

Grand Junction, Colorado

January 16, 1980

The City Council of the City of Grand Junction, Colorado, convened in regular session at 7:30 p.m. on the 16th day of January, 1980, in Council Chambers at City Hall. Those present were Council members Louis Brach, Frank Dunn, Robert Holmes, Dale Hollingsworth, Karl Johnson, Bill O'Dwyer, and Jane Quimby, a quorum. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

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

INVOCATION

Reverend John Boaz, Redlands Community Church.

APPOINTMENT OF BOB MORRIS TO CONTRACTORS LICENSING BOARD - 2-YEAR TERM

By secret ballot, Bob Morris of Western Slope Iron, was appointed to the Contractor's Licensing Board. The term is two years, January, 1980, to January, 1982.

MINUTES

Upon motion by Councilman Dunn, seconded by Councilman Brach and carried, the Minutes of the regular meetings December 19, 1979, and January 2, 1980, were approved as written.

1980 SEWER RATES FOR LAUNDROMATS OPPOSED

Mr. Charles Hunt, Orchard Mesa Laundromat, reported to Council that the recent increase in his sewer rates is eight times higher than last year, from \$25.90 to \$219.49. He feels this is excessive. Joining in the petition for reconsideration of the method of rate increases were Tom Kukulan, Hill Top Laundry; Dick Coakley, Coakley's Home Style Laundromat; Duane Polk, Econ-o-wash in Teller Arms.

Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer and carried, the sewer rate structure for laundromats was sent back to staff to reconsideration and recommendation.

Laundromat owners were urged to meet with Staff for their input and subsequent equitable rate structuring.

HEARING - REVISION OF CRESTVIEW SUBDIVISION PHASE 1, 15TH STREET AND 27-1/2 ROAD, S OF F-1/4 ROAD

A hearing was held after proper notice on the revision of Crestview Subdivision, Phase 1. No letters, no opponents, no

counterpetitions.

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried, the revision of Crestview Subdivision, Phase 1, was approved.

HEARING - EASTGATE PLAZA FILING #1 FINAL PLAN REVISION, SW CORNER ELM AVENUE AND 28-1/4 ROAD

A hearing on Eastgate Plaza Filing #1 Final Plan Revision was held after proper notice. No letters, no opponents, no counterpetitions.

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried, the Eastgate Plaza Filing #1 Final Plan Revision was approved.

HEARING - PROPOSED ORDINANCE - REZONE FROM B-1 TO R-3 TO PD AND OUTLINE DEVELOPMENT PLAN FOR 12TH AND PATTERSON SHOPPING CENTER, SW CORNER

A hearing on the above item was held after proper notice. No opponents, no letters, no counterpetitions. Upon motion by Councilman Brach, seconded by Councilman Johnson and carried, the outline development plan was approved.

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 CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer and carried, the proposed ordinance was passed for publication.

HEARING - CONDITIONAL USE - ADDITION OF SIGN AT 858 GRAND AVENUE AND 9TH STREET

A hearing was held after proper notice on the petition for conditional use to permit the addition of a sign at 858 Grand Avenue. No letters, no opponents, no counterpetitions.

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried, the petition for conditional use was approved.

PEPPERIDGE SUBDIVISION FINAL PLAT

A hearing was held after proper notice on the Pepperidge Subdivision final plat. No letters, no opponents, no counterpetitions.

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried, the Pepperidge Subdivision final plat was approved.

BIDS - AWARD OF CONTRACT - 28-1/4 ROAD IMPROVEMENTS FROM ORCHARD AVENUE TO PATTERSON ROAD - LEON PARKERSON - \$120,912.10

At 2:00 p.m. Tuesday, January 15, 1980, eight bids were received and opened for the 28-1/4 Road improvements from Orchard Avenue to Patterson Road. Bids were:

H.W. Siddle, Inc. \$275,836.14
R. L. Atkins Construction, Inc. \$266,339.40
Corn Construction Company \$253,083.15
Grand Mesa Construction \$246,742.25
Franklin Construction, Inc. \$242,983.10
Jim Reeves Construction \$236,829.95
Daco Construction \$181,721.15
Leon B. Perkerson \$120,912.10
Engineer's Estimate \$321,494.00

Eldorado Construction is the subcontractor for the concrete work. Completion date is scheduled for March 15, 1980. Staff recommended acceptance of the bids and award of contract to Leon B. Parkerson for his apparent low bid.

Upon motion by Councilman O'Dwyer, seconded by Councilman Holmes and carried, the contract for 28-1/4 Road Improvements from Orchard Avenue to Patterson Road was awarded to Leon B. Perkerson for his low bid of \$120,912.10.

HEARINGS - APPLICATION BY MESA COLLEGE FOR 3.2% BEER SPECIAL EVENTS PERMITS FEBRUARY 8 AND APRIL 12, 1980 - 1ST AND 2ND PERMITS

Posted for hearings were the applications by Mesa College for 3.2% Beer Special Events Permits. The first permit requested was for February 8, 1980, from 7:00 p.m. to 11:00 p.m. in the W. W. Campbell Student Center Cafeteria. The second request was for April 12, 1980, from 12:00 noon to 4:00 p.m. in the outdoor volleyball courts by the College Service Center. No letters, no opponents, no counterpetitions. The Student Body President, Matt Smith, appeared before Council in behalf of the request.

Upon motion by Councilman Brach, seconded by Councilman Hollingsworth and carried with Council members HOLMES and O'DWYER voting NO, the applications were approved.

LIQUOR - RESOLUTION OF FINDINGS AND DECISION REGARDING APPLICATION BY RICHARD WAYNE AND BETTY JOE BROWN FOR CONDITIONAL USE AND FOR HOTEL-RESTAURANT LIQUOR LICENSE AT OASIS RESTAURANT, 352 NORTH AVENUE - APPROVED WITH CONDITIONS

The following Resolution was read:

RESOLUTION

OF DECISION ON APPLICATION FOR CONDITIONAL USE PERMIT AND HOTEL-RESTAURANT LIQUOR LICENSE FOR OASIS RESTAURANT AT 352 NORTH AVENUE, GRAND JUNCTION, COLORADO.

A public hearing having been held on December 19, 1979, on the application by Richard Wayne Brown and Betty Joe Brown for a Conditional Use Permit and a Hotel-Restaurant Liquor License for the Oasis Restaurant at 352 North Avenue, 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 254 persons so stated while 180 felt the needs were being met by the other outlets.

3. No one appeared at the hearing in opposition to the issuance of the license.

4. Petitions were submitted by the Church of Christ, the location of which is 7th and Teller in the City, bearing the signatures of 75 persons, three of whom resided in the neighborhood of the license, opposing the issuance of the license. The applicants submitted petitions signed by 99 persons, six of whom resided in the neighborhood, favoring the issuance of the license.

5. A letter of opposition was received from the owner of the retail liquor store located on the same intersection with the restaurant expressing opposition because of congestion at the intersection of 4th and North Avenue and potential law enforcement problems at the Oasis location.

6. That the character of the applicants is good as determined by a check done by the Police Department and through letters attesting to their good character.

7. The concern of the Planning Commission and planning staff as to the conditional use centered on the requirement for parking to be furnished. The applicants produced evidence that the parking requirement would be met by on-site parking the through lease of parking on adjoining property.

8. 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. It is believed that the law enforcement problems will not differ from other such outlets and will be handled as they there are with appropriate penalty when warranted. There is no evidence that traffic congestion will occur at the intersection beyond that which should be born considering the businesses presently there and the use of North Avenue as an arterial.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF

GRAND JUNCTION:

1. That a Hotel-Restaurant Liquor License issue to Richard Wayne Brown and Betty Joe Brown for the Oasis Restaurant at 352 North Avenue, Grand Junction, Colorado.

2. That the Conditional Use of a Hotel-Restaurant Liquor License be approved for the premises at 352 North Avenue under the following condition:

A formal lease of parking area be entered into on the adjoining property as represented to the City Council by the applicants; that such parking area be posted as being for Oasis patrons only; and, further, that it be understood that, in the event the lease is lost as to the additional parking, additional acceptable parking must be obtained or the Conditional Use will no longer be permitted and liquor will no longer be served on the premises.

PASSED and ADOPTED this 16th day of January, 1980.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried by roll call vote with Council members HOLMES and O'DWYER voting NO, and Councilman Hollingsworth abstaining, the Resolution was passed and adopted as read.

HEARING - OUTLINE DEVELOPMENT PLAN FOR THE SE CORNER OF ELM AVENUE AND 12TH STREET

A hearing was held after proper notice on the outline development plan for the SE Corner of Elm Avenue and 12th Street. Doss Simpson, developer, and architect Bob Van Deusen appeared in behalf of the plan. Art Ingvertsen, 1257 Elm Avenue, stated that the outline development plan does not show sufficient parking and shows parking on his property, and that the traffic flow is shown in back of his house. He indicated that the outline development plan does not show enough to make a decision. He was not opposed to the project. He understood that he would have the opportunity to comment on the plan at preliminary and on final. Mr. Ingvertsen stated he was not opposed to the vacation of the alley behind his property.

No other audience comment, no letters, no counterpetitions.

Upon motion by Councilman O'Dwyer, seconded by Councilman

Hollingsworth and carried, the outline development plan for the SE Corner of Elm Avenue and 12th Street was approved.

HEARING - REZONE FROM R-1-C TO PB AND FINAL PLAN FOR VICTORIA SQUARE OFFICES ON SW CORNER 12TH STREET AND GUNNISON AVENUE - RESOLUTION OF FINDINGS AND DECISION FEBRUARY 6, 1980

A hearing on this proposal was held after proper notice. This item was denied by the Planning Commission on the basis that the plan does not meet the 12th Street policy statements, No. 6 and No. 7; the Commission felt a strong need to protect a nice residential neighborhood; the proposal does not meet the criteria established for a rezone as the present zoning is incorrect.

Carl Vostatek, petitioner, was present and reviewed his plan. He read his proposal letter that was presented to the Planning Commission with his plans. He presented slides showing the location, the developed area, and the traffic. Mr. Vostatek read a letter from Andrew G. Prinster, owner of property on the SE Corner of 12th and Gunnison, endorsing the proposal and a letter from an architect who lives one block south on 12th and Chipeta supporting the request provided the following criteria are met: the size of the building is in keeping with the residential scale of surrounding property; appearance is in keeping with the surrounding residential character; parking is accommodated completely on-site with no 12th Street access other than the existing alley. Mr. Vostatek commented that a traffic turning lane off 12th Street may be appropriate with this development. He is willing to work with the City to accommodate this.

Councilman Dunn stated that after visiting with a number of property owners along 12th Street today, he has no confidence in the 12th Street policy statements as these property owners told him they were not aware of the 12th Street policy statements and had not been contacted when these were being formulated. Therefore, Councilman Dunn recommended the 12th Street policy statements be sent back to the Planning Commission to get the input from the property owners involved.

Concerning the plan presently in hearing, Councilman Dunn stated he found only one property owner mildly opposed to this type development.

Mr. Vostatek said he will participate half and half with the City on the deceleration lane, or he will pay the full cost if the precedent has already been set.

Karl Metzner, Planning Staff, said that the deceleration lane was not presented to the Planning Commission as a part of the plan, and he is concerned that the City Engineer have an opportunity to comment between now and the fact finding.

There were no other audience comments, no letters, no counterpetitions.

HEARING - PRELIMINARY PLAN FOR HOMESTEAD SUBDIVISION 737 HORIZON DRIVE

A hearing was held after proper notice on the preliminary plan for Homestead Subdivision, 737 Horizon Drive. Kent Harbert, Western Engineers, represented the petitioners.

No letters, no opponents, no counterpetitions.

Upon motion by Councilman Johnson, seconded by Councilman Brach and carried, the preliminary plan for Homestead Subdivision was approved.

The president declared a five-minute recess. Upon reconvening the seven Council members were present.

ORDINANCE NO.1864 - FLYNN ANNEXATION, NE CORNER 29 ROAD AND NORTH AVENUE

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

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

There were no comments. Upon motion by Councilman O'Dwyer, seconded by Councilman Brach and carried by roll call vote, the Ordinance was passed, adopted, numbered 1864, and ordered published.

PETITION - RESOLUTION - PROPOSED ORDINANCE - CROSSROADS #2 ANNEXATION, N OF I-70, E OF 12TH STREET

The petition for Crossroads #2 Annexation was accepted for filing. The following Resolution was read:

RESOLUTION

WHEREAS, on the 16th day of January, 1980, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

Beginning at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section 36, Township 1 North, Range 1 West of the Ute Meridian, thence South 516 feet, thence South 66 deg. 44 min. West 251.2 feet, thence South 81 deg. 64 min. West 70 feet, thence South 86 deg. 14 ??; West 200 feet, thence South 66 feet, thence North 55 deg. 54 min. West 71 feet, thence North 89 deg. 37 min. West 350 feet, thence South 85 deg. 40 ?? West 250 feet to

the West line of the East Seven-Eighths of said Southeast Quarter of the Northwest Quarter, thence North to the North line of said Southeast Quarter of the Northwest Quarter, thence East to the point of beginning; EXCEPT tract conveyed to Colorado State Highway Department as described in document recorded in Book 844 at Page 29;

and

Beginning at a point 804 feet North of the Southeast Corner of the Southeast Quarter of the Northwest Quarter of Section 36, Township 1 North, Range 1 West of the Ute Meridian, thence South 66 deg. 44 min. West 251.2 feet more or less to the North right of way of Interstate 70, thence Southeasterly along said right of way to the East line of the Southeast Quarter of the Northwest Quarter of said Section 36, thence North to the point of beginning;

and

That part of the North 25 acres of the West 45 acres of the South Half of the Northwest Quarter of Section 36, Township 1 North, Range 1 West of the Ute Meridian lying North of the North right of way for I-70 as set forth in Deed recorded May 13, 1964, in Book 869 at Page 328;

and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; 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 January, 1980.

President of the Council

Attest:

City Clerk

Upon motion by Councilman O'Dwyer, seconded by Councilman Brach and carried by roll call vote, the Resolution was passed and adopted as read.

The following entitled proposed ordinance was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Upon motion by Councilman Brach, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

JOINT RESOLUTION OF THE CITY OF GRAND JUNCTION AND THE COUNTY OF MESA CONCERNING COUNTY AND MUNICIPALITY DEVELOPMENT REVENUE BONDS

The following Resolution was read:

RESOLUTION

A JOINT RESOLUTION OF THE CITY OF GRAND JUNCTION AND THE COUNTY OF MESA CONCERNING COUNTY AND MUNICIPALITY DEVELOPMENT REVENUE BONDS.

WHEREAS, County and Municipality Development Revenue Bonds are a legal, legitimate and practical method of financing large plant expansions of land, buildings and equipment, with the advantages to the firm receiving the bonding being an interest rate lower than conventional borrowing and usually a longer pay-back period; and

PASSED and ADOPTED this 16 day of January, 1980.

WHEREAS, the bonds are not a liability to the City of Grand Junction and/or the County of Mesa, and are sold through various channels to firms, institutions and individuals who receive (1) tax free status, and (2) security similar to a conventional bank loan; and

WHEREAS, the City of Grand Junction and the County of Mesa are interested in entering into the financing provided by County and Municipality Development Revenue Bonds under a proper plan and program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA:

That, in order to provide an orderly manner of approach to the issuance of County and Municipality Development Revenue Bonds, the following plan is adopted:

1. Both the City and the County agree that County and Municipality Development Revenue Bond financing is legal and practical for firms in local development planning.

2. A single application form be developed that provides the variety of information on the company, its plans and time scheduling.

3. An advisory County and Municipality Development Revenue Bond Committee will be formed by the City of Grand Junction and the County of Mesa. This committee's charge will be to develop a single application form for both entities and review all applicants to evaluate the firm and present the facts to the proper entity for consideration.

This committee shall consist of seven residents of Mesa County, knowledgeable in finance and business, with appointments to be made jointly by the City Council President and the Chairman of the Mesa County Commissioners with the concurrence of their respective Boards.

4. Fees for such applications shall be a minimum of \$2,000 or one-tenth of one percent of the value of the issue requested, whichever is greater, to be submitted with the application and which will not be refunded.

5. Availability of County and Municipality Development Revenue Bonds should be to all business, including local regardless of their size or location.

6. This policy shall be reviewed annually by the City Council and the Board of County Commissioners.

PASSED and ADOPTED this 16th day of January, 1980.

CITY OF GRAND JUNCTION

By:

President of the Council

Attest:

City Clerk

PASSED and ADOPTED this _____ day of _____, 1980.

By:

Chairman of the Board of County Commissioners of the County of Mesa

Attest:

County Clerk

Audience comments were had from Guy Stephens, Ron Sherman, Terry

Colony, and Mancel Page.

Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried on roll call vote, the Resolution was passed and adopted as read.

COUNCIL ENDORSES KEEPING MONUMENT ROAD TO GLADE PARK OPEN FOR LOCAL USE

After a brief discussion and endorsement of keeping the Monument Road open to Glade Park for local use and, upon motion by Councilman O'Dwyer, seconded by Councilman Brach, and carried, the President of the Council was authorized to write a letter to the appropriate people stating in very strong terms the City's endorsement of keeping the Monument Road to Glade Park open for local use.

COG (REGION 11)

Councilman Brach was elected Treasurer of COG, Region 11.

AIRPORT AUTHORITY

Councilman O'Dwyer reported that the Authority will be meeting tomorrow with the Airport Terminal design team.

PIAB

Councilman O'Dwyer reported that the local Boy Scout organization may approach Council in the near future with a proposal for the leasing of City-owned property below Carson Reservoir.

RECREATION BOARD

Councilman Dunn reported on Pee Wee Basketball and the many organizations using Lincoln Park Auditorium.

CML

President Quimby reported that Executive Board of Colorado Counties, Inc., and the Executive Board of the Colorado Municipal League met recently and agreed upon items to present for consideration on the Governor's call.

CITY PATROL OFFICER COMMENDED

Councilman Holmes reported that he observed a City patrol car with lights blinking that had stopped on the 5th Street viaduct to pick up and remove some lumber that had apparently fallen from a trash truck.

ADJOURNMENT

Upon motion by Councilman Johnson, duly seconded and carried, the

meeting was adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk