

Grand Junction, Colorado

July 16, 1980

The City Council of the City of Grand Junction, Colorado, convened in regular session at 7:30 p.m. the 16th day of July, 1980, in City 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 Quimby called the meeting to order and led in the Pledge of Allegiance.

INVOCATION

Reverend Rhonda Cushman, First Baptist Church.

MINUTES

Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer and carried, the minutes of the regular meetings June 18 and July 2, 1980, were approved as written.

GRAND JUNCTION SOCCER CLUB PRESENTS \$2000 CHECK EARMARKED FOR FIELD DEVELOPMENT

Ted Straughan, representing the Grand Junction Soccer Club, appeared before Council and presented a \$2000 check to the City which is earmarked for field development in the City and conveyed congratulations to the City's Parks and Recreation Department, and particularly, to Ken Idleman, Director, for a great deal of assistance in putting on the soccer program. Mr. Straughan wants to explore at some future date the possibility of using matching funds from the City and from the Soccer Club to develop more soccer fields. He noted that eight soccer fields are necessary to provide for the present members and youth program.

RESOLUTION OF SUPPORT FOR GREYHOUND APPLICATION TO PROVIDE INTER-STATE BUS SERVICE THROUGH GRAND JUNCTION

Mr. Frank Price, Greyhound Lines, Inc., representative, appeared before Council to request its support in Greyhound's application to the ICC for authority to carry interstate passengers between Denver, Colorado, and Cedar City, Utah, over I-70, U.S. Highways 6 and 89, and I-15.

The following Resolution was read:

RESOLUTION

OF THE CITY OF GRAND JUNCTION, COLORADO, SETTING FORTH ITS INTENTION OF THE APPLICATION OF GREYHOUND LINES, INC. FOR

AUTHORITY TO OPERATE A MOTOR BUS SERVICE GENERALLY BETWEEN DENVER, COLORADO, AND CEDAR CITY, UTAH, OVER INTERSTATE HIGHWAY 70, U.S. HIGHWAY 6, U.S. HIGHWAY 89 AND INTERSTATE HIGHWAY 15 SERVING VARIOUS INTERMEDIATE POINTS.

WHEREAS, it has been brought to our attention that Greyhound Lines, Inc., has applied to the Interstate Commerce Commission for authority to operate a motor bus service between Denver, Colorado, and Cedar City, Utah, over Interstate Highway 70, U.S. Highway 6, U.S. Highway 89 and Interstate Highway 15 serving various intermediate points and return over the same route; and

WHEREAS, Greyhound also seeks to provide charter and special operations service in one-way and round-trip charter and special operations:

From points in Denver, Jefferson, Clear Creek, Summit, Eagle, Garfield and Mesa Counties, Colorado, and Grand, Emery, Sevier and Millard Counties, Utah:

and

WHEREAS, the City of Grand Junction, Colorado, believes this proposed service by Greyhound would be to the benefit of our City and would serve public convenience and necessity.

NOW, THEREFORE, BE IT RESOLVED That this City go on record as urging the Interstate Commerce Commission to grant the application of Greyhound Lines, Inc. to operate a motor bus service between Denver, Colorado, and Cedar City, Utah, as aforesaid.

BE IT FURTHER RESOLVED that the President of the City Council or her representative, be and they are hereby authorized to appear at any hearing called by the Interstate Commerce Commission in connection with this matter and there to testify on behalf of this body in support of the Applicant, Greyhound Lines, Inc.

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

President of the Council

Attest:

City Clerk

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

LIQUOR - RENEWAL OF TAVERN LIQUOR LICENSE FOR THE IRON HORSE, 227

ROOD AVENUE

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the application by Robert C. Miller to renew his tavern liquor license at The Iron Horse, 227 Rood Avenue, was approved.

LIQUOR - REGISTRATION OF MANAGERS AT HOWARD JOHNSONS, 752 HORIZON DRIVE, AND RAMADA INN, 718 HORIZON DRIVE

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the applications by Howard Johnson Company to register Noreen Satrang as manager at 752 Horizon Drive and by Westbrooke Corporation to register Frank Goff as manager at Ramada Inn, 718 Horizon Drive, were approved.

HEARING - PROPOSED ORDINANCE - DEVELOPMENT IN H.O., NORTHSIDE PARK AND EASEMENT VACATION AT 711 HORIZON DRIVE

A hearing on the above item was held after due notice. No opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING AN EASEMENT IN THE CITY. Upon motion by Councilman Holmes, seconded by Councilman O'Dwyer and carried, the proposed ordinance was passed for publication.

HEARING - CONDITIONAL USE FOR MEDICAL CLINIC AT 1001 WELLINGTON

A hearing on the above item was held after due notice. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried, the conditional use for medical clinic at 1001 Wellington was granted.

HEARING - BULK DEVELOPMENT BOOKCLIFF TOWNHOMES AT 1047 BOOKCLIFF - 17 UNITS PLUS 5 EXISTING UNITS

A hearing on the above item was held after due notice. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried, the bulk development for Bookcliff Townhomes at 1047 Bookcliff Avenue was approved.

HEARING - BUILDING ADDITION IN H.O. ZONE AT 737 HORIZON DRIVE OLD HOMESTEAD REALTY

A hearing on the above item was held after due notice. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried, the request by Old Homestead Realty for building

addition in H.O. zone was approved.

HEARING - EXTENSION OF TIME GRANTED CROWN HEIGHTS SUBDIVISION FOR SUBMITTAL OF FINAL PLAT FOR PROPERTY LOCATED ON SE CORNER OF 27 1/2 ROAD AND G ROAD

A hearing on the above item was held after due notice. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried, an extension of time was granted Crown Heights Subdivision for the submittal of the final plat for the property located at the southeast corner of 27 1/2 Road and G Road.

HEARING - REZONE FROM R-1-B TO R-3, 1040 BUNTING - REQUESTED BY MESA COLLEGE FOR USE AS SIGMA PHI EPSILON FRATERNITY HOUSE - RESOLUTION OF FINDINGS AND DECISION SCHEDULED AUGUST 6

A hearing on the above item was held after due notice. Bob Bright, Senior City Planner, outlined the area and reviewed the Planning Commission's recommendation for denial. Loran Dake appeared on behalf of Mesa College. Also speaking for the petition were Dr. John Tomlinson, President of Mesa College, and Jim Pool, 387 Rodell Drive.

Mrs. Thatcher Shaw, who lives across the street from 1040 Bunting, asked why the request is to rezone from R-1-B to R-3, because R-3 means multiple dwelling and a fraternity house is not a multiple dwelling.

Don Warner responded that fraternity houses, sorority houses, and group housing of that type are not allowed uses in the R-1 zone. They are allowed in the R-3 zones and that agrees with the zoning across the street.

Opponents: Maud Dooling, 1345 College Place, spokesman for six other owners from the area. There are 19 owners in that block.

Art Ingvertsen, 1257 Elm, asked about the closing of a parking area on campus.

Dr. Tomlinson stated that the middle section of the campus is being taken out of parking, and the area behind Houston Hall is a part of campus improvements, landscaping, and lighting program. There is a loss of approximately 20 parking spaces which were faculty parking.

Lucille Pace, 1356 Houston Avenue, stated that she would hesitate to call the Police and sign a complaint against students who park in her driveway or in the red no-park zone in front of her house because she fears retaliation from some of the group of students.

Mike Freeman, 2159 Shenandoah, asked whether the student parking fees and ticketing fees are being used to purchase additional

parking for the college. Dr. Tomlinson responded that the fees and fines go for maintenance of the existing parking lots and for the employment of personnel necessary to enforce the regulations.

A Resolution of findings and decision is scheduled for August 6, 1980.

HEARING - ALLEGED LIQUOR CODE VIOLATION BY MELVIN W. MULDER, CORK `N EMBERS, 105 N. 2ND STREET - RESOLUTION OF FINDINGS AND DECISION AUGUST 6

A hearing on the above item was held after due notice.

William Kane, attorney for Melvin W. Mulder, cited a City Council decision made in March, 1979, that the police officers contact the owners on all violations when just the employee is involved and the owner is not present. Mr. Kane said this is a case in which the violation is alleged to have occurred on February 20, 1980. Mr. Mulder did not find out about it until he submitted his application for license. Mr. Kane respectfully requested that the hearing tonight not include the alleged after hours violation due to a failure of a fair and timely notice to Mr. Mulder.

Mr. Ashby advised Council that in his opinion, Council should hear that matter and then subsequently make a determination as to whether or not the remarks by Mr. Kane are well taken and whether or not in fact in making some determination about the total matter, his request should be honored or not honored.

Councilman Brach moved that the City Council hear all the allegations during the hearing tonight.

Councilman Dunn stated that the motion cited by Mr. Kane was a fair one, and he would be willing to stand by it.

Councilman Holmes said that in making a determination as to whether or not the Council would go back and respect the minutes as provided by Mr. Kane, it would seem that an explanation should be forthcoming as to why this has indeed not been a matter that has been followed. He felt this was an awkward situation from the investigating officer on up and stated this results in a breach of conduct to the citizens of Grand Junction.

Larry M. Head, City of Grand Junction Police Patrolman, stated he did not issue a citation in this instance, nor did he personally notify Mr. Mulder of the matter but referred it to his supervisor who assigned it to the police department investigative section that has an officer to handle liquor matters.

Councilman Johnson asked Patrolman Head whether he has the authority under these circumstances to issue a citation on his own judgement, and if so, why he did not issue a citation in this case.

Patrolman Head stated that yes, he does have the authority, and in order to answer why he did not issue a citation in this instance it would require some lengthy testimony as to what was going on at the time.

Upon motion by Councilman Dunn, seconded by Councilman Johnson, the City Council reaffirmed its support of the motion made March 7, 1979, and elected not to hear the allegation of serving after hours. Upon roll call Council members HOLLINGSWORTH, JOHNSON, DUNN, BRACH, HOLMES, QUIMBY voted AYE with Councilman O'Dwyer abstaining.

The second alleged violation concerned the matter of restroom door broken at Sherwood Park on April 13, 1980. Testimony was had from Glen Dixon, Police Officer with the Grand Junction Police Department.

The third alleged violation involved a driving accident by Mr. Mulder while under the influence which occurred at 1:50 a.m. on December 14, 1979. Testimony was had from Rich Bacher, Detective with the Grand Junction Police Department. Mr. Mulder stipulated that he entered a plea of guilty to a charge of driving while ability impaired.

Mr. Kane called the following for testimony: Melvin W. Mulder, 737 25 Road; Perry Gallegos, 316 Farrady; Bill Kaley (or Caley), 548 Glen Road.

The following people were present to attest favorably to the character of Mel Mulder: Nick Marquez, 402-B Dressel Drive; James E. Thompson, 2651 F. Road; Gary Skaggs, Vice President of Skaggs Excavating, 185 E. 4th Street, Palisade; Steven Groth, 185 E. 4th Street, Palisade; Sandra Hawkins, 515 22 1/4 Road; Chester E. Gernon, 1672 1/2 Delories Avenue; James P. Freeman, 1057 Ouray Avenue; Douglas K. Freeman, 1391 17 1/2 Road, C. Michael Freeman, 2159 Shenandoah Drive, Barry M. Hyland, 2054 Ferree Drive.

Robert C. Miller, owner of the Iron Horse stated that this is the only time he has seen a City Council try a man for DUI. He would like to see the Council try Mr. Mulder for his ability to run his bar and establishment.

Douglas Freeman, 1391 17 1/2 Road, stated that the stigma is still there.

The following letter from Nick Marquez was noted:

July 7, 1980

Grand Junction City Council
250 North Fifth Street
Grand Junction, CO 81501

Dear Council,

I would like to speak up on behalf of Mel and Vera Mulder, owners of the Cork & Embers. Over the past two years that I have lived in Grand Junction I have witnessed the Mulders help many people who might otherwise have ended up in your courts for various offenses. I have known Mel to refuse serving alcohol to many a person and actually plead with them to drink coffee, lie down or at least let him call a taxi. I know of no other club owner in this town who would go to this trouble to try and help someone. The only concern of most club owners is to get that person off their premises so the problem becomes someone else's. Mel may not always be successful, but at least he tries.

Mel also helped form the "Western Slope Pool League" to try and help the people that came to his club get interested in something besides "partying". The Cork & Embers has offered Shuffleboard, Backgammon, Ping Pong and Pool tournaments to try to get its patrons involved in something instead of just drinking.

Mel is also sponsoring a softball team for 1980. The team is made up of patrons of the Cork & Embers.

The Mulders also own river rafts and host river rafting trips for patrons of the club.

As for the Sherwood Park incident, Mel Mulder took the "rap" for the individual that actually did the damage to the city facilities. How many club owners in this town would take personal responsibility for someone else's actions? You can bet not many. Why should Mel's ownership of the Cork & Embers be linked with the park incident anyway? The picnic was paid for by the dues and members of the Western Slope Pool League, not the Cork & Embers. Mel Mulder was trying to protect all those who attended that picnic from the consequences of one individual's actions. By accepting the responsibility and talking to the police he prevented further incidence. Why should his club's operation be jeopardized because of his concern for others in an incident which did not directly involve the club?

Should the Cork & Embers be forced to close, its patrons will undoubtedly find other places to go, however, there is not another place in this city that I've ever been to which has shown the concern and fellowship I receive from the owners and employees of the Cork & Embers.

I would hope the City Council will look deeper into the good things the Mulders are trying to do before they make any decision which would jeopardize their livelihood.

Respectfully,

;sigl;
/s/ Nick Marquez
402-B Drussell Drive

Grand Junction, Colorado 81503

It was confirmed that Captain Evers indicated that a call to the Police Department by Mel Mulder on April 13, 1980, requesting a key to the restrooms was made.

Mr. Kane summarized that Mr. Mulder has not had the slightest opportunity in advance of this hearing to explain, defend himself, or clarify the allegations of the Police Department memo that Mr. Kane felt was very prematurely released to the public media with the result that the fact that the Council was going to be conducting a public inquiry into the alleged bad character of Mr. Mulder has been paraded in this community for the past two weeks buttressed by a gratuitous, and Mr. Kane thought, an unfortunate comment by Mr. Wysocki that Mr. Mulder should be advised that things just didn't look quite kosh. Mr. Kane stated that this notoriety and defamation of Mel's character in the paper and the fact that it has been paraded around that this sort of public inquiry was to be conducted was, in Mr. Kane's opinion, undeserved. He stated that this has hurt Mel and his family. With regard to the particular allegations, Mel has admitted that he was impaired on the night in question. Mr. Kane said that he supposed Council may consider this if it wants. He noted there is a case law on this very specific point about whether or not an impaired conviction weighs on the character of a liquor applicant. He cited a case arising out of this very County that Mr. Ashby litigated on behalf of the Mesa County Commissioners; the case of Wadlow against Harmon. Mr. Kane noted that it says essentially that you are not to consider that unless there is some manner in which you can relate the offense of driving while impaired to his qualifications to run the business. He said that case specifically held that the mere fact of a conviction alone is insufficient. Mr. Kane thought that in the absence of a record of other alcohol-related convictions or evidence of an alcohol problem of some sort that Mel Mulder would have there is really no relation to a single incident that occurred in December, 1979, to his qualifications as established over the past ten years to run a clean and orderly establishment. With regard to the vandalism incident, Mr. Kane felt Mr. Mulder's conduct was much more admirable than criminal. What Mr. Mulder did was to step into a potentially nasty situation and diffuse it by taking responsibility for an act he had not committed. Mr. Kane felt that here, in particular, was the area that the vicious rumors which were circulated about him, due in part to the untimely release of the Police memo, particularly seem hurtful.

Mr. Freeman indicated that stigma is still here and Mr. Kane stated that's true. He said that the Daily Sentinel reported that under Mel's direction a group of people destroyed that door. Mr. Kane said that now the Council knows that the beer party alleged in that report and article was nothing more than a Sunday picnic and awards banquet of the pool league. He stated that now Council knows that maybe some City employees or someone are at fault for having locked the bathroom door to protect what he was not sure.

He stated that now Council knows Mel Mulder did not break in or was not the leader of a drunken gang of vandals intent on destroying City property. He said that the problem is now it's too late, and those type of allegations have been going about the City for the last two weeks. As a final note, and as a legal matter, Mr. Kane stated the incidents in question are not violations of the liquor code. They are, as the Mayor has indicated, concerns that have been raised concerning Mel's character, and the way they are postured in this case is two weeks ago Mel had applied for his license and was up for hearing. There were concerns the Council had which related to his character; in other words, whether or not he should get his license. Council agreed, and Mr. Kane was grateful for that, to go ahead and give him his license to sort of expedite the processing and then hold a hearing on his character to determine whether or not in effect the Council should ratify its approval of that license. Mr. Kane said what it comes down to is the Council cannot suspend Mel's license because of a vandalism charge or a driving while impaired charge. What Council is to decide at this point is whether or not his character is such that Council will affirm or ratify its decision made two weeks ago that he is of sufficient character to hold a license or whether Council thinks his character is of such a poor quality that he ought not, in which case Council's only alternative is to revoke. Mr. Kane stated that he was somewhat queasy about giving Council a decision of only to revoke or do nothing, fearing the worse alternative, but he feels that is legally correct after discussion with Mr. Ashby. Mr. Kane concluded his remarks by stating that Mel has been harmed very much by what's happened over the premature release of what is to happen here. It turns out some of the things in that report were wrong but that's been spread about for two weeks and there's not much to do about it now except that he hoped Council would adopt a resolution ratifying and confirming his license without suspension of any kind.

President Quimby advised Mr. Kane that Council has absolutely no control over what the press does.

Mr. Kane responded that Council can control whether or not it releases the memos.

President Quimby stated that Council operates in an open forum at meetings and when information comes up that is available and people would be just as upset if Council did not make that information available to the public. She continued that Mr. Kane was almost predetermining or suggesting what Council's decision is going to be.

Mr. Kane said no, not at all. He felt this had been an extremely fair hearing.

President Quimby stated that it is much better to have it all out in the open to get the facts than to have all of the rumors, etc.

Mr. Kane said that exactly is his point. What he is talking about

is the limited issue of the release of the allegations in advance of the full hearing. Now, everything is out in the open. Now it is known what happened. Two weeks ago nobody knew that. The report was released when it shouldn't have been because it was inaccurate and now it's been in the paper. That's the problem.

Mr. Ashby stated that this is absolutely no different than anything that happens in any criminal proceeding or any other proceeding.

Mr. Kane stated that what happens when it is released like that there is no opportunity at that time to challenge it.

Mr. Ashby stated that when a charge comes in here from the Police Department, it becomes a matter of public record. When a hearing is set on the allegations, that information is released to the press. How the press writes up the story is up to the press. The material they were given said nothing more than has been testified to here tonight preliminarily. Now it has been explained. But this Council didn't put out anything at all other than the charges that were expressed and specifically indicated it was going to look into those charges which it has done.

Mr. Kane declined to argue it further except to express his dismay that erroneous information has been bandied about about Mel's character. That is irretrievable and unfortunate and Mr. Kane was very distressed about it and he apologized for arguing that point with undue vigor.

President Quimby stated that she was sorry Mr. Kane felt that way and reminded him that we all live under that every day.

The hearing was closed. A Resolution of findings and decision is scheduled on the August 6 Council Agenda.

HEARING - CONDITIONAL USE - BUSINESS OFFICES AT 1039 AND 1045 GRAND AVENUE - WITHDRAWN

At the request of Loran Dake, representing Gene and Phyllis George, this item was withdrawn.

HEARING - PROPOSED ORDINANCE ZONING OF A PART OF GONZO ANNEXATION FROM COUNTY R-2 TO CITY R-1-A

A hearing on the above item was held after due notice. There were no opponents, letters, or 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. Upon motion by Councilman Johnson, seconded by Councilman O'Dwyer and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - REZONE FROM R-3 TO PB, SE CORNER OF
ELM AVENUE AND 12TH STREET

A hearing on the above item was held after due notice. The following letter from Art Ingvertsen, 1247 Elm Avenue, was noted:

July 15, 1980

Grand Junction City Council;

Re: #88-79 G & S Investments, Ltd. Request for Rezoning from R-3
to PB

Dear City Council Members:

Despite repeated questions directed to you, to the Planning Commission and to the Planning Department Staff concerning the above development, I still have several areas of unresolved confusion. Perhaps by approaching this in writing with a request that this letter be made part of the official records concerning this Project, I can form specific areas which I would appreciate your addressing. This entire process is new to me, and I may not have followed all of the intricate maneuvers of the procedure, but there are the following questions which are still unanswered in my mind, and I would appreciate your help in their resolution.

Item #1. When the Developer presented his original Plan (Drawing dated 4-1-80) it was stated he had two acres contained in the proposed PUD. The Planning Department Staff at that time informed us that two acres were necessary to meet the requirements for a PUD. The Developer's Plan indicates only two lots in the block are not included in the Project; those two lots located in the northeast corner. It currently appears from all available records that the amount of land contained in the Project is considerably less than that first proposed, as the Developer does not own seven lots within the block (Lots 13 through 19). This reduces the actual square footage available for the development to approximately 80,500. According to the information available at the start of the Project, this is far below the required land for a PUD. Is it not necessary for the Developer to request a variance to be allowed to convert R-3 to PUD when the square footage is not in compliance with regulations?

Item #2. As discussed with you at the June 18, 1980, Council Meeting, I am concerned that the entire block, with the exception of the above noted lots, is requested for rezoning to a Planned Business status. The Developer has already changed the scope of Phase I from an ice cream parlor to a requested restaurant with 3.2% beer license; with a PB zoning, will he be restricted to building residential units as specified in the 12th Street Corridor Plan, or will he be allowed to construct any business which fits into the PB status? Indeed, if the entire area is rezoned, and the Developer finds he cannot meet the financial needs for further construction beyond Phase I (or beyond any of

the succeeding phases), will another developer be allowed to purchase the remaining property and proceed with building any allowable business-type ventures?

Is there any specific reason why zoning cannot be approached on a phased basis in order to eliminate having the entire block rezoned and perhaps not later used for business purposes? This approach would eliminate the need for changing the entire character of the current residential neighborhood until/unless the Project is in progress.

Item #3. At this time, no rezoning has been granted which means the current R-3 status is in effect. The Developer has recently made a change in the construction of one of the residences in the block, using the R-3 requirements. Will he be allowed to use both the R-3 and PB zoning requirements in the block in the future? It would appear that at this time, he is selecting whichever of the zoning requirements suits his purposes.

Item #4. In the event that the PB zoning is granted, we would ask that the specific requirements pertaining to screening be included in the motion. According to the information available to us, the regulations state "Fence, wall and/or vegetative screening shall be provided where needed to protect occupants from undesirable views, lighting, noise, or off-site influences, or to protect occupants of adjoining zones from similar adverse influences within the PD." We feel it is of prime importance that we be protected with screening from the proposed development.

We realize that it may appear that we are "making mountains of mole-hills" in this matter, but we appreciate the Council's indulgence. To have one's living environment changed so drastically creates an upheaval of major importance, and we feel that our position should be weighed in making the decisions which will affect our future. Thank you for your attention and interest in the matter.

Sincerely,

;sigl;
/s/ Arthur G. Ingvertsen

AGI/ei

Response to Item 1 of the letter is that there is no acreage requirement for a PUD. Item 2 - The answer there is they have to conform to a plan. The answer to the last half of the question is that most developers, when they are talking about a large project, want the full thing zoned and then follow phases of the plan unless they are prepared to go ahead with the whole thing at once. Item 3 - The answer is the developer must conform with PB, but R-3 wouldn't necessarily be prohibited as one of the uses. Mr. Warner advised that two fire escapes put on one rental building at the orders of the Fire Chief. Item 4 - The requested screening would

have to be a part of the plan.

Mr. Ingvertsen was present and stated that he does not believe that Planned Unit Development is good in all fields nor answers all the questions.

There were no other comments, letters, or 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 CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried, the proposed ordinance was passed for publication.

KIMBALL ANNEXATION

Withdrawn

AGREEMENT BETWEEN CITY AND LOS LUNEROS TO PROVIDE THAT 50% OF THE SPACE IN PROPOSED NEW BUILDING WILL BE OCCUPIED BY RESOURCE DEVELOPMENT RELATED TENANTS

Nothing filed to date. Staff to call and remind the partnership that no further action will be taken until the filing of this agreement.

IRB COMMITTEE

President Quimby said that the IRB Committee has indicated there were two vacancies and the City and County has filled one vacancy. Upon the filing of a letter, Council will be making the other appointment.

WATER LINE EXTENSION - ORCHARD MESA

City Manager Wysocki reported that a proposed water line extension on Orchard Mesa that will go to a mobile home park near 27 Road in the approximate location of Fire Station No. 4. These are people who were on the flow line receiving raw water. They are to be put on a regular domestic system with the cost being charged to the owner of the mobile home park. Staff requested authorization for Jim Patterson to sign an agreement to initiate that action. The water line will be built to city specs and will then come under the City's jurisdiction.

Upon motion by Councilman Johnson, seconded by Councilman Brach and carried, Jim Patterson was authorized to sign the agreement for water line extension.

AIRPORT - RESOLUTION COSPONSORSHIP FOR ADAP FUNDS

The following Resolution was read:

RESOLUTION

AUTHORIZING EXECUTION OF GRANT OFFER FOR ADAP PROJECT NO. 6-08-0027-07 FOR IMPROVEMENTS AT WALKER FIELD AIRPORT.

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

That the President of the City Council is hereby authorized and directed to execute the Acceptance to Grant Agreement No. 6-08-0027-07 for the City of Grand Junction, Colorado, and the City Clerk is authorized and directed to affix the seal of the City thereto and attest the execution thereof.

PASSED and ADOPTED this 16th day of July, 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.

COG

Councilman Brach reported that COG is working on the Oil Shale Trust Fund Monies. All information must be turned into the JBC by the first of November. Peggy Rector was appointed to the HSA Board to fill Dot Hoskins' position.

AIRPORT BOARD

Councilman O'Dwyer reported that he, Councilman Brach, and County Commissioner Mike Kelly have been meeting every Tuesday morning with the architect for airport design. So far, they are right on schedule.

RECREATION BOARD

Councilman Dunn reported that at the Recreation Board meeting yesterday, Dillon/Hunt presented plans for the new 50-meter pool at the location of the Moyer Pool in Lincoln Park. The cost on that is \$1,500,000. Also, a proposal for the 25-meter pool at the Boys Club for \$3,500,000. At the PIAB Board meeting, County Commissioner Rick Enstrom indicated that the County will participate more financially in the recreations programs.

OIL SHALE IMPACT FUNDS

Councilman Hollingsworth reported on the meeting of the Oil Shale Impact Funds. He indicated that the significant thing of getting the money in is that they are going to attempt to budget all the money rather than on a 3-year cycle, so the requests could be larger presuming this is all accepted by the JBC. Councilman Brach said they are stressing that everyone have their 5-year improvement program up to date. It was noted that the City is ready. President Quimby suggested that all entities band together to make the request for funds.

CENSUS

Councilman Hollingsworth noted news items of other areas who are dissatisfied with the census count. He suggested the City review very carefully the census figures.

LIQUOR

Councilman Holmes requested the City Manager to look into the circumstances as noted earlier in the meeting of the hearing on the alleged liquor code violation to see that this situation does not occur again.

It was resolved that any problem by a license holder reported to this Council should be reported to the owner of any licensed outlet. Mr. Wysocki indicated that a certified letter will be initiated to the owner, so the City will have a record of notification.

There was discussion of a hearing officer. This is an item that Council will explore more fully at a future workshop.

RESIGNATION OF BOB VAN HOUTEN FROM AIR QUALITY CONTROL COMMISSION

Upon motion by Councilman Brach, seconded by Councilman O'Dwyer and carried, the City Council accepted the resignation of Bob Van Houten from the Air Quality Control Commission.

President Quimby is to write a letter of appreciation to Mr. Van Houten. Names of people interested in serving on this Committee were requested.

ADJOURNMENT

The President adjourned the meeting. Next regular meeting is August 6, 1980.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk