

Grand Junction, Colorado

June 6, 1979

The City Council of the City of Grand Junction, Colorado, convened in regular session the 6th day of June, 1979, at 7:30 p.m. in the Council Chambers at City Hall. Those present were Council members Frank Dunn, Dale Hollingsworth, Robert Holmes, Karl Johnson, Bill O'Dwyer, and Jane Quimby, a quorum. Councilman Louis Brach was absent. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and Deputy City Clerk Teddy Martinez.

PLEDGE OF ALLEGIANCE

Those attending the City Council meeting were led in the Pledge of Allegiance to the United States Flag.

OPENING PRAYER

Councilman O'Dwyer led the audience in a word of prayer.

CALL TO ORDER

The meeting was called to order by Council President Quimby.

MINUTES

The Minutes of May 16, 1979, were corrected as follows: On Page 6 under the heading DOWNTOWN DEVELOPMENT AUTHORITY, Councilman Hollingsworth's motion should read "That Council expand the Downtown Development Authority from the existing 7 members up to 11 members ;ellipses;" in lieu of 7 members to 11 members. The Minutes were approved as corrected.

REQUEST NAMES FOR APPOINTMENTS TO RECREATION BOARD

President Quimby requested names of interested persons to serve on the Recreation Board. Council would like to make the appointments at the July 5, 1979, meeting.

APPOINTMENTS TO BOARD OF ADJUSTMENT AND APPEALS

Moved by Councilman Johnson: That Kathy Clark and Kelvin Horr be appointed to the Board of Adjustment and Appeals to serve the unexpired terms of Chuck Brumbaugh and Cheryl Lynn. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

REQUEST NAMES FOR APPOINTMENT TO CONTRACTORS LICENSING BOARD

No names have been received by persons interested in serving on the Contractors Licensing Board. President Quimby directed that interested persons contact Don Warner regarding requirements and

qualifications.

APPOINTMENTS TO DOWNTOWN DEVELOPMENT AUTHORITY

Moved by Councilman Johnson: That action on any appointments be deferred to the July 5, 1979, meeting of Council. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

INTRODUCTION OF NEW CITY EMPLOYEES

The following new City employees were present and introduced to Council:

Beverly Nisted - Computer Operations
Alfred Santisteven - Walker Field Airport
Bob Pinkerton - Parks and Recreation
Chris Bollman - Two Rivers Plaza

RESOLUTION APPOINTING K KELLY SUMMERS MUNICIPAL COURT JUDGE AND DONALD BRIAN MASSEY ASSISTANT MUNICIPAL COURT JUDGE APPROVED

The following Resolution was presented and read:

RESOLUTION

WHEREAS, statutory requirement is that Municipal Judges be appointed for two year terms; and

WHEREAS, at the last appointment of the Municipal Judge and the Assistant Municipal Judge, the Resolution did not provide an end to the terms of the Judges;

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

That K. Kelly Summers will serve as Municipal Court Judge until February 1, 1980, or until properly replaced, and that Donald Brian Massey will serve as Assistant Municipal Court Judge until March 16, 1980, or until properly replaced.

PASSED and ADOPTED this 6th day of June, 1979.

President of the Council

Attest:

Deputy 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 APPOINTING BOURTAI HARGROVE ASSISTANT CITY ATTORNEY - APPROVED

The following Resolution was presented and read:

RESOLUTION

APPOINTING AN ASSISTANT CITY ATTORNEY

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

That Bourtai Hargrove is hereby designated as Assistant City Attorney for the City of Grand Junction.

PASSED and ADOPTED this 6th day of June, 1979.

President of the Council

Attest:

Deputy City Clerk

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

Roll call vote: AYES: Unanimous.

ROBERT STACK CONCERNING EXPANSION OF BOWLING ALLEY AT 1900 MAIN STREET (NIGHT GALLERY)

Mr. Don Warner explained that the Freeway Bowl is expanding the premises by adding 24 lanes. The Contractor obtained a building permit from the Development Department after review of the parking and other requirements. At the time, it was stated by the Contractor, Mr. Butts, that this would not be a remodeling of the lounge area. He said it had nothing to do with the Night Gallery, therefore, the permit was issued. City Attorney Ashby asked Mr. Warner to check to see if drinks could be taken into the new bowling area or served. Mr. Warner checked with the owner, Mr. Robert Stack, and Mr. Stack replied "yes." Then Mr. Ashby told Mr. Warner that this would mean a requirement for an amendment to the conditional use permit. Mr. Warner and Dick Hollinger, Chief Building Inspector, called Mr. Stack regarding this matter. Mr. Warner had Mr. Hollinger write a stop-order on the construction.

Mr. Stack talked to Mr. Ashby and requested that he be placed on tonight's agenda to discuss this matter with Council.

Mr. Ashby stated that under the Liquor Code, any expansion of the licensed premises must be approved by the Local Licensing Authority as well as the State Licensing Authority.

Mr. Fred Aldrich spoke on behalf of Mr. Stack suggesting that service of alcoholic beverages be restricted to the lounge area. Presently, as Mr. Aldrich understands it (the license), the entire premises being served includes the lounge and existing lanes, and the enlargement of the lanes would enlarge the conditional use. Mr. Aldrich suggested that pending a Resolution of the amendment of the conditional use permit and the other procedures that may be entailed, that we actually reduce our conditional use by restricting service within the lounge area.

Mr. Stack stated that he first heard of this problem two evenings ago (Monday, June 4); he immediately restricted the service of alcoholic beverages to the lounge, and the customers were very understanding. Mr. Stack intends to come back to Council on the 5th of July to request a change in the conditional use to allow service in the expanded area, and will have been through the Planning Commission by that time.

Moved by Councilman Hollingsworth: That Council allow the Freeway Bowl to proceed with construction, restricting the service of alcoholic beverages to the lounge area only, until such time as they can go through the amended conditional use process, and obtain proper documentation for the expansion of licensed premises; said item to be scheduled on the July 5th agenda. Seconded by Councilman Johnson.

Vote: AYES: Unanimous.

CONSENT AGENDA

Considered the following renewal applications for beer and liquor licenses:

A. Applications to Renew 3.2% Beer Licenses

1. Southland Corp. dba 7-11 Store, 1134 North 12th Street
2. City Market, Inc. dba City Market Store No. 2, 865 North Avenue
3. City Market, Inc. dba City Market Store No. 9, 1909 North 1st Street
4. Roy L. Reynolds, Sr., dba Lincoln Park Golf Club, Lincoln Park
5. Pizza Hut of Grand Junction dba Pizza Hut No. 2, 705 Horizon Drive

6. Kubena, Inc. dba Shakey's Pizza Parlor, 2560 North Avenue
7. Circle K Corp. dba Circle K Store No. 782, 1st and Chipeta

B. Applications to Renew Hotel-Restaurant Liquor Licenses

1. High Lonesome, Inc. dba Aurelio's, 748 North Avenue
2. The Feed Lot, Inc. dba T-Bone Restaurant, 120 North 7th Street

C. Applications to Renew Retail Liquor Store Licenses

1. Luther and Karen Garber dba Last Chance Liquors, 1203 Pitkin Avenue
2. Dick Will Enterprises, Ltd. dba Jim's Liquors, 1560 North Avenue

D. Application for Tavern Liquor License (Change of Ownership Affecting the Beacon Lounge, 609 Main Street, Presently Owned by Gloria Melvin)

Applicants: Phillip E. Fretias
Gordon E. Rhoades
(Partnership)

Police Department Reports, Fire Department Reports, and Health Department Reports on all the above items noted no problems with any of the establishments.

E. Application by Marvin and Leslie Somerville for Change in Trade Name

From: City Liquor Drive-In
To: First Street Liquor
Location: 817 North 1st Street

Hearings on the following items were held after proper notice:

F. Planning Commission (Subject to Conditions of the Planning Commission)

1. Final Replat of Lot 3, Colorado West Development Park Subdivision (Minor) Located on west side of 15th Street approximately 350 feet north of Winters Avenue. 19.22 Acres in I-2 Zone. Petitioner: CBW Builders
2. Request to vacate an easement upon which a house is located at 1755 Glenwood. Petitioner: Leroy Jensen
3. Request to vacate easement to permit construction of a building at south lot line located north of I-70 Business Loop, east of 24th Court. Petitioner: Birney Cox

There were no objections to any of the foregoing items being considered on the Consent Agenda.

Moved by Councilman Johnson that all items on the Consent Agenda be approved. Seconded by Councilman Hollingsworth.

Vote: AYES: HOLLINGSWORTH, JOHNSON, DUNN, O'DWYER, QUIMBY
NOES: HOMES OPPOSED TO ALL ITEMS UNDER A., B., C., AND D.

LIQUOR LICENSE APPLICATION ADDENDUM (FORM DRL 404-A), CHANGE IN CORPORATE OFFICERS AND DIRECTORS AFFECTING BARBOUR'S FORESIGHT DRIVE-IN LIQUOR, 704 PITKIN AVENUE - APPROVED

Considered addendum to liquor license application showing change in corporate officers for Barbour's Foresight Drive-In Liquors, Inc. dba Barbour's Foresight Drive-In, 704 Pitkin Avenue.

Vice President/Director/Stockholder: Chris P. Barbour
Secretary/Treasurer/Director: David Flanders

Police Department Report dated June 6, 1979; A background investigation has been completed on the above applicants. They are clear NCIC/CCIC and locally of any wants or warrants. A check was also made concerning prior criminal history. The check was made NCIC/CCIC, locally and states of previous residency. Concerning David Flanders, no derogatory information was learned regarding any prior criminal record. Concerning Chris P. Barbour, the following was learned:

(1) On 3-26-77 Chris P. Barbour was arrested by the Grand Junction Police Department for disorderly conduct; 4-25-77, \$25 fine and costs;

(2) On 12-30-77 Chris P. Barbour was arrested for driving a motor vehicle while under the influence of intoxicating liquor; 6-16-78, 10 days, \$208 fine and costs.

None of the above charges are felonies and are misdemeanors or less. Fingerprint cards have been mailed to the FBI with no return as of this date.

Mr. Anthony Williams, attorney, spoke to Council regarding the application addendum.

Moved by Councilman Johnson: That the addendum listing new corporate officers be approved. Seconded by Councilman Dunn.

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

BID CONSIDERATION - AWARD OF CONTRACT FOR FIRE STATION NO. 4 - ELDORADO CONSTRUCTION - \$179,157

City Manager Jim Wysocki stated that three bids were received for

the building of Fire Station No. 4. A low bid has been received from Eldorado Construction in the amount of \$179,157. Eldorado's bid was approximately \$12,000 or \$13,000 lower than the other two bids. Amount budgeted for this project was \$137,500. Approximately \$90,000 would be needed to complete this project in addition to the \$137,500 that is in the budget. Items not covered within this contract would be landscaping, some furnishings, fuel tanks and pumps, water and sewer taps. These items would be over and above this figure, but included in the \$90,000 that would be necessary.

Moved by Councilman O'Dwyer: That the Contract for Fire Station No. 4 be awarded to Eldorado Construction in the amount of \$179,157. Seconded by Councilman Holmes.

Vote: AYES: Unanimous.

HEARING - APPLICATION BY GRAND JUNCTION JAYCEES FOR 3.2% BEER SPECIAL EVENTS PERMIT ON JULY 4, 1979, FROM 9:00 A.M. TO 8:00 P.M. IN LINCOLN PARK, NW CORNER OF AMPHITHEATRE AREA - DENIED

Posted for hearing on this date was the application by Grand Junction Jaycees for 3.2% beer special events permit for July 4, 1979, from 9:00 a.m. to 8:00 p.m., in Lincoln Park, northwest corner of the amphitheatre area.

Several State required documents did not accompany the application. Police Department Report dated June 4, 1979: Robert N. Correa came to the police building today and left information indicating this Latin American event will be patrolled by five (5) security officers. The area will be roped off and those entering will have to provide identification before being allowed to enter the area.

Mr. John Sykes, President of the Grand Junction Jaycees, appeared before Council to enlarge on the application.

No letters, no counterpetitions. Consensus of Council was that it supports the Grand Junction Jaycees as an organization, but is very much concerned with the location of this event, feeling that our public parks should be reserved for families, and the City should not provide the opportunity for the sale of 3.2% beer in public parks. It is the responsibility of the Council and the City to provide park facilities for our citizens in a pleasant, healthy, and safe atmosphere.

Mr. Rick Music, member of the Grand Junction Jaycees, stated that the Grand Junction Lions Club had a 3.2% beer permit last 4th of July at one of the parks, and wanted to know why Council has differentiated one from the other. Mr. Wysocki stated that he (Mr. Wysocki) was the President of the Grand Junction Lions Club last year, and there was no permit issued to that organization. There have been a number of requests over the past years for 3.2% beer permits in City parks, but none have been approved.

Moved by Councilman Holmes: That Council deny the application for a 3.2% Beer Special Events Permit by Grand Junction Jaycees for July 4, 1979, from 9:00 a.m. to 8:00 p.m. in Lincoln Park amphitheatre area. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

ORDINANCE NO. 1817 - ZONING TEXT AMENDMENTS

Proof of Publication to following entitled proposed ordinance was presented: AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF GRAND JUNCTION. Moved by Councilman Johnson: 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 Councilman Holmes.

Vote: AYES: Unanimous.

The Ordinance was read. No comments. Moved by Councilman O'Dwyer: That the ordinance be passed, adopted, numbered 1817, and ordered published. Seconded by Councilman Holmes.

Roll call vote: AYES: Unanimous.

ORDINANCE NO. 1818 - REZONE TO PD-B, NW CORNER OF 28-1/2 ROAD AND ELM AVENUE - NISLEY APARTMENTS

Proof of Publication to following entitled proposed ordinance was 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 Holmes: 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 Councilman Johnson.

Vote: AYES: Unanimous.

The Ordinance was read. No comments. Moved by Councilman Holmes: That the ordinance be passed, adopted, numbered 1818, and ordered published. Seconded by Councilman Hollingsworth.

Roll call vote: AYES: Unanimous.

ORDINANCE NO. 1819 - HEARING - ZONING TEXT AMENDMENT TO PLANNED DEVELOPMENT REGULATIONS PUBLISHED IN PAMPHLET FORM

Proof of Publication to following entitled proposed ordinance was presented: AN ORDINANCE REPEALING AND REENACTING THE PLANNED DEVELOPMENT SECTION OF THE CITY ZONING ORDINANCE. Moved by Councilman Johnson: That the proof of Publication be accepted for filing. Seconded by Councilman Holmes.

Vote: AYES: Unanimous.

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

Vote: AYES: Unanimous.

The Ordinance was read by titled only. No comments. Moved by Councilman O'Dwyer: That the ordinance be passed, adopted, numbered 1819, and ordered published. Seconded by Councilman Dunn.

Roll call vote: AYES: Unanimous.

ORDINANCE NO. 1820 - WALKER ANNEXATION, N OF LAKESIDE DEVELOPMENT, E OF HORIZON DRIVE

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

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 1820, and ordered published. Seconded by Councilman Holmes.

Roll call vote: AYES: Unanimous.

REQUEST TO VACATE AN EASEMENT UPON WHICH A HOUSE IS LOCATED AT 1755 GLENWOOD - PROPOSED ORDINANCE - CONSENT AGENDA ITEM F.2

The following entitled proposed ordinance was read: AN ORDINANCE VACATING AN EASEMENT. Moved by Councilman Johnson: That the proposed ordinance be passed by publication. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

REQUEST TO VACATE EASEMENT TO PERMIT CONSTRUCTION OF A BUILDING AT SOUTH LOT LINE LOCATED N OF I-70 BUSINESS LOOP, E OF 24TH COURT - RECESSED TO MONDAY, JUNE 11TH, AT 11:00 A.M. - CONSENT AGENDA ITEM

F.3

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

Vote: AYES: Unanimous.

Due to the fact that all members of Council were not in attendance at tonight's meeting, there was no possibility of passing this ordinance as an Emergency Ordinance.

This item is to be considered on Monday, June 11, 1979, at 11:00 a.m. at a recessed meeting of the City Council.

RESOLUTION CONCERNING OIL AND GAS EXPLORATION ON BLM LAND - APPROVED

The following Resolution was read:

RESOLUTION

ON BUREAU OF LAND MANAGEMENT GRANTING OF OIL AND GAS DRILLING SITES AND EXPLORATION AND DEVELOPMENT PERMITS FOR OTHER MINERALS ON THE CITY OF GRAND JUNCTION WATERSHED.

WHEREAS, the United States Government has certain lands which are near to or a part of the watershed for the water for the City of Grand Junction, these lands generally administered by the Bureau of Land Management; and

WHEREAS, there have recently been incidents in the granting of drilling sites for exploration for oil and gas that would indicate the necessity for cooperation between the City and the Bureau so that the City watershed may be protected;

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

1. That the Department of Public Works be directed to forward a copy of this Resolution together with appropriate maps to the Bureau of Land Management so that it may be apprised of the location of any waterworks facilities and the watershed of the City for consideration in the awarding of drill sites or other mineral exploration or development activities upon the government lands.

2. That the Department work with the Bureau toward an awareness of the problems with regard to the areas in question with the hope that restrictions can be placed on users of the lands so that if injury occurs the City and its citizens will be protected but, more importantly, so that no injury will occur.

3. That the Department determine whether or not it would be possible for the City to be advised of site selection meetings so that a representative of the City may attend to assure that the interests of the City will be considered and protected.

4. That the Department determine with the Bureau the extent to which requirements may be made to indemnify the City and its inhabitants for injury suffered under the Federal Regulations or under local regulations promulgated with the approval of the Bureau.

PASSED and ADOPTED this 6th day of June, 1979.

President of the Council

Attest:

Deputy City Clerk

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

Roll call vote: AYES: Unanimous.

RESOLUTION APPROVING OIL AND GAS LEASE ASSIGNMENTS (CRAIG C. RAMSEY AND CARL F. BURLEY) - APPROVED

The following Resolution was read:

RESOLUTION

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

That Assignments of Oil and Gas Leases covering certain lands owned by the City bearing dates of October 27, 1972, December 29, 1972, and March 15, 1973. wherein Craig C. Ramsey was Lessee on the first two referred to and Carl L. Burley was Lessee on the last, be approved through various assignments to C.I.G. Exploration and Mitchell Energy Company as the Assignments are submitted.

PASSED and ADOPTED this 6th day of June, 1979.

President of the Council

Attest:

Deputy City Clerk

Moved by Councilman Johnson: That the Resolution be passed and adopted as amended. Seconded by Councilman Dunn.

Roll call vote: AYES: Unanimous.

SUSPENSION OF LICENSE OF MERIDIAN SECURITY PATROL - DARROW E. PECK

City Attorney Ashby stated that Mr. Darrow E. Peck, owner of Meridian Security Patrol, is subject to certain criminal charges made by the Grand Junction Police Department. The City Clerk, at the direction of Mr. Ashby, has advised Mr. Peck that under the terms of the licensing provisions for Security Police, the license was to be suspended and advised Mr. Peck that some action would take place at this meeting of Council.

Moved by Councilman Dunn: That the Council affirm and continue the suspension of the merchant patrol license held by Darrow E. Peck dba Meridian Security Patrol until such time as the charges can be heard against Mr. Peck. Seconded by Councilman Hollingsworth.

Vote: AYES: Unanimous.

LINCOLN PARK SWIMMING POOL CONTRACT, PHASE I, DILLON & HUNT - \$69,410

City Manager Jim Wysocki stated that Staff has made recommendation that Dillon & Hunt be contracted to do the architectural services for a new swimming pool at Lincoln Park. Mr. Wysocki requested that Council approve also Phase I which would be for the architects to complete the design to ready the project for bonding purposes, which would give the City a better means at arriving at a cost for this project. It is anticipated that the pool would be located to the north of the Moyer Pool structure. This project would be brought to a vote of the people of Grand Junction by this Fall. The cost for Phase I of this contract would be \$69,410.

Moved by Councilman Holmes: That the City Manager be directed to sign a Contract with Dillon & Hunt in the amount of \$69,410 for Phase I of the swimming pool development. Seconded by Councilman Hollingsworth.

Vote: AYES: Unanimous.

MISCELLANEOUS DISCUSSION

Clifton Waterworks

Councilman O'Dwyer noted that Clifton Waterworks has water in the line, and questioned whether the City is tied to the line, or are they taking water out of the City's flow line. City Manager Jim Wysocki stated that as he understands it they are using their own

water, and didn't know whether they were pulling any water off City lines or not.

Mantey Heights Water Tank

Councilman Dunn requested the status of the painting of the Mantey Heights water tank. The Contractor is working on painting of the inside of the tank with a guarantee of approximately 6 to 8 year lifetime.

Parking Space for Motor Bikes

Councilman Dunn suggested looking toward the future by possibly providing special parking spaces for mopeds, motorcycles, and other motor operated cycles. He also suggested free parking for such cycles to encourage the use of this mode of transportation during the critical energy situation.

Weeds

Councilman Holmes solicited the support of local media cameramen and photographers to point out some of the areas throughout the City that are overgrown with weeds, in the hopes that it will stir up citizen participation in solving the City's weed problem.

CML Convention

President Quimby requested that Council members contact Administration concerning special meals that require reservations by no later than June 11.

Mortgage Revenue Bonds

Moved by Councilman O'Dwyer: That Council send a letter under the Mayor's signature to our delegation encouraging a vote in favor of Mortgage Revenue Bonds. Seconded by Councilman Johnson.

Vote: AYES: Unanimous.

RECESS MEETING TO MONDAY, JUNE 11, 1979, AT 11:00 A.M.

Moved by Councilman Johnson: That this meeting be recessed to Monday, 11:00 a.m., in the City Managers' office. Seconded by Councilman O'Dwyer.

Vote: AYES: Unanimous.

Theresa F. Martinez

Teddy Martinez
Deputy City Clerk