

Grand Junction, Colorado

March 21, 1979

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. March 21, 1979, in Council Chambers at City Hall. Council members present: Larry Brown, Frank Dunn, Karl Johnson, Lawrence Kozisek, Jane Quimby, and Bill O'Dwyer, a quorum. Councilman Robert Holmes was absent. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

#### MINUTES

Consideration of the Minutes of the regular meetings February 21 and March 7 were deferred to April 4, 1979.

#### AIR QUALITY ADVISORY COMMITTEE APPOINTMENTS

The following names were submitted for consideration to the Air Quality Advisory Committee: Nic Korte, city resident; Lawrence Aubert, county resident; Tom Scott, county resident; Howard Roland and Bob Van Houten, city residents.

By secret ballot, Nic Korte, Howard Roland, and Bob Van Houten were nominated by the city council for appointment to the Air Quality Advisory Committee. Moved by Councilman Brown: The appointment of the three named individuals to the Air Quality Advisory Committee and the forwarding of the balance of the names to the County Commissioners with a recommendation that they do something similar. Seconded by Councilman Kozisek.

Vote: AYES: Unanimous.

#### APPOINTMENT OF CHERYL LYNN TO THE BOARD OF ADJUSTMENT AND APPEALS FOR A THREE-YEAR TERM

Moved by Councilman O'Dwyer: That Cheryl Lynn be appointed to a three-year term on the Board of Adjustment and Appeals. Seconded by Councilwoman Quimby.

Vote: AYES: Unanimous.

#### LIQUOR - APPLICATION APPROVED FOR RENEWAL OF HOTEL-RESTAURANT LIQUOR LICENSE AT RAMADA INN, 718 HORIZON DRIVE

Considered application by Westbrooke Corporation for renewal of its hotel-restaurant liquor license at Ramada Inn, 718 Horizon Drive. Fire Department report: Still need fire damper grills to repair holes. Health Department report: No serious health violations. Police Department report: There have been no complaints or violations during the past licensing period.

Tony Di Gregario, Food and Beverage Manager, was present and stated the grills have been ordered.

Moved by Councilman Kozisek: That the application be approved and the license issue when the State license has been received subject to the Fire Department following through on a follow-up inspection. Seconded by Councilman Brown:

Vote: AYES: Unanimous.

LIQUOR - TRADE NAME CHANGE APPROVED FROM FREDDIE'S STEAK AND LOBSTER HOUSE TO G. W. SPATS AND CO., 1320 NORTH AVENUE EFFECTIVE JUNE 1, 1979

Moved by Councilman Kozisek: That the application by James F. Ramsey for trade name change from Freddie's Steak and Lobster House to G.W. Spats and Company, 1320 North Avenue, be approved. Seconded by Councilman Dunn.

Vote: AYES: Unanimous.

\$1,000 PRESENTED TO CITY BY GRAND JUNCTION TENNIS CLUB

Mr. Joe Coleman, President of the Grand Junction Tennis Club, appeared before Council to present a \$1,000 check to assist the City in resurfacing the tennis courts in Lincoln Park.

3.2% BEER - RESOLUTION OF DECISION ON APPLICATION FOR A FERMENTED MALT BEVERAGE LICENSE AND CONDITIONAL USE BY ROCKY MOUNTAIN GAME & ENTERTAINMENT CORPORATION AT 1230 NORTH 12TH STREET - (THE OTHER PLACE) - APPROVED

The following Resolution was presented and read:

RESOLUTION

OF DECISION ON APPLICATION FOR A FERMENTED MALT BEVERAGE LICENSE AND CONDITIONAL USE BY ROCKY MOUNTAIN GAME & ENTERTAINMENT CORPORATION AT 1230 NORTH 12TH STREET, GRAND JUNCTION.

A public hearing having been held on March 7, 1979, on the application by Rocky Mountain Game and Entertainment Corporation for a fermented malt beverage license for sales for consumption on the premises and conditional use for The Other Place at 1230 North 12th Street, Grand Junction, and the City Council having considered the evidence adduced at said hearing:

FINDS:

1. That the hearing was held on March 7, 1979, on the application after proper notice thereof under the Beer 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 501 persons so stated while 393 felt the needs were being met by the other outlets.

3. That several members of the Youth Commission were critical of the operation of Saturday's, the activity preceding the one proposed by the applicant.

4. On the question of the conditional use for a 3.2% outlet serving beer on the premises, such use was approved by the Grand Junction Planning Commission with certain conditions.

5. The evidence supports the position that the needs of the neighborhood are not being met by other outlets of the same type and the position that the desires of the inhabitants of the neighborhood are that the license issue, and, further, that the conditional use should be approved with proper restraints.

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

That a fermented malt beverage license for sales for consumption on the premises issue to Rocky Mountain Game & Entertainment Corporation doing business as "The Other Place" at 1230 North 12th Street, Grand Junction, Colorado; and the conditional use be granted for such premises under the conditions which were established for previous permission to operate at these premises, the same being:

1. The maintenance of the fences on the north, south and east lines of the property, with access to occur on the west side only for both automobile and pedestrian traffic.

2. Installation, if none exists, and maintenance of, if they do exists, of flood lights to illuminate the premises front and rear, the lighting being arranged so as not to interfere with neighboring properties.

3. The providing of a security guard from 6:00 o'clock p.m. until 30 minutes after closing to assist in maintaining order with arrests being made for observed violations of the City ordinance.

4. Daily cleanup of litter of the area from Glenwood to Bunting and from 12th Street to the alley east of 12th Street.

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

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President of the Council

Attest:

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City Clerk

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

Roll call vote: AYES: DUNN, BROWN, QUIMBY, KOZISEK, JOHNSON

NOES: O'DWYER.

Although he could not be present to vote, Councilman Holmes registered his opposition to this Resolution.

LIQUOR - DECISION REGARDING ALLEGED LIQUOR CODE VIOLATION AT CORK 'N EMBERS, 105 NORTH 2ND

President Johnson: We'll let Mr. Ashby outline the options there.

Mr. Ashby: Well, the Council heard all of the evidence, and I would indicate to the Council the position that it now occupies. If the Council believes, as was argued by Mr. Mulder, that the evidence did not prove a violation of the Liquor Code, or if the Council believes, as was also argued that the matter arose through a conspiracy between the young lady who was the waitress and the young lady who was allegedly served, then that finding should be made and, of course, it would be no penalty which would attach. In order to consider any penalty being assessed against the outlet, the Council would have to find that the evidence proved that in fact a minor was served on the premises and that this minor was served by an employee acting in her normal course of employment at Mulder's place.

Councilman Kozisek: Mr. President. Because of my absence at the time that this was heard and testimony was taken, I would like to absent myself from participation in the discussion and the decision this evening.

President Johnson: Okay.

Councilman Brown: Mr. Chairman?

President Johnson: Mr. Brown.

Councilman Brown: I do, based on the information and evidence presented at our last meeting, believe that a minor was served as a result of the practices and habits of the employees of the Cork 'N Embers, and only because the Cork 'N Embers has had no previous violations, I'd move that we suspend the license at Cork 'N Embers for three days.

Councilman O'Dwyer: Second that.

President Johnson: You have heard the motion and the second. Is there any further discussion?

Councilman Dunn: Well, yes. I'd like to discuss that.

President Johnson; Frank.

Councilman Dunn: I mean, in a way, I. I think the violation goes along with a minor and her boy friend there. I..I..I.. think that a suspension is too rough. I would go along with a warning there. The girl was not present any time that the liquor was served there. She admitted that she was gone. I... I'm not denying that.. that she... but I ... I think there was a conspiracy .. I don't see where the Cork 'N Embers was that much at fault there. That's my opinion.

President Johnson: Well, the statute provides that it's the responsibility of the licensee to . . .

Councilman Dunn: I know.

President Johnson: ... to make sure that there kinds of things do not happen.

Councilman Dunn: I realize it. I just wh...

President Johnson: And I think consideration here is whether or not they took sufficient precautions to avoid this from having occurred, and I think the evidence was, or the testimony was that she walked in and was not checked by anybody, was not asked for identification.

Councilman O'Dwyer: And had been there for some time.

President Johnson: And had been there for approximately four hours.

Councilman O'Dwyer: Call the question.

President Johnson: The question has been called for on the motion to suspend for three days. All in favor say AYE.

AYES: QUIMBY, BROWN, O'DWYER, JOHNSON

President Johnson: Opposed?

Councilman Dunn: Opposed.

President Johnson: Carried.

Mrs. Lockhart: Mr. Mayor, May I ask a question? Effective?

Councilman Brown: Tomorrow.

President Johnson: Does that have to be a part of the motion, effective tomorrow?

Mr. Ashby: I would assume that you should make a motion to that effect. Another motion to that effect.

Councilman Brown: I would move that it take effect tomorrow.

Councilman O'Dwyer: Second.

President Johnson: It's been moved and seconded that the suspension be effective as of tomorrow. All in favor say AYE.

AYES: QUIMBY, DUNN, O'DWYER, BROWN, JOHNSON.

President Johnson: Opposed?

(None)

President Johnson: Carried.

HEARING - APPLICATION BY FEATHER PETROLEUM COMPANY FOR 3.2%  
FERMENTED MALT BEVERAGE LICENSE, SALES IN SEALED CONTAINERS, AT  
STOP 'N SAVE, 213 N. 1ST STREET

On February 6, 1979, Dave Palo, Attorney for Feather Petroleum Company filed an application for a 3.2% fermented malt beverage license to permit sales in sealed containers for consumption off the premises of the licensee at 213 N. 1st Street under the trade name of Stop 'N Save." Corporate officers are:

President: Larry V. Feather, Grand Junction, CO  
Vice Pres: Andrew K. Smith, Evergreen, CO  
Sec/Treas: Stanley R. Medsker, Vail, CO

The application was reviewed and accepted.

A sign giving notice of hearing was posted on the property March 9, 1979, and the display ad giving notice of hearing was published in The Daily Sentinel Friday, March 9, 1979.

Mr. Wes Miller was hired to survey the following area: Rice Street on the west, Ouray Avenue on the north, 4th Street on the east and Colorado Avenue on the south. Results are:

(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. 219

(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. 37

(3) Refused to vote. 4

(4) No opinion. 1

(5) Vacant properties 10

The applicant has filed a petition containing 73 signatures of people living outside the above survey area who favor the issuance of the license. No letters of opposition or counterpetitions have been filed to date.

The Police Department report advises that: "A manual check has been made of our local file and via teletype to NCIC/CCIC as well as states of previous residency regarding the above applicants. There are no felony wants or warrants recorded. Fingerprint cards have been mailed to authorities with no return to date."

Similar type outlets within one mile in any direction (within the City Limits): 7.

Dave Palo, attorney, was present, representing the applicant. Larry Feather, President of the Corporation, was also present. He read a character financial reference letter from William D. Loring, President of the Mesa United bank of Grand Junction.

No opponents, no letters, no counterpetitions.

A Resolution of findings and decision is scheduled April 4, 1979.

CONSIDERATION OF BIDS - AWARD OF CONTRACT FOR POLICE BUILDING, FIRE BUILDING AND CITY HALL REMODELING - \$298,875

Low bidder for the above work was William Price Construction in the amount of \$298,875. Funds have been budgeted for the work. There was one other bid which was approximately \$11,000 higher.

Moved by Councilman Brown: That the low bid be accepted and authorized the award of the contract to William Price Construction Company in the amount of \$298,875. Seconded by Councilman Dunn.

There was discussion about the Central dispatch area and the amount for its construction. Assistant City Manager Ron Ruskey gave as his best guess approximately \$5,000 to \$10,000 for that area.

It was clarified that the bid included enough conduit to take care of the 911 whenever.

Councilman Brown urged Staff to consider that if there is much more than that involved in that central dispatch that they consider the possibility, remote though it may be, that in November of 1980 that there may not be a need for that. He would like to presume that 911 will go in down there and everybody would be happy, but he guessed that there is a chance that it won't and he would just like to see that the Staff, as they proceed with this, make sure there isn't that must more involved.

President Johnson stated that he does not think there is any remote possibility that it's not going to be located in that location. The major agencies that would be using the 911 if it goes in are the two agencies that are right there. He did not think that there should be an consideration of a deletion because if there is and you go back and try to put it in, it will cost three of four times as much to reinstall it as it would be to build it in now.

Vote: AYES: Unanimous.

HEARING CONTINUED FROM FEBRUARY 21 ON PROPOSED ADDITION TO NORTH AVENUE POLICY STATEMENT ON NO ADDITIONAL DRIVE-UP USES TO BE ALLOWED ON NORTH AVENUE FROM 1ST STREET TO 29 ROAD

President Johnson acknowledged receipt of a letter from the North Avenue Association signed by Mr. George White, President, and also from the First National Bank North. Also a Planning Commission draft of matters that they are considering that should be used as a standard for consideration of applications for drive-up fast-food restaurants. These include:

1. Drive-up window traffic should not conflict with sit down restaurant traffic (both pedestrian and vehicular).
2. Drive-up facilities should not require traffic to travel completely around the facility and egress at the point of ingress.
3. The area between the front of the building and street should have landscaping and/or outdoor eating areas.
4. If there are drive cuts in proximity to major intersections they should not be deemed hazardous, if the use is permitted.
5. No undue traffic burdens should occur at median breaks or intersections (U-turns, etc.).
6. Concentrations of similar uses (drive-up facilities) should be discouraged, referencing the existing gas station location regulations.

Senior Planner Karl Metzner reviewed all drive-up facilities on North Avenue. The Planning Commission recommended denial of this policy as stated and wished to have some workshops to consider some alternate policies to address this issue. The information submitted in the draft from the Planning Commission is still in its preliminary form and it still want to work on it and finalize it. The Planning Commission requested that Council not consider that for any action tonight. He indicated it should be brought to Council by its first or second meeting in May.

Moved by Councilman O'Dwyer that this matter be tabled until the Planning Commission brings back the standards for hearing. Seconded by Councilwoman Quimby.



Councilman Kozisek recommended that action on the motion be deferred until the hearing on the policy statement is closed.

Councilwoman Quimby withdrew her second and Councilman O'Dwyer withdrew his motion.

There was no one present who spoke for or against the policy statement.

Moved by Councilman Brown: That as one of the co-conceivers of the broad policy statement which he thought in retrospect was ill-conceived, to simply reject the policy statement. Seconded by Councilman O'Dwyer.

Councilman Brown commented that the draft statement from the Planning Commission is somewhat ill-conceived and he would hope they do a great deal of work on that.

Vote: AYES: Unanimous.

Consensus of Council was that some standards need to be set as to what conditions will be considered as a matter of granting an application and those that will not. If the applicant knows in advance that if he does not meet certain standards as far as traffic circulation, stacking space for vehicles on his premises that he is wasting his time to apply. City wide, not necessarily just North Avenue.

RESPONSE TO REQUEST FOR RECONSIDERATION FOR CONDITIONAL USE TO PERMIT DRIVE-UP WINDOW AT ARCTIC CIRCLE, 709 NORTH AVENUE - HEARING SCHEDULED APRIL 18

Moved by Councilman Kozisek: That Council reconsider this request only if it can be proven there is overwhelming evidence that can be presented at this time that was not presented at the original hearing. Motion lost for lack of a second.

Moved by Councilman Brown: That the request for reconsideration of the conditional use for the Arctic Circle be granted. Seconded by Councilman Kozisek.

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

NOES: BROWN.

Mr. Ashby advised Mr. Sillens that in order to do this, it has to be readvertised for hearing and at that time all of the evidence will be reconsidered.

Mr. Sillens requested the 18th of April for the hearing.

ORDINANCE NO. 1799 - REZONE FROM R-3 TO PD-B, SW CORNER OF 1ST STREET AND MESA AVENUE

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. Moved by Councilman Brown: That the Proof of publication be accepted for filing. Seconded by Councilwoman Quimby.

Vote: AYES. Unanimous.

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

Vote: AYES: Unanimous.

The Ordinance was read. No comments. Moved by Councilman Kozisek: That the Ordinance be passed, adopted, numbered 1799, and ordered published. Seconded by Councilman Brown.

Roll call vote: AYES: Unanimous.

ORDINANCE NO. 1800 - ZONING HODGE ANNEXATION PD-20

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. Moved by Councilman Kozisek: That the Proof of Publication be accepted for filing. Seconded by Councilwoman Quimby.

Vote: AYES: Unanimous.

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

Vote: AYES: Unanimous.

The Ordinance was read. No comments. Moved by Councilman Dunn: That the Ordinance be passed and adopted, numbered 1800, and ordered published.

Roll call vote: AYES: Unanimous.

ORDINANCE NO. 1801 - REZONE FROM R-1-A TO PD-8, NW CORNER OF PATTERSON ROAD AND 28 ROAD

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. Moved by Councilman O'Dwyer: That the Proof of Publication be accepted for filing. Seconded by Councilman Kozisek.

Vote: AYES: Unanimous.

Moved by Councilman Kozisek: 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 O'Dwyer. That the Ordinance be passed, adopted, numbered 1801, and ordered published. Seconded by Councilwoman Quimby.

Roll call vote: AYES: Unanimous.

ORDINANCE NO. 1802 - DELETING REFERENCE TO STREET STANDARDS IN CODE SECTIONS OF THE CITY ORDINANCES SUPERSEDED BY OTHER STANDARDS

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE DELETING REFERENCE TO STREET STANDARDS IN CODE SECTIONS OF THE CITY ORDINANCES SUPERSEDED BY OTHER STANDARDS. Moved by Councilman Kozisek: That the Proof of Publication be accepted for filing. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

Moved by Councilman O'Dwyer. 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 Dunn: That the Ordinance be passed, adopted, numbered 1802, and ordered published. Seconded by Councilwoman Quimby.

Roll call vote: AYES: Unanimous.

ORDINANCE NO. 1803 - CHANGING THE QUALIFICATIONS FOR MEMBERSHIP ON CONTRACTOR'S LICENSING BOARD

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE CHANGING THE QUALIFICATIONS FOR MEMBERSHIP ON THE CONTRACTOR'S LICENSING BOARD. Moved by Councilman Dunn: That the Proof of Publication be accepted for filing. Seconded by Councilwoman Quimby.

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 O'Dwyer: That the Ordinance be passed, adopted, numbered 1803, and ordered published.

Roll call vote: AYES: Unanimous.

ORDINANCE NO. 1804 - NORTHERN FORESIGHT PARK ANNEXATION, N OF F ROAD BETWEEN 25 ROAD AND 25-1/2 ROAD

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Moved by Councilman Dunn: That the Proof of Publication be accepted for filing. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

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

Vote: AYES: Unanimous.

The Ordinance was read. No comments. Moved by Councilman Dunn: That the Ordinance be passed, adopted, numbered 1804, and ordered published. Seconded by Councilman O'Dwyer.

Roll call vote: AYES: Unanimous.

ORDINANCE NO. 1805 - DEVELOPMENT DEPARTMENT FEES

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE ESTABLISHING DEVELOPMENT FEE SCHEDULES. Moved by Councilman Dunn: That the Proof of Publication be accepted for filing. Seconded by Councilman Kozisek.

Vote: AYES: Unanimous.

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

Vote: AYES: Unanimous.

The title of the Ordinance only was read. No comments. Moved by Councilman Brown: That the Ordinance be passed, adopted, numbered 1805, and ordered published. Seconded by Councilman O'Dwyer.

Roll call vote: AYES: Unanimous.

ORDINANCE NO. 1806 - WEST LAKESIDE ANNEXATION, E OF HORIZON DRIVE AND W OF LAKESIDE DEVELOPMENT

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Moved by Councilman O'Dwyer. That the Proof of Publication be accepted for filing. Seconded by Councilman Brown.

Vote: AYES: Unanimous.

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

Vote: AYES: Unanimous.

The Ordinance was read. No comments. Moved by Councilman Dunn: That the Ordinance be passed, adopted, numbered 1806, and ordered published. Seconded by Councilman Brown.

Roll call vote: AYES: Unanimous.

PROPOSED ORDINANCE REQUIRING PET OWNERS TO CLEAN UP AFTER PETS - REJECTED.

The following entitled proposed ordinance was read: AN ORDINANCE REQUIRING DOG WASTE REMOVAL AND EXEMPTING BLIND OWNERS OF SUCH REQUIREMENTS. Moved by Councilman Brown: That the proposed ordinance be rejected. Seconded by Councilman Kozisek.

Vote: AYES: Unanimous.

PROPOSED ORDINANCE REGULATING THE DEPOSITING OF REFUSE

The following entitled proposed ordinance was read: AN ORDINANCE REGULATING THE DEPOSITING OF REFUSE. Moved by Councilman Brown: That the proposed ordinance be passed for publication. Seconded by Councilman Kozisek.

Vote: AYES: Unanimous.

RESOLUTION GIVING NOTICE OF ELECTION

The following Resolution was presented and read:

RESOLUTION

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

That the election notice hereinafter set out be the Notice of the General Municipal Election to be held in the City of April 3, 1979, and further that the same be published in accordance with election procedures:

ELECTION NOTICE

CITY OF GRAND JUNCTION, COLORADO  
NOTICE OF GENERAL MUNICIPAL ELECTION  
TO BE HELD ON  
TUESDAY, THE 3RD DAY OF APRIL, 1979

PUBLIC NOTICE IS HEREBY GIVEN THAT A GENERAL MUNICIPAL ELECTION WILL BE HELD ON TUESDAY, THE 3RD DAY OF APRIL, 1979, IN THE POLLING PLACES HEREINAFTER DESIGNATED IN THE CITY OF GRAND JUNCTION, COLORADO.

That said General Municipal Election will be held at the several polling places in the several districts of the City of Grand Junction, Colorado, as follows:

DISTRICT "A" POLLING PLACE

Two Rivers Plaza  
Second and Main Streets

DISTRICT "B" POLLING PLACE

Grand Junction High School  
Auditorium Lobby  
1400 North 5th Street

DISTRICT "C" POLLING PLACE

Orchard Avenue School  
1800 Orchard Avenue

DISTRICT "D" POLLING PLACE

North Councourse  
Physical Education Center  
Mesa College  
12th and Orchard

DISTRICT "E" POLLING PLACE

Lincoln Park Golf Club House  
Lincoln Park

Upon the date and at the places designated, the polls will be open from the hour of 7 A.M. to and including and will be closed at the hour of 7 P.M. Voting devices will be provided in each polling place for the election. The ballots to be used in voting will be prepared and furnished by the City Clerk to the Judges of Election, to be by them furnished to the voters. The election will be held and conducted as nearly as may be as prescribed by law.

Registration for the said election will take place in the manner now provided by Ordinance and law.

That at said election a member of the City Council will be elected from each of two election districts (i.e. Districts "B" and "C") and one from the City at Large to serve four-year terms, and from District "D" to serve a two-year unexpired term. Candidates are:

DISTRICT "B"

Delmore A. Beaver  
Leiford A. Darien  
Dale J. Hollingsworth  
Alice T. Motts

DISTRICT "C"

Karl M. Johnson

DISTRICT "D"

Frank M. Dunn  
Bobby E. Wilson

CITY AT LARGE

Louis R. Brach  
Randall T. Chew, III  
Robert E. Cleary, Jr.  
D. Cole McMartin, Jr.  
Anthony K. Tysdal

Neva B. Lockhart, CMC

\_\_\_\_\_  
Neva B. Lockhart  
City Clerk

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

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk

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

Roll call vote: AYES: Unanimous.

PROPOSED ORDINANCE AUTHORIZING ESTABLISHMENT OF PUBLIC OFF-STREET  
PARKING DISTRICTS

Moved by Councilman Kozisek: That Paragraph B on Page 20 be deleted from the ordinance. Seconded by Councilman Brown.

Vote: AYES: Unanimous.

The title only to the following entitled proposed ordinance was

read: AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF PUBLIC OFF-STREET PARKING DISTRICTS AND ENUMERATING THE POWERS OF THE CITY COUNCIL WITH RESPECT TO THE ACQUISITION, CONSTRUCTION, INSTALLATION, FINANCING AND OPERATION OF IMPROVEMENTS THEREIN. Moved by Councilman Brown: That the proposed ordinance be passed for publication in pamphlet form and a notice of hearing thereon. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

PROPOSED ORDINANCE CONCERNING THE DISPENSING OF GASOLINE AND RELATED PRODUCTS

The following entitled proposed ordinance was read: AN ORDINANCE CONCERNING THE DISPENSING OF GASOLINE AND RELATED PRODUCTS. Moved by Councilman Kozisek: That the proposed ordinance be passed for publication. Seconded by Councilwoman Quimby.

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

NOES: O'DWYER.

PROPOSED ORDINANCE ESTABLISHING A TAX ON PROPERTY TRANSFERS FOR PARK PURPOSES - 1/4 OF ONE PERCENT - EFFECTIVE JUNE 1

The title only to the following entitled proposed ordinance was read: AN ORDINANCE ESTABLISHING A TAX ON PROPERTY TRANSFERS FOR PARK PURPOSES. Moved by Councilman O'Dwyer: That the proposed ordinance be passed for publication. Seconded by Councilman Kozisek.

Vote: AYES: Unanimous.

RESOLUTION CONCERNING COLUMBINE VILLAGE BOND ISSUE - APPROVED WITH STIPULATION

Stan Anderson, President of Columbine Village Corporation, appeared before Council to explain the purpose of the Resolution authorizing the Development Revenue Bond Issue in the amount of seven million dollars.

As Council was provided copies of the Resolution, the title only was read.

RESOLUTION.

A RESOLUTION OF INTENTION TO ISSUE DEVELOPMENT REVENUE BONDS TO FINANCE THE ACQUISITION AND CONSTRUCTION OF HEALTH CARE FACILITIES AND AUTHORIZING THE PREPARATION OF DOCUMENTS AND INSTRUMENTS RELATED THERETO AND THE EXECUTION OF A MEMORANDUM OF AGREEMENT BY AND BETWEEN COLUMBINE VILLAGE AND THE CITY OF GRAND JUNCTION, COLORADO.

WHEREAS, the City of Grand Junction, Colorado (the "Issuer") is



authorized and empowered by the provisions of Article 3, Title 29, Colorado Revised Statutes 1973, as amended (the "Act"), to issue development revenue bonds for the purpose of defraying the cost of financing, acquiring, improving and equipping land, buildings or other improvements and all real or personal properties suitable or used for or in connection with health care facilities and residential facilities for low- and middle-income families and persons; and

WHEREAS, Columbine Village, a Colorado nonprofit corporation (the "Corporation"), wishes to have the Issuer issue its development revenue bonds (the "Bonds") for the purpose of financing the costs of acquisition, construction and improvement of land, buildings, other improvements and real and personal properties suitable or used for or in connection with health care facilities consisting of an existing nursing home and a new limited care residential facility to be constructed within the boundaries of the Issuer (the "Project"); and

WHEREAS, the Issuer believes that the financing of the Project by the issuance of the Bonds will promote the public health, welfare, safety, convenience and prosperity of the Issuer's residents; and

WHEREAS, by subsequent ordinance to be adopted before issuance of the Bonds, the Issuer will consider and approve the terms and form of the Bonds and, subject to the conditions of this Resolution, will authorize all acts and the execution of all documents and instruments in connection with the issuance thereof; and

WHEREAS, regulations promulgated by the United States Treasury pursuant to the Internal Revenue Code of 1954, as amended (the "Regulations"), require that the issuer of such bonds adopt a bond resolution with respect to such bonds or take some other similar official action toward the issuance of such bonds prior to the commencement of construction or acquisition of such facilities; and

WHEREAS, one purpose of this Resolution is to satisfy the requirements of the Regulations; and

WHEREAS, a Memorandum of Agreement has been presented to the Issuer under the terms of which the Issuer agrees, subject to the provisions of such agreement, to issue the Bonds to finance the Project;

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

Section 1. The City Council finds, intends and declares that this Resolution shall constitute its official commitment to issue the bonds, subject to the terms hereof and thereof, and the adoption of this Resolution is and constitutes the taking of affirmative official action by the issuer toward the issuance of the Bonds, within the meaning of Section 1.103-8(a) (5) of the Regulations.

Section 2. In order to finance the Project, assure that all of it is located in the City of Grand Junction, and insure the public benefit which is expected from the operation thereof, the Issuer, subject to the terms and conditions of the Memorandum of Agreement (attached hereto as Exhibit A and by this reference made a part hereof), will issue the Bonds pursuant to the provisions of the Act in a principal amount necessary to pay the cost of financing the Project, together with costs incident to the authorization, issuance and sale of the Bonds, not to exceed an aggregate principal amount of \$7,000,000.

Section 3. The Bonds shall bear such interest rate be in such denomination, bear such date, mature at such date not exceeding 40 years from their date, be in such form, carry such registration privileges, be executed in such manner, be payable at such place and be subject to such terms of redemption consistent with the Act as shall finally be approved and provided in a subsequent ordinance of the City council prior to the issuance of the Bonds. Any indenture, financing agreement and other documents relating to the Project and the bonds will also be approved and authorized in final form prior to the issuance of the Bonds.

Section 4. The Memorandum of Agreement between the Issuer and the Corporation in the form attached hereto is approved and adopted and the President of the City Council and the City Clerk are hereby authorized and directed to execute such Memorandum of Agreement on behalf of the issuer and to affix the seal of the Issuer.

Section 5. The entire proceeds from the sale of the Bonds will be used to finance the Project, establish a Bond Reserve Fund (if the parties believe it necessary) and pay the costs of issuing the Bonds. None of the Bonds will be a general obligation of the Issuer. None of the Bonds, including interest thereon, shall constitute the debt or indebtedness of the Issuer within the meaning of the Constitution or statutes of the State of Colorado or give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers. The Bonds shall be secured and paid by a pledge of the revenues of the Corporation and additionally secured by a mortgage on the Project.

Section 6. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and APPROVED by the City Council of the City of Grand Junction, Colorado, this 21st day of March, 1979.

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President of the Council

Attest:

\_\_\_\_\_  
City Clerk

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is between the City of Grand Junction, Colorado (the "City"), and Columbine Village (the "Corporation").

1. Preliminary Statement. Among the matters of mutual inducement which have resulted in the execution of this Agreement are the following:

(a) The City is a city in the State of Colorado, a body politic and corporate, authorized and empowered by Article 3, title 29, Colorado Revised Statutes, as amended (the "Act"), to issue development revenue bonds for the purpose of defraying the cost of financing, acquiring, improving and equipping land, buildings or other improvements and all real and personal properties suitable or used for or in connection with health care facilities and residential facilities for low- and middle-income families and persons within the City and to enter into financing arrangements with respect to such facilities, upon such terms and conditions as the City Council deems advisable.

(b) In order to promote industry and develop trade or other economic activity, the Corporation proposes to acquire, improve and equip land, buildings, other improvements and real and personal properties suitable or used for or in connection with health care facilities consisting of an existing nursing home and a new limited care residential facility to be constructed within the City (the "Project").

(c) The City has indicated its willingness to proceed with the issuance of its revenue bonds (the "Bonds") as provided by the Act to finance the Project and has advised the Corporation that subject to due compliance with all requirements of law and the obtaining of all necessary consents and approvals and to the happening of all acts, conditions and things required precedent to such financing, the City, pursuant to the Act, will issue the Bonds in a principal amount sufficient to finance the Project and to pay the costs and expenses of issuance and sale of the Bonds, not to exceed an aggregate principal amount of \$7,000,000.

(d) The City considers that the financing of the Project and the entering into of a financing agreement (the "Financing Agreement") with the Corporation with respect to the Project will promote the public health, welfare, safety, convenience and prosperity of the residents of the City.

2. Undertakings by the City. The City agrees as follows:

(a) The City will issue the Bonds pursuant to the terms of the Act

in a principal amount sufficient to finance the Project and to pay the costs incident to the authorization, sale and issuance of the Bonds, not to exceed an aggregate principal amount of \$7,000,000.

(b) The City will adopt such proceedings and authorize (i) the execution and delivery of such documents as may be reasonably necessary or advisable for the authorization, issuance and sale of the Bonds, (ii) the financing, acquisition, improvement and equipping of the Project and (iii) the execution of the Financing Agreement with the Corporation and such other documents relating to the Project and the Bonds as shall be authorized by the Act or other law and as shall be mutually satisfactory to the City and the Corporation.

(c) The aggregate sums to be paid by the Corporation under the Financing Agreement shall be sufficient to pay the principal of and interest and redemption premium, if any, on the Bonds as and when the same shall become due.

(d) The City will take such other acts and adopt such further proceedings as may be reasonably required to implement the aforesaid undertakings and as it may deem appropriate in pursuant thereof.

(e) The Bonds shall provide that they shall be payable solely out of the revenues derived from the operation of the project pursuant to the provisions of the Financing Agreement, that they shall never constitute the debt or indebtedness of the City within the meaning of any provision or limitation of the Constitution or Statutes of the State of Colorado and that they shall not give rise to a pecuniary liability of the city or a charge against its general credit or taxing powers.

(f) In authorizing the issuance of the Bonds pursuant to this Agreement, the City will make no warranty, either expressed or implied, that the proceeds of the Bonds will be sufficient to pay all costs of the Project.

3. Undertakings on the Part of the Corporation. The Corporation agrees as follows:

(a) The Corporation has entered or will enter into contracts for the acquisition and construction of the Project.

(b) Prior to the delivery of the Bonds, the Corporation will enter into the Financing Agreement with the City under the terms of which the Corporation will obligate itself to complete the acquisition and construction of the Project and, to the extent not payable out of proceeds of the Bonds, to pay to the City sums sufficient in the aggregate to pay or reimburse the City for all expenses incurred by it in connection with the authorization, issuance and sale of the Bonds, and to pay the principal of and interest and premium, if any, on the Bonds as and when the same shall become due and payable, all fees and expenses of any trustee

for the benefit of the holders of the Bonds incurred under any trust indenture, all utility charges, taxes, assessments, casualty and liability insurance premiums, and any other expenses or charges relating to the ownership, use operation, maintenance, occupancy and upkeep of the Project, such Financing Agreement to contain such other provisions as may be required by law and as shall be mutually acceptable to the City and the Corporation.

(c) The Corporation will take such further action and adopt such further proceedings as may be required to implement its aforesaid undertakings or as it may deem appropriate in pursuance thereof.

4. General Provisions.

(a) All commitments of the City under Section 2 hereof and of the Corporation under Section 3 hereof are subject to the condition that on or before one year from the date of this Agreement the City and the Corporation shall have agreed to mutually acceptable terms for the bonds and for the issuance, sale and delivery thereof, and mutually acceptable terms and conditions for the Financing Agreement, trust indenture and other documents referred to in Section 3 and the proceedings referred to in Sections 2 and 3 hereof, and the City and the Corporation shall have complied with all the provisions of the Act applicable to the issuance, sale and delivery of the Bonds and the financing of the Project.

(b) If the events set forth in (a) of this Section do not take place within the time set forth or any extension thereof and the Bonds are not issued and sold within that time, the Corporation agrees that it will reimburse the City for All reasonable and necessary direct out-of-pocket expenses which the City may incur arising from the execution of this Agreement and the performance of the City's obligations hereunder and this Agreement shall thereupon terminate.

IN WITNESS WHEREOF, the parties have entered into this Agreement by their authorized officers on this 21st day of March, 1979.

CITY OF GRAND JUNCTION, CO

By /s/Karl M. Johnson

President of the Council

Attest:

/s/Neva B. Lockhart, CMC

City Clerk

COLUMBINE VILLAGE

By /s/Stanley R. Anderson

President

Moved by Councilman Brown: That the Resolution be passed and adopted with the sole stipulation that the representatives of Columbine Village issue a sheet to all prospective occupants for the project stating words to the effect that the City of Grand Junction issued development revenue bonds to aid in the construction and development of Columbine Village aimed as an asset to the City and its citizens, but that action, however, represents no commitment, financial or otherwise, by the City to Columbine Village or future occupants. Seconded by Councilman Kozisek.

Roll call vote: AYES: Unanimous.

The following Resolution was presented and read:

RESOLUTION AUTHORIZING FILING OF AN APPLICATION UNDER URBAN TRANSPORTATION ACT - APPROVED

RESOLUTION

AUTHORIZING FILING OF AN APPLICATION UNDER URBAN MASS TRANSPORTATION ACT.

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services;

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

1. That the City Manager is authorized to execute and file an application on behalf of the City of Grand Junction with the U.S. Department of Transportation, to aid in the financing of Transit

Development Program.

2. That the City Manager is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

3. That James E. Wysocki, City Manager, is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application or the project.

4. That the City Manager is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

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

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk

Moved by Councilman Dunn that the Resolution be passed and adopted as read. Seconded by Councilwoman Quimby.

Roll call vote: AYES: DUNN, BROWN, QUIMBY, KOZISEK, JOHNSON

NOES: O'DWYER.

Moved by Councilman Brown: That the Staff be directed that when the time comes for the naming of the committee, it be made evenly from local government, business, and various groups that may be particularly interested, three ways, and that all reports and all releases and all information coming out of this report come with a, as precise as possible, cost project on what that particular item will cost. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

HUD COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS - \$338,000

It was reported that a call was received today from Senator Hart's office, and the City's proposal has been accepted to go into the application stage. The reduced project of \$338,000 has been suggested as appropriate at this time.

Ron Ruskey reported that the applications that were made for \$180,000 for an addition to the Cooperative Training Center that

is located at Goodwill at 475 28-1/4 Road. The \$180,000 and pre-application was approved.

The \$195,000 Housing Rehabilitation was cut to \$158,000 which will improve twenty plus units in the City.

Moved by Councilman Kozisek: That the Staff be authorized to proceed with the full application for this grant. Seconded by Councilwoman Quimby.

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

NOES: O'DWYER.

SUGGESTED RESOLUTION REQUIRING FISCAL IMPACT STATEMENT FOR PROPOSED PROGRAMS OR REGULATIONS Tabled TO MARCH 21

Councilman Brown read a sample Resolution recently adopted by the County Commissioners requiring a fiscal impact statement for proposed programs or regulations.

Moved by Councilman Kozisek: That this item be placed on the next Council agenda. Seconded by Councilman Brown.

Vote: AYES: Unanimous.

STATUS OF LEGISLATURE BILLS

President Johnson filed a brief report on the status of legislative bills.

The President declared a five minute recess. upon reconvening, the above-listed Council members were present.

STREET IMPROVEMENT DISTRICT PROGRAM

After hearing a report from the City Engineer, Councilman Brown moved that the City Engineer be authorized to proceed with Projects 1 through 4, 7 and 8, 9 and 11 and that any petitions with 50% or more signatures that are brought back to the Engineer, he is to do the design on those up to the amount budgeted. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

Moved by Councilman Brown: That the request for double penetration seal coat for half of Holly Lane be denied. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

CML ANNUAL MEETING

Councilwoman Quimby announced the CML Annual Meeting is June 19,



20, 21 and 22 at Snowmass. Theme: Government at its Level Best.

#### 2020 PROGRAM

Councilman Kozisek attended the 2020 Program at Two Rivers Plaza last night. He commended the outstanding job by many people. He continued that he would like to see the Council in the forefront in that assuring that anything that might develop would develop rather hurriedly as opposed to hesitantly. Whatever would be necessary of the Council, he would encourage that it take that action to assure that follow-up is done and that recommended direction of anyone that would have to provide legislative action or direction would be forthcoming in a hurry.

President Johnson concurred with Councilman Kozisek's commendatory comments. He said that the first thing is that the Planning and Development Department should take all that information and start making a composite of the components that are most outstanding and make recommendations to the Council as to any changes in legislation or anything that Council needs to do.

Councilman Kozisek said he hesitates to see the Council start in that direction as he feels it is a faltering step. He thought the step Council needs to take is the one that will accomplish the most in providing Council with direction in the least amount of time. He felt this Council needs to take a few bold steps to start with to assure something is continued.

President Johnson replied that it must be accomplished in some type of framework so it isn't done piecemeal.

President Johnson said this can become another plan that goes on the shelf or it can be something that somebody does something with. He felt Council needs to take the responsibility to see that something is done with it. Council cannot expect Staff to implement these programs without Council directing how they are to be implemented.

Councilman Brown questioned whether it would be necessary to request a progress report in thirty days.

It was finally recommended that the City Attorney and the City Manager can meet to determine an authoritative body.

#### ADJOURNMENT

President Johnson adjourned the meeting.

Neva B. Lockhart, CMC

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Neva B. Lockhart  
City Clerk