

Grand Junction, Colorado

September 17, 1980

The City Council of the City of Grand Junction, Colorado, convened in regular session at 7:30 p.m. the 17th day of September, 1980, in City Council Chambers at City Hall. Those present were Council members Frank Dunn, Robert Holmes, Karl Johnson, Bill O'Dwyer, and Jane Quimby, a quorum. Absent were Council members Louis Brach and Dale Hollingsworth. 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

Councilman Bill O'Dwyer.

JIM PEARCE, ARCHITECT, APPOINTED TO BOARD OF ADJUSTMENT AND APPEALS - 3-YEAR TERM

Upon motion by Councilman Holmes, seconded by Councilman O'Dwyer and carried, Jim Pearce, Architect, was appointed to a three-year term on the Board of Adjustment and Appeals.

MINUTES

Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried, the minutes of the regular meeting September 3, 1980, were approved as written.

SOCCER CLUB - \$5000 PROMISSORY NOTE CONSTRUCTION OF TWO FULL-SIZED SOCCER PLAYING FIELDS AT SHERWOOD PARK (50% OF COST)

Ted Straughan, representing the Grand Junction Soccer Club, appeared before Council and submitted the following Promissory Note:

PROMISSORY NOTE

WHEREAS: The Grand Junction Soccer Club has been in existence since February of 1977, and

WHEREAS: The Grand Junction Soccer Club recognizes its responsibility to the community as a user of public parks, and

WHEREAS: The Grand Junction Soccer Club has to date delivered \$4000 in cash donations to the City of Grand Junction for the development of soccer fields, and

WHEREAS: The Grand Junction Soccer Club is concerned about the development of recreational facilities, specifically soccer fields, in our community. The Grand Junction Soccer Club does

City Clerk

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

LIQUOR AND BEER

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the applications to renew liquor and beer licenses for the following businesses were approved:

1. Howard Johnson's Restaurant, 753 Horizon Drive
2. Seven-Eleven Store, 2847 North Avenue
3. State Liquors, 659 Rood Avenue
4. Bar X, 1600 North Avenue

HEARING - PROPOSED ORDINANCE - EASEMENT VACATION - LOT 6, APPLECREST SUBDIVISION

A hearing on the proposed easement vacation in Lot 6, Applecrest Subdivision, 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 OF GRAND JUNCTION. Upon motion by Councilman O'Dwyer, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

HEARING - FLYNN SUBDIVISION FINAL PLAT, NE CORNER 29 ROAD AND NORTH AVENUE

A hearing upon the final plat of Flynn Subdivision 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 plat for Flynn Subdivision was approved subject to the conditions of the Planning Commission.

HEARING - DARWIN SUBDIVISION FINAL PLAT, 462 FEET S OF NORTH AVENUE, E OF 28-1/4 ROAD

A hearing upon the final plat of Darwin Subdivision 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 plat for Darwin Subdivision was approved subject to the conditions of the Planning Commission.

HEARING - CYPHERS SUBDIVISION REPLAT OF LOT 1, BLOCK 3, FINAL PLAT, NE CORNER B-3/4 ROAD AND PINON STREET

A hearing on Cyphers Subdivision Replat of Lot 1, Block 3, Final Plat, was held after due notice. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the Replat of Lot 1, Block 3, Final Plat of Cyphers Subdivision, was approved subject to the conditions of the Planning Commission.

HEARING - DEVELOPMENT IN H.O. ZONE, FINAL PLAN FOR EXPANSION OF BANK OF ORCHARD MESA, 2697 HIGHWAY 50

A hearing on the Final Plan for development in H.O. zone for the Bank of Orchard Mesa, 2697 Highway 50, 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 development in H.O. for Bank of Orchard Mesa was approved subject to the conditions of the Planning Commission.

HEARING - DEVELOPMENT IN H.O. FOR MINI-STORAGE AND CAR WASH, 555 AND 557 HIGHWAY 50 SOUTH

A hearing on the mini-storage and car wash development in H.O. zone on Orchard Mesa was held after due notice. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the development and Final Plan was approved subject to the conditions of the Planning Commission.

RESOLUTION MAKING FINDINGS FROM WILL LIQUOR HEARING - 5-DAY (WORKING) SUSPENSION OF LICENSE

The following Resolution was read:

RESOLUTION

MAKING FINDINGS FROM WILL LIQUOR HEARING

On the 3rd day of September, 1980, the City Council held a public hearing on the charge that an employee of Dick Will Enterprises, Ltd., doing business as Jim's Liquors, sold a bottle of intoxicating liquor to a minor on the 25th day of January, 1980, in violation of the Liquor Code. Having considered the evidence presented at said hearing, the City Council FINDS:

1. The hearing was properly held after due notice thereof.
2. Dick Will was present with his attorney Clayton Tipping. The Council heard their evidence as well as that of Robin Lenard, the minor, and Milford Ray Gregory, the latter by affidavit.
3. On January 25, 1980, Robin Lenard purchased three half pints of sloe gin in Jim's Liquors, all purchases being made from Milford Ray Gregory.

4. While the evidence is conflicting, viewed in the best light for the liquor store and its employee, it is obvious that there was not sufficient care taken to determine whether or not Robin Lenard was of proper legal age to purchase liquor; and, viewed in the light least favorable to the store, the procedure followed in an attempt to learn the age of the purchaser, in this instance, was wholly inadequate.

5. The evidence is sufficient to prove a violation of the Liquor Code of sale to a minor.

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

That it is the determination of the Council that a violation of the Liquor Code (sale of liquor to a minor) occurred at Jim's Liquors on the 25th day of January, 1980, that sale being made by an employee of the Retail Liquor Store.

PASSED and ADOPTED this 17th day of September, 1980.

President of the Council

Attest:

City Clerk

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

Upon motion by Councilman Holmes, seconded by Councilman O'Dwyer and carried, the retail liquor store license issued to Dick Will Enterprises, dba Jim's Liquor, 1560 North Avenue, was suspended five (5) working days effective Thursday morning, September 18, through Tuesday, September 23, 1980.

HEARING - APPLICATIONS BY MESA COLLEGE FOR 3.2% BEER SPECIAL EVENTS PERMITS FOR SEPTEMBER 25, IN COLLEGE CENTER CAFETERIA, 5:00 P.M. TO MIDNIGHT; SEPTEMBER 27, W OF SAUNDERS FIELD HOUSE, 12:00 NOON TO 6:00 P.M. - 5TH AND 6TH PERMITS

A hearing upon the applications by Mesa College for 3.2% Beer Special Events Permits on September 25 and 27 was held after due posting of property. The Police Department report was read.

Ed Schlichenmayer, Student Body President, was present to answer questions along with Mike Hutchinson, Program Chairman.

Mr. Schlichenmayer advised Council that in compliance with the

Police Department request that the Student Body Association will be held liable for the noise factor rather than the band, which has been the case in the past, and that four off-duty Police Officers will be hired to be on hand.

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried with Council members HOLMES and O'DWYER voting NO, the applications for 3.2% Beer Special Events Permits were approved.

Comments were had from Doris McGill, 5081/2 29 Road.

HEARING - SEVENTH STREET POLICY STATEMENTS - SEVENTH STREET CORRIDOR FROM NORTHERN CITY LIMITS (NORTHACRE ROAD) TO THE COLORADO RIVER - TABLED

A hearing was held on the proposed Seventh Street Policy Statements after due notice.

SEVENTH STREET CORRIDOR
GRAND JUNCTION PLANNING COMMISSION
ADOPTED POLICY STATEMENTS

1. North of Patterson Road

a. Alternative engineering design methods for improving the traffic volume capacity of Seventh Street should be examined and implemented when warranted. Future improvements require close coordination with Mesa County since the right-of-way north of Northacre Road is within the County's jurisdictional boundary.

b. Alternative engineering design methods for improving the safety and efficiency of the Horizon Drive intersection should be examined and implemented when feasible (i.e. signalization, grade separations, etc.).

c. If a neighborhood shopping node is desirable north of Patterson, it should be located at the intersection of two major streets.

d. Additional park(s) are necessary north of Patterson Road. The Parks and Recreation Facilities Master Plan should be used in determining the size and location of these facilities.

e. The land use should be primarily residential, and the existing uses should be protected.

2. Patterson Road to North Avenue

a. Support medical uses and professional offices are appropriate from Patterson Road to Walnut.

b. From Orchard Avenue to Glenwood Avenue, cultural and educational facilities are appropriate, particularly those related to School District 51, Mesa College, or the Colorado Center for

the Arts.

c. Multiple use, mixing residential, office, and service business uses are appropriate on the west side of Seventh Street between Orchard and Glenwood Avenue, if done properly in a planned context.

d. On the east side of Seventh Street from Orchard to Bunting Avenue, residential uses, as well as cultural and educational facilities, are appropriate at the present time.

e. Commercial and/or office development on the east side of Seventh Street from Bunting Avenue to North Avenue is appropriate, although this type of development should not be expanded into the adjoining residential neighborhood.

3. North Avenue to Struthers Avenue

a. This segment of the corridor should retain existing uses and zones.

4. South of Struthers Avenue

a. A park complex would be desirable between Seventh Street and Fifth Street south of Struthers. Based on the findings contained within the parks and Recreation Facilities Master Plan, a park in this general location ties appropriately into the proposed Colorado River Park System.

Mildred Van Dover, 604 Meander Drive, owner of property in the areas of Seventh Street and Horizon Drive, commented that the policy statements are too rigid. There were no opponents, letters, or counterpetitions.

Council received the statements for reviewed and future action.

HEARING - HORIZON DRIVE POLICY STATEMENTS - HORIZON DRIVE CORRIDOR FROM 251/2 ROAD TO AIRPORT BOUNDARY

A hearing was held on the Horizon Drive policy statements after due notice.

HORIZON DRIVE CORRIDOR GRAND JUNCTION PLANNING COMMISSION ADOPTED POLICY STATEMENTS

1. General - 251/2 Road to the Airport Boundary

a. The corridor should be gradually improved to the City's minimum major arterial street standards. These improvements are intended to provide for the smooth and efficient circulation of traffic and to minimize congestion and hazardous safety conditions.

b. The City's Statement of Policy Concerning Curb Cuts and Access

onto Horizon Drive will be strictly adhered to. This Statement of Policy has been adopted to provide for the orderly development of properties adjoining Horizon Drive and to help insure safe ingress and egress to and from these properties.

c. Horizon Drive is an important entrance to the City of Grand Junction and should present an aesthetic and attractive appearance. Review of new developments should incorporate this consideration and existing developments should be encouraged to upgrade their appearance.

d. Bikeways and pedestrian paths clearly separated from the roadway should be provided for the entire length of Horizon Drive.

e. Developments occurring on major intersections should assist in the improvement and alignment of those intersections.

f. Alternative engineering design methods for improving the First, Seventh, and Twelfth Street intersections should be examined and implemented when feasible (i.e. signalization, grade separations, etc.).

g. We support the Mesa County Northwest Vicinity Plan.

h. The Horizon Channel is a designated 100-year floodplain area, and both public and private development should address the effects on the drainage. Stormwater detention concepts should be encouraged to offset increased drainage as a result of development.

2. 251/2 Road to Seventh Street

Planned Residential uses are appropriate in this segment of the corridor. Special transportation design considerations should be examined to protect the residential integrity of the existing and future residential neighborhoods. Commercial uses should not be allowed.

3. Seventh Street to Twelfth Street

Planning Residential uses are appropriate in this corridor. Business uses should not be allowed except within large planned developments for service to those developments.

4. Twelfth Street to G Road

Mixed use planned developments incorporating residential, business and commercial uses are appropriate in this corridor. Developments in this segment of the corridor will receive careful ingress and egress review, especially due to the mixtures and densities of uses that could occur.

5. G Road to the Airport Boundary

The existing highway-oriented types of uses are appropriate in this segment of the corridor.

Statements were had from Mildred Van Dover and Earl Jensen. There were no other opponents or counterpetitions. A letter from Mr. John Quest ARIX, 760 Horizon Drive, was read. The statements were received for review and future action.

OPINION REGARDING ORDINANCE AMENDMENT TO PERMIT SALES FROM RIGHTS OF WAY

City Attorney Ashby reported that this matter is under study with the downtown various Committees, and he said that he is sure that when any ordinance amendment is requested, the entire community will be considered as well as downtown. Kolo now has sort of a semi-official blessing of the downtown merchants through DDA, so the immediate urgency has been taken care of. Skip Grkovic and the others are working on what they are going to need by way of ordinance amendments, if any.

PROPOSED ORDINANCE SETTING UP LIQUOR HEARING OFFICER PROCEDURE

The title only of the following proposed ordinance was read: PROVIDING FOR THE USE OF A HEARING OFFICER TO HEAR MATTERS OF ALLEGED VIOLATIONS OF THE LIQUOR AND BEER CODES.

