

Grand Junction, Colorado

September 1, 1982

The City Council of the City of Grand Junction, Colorado, convened in regular session the 1st day of September, 1982, at 7:30 p.m. in the City Council Chambers at City Hall. Those present were Council members Betsy Clark, Frank Dunn, Karl Johnson, Gary Lucero and President of the Council Louis Brach. Councilman Robert Holmes and Councilwoman Arlene Harvey were absent. Also present were City Attorney Gerald Ashby, City Manager Jim Wysocki, and City Clerk Neva Lockhart.

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

INVOCATION

Councilman Karl Johnson.

MINUTES

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, consideration of the minutes of the August 18, 1982, meeting was deferred to the next regular Council Meeting on September 15, 1982.

REQUEST NAMES TO FILL VACANCY ON FORESTRY BOARD (LANDSCAPE DESIGNER - 1 YEAR)

President Louis Brach requested names of individuals who may be interested in serving on the Forestry Board; specifically, a landscape designer to serve an unexpired one-year term.

LIQUOR AND BEER - APPLICATIONS TO RENEW LICENSES - APPROVED

Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the following applications by business concerns to renew their liquor and beer licenses were approved:

Gas Rite, 745 Horizon Drive (3.2% Beer)

Mesa College, College Center, 1175 Texas Avenue (3.2% Beer)

Colescott's, 551 South Avenue (3.2% Beer)

Howard Johnson's Restaurant, 753 Horizon Drive (Hotel-Restaurant)

Ogelvie's Bar & Grill, 759 Horizon Drive (Hotel-Restaurant)

Skaggs Drug Center #55, 1834 N. 12th Street (3.2% Beer)

Change in Corporate Officers

APPLICATION BY FEEDLOT, INC., 118 MAIN STREET - TO ADD NEW CORPORATE OFFICER - APPROVED

Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the application by Feedlot, Inc. to add a new corporate officer, Linda G. Kerschner Secretary/Treasurer to replace Marilyn R. Rezac was approved. (Hotel-Restaurant Liquor License)

APPLICATION BY EDI-PARKMOUNT DBA RODEWAY INN, 2790 CROSSROADS BLVD. TO REGISTER LEONARD FRANCIS STUDLEY AS MANAGER - APPROVED

Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the application by EDI-Parkmount dba Rodeway Inn, to register Leonard Francis Studley as Manager, was approved. (Hotel-Restaurant Liquor License)

APPLICATION BY KENNETH W. LOCKEY AND STEPHANIE A. LOCKEY FOR HOTEL-RESTAURANT LIQUOR LICENSE AT MOLLIE MAGEE'S, 929 MAIN STREET - CHANGE OF OWNERSHIP - APPROVED

Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the application by Kenneth W. Lockey and Stephanie A. Lockey for a hotel-restaurant liquor license at Mollie Magee's, 929 Main Street, was approved. This is a change of ownership from present owner Daniel C. Conway dba Conway's.

HEARING - PROPOSED ORDINANCE - TEXT AMENDMENTS TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE

A hearing was held after proper notice on the petition by the City/County Development Department for a Text Amendment to the Grand Junction Zoning and Development Code. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AMENDING THE ZONING AND DEVELOPMENT CODE OF THE CITY AS TO MINOR CHANGES OF THE FINAL PLANS, COMMERCIAL VEHICLES IN RESIDENTIAL NEIGHBORHOODS, DEFINING EQUIPMENT AND HEAVY EQUIPMENT, PROVIDING FOR PAYMENT OF CERTAIN FEES, PROVIDING FOR NOTICE TO ADJACENT OWNERS, AND PROVIDING FOR MEASUREMENT OF SIGNS. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

HEARING - APPLICATION BY GRAND JUNCTION DOWNTOWN ASSOC. INC. FOR 3.2% BEER SPECIAL EVENTS PERMIT - APPROVED

A hearing was held after proper notice on the application by the Grand Junction Downtown Association, Inc. for a 3.2% Beer Special Events Permit October 2, 1982, from 12:00 noon to 10:00 p.m. in the 400 Block of Main Street for Oktoberfest. Gloria Ferns, Promotions Director for the Grand Junction Downtown Association, was present as representative. There were no opponents, letters, or counterpetitions. Upon motion by Councilwoman Clark, seconded by Councilman Johnson and carried, the application was approved.

RESOLUTION NO. 66-82 - SOUTHLAND CORPORATION DBA 7-ELEVEN STORE, 459 NORTH AVENUE - 3.2% BEER LICENSE TO SELL IN SEALED CONTAINERS FOR CONSUMPTION OFF THE PREMISES OF THE LICENSEE - APPROVED

The following Resolution was read:

RESOLUTION NO. 66-82

OF DECISION ON APPLICATION FOR A 3.2% BEER LICENSE BY SOUTHLAND CORPORATION FOR 7-ELEVEN STORE AT 459 NORTH AVENUE, GRAND JUNCTION, COLORADO.

A public hearing having been held on August 18, 1982, on the application by Southland Corporation for a 3.2% beer license for sales in sealed containers for consumption off premises for 7-Eleven Store at 459 North Avenue, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was held on August 18, 1982, on the application after proper notice thereof under the Beer Code.
2. The neighborhood survey conducted by the City indicated that those responding, who expressed an opinion, were slightly more opposed than favoring, about 204 against to 201 in favor. Of those who indicated they were inhabitants of the neighborhood, about 49 opposed while 47 favored the issuance of the license. In addition, the applicant introduced petitions, bearing about 621 signatures, requesting that the license issue.
3. In an earlier application by this applicant for this site the survey had indicated opposition of 167, while 146 favored the issuance. There, the inhabitants opposed the issuance by 23 to 16. Petitions were introduced, favoring the issuance of the license, bearing signatures of about 460 persons, all customers of the store.
4. There are two similar outlets within the neighborhood and 13 within approximately one mile of the proposed location.
5. At the present hearing no one appeared in opposition to the issuance of the license. There was one letter expressing opposition.
6. The evidence presented by the applicant indicated the license was important to the continuing of the business and the keeping of the store in a competitive position with other similar outlets.
7. While the results of the survey are close, the recent court decision on a similar outlet indicates that some weight must be given to the petitions presented by the applicant. This being so, it would appear that the needs of the neighborhood are not being met by other outlets, while the inhabitants are about evenly split

as to what they desire for the neighborhood. While close, it appears that the license should issue.

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

That the application of Southland Corporation for a 3.2% beer license for 7-Eleven Store at 459 North Avenue, Grand Junction, Colorado, be granted.

PASSED and ADOPTED this 1st day of September, 1982.

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President of the Council

Attest:

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City Clerk

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

JOE PALOMBA, TECHNICAL SECRETARY, COLORADO AIR QUALITY CONTROL COMMISSION, DISCUSSES WORKSHOPS AND HEARINGS ON AIR QUALITY ISSUES

Joe Palomba spoke before the Council to advise what the Air Quality Commission is up to in terms of new regulations and to solicit some participation in two workshops and a public hearing which will be held later in the fall of this year. The Colorado Air Quality Control Commission is a nine member authority appointed by the Governor to adopt rules and regulations for the State's air pollution control program. As such, they have been in the process, over a number of years, of developing regulations and revising those regulations from time to time when they need updating. The regulation which the commission is going to be considering in the next several months is a regulation which is known as "Prevention of Significant Deterioration", (PSD). In essence, that regulation is one which is presently carried out by the U.S. Environmental Protection Agency under its authority as the "Federal Clean Air Act" and is not a program of the State Health Department. The commission would like to have that program within the Department of Health so that, at least for the convenience of applicants, this would be industry stationary sources. They need not go to two separate agencies for their permits, which they are presently required to do; they would merely have to go the State Health Department where the Engineers and Permit people would review the application and a single permit would be issued. The Regulation is very significant for Western Colorado because, in a nutshell, what the Regulation intends to do is to allow for industrial growth under carefully controlled

conditions so that the air quality is not degraded significantly. He hoped that through this series of workshops being planned that they might hear from elected officials and from ordinary citizens that do not normally show up at the Commission's hearings. Workshops are scheduled in Montrose on September 16th at 2 p.m. at the fairgrounds facility and in the Glenwood Springs on September 17th at 10 a.m. at the Colorado Mountain College. The first public hearing will be held in Grand Junction October 14th at Two Rivers Plaza, scheduled for an all day session; in Denver on October 28th for the continuation of that hearing and, hopefully, the close and ultimately a decision as to whether or not to go forward and adopt that regulation or not.

A copy of the regulation was left with the City Manager for review.

HEARING - APPLICATION BY KATHERINE BLACKSHEAR TO MOVE TAVERN LIQUOR LICENSE FROM 359 COLORADO AVENUE TO 307 MAIN STREET

A hearing was held after proper notice on the application by Katherine Blackshear to move Tavern Liquor License from 359 Colorado Avenue to 307 Main Street. The following report was read:

"On July 30, 1982, an application was filed for Katherine Blackshear to change the location of her tavern liquor license. The license is presently located at 359 Colorado Avenue under the trade name of St. Regis Lounge. She wants to move the license to 307 Main Street under the trade name of "The Cozy Lounge." The application and supporting documents were in order and were accepted by the City. The hearing date was set for September 1, 1982, and notices thereof were given by posting a sign on the property at 307 Main Street on Friday, August 20, 1982, and by publishing a display ad in The Daily Sentinel on Friday, August 20, 1982.

A survey of the area from Spruce Street on the west, Grand Avenue on the north, Sixth Street on the east, to Pitkin Avenue on the south has been completed. Results:

1. Yes, I am in favor of the moving of the license as I believe the needs of the neighborhood are not being met by existing outlets. 175

a. An owner of property in the neighborhood. 15

b. An employee or business lessee of property in the neighborhood. 136

c. An inhabitant of the neighborhood. 26

2. No, I am not in favor of moving the license as I believe the needs of the neighborhood are being met by existing outlets. 280

a. An owner of property in the neighborhood. 21

b. An employee or business lessee of property in the neighborhood.  
264

c. An inhabitant of the neighborhood. 19

3. No Opinion 14

The Planning Commission will hold a public hearing on the application for the conditional use September 28, 1982. Robert Traylor, attorney for Mrs. Blackshear, has been advised that the City Council will give its decision on the application to move the license October 6, 1982, after it hears the conditional use proposal.

The Fire Department and Health Department will review the plans for the remodeling of the building prior to the occupancy.

Similar-type outlets within survey area: 4.

Similar-type outlets within one mile: 7."

The map showing similar-type outlets was reviewed.

Gary Cowan, attorney for Mrs. Blackshear, 443 North 6th Street, Grand Junction, Colorado, was present in her behalf.

Bill Talmage, owner of Read Mor Book & Gift, 344 Main Street, Grand Junction, Colorado, appeared in opposition to this application. He stated that in a private survey and being in contact with people in the 200 and 300 block of Main Street, that 90 to 100% of the people were against this application. One reservation about this type of operation is due to having people leaving work between 9:00 p.m. and 9:30 p.m. at night. Another is off-street parking. At this time it is a critical problem downtown, and the area behind this location is owned by the U.S. Bank, so parking within the immediate area would be a problem. Mr. Talmage stated that he and other business persons in the area were concerned about adding cars into the area. He gave an example of Sears, which had in and out traffic, and did not cause interference with other businesses. Undesirable elements in downtown area, the master plan for downtown revitalization, is their main concern and Mr. Talmage asked that Council please consider the feelings of the downtown businessmen when Council makes its decision on this application. Mr. Talmage was advised by Don Warner, Planning Analyst, that he should bring his questions before the Planning Commission hearing for the Conditional Use on September 28, 1982, at 7:30 p.m.

A Resolution of findings and decision is scheduled on the October 6, 1982, City Council agenda.

BIDS - AWARD OF CONTRACT ORCHARD MESA SWIMMING POOL - GENERAL TRADES - ROOFING, GLASS AND GLAZING - FRANCIS CONTRACTORS, INC. -

\$198,000

Ron Ruskey, Assistant City Manager, stated that three (3) bids had been received but had to be rejected due to the inappropriateness of the bids, or lack of bid bond. A low bid of \$198,000 was received from Francis Contractors, Inc. and was an acceptable bid. The Engineer's estimate was \$228,000.

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried, the bid was accepted and the contract was awarded to Francis Contractors, Inc., for its low bid of \$198,000, and the City Manager was authorized to sign said contract.

MEMORANDUM OF AGREEMENT - CITY/COUNTY/SCHOOL DISTRICT 51 - OPERATION OF COMMUNITY CENTER POOL LOCATED AT THE ORCHARD MESA JUNIOR HIGH SCHOOL - APPROVED

Upon motion by Councilwoman Clark, seconded by Councilman Lucero and carried, the Memorandum of Agreement among the City/County/School District 51 for the operation of the Community Center Pool located at the Orchard Mesa Junior High School was approved.

ORDINANCES ON FINAL PASSAGE

Proofs of Publication for the following Ordinances on final passage have been received and filed. Copies of the Ordinances proposed for final passage were submitted in writing to the City Council prior to the meeting.

ORDINANCE NO. 2075 - SUPPLEMENTAL APPROPRIATION FOR POLICE SCHOOL RESOURCE PROGRAM

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AN ORDINANCE PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS TO GENERAL FUNDS WITHIN THE CITY OF GRAND JUNCTION.

Upon motion by Councilwoman Clark, seconded by Councilman Johnson and carried by roll call vote, the Ordinance was passed, adopted, numbered 2075 and ordered published.

ORDINANCE NO. 2076 - PIONEER VILLAGE SOUTH ANNEXATION

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION.

Upon motion by Councilwoman Clark, seconded by Councilman Lucero and carried by roll call vote, with Mayor BRACH ABSTAINING, the Ordinance was passed, adopted, numbered 2076 and ordered published.

ORDINANCE NO. 2077 - ZONING TEXT AMENDMENTS RE: BUS STOP BENCHES WITH APPROVED ADVERTISING WITHIN 15 FEET OF A POSTED PUBLIC BUS STOP SIGN

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AMENDING THE SIGN REGULATIONS TO PERMIT ADVERTISING ON BUS STOP BENCHES.

Upon motion by Councilwoman Clark, seconded by Councilman Johnson and carried by roll call vote with Councilman DUNN voting NO, the Ordinance was passed, adopted, numbered 2077, and ordered published.

PROPOSED ORDINANCE - AMENDMENT TO IMPROVEMENT DISTRICT ORDINANCE TO PROVIDE FOR DIFFERENT TYPES OF IMPROVEMENTS WITHIN DISTRICTS

The following entitled proposed ordinance was read: AMENDMENT TO IMPROVEMENT DISTRICT ORDINANCE TO PROVIDE FOR DIFFERENT TYPES OF IMPROVEMENTS WITHIN DISTRICTS. Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

RESOLUTION NO. 67-82 - APPLICATION TO FAA FOR A \$50,000 GRANT TO UPDATE THE AIRPORT MASTER PLAN

The following Resolution was read:

RESOLUTION NO. 67-82

A RESOLUTION APPROVING AN APPLICATION FOR FEDERAL ASSISTANCE FOR NONCONSTRUCTION PROGRAMS FOR DEVELOPMENT OF WALKER FIELD, COLORADO, ASSURING COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AS AMENDED AND PART 21 OF THE REGULATIONS OF THE OFFICE OF THE SECRETARY OF TRANSPORTATION: AUTHORIZING THE CHAIRMAN OF THE BOARD OF COMMISSIONERS AND THE PRESIDENT OF THE CITY COUNCIL AND THEIR CLERKS TO EXECUTE AND ATTEST SAID APPLICATION AND ANY AND ALL DOCUMENTS NECESSARY OR REQUIRED TO IMPLEMENT THE APPLICATION AND THE ASSURANCE OF COMPLIANCE WITH SAID CIVIL RIGHTS ACT OF 1964 AS AMENDED AND THE REGULATION OF THE SECRETARY OF TRANSPORTATION.

PASSED and ADOPTED this 1st day of September, 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 NO. 68-82 - APPLICATION TO FAA FOR GRANT MONIES TO DESIGN, ENGINEER AND CONSTRUCT AN AIR CARRIER APRON ADJACENT TO NEW TERMINAL BUILDING PLUS GENERAL AVIATION APRON AREAS

The following Resolution was read:

RESOLUTION NO. 68-82

A RESOLUTION APPROVING AN APPLICATION FOR FEDERAL ASSISTANCE FOR NONCONSTRUCTION PROGRAMS FOR DEVELOPMENT OF WALKER FIELD, COLORADO, ASSURING COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AS AMENDED AND PART 21 OF THE REGULATIONS OF THE OFFICE OF THE SECRETARY OF TRANSPORTATION: AUTHORIZING THE CHAIRMAN OF THE BOARD OF COMMISSIONERS AND THE PRESIDENT OF THE CITY COUNCIL AND THEIR CLERKS TO EXECUTE AND ATTEST SAID APPLICATION AND ANY AND ALL DOCUMENTS NECESSARY OR REQUIRED TO IMPLEMENT THE APPLICATION AND THE ASSURANCE OF COMPLIANCE WITH SAID CIVIL RIGHTS ACT OF 1964 AS AMENDED AND THE REGULATION OF THE SECRETARY OF TRANSPORTATION.

PASSED and ADOPTED this 1st day of September, 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 NO. 69-82 - AUTHORIZATION FOR DEED AND TEMPORARY EASEMENT FOR CONSTRUCTION OF F ROAD PAST CROSS ORCHARDS FARM

The following Resolution was read:

RESOLUTION NO. 69-82

DESIGNATING THE CITY MANAGER COMMISSIONER TO CONVEY TO CONVEY CERTAIN INTERESTS IN LANDS OWNED JOINTLY BY THE CITY AND THE COUNTY OF MESA.

WHEREAS, the City of Grand Junction and the County of Mesa, Colorado, jointly own real property in the County of Mesa, State

of Colorado, described as:

Beginning at the NE Cor of the NW4 of the NE4 of Sec 9, T1S R1E Ute principal Meridian, thence along the N line of said NW4 of the NE4 N 89 deg. 48 min. W 442 feet, thence S 531 ft., thence S 89 deg. 48 min. E 181 ft., thence S 00 deg. 40 min. W 789 ft., more or less, to the S line of the said NW4 of the NE4, thence along said S line of the NW4 of the NE4, S 89 deg. 48 min. E 279.4 ft. to the SE Cor of said NW4 of the NE4, thence N 1320 ft. to the Point of Beginning;

and

WHEREAS, the expansion of F Road in the County requires that right-of-way and a construction easement be deeded and conveyed;

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

That the City Manager, James E. Wysocki, be authorized and directed, as Commissioner to Convey for the City of Grand Junction, to execute the Quit Claim Deed and the Temporary Construction Easement conveying to the County of Mesa the interests for road right-of-way and easement from the land described.

PASSED and ADOPTED this 1st day of September, 1982.

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President of the Council

Attest:

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City Clerk

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

#### ANNOUNCEMENTS

Jim Wysocki, City Manager, announced that the Council received an invitation to a CBS premier at Two Rivers Plaza presented by KREX, Friday, September 3, 1982, at 7:00 p.m.

Mr. Wysocki also advised Council that there would be a "Good-Bye" party at his home for Ken Idleman, Parks & Recreation Director, the 21st of September.

ARLENE HARVEY RESIGNS FROM COUNCIL DUE TO ILL HEALTH

Upon motion by Councilwoman Clark, seconded by Councilman Johnson and carried, Council accepted the resignation of Mrs. Arlene Harvey as Council representative from District B with deep regret. A letter of appreciation will be sent to Mrs. Harvey. Mayor Brach asked the Press for assistance in getting letters of interest from people to fill the vacancy by the 1st of October, 1982. The boundaries for District B are north of Grand Avenue and west of 7th Street.

#### ASSOCIATED GOVERNMENTS

Mayor Brach presented a proposal from the Associated Governments of Northwest Colorado, formerly the COG people. Due to the fact that the monies have not been coming through because of the cutback in funds, this group is going to a different type of work which will be legislative lobbying. The Director is Jim Evans who lobbied in Washington and Denver. He also lobbies for CCI. A budget has been proposed and the cities have been asked to participate. With more city representation and monies in the fund, the cities would get at least 50% consideration on all items that come before this board.

Some of the Legislative items that will be and have been started on by this COG group are payments in lieu of taxes, severance tax, oil shale leasing legislation, mineral leasing distribution, the Energy impact loans, public land sales, and stream classifications.

Councilman Lucero asked what type of working relationship there is with the COG group at this time because typically in the past the unified fashion of direction has accomplished more, and now with municipalities having more to say because of dollars being injected, will it hinder the relationship. Mayor Brach said "No". He stated that the County Commissioners were in agreement with this.

#### ASSOCIATED GOVERNMENTS MEETING

Mayor Brach made an announcement that a meeting of the Associated Governments at the Colorado Mountain College, 50 Blake Avenue, Glenwood Springs, would be held September 2, 1982, at 3:00 p.m. if anyone would like to attend. Congressman Kogovsik will be the guest speaker.

#### ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk