

Grand Junction, Colorado

July 21, 1982

The City Council of the City of Grand Junction, Colorado, convened in regular session the 21st day of July, 1982, at 7:30 p.m. in the City Council Chambers at City Hall. Those present were Council members Betsy Clark, Frank Dunn, Robert Holmes, Karl Johnson, Gary Lucero, and President of the Council Louis Brach. Councilwoman Arlene Harvey was absent. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

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

INVOCATION

Councilman Robert Holmes.

MINUTES

Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried, the minutes of the regular meetings June 16 and July 7, 1982, were approved as submitted.

PROCLAMATION HONORING THE RESERVE UNIT OF THE CADET ORGANIZATION OF THE GRAND JUNCTION POLICE DEPARTMENT

CONTRACTORS LICENSING BOARD - REAPPOINTMENT OF CHRIS GRAY, ARCHITECT, AND ROBERT MORRIS, CONTRACTOR - 2 YEAR TERMS

Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried, Chris Gray, Architect, and Robert Morris, Contractors, were reappointed to the Contractors Licensing Board for two-year terms.

LIQUOR - BEER - APPLICATIONS APPROVED FOR LICENSE RENEWALS

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

The Golden Dragon, 1037 North Avenue (3.2% Beer)
Fisher's Liquor Barn, Inc., 2448 F Road (Retail Liquor Store)
Los Reyes Restaurant, 811 South 7th Street (Hotel-Restaurant)

APPLICATION BY VFW BEYE-LOTZ POST 1247, 1404 UTE AVENUE, TO MOVE TAVERN LIQUOR LICENSE INTO NEW BUILDING ON SAME LOT AT SAME ADDRESS - APPROVED

Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, with Councilman HOLMES voting NO, the application by the V.F.W. Beye-Lotz Post 1247, 1404 Ute Avenue, to move its tavern liquor license into new building on same lot at same address was

approved.

HEARING - PROPOSED ORDINANCE - RIGHT-OF-WAY VACATION, SE CORNER OF CANNON STREET AND GRAND MESA AVENUE

A hearing was held after proper notice on the petition by Robert Bray for vacation of right-of-way at the southeast corner of Cannon Street and Grand Mesa Avenue. There were no opponents, letters, or counterpetitions. The following entitled proposed ordinance was read: AN ORDINANCE VACATING A RIGHT-OF-WAY IN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried, with Councilman HOLMES voting NO, the proposed ordinance was passed for publication.

HEARING - HIGH COUNTRY STORAGE AMENDED FINAL PLAN SE CORNER OF CANNON STREET AND GRAND MESA AVENUE - APPROVED

A hearing was held after proper notice on the petition by John Bray for an amended final plan on approximately .37 acres in a Planned Business Zone. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the amended final plan for High Country Storage on the southeast corner of Cannon Street and Grand Mesa Avenue was approved subject to the conditions of the Planning Commission.

HEARING - PROPOSED ORDINANCE - REZONE FROM RMF-32 TO PB AND WESTERN COLORADO CENTER FOR THE ARTS FINAL PLAN, 1803 N. 7TH STREET (SW CORNER OF 7TH AND ORCHARD) - APPROVED

A hearing was held after proper notice on the petition by Allen Dodworth, Western Colorado Center for the Arts, for a change from residential multi-family uses at 32 units per acre to planned business uses and a final plan on approximately 1.34 acres at 1803 N. 7th Street (southwest corner of 7th and Orchard). There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the final plan for the property 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 Councilwoman Clark and carried, the proposed ordinance was passed for publication.

HEARING - RIGHT-OF-WAY VACATION AND EASEMENT VACATION FOR THE NE CORNER OF HILLCREST AVENUE AND WALNUT AVENUE - APPROVED

A hearing was held after proper notice on the petition by Joel and Kathi Prudhomme to vacate part of the right-of-way on Walnut Avenue and a utility easement. There were no opponents, letters, or counterpetitions. The following entitled proposed ordinance was

read: AN ORDINANCE VACATING A RIGHT-OF-WAY AND EASEMENT IN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the proposed ordinance was passed for publication.

HEARING - EDGEWOOD TOWNHOMES FINAL PLAT AND PLAN, W OF 15TH STREET, S OF GRAND VALLEY CANAL - APPROVED

A hearing was held after proper notice on the petition by John T. Combs for a final plat and plan of 10 units on approximately .59 acre in a planned residential zone at 17 units per acre. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the Edgewood Townhomes final plat and plan for property west of 15th Street, south of the Grand Valley Canal, was approved subject to the conditions of the Planning Commission.

HEARING - WELLINGTON TOWNHOMES (2 OF 2) FINAL PLAT AND PLAN, 225 FT E OF 12TH STREET BETWEEN WELLINGTON AVENUE AND THE GRAND VALLEY CANAL - APPROVED

A hearing was held after proper notice on the petition by Paul Smith for a final plat and plan of 26 units on approximately 1.70 acres in a planned residential zone at 16 units per acre located 225 feet east of 12th Street between Wellington Avenue and the Grand Valley Canal. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the final plat and plan for Wellington Townhomes was approved.

HEARING - ID. ST-82, PHASE B, ORCHARD AVENUE FROM 23RD STREET TO 28-1/4 ROAD - RESOLUTION NO. 51-82 CREATING DISTRICT - AWARD OF CONSTRUCTION CONTRACT, ELAM CONSTRUCTION, INC., - \$372,832.15

A hearing was held after proper notice on the intent to create I.D. ST-82, Phase B, Orchard Avenue from 23rd Street to 28-1/4 Road. Letters were received from the following people:

Vera Poyner, 2413 Orchard Avenue; Lucy Moore, 2638 Orchard Avenue; Jennie Lucas, 2421 Orchard Avenue; Richard Chapman, 551 Cindy Ann Road; Lorraine Boschi, 552 28 Road; Frances Belden, 2814 Orchard Avenue; Steven R. and Linda L. Mabie, 1900 N. 26th Street, Walter G. Fritzlan, Grand Junction Friends Church; Tom Lytle, 2636 Orchard Avenue.

The following people were present and offered comments regarding the project:

Walter Fritzlan, Clerk of the Friends Church; Linda Mabie, 1900 N. 26th and S. Lytle, 2636 Orchard Avenue; David McDonald, corner of 25th and Orchard Avenue; Bernard Miera, 2236 Orchard Avenue; Alice Miller, 2312 Orchard Avenue; Richard Chapman, 551 Cindy Ann Road.

The hearing was closed. The President announced a Council workshop

Tuesday evening at seven o'clock in the Civic Auditorium to discuss the assessments.

The following Resolution was read:

RESOLUTION NO. 51-82

CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-82, PHASE B, WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF CURBS AND GUTTERS, SIDEWALKS AND PAVING ON STREETS THEREIN AND PROVIDING FOR THE PAYMENT THEREOF.

WHEREAS, on the 16th day of June, 1982, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Improvement District No. ST-82, Phase B, and Authorizing Notice of Intention to Create said District; and

WHEREAS, Notice of Intention to Create said District was duly published; and

WHEREAS, complaints and objections were voiced on the proposed improvements;

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

1. That said Improvement District No. ST-82, Phase B, be and the same is hereby created and established; and that construction of curbs and gutters, sidewalks and paving of streets therein be and the same are hereby authorized and directed, in accordance with the Resolution Adopting Details, Plans and Specifications prepared and filed therefor.

2. That the construction of curbs and gutters, sidewalks and paving of streets shall be made by contract let to the lowest reliable and responsible bidder after public advertisement, except that if it be determined by the City Council that the bids are too high, and that the proposed improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary materials, supplies and equipment.

3. That the improvements in said District were duly ordered, after notice duly given, and that all conditions precedent and all requirements of the law of the State of Colorado, the Charter of said City, and Ordinance No. 178, as amended, being Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, have been strictly complied with.

4. That the description of the curbs and gutters, sidewalks and paving of streets to be constructed, the boundaries of said

improvement District No. ST-82, Phase B, the number of installments and assessments, the time in which the cost shall be payable, the rate of interest on unpaid installments, and the manner in the Resolution adopted for said District on the 16th day of June, 1982, and in accordance with the published Notice of Intention to Create said District, except that the assessment amounts are to be considered prior to the issuance of the bonds of the District.

5. That after the construction of said improvements in said District has been let, the Council shall, by resolution, provide for the issuance of public improvement bonds for said Improvement District No. ST-82, Phase B, for the purpose of paying the costs and expenses of construction of said District.

PASSED and ADOPTED this 21st day of July, 1982.

President of the Council

Attest:

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.

Bids were received and opened July 20, 1982. Bidders were:

Elam Construction, Inc. \$372,832.15
Corn Construction Company \$427,411.25
Engineer's Estimate \$552,408.75

Staff recommended award of contract to Elam Construction Company. Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the bids were accepted, the contract was awarded to Elam Construction, Inc. for its low bid of \$372,832.15, and the City Manager was authorized to sign said Contract.

HEARING - APPLICATION BY GRAND JUNCTION KIWANIS CLUB FOR MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT FOR AUGUST 14, 1982, FROM 6 P.M. TO 10 P.M. AT W.W. CAMPBELL COLLEGE CENTER, 12TH AND ELM, FOR DISTRICT CONVENTION - APPROVED - 1ST PERMIT

A hearing was held after proper notice on the application by the Grand Junction Kiwanis Club for a malt, vinous and spirituous liquor special events permit on August 14, 1982, from 6 p.m. to 10 p.m. at W.W. Campbell College Center, 12th and Elm, for District Convention. Larry Beckner was present on behalf of the applicant. There were no opponents, letters, or counterpetitions. Upon motion

by Councilman Dunn, seconded by Councilman Lucero and carried, with Councilman HOLMES voting NO, the application was approved.

HEARING - APPLICATION BY GRAND JUNCTION ELK'S LODGE #575 FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT FOR AUGUST 21-22, 1982, FROM 8 P.M. TO 2 A.M. AT 249 S. 4TH STREET - 1ST PERMIT - APPROVED

A hearing was held on the application by the Grand Junction Elk's Lodge #575 for a malt, vinous and spirituous liquor special events permit on August 21-22, 1982, from 8 p.m. to 2 a.m. at 249 South 4th Street. The activity is a benefit for the Mesa College Athletic Club. Robert Tyson was present for the Elk's Club. There were no opponents, letters or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried, with Councilman HOLMES voting NO, the application was approved.

BIDS - AWARD OF CONTRACT TO C. MAYS CONSTRUCTION CO. IN THE AMOUNT OF \$73,845 FOR CONCRETE WORK AT ORCHARD MESA POOL

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the bid submitted by C. Mays Construction Company in the amount of \$73,845 for concrete work at the Orchard Mesa Pool was accepted and the City Manager was authorized to sign said contract.

BIDS - AWARD OF CONTRACT TO WEASTERN EXCAVATING FOR DEMOLITION OF BOYS CLUB AT SHERWOOD PARK - \$59,080

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, with Councilwoman CLARK and Councilman LUCERO voting NO, the bid by Western Excavating for the demolition of the Boys Club at Sherwood Park was accepted contingent upon the contractor obtaining a contractor's license and with the understanding that this is not a commitment on the part of Council to construct a recreation center on this spot unless it is deemed that this is the choice spot at a later date.

HEARING - PROPOSED ORDINANCE - REZONE FROM RMF-64 TO PB AND JOYCE ADDITION FINAL PLAN, 2140 N. 12TH STREET

A hearing was held on the petition by Warren K. Beldon to rezone from residential multi-family uses at 64 units power acre to planned business uses and a final plan on approximately .67 acre. Bob Goldin, Planner, reviewed the area and advised Council that the Planning Commission approved the rezone, but recommended denial of the revised plan based on the drainage issue, the revised plan and parking spaces. In the meantime, the drainage issue has been resolved.

Jeff Ollinger, Armstrong and Associates, was present for the petitioner. He reviewed and explained the method to be used for the parking.

There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried, the Joyce Addition final plan for 2140 N. 12th Street was approved.

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 Johnson, seconded by Councilman Holmes and carried, the proposed ordinance was passed for publication.

ORDINANCES ON FINAL PASSAGE

Proof of Publication had been received on the Ordinance for final passage. A copy of the Ordinance proposed for final passage had been submitted in writing to the City Council.

ORDINANCE NO. 2068 - CONCERNING CONSTRUCTION MANAGERS

Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE ADDING AN EXCLUSION TO THE DEFINITION OF THE TERM "CONTRACTORS".

There were no comments. Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed, adopted, numbered 2068, and ordered published.

PROPOSED ORDINANCE CONCERNING THE CONSUMPTION OF BEER AND LIQUOR IN PUBLIC PLACES

The following entitled proposed ordinance was read: AN ORDINANCE CONCERNING THE CONSUMPTION OF BEER AND LIQUOR IN PUBLIC PLACES. Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the proposed ordinance as amended was passed for publication.

RESOLUTION NO. 52-82 REGARDING PROPOSED SEVERANCE TAX AMENDMENT

The following Resolution was read:

RESOLUTION NO. 52-82

CONCERNING IMPACT INITIATIVE INCORPORATED, PROPOSED STATE SEVERANCE TAX AMENDMENT

WHEREAS, the economy of the State of Colorado is at present suffering drastic retrenchment, especially in the mining and minerals industries; and

WHEREAS, unemployment within the State of Colorado is reaching critical proportions, with over 5,000 jobs in the mining and minerals industries alone having been eliminated in recent months; and

WHEREAS, the loss of these jobs is reflected in our communities not only by unemployment, but also by a curtailment in retail spending; and

WHEREAS, under present Colorado law, local communities which have natural resource production within their counties derive significant income from property taxes; and

WHEREAS, under the existing severance tax laws, our communities are funded to compensate for the unique problems faced when rapid expansion does occur; and

WHEREAS, the present state severance tax laws provide exemptions and credits which enable small producers to survive in a volatile market place;

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

That the proposed severance tax amendment to the Constitution of the State of Colorado is clearly not in the best interest of the state since its enactment would further cripple a faltering economy and would virtually insure the demise of the small producer in this state.

BE IT FURTHER RESOLVED, that we, the City Council of the City of Grand Junction, do hereby declare that we oppose the constitutional amendment proposed by IMPACT Initiative, Inc.

PASSED and ADOPTED this 21st day of July, 1982.

President of the Council

Attest:

City Clerk

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

SEWER AGREEMENT WITH COUNTRY GLEN ASSOCIATES AND PWS INVESTMENTS - APPROVED

Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the Sewer Agreement with Country Glen Associates and PWS Investments was approved and the City Manager was authorized to sign.

DDA PARKING MANAGEMENT REPORT CONCEPTS - ACCEPTED

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the report on the concepts for parking management was accepted contingent upon Council working through the City staff and DDA to determine the cost-sharing in implementing the concepts.

RESOLUTION NO. 53-82 DESIGNATING A NATURAL PERSON TO VOTE ON BEHALF OF THE CITY OF GRAND JUNCTION AT THE ELECTION AUGUST 3, 1982, ON TAX INCREMENT FINANCING

The following Resolution was read:

RESOLUTION NO. 53-82

DESIGNATING A NATURAL PERSON TO VOTE ON BEHALF OF THE CITY OF GRAND JUNCTION AT THE ELECTION ON THE PLEDGING OF TAX INCREMENT REVENUE TO BE HELD ON AUGUST 3, 1982

WHEREAS, the Grand Junction, Colorado, Downtown Development Authority has set an election on the pledging of tax increment revenue funds for August 3, 1982; and

WHEREAS, the City of Grand Junction is a qualified elector by virtue of its status as a land owner of property within the boundaries of the Grand Junction, Colorado, Downtown Development Authority; and

WHEREAS, it is appropriate and necessary for a natural person to cast the vote at such election for this organization;

THEREFORE, BE IT RESOLVED, THAT:

LOUIS R. BRACH, President of the City Council, a natural person, is designated as the duly authorized representative of this organization to cast the vote of this organization as a qualified elector at the election to be held on August 3, 1982, and that no other natural person is so authorized to cast a vote on behalf of this organization.

READ, PASSED and ADOPTED this 21st day of July, 1982.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Dunn, seconded by Councilman Johnson and

carried by roll call vote, the Resolution was passed and adopted as read.

STATE OFFICE BUILDING - OFFER BY CITY TO GET PROJECT UNDERWAY

In the interest of moving the project along, the City Manager requested the City Council's permission to send a letter to the Colorado Department of Administration offering the City's help in doing a land survey, appraisal, and clearing the site in preparation for the State Office Building. Included in the letter would be an indication on the part of the City Council that it would pay for those three items assuming that it would be reimbursed at some point in time for those costs. Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried, the City Manager was authorized to write the letter submitting these offers to the State in the interest of getting this project underway.

HOUSING AUTHORITY - RATEKIN TOWERS

Councilman Lucero announced ribbon-cutting ceremony Friday morning at 11:00 for the elderly housing at 8th Street and Main.

RECREATION CENTER COMMITTEE APPOINTED

The Mayor announced the appointment of the following Committee for the Recreation Center:

Robert Quimby, Chairman
Ted Swanson
Ruth Cheskaty
Mac Brewer
Christine Kreisler
Warren Turner
Mary Musgrave

The Committee will meet July 29 at 3 p.m. in the Recreation Office.

SARA BEERY, MUNICIPAL JUDGE, SUBMITS LETTER OF RESIGNATION

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried, the resignation of Sara Beery as Municipal Judge was accepted and that a letter of appreciation be directed to her. Along with that, Councilman Johnson recommended that members of the bar be advised of the vacancy and request that names be submitted by anyone interested in the position.

MAYOR'S REPORT

July 13 - Ground breaking at Hilton Hotel

July 15 - North Avenue Reception

July 16 - JUCO "Thank You" Reception

July 16 - DDA Noon Luncheon

July 20 - General Growth's Announcement of new 75,000 square foot department store at Mesa Mall

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk