

Grand Junction, Colorado

January 20, 1982

The City Council of the City of Grand Junction, Colorado, convened in regular session the 20th day of January, 1982, at 7:30 p.m. in the Council Chambers at City Hall. Those present were Council members Besty Clark, Frank Dunn, Robert Holmes, Karl Johnson, Gary Lucero, and President of the Council Louis Brach, a quorum. Also present were City Attorney Gerald Ashby, City Manager Jim Wysocki, and City Clerk Neva Lockhart.

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 January 6, 1982, were approved as written.

HOWARD LAMPSON APPOINTED TO ONE-YEAR TERM ON THE CONTRACTORS LICENSING BOARD

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, Howard Lampson was appointed to a one-year term on the Contractors Licensing Board.

ANITA JOHNSON REAPPOINTED TO A THREE-YEAR TERM ON THE BOARD OF ADJUSTMENT AND APPEALS

Upon motion by Councilwoman Clark, seconded by Councilman Johnson and carried, Anita Johnson was reappointed to a three-year term on the Board of Adjustment and Appeals.

APPLICATION BY WM. C. AND DOROTHY WELLS FOR RETAIL LIQUOR STORE LICENSE AT HOLIDAY LIQUORS, 755 HORIZON DRIVE - APPROVED

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the application by William C. and Dorothy Wells for a retail liquor store license at Holiday LIquors, 755 Horizon Drive, was approved.

HEARING - CONDITIONAL USE IN H.O. ZONE, 748 HORIZON DRIVE, TO PERMIT AUTO SERVICE CENTER - APPROVED

A hearing was held after proper notice on the petition by Laird Smith for conditional use in an H.O. zone to permit an Auto Service Center on .385 acres at 748 Horizon Drive. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the conditional use to permit an Auto Service Center on .385 acres in H.O. zone at 748 Horizon Drive was approved, subject to the conditions of the Planning Commission.

HEARING - DEVELOPMENT IN H.O. ZONE - CONVENIENCE FOOD STORE AND SELF-SERVICE GAS STATION ON .5 ACRE - STOP 'N SAVE NO. 4, 2700 HIGHWAY 50 SO. APPROVED

A hearing was held after proper notice on the petition by Larry V. Feather for development in H.O. zone, Stop 'N Save No. 4, 2700 Highway 50 South. The request is for a convenience food store and self-service gas station on .5 acre. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the development in H.O. zone for Stop 'N Save No. 4, 2700 Highway 50 South, was approved subject to the conditions of the Planning Commission.

HEARING - PROPOSED ORDINANCE - REZONE FROM RMF-64 TO PB AND REVISED FINAL PLAT AND PLAN FOR VILLAGE FAIR LOCATED ON THE SW CORNER OF 12TH ST. AND PATTERSON ROAD

A hearing was held after proper notice on the petition by Earl Jensen for rezone from RMF-64 to PB and the revised final plat and plan for Village Fair, southwest corner of 12th Street and Patterson Road. The request is to change from residential multi-family uses at 64 units per acre to planned business uses on .17 acre and the revised final plat and plan. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the revised final plat and plan 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 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.

HEARING - CONDITIONAL USE AND REQUEST FOR VARIANCE OF FRONT YARD SETBACK ON WALNUT AVENUE, SW COR OF 12TH STREET AND WALNUT AVENUE - PROPOSED ORDINANCE - VACATING EASEMENT - OSTEOPATHIC HOSPITAL

A hearing was held after proper notice on the petition by Grand Junction Osteopathic Hospital for conditional use and for variance of front yard setback on Walnut Avenue. The request is for expansion of the Hospital on 4.8 acres in a residential multi-family zone at 64 units per acre variance of the front yard setback on Walnut Avenue from 20 feet to approximately 5 feet. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the conditional use for expansion and the setback variance on

Walnut Avenue were approved subject to the conditions of the Planning Commission.

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

HEARING - APPLICATION BY CHARLES W. AND LOUISE DIXON FOR RETAIL LIQUOR STORE LICENSE, DBA CHUCK'S LIQUORS, 2694 U.S. HIGHWAY 50 S

A hearing was held after proper notice on the application by Charles W. and Louise Dixon for a retail liquor store license for the proposed Chuck's Liquors at 2694 U.S. Highway 50 South. The following report was read:

"On December 10, 1981, Charles W. and Louise M. Dixon filed an application for a Retail Liquor Store License to be located in the Mesa Plaza Shopping Center at 2694 U.S. Highway 50 South adjacent to the new Safeway Store on Orchard Mesa under the trade name of Chuck's Liquors.

The display ad giving notice of hearing on this application was published in The Daily Sentinel January 8, 1982, and the sign giving notice of hearing was posted on the property on the same date.

A survey of the area from Unawep Avenue on the north, 27-1/2 Road on the east, B-1/4 Road on the south to Aspen (and Aspen if extended) on the west has been completed. 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. 79

a. Owner of property in neighborhood 30

b. Employee or business lessee of property in neighborhood 23

c. Inhabitant of the neighborhood 25

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. 78

a. Owner of property in neighborhood 51

b. Employee or business lessee of property in the neighborhood 13

c. Inhabitant of the neighborhood 23

On January 11, 1982, Joseph H. Skinner, attorney for the Dixons, filed petitions containing 459 signatures favoring the granting of the license with an indication that more petitions may be filed at

a later date. On January 19, a petition with 245 signatures favoring the granting of the license was filed. On January 20, a petition with 58 signatures favoring the granting of the license was filed. On January 18, 1982, a counterpetition containing 1113 signatures was filed by Rex Schoonover.

The Police Department report advises that the background check of the Dixons is good.

Similar type outlets within survey area: 1.

Similar type outlets without one mile: 2."

The map showing similar type outlets was reviewed. Joe Skinner, attorney, represented the applicants, Charles and Louise Dixon. Mr. Skinner submitted a copy of Facts Supporting Expanded Neighborhood Boundaries, Traffic Volume Map, and a Market Analysis Submission. Mr. Skinner indicated that 39 survey forms from the Bank of Orchard Mesa were not turned in to the City at Mrs. Dixon's request, so that she would not be open to at least the intimation that she attempted to unduly influence employees at the bank where she is employed.

Mr. Skinner noted that the signatures on the petitions filed by the three liquor store owners were obtained in the respective stores. He asked Council to disregard all the petitions submitted by the opposition based on legal issue in that for the Council to consider those petitions which were obtained in the manner in which he was informed they were obtain through existing outlets would be for this Council to sanction an illegal restraint of trade under CRS 1973, 6-4-101. Mr. Skinner submitted that apparently there has been an agreement among existing liquor store owners to present the petitions to Council and that this has been an attempt at a restraint of trade. Mr. Skinner did not request Council to rule on that; he asked Council to disregard those petitions on the ground that public policy and the statutes of the State do not allow people to behave in that manner. If the store owners had gone out and hired independent individuals and performed their own market analysis, then those petitions might be valid before the Council.

Councilman Johnson advised Mr. Skinner that it will let its attorney advise it as to what it can consider and what it cannot consider with respect to the petitions submitted.

Opponents: Rex Schoonover, Orchard Mesa Liquor Store proprietor, 2706 U.S. Highway 50 South, residence address 278 Gary Drive. Mr. Schoonover stated that the signatures on the opposing petition were obtained in the stores as indicted by Mr. Skinner, and he said he was given permission to do so. He also stated there was not an agreement among the store owners to work together to obtain the signatures.

There were approximately 40 people in the audience. Some for the

granting of the license, some opposed to the granting of the license.

A Resolution of Findings and Decision is scheduled on the February 3 City Council agenda.

The President declared a five-minute recess. Upon reconvening, six Council members were present.

NAMES ANNOUNCED FOR COUNCIL REPRESENTATIVE FROM DISTRICT B

The President announced the names of three candidates to fill the vacancy on the Council from District B. They are:

Wanda Chatfield, 1925 North 6th Street

Arlene Harvey, 217 Willowbrook

Chris Kreissler, 181 Elm Avenue

The candidates will be interviewed at a Council workshop on January 25 with a selection being made shortly thereafter.

HEARING - APPLICATION BY GRAND JUNCTION AREA CENTENNIAL COMPANY FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT ON FEBRUARY 13, 1982, 6 P.M. TO 2 A.M. FOR DANCE AT TWO RIVERS PLAZA - 2ND PERMIT - APPROVED

A hearing was held after proper notice of property on the application by the Grand Junction Area Centennial Company for malt, vinous and spirituous liquor special events permit on February 13, 1982, from 6:00 p.m. to 2:00 a.m. for a dance at Two Rivers Plaza, 159 Main Street. Jim Eisenhauer was present for the petitioner. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried with the Councilman HOLMES voting NO, the application was approved.

HEARING - DEVELOPMENT IN H.O. ZONE WESTERN "6" MOTEL - REVISED FINAL PLAN FOR THE NE CORNER OF HORIZON DRIVE AND G ROAD

A hearing was held after proper notice on the petition by Ron Whitney for development in H.O. zone, Western "6" Motel, revised final plan of a motel with 126 units on 2.34 acres to be located on the northeast corner of G Road and Horizon Drive. Bob Goldin, Planning Office, reviewed the proposal. The technical issues have been resolved as far as the access points. There was neighborhood concern not so much with the use as a motel but with the development along Horizon Drive before improvements are made to that street. A letter of intent has been submitted by the developer agreeing to work out with the City details regarding the retaining wall along G Road. Mr. Whitney was present representing the Western "6" Motel Company. There were no opponents, letters,

or counterpetitions.

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the revised final plan for Western "6" Motel development on the northeast corner of Horizon drive and G Road was approved subject to the conditions to the Planning Commission.

HEARING - DS AND S MINOR SUBDIVISION, 316 27-3/8 ROAD - RESOLUTION OF FINDINGS AND DECISION SCHEDULED FEBRUARY 3, 1982

A hearing was held after proper notice on the request by David and Susan Cypher for 4 lots on .94 acres in a residential single-family zone at 316 27-3/8 Road, DS and S minor Subdivision. Bob Goldin advised that there was a lot of concern and debate at both staff and planning level about the punching of Parkwood Drive through onto 27-3/8 Road. Staff felt it would be best for access to place the drive on through, resulting in disagreement between staff and the petitioner. The Planning Commission felt that the 930 feet was not required and the City should not have to put the street through. The flag lot situation and development to the north would be suitable for this type of development and recommended approval as shown on the submitted plan.

John Ballagh, Personal Representative for the Cyphers, was present and outlined the proposal as the petitioners envision it.

There were no opponents, letters, or counterpetitions.

A Resolution of Findings and Decision is scheduled on the February 3 City Council agenda.

ORDINANCE NO. 2032 - CORRECTING ORDINANCE NO. 2021 TO SHOW NEW ZONING AS PR-16.5 RATHER THAN PR-16 FOR THE WELLINGTON CONDOS E OF 12TH STREET BETWEEN WELLINGTON AND GRAND VALLEY CANAL

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 CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY.

Upon motion by Councilman Holmes, 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 2032, and ordered published.

RESOLUTION CONCERNING LOTTERIES IN COLORADO

RESOLUTION

CONCERNING LOTTERIES IN COLORADO

WHEREAS, the voters of Colorado have twice approved establishment of a state-supervised lottery or sweepstakes, the last time via a November, 1980, constitutional amendment; and

WHEREAS, the proceeds of the lottery are to be spent on parks, recreation, and open space through the state Conservation Trust Fund, unless otherwise directed by the legislature; and

WHEREAS, the City of Grand Junction believe that the lottery was originally contemplated and the voters approved the amendment with parks, recreation, and open space funding in mind; and

WHEREAS, the City of Grand Junction has a critical need for parks, recreation, and open space funding with its rapidly expanding population;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION that we call upon Representative Robb and Armstrong-Unfred and Senator Bishop to support passage of H.B. 1069 with the proceeds earmarked for parks, recreation, and open space.

PASSED and ADOPTED this 20th day of January, 1982.

President of the Council

Attest:

City Clerk

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

MEETINGS

Council workshop tentatively set for the morning of January 29, 1982, at 7:00 a.m.

There was discussion about Two Rivers Plaza and a concessionaire who can obtain a liquor license.

COMMITTEE REPORTS

Councilman Clark recently attended a ten-day conference at the University of Colorado. One of the speakers was Lee White, the Executive Director of the Office of the State Planning and Budget. He has offered to come to Western Colorado and explain both the

executive budget recommendations for this year and the five-year capital investment plan which includes the State Office Building, Mesa College planning, and water projects on the Western Slope.

Councilwoman Clark attended a meeting of the Subcommittee of the Recreation Board today. The Subcommittee is drawing up some guidelines for consideration by the Recreation Board that will be coming to the City Council. The proposal calls for some changes in the direction of the Recreation Board to give the members a little better feel as to what the Board's responsibilities are.

Centennial Committee

Councilman Johnson met last night with the Centennial Committee and approximately 150 people in the Civic Auditorium. The outlined plans for the upcoming centennial were explained by the chairman of the various committees. The enthusiasm increased on the part of the participants as the programs were explained during the course of the two-hour meeting. Councilman Johnson predicted one of the biggest fun times in the history of Grand Junction this summer.

President's Meetings

President Brach reported that since the last meeting he has attended the following meetings:

January 7 - Dedication at Veterans Hospital of the new wing and the ICU stations.

January 8 - met with the Insurance group at their annual meeting.

January 9 - Dedication of the Trolley System Marker at 4th and Pitkin.

January 13 - Attended CITF meeting in Grand Junction, Group 3

January 14 - Attended CITF meeting in Rifle, Group 5.

- Attended COG meeting in Rifle. President Brach is now the new Chairman of the Council of Governments.

January 15 - Breakfast with Governor Lamm at Two Rivers Plaza.

- Met at 10:30 with Governor Lamm and the Denver Water Board.

January 19 - Toured Parachute Oil Shale Tracts CB & CA with Congressman Kogovsek.

Riverside-Crawford Addition Meeting

The City Manager reported on the meeting with the people from Riverside in the Crawford Addition regarding traffic and other problems. Staff is working on the requests and will get back with these people in about three weeks.

RECESS

The President recessed the meeting until 7:30 a.m. on Monday,
January 25, 1982.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk