWER INTERCEPTOR SURVEYING AND ENGINEERING - NOT TO EXCEED \$16,000

After review, moved by Councilman Brown: That the Agreement with HDR for Sewer Interceptor Surveying and Engineer be approved and authorized the City Manager to sign for an expenditure not to exceed \$16,000 and subject to signing by County Commissioners. Seconded by Councilman Quimby.

Vote: AYES: Unanimous.

AUTHORIZATION FOR UP TO \$6,000 EXPENDITURE FOR DESIGN CONCEPTS FOR DOWNTOWN AREA TO BE MATCHED BY PRIVATE FUNDS

Moved by Councilman Brown: That the City Manager be authorized to expend up to \$6,000 for design concepts for Downtown area to be matched by private funds. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

PROPOSED ORDINANCE ESTABLISHING DEVELOPMENT FEE SCHEDULES

The following entitled proposed ordinance was read: AN ORDINANCE ESTABLISHING DEVELOPMENT FEE SCHEDULES. Moved by Councilman Brown: That the proposed ordinance be passed for publication. Seconded by Councilman Kozisek.

Vote: AYES: Unanimous.

MISCELLANEOUS MEETINGS

February 24th - Downtown Retail Trade Annual Dinner at 7:00 p.m. Redlands Community Club.

February 27th - Grand Mesa Ground Water Discussion in Delta at the Delta County Annex at 2:00 p.m.

March 1st - Railroad Hearing in Civic Auditorium at 9:30 a.m.

March 2nd and 3rd - Joint Budget Committee 3:45 to 4:30 p.m. at Occidental Oil Building.

March 9th - Chamber of Commerce Dinner at Ramada Inn, 7:00 p.m.

March 20th - Two Rivers Plaza Downtown Design Concepts, 7:30 p.m.

March 14th - Council Study Session and to meet with Mountain Bell and Public Service regarding easements at 7:30 p.m.

Councilman Holmes recommended the City file on the Grand Mesa ground water.

TAPES

Councilman Brown recommended that the Council meeting tapes be held indefinitely.

THE CORRAL 539 COLORADO AVENUE

Councilman Brown requested the Fire Department report on The Corral and how they could accrue so many violations in six months.

RARE II RESOLUTION TO BE DIRECTED TO CONGRESSIONAL DELEGATION

Moved by Councilman Brown: That the RARE II Resolution be directed to the Congressional delegation. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

ADJOURNMENT

Moved by Councilman Brown: Seconded and carried that the meeting be adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk