

Grand Junction, Colorado

June 3, 1981

The Oath of Office for President of the City Council Ex-Officio Mayor of the City of Grand Junction, Colorado, was administered to Louis R. Brach at 7:30 p.m. June 3, 1981.

the City Council of the City of Grand Junction, Colorado, convened in regular session on the 3rd day of June, 1981, at 7:30 p.m. in the City Council Chambers at City Hall. Those present were Council members Louis Brach, Betsy Clark, Frank Dunn, Dale Hollingsworth, Bob Holmes, Karl Johnson and Gary Lucero, a quorum. Also present were City Attorney Ashby, City Clerk Neva Lockhart, and City Manager Jim Wysocki.

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

INVOCATION

Reverend John Boaz, Redlands Community Church.

MINUTES

Consideration of the minutes of the regular meeting May 20, 1981, was deferred to June 3, 1981.

WAIVE BICYCLE LICENSE FEES SATURDAY, JUNE 6, 1981, IN CONJUNCTION WITH THE GRAND JUNCTION JAYCEES BICYCLE SAFETY PROGRAM

Steven J. Wasko, Project Chairman of the Grand Junction chapter of the Jaycees, appeared before Council to petition the waiver of bicycle licensing fees in conjunction with their Bicycle Safety Program Saturday, June 6, 1981.

Upon motion by Councilman Holmes, seconded by Councilman Dunn and carried, the bicycle licensing fees were waived Saturday, June 6, 1981, in accord with the request, and further that this was done as an inducement for as much licensing of bicycles as possible.

APPLICATIONS APPROVED TO RENEW LIQUOR AND BEER LICENSES

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

Mel Mulder, Cork 'N Embers, 105 N. 2nd Street (Tavern)
Pizza Hut No. 2, 704 Horizon Drive (3.2% Beer)

REVISED FINAL PLAN AND PLAT FOR OMEGA PARK, SE CORNER OF 28 ROAD AND ELM AVENUE - APPROVED

Tabled May 20, 1981, was the revised final plan and plat of Omega

Park containing 6.29 acres in Planned Business Zone on the southeast corner of 28 Road and Elm Avenue until the Engineering Staff had an opportunity to review the revised submission and to resolve the right of way in question. The petitioner on this project was Harry Mavrakis, Omega Investment.

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the revised final plan and plat for Omega Park was approved.

RESOLUTION OF FINDINGS & DECISION RE: APPLICATION BY LESLIE SOMERVILLE TO MOVE RETAIL LIQUOR STORE LICENSE FROM 817 NORTH FIRST STREET TO 901 NORTH FIRST STREET - APPROVED

The following Resolution was read:

RESOLUTION

OF DECISION ON APPLICATION FOR TRANSFER OF RETAIL LIQUOR STORE LICENSE FROM 817 NORTH FIRST STREET TO 901 NORTH FIRST STREET, GRAND JUNCTION, BY LESLIE SOMERVILLE.

A public hearing having been held on May 20, 1981, on the application by Leslie L. Somerville for transfer of retail liquor store license from 817 North First Street to 901 North First Street, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was held on May 20, 1981, on the application after proper notice thereof under the Liquor Code.
2. The survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets and it was the desire of the inhabitants of the neighborhood that the transfer of location of the license be approved, as 359 persons so stated, while 33 felt the license should not be transferred as the needs of the neighborhood were being met by other outlets.
3. That the character of the applicant is good on the evidence from the various checking agencies.
4. The evidence supports the approval of the change of the license location.

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

That the application by Leslie L. Somerville for transfer of license location be approved as the desire of the inhabitants of the area is that the license be transferred to the proposed location and the needs of the neighborhood are not being met by other outlets.

PASSED and ADOPTED this 3rd day of June, 1981.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Hollingsworth, seconded by Councilman Dunn and carried by roll call vote with Councilman HOLMES voting NO, the Resolution was passed and adopted as read.

HEARING - APPLICATION BY RUTH OIL COMPANY DBA SITE FOOD MART, 2833 NORTH AVENUE, FOR 3.2% BEER LICENSE FOR SALES OF MALT BEVERAGES IN SEALED CONTAINERS - DECISION JUNE 17 '81

A hearing was held after proper notice on the application by Ruth Oil Company for a 3.2% beer license which would permit the sales of malt beverages in sealed containers for consumption off the premises of the licensee. The following report was read:

"On May 1, 1981, Phil Coebergh, attorney for Ruth Oil Company, filed an application with the City of Grand Junction for a 3.2% beer license which permits sales in sealed containers for off-premise consumption from Site Food Mart, 2833 North Avenue. Officers of the corporation are:

President: Alvin Siteman, 25 Vouga Lane, St. Louis, MO
Vice Pres: Howard Kanefield, 12 Rio Vista, St. Louis, MO
Sec/Treas: Leonard J. Adreon, #2 Creekwood Lane, St. Louis, MO

The application and supporting documents were in order and accepted. The display ad giving Notice of Hearing on June 3, 1981, was published in The Daily Sentinel Friday, May 22, 1981, and the sign giving Notice of Hearing was posted on the property Friday, May 22.

The area bounded by Court Road on the west, Elm Avenue on the north, 28 1/2 Road on the east, and Teller Avenue on the south was surveyed by Marge Green. Results:

1. Yes, I am in favor of the issuance of the license as I believe the needs of the neighborhood are not being met by existing outlets. 191
 - a. An owner of property in the neighborhood 32
 - b. An employee or business lessee of property in the neighborhood 87
 - c. An inhabitant of the neighborhood 70

2. No, I am not in favor of the issuance of the license as I believe the needs of the neighborhood are being met by existing outlets 212

a. An owner of property in the neighborhood 40

b. An employee or business lessee of property in the neighborhood 119

c. An inhabitant of the neighborhood 56

3. No opinion/refused 10

A letter from Daniel A. Kelley was filed. No other letters or counterpetitions have been filed.

The background investigation of the officers/directors/stockholders conducted by the Police Department revealed nothing which would prohibit the issuance of the license.

Similar type outlets in survey area: 2.

Similar type outlets within one mile: 5 (including the two within the survey area)."

The map showing similar type outlets was reviewed.

Mr. Bill Prakken, 610 Valley Federal Building, attorney for Ruth Oil Company, was present to speak in behalf of his clients.

Mr. Prakken submitted a petition containing approximately 150 signatures supporting the granting of the license.

There were no opponents, other letters, or counterpetitions filed.

A Resolution of findings and decision is scheduled June 17, 1981.

HEARING - APPLICATION BY LATIN-ANGLO ALLIANCE FOR MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AT TWO RIVERS PLAZA, 159 MAIN STREET, FROM 8:00 P.M. JULY 4, 1981, TO 2:00 A.M. JULY 5, 1981 - FIRST PERMIT APPROVED

A hearing was held after proper posting of the property at 159 Main Street on the application by the Latin-Anglo Alliance for malt, vinous, and spirituous liquor special events permit to serve alcoholic beverages at the Latin-Anglo Alliance dance July 4, 1981, at Two Rivers Plaza. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried with Councilman HOLMES voting NO, the application by the Latin-Anglo Alliance for malt, vinous and spirituous liquor special events permit for July 4, 1981, was approved.

ORDINANCE NO. 1968 REZONE FROM R-2-A TO H.O. PROPERTY BETWEEN HIGHWAY 50 AND UNAWEEP, E OF 28-1/4 ROAD

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: 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 Hollingsworth and carried, the proposed ordinance was called for final passage and read.

There were no comments. Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried by roll call vote, the Ordinance was passed, adopted, numbered 1968, and ordered published.

ORDINANCE NO. 1969 - REZONE FROM R-1-C TO PR-22 THE NW CORNER OF 15TH AND CEDAR STREETS

Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: 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 Hollingsworth, seconded by Councilman Dunn 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 Holmes and carried by roll call vote, the Ordinance was passed, adopted, numbered 1969, and ordered published.

ORDINANCE NO. 1970 - UTILITY EASEMENT VACATION, E OF 27-3/4 LINE, NW OF HORIZON DRIVE

Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE VACATING AN EASEMENT IN THE CITY.

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 Councilwoman Clark, seconded by Councilman Hollingsworth and carried by roll call vote, the Ordinance was passed, adopted, numbered 1970, and ordered published.

ORDINANCE NO. 1971 - REZONE FROM PD-8 TO PB, NE CORNER OF 12TH STREET AND HORIZON DRIVE

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: 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 Lucero, seconded by Councilman Johnson and carried, the proposed ordinance was called up for final passage and read.

There were no comments. Upon motion by Councilwoman Clark, seconded by Councilman Dunn and carried by roll call vote, the Ordinance was passed, adopted, numbered 1971, and ordered published.

ORDINANCE NO. 1972 - VACATE 25-FOOT UTILITY EASEMENT AND ROADWAY ON THE NE CORNER OF 12TH STREET AND HORIZON DRIVE

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE VACATING A ROAD RIGHT OF WAY AND UTILITY EASEMENT WITHIN THE CITY.

Upon motion by Councilman Lucero, 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 Hollingsworth, seconded by Councilman Holmes and carried by roll call vote, the Ordinance was passed, adopted, numbered 1972, and ordered published.

ORDINANCE NO. 1973 - AUTHORIZING ISSUANCE OF RENTE-V CROSSROADS REVENUE BONDS

Upon motion by Councilwoman Clark, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CITY OF GRAND JUNCTION, COLORADO, INDUSTRIAL DEVELOPMENT REVENUE BOND (RENTE-V CROSSROADS PROJECT), SERIES 1981, IN THE PRINCIPAL AMOUNT OF \$4,400,00; AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS RELATING THERETO.

Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried with Councilman HOLMES voting NO, the proposed ordinance was called up for final passage and the title only was read.

There were no comment. Upon motion by Councilman Dunn, seconded by

Councilman Johnson and carried with Councilman HOLMES voting NO and Council members CLARK and LUCERO ABSTAINING, the Ordinance was passed, adopted, numbered 1973, and ordered published.

ORDINANCE NO. 1974 - ZONING FOSTER ANNEXATION PD-8, NW CORNER OF 12TH STREET AND HORIZON DRIVE

Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried the Proof of Publication to the following entitled proposed ordinance was accepted for filing: 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 Lucero, 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 Holmes, seconded by Councilman Johnson and carried by roll call vote, the Ordinance was passed, adopted, numbered 1974, and ordered published.

ORDINANCE NO. 1975 - PERSIGO ANNEXATION, SE CORNER OF 25 AND G ROADS

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

There were no comments. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed, adopted, numbered 1975, and ordered published.

PROPOSED ORDINANCE EXPANDING THE BOUNDARIES OF THE DOWNTOWN DEVELOPMENT AUTHORITY

The following entitled proposed ordinance was read: AN ORDINANCE EXPANDING THE BOUNDARIES OF THE DOWNTOWN DEVELOPMENT AUTHORITY. Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried, the proposed ordinance was passed for publication.

AGREEMENT FOR SALE OF WATER RIGHTS - \$54,810

Utilities Director Jim Patterson reported to Council that for the past few years the City has been trying to obtain several water rights to the Gunnison River. The rights added up to about eleven second feet. The earliest of the rights has a priority date of

1884. Mr. Patterson felt these very early priority water rights would give the City water during the very worst years, such as 1977. The method for acquiring these rights would have been to have traded twenty second feet of the City-owned conditional right in the Colorado River in exchange for these eleven second feet of earlier rights in the Gunnison River. The transfer of the twenty second feet to the other party and the moving of that water from the Grand Junction area to the Rifle area was unopposed; however, the State Engineer, the Colorado River Water Conservation District, and several people in the Gunnison area opposed the moving of the Gunnison River rights from the Gunnison area to the Grand Junction area. Therefore, the trade was not able to be carried out. The other party, the Water Development Company, has offered to purchase the twenty second feet that the City had proposed to trade for those rights in the amount of \$54,810. They would like to pay \$4,810 down at this time and pay the balance off in five annual installments of \$10,000 each at ten percent interest. Staff recommended that if Council authorized the sale, the proceeds of the sale be used for acquiring other water rights that would be more beneficial to the City.

Upon motion by Councilman Johnson, seconded by Councilman Holmes, the City Manager was authorized to enter into the Agreement with the Water Development Company for the sale of twenty second feet of the Colorado River water right for the agreed price of \$54,810.

Upon motion by Councilman Lucero, seconded by Councilwoman Clark, the motion was amended to authorize the proceeds of the sale to be used for the purchase of other water rights. By voice vote the amendment and main motion carried unanimously.

PLANNING COMMISSION RESIGNATIONS - APPOINTMENTS

Florence Graham and James Kamicar have submitted resignations effective immediately from the Planning Commission.

By secret ballot, Walter Ott, 901 Texas Avenue, was elected to a two and one-half year term on the Planning Commission, and Ross Transmeier, 585 25 1/2 Road, was elected to serve a one and one-half year term on the Planning Commission.

RECREATION

Councilwoman Clark filed a report on the Lincoln Park pools.

DOWNTOWN RETAIL TRADE COMMITTEE

Councilwoman Clark reported that the Downtown Retail Trade Committee would like to see the Museum remain downtown. Also, the Committee would like to see the Council address the drifters in the downtown area.

Councilman Holmes recommended that when the conduct or activity of any individual is in conflict with Code that they should be dealt

with firmly and appropriately.

Councilman Johnson commented that there is a caution that goes along with this and that is you cannot judge people by their appearance. Comments he has had from people is that appearance of certain people in the downtown area is detrimental to business, but he stated that the fact that the individual has long hair, carries a pack on his back, and is barefoot is not sufficient reason to ban them from the streets or the parks.

President Brach blamed the national news media for some of these problems because they are telling the people that this is a booming area and jobs are plentiful.

COG

COG meeting in Rifle June 4.

ADJOURNMENT

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

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk