

Grand Junction, Colorado

January 6, 1982

The City Council of the City of Grand Junction, Colorado, convened in regular session the 6th day of January, 1982, at 7:30 p.m. in the Council Chambers at City Hall. Those present were Council members Frank Dunn, Robert Holmes, Karl Johnson, Gary Lucero, and President of the Council Louis Brach, a quorum. Councilwoman Betsy Clark was absent. Also present were City Attorney Gerald Ashby, City Manager Jim Wysocki, and Deputy City Clerk Teddy Martinez.

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

INVOCATION

Councilman Bob Holmes.

MINUTES

Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried, the minutes of the regular meeting of December 16, 1981, were approved as written.

PROCLAMATION DECLARING WEEK OF JANUARY 10 THROUGH JANUARY 16, 1982, "INSURANCE WEEK" IN GRAND JUNCTION

PROCLAMATION DECLARING WEEK OF JANUARY 17 THROUGH JANUARY 23, 1982, "JAYCEES WEEK" IN GRAND JUNCTION

DICK WILL APPOINTED TO GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, Dick Will was appointed to serve the unexpired term of Ted Straughn on the Grand Junction Downtown Development Authority, said term expiring June 30, 1984.

VACANCIES ON CONTRACTORS LICENSING BOARD

The President requested the names of people interested in serving on the Contractors Licensing Board which has three vacancies.

BEER LICENSE RENEWALS

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the applications by the following businesses for the renewal of 3.2% beer licenses were approved:

7-11 Store, 666 Patterson Road, Unit A

Pizza Hut No. 1, 1440 North Avenue

Safeway Store No. 600, 23rd and North Avenue

Safeway Store No. 602, 644 North Avenue

Penny Saver Service, 459 Pitkin Avenue

LIQUOR - APPLICATION BY S&W ENTERPRISES, INC., FOR HOTEL-RESTAURANT LIQUOR LICENSE AT THE TIMBERS, 1810 NORTH AVENUE - APPROVED CHANGE OF OWNERSHIP

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the application by S&W Enterprises, Inc., for a hotel-restaurant liquor license at The Timbers, 1810 North Avenue, was approved. This is a change of ownership, going from a partnership to a corporation.

Corporate Officers: President: Kenneth W. "Chip" Shaw

Vice Pres/Treasurer: Dan Wolfson

Secretary: Beth H. Shaw

LIQUOR - CHANGE IN CORPORATE STRUCTURE RE: BARBOUR'S FORESIGHT DRIVE-IN LIQUORS, INC., 740 PITKIN AVENUE

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the application for change in corporate structure by Barbour's Foresight Drive-In Liquors, Inc., 740 Pitkin Avenue, was approved.

President-Treasurer: Richard L. Lindstrom 12.5%

Vice President: Lowell D. Gordon 25%

Secretary: Sandra G. Gordon 25%

Manager: Patrick J. Portice

Stockholder: Carolyn C. Lindstrom 12.5%

Stockholder: L.P.L., Ltd., a Colorado Corporation 25%

HEARING - APPLICATION BY MESA COLLEGE FOR 3.2% BEER SPECIAL EVENTS PERMIT JANUARY 30, 1982, 8 P.M. TO MIDNIGHT, LIFF AUDITORIUM, W.W. CAMPBELL STUDENT CENTER, MESA COLLEGE CAMPUS - STUDENT BODY ASSOCIATION KEGGER AND DANCE - FIRST PERMIT

A hearing was held after proper posting of property on the application by Mesa College for a 3.2% beer special events permit for January 30, 1982, from 8:00 p.m. to midnight in the Liff Auditorium at the W. W. Campbell Student Center on the Mesa College Campus for a Student Body Association kegger and dance. Katie Kaufmanis, 2049 North 10th Street, Vice President of Campus

Affairs for the Student Body Association, was present to speak for the granting of the permit. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the application was approved.

HEARING - RUSTY SUN ANNEXATION PRELIMINARY PLAN

A hearing was held on the Rusty Sun Annexation Preliminary Plan. Bob Goldin, Planning Department, reviewed the proposal. Tom Logue, Paragon Engineering, representing the petitioner, indicated to Council that the developer would remove all undesirable debris along Indian Wash, construct gravel-type walkways the length of the Wash, hydroseed areas that receive disturbance during removal of dead trees and other debris, provide security lighting, and install proper drainage improvements. Upon completion, the developer will turn the area over to the City for the maintenance of the area and the liability for any claims incurred on public lands.

Councilman Johnson's concerns was that the City inherited without any prior right to make a decision a part of Indian Wash that had been dedicated for park purposes and open space. The only way the City can dispose of it is through an election of people. He noted the City's responsibility from the Corps of Engineers to annually inspect Indian Wash that lies within the City and to remove any obstruction from the flow of water within it. That is the limit of the obligation. Indian Wash runs north to the Bookcliffs and south to the River. Councilman Johnson said that if the City accepts this park, then as other developments come in to the north and on the south, particularly down to the Grand Valley Canal, the City will be faced with the same requests and responsibility. He did not believe there was any question or that any argument could be made that this type of development serves anybody except the people who live within that development. He stated that it would be more desirable for the developers, as they go along that Wash, to accept the responsibility of performing the maintenance by the homeowners under the City's supervision. If they want to develop pathways and playgrounds, it is their right to do so.

Jim Lindell, 843 25 Road, managing general partner of Rusty Sun, said that his part as a developer is to somehow manage affordable housing. He did not feel that Rusty Sun development should bear the total cost for the Wash improvements and maintenance when the Indian Village population is larger and apparently bears no responsibility for the maintenance. As far as keeping the obstructions out of the Wash, he had no problem with that.

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried, the preliminary plan for Rusty Sun development was approved with the understanding on the part of the developer that this is a matter that the City is greatly concerned about and that there is going to have to be some further concessions made on the part of the developer before final approval of the plan.

The Council indicated to Mr. Logue that it has no problem with the developer proceeding with the items outlined in the letter.

ORDINANCE NO. 2031 - REZONE THE NE CORNER OF FIRST STREET AND ORCHARD AVENUE FROM B-2 TO P AND P TO B-2

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

There were no comments. Upon motion by Councilman Lucero, seconded by Councilman Holmes and carried by roll call vote with Councilman BRACH ABSTAINING, the Ordinance was passed, adopted, numbered 2031, and ordered published.

PROPOSED ORDINANCE CORRECTING ORDINANCE NO. 2021 TO SHOW NEW ZONING AS PR-16.5 RATHER THAN PR-16 WELLINGTON CONDOS, E OF 12TH STREET BETWEEN WELLINGTON AND GRAND VALLEY CANAL (DESCRIPTION CORRECTION)

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 Dunn and carried, the proposed ordinance was passed for publication.

PERSIGO WASH WASTEWATER TREATMENT PLANT CONTRACT (AWARD CONTINGENT UPON APPROVAL OF APPARENT LOW BIDDER BY EPA)

The City Manager reported that the County Commissioners agreed January 5, 1982, to award the contract for the Persigo Wash Wastewater Treatment Plant to Robert Dougan Construction Company of Denver, the apparent low bidder, in the amount of \$16,521,000 subject to the awarding of the contract by the Colorado State Department of Health and the U.S. Environmental Protection Agency. Seventy-five percent of the monies for this project will come from EPA funds. Projected completion date - spring, 1984.

MEETING

Council workshop Monday, January 11, 1982, at 7 a.m.

DDA

Councilman Johnson said the DDA Board met today and adopted a work

program for 1982. It discussed the advisability of designating a commercial renovation area within the downtown as a historical district. This would allow the renovation of some of the older buildings, some that are over 35 years old, to be done without meeting all of the present Code requirements. Council may be getting a request sometime in the near future for this designation.

Forthcoming soon will be a request for the expansion of the DDA boundaries.

ADJOURNMENT

The President adjourned the meeting.

Teddy Martinez

Teddy Martinez
Deputy City Clerk