

Grand Junction, Colorado

November 20, 1979

The City Council of the City of Grand Junction, Colorado, convened in regular session the 20th day of November, 1979, in Council Chambers at City Hall. Those present were Council members Louis Brach, Frank Dunn, Dale Hollingsworth, Karl Johnson, Bill O'Dwyer, and Jane Quimby. Councilman Bob Holmes was absent. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

Council President Quimby called the meeting to order and led in the Pledge of Allegiance.

INVOCATION

Captain Art Storey, Salvation Army.

APPOINTMENT OF GEORGE E. DAVIS TO CONTRACTORS LICENSING BOARD - TWO-YEAR TERM

Upon motion by Councilman Johnson, duly seconded and carried, George E. Davis, 455 N. 17th Street, was appointed to the Contractors Licensing Board for a two-year term to fill the vacancy left by J. D. Lundsford.

MINUTES

Upon motion by Councilman Dunn, duly seconded and carried, the Minutes of the regular meeting November 7, 1979, were approved as written.

AIR QUALITY ADVISORY COMMITTEE QUARTERLY REPORT - TWO PROPOSED ORDINANCE RECEIVED BY COUNCIL FOR REVIEW REGARDING FUGITIVE DUST

Mr. Robert Van Houten appeared before Council to file a quarterly report on the activities of the Air Quality Advisory Committee and submitted two proposed ordinances drafted by the Committee regarding fugitive dust. Council received the report and proposed ordinances for review.

LIQUOR RENEWALS

Upon motion by Councilman Hollingsworth, duly seconded and carried, the following applications for liquor license renewals were approved:

1. Flamingo Lounge, 201 Colorado Avenue
2. North Avenue Liquor Store, 801 North Avenue
3. B.P.O. Elks Lodge, 249 South 4th Street

4. The Feed Lot, 118 Main Street

5. Old Mexico Restaurant, 929 Main Street

HEARING - FINAL PLAT OF WHITE CITY SUBDIVISION, 210 FEET S OF
NORTH AVENUE, W OF FIRST STREET - BERTRAND AND COMPANY

Upon motion by Councilman Hollingsworth, duly seconded and carried, the final plat of White City Subdivision was approved subject to the conditions of the Planning Commission.

HEARING - C. R. BROWN DEVELOPMENT IN H.O. ZONE, 2714 HIGHWAY 50
FOR CONVENIENCE STORE AND GAS STATION - MONUMENT OIL COMPANY

Upon motion by Councilman Hollingsworth, duly seconded and carried, the C. R. Brown Development in H.O. Zone for convenience store and gas station at 2714 Highway 50 was approved subject to the conditions of the Planning Commission.

HEARING - ZONING MESA MALL ANNEXATION S OF F ROAD BETWEEN 24 ROAD
AND 24 1/2 ROAD H.O. (HIGHWAY ORIENTED) - PROPOSED ORDINANCE

A hearing was held after proper notice. The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Johnson, duly seconded and carried, the proposed ordinance was passed for publication.

RESOLUTION OF FINDINGS & DECISION REGARDING APPLICATION BY GRAND
RIVER RESTAURANT MANAGEMENT CORPORATION FOR HOTEL-RESTAURANT
LIQUOR LICENSE AT BOARD OF TRADE RESTAURANT, 336 MAIN STREET -
APPROVED

The following Resolution was read:

RESOLUTION

OF DECISION ON APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE FOR BOARD OF TRADE RESTAURANT AT 336 MAIN STREET, GRAND JUNCTION, COLORADO.

A public hearing having been held on November 7, 1979, on the application by Grand River Restaurant Management Corporation for a Hotel and Restaurant Liquor License for Board of Trade Restaurant at 336 Main Street, 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 373

persons so stated while 59 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. That 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 Grand River Restaurant Management Corporation for the Board of Trade Restaurant at 336 Main Street, Grand Junction, Colorado.

PASSED and ADOPTED this 20th day of November, 1979.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Brach, duly seconded and carried with Councilman O'Dwyer voting NO, the Resolution was passed and adopted as read.

HEARING - APPLICATION BY PAULINE REYES FOR HOTEL-RESTAURANT LIQUOR LICENSE AT LOS REYES RESTAURANT, 811 SOUTH 7TH STREET

A hearing on the application by Pauline Reyes for a hotel and restaurant liquor license at Los Reyes Restaurant, 811 South 7th Street, was held after proper notice. Mr. Augie Reyes was present for the hearing. The following report was read:

The application was scheduled for hearing by the City Council on Tuesday, November 20, 1979. The sign giving notice of hearing was posted on the property and the display ad giving notice of hearing was published in The Daily Sentinel on Friday, November 9, 1979.

The area from 5th Street on the west, First Avenue on the north,

9th Street on the east to Kimball Avenue on the south was surveyed.
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. 286

(a) An owner of property in the neighborhood. 38

(b) An employee or business lessee of property in the neighborhood. 237

(c) An inhabitant of the neighborhood. 19

(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. 67

(a) An owner of property in the neighborhood. 19

(b) An employee or business lessee of property in the neighborhood. 44

(c) An inhabitant of the neighborhood. 6

(3) No opinion. 8

One letter of opposition was received on October 20, 1979, immediately after the individual had received notification that the survey would commence October 26. The individual did vote on one of the City's survey forms.

Health Department and Fire Department reports list everything in order. The Police Department report states that a background check has been completed on the applicant. There are no warrants, warrants, or recorded criminal history recorded by CCIC/NCIC. A check fingerprint card was mailed to authorities on 10-19-79, with no return to date. During the past licensing period, there have been no violations noted or recorded.

Similar type outlets: 10.

The map showing similar type outlets was reviewed. No opponents, no letters, no counterpetitions. A Resolution of findings and decision is scheduled for December 5, 1979.

HEARING - 7TH STREET POLICY STATEMENTS - NORTH CITY LIMITS TO STRUTHERS AVENUE - RECEIVED FOR REVIEW

A hearing on the above item was held after proper notice. The City Engineer takes exception to item No. 1 under G Road to Patterson Road where it is mentioned to four lane 7th Street with a raised median. The City Engineer feels that a raised median is used only on a major arterial, and he considers this segment a minor

arterial. He also feels the requirement for 7th and Horizon intersection grade separation should be deleted as this should be the decision of the engineer. If it must be included, it should be reworded to "In design of 7th and Horizon intersection, a grade separation should be considered." Council received the statements for review.

HEARING - CONSIDERATION OF REVOCATION OF A DEVELOPMENT IN H.O. ZONE - WEAVER, 427 SHERMAN DRIVE

The developer has met the conditions on this item so no action required.

ORDINANCE NO. 1846 - LEASE/PURCHASE AGREEMENT FOR TRASH EQUIPMENT

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE AUTHORIZING THE APPROVAL, ADOPTION AND EXECUTION OF A LEASE WITH AN OPTION TO PURCHASE BETWEEN THE CITY OF GRAND JUNCTION AND THE UNITED BANK OF DENVER, NATIONAL ASSOCIATION, FOR THE PURPOSE OF LEASING PROPERTY FOR MUNICIPAL PURPOSES; AND PRESCRIBING THE FORM OF SAID LEASE. Upon motion by Councilman Johnson, duly seconded and carried, the Proof of Publication was accepted for filing.

Upon motion by Councilman O'Dwyer, duly seconded and carried, the proposed ordinance was called up for final passage and read.

No comments. Upon motion by Councilman Dunn, duly seconded and carried, the Ordinance was passed, adopted, numbered 1846, and ordered published.

ORDINANCE NO. 1847 - PIONEER VILLAGE ANNEXATION, HIGHWAY 340 AND DIKE ROAD

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Upon motion by Councilman Johnson, duly seconded and carried, the Proof of Publication was accepted for filing.

Upon motion by Councilman Dunn, duly seconded and carried, the proposed ordinance was called up for final passage and read.

No comments. Upon motion by Councilman Johnson, duly seconded and carried with Councilman Brach abstaining, the Ordinance was passed, adopted, numbered 1847, and ordered published.

ORDINANCE NO. 1848 - ALLEY VACATION, BEARING NORTHWESTERLY FROM VACATED JAMES STREET ON ORCHARD MESA

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE VACATING AN ALLEY WITHIN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Hollingsworth, duly seconded and carried, the Proof of Publication was accepted for filing.

Upon motion by Councilman O'Dwyer, duly seconded and carried, the proposed ordinance was called up for final passage and read.

No comments. Upon motion by Councilman Brach, duly seconded and carried, the Ordinance was passed, adopted, numbered 1848, and ordered published.

ORDINANCE NO. 1849 - INCREASING SEWER RATES

Proof of Publication to following entitled proposed ordinance was presented: AN ORDINANCE ALTERING THE STRUCTURE OF AND INCREASING THE RATES FOR THE USE OF THE SEWERAGE SYSTEM FOR THE CITY OF GRAND JUNCTION. Upon motion by Councilman Johnson, duly seconded and carried, the Proof of Publication was accepted for filing.

Upon motion by Councilman O'Dwyer, duly seconded and carried, the proposed ordinance was called up for final passage and read.

The following people opposed the rate increase: Jack Gidney, 1705 N. 12th Street, Bernie Dangler, 1630 Juniper Court, John Barnes, 469 N. Sherwood Drive, Francis McAllister, Glen Road, Jim McEvoy, John Viera, James Brodell, 712 N. 7th Street, Doug Sawtelle, 2806 Orchard Avenue, John Burton, 1144 Hill Avenue.

Upon motion by Councilman Brach, duly seconded and carried, the Ordinance was passed, adopted, numbered 1849, and ordered published.

ORDINANCE NO. 1850 - SANITATION RATES

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE CONCERNING GARBAGE AND TRASH AND INCREASING THE RATE FOR COLLECTION OF SAME. Upon motion by Councilman Hollingsworth, duly seconded and carried, the Proof of Publication was accepted for filing.

Upon motion by Councilman Dunn, duly seconded and carried, the proposed ordinance was called up for final passage and read.

Tim McGauley, 2444 Bookcliff, commented on the rates. Upon motion by Councilman Johnson, duly seconded and carried, the Ordinance was passed, adopted, numbered 1850, and ordered published.

ORDINANCE NO. 1851 - RESCUE SQUAD RATES

Proof of Publication to following entitled proposed ordinance presented: AN ORDINANCE CONCERNING THE CHARGES MADE FOR RESCUE UNIT TRANSPORTATION. Upon motion by Councilman O'Dwyer, duly seconded and carried, the Proof of Publication was accepted for filing.

Upon motion by Councilman Dunn, duly seconded and carried, the proposed ordinance was called up for final passage and read.

The Ordinance was amended to reflect that transportation of any portion outside both the City and the Grand Junction Rural Fire Protection District shall be \$65.00 plus \$1.50 per mile from the point of pick up to the destination. Upon motion by Councilman Brach, duly seconded and carried, the Ordinance was passed, adopted as amended, numbered 1851 and ordered published.

ORDINANCE NO. 1852 - TAXI CAB DRIVER'S LICENSE FEES

Proof of Publication to following entitled proposed ordinance was presented: AN ORDINANCE AMENDING THE ANNUAL LICENSE FEE FOR TAXI DRIVERS IN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Hollingsworth, duly seconded and carried, the Proof of Publication was accepted for filing.

Upon motion by Councilman O'Dwyer, duly seconded and carried, the proposed ordinance was called up for final passage and read.

No comments. Upon motion by Councilman O'Dwyer, duly seconded and carried, the Ordinance was passed, adopted, numbered 1852, and ordered published.

PROPOSED ORDINANCE INCREASING WATER RATES

The following entitled proposed ordinance was read: AN ORDINANCE CONCERNING CHARGES FOR THE USE OF WATER WITHIN THE CITY OF GRAND JUNCTION AND INCREASING THE SAME. Upon motion by Councilman Johnson, duly seconded and carried, the Council authorized a subsidy of up to \$150,000 and that the rate structure be drawn accordingly.

Audience comment was had from the following: Charlie King, 460 N. 17th Street, Bob Van Houten, Johnnie Burton, Bruce Jones, Jack Gidney, Francis McAllister, Marion Benedict, 2164 N. 24th Street, and James Brodell.

Upon motion by Councilman Johnson, duly seconded and carried, the proposed ordinance as amended was passed for publication.

PROPOSED ORDINANCE - APPROPRIATIONS

The following entitled proposed Ordinance was read: AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1980, AND ENDING DECEMBER 31, 1980, AND FIXING THE SALARY OF THE CITY MANAGER OF SAID CITY. Upon motion by Councilman O'Dwyer, duly seconded and carried, the proposed ordinance was passed for publication.

YOUTH COMMISSION

Councilman Dunn reported that the Youth Commission cleaned Whitman Park Saturday.

CML POLICY COMMITTEE MEETING

Councilman Johnson reported on a CML Policy Committee meeting. An attempt is to get a Constitutional Amendment to the Municipal Annexation Act. One aspect to that is that elections for annexations would not be limited to property owners but tenants as well could vote. It was suggested that a subcommittee be appointed to look into this and perhaps some positive action be taken in upgrading annexation laws. Another matter was to support legislation for state income tax exemption on water and sewer bonds. They are presently exempt from Federal income tax, and it would make the bonds much more attractive if they had the state exemption. There is a warning about a U.S. Supreme Court decision that tells municipalities are not automatically exempt from anti-trust laws. Water Quality issues are listing information from any community having any problems in dealing with the Water Quality Control Commission. A study is being made of railroad crossings. One recommendation is that the legislature establish a state bonding authority to assist in the financing of railroad crossings and that these facilities then be leased back to the railroads over a period of time to pay off the bonds. It was mentioned there is presently under railroad law, an old law which has not been tested, to allow municipalities to force railroads to construct railroad crossings, including overpasses, if they deemed it necessary. Since this law has never been tested, there is some doubt by the legal staff that it would stand up.

HOT AIR BALLOON RALLY

City Manager Wysocki reported that there is a Hot Air Balloon Rally Saturday at Sherwood Park. Those planning to attend should park at the High School parking lot.

ADJOURNMENT

Upon motion by Councilman Johnson, duly seconded and carried, the meeting was adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk