

Grand Junction, Colorado

August 20, 1980

The City Council of the City of Grand Junction, Colorado, convened in regular session at 7:30 p.m. the 20th day of August, 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 Attorney/Acting City Manager Gerald Ashby and City Clerk Neva Lockhart.

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

#### INVOCATION

Reverend Dave Fendall, Friends Church.

#### MINUTES

Upon motion by Councilman Brach, seconded by Councilman Dunn and carried, the Minutes of the regular meeting August 6, 1980, were approved as written.

#### HOUSING AUTHORITY - NAMES REQUESTED

President Quimby announced the resignation of Levi Lucero and Lucille Crumbaker from the Housing Authority and requested the names of persons who would be interested in served on this Board.

#### CONTINENTAL TRAILWAYS BUS COMPANY COMMENTS REGARDING GREYHOUND BUS LINES PROPOSED INTER-STATE SERVICE THROUGH GRAND JUNCTION

Mr. M. E. (Bill) Hylton, representing Continental Trailways Bus Company from Denver, appeared before Council to comment on Greyhound Bus Lines application to the ICC for authority to carry interstate passengers between Denver, Colorado, and Cedar City, Utah, with a stop in Grand Junction. The City Council adopted a Resolution of Support at its July 16 meeting. Mr. Hylton stated that he realizes Council's support to Greyhound was given because it wants more service for the town and not because it does not like Trailways or that Trailways is not giving good service. Mr. Hylton noted that Mr. Bittle, the local Trailways Commissioned agent, has a payroll of \$218,000 a year plus expenses of \$50,000 to \$60,000 a year. Mr. Hylton stated that Trailways is contributing to the economy of Grand Junction by about one million plus. He would like Council to rescind its action support Greyhound's request and remain neutral, but he understands that it will not do that.

#### LIQUOR

Upon motion by Councilman Dunn, seconded by Councilman Johnson and

carried with Councilman HOLMES voting NO, the applications by Dos Hombres Restaurant, 2516 Broadway, and Horizon Liquors, 715 Horizon Drive, to renew their liquor licenses were approved.

HEARING - ORCHARD MESA BOWL INTERIOR REMODEL, 295 27 ROAD - APPROVED

A hearing on the Orchard Mesa Bowl interior remodel at 295 27 Road was held after due notice. The petitioner was present. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the Orchard Mesa Bowl interior remodel proposal was approved subject to the conditions of the Planning Commission.

HEARING - PROPOSED ORDINANCE - ROAD VACATION IN HORIZON 70 SUBDIVISION

A hearing on the proposed road vacation in Horizon 70 Subdivision was held after due notice. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING RIGHT OF WAY IN THE CITY. Upon motion by Councilman Holmes, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - REZONE FROM R-1-C TO PB AND PRELIMINARY PLAN FOR DANCE STUDIO IN GARAGE AT 525 28-3/4 ROAD

A hearing on the proposed rezone from R-1-C to PB and the preliminary plan for dance studio in garage at 525 28-3/4 Road was held after due notice. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried with Council members O'DWYER and QUIMBY voting NO, the Preliminary 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 Holmes, seconded by Councilman Johnson and carried with Council members O'DWYER and QUIMBY voting NO, the proposed ordinance was passed for publication.

HEARING - DARWIN SUBDIVISION (MINOR), E OF 28-1/4 ROAD, APPROXIMATELY 462 FEET S OF NORTH AVENUE

A hearing on Darwin Subdivision (Minor) was held after due notice. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, Darwin Subdivision (Minor) was approved subject to the conditions of the Planning Commission.

HEARING - FINAL DEVELOPMENT PLAN OF WESTERN FEDERAL SAVINGS AND LOAN, NE CORNER OF 24-1/2 ROAD AND F ROAD

A hearing on the final development plan for Western Federal Savings and Loan was held after due notice. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the final development plan for Western Federal Savings and Loan was approved subject to the conditions of the Planning Commission.

HEARING - DEVELOPMENT IN H.O. - AIRPORT \$ INN, 737 HORIZON DRIVE

A hearing on the petition for development of Airport \$ Inn at 737 Horizon Drive in an H.O. Zone was held after due notice. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the Airport \$ Inn development was approved subject to the conditions of the Planning Commission.

HEARING - PROPOSED ORDINANCE - ZONING LAMM ANNEXATION (2464 F ROAD) FROM COUNTY PB TO CITY PB AND FINAL DEVELOPMENT PLAN FOR ENERGY BELT PLAZA

A hearing on the rezone of Lamm Annexation, 2464 F Road from County PB to City PB and the final development plan for Energy Belt Plaza was held after due notice. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the final development plan for Energy Belt Plaza was approved subject to the conditions of the Planning Commission.

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 O'Dwyer, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

HEARING - CRESTVIEW TOWNHOMES FINAL REPLAT OF LOTS 16 AND 17, NEW CORNER OF F-1/4 ROAD AND 27-1/4 ROAD

A hearing on the Crestview Townhomes final replat of Lots 16 and 17 was held after due notice. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the Crestview Townhomes final replat of Lots 16 and 17 was approved subject to the conditions of the Planning Commission.

HEARING - U.S. TRANSACTION BANK DEVELOPMENT IN H.O. ZONE, NW CORNER OF F ROAD AND 24-1/2 ROAD - TABLED - FACTFINDING DECISION

SEPTEMBER 3, 1980

A hearing on the proposed U.S. Transaction Bank to be located on the northwest corner of F Road and 24-1/2 Road was held after due notice. Mr. Baird Brown, 1021 Main Street, attorney representing Mesa Mini Mall Properties as well as Wayne Fisher, appeared before Council and reviewed the background of this property regarding the right of way along 24-1/2 Road; that is, purchase of the right of way by the City versus donation of the right of way by the developer. The City Attorney indicated that when the property was subdivided there was only a 60-foot right of way called for because of the designation of the road. When they went to the designation of collector or whatever they determined it was for that road, it added an additional ten feet on either side. The regulations of the City and the County both provide that if a building permit is sought, or some action is taken in regard to the development of the property at a time subsequent to that, then either entity can ask for right of way as a part of that development. That is the present situation. Now with the H.O. development, under the regulation, it is possible for Council to say "give us that extra ten feet along that particular strip that is involved in that Mesa Mall mini bank." The City Attorney advised Council that it is going to have to plan ahead, and quickly, in all areas to be sure that the roads are properly designated in order that it can obtain the proper rights of way as it goes along.

Mr. Brown recapped the situation by stating that the public is at the mercy of the various Boards of the County and of the City. He said that the petitioner has tried to cooperate with the County and with the City during the course of the development of that property.

The City Attorney advised that the issue may be a moot question if the property involved in the Mesa Mini Mall Bank does not abut 24-1/2 Road. The petitioner must come up with the description of the property involved in the Mesa Mini Mall Bank.

Mr. Ken Hunt had a question about the County Commissioners' designation of the Use of 24-1/2 Road and whether 24-1/4 Road in its entirety or just to the centerline of 24-1/2 Road was annexed to the City when Fisher Subdivision was annexed. Mr. Warner stated that all of it north of F Road and adjacent to Fisher Subdivision was annexed at that point, and that the City has also designated the same right of way width for this street. Mr. Hunt asked whether that designation happened before or after development started. Mr. Warner said he would have to find out. Mr. Ashby said he thought that would be relevant--when the designation was made by the City.

Mr. Wayne Fisher, 433 30 Road, said that during the course of this development he has put in the sewer; he was asked to give a 20-foot easement on the west side of his property, and to get it to a ten-foot easement Public Service told him it would cost \$8,000 and

they would put the Public Service lines underground; later he was asked by the County Commissioners if he would pay for turn lanes if they were required, to which he agreed. He stated that all along during the development phase he has been asked to donate this and donate that. He stated that it seems there must be a stopping point. He asked what is to stop the review agencies from coming back next year and asking for five or ten more feet.

Upon motion by Councilman Hollingsworth, seconded by Councilman Johnson and carried, this matter was tabled to September 3, 1980.

3.2% BEER - RESOLUTION OF FINDINGS AND DECISION REGARDING APPLICATION BY BOLD PETROLEUM, INC., DBA GAS RITE, 745 HORIZON DRIVE - LICENSE APPROVED

The following Resolution was read:

#### RESOLUTION

OF DECISION ON APPLICATION FOR A FERMENTED MALT BEVERAGE LICENSE BY BOLD PETROLEUM, INC. AT GAS RITE, 745 HORIZON DRIVE, GRAND JUNCTION, COLORADO.

A public hearing having been held on August 6, 1980, on the application by Bold Petroleum, Inc. for a fermented malt beverage license for sales in sealed containers for consumption off the premises for Gas Rite at 745 Horizon Drive, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was held on August 6, 1980, on the application after proper notice thereof under the Beer Code.
2. That the survey conducted by the City indicated that 82 persons contacted opposed the issuance of the license feeling that the needs of the neighborhood were being met by other outlets. Seventy-eight persons favored the issuance of the license in the belief that the needs of the neighborhood were not being met by other outlets. Of those who indicated on the survey material they were inhabitants of the neighborhood, 12 favored the issuance of the license while 9 opposed the issuance.
3. There are no similar outlets within the neighborhood, the closest being at Albertson's grocery on 12th and Orchard in the City.
4. The applicant made a more detailed and definitive survey independent of the City survey and reported that 88% of the business owners in the neighborhood favored the issuance of the license, two-thirds of the residents of the neighborhood favored the license, and the fact that a petition circulated by him indicated through the signatures of 241 people (199 without the neighborhood) indicated the needs were not being met by other outlets.

5. 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.

6. That the character of the applicant, as determined through a check by the Police Department of the officers of the corporation and through letters attesting to their good characters, is good.

7. While the Council generally gives heavy weight to the survey conducted by the City because of its impartiality, some weight must be given to the survey and petitions of the applicant and the fact that there is no similar outlet within the neighborhood; and it is for these reasons the Council believes the needs of the neighborhood are not being met by other outlets and it is the desire of the inhabitants, generally, that the license issue.

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

That a fermented malt beverage license issue to Bold Petroleum, Inc. for Gas Rite at 745 Horizon Drive, Grand Junction.

PASSED and ADOPTED this 20th day of August, 1980.

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President of the Council

Attest:

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City Clerk

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

HEARING - APPLICATION FOR RENEWAL OF 3.2% BEER LICENSE BY GILLIN & COMPANY DBA MR. G'S PLACE, 1230 N. 12TH STREET - APPLICATION TO RENEW APPROVED WITH 5-DAY SUSPENSION LEVIED EFFECTIVE AUGUST 21 THROUGH AUGUST 25, 1980

A hearing on the application by Gillin & Company dba Mr. G's Place, 1230 N. 12th Street, to renew the 3.2% beer license was held after due notice. Michael Gillin, President and Manager of Mr.G's, was present along with his wife, Simone.

Mr. Rohwer, owner of adjacent property, was present and advised Council that an agreement for additional parking use for Mr. G's has been negotiated and a written agreement will be submitted in the next few days.

Testimony was had from Detective Joe Mendecelli, Grand Junction Police Department.

Michael Gillin and his father, William Gillin, 2700 G Road, responded to the charges.

The following letter from Terrance W. Wakefield was read: (Copy in Mr. G's file).

Councilman Dunn stated that he did not feel there was really too much concrete evidence presented to warrant revocation of the license or even to suspend the license, he would, therefore, move to approve the application to renew the license. Councilman Brach seconded the motion. Council members HOLLINGSWORTH, DUNN, and BRACH voted YES. Council members HOLMES, JOHNSON, O'DWYER and QUIMBY voted NO. The motion lost.

Upon motion by Councilman Johnson, seconded by Councilman O'Dwyer and carried with Council members HOLMES and DUNN voting NO, the application to renew the 3.2% beer license at Mr. G's was approved, and a 5-day suspension of the license effective at 5:00 a.m. Thursday, August 21, was imposed.

#### ORDINANCE NO. 1907 - MESA MALL ANNEXATION NO. 4

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

There were no comments. Upon motion by Councilman Holmes, seconded by Councilman Hollingsworth and carried by roll call vote, the Ordinance was passed, adopted, numbered 1907, and ordered published.

#### ORDINANCE NO. 1908 - KIMBALL AVENUE ANNEXATION

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

There were no comments. Upon motion by Councilman Dunn, seconded by Councilman Brach and carried by roll call vote, the Ordinance was passed, adopted, numbered 1908, and ordered published.

The President declared a five-minute break. Upon reconvening, all Council members were present.

BLACK & VEATCH PRESENTATION OF DESIGN DEVELOPMENT FOR CITY SERVICES FACILITY

Maurice McMullin, Black & Veatch, presented design development of the City Services facility. During the course of the review, the Council specified swamp coolers in the office rather than the refrigerated air recommended by Black & Veatch. Estimated construction cost of the facility on August 18, 1980, was \$2,310,025.

AMENDMENT TO SEWER AGREEMENT WITH THE RIDGES

Council reviewed a map showing the property that the Ridges may extend the sewer service. The agreement also permits the addition of other areas without having to come to Council so long as it is limited to their own system. They cannot overload their own system. Upon motion by Councilman Johnson, seconded by Councilman Brach and carried, the Amendment to the Sewer Service Agreement with the Ridges was approved and the President of the Council was authorized to sign said Amendment.

RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE APPLICATION WITH BLM TO EXTEND BAUER DITCH IN KANNAH CREEK AREA - APPROVED

The following Resolution was read:

RESOLUTION

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

That the City Manager, James E. Wysocki, be authorized and directed on behalf of the City to file an application for easement for use of lands belonging to the United States Government with the Bureau of Land Management in connection with the proposal by the City of Grand Junction, Colorado, to extend the Bauer Ditch.

PASSED and ADOPTED this 20th day of August, 1980.

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President of the Council

Attest:

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City Clerk

Upon motion by Councilman Brach, seconded by Councilman Dunn and carried by roll call vote, the Resolution was passed and adopted



as read.

## FACT-FINDING COMMISSION FOR EMPLOYEES RULES AND REGULATIONS

The following, being Chapter V, Committees, Citizen Commission, was submitted to Council on Monday for review.

### CHAPTER V

#### Committees

#### Citizen Commission

1. Statement of Policy. In order to promote cooperative, harmonious and peaceful relationships between the elected and the appointed officials of the City of Grand Junction and members of the classified service of the City, and to protect the public by assuring at all times responsible, orderly and uninterrupted operation of government service, there is hereby continued for such employees the right to participate in employees committees through the Grand Junction Employees Association for the purpose of such committee's meeting and conferring through appointed appropriate representatives with representatives of the City concerning the level of compensation, wages and fringe benefits paid to such employees by the City.

2. Employee Rights. The employees of the City of Grand Junction who are in the classified service may continue to give support to the Grand Junction Employees Association to represent their interest concerning wages and benefits paid to them by the City of Grand Junction. It shall be the responsibility of the City Manager to establish rules and procedures whereby the employees through the City of Grand Junction Employees Association shall meet with representatives of the City regarding wages and fringe benefits for the employees of the City. The wages and benefit committee, on behalf of City employees, shall be given notice to meet regarding any proposed changes in wages and fringe benefits for said employees.

A. For the purposes of this section, the term "wages" shall refer to the employee's base salary or compensation and shall include overtime premium rates, shift premiums, if any, holiday premiums and the like.

B. For the purposes of this section, the term "fringe benefits" shall refer to the time-off benefits, including such matters as sick leave, vacation, holidays, leaves of absence, retirement, etc. and shall include programs of insurance and other similar plans of insurance.

3. Unresolved Issues to be Presented to Citizens Commission for Recommendation. In the event that City officials and representatives of the employees are unable to agree concerning matters of wages and fringe benefits by the third Thursday of

August of the year preceding the proposed effective date of any changes in wages and benefits, either party may submit any and all unresolved issues pertaining to wages and fringe benefits to a factfinding commission for recommendations. Meetings between the City officials and the employees' representatives may be extended if both parties mutually agree up to seven (7) days after the third Thursday of August.

4. Citizens Commission. The Citizens Commission shall consist of three (3) persons who are citizens and residents of the City of Grand Junction, but are not employees of the City. The employees acting through their representatives shall appoint one member of the Commission. The City Administration shall select one person of its choosing. The third member of the Commission shall be obtained from a list to be requested in writing from the Chief Judge of the 21st Judicial District. Both parties shall request that the Chief Judge prepare such written list prior to the third Thursday of August. Representatives of the employees and the City officials shall request the Chief Judge of the 21st Judicial District to submit said list of qualified citizens on the third Thursday of August, or up to seven days thereafter, predicated upon the parties' actions above, of the year preceding the effective date of any changes in wages and fringe benefits. The list shall consist of seven (7) potential appointees and the City officials and the representatives of the employees shall alternately strike names until one name remains. This member shall serve as chairman.

5. The Hearings. Upon seven (7) calendar days' notice to either side, the fact-finding commission shall call a hearing at which both sides shall present such facts and evidence as the commission deems relevant or of assistance in resolving the issues in dispute. At any such hearing, rules of evidence shall not be strictly applied and the hearings shall be held in an informal fashion. Representation of the City and the employees at the hearing will be restricted to the City and the Employees Wage & Benefit Committee respectively. There shall be a cassette tape recording and verbatim written transcript of the proceedings prepared. Copies of the transcript will be provided by the City at each work site. The City shall be responsible for any expenses it incurs and the Employees Association shall be responsible for any expenses the Wage & Benefit Committee incurs. Any expenses incurred by the Citizens Commission will be shared equally by the Employees Association and the City of Grand Junction.

6. Findings of the Citizens Commission. Not later than fifteen (15) calendar days after the conclusion of the hearings and submission of written statements, the commission shall issue written findings of fact and recommendations for resolution of the matter(s) in dispute. Such findings and recommendations shall be given to both the representatives of the employees and the City officials prior to their presentation to the City Council. The Citizens Commission, as determined by the chairman, may extend up to an additional five (5) calendar days to be utilized in preparing their presentations of their findings. In preparing

findings and recommendations, the factfinders shall consider and base their recommendations on the following matters:

- A. the lawful authority of the employer;
- B. any stipulations and requests of both parties;
- C. the interest and welfare of the public;
- D. the ability of the City to finance any of the economic adjustments on the normal existing standard of public services provided by the City;
- E. Comparison of wages and conditions of employment of employees involved in the fact-finding proceeding with the wages and conditions of employment of other employees performing similar services and with other employees generally;
  - (1) in public employment in comparable communities; and
  - (2) in private employment in comparable communities;
- F. the general level of wages and wage increases in public and private employment;
- G. past understandings between the parties including the history which lead to such understandings;
- H. Comparison of prevailing total compensation paid by municipalities and private industry in applicable labor market - consideration shall be given to factors peculiar to the community, to the market area and to employee classifications involved;
- I. the impact of proposed changes on the operations of municipal services;
- J. such other factors not limited to those above which are normally or traditionally considered in determination of wages and fringe benefits.

7. Recommendations to be Considered. Within five (5) days after the issuance of the fact-finding recommendations, representatives of the City and the employees shall meet to discuss each party's position with respect to the recommendations. Not later than ten (10) days after the decision of the fact-finding commission is rendered, the City Council shall render the final decision.

8. Review of Process. Process may be reviewed at the request of either party at a mutually agreed upon time.

Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the fact-finding commission for employee rules and regulations was approved.

#### AIRPORT AUTHORITY

Councilman Brach reported that he and County Commission Maxine Albers have been appointed a committee of two to review the applications of people who wish to be appointed to the Airport Authority. So far, five names will be selected and recommended to the City Council and the County Commissioners after which the Airport Authority will select one of the three for appointment to the Authority by October 1.

#### RECREATION BOARD

Councilman Dunn reported that he attended a Recreation Board meeting today, and Grand Junction is geared up to host the Women's National Championship Fast-Pitch Tournament which starts Friday.

#### PIAB

Councilman O'Dwyer reported that PIAB has hired a lawyer to draft a vehicle to coordinate all the available monies under a tax deductible structure. He will keep the Council advised of the progress.

#### ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk