

Grand Junction, Colorado

April 18, 1979

The City Council of the City of Grand Junction, Colorado, convened in regular session the 18th day of April, 1979, at 7:30 p.m. in Council Chambers at City Hall. Those present were Council members Frank Dunn, Robert Holmes, Jane Quimby, Bill O'Dwyer, and Karl Johnson, a quorum. Council members absent were Larry Brown and Lawrence Kozisek. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

Council President Johnson called the meeting to order.

MINUTES

The Minutes of February 21 were corrected: on page 1, "Burkey" family, not Burley. Page 10, King "Clemons", not Clements. The minutes were approved as corrected.

The Minutes of March 7 and March 21 were approved as submitted.

Councilman Larry Brown arrived at the meeting at this time.

PETITION FOR STREET IMPROVEMENTS - 15TH STREET FROM CEDAR TO BOOKCLIFF COURT AND FOR BOOKCLIFF COURT

Elizabeth Harris appeared before Council to present a petition for improvements to 15th Street all the way to the canal.

Mr. Wysocki indicated that Council has been asked to consider a bridge across the canal at 15th Street. No final determination by Council has been made. Since the canal crossing has bearing on this project in that there is a change in the grade that determines where the road bed is to go, Staff needs to know how Council wishes to handle this so they can proceed with the design.

After discussion, it was moved by Councilman O'Dwyer: That the City go ahead and furnish the fill dirt for the canal crossing elevation, and Staff to design the road elevation for the street improvement to go in this year. Seconded by Councilman Brown.

Vote: AYES: Unanimous.

Mrs. Harris stated she has the signed petition to include the elevation for the canal crossing which she will file in the next couple of days.

REPORT ON ORCHARD BOWL, INC., REGARDING COMPLETION OF ADDITION, CERTIFICATE OF OCCUPANCY

This date has been set by Council to hear a report on Orchard Bowl regarding the completion of the addition and a certificate of occupancy. Mr. Keith Mumby, attorney representing Orchard Bowl,

was present and reported that the connection of the overhead sprinkling system is the only thing remaining to be accomplished. The contract for this phase of work was let to Mr. Chuck Osborne. Mr. Osborne was present and related to Council the complexity of this job. It was started in October (1978). The difficulty was due to the fact it was a new installation on the new addition plus the old. Mr. Osborne went to Mr. Hollinger and explained the difficulties, took out a permit dated 10-12-78, paid the fees, submitted the detailed plans, and received an okay to proceed with the condition that they would tolerate the slowness of the job, as the building is occupied practically continuously until 1:00 a.m. Mr. Osborne said they went ahead with the program understanding they would have ample time to work in the addition. Due to the complexities of trying to install pipe overhead with people bowling, which is a little difficult, he put on a night shift to work from 1:00 a.m. to 8:00 a.m. The first thing Mr. Osborne tries to do is to get the main in. During last October the City was involved with its own water main breaks and general utility and it took the City 26 days to find the curb cock that turns off Dixson's line. Mr. Osborne continued that the weather overtook them. When spring came, they were flooded out of the ditch four times. His cost estimates are completely shot, the ditch is in total disrepair, the pipes are buried in the mud, the tools are in the ditch buried in mud, and he is waiting for good weather to get the main in. He stated the system has been completed totally inside since the first week in February. The Fire Department has been aware of it, Mr. Hollinger has been notified, and as stated in a letter from Mr. Hollinger to Mr. Osborne, Mr. Osborne didn't take out the permit, he didn't submit the detailed plans, and that he might even suspend Mr. Osborne's license. Mr. Osborne said that was the thing that disturbed him. Mr. Osborne said he did not believe Mr. Hollinger has been doing his homework. Mr. Osborne said he is doing everything possible to complete the project. He continued that, in his opinion, the owner did not have a very substantial contractor to do the new addition, and he left the building without adequate drainage off the roof. The new fire line off the ditch enters the building right where the (scupper) off the entire roof drains into it. That's why the Fire Department connection isn't made because all of this dirt and excavation prevents them from doing any work. So the Fire Department goes out and checks the job and did not see any pipes in the ditch. Mr. Osborne said that under most conditions anyone who has any experience with this would look on the inside and realize that the pipe is there and it is going up but it is buried in mud. Mr. Osborne said that if the weather cooperates he wants to get in and complete the job and get his money.

In response to Mr. Holmes' question, Mr. Osborne read the letter from Mr. Hollinger dated April 13, 1979. He thinks that Mr. Hollinger just overlooked the fact that Mr. Osborne did follow the procedures. He also feels there has been a lot of pressure exerted against the owner of the bowling alley and he thinks that the Fire Department has indicated by their hastiness and prejudging by looking into a ditch that nothing was being accomplished. Mr.

Osborne said the entire system has been there, completely installed, for review for two months. Even the Fire Department main drain valve. The alarm is not in which is a very minor thing and is installed the very last thing.

Mr. Osborne stated that he believes he can have the system completed, tested, and ready for operation by the second of May. Councilman O'Dwyer reiterated that he would like to close the books on this project.

Councilman Holmes suggested that City Manager Jim Wysocki and Conni McDonough investigate this letter in the company of Mr. Osborne and Mr. Hollinger and arrive at a determination of some unanswered things as reflected by the letter, and that it be clarified and such a fiasco as this whole thing has been from the beginning not deal out to happen again.

Mr. Mumby stated they have had every cooperation from City Staff. That, in fact, Mr. Osborne's appearance tonight was at the suggestion of the Fire Chief.

RESOLUTION OF FINDINGS AND DECISION REGARDING APPLICATION BY MALONEYS TO MOVE RETAIL LIQUOR STORE LICENSE FROM 716 HORIZON DRIVE TO 715 HORIZON DRIVE, AND TRADE NAME CHANGE FROM RAMADA LIQUOR TO HORIZON LIQUOR APPROVED

The following Resolution was read:

RESOLUTION

OF DECISION ON APPLICATION TO CHANGE THE LOCATION OF A RETAIL LIQUOR STORE LICENSE FROM 716 HORIZON DRIVE TO 715 HORIZON DRIVE, GRAND JUNCTION.

A public hearing having been held on April 4, 1979, on the application of John W. Maloney, Jr. and Eleanor Maloney for a change in location of their Retail Liquor Store License from 716 Horizon Drive to 715 Horizon Drive, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was held after proper notice under the Liquor Code.
2. That the survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet in that 315 persons so stated while 23 felt the needs were being met by the other outlets. The applicants filed a petition signed by 32 people supporting their application to move their license.
3. That no one appeared at the hearing in opposition to the change of location of the license and no petitions or letters of disapproval were received by the City Council.

4. That the characters of the applicants are good as determined through a check by the Police Department and through letters attesting to their good characters.

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 location be changed.

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

That a change of location of a Retail Liquor Store License be granted to John W. Maloney, Jr. and Eleanor Maloney.

PASSED and ADOPTED this 18th day of April, 1979.

President of the Council

Attest:

City Clerk

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

Roll call vote: AYES: DUNN, O'DWYER, BROWN, QUIMBY, JOHNSON

NOES: HOLMES

RESOLUTION OF FINDINGS AND DECISION REGARDING APPLICATION BY ZAPAR, INC. DBA THE ORE HOUSE, 759 HORIZON DRIVE, FOR HOTEL-RESTAURANT LIQUOR LICENSE - APPROVED

The following Resolution was read:

RESOLUTION

OF DECISION ON APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE FOR THE ORE HOUSE RESTAURANT AT 759 HORIZON DRIVE, GRAND JUNCTION, COLORADO.

A public hearing having been held on Apr 1979, on the application by Zapar, Inc., for a Hotel and Restaurant Liquor License for the Ore House Restaurant at 759 Horizon Drive, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was held after proper notice under the Liquor

Code.

2. That the survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet in that 312 persons so stated while 46 felt the needs were being met by the other outlets.

3. That no one appeared at the hearing in opposition to the granting of the license and no petitions or letters of disapproval were received by the City Council.

4. That the character of the Applicant is good as determined by a check done by the Police Department of the officers of the corporation and through letters attesting to their good characters.

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.

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

That a Hotel and Restaurant Liquor License issue to Zapar, Inc. for the Ore Hotel Restaurant at 759 Horizon Drive, Grand Junction, Colorado.

PASSED and ADOPTED this 18th day of April, 1979.

President of the Council

Attest:

City Clerk

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

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

NOES: HOLMES, O'DWYER.

HEARING - APPLICATION BY RICHARD L. DIAZ FOR HOTEL-RESTAURANT LIQUOR LICENSE AT JEREMIAH'S, 209 COLORADO AVENUE

A hearing was held on the above item after proper notice. The following report was read:

Filed on March 6, 1979, and accepted was the application by Richard L. Diaz for hotel-restaurant liquor license to be located at Jeremiah's, 209 Colorado Avenue.

The sign giving Notice of Hearing was posted Friday, April 6, 1979, and the display ad giving Notice of Hearing was published in The Daily Sentinel on Friday, April 6, 1979.

A survey was conducted of the area bounded by White Avenue on the north, 5th Street on the east, South Avenue on the south, and the railroad right of way and Rice Street on the west. 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. 278

(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. 84

(3) Neutral 6

The Police Department report: Mr. Diaz is clear NCIC/CCIC and local files. Teletypes have been sent to all areas of former residency and all have returned clear of any record. A fingerprint card was mailed to authorities and has been returned with no record noted.

The Fire Department report: Remodeling has been started, but as of this date (April 16, 1979) not completed. The following items must be complied with:

(1) Automatic Fire extinguisher system for hood, duct work, and cooking surfaces;

(2) Provide one 10 lb. B.C. portable fire extinguisher;

(3) Occupant load not to exceed that permitted by the Fire Code, or in no case more than 49 persons, due to lack of required exits.

Meet Building, Fire and National Electric Codes.

Health Department Report: In reviewing the plans to remodel former Kings II Restaurant, 209 Colorado Avenue, the following items were discussed:

(1) The kitchen walls and ceiling now have a knock down texture. These surfaces shall be effectively sealed and painted so as to provide a perfectly smooth, non-absorbent, light colored, easily cleanable surface;

(2) The floors in the kitchen and bar area shall be replaced with a smooth, non-absorbent, easily cleanable surface (i.e. vinyl);

(3) All exposed construction throughout the establishment shall be properly finished;

(4) A utility or mop sink shall be installed. If in an enclosed room, the room shall be effectively vented;

(5) The restroom shall be installed as indicated on the plans. The floors, walls and ceiling shall be a smooth and easily cleanable surface. The restrooms shall be properly vented and have self-closing doors. The toilet seats shall be open front design;

(6) The dry storage room shall be thoroughly repaired so as to provide smooth and easily cleanable surfaces. The roof shall be repaired so that it does not leak. This room shall be properly and effectively sealed from outside so as to prevent the entrance of rodents, insects, dust and other sources of contamination;

(7) A three vat sink shall be installed;

(8) If an automatic dishwasher is to be installed, specs shall be submitted to this office;

(9) A hand sink shall be installed so that it is easily accessible to the food prep area;

(10) A screen door shall be installed on the back door;

(11) The roof shall be effectively repaired so that it does not leak;

(12) All cracks, crevices and openings to the outside throughout the establishment, shall be effectively sealed so as to prevent the entrance and harborage of insects and rodents.

(13) Prior to opening, the establishment shall be cleaned and sanitized thoroughly.

(14) Prior to opening, all equipment and utensils shall be cleaned and sanitized thoroughly;

(15) All employees shall obtain a Mesa County Food Handler's card prior to opening.

The above mentioned items shall be complete before the establishment will be issued a license to operate. The map showing similar type outlets was reviewed. Similar type outlets within the survey area: 9. Five outside the survey area. Mr. Richard L. Diaz, 220 South 1st Street, was present for the hearing. No letters, no opponents, no counterpetitions.

A Resolution of findings and decision scheduled May 2, 1979.

HEARING - APPLICATION BY CARL J. FELTS AND FRANK CHILDS DBA C & F FOOD STORES, 859 PITKIN AVENUE, FOR 3.2% BEER LICENSE, SALES FOR

CONSUMPTION OFF-PREMISE

A hearing on the above item was held after proper notice. The following report was read:

Filed on March 13, 1979, and accepted was the application by Carl J. Felts and Frank Childs for 3.2% Fermented Malt Beverage License to permit sales in sealed containers for off-premise consumption at C & F Food Stores, 859 Pitkin Avenue.

The sign giving Notice of Hearing was posted on the property Friday, April 6, and the display ad giving Notice of Hearing was published in The Daily Sentinel Friday, April 6, 1979.

A survey was conducted of the area bounded by 6th Street on the west, Main Street on the north, 12th Street on the east, and Second Avenue on the south. 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. 130

(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. 36

(3) No opinion. 9

(4) Refused 12

(5) Moving 2

The Police Department report advises that: CARL JEROME FELTS and FRANK CHILDS are clear NCIC/CCIC and local files. Teletypes were sent to all areas of prior residency and all indicate no prior record found. Fingerprint cards were mailed April 4, 1979, with no return to date.

Similar type outlets: one within the survey area. One approximately 5 blocks west. The map showing similar type outlets was reviewed.

Mr. Felts was present for the hearing. Since the convenience store will be open 24 hours a day, Mr. Felts stated he has ordered coolers with locks for those three compartments. Mr. Felts further stated that if beer bottles or cans pollute the area and it appears it is generated from his establishment, he would have no problem in joining with the City in cleaning up the area.

No opponents, no letters, no counterpetitions.

A Resolution of findings and decision is scheduled May 2, 1979.

BIDS - AWARD OF CONTRACT FOR SEWER REPLACEMENT PROJECT, 1979 -

CONE CONSTRUCTION RENEGOTIATED CONTRACT PRICE - \$26,143

Two bids were received and opened on Tuesday, April 17, at 2:00 p.m. on the above-listed project. Bidders were:

Cone Construction \$44,013

Daco Construction \$91,378

Engineer's Estimate \$30,957

The separate projects were reviewed. The Utility Engineer recommended that the 12-inch storm sewer line on 10th Street be eliminated from the contract by change order as Mr. Jensen felt that the price asked is out of line. This has been discussed with the contractor, and he is willing to accept the contract without that portion. Therefore, Mr. Jensen recommended award of contract to Cone Construction in the amount of \$26,143.

Moved by Councilman Brown: That the bids be accepted and that the contract be awarded to Cone Construction in the amount of \$26,143, and authorized the City Manager to sign. Seconded by Councilman Holmes.

Vote: AYES: Unanimous.

HEARING - REQUEST BY ARCTIC CIRCLE FOR RECONSIDERATION OF APPLICATION FOR CONDITIONAL USE TO PERMIT DRIVE-UP WINDOW AT 709 NORTH AVENUE

A hearing on this item was held after proper notice.

Councilman Larry Brown did not participate in the discussion or the vote on this item.

Don Warner noted that this site plan shows the elimination of the driveway on North Avenue close to 7th Street, angled the trash containers, and put the curb along the alley so people would not be backing into the alley.

Val Silins, attorney representing Mr. Mike Coyne, the owner of Arctic Circle, and Mr. Coyne were present. The present site plan was presented to the City Planning Commission for an informal review. Mr. Silins reviewed the changes that have been made on this site plan and the advantages these changes reflect:

- (1) The closure of the curb cut closest to 7th Street;
- (2) No curb cuts on the west side of the property along 7th Street;
- (3) Specific alterations to the N-S alley running along the east side of the property. Enlargement of the alley to a full 22-foot width by dedicating an additional 7 feet of Arctic Circle property

to the alley. Enlarged the N-S alley curb cut onto North Avenue to a full 29 feet in width. That curb cut has been angled to permit easier right turns from North Avenue onto the property without interrupting the flow of traffic through that intersection. They have inserted a curb cut median to better channel and direct the incoming and outgoing traffic and prevent it from interfering with each other. Plans are to put a white median line down the middle of that 22-foot alley plus to paint on directional arrows to ease the channelization of the traffic through the property.

Mr. Silins stated that he believes the cumulative advantages of what they have done on the east side of the property is that they now have a larger and wider alley which can better accommodate the traffic flow, and it can be used to satisfy both properties, both the Dairy Queen and the Arctic Circle properties. He feels it is a design that he thinks lessens the interruption of traffic on North Avenue and it also presents a more efficient channelization of traffic on their own property.

They have also enlarged the E-W alley along the south side of the property to a full 22 foot width by the dedication of additional Arctic Circle property. Again, the belief is that this enlarged alley will handle any traffic which comes out past the window and makes a right hand turn onto the N-S alley and then makes another right hand turn onto the N-S alley and then makes another right hand turn on the E-W alley to exit by way of 7th Street. Mr. Silins stated they will do everything they can do to encourage exiting traffic to go either by means of that E-W alley out to 7th where they will have an angled curb cut to permit easier merging traffic onto the northbound part of 7th, or they will suggest that they go north onto North Avenue along the N-S alley. A white median and directional arrows will also be painted on that E-W alley. On behalf of Arctic Circle, they are ready and willing to offer to participate in a median along 7th between North Avenue and the block on the south. They feel this would be very beneficial by eliminating any southbound traffic on 7th from turning into the E-W alley which is south of Arctic Circle property. He outlined internal changes on the property to permit greater stacking of cars, anywhere from 10 to 12 cars; employee parking area; and angling of the trash bin.

He commented on the issue of "a public need" for this type of facility that was raised during a previous discussion on this item. He presented some statistics which indicated the number of take-out customers. Mr. Silins said they would like to maintain this number of customers, and the drive-up window will help them to maintain that business.

Council expressed concern with the way the parking is arranged for Dairy Queen. The applicant indicated that the owner of Dairy Queen has not had the opportunity to review the site plans.

Mr. Silins stated that Mr. Coyne is willing to participate up to \$1000 for the construction of the median on 7th Street.

Councilman O'Dwyer said that he has some problems with this site plan although it is an improvement over the previous one. He quoted the first two definitions of the conditional use:

1. The apparent community need for the use; and
2. The suitability of the location for the use.

He submitted that people turning off North Avenue are going to obstruct the moving traffic through the intersection at 7th and North Avenue at certain given hours.

After discussion, it was moved by Councilman Holmes: That the site plan be sent back to the Planning Commission for current review and comments, and to recommend that the petitioner touch base with the Dairy Queen proprietor and CM&H Tire Company. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

Councilman Brown reassumed his chair.

HEARING - REZONE FROM R-2 (COUNTY) TO PD-12 (CITY) AND PRELIMINARY DEVELOPMENT PLAN - S OF HORIZON DRIVE, W OF LAKESIDE - PETITIONER: MICHAEL BENSON - PROPOSED ORDINANCE (WEST LAKESIDE ANNEXATION)

A hearing on the above item was held after proper notice. The Planning and Staff comments were reviewed. Mr. Benson was present for the hearing. No opponents, no letters, 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 OF CERTAIN LANDS WITHIN THE CITY. Moved by Councilman Holmes: That the proposed ordinance be passed for publication. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

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

Vote: AYES: Unanimous.

HEARING - PRELIMINARY PLAN, BRAWLEY SUBDIVISION, NE CORNER OF 28 1/2 ROAD AND I-70 BUSINESS LOOP - PETITIONER: ESTATE OF R F. BRAWLEY C/O D. JORDAN - 8-LOT SUBDIVISION

A hearing was held on the above item after proper notice. Planning and Staff comments were reviewed. Don Jordan was present for the hearing. No letters, no opponents, no counterpetitions.

Moved by Councilman O'Dwyer: That the preliminary plan for Brawley Subdivision be approved subject to conditions of the Planning Commission. Seconded by Councilman Holmes.

Vote: AYES: Unanimous.

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

HEARING - PRELIMINARY DEVELOPMENT PLAN FOR NISLEY APARTMENTS, NE CORNER OF 28 1/2 ROAD AND ELM AVENUE - PETITIONER: FRANK NISLEY

A hearing on the above item was held after proper notice. The Planning and Staff comments were reviewed. Mr. Warner advised that the rezone was advertised as PD-20 but will have to be readvertized as PD-B and the rezoning will come back to Council at final. Tom Logue, Paragon Engineering, was present representing Mr. Nisley. No opponents, no letters, no counterpetitions.

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

Vote: AYES: Unanimous.

HEARING - PLANNED DEVELOPMENT FINAL PLAN AND PLAT FOR PHEASANT RUN TOWNHOMES, NE CORNER OF PATTERSON ROAD AND 28 ROAD - PETITIONER: PAUL BARRU

A hearing on the above item was held after proper notice. Planning and Staff comments were reviewed. Tom Logue, Parragon Engineering, was present representing the petitioner. He stated that the main thing to be resolved tonight is what shall be done with F Road. Mr. Logue stated that as far as he knows a grade has not been established for F Road. He suggested that a proposal be made to describe the limits of the project in a form that can be bid by bidders acceptable to the City of Grand Junction and the City Engineering Office, and the amount be based on their bid to complete that work and the amount be placed with the City for its use at such time as improvements to F Road are done. Consensus of Council was to go along with the suggestion.

Mr. Logue indicated that the internal streets, loop road, and drives will be private in nature and their maintenance will be guaranteed through a Homeowner's Association.

No opponents, no letters, no counterpetitions.

Moved by Councilman Dunn: That the Planned Development Final Plan and Plat for Pheasant Run Townhomes be approved subject to the conditions of the Planning Commission. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

HEARING - PLANNED DEVELOPMENT FINAL PLAN AND PLAT - CRESTVIEW,
PHASE I, BETWEEN 15TH STREET AND 27 1/2 ROAD - PETITIONER: HENRY
FAUSSONE

A hearing on the above item was held after proper notice. Planning and Staff comments were reviewed. Henry Faussone was present represented by John Quest. No opponents, no letters, no counterpetitions.

Discussion was held regarding the Homeowner's Association Agreements.

Moved by Councilman Holmes: That the Planned Development Final Plan and Plat for Crestview, Phase I, be approved subject to conditions of the Planning Commission. Seconded by Councilwoman Quimby.

Vote: AYES: Unanimous.

Moved by Councilman Brown: That henceforth the developments that close the homeowners' organization and certain responsibilities to be carried out by them that those be listed on the review sheets. Seconded by Councilman O'Dwyer.

Mr. Stanley Anderson stated that each homeowners agreement will be different.

Councilman Brown stated that he is not interested in all the things a homeowners group may do. He is only interested in these cases where the City says something must be done and the response is that the homeowners group will do it. Very simple. No documents.

Vote: AYES: Unanimous.

RESOLUTION OF FINDINGS AND DECISION FOR CONDITIONAL USE TO PERMIT
CHIROPRACTIC OFFICE IN R-1-3 MULTI-FAMILY RESIDENTIAL ZONE, SW
CORNER 27TH STREET AND GRAND AVENUE - APPROVED

The following Resolution was read:

RESOLUTION

GRANTING A CONDITIONAL USE FOR BROWN

WHEREAS, Gerald Brown and Marlene Brown have petitioned the City of Grand Junction for a conditional use for a chiropractic office in an R-3 zone of the City on the land described as follows:

Beginning at a point 150 feet West and 30 feet South of the East Quarter Corner of Section 13, Township 1 South, Range 1 West, Ute Meridian, thence South 112.5 feet, thence West 120 feet, thence North 112.5 feet, thence East 120 feet to the point of beginning;

and

WHEREAS, after a hearing on the 4th day of April, 1979, the City Council has found and does hereby find that such conditional use would be in the public interest subject to certain conditions being met;

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

That the application of Gerald Brown and Marlene Brown for a conditional use for a chiropractic office on the above described land be approved subject to the following conditions:

1. The Petitioners shall dedicate an additional 20 feet of right of way on Grand Avenue.
2. Power of Attorney shall be obtained for curb, gutter and sidewalk on Grand Avenue for that time when an improvement district is formed.
3. Driveway should be swaled to permit roadside drainage without ponding.
4. Any lighting of the premises shall be of the low-level variety to avoid interfering with neighboring property.
5. Landscaping shall be reviewed by the Parks Department to permit determination as to the suitability of the plants for the climate.
6. Fencing to be provided as specified on the plan submitted with the application.

PASSED and ADOPTED this 18th day of April, 1979.

President of the Council

Attest:

City Clerk

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

Roll call vote: AYES: Unanimous.

RESOLUTION OF FINDINGS AND DECISION FOR CONDITIONAL USE TO PERMIT DAY CARE FACILITY IN R-1-C SINGLE-FAMILY RESIDENTIAL AT 530 28 3/4 ROAD - APPROVED

The following Resolution was read:

RESOLUTION

GRANTING A CONDITIONAL USE FOR KNIGHT

WHEREAS, Larry Knight and Patricia Knight have petitioned the City of Grand Junction for a conditional use for a day care center in an R-1-C zone of the City on the land described as follows:

Beginning at the Southwest Corner of Lot 9, Block 2, Lamm Subdivision, thence North 89° 41' West 207.5 feet, thence North 190.0 feet, thence South 89° 41' East 207.5 feet, thence South 190.0 feet to the point of beginning;

and

WHEREAS, after a hearing on the 4th day of April, 1979, the Council has found and does hereby find that such conditional use would be in the public interest with the application of certain conditions;

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

That the application of Larry Knight and Patricia Knight for a conditional use for a day care center on the within described land be approved subject to the following conditions:

1. Power of Attorney shall be given for full one-half street improvements, this including curb, gutter and sidewalk for Elm Street and 28 3/4 Road.
2. An additional 8 feet of right of way must be dedicated on 28 3/4 Road.
3. Any drive-up parking shall be engineered into the design of the road which it affects.
4. As the character of the area in which the use is proposed is essentially residential, the use shall be conducted in a manner to preserve that residential character.

PASSED and ADOPTED this 18th day of April, 1979.

President of the Council

Attest:

City Clerk

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

Roll call vote: AYES: Unanimous.

DECISION ON JONES-SCHINDEL PRELIMINARY DEVELOPMENT PLAN AND ZONING
JONES-SCHINDEL ANNEXATION PD-8, SE CORNER OF 27 1/2 ROAD AND G
ROAD - PROPOSED ORDINANCE (ALSO KNOWN AS CROWN HEIGHTS
SUBDIVISION)

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 Brown: That the proposed ordinance be passed for publication. Seconded by Councilman Holmes.

Vote: AYES: Unanimous.

Mr. Ashby stated there is some question of what is to be done with one lot since, if the clear zone is extended because of the extension of Runway 4/22 to the south, this becomes affected. It has been agreed by the owners and by the developer that this land will carry an avigation easement, so that is not a particular problem at the moment. Mr. Ashby asked the developer tonight if he would consent to not developing three lots for a short period of time until the Council and others who are involved in this particular question can get together and make a determination about what ought to be the outcome of certain lands. The developer has agreed to this. Mr. Ashby stated he would propose that the developer not be held up for more than sixty days at the outside. Therefore, he would recommend that if Council is ready to approve the plan generally that it do so with the proviso that these three lots be held off for a reasonable period of time and that the avigation easement be a part of the preliminary plan.

Moved by Councilman Brown: That the preliminary development plan for Jones-Schindel Crown Heights Subdivision be approved subject to an avigation easement and subject to leaving the three stipulated lots vacant for a period of sixty (60) days and subject to all the conditions of the Planning Commission. Seconded by Councilman Dunn.

Vote: AYES: Unanimous.

ORDINANCE NO. 1810 - REGULATING THE DEPOSITING OF REFUSE

Proof of Publication to following entitled proposed ordinance was presented: AN ORDINANCE REGULATING THE DEPOSITING OF REFUSE. Moved by Councilman Brown: 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 O'Dwyer: That the Ordinance be passed, adopted, numbered 1810, and ordered published. Seconded by Councilman Holmes.

Roll call vote: AYES: Unanimous.

DECISION ON 11TH STREET IN RELATION TO HOUSING AUTHORITY PROPERTY

Moved by Councilman Holmes: That Council designate the necessary right of way to make 11th Street (or College Place) go through as a street to the south of the Housing Authority project. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

PROPOSED ORDINANCE AUTHORIZING ISSUANCE OF INDUSTRIAL REVENUE BONDS REGARDING COLUMBINE VILLAGE

The title only of the following proposed ordinance was read: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF CITY OF GRAND JUNCTION, COUNTY OF MEAS, STATE OF COLORADO, ECONOMIC DEVELOPMENT REVENUE BONDS (COLUMBINE VILLAGE PROJECT) SERIES 1979, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$7,000,000 FOR THE PURPOSE OF LOANING FUNDS TO COLUMBINE VILLAGE FOR THE ACQUISITION OF A NURSING HOME AND THE CONSTRUCTION OF A LIFE CARE CENTER ADDITION TO THE NURSING HOME IN GRAND JUNCTION, COLORADO; APPROVING AND AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN COLUMBINE VILLAGE AND THE CITY AND A MORTGAGE AND INDENTURE OF TRUST AMONG COLUMBINE VILLAGE, THE CITY AND A TRUSTEE, BOTH RELATING TO SAID PROJECT; AND AUTHORIZING THE PREPARATION OF CERTAIN RELATED DOCUMENTS AND INSTRUMENTS.

Moved by Councilman Brown: That the proposed ordinance be passed for publication. Seconded by Councilwoman Quimby.

Vote: AYES: Unanimous.

SEWER SERVICE AGREEMENTS APPROVED FOR TIDEWATER AND REECE

Moved by Councilman Dunn: That the Sewer Service Agreements with Tidewater and Reece be approved and authorized the City Manager to sign said Agreements. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

OIL AND GAS LEASE FOR EXPLORATION ON CITY PROPERTY - BERIN

CORPORATION - 673.5 ACRES IN KANNAH CREEK AREA (JAMES A. ERICKSON)

Moved by Councilman Brown: That the Oil and Gas Lease with Berin Corporation be approved and authorized the City Manager to sign subject to research of the conditions of the previous lease and where there are provisions to the City's benefit not in this lease that they be included and that this lease show adequate courtesy being shown the other lessees in the area. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

MEETINGS

Air Quality Advisory Committee Meeting at lunch tomorrow.

Senator Gary Hart in Grand Junction Friday, 3:00 p.m., in Council Chambers.

Senator William Armstrong in Civic Auditorium Saturday.

LETTER OF APPRECIATION TO BE SENT TO COUNTY COMMISSIONER ERROL SNIDER

Councilwoman Quimby felt it would be appropriate to send a letter of appreciation to County Commissioner Errol Snider for his service to the community.

BROKEN BEER BOTTLES AND REFUSE

Councilman Holmes urged the Administration to urge the law enforcement and other agencies to implement a crackdown on broken beer bottles and other refuse being tossed out in the City. President Johnson and Councilman Brown agreed that enforcement is difficult as the person doing the littering must be caught in the act. Felt that it must be achieved by a community civic pride.

BARBARA DIANE BROWN

Councilman Brown reported that beautiful Barbara Diane Brown arrived April 15, 1979, weighing in at 8 lbs. 11 oz. He also stated there may have been younger councilmen in the City's almost one hundred year history, but that there have been none more productive. He knows of no others who have had two kids in one four-year term.

JUNIOR OLYMPICS ON MAY 2

Councilman Dunn reported he attended the Recreation Board Meeting today, and that a Junior Olympics will be held on May 2.

A Resolution was passed to ban parking on the loop in Lincoln Park.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk