

Grand Junction, Colorado

July 15, 1970

ROLL CALL

The City Council of the City of Grand Junction, Colorado, meet in regular session at 7:30 P.M. July 15, 1970, in the Civic Auditorium at City Hall. Councilmen present and answering roll call were: Raymond R. Paruch, Harry O. Colescott, Stanley R. Anderson, Theodore N. Naff, R. B. Evans, and President Pro Tem Ray A. Meacham. President Richard G. Youngerman was absent. Also present were: City Manager Richard N. Gray, City Attorney Gerald Ashby, and City Clerk Helen C. Tomlinson.

MINUTES

It was moved by Councilman Anderson and seconded by Councilman Evans that the minutes of the regular meeting held on July 1, 1970, be approved as written. Motion carried.

HEARING - ANNEXATION

North Acres Sub

This was the date set for hearing on annexation of the North acres Subdivision.

There being no written protest and no one in the audience to protest, the President Pro Tem declared the hearing closed.

HEARING - ANNEXATION

Pomona View Sub

This was the date set for hearing on annexation of Pomona View Subdivision.

There being no written protest and no one in the audience to protest, the President Pro Tem declared the hearing closed.

HEARING - ANNEXATION

View Point Sub

This was the date set for hearing on annexation of View Point Subdivision.

There being no written protest and no one in the audience to protest, the President Pro Tem declared the hearing closed.

HEARING - ANNEXATION

Hillcrest Manor Sub

This was the date set for hearing on annexation of Hillcrest Manor Subdivision.

There being no written protest and no one in the audience to protest, the President Pro Tem declared the hearing closed.

HEARING - ANNEXATION

Treehaven Sub

This was the date set for hearing on annexation of Treehaven Subdivision.

There being no written protest and no one in the audience to protest, the President Pro Tem declared the hearing closed.

HEARING - ANNEXATION

Mantey Heights Sub

This was the date set for hearing on annexation of Mantey Heights Subdivision.

There being no written protest and no one in the audience to protest, the President Pro Tem declared the hearing closed.

HEARING - ZONING

Supplementary Regulation Change Concerning Fences

This was the date set for hearing on a proposed text change for the zoning ordinance, providing for the height of fences. The Planning Commission had considered this text change at several meetings. Councilman Evans stated that he thought a certain height of fence should be set and that adjoining property owners or neighbors should not have anything to say about the height of a specific fence. There was only one comment from the audience. Guy Stephens agreed with Mr. Evans that the height should be definitely specified. The President Pro Tem closed the hearing.

3.2 BEER - RENEWAL

Roy Reynolds dba Lincoln Park Golf Club

An application for the renewal of a 3.2 beer license for Roy Reynolds dba Lincoln Park Golf Club, Lincoln Park, was presented. A letter from Captain Mike Chesnick, Police Department, indicated that there had been no problems at the Gold Club and Mr. Reynolds' license was eligible for renewal. It was moved by Councilman Evans and seconded by Councilman Naff that the application be approved and license issued when State license has been received. Motion carried with Councilman Paruch voting NAY.

DAYS - SIDEWALK BAZAAR

Downtown Retail Trade Committee Requests Permission to Close Main Street, 3rd to 7th, Tuesday, Aug. 4, 7:00 A.M. to 5:30 P.M.- Granted

Mr. Guy Stephens and Mr. Mancel Page, members of the Downtown Retail Trade Committee, were at the Council meeting and Mr. Stephens spoke to the Council seeking permission to close Main Street between Third Street and Seventh Street for the one-day promotion of the Sidewalk Bazaar on Tuesday, August 4. He stated that all of the side streets would be kept open and that the new parking lot on 5th and Colorado would give parking spaces to compensate for the ones that would be lost on Main Street. The Committee feels that this would promote a mall-type atmosphere and would introduce the citizens to the new parking lot and also other off-street parking lots. The Committee also feels that the mall-type atmosphere might provide a favorable reaction of the people. On days when the Sidewalk Bazaar has been held, people can hardly get through on the sidewalks, and it is very difficult for traffic to make it down Main Street. Councilman Anderson stated that he thought this would be a good idea, with a single stipulation that an emergency lane be kept open down Main Street for emergency vehicles. City Manager Gray concurred with Councilman Anderson and stated that the City would cooperate in barricading the street and assisting in cleaning up. It was moved by Councilman Paruch and seconded by Councilman Anderson that the request be granted. Motion carried.

TRAFFIC-SIGNAL AT 10th STREET & NORTH AVENUE

A short time ago, the traffic light at 10th and North Avenue was taken down so that a pole on the southeast corner of the intersection could be moved in order that a building could be moved out and a filling station constructed. At this time,

Mr. Gus Byrom and the Traffic Department conducted traffic counts to see if the signal at that location was warranted. It was found that the north-south traffic did not show that a traffic signal should be at that location. A petition signed by a number of merchants and business people who are located in this area wished that the signal would be put back as it was.

Mr. Tom Elder came to the Council with another petition signed by residents of the area including businessmen. He stated that pedestrians and vehicular traffic find it almost impossible to cross North Avenue. During school times, College students, as well as the Junior High and the Tope Elementary students find it difficult to cross the street. He asked that the City reinstall at least an activated signal at this location. Mr. George Ryan presented a petition signed by approximately 200 residents of the area asking that the signal be put back in. He stated that he was sure that Mr. Byrom's traffic count was correct, but that there would be considerable differences in the traffic count when school is again in session. City Manager Gray asked that he and the Traffic Department be given the opportunity to reevaluate the situation and report back to the next Council meeting. President Pro Tem Meacham thanked everyone in the audience who had come to the meeting to support their position in this matter.

HOUSING CODE

Letter from Mrs. Phyllis Newby

A letter from Mrs. Phyllis Newby was read in which she asked that the Council consider putting the Housing Code to a vote of the people before the Council enacts the Code in any form.

PROPOSED ORDINANCE

Annexing North Acres Subdivision

The following Resolution was presented and read:

RESOLUTION

WHEREAS, on July 15, 1970, a hearing was held before the City Council of the City of Grand Junction, Colorado, to determine the eligibility for annexation to said City of the following described territory, situate in Mesa County, Colorado, to-wit:

The Southeast one-quarter of the Northeast one-quarter of the Southwest one-quarter of Section 2, Township 1 South, Range 1 West, Ute Meridian, except the thirty-foot road right of way on the East;

And, that part of the Northeast one-quarter of the Southeast one-quarter of the Southwest one-quarter of Section 2, Township 1 South, Range 1 West, Ute Meridian, lying North of the Grand Valley Canal;

And, that part of the Northwest one-quarter of the Southeast one-quarter of the Southwest one-quarter of Section 2, Township 1 South, Range 1 West, Ute Meridian, lying North of the Grand Valley Canal;

And, that part of the Southwest one-quarter of the Northeast one-quarter of the Southwest one-quarter of Section 2, Township 1 South, Range 1 West, Ute Meridian, lying East of the Grand Valley Canal; (Known as North Acres Subdivision)

and,

WHEREAS, the Council has found, and does hereby find, that one-sixth the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land in single ownership has been divided by the proposed annexation nor is any of the land now subject to other annexation proceedings; and that no election is required under the Municipal Annexation Act of 1965.

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

That said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED AND ADOPTED this 15th day of July, 1970.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Anderson and seconded by Councilman Evans that the Resolution be passed and adopted as read. Roll was called on the motion with all of the Councilmen present voting AYE. The President Pro Tem declared the motion carried.

The following entitled proposed ordinance was presented and read:

AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

It was moved by Councilman Colescott and seconded by Councilman Anderson that the proposed ordinance be passed for publication. Motion carried.

PROPOSED ORDINANCE

Annexing Pomona View Subdivision

The following Resolution was presented and read:

RESOLUTION

WHEREAS, on July 15, 1970, a hearing was held before the City Council of the City of Grand Junction, Colorado, to determine the eligibility for annexation to said City of the following described territory, situate in Mesa County, Colorado, to-wit:

Beginning at the Northwest corner of Lot 1, Encanto Knolls Subdivision; thence South to the point of intersection of the North-South center line of the Northeast one-quarter Section 10, Township 1 South, Range 1 West, Ute Meridian, and the West right of way line of Mesa County Pioneer Extension Canal; thence in a meandering Southerly direction along the West line of said Canal to intersection with the South line of the Northeast one-quarter of said Section 10; thence East along said South line of the Northeast one-quarter to a point on said South line which is 660 feet West of the Southeast corner said Northeast one-quarter of Section 10; thence North, Northeasterly and Southeasterly along present Grand Junction City Limit line to intersection with East line said Section 10; thence East to the East line of North First Street right of way; thence North along said East right of way line to a point East of the point of beginning; thence West to the point of beginning. All above in Mesa County, Colorado; (Known as Pomona View Subdivision. From projected Orchard Avenue on the South extending 1/4 mile North and from First Street on the East to Mesa County Pioneer Extension Canal on the West.)

and,

WHEREAS, the Council has found, and does hereby find, that one-sixth the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land in single ownership has been divided by the proposed annexation nor is any of the land now subject to other annexation proceedings; and that no election is required under the Municipal Annexation Act of 1965.

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

That said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED AND ADOPTED this 15th day of July, 1970.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Anderson and seconded by Councilman Naff that the Resolution be passed and adopted as read. Roll was called on the motion with all of the Councilmen present voting AYE. The President Pro Tem declared the motion carried.

The following entitled proposed ordinance was presented and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

It was moved by Councilman Anderson and seconded by Councilman Evans that the proposed ordinance be passed for publication. Motion carried.

PROPOSED ORDINANCE

Annexing View Point Subdivision

The following Resolution was presented and read:

RESOLUTION

WHEREAS, on July 15, 1970, a hearing was held before the City Council of the City of Grand Junction, Colorado, to determine the eligibility for annexation to said City of the following described territory, situate in Mesa County, Colorado, to-wit:

Beginning at the Northwest corner of the Southeast one-quarter of the Southeast one-quarter of Section 2, Township 1 South, Range 1 West, Ute Principal Meridian, said beginning point being 25 feet West of the Northwest corner of Lot 1 of the First Addition Northern Hills Subdivision; thence East to the Northeast corner of the First Addition Northern Hills Subdivision; thence Southwesterly to the Southeast corner of Lot 6 of the First Addition Northern Subdivision; thence West to the Easterly right-of-way line of Rico Way; thence Southwesterly and Southeasterly along the Southeasterly right-of-way of Rico Way and said right of way projected to a point of intersection with the South line of Section 2, Township 1 South, Range 1 West, Ute Principal Meridian; thence West to the South one-quarter corner of said Section

2; thence North 230 feet; thence East to the East right of way of 26 1/2 Road; thence North along the East right of way line of 26 1/2 Road to a point of intersection with South right of way line of Horizon Drive as recorded in Book 877, Page 364, Mesa County Clerk and Recorder's Office; thence along the Southeasterly right of way of Horizon Drive to a point on the Southwesterly right of way line of the Highline Lateral Grand Valley Canal; thence Southeasterly along the Westerly right of way Highline Lateral Grand Valley Canal to a point West of the Northwest Corner of a tract of land described in Book 874, Page 464; thence East to said Northwest corner and East along North line said described tract and said North line projected to the Easterly right of way line Grand Valley Canal; thence Northeasterly along said Easterly right of way line to a point North of the Point of beginning; thence South to the point of beginning. All above in Mesa County, Colorado; (Known as View Point Subdivision. From 26 3/4 Road and Rico Way on the East to 7th Street on the West. Patterson Road on the South and Horizon Drive on the North.)

and,

WHEREAS, the Council has found, and does hereby find, that one-sixth the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land in single ownership has been divided by the proposed annexation nor is any of the land now subject to other annexation proceedings; and that no election is required under the Municipal Annexation Act of 1965.

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

That said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 15th day of July, 1970.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Paruch and seconded by Councilman Evans that the Resolution be passed and adopted as read. Roll was called on the motion with all of the Councilmen present voting AYE. The President Pro Tem declared the motion carried.

The following entitled proposed ordinance was presented and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Colecott and seconded by Councilman Anderson that the proposed ordinance be passed for publication. Motion carried.

PROPOSED ORDINANCE

Annexing Hillcrest Manor Subdivision

The following Resolution was presented and read:

RESOLUTION

WHEREAS, on July 15, 1970, a hearing was held before the City Council of the City of Grand Junction, Colorado, to

determine the eligibility for annexation to said City of the following described territory, situate in Mesa County, Colorado, to-wit:

Beginning at a point on the North line of Section 11, Township 1 South, Range 1 West, Ute Meridian, which point is thirty feet North of the Northwest corner Lot 21 of Park Lane Subdivision which point is also on the East right-of-way line of Park Drive; thence South, Southeasterly, Southwesterly and West along right-of-way line of said Park Drive to the Northwest Corner of Lot 1 said Park Lane Subdivision; Thence South along East right-of-way line North First Street to the North line of the South one-quarter of the Southwest one-quarter of the Northwest one-quarter of Section 11 Township 1 South, Range 1 West, Ute Meridian; thence East along said North line to the East line said Southwest one-quarter Northwest one-quarter; thence North along said East line to its intersection with the Southwesterly line of Van Deren-Ford Subdivision; thence Northwesterly along said Southwesterly line to the Southwesterly corner said Van Deren-Ford Subdivision; thence North along West line said Van Deren-Ford Subdivision and said West line projected to a point thirty feet North of the Northwest corner Lot 20 said Subdivision; thence West to the point of beginning; (Known as Hillcrest Manor - From Walnut Avenue on the South to Patterson Road on the North, on the East side of 1st Street)

and,

WHEREAS, the Council has found, and does hereby find, that one-sixth the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land in single ownership has been divided by the proposed annexation nor is any of the land now subject to other annexation proceedings; and that no election is required under the Municipal Annexation Act of 1965.

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

That said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED AND ADOPTED this 15th day of July, 1970.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Anderson and seconded by Councilman Naff that the Resolution be passed and adopted as read. Roll was called on the motion with all of the Councilmen present voting AYE. The President Pro Tem declared the motion carried.

The following entitled proposed ordinance was presented and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

It was moved by Councilman Naff and seconded by Councilman Evans that the proposed ordinance be passed for publication. Motion carried.

PROPOSED ORDINANCE

Annexing Tree Haven Subdivision

The following Resolution was presented and read:

RESOLUTION

WHEREAS, on July 15, 1970, a hearing was held before the City Council of the City of Grand Junction, Colorado, to determine the eligibility for annexation to said City of the following described territory, situate in Mesa County, Colorado, to-wit:

Beginning at a point thirty feet North of the Southwest Corner of the Southeast one-quarter of the Southwest one-quarter, Section 1, Township 1 South, Range 1 West, Ute Meridian; thence North 630 feet; thence East 1295 feet to the West line of 27 1/2 Road; thence South along said West line 630 feet; thence West to the point of beginning. All in Mesa County, Colorado. (Known as Tree Haven Subdivision, from 27 1/4 Road on the West to 27 1/2 Road on the East. Patterson Road on the South extending 660 feet North.)

and,

WHEREAS, the Council has found, and does hereby find, that one-sixth the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land in single ownership has been divided by the proposed annexation nor is any of the land now subject to other annexation proceedings; and that no election is required under the Municipal Annexation Act of 1965.

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

That said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED AND ADOPTED this 15th day of July, 1970.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Colescott and seconded by Councilman Anderson that the Resolution be passed and adopted as read. Roll was called on the motion with all of the Councilmen present voting AYE. The President Pro Tem declared the motion carried.

The following entitled proposed ordinance was presented and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Anderson and seconded by Councilman Evans that the proposed ordinance be passed for publication. Motion carried.

PROPOSED ORDINANCE

Annexing Mantey Heights Subdivision

The following Resolution was presented and read:

RESOLUTION

WHEREAS, on July 15, 1970, a hearing was held before the City Council of the City of Grand Junction, Colorado, to determine the eligibility for annexation to said City of the following described territory, situate in Mesa County, Colorado, to-wit:

Beginning at the Southwest corner of Lot 19 of Mantey Heights Subdivision; thence easterly along South line of said subdivision to the Southeast corner of Lot 66 of said subdivision; thence Northerly along the East line of said subdivision and said East line projected to the South right-of-way line of F Road; thence Westerly along said South line of F Road to a point which lies N00°11' West of the point of beginning; thence South 00°11' East along West line of Mantey Heights Subdivision to the point of beginning.

All in Section 12 of Township 1 South of Range 1 West, Ute Meridian, and in Section 7 of Township 1 South, Range 1 East, Ute Meridian, Mesa County, Colorado. (Known as Mantey Heights Subdivision. Situated to the South of Patterson Road.)

and,

WHEREAS, the Council has found, and does hereby find, that one-sixth the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the territory is integrated or is capable of being integrated with said City; that no land in single ownership has been divided by the proposed annexation nor is any of the land now subject to other annexation proceedings; and that no election is required under the Municipal Annexation Act of 1965.

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

That said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED AND ADOPTED This 15th day of July, 1970.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Paruch and seconded by Councilman Anderson that the Resolution be passed and adopted as read. Roll was called on the motion with all of the Councilmen present voting AYE. The President Pro Tem declared the motion carried.

The following entitled proposed ordinance was presented and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Colescott and seconded by Councilman Evans that the proposed ordinance be passed for publication. Motion carried.

PROPOSED ORDINANCE

Zoning Text Change Concerning Fences

The following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING SECTION 6 a. OF CHAPTER 32, THE ZONING ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION CONCERNING FENCES.

As Mr. Evans felt that a definite height of fence should be established by ordinance, without reference to other property owners, it was moved by Councilman Colescott and seconded by Councilman Paruch that this matter be tabled until the next meeting of the Council when Mr. Warner can be present at the meeting to explain the reasons for the way the amendment to the ordinance is written. Motion carried, with Councilman Anderson voting NAY. The President Pro Tem declared the motion carried.

PROPOSED ORDINANCE

Building Code

A proposed ordinance entitled: AN ORDINANCE RELATING TO THE REGULATION OF ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, CONVERSION, DEMOLITION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF BUILDINGS, OR STRUCTURES IN THE CITY OF GRAND JUNCTION, COLORADO; ADOPTING BY REFERENCE THERETO THE UNIFORM BUILDING CODE OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, 1970 EDITION, VOLUME I, TOGETHER WITH THE APPENDICES THERETO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

was introduced and read. A certificate was signed by all members of the Council present certifying that they had read the Uniform Building Code, 1970 Edition, Volume I, together with the Appendices thereto.

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| STATE OF COLORADO |) | | |
| |) | ss | <u>CERTIFICATE</u> |
| COUNTY OF MESA |) | | |

The undersigned members of the City Council of the City of Grand Junction, Colorado, do hereby certify that they have read the Uniform Building Code, 1970 Edition, Volume I, together with the Appendices thereto, the same being promulgated by the International Conference of Building Officials at 50 South Los Robles, Pasadena, California.

Dated at Grand Junction, Colorado, this 15th day of July, 1970.

Ray A. Meacham\Ray A. Meacham

Harry O. Colescott\Harry O. Colescott

Stanley R. Anderson\Stanley R. Anderson

\Richard G. Youngerman

R. B. Evans\R. B. Evans

Raymond R. Paruch\Raymond R. Paruch

Theodore N. Naff\Theodore N. Naff

It was moved by Councilman Anderson and seconded by Councilman Evans that the Council suspend the rules of the Council and authorize in lieu of the reading of the Code, the certification by the members of the Council present that they have read the same. The same being the Code. Motion carried, with all members of the Council present voting AYE. It was then moved by Councilman Anderson and seconded by Councilman Paruch that the proposed ordinance, as read, be passed for publication. Motion carried.

PROPOSED ORDINANCE

Housing Code

A proposed ordinance entitled: AN ORDINANCE PROVIDING MINIMUM REQUIREMENTS FOR THE PROTECTION OF LIFE, LIMB, HEALTH, PROPERTY, SAFETY, AND WELFARE OF THE GENERAL PUBLIC AND THE OWNERS AND OCCUPANTS OF RESIDENTIAL BUILDINGS; ADOPTING BY REFERENCE THERETO THE UNIFORM BUILDING CODE OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, 1970 EDITION, VOLUME III, TOGETHER WITH THE APPENDICES THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR THE SUBMISSION OF ITS CONTINUED APPLICATION TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF GRAND JUNCTION. was introduced and read.

It was moved by Councilman Naff that Section 6 of the ordinance be changed so that instead of referring the ordinance to a vote of the registered electors of the City at a regular election to be held in April, 1971, it be referred to a special election to be called as soon as possible. Councilman Colescott stated "before it is enacted" and Councilman Naff concurred. Councilman Paruch seconded the motion.

Councilman Anderson then offered a substitute motion. He moved that the question of the adoption of the Building Code (1970 Edition, Volume III, Housing Code) be submitted to a special election of the registered electors of the City of Grand Junction as soon as may be possible. Councilman Evans seconded the motion. City Attorney Ashby explained that under Councilman Anderson's motion, the whole copy of the Code would have to be published. Councilman Colescott suggested it should be passed in a manner so that the Council could change it without going back to the people at a special election. Changes are made regularly in both the Building Code and the Housing Code, and a special election could not be held every time a change was needed. Attorney Ashby asked to have until the next meeting of the

Council to come up with something legally acceptable. He stated that it was now his understanding that the Council wants this somehow to go to a vote of the people in a form which they are approving, but where minor amendments could be used when promulgated by the Pacific States Conference. In the meantime, progress is not being held up and a resolution calling the election can be prepared.

President Pro Tem Meacham stated that only the time of the election was in dispute and asked if the ordinance could be passed and then ratified by a vote of the people at a special election to be called as soon as possible. Councilman Anderson stated that when the Council talks about adoption of a Code, it doesn't mean that it will go into effect immediately and that it will be enforced at once, because there is a problem of implementing it before the next budget is effective.

Councilman Anderson stated that he did not wish to pass the Code until it has been acted upon by a vote of the people. He then withdrew his motion, with the consent of the second, Councilman Evans. Councilmen Naff and Paruch were not in agreement as to the meaning of the motion made by Councilman Naff and seconded by Councilman Paruch. President Pro Tem of the Council Ray Meacham withdrew his request for the publication of the ordinance, as called for on the Agenda. Councilman Anderson moved to table until the next meeting of the Council. There was no second, so this motion was declared lost. The motion of Councilman Naff was then read and President Pro Tem Meacham withdrew his withdrawal of the request to have the ordinance passed for publication. Councilman Naff then withdrew his motion, Councilman Paruch withdrew the second, and President Pro Tem Meacham withdrew the ordinance.

SS 27-70

Orchard Mesa Sewer Resol to Create District

The following Resolution was presented and read:

RESOLUTION

DECLARING THE INTENTION OF THE CITY COUNCIL OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY A LOCAL IMPROVEMENT DISTRICT TO BE KNOWN AS SANITARY SEWER DISTRICT NO. 27-70 AND AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME.

WHEREAS, a petition has been filed with the City Council of the City of Grand Junction, Colorado, asking for the construction of a sewer and appurtenances for sanitary drainage of the areas hereinafter described; and,

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction of a sanitary sewer drainage system within the said described areas is necessary for the health and safety of the residents of the territory to be served, and would be of special benefit to the property included within the said district; and,

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a special improvement sanitary sewer district to be known as Sanitary Sewer District No. 27-70;

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

1. That the district of lands to be assessed with the cost of the proposed sanitary sewer improvement shall be as follows:

All of Blocks 33, 34 and 35 of Moon and Day Addition to Orchard Mesa. Also, all of Block 5 of Orchard Mesa Heights, including vacated alleys, except that portion of Highway U.S. 50. Also, all of Blocks 31 and 32 of Orchard Mesa Heights, including vacated streets and alleys.

Also, beginning at the Northwest Corner of Block 6, Orchard Mesa Heights, thence southwesterly along the westerly line of said Block 6, 137.5 feet to the southwesterly corner of Lot 7; thence along the southwesterly line of Lot 7 said

Block to a point on the southeasterly corner thereof; thence northeasterly 50 feet to the northeast corner of Lot 6, Block 6; thence easterly to a point on the southwest corner of Lot 33, Block 7; thence north 150 feet to a point on the northwest corner of Lot 38, Block 7; thence west along the south line of Santa Clara Avenue to the point of beginning, all in Orchard Mesa Heights, City of Grand Junction, Colorado.

Lots 33 through 38 inclusive Block 7 Orchard Mesa Heights, except that portion lying in U. S. Highway 50.

Lots 8 through 24 inclusive Block 6, Orchard Mesa Heights.

Also, the south 150 feet of the following described property: beginning at the intersection of the east line of the Railroad right of way and the south line of High Street, Block 36, Moon and Day Addition to Orchard Mesa Heights; thence North 82° 8' East 109.8 feet; thence South 56° 32' East 117 feet; thence South 6° 47' East 271 feet southerly and parallel to the Railroad track 114.5 feet; thence South 17° 41' West 55.8 feet; thence South 88° 44' West 184 feet to the easterly Railroad right-of-way line; thence northerly along the east line of Railroad right of way beginning except the highway right of way.

2. That the City Engineer be, and he is hereby authorized and directed to prepare and file full details, plans, and specifications for such sewer construction, and estimate of the total cost thereof, exclusive of the per centum for cost of collection and other incidentals, and of interest to the time the first installment becomes due, and a map of the district to be assessed, from which the approximate share of said total cost that will be assessed upon each piece of real estate in the district may be readily ascertained, all as required by Ordinance No. 178, as amended, of the City.

ADOPTED AND APPROVED this 15th day of July, A.D. 1970.

President of the City Council

ATTEST:

City Clerk

It was moved by Councilman Naff and seconded by Councilman Evans that the Resolution be passed and adopted as read. Roll was called upon the motion with the following results:

Councilmen voting AYE: Raymond R. Paruch, Harry O. Colescott, Stanley R. Anderson, Theodore N. Naff, R. B. Evans, President Pro Tem Ray A. Meacham

Councilman voting NAY: None

Councilman absent: President Richard G. Youngerman

The President Pro Tem declared the motion carried.

SS 27-70

Resolution Plans & Specs

Plans and specifications for the proposed sewer district were presented.

The following Resolution was presented and read:

RESOLUTION

RESOLUTION ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF A SEWER IN THE CITY OF GRAND JUNCTION, COLORADO, IN SANITARY SEWER DISTRICT NO. 27-70, DETERMINING THE NUMBER OF INSTALLMENTS AND THE TIME IN WHICH THE COST OF SAID IMPROVEMENTS SHALL BE PAYABLE, THE RATE OF INTEREST ON UNPAID INSTALLMENTS AND THE DISTRICT OF LANDS TO BE ASSESSED WITH THE COST OF THE PROPOSED IMPROVEMENTS, AND AUTHORIZING NOTICE OF INTENTION TO CREATE SAID DISTRICT AND A HEARING THEREON.

WHEREAS, on the 15th day of July, 1970, the City Council of the said City of Grand Junction, Colorado, by Resolution, authorized the City Engineer to prepare and file full details, plans and specifications for construction of a sanitary sewer within proposed Sanitary Sewer District No. 27-70, together with an estimate of the total cost of such improvements, and a map of the District to be assessed; and,

WHEREAS, said City Engineer has fully and strictly complied with the directions so given and has filed such details, plans and specifications, estimate and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City;

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

1. That said details, plans, specifications, estimates and map be, and the same are hereby approved and adopted.
2. That the District of Lands to be assessed with the cost of said improvement is described as follows:

All of Blocks 33, 34, and 35 of Moon and Day Addition to Orchard Mesa. Also, all of Block 5 of Orchard Mesa Heights, including vacated alleys, except that portion of Highway U.S. 50. Also, all of Blocks 31 and 32 of Orchard Mesa Heights, including vacated streets and alleys.

Also, beginning at the Northwest corner of Block 6, Orchard Mesa Heights thence southwesterly along the westerly line of said Block 6, 137.5 feet to the southwesterly corner of Lot 7; thence along the southwesterly line of Lot 7 said Block 6 to the point on the Southeasterly corner thereof; thence northeasterly 50 feet to the northeast corner of Lot 6, Block 6; thence easterly to a point on the southwest corner of Lot 33, Block 7; thence north 150 feet to a point on the northwest corner of Lot 38, Block 7; thence west along the south line of Santa Clara Avenue to the point of beginning, all in Orchard Mesa Heights, City of Grand Junction, Colorado.

Lots 33 through 38 inclusive Block 7 Orchard Mesa Heights, except that portion lying in U.S. Highway 50.

Lots 8 through 24 inclusive Block 6, Orchard Mesa Heights.

Also, the south 150 feet of the following described property: beginning at the intersection of the east line of the Railroad right of way and the south line of High Street, Block 36 Moon and Day Addition to Orchard Mesa Heights; thence North 82° 8' East 109.8 feet; thence South 56° 32' East 117 feet; thence South 6° 47' East 271 feet southerly and parallel to the Railroad track 114.5 feet; thence South 17° 41' West 55.8 feet; thence South 88° 44' West 184 feet to the easterly Railroad right of way line; thence northerly along the east line of Railroad right of way beginning except the highway right of way.

3. That the Cost of said improvement shall be assessed upon the improved real estate in the District in accordance with those tap charges as the same are set out in Section 19 Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado.

4. The assessments to be levied against the property in said District to pay the cost of such improvement, shall be due and payable, without demand, within thirty (30) days after the final publication of the ordinance assessing such cost, and if paid during such period the amount added for collection, incidentals and interest shall be deducted; provided, that all

such assessments may, at the election of the owners of property in said District, be paid in ten (10) equal installments, the first of which shall be payable at the time the next installment of general taxes is due and payable, after the expiration of said thirty (30) days, and the following annual installments shall be paid on or before the same date each year thereafter, with interest, in all cases, on unpaid principal, payable annually at a rate not to exceed eight (8%) per centum per annum.

5. Notice of intention to create said Sanitary Sewer District, and of hearing thereon, shall be given by advertisement in one issue of the Daily Sentinel, a newspaper of general circulation published in said City, which Notice shall be substantially the following form, to-wit:

NOTICE

OF INTENTION TO CREATE SANITARY SEWER DISTRICT NO. 27-70, IN THE CITY OF GRAND JUNCTION, COLORADO, AND A HEARING THEREON.

Public Notice is hereby given to the owners of real estate in the District hereinafter described, and to all persons generally interested, that the City Council of the City of Grand Junction, Colorado, intends to create Sanitary Sewer District No. 27-70 in said City for the purpose of constructing a sanitary sewer to serve the property hereinafter described.

The said Sanitary Sewer District shall include all of the following described real estate:

Beginning Northwest corner Block 6 Orchard Mesa Heights southwesterly along westerly line Block 6 137.5 feet southeasterly at right angle to westerly line to center line vacated Esperanza Place North to a point 40 feet west of southwest corner Lot 30 Block 7 Orchard Mesa Heights East to Southwest corner Lot 30 North 225 feet more or less to South line Santa Clara Avenue West to beginning.

Block 6 Orchard Mesa Heights and all alleys in Block 6 and 40 feet adjacent block on East and beginning Northwest corner Lot 38 Block 7 Orchard Mesa Heights South 225 feet more or less to southwest corner Lot 30 Block 7 West 40 feet North 225 feet to a point 40 feet West of beginning East to beginning except Highway and except beginning Northwest corner Block 6 southwesterly along westerly line Block 6 137.5 feet southeasterly at right angle to westerly line to center line vacated Esperanza Place North to a point 40 feet West of southeast corner Lot 30 Block 7 East to southwest corner Lot 30 North 225 feet to south line Santa Clara Avenue West to beginning.

Lots 20 to 33 inclusive Block 7 Orchard Mesa Heights and beginning southeast corner Lot 20 East ten feet North to State Highway; northwesterly to a point North of beginning South to beginning southwest corner Lot 20; North to northwest corner Lot 29 West.

Lots 34 to 38 inclusive Block 7 Orchard Mesa Heights West of Highway.

Block 33 Moon and Day Addition except North 75 feet and except South 75 feet and except highway.

South 75 feet of Block 33 Moon and Day Addition less Highway.

Lots 1 to 4 inclusive Block 5 Orchard Mesa Heights.

Beginning 58.35 feet South of Northeast corner Lot 39 Block 5 Orchard Mesa Heights; South 43 feet West to U.S. Highway 50 northerly along Highway to a point West of beginning; East to beginning.

Lots 11 to 14 inclusive Block 5 Orchard Mesa Heights.

Lots 34 to 38 inclusive Block 5 Orchard Mesa Heights and 10 feet adjacent Lots on South.

Lots 32 and 33 Block 5 Orchard Mesa Heights.

That part of Lots 8, 9, and 10 Block 5 Orchard Mesa Heights South of following line: Beginning 127.5 feet South of northeast corner Lot 39 Block 5; West to U.S. Highway 50 including one-half vacated alley on Easterly side of lots.

Lots 29, 30, and 31 Block 5 Orchard Mesa Heights.

Lots 26 to 28 inclusive East of State Highway Block 5 Orchard Mesa Heights.

Beginning ten feet North of Northeast corner Lot 39 Block 5 Orchard Mesa Heights, South 17.5 feet; West 148 feet to U.S. Highway 50; northerly along Highway to a point West of beginning; East to beginning.

Beginning 7.5 feet South of Northeast corner Lot 39 Block 5 Orchard Mesa Heights; South 33.85 feet; West 150 feet to U.S. Highway 50; northerly along Highway to a point West of beginning; East to beginning.

Beginning 41.35 feet South of Northeast corner Lot 39 Block 5 Orchard Mesa Heights; South 17 feet; West to U.S. Highway 50; Northerly along Highway to a point West of Beginning; South to beginning.

Beginning Northeast corner Lot 33 Block 5 Orchard Mesa Heights; North 10 feet; West 125 feet to Highway; southerly 10 feet to Northwest corner Lot 33; East 125 feet to beginning.

Beginning 101.35 feet South of Northeast Corner Lot 39 Block 5 Orchard Mesa Heights; South 16.15 feet; West to U.S. Highway 50; northerly along Highway to a point West of Beginning; East to beginning.

Lots 19 to 25 inclusive Block 5 Orchard Mesa Heights West of State Highway.

Lots 15 to 18 inclusive Block 5 Orchard Mesa Heights West of State Highway.

Lots 1 to 5 inclusive Block 31 Orchard Mesa Heights except Highway Right of Way and Except Beginning Southeast corner Lot 5; Northeasterly along East line Lot 3, 4, and 5, 54 feet to U.S. Highway 50 right of way; northerly along Highway 64.6 feet Westerly 82.5 feet to a point 28.5 feet East and 2.1 feet North of Northwest corner Lot 3; Westerly parallel to North line Lot 3, 28.5 feet; southerly 77.1 feet to Southwest corner Lot 5; Easterly 125 feet to beginning.

South one-half of Lot 7 and all Lots 8 and 9 Block 31 Orchard Mesa Heights and 20 feet vacated alley Lots on West.

Lots 1 to 3 and North 9.46 feet of Lot 4 Block 32 Orchard Mesa Heights and 20 feet vacated alley adjacent Lots on West and Vacated Santa Clara Avenue between Blocks 31 and 32 said Subdivision.

South 15.54 feet of Lot 4 and all Lots 5 to 7 inclusive and North one-half Lot 8 Block 32 Orchard Mesa Heights and 20 feet vacated alley adjacent Lots on West.

South one-half Lot 8 and Lot 9 and North one-half of Lot 10 Block 32 Orchard Mesa Heights and 20 feet vacated adjacent lots on West.

South one-half of Lot 10 and all Lots 11 to 14 inclusive Block 32 Orchard Mesa Heights and 20 feet vacated alley adjacent lots on West.

Lots 15 and 16 Block 32 Orchard Mesa Heights and 20 feet vacated alley adjacent Lots on West.

Lots 17 and 18 Block 32 Orchard Mesa Heights and 20 feet vacated alley adjacent to Lots on West.

Lots 19 and 20 Block 32 Orchard Mesa Heights and 20 feet vacated alley adjacent to lots on West.

Lots 21 to 26 inclusive Block 32 Orchard Mesa Heights and 20 feet vacated alley adjacent to Lots on West.

Lots 27 to 34 inclusive Block 32 Orchard Mesa Heights and 20 feet vacated alley adjacent to Lots on West.

Lots 35 and 36 Block 32 Orchard Mesa Heights and 20 feet vacated alley adjacent to Lots on West.

Lots 37 to 44 Block 32 Orchard Mesa Heights and 20 feet vacated alley adjacent to lots on West.

Lots 6 and North one-half of Lot 7 Block 31 Orchard Mesa Heights.

Lots 1 to 11 inclusive and West 13 feet to Lot 12 Block 35 Moon and Day Addition and that part of Park Place and Park Avenue North of following line: beginning 30 feet northeasterly from intersection of line between Lots 1 and 2 Block 35 with North line Park Place; southeasterly 293 feet to intersection of East line Lot 9 Block 34 Moon and Day Addition extended with North Line Park Avenue and beginning intersection of East line Lot 9 Block 34; northeasterly at right angles; 20 feet southeasterly parallel with South line Park Avenue to intersection with line parallel to and 13 feet southeasterly of Southerly line Lot 12 Block 35 extended northeasterly at right angles to South line Block 35 Northwest to a point North of beginning; South to beginning and beginning Northwest corner Lot 1 Block 35; West to Southwest corner Lot 1 Block 35; southerly to beginning.

East 37 feet of Lot 12 and all of Lot 13 Block 35 Moon and Day Addition and beginning Southwest corner Lot 13; South 35° 16' West 20 feet South 50° 44' East 100.34 feet South 25° 19' East 26.7 feet East 26.51 feet; North 6.27 feet; North 44° .05'; West 42.2 feet; North 18° .08'; East 12.5 feet North 18° 38' East 93.4 feet North 58° 22' East 53.95 feet northwesterly along right bank to Northwest corner Lot 14 South 35° 16' West to beginning.

Lots 15 and 16 Block 35 Moon and Day Addition and beginning Southeast Corner Lot 14 South 54° 44' East 80.18 feet; West 41.77 feet; north 6.27 feet; North 44° .05' West 42.2 feet North 18° .08' East 12.5 feet North 18° 38' East 93.4 feet North 58° 22' East 53.95 feet to right bank Southeasterly to Northeast corner Lot 14 South 35° 16' West to beginning; except beginning Southeast corner of Lot 16 West 48.7 feet North 17° 20' East to Northeasterly line Lot 16 Southeasterly to a point North of beginning South to beginning.

Lot 17 and that part of Lot 16 Block 35 Moon and Day Addition as follows: beginning Southeast corner Lot 16; West 48.7 feet; North 17° 20' East to Northeasterly line Lot 17; Southeasterly to a point North of Beginning; South to Beginning.

Lots 1 to 9 inclusive Block 34 Moon and Day Addition and beginning 100 feet East of Northwest corner Lot 1 Block 34; North to South line Lot 1 Block 35 Moon and Day Addition; northeasterly to a point 30 feet northeasterly of intersection of line between Lots 1 and 2 Block 35 with North line Park Place; Southeasterly 293 feet to intersection of East line Lot 9 Block 34 extended with North line Park Avenue; South to intersection of East line Lot 9 Block 34 with South line Park Avenue; Northwest 55.43 feet West to beginning.

The South 150 feet of the following property; Beginning at intersection of East line of Railroad right of way and South Line High Street Block 36 Moon and Day Addition to Orchard Mesa Heights North 82° .08' East 109.8 feet; South 56° 32' East 117 feet South .06° 47' East 271 feet Southerly parallel with TR 114.5 feet South 17° 41' West 55.8 feet South 88° 44' West 184 feet to Easterly Railroad Right of Way line Northerly Along East line Railroad right of way to beginning except Highway.

Lots 10 and 11 Block 34 Moon and Day Addition and beginning Northwest corner Lot 10 Southeasterly to Southeast corner Lot 11; North 25° 19'; West 26.7 feet North 50° 44'; West 100.34 feet; North 35° 16' East 20 feet West to beginning.

The probable total cost of said improvements, as shown by the estimate of the City Engineer is \$60,000.00 exclusive of cost of collection, interest and incidentals.

The maximum share of said total estimate shall be as follows:

| <u>Water Service Size</u> | <u>Capital Improvement Charge</u> | | <u>Plant Investment Fee</u> | | <u>Total</u> |
|---------------------------|-----------------------------------|---|-----------------------------|---|--------------|
| 1" or less | \$ 650. | + | \$150. | = | \$ 800. |
| 1 1/2" | 1,000. | + | 200. | = | 1,200. |
| 2" | 1,500. | + | 300. | = | 1,800. |
| 3" | 2,250. | + | 400. | = | 2,650. |
| 4" | 3,250. | + | 500. | = | 3,750. |
| 6" | 5,250. | + | 700. | = | 5,950. |

Such assessment shall be made against all of the improved property in the district at the time of the installation of the sewers in the district; provided, however, that nothing herein shall relieve the owner of property within the District from paying other tap fees as portions of his property are improved even though they may have been assessed within this District.

To all of said estimated costs there shall be added six per centum (6%) for costs of collection and incidentals, and also interest at the rate borne by the special assessment bonds of said District to the next succeeding date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado made payable. The said assessment shall be due and payable, without demand, within thirty (30) days after the final publication of the ordinance assessing such cost, and if paid during such period, the amount added for collection, incidentals and interest shall be deducted; provided that all such assessments may, at the election of the owners of property in said District, be paid in ten equal installments which become due upon the same date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado made payable. Interest at a rate not exceeding eight per centum (8%) per annum shall be charged on unpaid installments.

On the 2nd day of September, 1970, at the hour of 7:30 o'clock P.M. in the Council Chambers in the City Hall of said City, the Council will consider the ordering of the proposed improvements and will hear all complaints and objections that may be made in writing concerning the proposed improvements by the owner of any real estate to be assessed or by any person interested.

A map of the District, from which the approximate share of the total estimated cost to be assessed upon each piece of real estate in the District may be readily ascertained, and all proceedings of the Council in the premises are on file and can be seen and examined by any person interested therein, in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, on this 15th day of July, 1970.

BY ORDER OF THE CITY COUNCIL CITY OF GRAND JUNCTION, COLORADO

City Clerk

PASSED AND ADOPTED THIS 15th day of July, 1970.

President of the Council

ATTEST:

City Clerk

Councilman Colescott asked about Federal funds to help in the construction of this district. City Manager Gray said that there might be H.U.D. funds available. It had not been checked.

It was moved by Councilman Anderson and seconded by Councilman Naff that the Resolution be passed and adopted as read. Roll was called on the motion with the following result:

Councilmen voting AYE: Raymond R. Paruch, Harry O. Colescott, Stanley R. Anderson, Theodore N. Naff, R. B. Evans, President Pro Tem Ray A. Meacham

COUNCILMEN voting NAY: None

Councilmen absent: President Richard G. Youngerman

ADJOURNMENT

President Pro Tem Meacham declared the meeting adjourned.

Helen C. Tomlinson\City Clerk