Councilman Holmes stated that he is disturbed by the rapidity of this ordinance. He feels that this procedure would take away that something that has been vested in the elected official by considering going to this type of a thing.

President Quimby was not aware of any rapidity as this matter was discussed as long ago as the (Council) retreat. It has come up intermittently since then, and she feels one can talk about it only so long and either it is forgotten or some action is taken. From that standpoint, she does not believe there has been any kind of push or hurry. Comments she has heard from Council members was that the procedure presently being used was not a good one and they would like to try something else.

Councilman O'Dwyer clarified that Council would have the decision as to penalty only. If the hearing officer determines there was no violation, the Council would receive a report but would require no action.

There was a brief discussion as to how the hearing officer would be selected and as to how he would be paid. That will be determined later.

Councilman Holmes believes this would be extending a bureaucracy at the local level.

President Quimby stated that she feels what Council has not been doing is giving a fair hearing to some of those who have been

coming before it. She believes they will get a more fair hearing with this process than they have been getting because she feels Council has been wandering far afield sometimes in some of the evidence it has been considering in making a decision.

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried with Councilman HOLMES voting NO, the proposed ordinance was passed for publication.

PETITION - RESOLUTION - PROPOSED ORDINANCE - TAMERLANE ANNEXATION
NW OF 15TH STREET AND F-1/4 ROAD

The following petition was accepted for filing.

PETITION

WE, THE UNDERSIGNED, do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described property to the said City:

The SE1/4 NW1/4 SW1/4 Section 1, T1S, R1W, Ute Meridian, Mesa County, Colorado.

As ground therefore, the petitioners respectfully state that annexation to the City of Grand Junction, Colorado, is both necessary and desirable and that the said territory is eligible for annexation in that the provisions of the Municipal Annexation Act of 1965, Sections 31-12-104 and 31-12-105 CRS 1973 have been met.

This petition is accompanied by four copies of a map or plat of the said territory, showing its boundary and its relation to established City limit lines, and said map is prepared upon a material suitable for filing.

Your petitioners further state that they are the owners of one hundred percent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of each signer and the date of signature are set forth hereafter opposite the name of each signer, and that the legal description of the property owned by each signer of said petition is attached hereto.

WHEREFORE, these petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance.

<u>DATE</u> <u>SIGNATURE</u> <u>ADDRESS</u> <u>PROPERTY</u> <u>DESCRIPTION</u>			

9-5-80/s/ Nicholas Goluba0485 167 Road Glenwood Springs, CO 81601The SE1/4 NW1/4 SW1/4 Section 1, T1S, R1W, Ute Meridian, Mesa County, Colorado.			
9-5-80/s/ Fred Lundin2015 Blake Avenue Glenwood Springs, CO 81601			
9-5-80/s/ Dennis Baum0133 Blue Tonnet Trl Aspen, CO 81611			
TAMERLANE, LTD.1001 Grand Avenue Glenwood Springs, CO 81601			
STATE OF COLORADO)			
) SSAFFIDAVIT			
COUNTY OF MESA)			

Nicholas W. Goluba, Jr. of lawful age, being first duly sworn, upon oath, deposes and says:

That he is the circulator of the foregoing petition;

That each signature on the said petition is the signature of the person whose name it purports to be.

;sigl;
/s/ Nicholas W. Goluba, Jr.

Subscribed and sworn to before me this 5th day of September, 1980.

Witness my hand and official seal.

/s/ Susan K. Armstrong

Notary Public

My Commission expires: February 27, 1984

The following Resolution was read:

RESOLUTION

WHEREAS, on the 17th day of September, 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:

The Southeast Quarter of the Northwest Quarter of the Southwest Quarter of Section 1, Township 1 South, Range 1 West, Ute Meridian;

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 one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; 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 17th day of September, 1980.

President of the Council

Attest:

City Clerk

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

COMACT HOUSING

Councilman Dunn filed a report on ComAct Housing.

HOUSING AUTHORITY

Councilman Johnson reported that the Housing Authority is continuing to negotiate with various Federal agencies to finalize the purchase of the property at 8th and Main for development.

SIDEWALKS E SIDE OF 5TH STREET BRIDGE

Councilman Holmes expressed appreciation for the new sidewalks on the east side of the 5th Street Bridge.

ADJOURNMENT

Upon motion by Councilman O'Dwyer, duly seconded and carried, the meeting was adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk