

Grand Junction, Colorado

May 16, 1979

The City Council of the City of Grand Junction, Colorado, convened in regular session the 16th day of May, 1979, at 7:30 p.m. in the Council Chambers at City Hall. Those present were Council members Louis Brach, Frank Dunn, Dale Hollingsworth, Robert Holmes, Bill O'Dwyer, Jane Quimby, 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 May 2, 1979, were approved as submitted.

ELECTION OF PRESIDENT OF THE COUNCIL EX-OFFICIO MAYOR AND PRESIDENT PRO-TEMPORE - OATHS OF OFFICE

Council President Johnson opened nominations for the Office of President of the City Council.

Moved by Councilman O'Dwyer: That Jane Quimby be nominated as Council President. Seconded by Councilman Holmes.

Vote: AYES: Unanimous.

Moved by Councilman O'Dwyer: That the nominations close and that Jane S. Quimby be elected by acclamation. Seconded by Councilman Holmes.

Vote: AYES: Unanimous.

The Oath of Office was administered to Jane S. Quimby.

Moved by Councilman Brach: That Bill O'Dwyer be nominated as Council President Pro-Tempore. Seconded by Councilman Hollingsworth.

Vote: AYES: Unanimous.

Moved by Councilman Johnson: That the nominations close and that William G. O'Dwyer be elected by acclamation. Seconded by Councilman Hollingsworth.

Vote: AYES: Unanimous.

The Oath of Office was administered to William G. O'Dwyer.

REORGANIZATION OF COUNCIL

The following members of Council were appointed to the various

Boards and Committees:

ComAct Housing - Frank Dunn
Colorado Municipal League - Advisory Committee:
Policy Committee: Karl Johnson
Downtown Development Authority (DDA) - Karl Johnson
Dominquez Dam Project - Louis Brach
Employees Supplemental Retirement Board - Frank Dunn
Energy Impact Assistance Team - Dale Hollingsworth
Fire Pension Board (Pres of Council) - Jane Quimby
Grand Junction, Colorado, Housing Authority - Karl Johnson
Park Improvement Advisory Board (PIAB) - Bill O'Dwyer
Planning Revision Program - Jane Quimby
Recreation Board - Frank Dunn
Valley Wide Sewer Committee - Bill O'Dwyer
Walker Field, Colorado, Public Airport Authority (3) - Bill
O'Dwyer
Dale Hollingsworth
Bob Holmes
Executive Board of Colorado Municipal League - Jane Quimby
Governor's Energy Impact Committee - Jane Quimby
Region IX Council of Governments -

RESOLUTION NAMING A PARK ON ORCHARD MESA THE JOHN W. BURKEY PARK -
APPROVED

The following Resolution was presented and read:

RESOLUTION

NAMING A PARK WITHIN THE CITY OF GRAND JUNCTION.

WHEREAS, the City Council believes that the long public service and the contribution to his community of John W. Burkey should be remembered in some permanent fashion;

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

That the parklands located on Orchard Mesa in the East 15 acres of the Northeast Quarter of the Northwest Quarter of Section 31, Township 1 South, Range 1 West of the Ute Meridian be hereafter known as JOHN W. BURKEY PARK.

PASSED and ADOPTED this 16th day of May, 1979.

President of the Council

Attest:

City Clerk

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

Roll call vote: AYES: Unanimous.

RESOLUTION OF APPOINTMENTS TO WALKER FIELD, COLORADO, AIRPORT
AUTHORITY - WILLIAM G. O'DWYER AND DALE HOLLINGSWORTH - APPROVED

The following Resolution was presented and read:

RESOLUTION

FILLING TWO VACANCIES ON THE BOARD OF WALKER FIELD, COLORADO,
PUBLIC AIRPORT AUTHORITY.

WHEREAS, two vacancies exist on the Walker Field, Colorado, Public
Airport Authority Board from the City Council of the City of Grand
Junction; and

WHEREAS, the President of the Council has proposed the names of
William O'Dwyer and Dale Hollingsworth to fill the said vacancies;
and

WHEREAS, the said William O'Dwyer and Dale Hollingsworth are
holding offices as Councilman for the City of Grand Junction as of
May 16, 1979, and are, pursuant to statutes and by-laws of the
said Authority, residents of the City of Grand Junction and
taxpaying electors as defined in Section 1-1-104(28) C.R.S., 1973,
(C.R.S. 1963 49-1-4(6)) and by-laws of said Authority, Article
III, Section 2;

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

That commencing as of May 16, 1979, William O'Dwyer and Dale
Hollingsworth are appointed as Commissioners to the Board of
Commissioners of the Walker Field, Colorado, Public Airport
Authority for a term of four years or until the said term expires
or is continued by operation of law or by the by-laws of the said
Airport Authority.

PASSED and ADOPTED this 16th day of May, 1979.

President of the Council

Attest:

City Clerk

Moved by Councilman Johnson: That the Resolution be passed and adopted as read. Seconded by Councilman Brach.

Roll call vote: AYES: Unanimous.

VACANCIES ON BOARD OF ADJUSTMENT AND APPEALS AND ON CONTRACTORS' LICENSING BOARD

President Quimby requested names of interested persons for filling recent vacancies on the Board of Adjustment and Appeals and Contractors' Licensing Board. Appointments will be made as soon as the names of interested persons are received.

EXTENSION OF LEASE FOR ACE KINDERGARTEN BUILDING, 134 WEST AVENUE, FOR RIVERSIDE HEAD START PROGRAM - 3 YEARS

Moved by Councilman Dunn: That the Lease for the ACE Kindergarten Building, 134 West Avenue, for the Riverside Head Start Program, be extended for a period of three years. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

LIQUOR - APPLICATION FOR HOTEL - RESTAURANT LIQUOR LICENSE - CHANGE OF OWNERSHIP AFFECTING JUNCT'N SQUARE, 119 NORTH 7TH STREET - APPROVED

Considered was the application by Raymond Earl Stevenson and Eric E. Loeb for a hotel-restaurant liquor license for Junct'n Square, 119 North 7th Street, presently owned by Raymond Earl Stevenson. Health Department Report: A recent inspection of Junct'n Square revealed no serious health violations. Fire Department Report: On May 3rd, a reinspection of Junct'n Square was made and found all items listed on the inspection of March 22nd had been completed. Police Department Report: A check has been made of local files and through the FBI to update our report on Raymond Earl Stevenson. Nothing of a derogatory nature was noted concerning his actions or activities. A check was made of local files and also through CCIC/NCIC. Nothing of a derogatory nature was noted concerning Eric E. Loeb. Teletypes were sent to locations of prior residency. All were returned clear of any wants, warrants, or recorded criminal history. Mr. Loeb's fingerprint card has been mailed to authorize with no return to date. A print card on Mr. Stevenson had previously cleared through FBI/CBI authorities.

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

Vote: AYES: BRACH, DUNN, HOLLINGSWORTH, HOLMES, O'DWYER, QUIMBY
NOES: HOLMES.

CITY CLERK'S CERTIFICATE REGARDING EXAMINATION OF PETITION

OPPOSING THE PASSAGE OF ORDINANCE NO. 1809, AN ORDINANCE
ESTABLISHING A TAX ON PROPERTY TRANSFERS FOR PARK PURPOSES -
ORDINANCE REPEALED

The following Certification was presented and read:

STATE OF COLORADO)
COUNTY OF MESA) ss
CITY OF GRAND JUNCTION)

I, Neva B. Lockhart, City Clerk of the City of Grand Junction, Colorado, do hereby certify that:

1. Upon examination of the abstract of votes cast in the City for all candidates for Governor of the State of Colorado in November, 1978, found that 8,651 votes were cast;
2. Upon examination of the petition filed May 2, 1979, protesting passage of Ordinance No. 1809, an Ordinance Establishing a Tax on Property Transfers for Park Purposes, found that it was signed by 1,003 registered City electors;
3. The petition has been signed by the requisite ten per centum of qualified electors required by Article XVI, Section 136, of the City Charter.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Grand Junction, Colorado, this 8th day of May, 1979.

/s/Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk

Moved by Councilman O'Dwyer: That Council accept the certification Regarding Examination of Petition Opposing the Passage of Ordinance No. 1809, an Ordinance Establishing a Tax on Property Transfers for Park Purposes. Seconded by Councilman Johnson.

Vote: AYES: Unanimous.

HEARING - ZONING ORDINANCE TEXT CHANGE DELETING USE CATEGORY 5.6
SPECIFYING USED GOODS BUSINESSES AND ZONING TEXT CHANGE BY
ADDITION TO PARAGRAPH (f), SECTION 1, TIME LIMITATION FOR APPEALS
FROM PLANNING COMMISSION ACTION AND AMENDING PARAGRAPH h, SECTION
10, OVERRIDING VOTE - PROPOSED ORDINANCE PASSED FOR PUBLICATION

A hearing on the above item was held after proper notice. Proposed changes were reviewed by Senior Planner Karl Metzner. No letters, no opponents, no counterpetitions.

Moved by Councilman Holmes: That the Ordinance Zoning Text Change to Sections 3.b.(5), 3.b.(6) and 3.g.(5a) be sent back to the

Planning Commission for further review. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF GRAND JUNCTION. Moved by Councilman Johnson: That the proposed ordinance be passed for publication. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

HEARING - PRELIMINARY SUBDIVISION PLAN, LITTLE BOOKCLIFF, LOCATED E OF LITTLE BOOKCLIFF DRIVE, S OR GRAND VALLEY CANAL, N OF BOOKCLIFF AVENUE - PETITIONER: KSSSMM INVESTMENTS

A hearing on the above item was held after proper notice. Mr. Frank Wagner, representing KSSSMM Investments, the petitioner, was present. No opponents, no letters, no counterpetitions.

Moved by Councilman O'Dwyer: That the Preliminary Subdivision Plan for Little Bookcliff be approved subject to the Staff comments and conditions of the Planning Commission. Seconded by Councilman Dunn.

Vote: AYES: Unanimous.

HEARING - FINAL SUBDIVISION PLAT, WRIGHT, LOCATED N OF CHEYENNE DRIVE, APPROX 250 FEET W OR ACOMA COURT - PETITIONERS: WILLIAM AND DONNA WRIGHT

A hearing on the above item was held after proper notice. William and Donna Wright, petitioners, were present. No opponents, no letters, no counterpetitions.

Moved by Councilman Dunn: That the Final Subdivision Plat of Wright Subdivision, be approved subject to the condition of the Planning Commission. Seconded by Councilman Johnson.

Vote: AYES: Unanimous.

HEARING - REZONE FROM R-1-D TO PD-B AND FINAL PLAN AND PLAT FOR NISLEY APARTMENTS LOCATED ON NW CORNER OF 28-1/2 ROAD AND ELM AVENUE - PROPOSED ORDINANCE

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

The following entitled proposed ordinance was presented and 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 Johnson.

Vote: AYES: Unanimous.

Moved by Councilman Johnson: That the Final Plan and Plat for Nisley Apartments be approved subject to the conditions of the Planning Commission. Seconded by Councilman Brach.

Vote: AYES: Unanimous.

HEARING - ZONING TEXT CHANGE, AMENDMENT TO PLANNED DEVELOPMENT REGULATIONS DELETING A PROJECT TWO-ACRE MINIMUM AREA REQUIREMENTS, REVISING SYSTEM OF IDENTIFYING THE TYPE AND DENSITY, REORGANIZATION AND CLARIFICATION OF LANGUAGE AND REQUIREMENTS, AND ADDITION OF POSSIBLE USES - PROPOSED ORDINANCE

A hearing on the above item was held after proper notice. Senior Planner Karl Metzner reviewed the proposed text change. No opponents, no letters, no counterpetitions.

The title only of the following proposed ordinance was read: AN ORDINANCE REPEALING AND REENACTING THE PLANNED DEVELOPMENT SECTION OF THE CITY ZONING ORDINANCE. Moved by Councilman Johnson: That the proposed ordinance be passed for publication in pamphlet form. Seconded by Councilman Brach.

Vote: AYES: Unanimous.

PETITION FOR WALKER ANNEXATION, LOCATED N OF LAKESIDE DEVELOPMENT, E OF HORIZON DRIVE - RESOLUTION - PROPOSED ORDINANCE

Submitted for consideration was the petition signed by 100 percent of the property owners for annexation of Walker property. Accepted for filing.

The following Resolution was presented and read:

RESOLUTION

WHEREAS, on the 16th day of May, 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:

Beginning at a point from whence the Southeast Corner of the Southeast Quarter of the Northeast Quarter of Section 2, Township 1 South, Range 1 West of the Ute Meridian bears South 89° 59' East 528.0 feet, thence North 89° 59' West along the North line of the Lakeside Subdivision Filing No. 2 622.59 feet to the Easterly right of way of Horizon Drive, thence North 26° 31' 30" East along said Easterly right of way 285.9 feet, thence North 36° 21' 30" East 92.62 feet to the North line of the South Quarter of the Southeast Quarter of the Northeast Quarter of said Section 2,

thence South 89° 56' 40" East 683.8 feet, said point bears North 89° 56' 40" West 283.92 feet from the East line of said Section 2, thence South 33° 21' 31" West 197.5 feet, thence North 89° 59' West 134.5 feet, thence South 00° 14' 40" West 165.0 feet to the Point of Beginning,

and

WHEREAS, the Council has found and determine and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; 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 16th day of May, 1979.

President of the Council

Attest:

City Clerk

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

Roll call vote: AYES: Unanimous.

The following entitled proposed ordinance was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION. Moved by Councilman O'Dwyer: That the proposed ordinance be passed for publication. Seconded by Councilman Johnson.

Vote: AYES: Unanimous.

DOWNTOWN DEVELOPMENT AUTHORITY DISCUSSION

The Downtown Development Authority has requested that City Council

enlarge the DDA from the present 7 member board to 11 members. A reminder to Council that to be a member of this board, one must be a resident, own property within the district of the Downtown Development Authority boundaries, or be a lessee.

Moved by Councilman Hollingsworth: That Council expand the Downtown Development Authority from the existing 7 members to 11 members, and encourage those that have a desire to do so to continue, and that Council seek out 4 additional members who meet the qualifications as prescribed in the law and who show a dedication and an interest in the program of the revitalization of the Downtown area, and that Council not appoint alternates, and that Council attempt to fill the broad spectrum of endeavors within the appointments of the 11 people, but not attempt to categorize as set forth for the 11 people; analyze names and make appointments at the June 6th meeting. Seconded by Councilman Johnson.

Vote: AYES: Unanimous.

WORK EMPLOYMENT PROGRAMS

City Manager Jim Wysocki discussed the CETA and Work Incentive programs. Last Fall during the budget sessions Mr. Wysocki was instructed not to seek funds for positions regarding these programs. He requested Council to reconsider the matter, and allow Staff to pursue employment program grants judiciously, and perhaps accomplish some jobs that would not otherwise be accomplished.

Moved by Councilman Johnson: That the City Manager be authorized to utilize the CETA Program and other similar programs for the types of work that are seasonal, part time, and that otherwise have not been budgeted to be accomplished, and that he keep Council apprised as to what he is doing in this field. Seconded by Councilman Brach.

Vote: AYES: JOHNSON, HOLLINGSWORTH, DUNN, BRACH, QUIMBY
NOES: HOLMES, O'DWYER.

DEVELOPMENT IN H.O. ZONE, ROCKY MOUNTAIN WATERSPORTS ADDITION - TO APPROVE STRUCTURE LOCATED ON SE CORNER OF CANNON AVENUE AND HIGHWAY 50 - PETITIONER: ANDREW PETERSON

Councilman O'Dwyer stepped down from his chair and did not participate in the discussion or vote on this matter.

The petitioner, Andrew Peterson, reported that Mr. James Robb, attorney representing the Snyders, Mr. Wysocki, Mr. Ashby, and Mr. Warner had met and resolved the situation with a decorative fence between the two properties.

Moved by Councilman Johnson: That the Development in H.O. Zone, Rocky Mountain Watersports Addition, be approved subject to the conditions of the Planning Commission and the agreement that has

been worked out, to date, a decorative screen fence will be erected between the Peterson Property and the Snyder Property. Seconded by Councilman Dunn.

Vote: AYES: Unanimous.

Councilman O'Dwyer reassumed his chair at this time.

STORAGE OF GASOLINE AND CHEMICALS

Councilman Holmes again emphasized the importance of not storing gasoline on private properties and commented that there are certain chemicals sold which should not be stored. Citizens should exercise caution.

REQUEST FROM GENE FILES FOR CONFIRMATION OF ALLEY VACATION

Councilman O'Dwyer read a letter from Mr. Gene Files requesting confirmation of the vacation of the alley between Lots 13 and 14 on 23rd Street. City Attorney Gerald Ashby directed that a certified copy of Ordinance No. 1791 vacating said alley be mailed to Mr. Files.

STATUS OF GASOLINE USAGE

Councilman Dunn questioned Jim Wysocki on the status of the City's gasoline usage. Mr. Wysocki stated that the City met its 80% limit for the month of March. Many good suggestions have been made by City employees and it was felt that some recognition should be given for outstanding recommendations.

BUILDING PERMITS

Councilman Dunn questioned whether the "tight money" situation has affected the issuance of building permits. Karl Metzner stated that most permits issued recently have received prior financing. Councilman Holmes stated that the removal of HAC funds is having the same effect as a moratorium on building.

RETREAT FORMS

Council President Quimby requested that all Council members get their retreat forms filled out as soon as possible so they can be sent in.

Councilwoman Quimby announced the May 22nd meeting with the County Commissioners will be at 7:30 p.m. The location of the meeting will be announced at a later date.

ADJOURNMENT

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

Vote: AYES: Unanimous.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk