

Grand Junction, Colorado

February 3, 1982

The City Council of the City of Grand Junction, Colorado, convened in regular session the 3rd day of February, 1982, at 7:30 p.m. in the Council Chambers at City Hall. Those present were Council members Betsy Clark, Frank Dunn, Arlene Harvey, Robert Holmes, Karl Johnson, Gary Lucero, and President of the Council Louis Brach, a quorum. Also present were City Attorney Gerald Ashby, City Clerk Neva Lockhart, and Acting City Manager Ron Ruskey.

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

INVOCATION

Reverend Eldon Coffey, Central Orchard Mesa Community Church.

MINUTES

The minutes of the recessed meeting of the City Council on January 25, 1982, were corrected to reflect that the meeting was adjourned after the interviews of the candidates for appointment to the City Council and upon unanimous vote of the Council Arlene Harvey was appointed to serve the unexpired term from District B. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the minutes of the regular meeting January 20, 1982, were appointed as written, and the minutes of the recessed meeting January 25 were approved as corrected.

OATH OF OFFICE - ARLENE HARVEY, COUNCILWOMAN, DISTRICT B, 217 WILLOWBROOK

The City Clerk administered the Oath of Office to Arlene Harvey, Council representative from District B.

PROCLAMATION DECLARING FEBRUARY 8 THROUGH FEBRUARY 12, 1982, "NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK"

PROCLAMATION DECLARING FEBRUARY 6, 1982, "ED VANDER TOOK DAY" IN CITY OF GRAND JUNCTION

APPOINTMENT OF GLEN GREEN TO CONTRACTORS LICENSING BOARD TWO-YEAR TERM

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried, Glen Green was appointed to a two-year term on the Contractors Licensing Board.

RENEWAL OF LIQUOR & BEER LICENSES

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the applications by

the following businesses to renew liquor and beer licenses were approved:

Orchard Bowl, 295 27 Road Hotel-Restaurant

Talley's Bar-B-Que and Biscuit Factory Beer-Wine

The Dallas Club, 2882 North Avenue Tavern

Double RR Bar, 2879 North Avenue Hotel-Restaurant

The Corral, 539 Colorado Avenue 3.2% Beer

Conway's, 959 Main Street Hotel-Restaurant

HEARING - FINAL PLAT AND PLAN FOR HAWTHORNE PLACE AT CRESTVIEW (FORMERLY CRESTVIEW III), NW COR 27-1/2 ROAD AND F-1/4 ROAD

A hearing was held after proper notice on the final plat and plan for Hawthorne Place at Crestview, formerly Crestview III. The plan shows 83 units on 11-1/2 acres in a planned residential zone at 8 units per acre. The petitioner is Todd Deutsch of Towne Properties, Ltd. There were no opponents, letters or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried, the final plat and plan for Hawthorne Place at Crestview was approved subject to the conditions of the Planning Commission.

RESOLUTION OF FINDINGS AND DECISION RE: APPLICATION BY CHARLES W. AND LOUISE DIXON FOR RETAIL LIQUOR STORE LICENSE AT CHUCK'S LIQUORS, 2694 U.S. HIGHWAY 50 SOUTH - DENIED

The following Resolution was read:

RESOLUTION

OF DECISION ON THE APPLICATION FOR A RETAIL LIQUOR STORE LICENSE BY CHARLES W. DIXON AND LOUISE M. DIXON.

WHEREAS, the City Council of the City of Grand Junction on the 20th day of January, 1982, heard the application of Charles W. Dixon and Louise M. Dixon for a retail liquor store license for the location at 2694 U.S. Highway 50 South, and, having considered the evidence adduced at the hearing FINDS:

1. The hearing was properly held after due notice thereof.
2. The survey of the City conducted in the neighborhood determined by the City was very close in division of opinion - approximately 79 felt the needs of the neighborhood were not being met by other outlets and they favored the issuance of the license, while about 78 opposed the issuance of the license as the needs were being met in their opinion. Of those who responded as inhabitants of the neighborhood 25 favored the issuance while 23 were opposed.

3. The applicants presented petitions bearing about 760 signatures supporting the issuance of the license with the statement that the needs of the neighborhood were not being met by other outlets. Opponents of the issuance of the license presented petitions opposing the license and bearing signatures of about 1110 persons. The applicant argued that the neighborhood selected by the City was too small and the signatures of those on the applicants' petition should be considered as persons within the larger neighborhood potentially to be served by this new outlet which the signers felt was needed to satisfy their needs.

4. There are presently retail liquor stores at 2706 Highway 50 South (in the City and in the City designated neighborhood), at 2897 Highway 50 South (in the County and within about two miles of the proposed location), and at the address of 1563 Highway 50 (misleading as to address as it is within the 2600 range of the County grid system, placing it within a mile of the proposed location). It should be noted that the neighborhood suggested by the applicants runs much farther to the east than to the west (about one and one-half miles to the east of the proposed location, while only about three-quarters of a mile to the west). The true basis of the argument of the applicants would seem to indicate that the area denomination as "Orchard Mesa" constitute the neighborhood and this would have to include Hilltop Liquors as a part of that neighborhood - Hilltop being located at 1563 Highway 50.

5. The argument of the applicants that the petitions in opposition to the granting of the license should not be considered is without merit. The law permits owners of similar outlets to protest the issuance of another license. There is no restriction place din the law as to circulators of petitions. The argument that actions taken by these owners, and the approval of it by the City Council in accepting the petitions, might be in restraint of trade is not supportable as any restraint of trade arises from a State-directed action.

6. The evidence supports the position that the needs of the neighborhood are being met by the existing outlets.

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

That the application of Charles W. Dixon and Louise M. Dixon for a retail liquor store license be denied.

PASSED and ADOPTED this 3rd day of February, 1982.

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President of the Council

Attest:

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City Clerk

Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried by roll call vote with Council members LUCERO and CLARK voting NO, and Councilwoman HARVEY ABSTAINING, the Resolution was passed and adopted as read.

HEARING - APPLICATION BY MESA COLLEGE FOR 3.2% BEER SPECIAL EVENTS PERMIT FOR FEBRUARY 12, 1982, IN LIFF AUDITORIUM, W. W. CAMPBELL STUDENT CENTER FROM 8 P.M. TO MIDNIGHT - 2ND PERMIT APPROVED

A hearing was held after posting of property on the application by Mesa College for a 3.2% beer special events permit for February 12, 1982, in Liff Auditorium, W. W. Campbell Student Center from 8:00 p.m. to 12:00 midnight for student body kegger and dance. Katie Kaufmanis, Vice President of Student Body Association, was present on behalf of the application. There were no opponents, letters or counterpetitions. Upon motion by Councilwoman Clark, seconded by Councilman Johnson and carried with Council members HOLMES and HARVEY voting NO, the application was approved.

HEARING - APPLICATION BY GRAND JUNCTION AREA CENTENNIAL CO. FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT MARCH 5, 1982, FROM 6 P.M. TO MIDNIGHT - PREMIER PARTY FOR HOME AND GARDEN SHOW - 3RD PERMIT - APPROVED

A hearing was held after proper posting of property on the application by the Grand Junction Area Centennial Company for a malt, vinous and spirituous liquor special events permit on March 5, 1982, from 6:00 p.m. to 12:00 midnight for the premier party of the Home and Garden Show. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application was approved.

RESOLUTION OF FINDINGS AND DECISION RE: DS AND S MINOR SUBDIVISION, 316 27-3/8 ROAD, APPROVED AS SUBMITTED

Councilman Lucero removed himself from discussion and voting on this issue because of personal involvement. A Resolution denying DS and S Minor Subdivision as submitted was read. It was moved by Councilman Johnson to adopt the Resolution as read. The motion lost for lack of a second.

The following Resolution approving a subdivision for David and Susan Cypher was read:

RESOLUTION

APPROVING A SUBDIVISION FOR DAVID CYPHER AND SUSAN CYPHER.

WHEREAS, David Cypher and Susan Cypher have applied for approval of a subdivision in the City of lands in the City of Grand Junction, Mesa County, Colorado, described as:

Beginning at the Southwest Corner of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 24, Township 1 South, Range 1 West of the Ute Meridian; thence East 20 rods, thence North 8 rods, thence West 20 rods, thence South 8 rods to the point of beginning; (Common location: 316 27-3/8ths Road);

and WHEREAS, the subdivision plan as presented was approved by the City Planning Commission; and

WHEREAS, the planning staff and the city engineer did not approve the plan as submitted feeling that proper traffic circulation in the area required a dedication of one-half roadway along the northern boundary of the subdivision, effectively requiring a change in the pattern of the subdivision or the loss of one of the proposed lots; and

WHEREAS, the Council believes that the requirement of the roadway would disproportionately punish the Cyphers in relation to the surrounding properties;

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

That the DS and S Minor Subdivision be approved as submitted by the Cyphers.

PASSED and ADOPTED this 3rd day of February, 1982.

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President of the Council

Attest:

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City Clerk

Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried by roll call vote, the Resolution was passed and adopted as read.

ORDINANCE NO. 2033 - REZONE FROM RMF-64 TO PB THE SW CORNER OF 12TH STREET AND PATTERSON ROAD

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 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 Councilman Dunn, seconded by Councilman Holmes and carried by roll call vote, the Ordinance was passed, adopted, numbered 2033, and ordered published.

RESOLUTION REVOKING A REVOCABLE PERMIT GRANTED TO GRAND JUNCTION STEEL FABRICATING CO.

The following Resolution was read:

RESOLUTION

REVOKING A REVOCABLE PERMIT GRANTED TO GRAND JUNCTION STEEL FABRICATING COMPANY.

WHEREAS, on the 19th day of May, 1976, the City granted a revocable permit to Grand Junction Steel Fabricating Company for the use of a portion of right-of-way on D Road and 12th Street; and

WHEREAS, it is necessary that the permit be revoked where it is inconsistent with the installation and maintenance of a water line by the City in these rights-of-way;

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

That the Revocable Permit granted Grand Junction Steel Fabricating Company for use of D Road and 12th Street rights-of-way is revoked insofar as it is inconsistent with the installation and maintenance of a City water line in the following portion of roadway:

All that part of 12th Street right-of-way from D Road North to D&RGW Railroad right-of-way,

Also that part of D Road right-of-way from the Easterly boundary line of said Section 23, Southwesterly a distance of 140 feet, more or less.

Further, the Grantee of the permit is required to remove from the right-of-way anything installed by it which would interfere with the proposed installation by the City.

PASSED and ADOPTED this 3rd day of February, 1982.

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President of the Council

Attest:

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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.

RESOLUTION REVOKING A REVOCABLE PERMIT GRANTED TO PAUL MANNING

The following Resolution was read:

RESOLUTION

REVOKING A REVOCABLE PERMIT GRANTED TO THE PAUL MANNING.

WHEREAS, on the 17th day of June, 1981, the City granted a revocable permit to Paul Manning for the use of a portion of right-of-way on D Road and 1wth Street; and

WHEREAS, it is necessary that the permit be revoked where it is inconsistent with the installation and maintenance of a water line by the City in these rights-of-way;

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

That the Revocable Permit granted Paul Manning for use of D Road and 12th Street rights-of-way is revoked insofar as it is inconsistent with the installation and maintenance of a City water line in the following portion of roadway:

All that part of 12th Street right-of-way from D Road North to D&RGW Railroad right-of-way,

Also that part of D Road right-of-way from the Easterly boundary line of said Section 23, Southwesterly, a distance of 140 feet, more or less.

Further, the grantee of the permit is required to remove from the right-of-way anything installed by him which would interfere with the proposed installation by the City.

PASSED and ADOPTED this 3rd day of February, 1982.

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President of the Council

Attest:

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City Clerk

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

RESOLUTION CONCERNING THE CONTRACT FOR 28 ROAD - I-70 BUSINESS LOOP TO GRAND AVENUE.

WHEREAS, the State Department of Highways, Division of Highways, has proposed to the City of Grand Junction a contract for the right of way for and construction of an extension of 28 Road in the City from Grand Avenue to the I-70 Business Loop, identified as Project No. M-7503(1); and

WHEREAS, the contract calls for the affirmation by Resolution of the Council that certain sums of the City have been made available as the City's portion of the costs of the project, and further affirmation as to the authority of the City to enter into the agreement;

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

1. That the City has appropriated and will expend on Project No. M-7503(1) the sum of \$72,946 as its share of the cost of the project.

2. That Article 1, Section 2, of the Constitution of the State of Colorado, the City Charter and Part 2 of Article 29, Colorado Revised Statutes, 1973, as amended, permit the City to enter into the proposed contract.

3. That the City Manager is authorized and directed to execute the contract on behalf of the City.

PASSED and ADOPTED this 3rd day of February, 1982.

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President of the Council

Attest:

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City Clerk

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



RESOLUTION APPROVING THE TERMS AND SALE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS (MODERN MERCHANDISING, INC., PROJECT), SERIES 1982 TO FINANCE A PROJECT ON BEHALF OF MODERN MERCHANDISING, INC. (LA BELLE'S STORE)

The following Resolution was read:

RESOLUTION

RESOLUTION APPROVING THE TERMS AND SALE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS (MODERN MERCHANDISING, INC. PROJECT), SERIES 1982 TO FINANCE A PROJECT ON BEHALF OF MODERN MERCHANDISING, INC.

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

Section 1. Prior Authorization.

Pursuant to Ordinance No. 2029, effective January 3, 1982, this Council authorized the issuance, execution and delivery of Industrial Development Revenue Bonds (Modern Merchandising, Inc. Project), Series 1982 (the Bonds) pursuant to the County and Municipality Development Revenue Bond Act, Title 29, Article 3, Colorado Revised Statutes 1973, as amended (the Act) and the loan of the proceeds thereof to Modern Merchandising, Inc. (the Borrower), to finance the costs of acquiring land and constructing and equipping improvements thereon by the Borrower for use as a retail sales and warehouse facility and related facilities.

Section 2. Approval of Bond Terms and Sale.

This Council hereby approves the sale of the Bonds, dated February 1, 1982, in the aggregate principal amount of \$3,050,000 to Miller & Schroeder Municipals, Inc. for the price of \$2,958,500, plus accrued interest from February 1, 1982, to the date of delivery, pursuant to the terms and conditions contained in the Bond Purchase Agreement. This Council hereby further approves the maturity of the Bonds as being February 1, 2002, and the interest rate as being thirteen and one half percent (13-1/2%) per annum.

Section 3. FINDING

This Council hereby finds that the amount necessary to pay the principal of and interest on the Bonds in each year is as follows:

<u>Year</u>	<u>Amount</u>
1982	\$205,875.00
1983-2001	\$411,750.00

2002\$3,255,875.00	
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The Loan Agreement to be entered into between the City and the Borrower provides for a payment by the Borrower of revenues sufficient to pay such principal and interest. No reserve funds have been established for the retirement of the Bonds or for maintenance of the Project. It is the obligation of the Borrower under the Loan Agreement to maintain the Project in good repair and to keep the Project properly insured.

PASSED and ADOPTED this 3rd day of February, 1982.

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President of the Council

Attest:

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City Clerk

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

RESOLUTION DESIGNATING CERTAIN AREAS, AND THE BUILDINGS AND STRUCTURES THEREIN, AS HISTORICAL AREAS FOR THE PURPOSES OF SECTION 104(f) OF THE UNIFORM BUILDING CODE, 1979 EDITION

The following Resolution was read:

RESOLUTION

DESIGNATING CERTAIN AREAS, AND THE BUILDINGS AND STRUCTURES THEREIN, AS HISTORICAL AREAS FOR THE PURPOSES OF SECTION 104(f) OF THE UNIFORM BUILDING CODE, 1979 EDITION

WHEREAS, this Council, on December 16, 1981, approved the Plan of Development of the Grand Junction, Colorado, Downtown Development Authority; and

WHEREAS, such Plan of Development called for the designation of certain areas as commercial renovation areas which requires in part that buildings in such areas be more than thirty (30) years of age, and such areas were so designated by this Council; and

WHEREAS, the buildings and structures within such area because of their age and other reasons have special historical and architectural significance to the City of Grand Junction and the history thereof; and

WHEREAS, the Uniform Building Code, 1979 Edition, in Section 104(f), allows certain historic buildings to be repaired, altered or added to without conformity to all the requirements of said Code, provided that: (a) the building or structure has been designated by official action of this Council as having special historical or architectural significance, (b) any unsafe condition as described in said Code are corrected, and (c) the re stored building or structure will be no more hazardous based on life safety, fire safety and sanitation than the existing building; and

WHEREAS, it appears to this Council that the designation of buildings and structures within commercial renovation districts as historic buildings under Section 104(f) of the Uniform Building Code, 1979, Edition, would encourage renovation, rather than destruction, of such buildings and structures; and

WHEREAS, the renovation of such buildings and structures would significantly improve the fire and life safety conditions within the designated areas thereby promoting the public health, safety and welfare including increased protection of public and private property; and

WHEREAS, based upon the evidence presented to this Council, and the knowledge of the individual Councilman, it appears that such buildings or structures are appropriate for such designation;

BE IT THEREFORE RESOLVED, that:

1. Buildings within the areas designated as commercial renovation districts by the Grand Junction, Colorado, Downtown Development Authority Plan of Development as approved on December 16, 1981, be and hereby are declared to be historic building for the purposes of Section 104(f) of the Uniform Building Code, 1979 Edition; and
2. That the City Building Department and Grand Junction Fire Department are hereby encouraged to implement necessary rules and procedures to give the owners of buildings and structures within such historic districts the benefits of the provisions of Section 104(f) of the Uniform Building Code, 1979 Edition.

INTRODUCED, READ, PASSED and ADOPTED this 3rd day of February, 1982.

CITY OF GRAND JUNCTION, COLORADO

By:

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President of the Council

Attest:

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City Clerk

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

#### HOUSING AUTHORITY

Councilman Lucero filed an update on the Housing Authority's project at 800 Main Street. The final plan is to be submitted this week and they still anticipate construction by June 1. He noted that all the members will be attending the meeting with Mr. Winn.

#### LEGISLATION - DUI

Councilman Holmes hoped the City Council would find it within its charge to adopt a resolution to be sent to the State Legislators and the Governor favoring imposition of stiff penalties for driving under the influence, and that these penalties be a matter legislated to where it could not be avoided judiciously by a judge but all he would have to do would be to find people guilty or not guilty and it would result in the suspension of their licenses or impounding of their vehicles. The City Attorney is to draft a resolution for consideration at the next meeting.

#### CML POLICY COMMITTEE

Councilman Johnson will go to Denver Friday to attend a CML Policy Committee meeting to review pending legislation.

#### ORIENTATION WORKSHOP

Councilwoman Harvey will attend an orientation workshop Saturday in Glendale.

#### DOMINGUEZ DAM COMMITTEE

President Brach reported on his meeting last week with the Dominguez Dam Committee. There will be a meeting of the Water Conservancy District on the 5th, and the Dominguez project will be on the agenda.

#### AIRPORT

President Brach reported that cement footers are being poured at the Airport terminal. The weather has delayed the contractor about a month, but upon better weather they hope to make up the time.

#### AIM

AIM meeting this morning. Decision was made to continue AIM and to keep it on the local level.

#### COG

COG meeting in Rifle Thursday.

#### COUNCIL WORKSHOP

Council workshop at 7:30 a.m. February 8.

#### MILL TAILINGS

Mill Tailings Site Selection Committee meeting Thursday and Friday, 8:30 a.m. at Ramada Inn.

#### BLM

BLM Meeting on Oil Shale Leasing Friday, February 5, in Civic Auditorium at 7:00 p.m.

#### RETIREMENT PARTY

Retirement Party in honor of Police Chief Ed Vander Took Saturday night at the Coors Plant.

#### COUNCILWOMAN HARVEY APPOINTED TO SERVE ON AIM COMMITTEE

The President appointed Councilwoman Arlene Harvey to serve on the AIM Committee. The next meeting is February 17, 1982, 8:30 a.m. in the County Commissioners Room.

#### COUNCILWOMAN HARVEY APPOINTED TO SERVE ON ENERGY IMPACT ASSISTANCE TEAM RECREATION BOARD

The President appointed Councilwoman Harvey to serve on the Energy Impact Assistance Team. This group meets on the third Thursday of the month in the County Commissioners Room.

Since Councilwoman Clark will be out of town quite a bit during the next few months, President Brach appointed Councilwoman Harvey to attend the Recreation Board meetings the third Wednesday of each month at the Parks and Recreation Director's Office.

#### ADJOURNMENT

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

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk