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Grand Junction, Colorado

July 3, 1974

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M. July 3, 1974, in the Civic Auditorium at City Hall. Present for roll call were President of the Council Lawrence Kozisek, Council Members, Stanley Anderson, Harry Colescott, Silas Grantham, Jane Quimby, Elvin Tufly, and Robert Van Houten. Also present were City Attorney Gerald Ashby, City Manager Harvey Rose, and City Clerk Neva Lockhart.

MINUTES

It was moved by Councilman Tufly and seconded by Councilman Grantham to approve the Minutes of the Special Meeting on June 26 as written. Motion carried unanimously.

HEARING

Application for hotel-restaurant liquor license

The Vault, 5th & Rood-Valley Fed. Plaza

There being no objections, Councilman Anderson was excused from participation in the hearing and discussion on this matter.

Advertised for hearing on this date was the application by M & W, Inc., of Grand Junction, doing business as "The Vault" to be located in the Valley Federal Plaza building at 5th and Rood Avenue. Officers of this corporation are Harry Mahleres, President; Nick Mahleres, Vice President; and Dan Williams, Secretary-Treasurer. Mr. James Golden, Attorney, appeared on behalf of the applicants. Mr. Harry Mahleres and Mr. Dan Williams were present for the hearing. Mr. Karl H. Jensen, 1607 Juniper Court, opposed the issuance of the license because of abuse as a child as a result of liquor.

Submitted for the record:
Architect's drawings
Results of the survey of the neighborhood
Police Department report

The President closed the hearing.

It was moved by Councilman Van Houten and seconded by Councilman Tufly to table until July 17, 1974, at which time the determination will be made. Motion carried.

HEARING

Application for 3.2 beer license

City Market, Inc. 2830 North Ave.

Advertised for hearing on this date was the application by City Market, Inc., for a 3.2 beer license (package sales) at 2830 North Avenue, Building "B" Eastgate Shopping Center. Submitted for the record:

Results of the survey of the neighborhood
Architect's drawings
Police Department report

Mr. Karl H. Jensen, 1607 Juniper Court, opposed the issuance of the license because of abuse as a child as a result of liquor. The President closed the hearing.

It was moved by Councilman Van Houten and seconded by Councilman Tufly to table until July 17, 1974, at which time the determination will be made. Motion carried.

HEARING

I.D. ST-74-PHASE A West Lake Park area

Resol Creating Dist.

President Kozisek and Councilman Van Houten disqualified themselves from voting on this matter because of their interest in the area. President Pro Tem Tufly assumed the chair.

This date was advertised for hearing upon the creation of Street Improvement District No. ST-74, Phase A, involving the West Lake Park area. A petition containing 34 signatures opposing the method of assessment was presented as follows:

"June 27, 1974

Members of City Council
Grand Junction, Colorado

Gentlemen:

We, the undersigned, being owners of real property located within the proposed Improvement District No. ST-74, Phase A, in the City of Grand Junction, Colorado, hereby object to said Improvement District as proposed due to the following reasons:

1. Several years ago, we established an improvement district and paved the streets in front of our homes and installed sidewalks, curbs and gutters and paid assessments of approximately \$8.00 per frontage foot. It is inequitable to make an additional assessment against our property to assist property owners who presently

reside on streets that are unpaved and do not have sidewalks, curbs and gutters.

2. It is inequitable to assess upon the basis of square footage as it does not take into consideration the fact that the property owners whose property directly abuts upon the streets to be paved will receive a greater benefit than those whose property does not abut upon said streets to be paved.

3. The proposed plan is inequitable in that those of us who have already paid for improvements are being penalized and asked to contribute money to pave streets which are not directly in front of our real property, and the owners of the property which does abut upon the streets to be paved will receive a direct benefit at our expense.

4. It is inequitable to assess upon the basis of square footage as it does not take into consideration the fact that a lot might have small frontage upon the street to be paved and, therefore, would receive a small benefit but due to the irregular size of the lot (such as a pie shaped lot), the assessment may be unduly heavy due to the amount of square footage of said lot.

5. The proposed plan as it relates to sidewalks is in direct violation of Chapter 18, Section 12 of the Municipal Ordinances for the City of Grand Junction in that that section states that "the whole cost of construction of sidewalks and necessary grading and removal of obstructions shall be assessed upon the lots and lands in front of which such improvements are made."

6. Due to the above reasons, we contend that the plan is inequitable and that our real property will not benefit from the proposed Improvement District.

Respectfully submitted,

(Signed)	
Weston L. Thuring615 Bluegill Dr.	
Frank G. Schlutter1605 Balsam Court	
James R. Carr630 Bluegill Dr.	

Harold K. Miller1800 Juniper St.	
Kenneth Daily1734 Juniper	
John M. Stennen1814 Juniper St.	
K. Ray Jones1720 Juniper St.	
H. A. Hudson, Mrs.603 Bluegill Dr.	
Dorothy L. Head686 Crestridge Dr. (mailing) 430 W Hall property	
A. F. Seedig436 West Hall	
A. L. Slingluff1620 Maple Court	
Fred Dusin1610 Poplar Dr.	
James R. Gardiner635 Bluegill Dr.	
Jimmie L. Mahannah1616 Spruce Ct.	
Seth J. Crow1610 Maple Ct.	
John W. Johnson1620 Juniper Ct.	
George T. Gousher1810 Juniper	
Helen M. Monamin320 West Hall	
Eloise L. (Twedell) DeGeallonaido612 Bluegill	
Clarence O. Somert620 Bluegill Drive	

Lodenon E. Joss619 Bluegill	
Virgil Van Dykel834 Juniper	
M.E. Benedict1615 Balsam Ct.	
Bruno Welz1615 Spruce Ct.	
Mr. & Mrs. Vernon K. Patterson1606 Spruce Ct.	
John F. Bentzer310 West Hall	
Howard F. Fitch460 W. Hall	
E. M. Kendall11720 Maple	
Robert R. McKenziel605 Spruce Ct.	
Samuel L. Schaffer1615 Poplar	
Mr. and Mrs. Deryl M. Lovel605 Poplar Dr.	
Barbara Himmeritel606 Juniper Court	
John M. Patterson1635 Balsam Ct.	
Howard P. LaMar1616 Balsam Ct.	

Local attorney Dan Griffin representing Mr. Frank Schlutter, 1605 Balsam Court who in turn represented the other 33 signers of the petition, submitted that the square-foot method of assessment is inequitable. Speaking in opposition to the square-foot method of assessment were:

Mr. Frank Schlutter, 1605 Balsam Court
Mr. Weston Thuring, 615 Bluegill Drive

Mr. Karl A. Jensen, 1607 Juniper Court, said that everyone should help pay for the improvements, but he favored the front-foot method.

Mr. and Mrs. James Terry, 1630 Bluegill, spoke in favor of the improvements regardless of the method of assessment.

Councilman Anderson noted that Council has struggled for quite some time to come up with a method of assessment that would be as nearly fair and equitable as possible. During the Council rap sessions in the area, there appeared to be unanimous agreement among the property owners that the improvements need to be done. A recent survey of the 119 parcels resulted in a majority of the owners favoring the square-foot method of assessment.

The President Pro Tem closed the hearing. The following Resolution was read:

RESOLUTION

CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-74, PHASE A, 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 THEREFOR.

WHEREAS, on May 15, 1974, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Improvement District No. ST-74, Phase A, and authorizing Notice of Intention to Create said District; and

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

WHEREAS, written complaints and objections have been made concerning the proposed improvements by the following persons:

Weston L. Thuring
615 Bluegill Drive

Frank G. Schlutter
1605 Balsam Court

James R. Carr
630 Bluegill Drive

John W. Johnson
1620 Juniper Court

Harold K. Miller
1800 Juniper Street

George Kapushion
1810 Juniper Street

Helen McMenamin
320 West Hall

Kenneth Daily
1734 Juniper Street

Eloise L. (Twedell) Di Giallonardo
612 Bluegill Drive

Clarence O. Somers
620 Bluegill Drive

John N. Stenman
1814 Juniper Street

Lodeman E. Jones
619 Bluegill

K. Roy Jones
1720 Juniper Street

Virgil Van Dyke
1834 Juniper Street

M. E. Benedict
1615 Balsam Court

Mrs. H. A. Hudson
603 Bluegill Drive

Bruno Welz
1615 Spruce Court

Mr. & Mrs. Vernon K. Patterson
1606 Spruce Court

Dorothy L. Head
430 West Hall Avenue

John F. Bentjen
310 West Hall

A. F. Seedig
436 West Hall Avenue

Howard F. Fitch
460 W. Hall Avenue

A. L. Slingluff
1620 Maple Court

Fred Dusin
1610 Poplar Drive

E. M. Kendall
1720 Maple

James R. Goodwin
635 Bluegill Drive

Robert R. McKenzie
1605 Spruce Court

Jimmie L. Mahannah
1616 Spruce Court

Sethy J. Crow
1610 Maple Court

Samuel L. Schaffer
1615 Poplar

Mr. & Mrs. Deryl M. Love
1605 Poplar Drive

Barbara Himmerite
1606 Juniper Court

John M. Patterson
1635 Balsam Court

Harold P. LaMar
1616 Balsam Court

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

1. That said Improvement District No. ST-74, Phase A, 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 is 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 material, supplies and equipment.

3. That the improvements in said District were duly ordered, after notice duly given; that the remonstrances, protests and objections filed against the creation or establishment of said District were

considered and determined to be without merit, and that all conditions precedent and all requirements of the laws 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, Phase A, the amounts to be assessed, 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 of apportioning and assessing such cost, shall be as prescribed in the Resolution adopted for said District on the 15th day of May, 1974, and in accordance with the published Notice of Intention to Create said District.

July 19, 1974

Mr. Gerald Ashby, City Attorney
City Hall
P. O. Box 968
Grand Junction, Colorado, 81501

Improvement District No. ST-74, Phase A

Dear Gerry:

I have examined the transcript relating to the above District, enclosed with Mrs. Lockhart's letter of July 10, and I have the following comments:

I observe that the assessments for paying the costs of street, curb and gutter, and sidewalk improvements are considered on the basis that the immediate improvements are thrown together with those previously constructed under former districts, and that the assessment is to be on a square footage basis instead of the traditional method of front foot assessment. I also see that there are numerous complaints, and in fact a petition containing 34 signatures was presented at the hearing on July 3, opposing the method of assessment.

I do not find any provision in Chapter 18 of the Code of Ordinances of the City which authorizes the lumping together of improvements previously made with those proposed to be made, although I suppose this might be authorized under Section 18-9, where "V" or irregular-shaped lots are involved. Also, as stated in one of the paragraphs in the opposing petition, Chapter 18 does require that the cost of sidewalk construction "shall be assessed upon the lots or lands in front of which such improvements are made."

In view of the numerous objections to this District, and also in view of the likelihood of litigation in connection therewith, it is my recommendation that the Council consider abandoning the

District, and start over, using the traditional method of assessment.

I would appreciate it if you would send me any Charter amendments subsequent to November 1 of 1965.

Very truly yours,

Robert C. Tallmadge

rct/md

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-74, Phase A, for the purpose of paying the cost and expenses of construction of said District.

PASSED and ADOPTED this 3rd day of July, 1974.

President Pro Tem of the Council

ATTEST:

City Clerk

It was moved by Councilman Colescott and seconded by Councilman Grantham that the Resolution be passed and adopted as read. Roll was called upon the motion with the following result:

Council Members voting AYE:

Stanley Anderson
Harry Colescott
Silas Grantham
Jane Quimby
Elvin Tufly

Council Members Abstaining:

Lawrence Kozisek
Robert Van Houten

Five members of the Council having voted in favor of the motion, the President Pro Tem declared the motion carried and the Resolution duly passed and adopted.

PRESIDENT KOZISEK and COUNCILMAN VAN HOUTEN resumed the chairs.

HEARING

I.D. ST-74, PHASE B, 12th St. - Resol creating District

Advertised for hearing on this date was the creation of I.D. ST-74 Phase B, 12th Street. The following petition was presented for consideration:

"June 26, 1974

"City Council
City of Grand Junction
City Hall
Grand Junction, Colorado

Re: Improvement District No. ST-74 Phase B

Dear Sirs and Madam:

We are writing you with reference to your letter of May 24, 1974, and the Notice of Public Hearing scheduled for July 3, 1974, with regard to the proposed project identified above.

We are unalterably opposed to the creation of the proposed improvement district for the reasons listed below.

(1) The traffic noise and closeness of such traffic to our property will make it unbearable to use our back yards.

(2) Traffic which moves from the control signal at 12th Street and Patterson now seems to generally accelerate as it moves North on 12th and widening and improving the area will no doubt increase the rate of acceleration by these heavy-footed drivers.

(3) Rather than increase the value of our properties, it is our feeling that these factors will serve to decrease the value notwithstanding such improvements.

The proposed improvement district is for purposes of installing curbs, gutters and sidewalk. How can you justify this expense? We are not aware of any drainage problems or water problems in this area. Insofar as sidewalks are concerned, how can you justify such an expense for the four to five people on an average who will walk in this area each day? No doubt from an aesthetic point of view the installation of curbs, gutters and sidewalk will serve a purpose for those traveling in the area. It will not, however, serve a beneficial purpose for those of us who live in the area other than to encroach upon our privacy.

We assume you have considered protecting our irrigation ditches. We all have water rights out here and we use the water for our lawns for our property for approximately \$18.00 per year. Can the City match this or is it willing to protect our ditch rights in the proposed improvement district? We certainly will not give up such valuable water rights, if such are in jeopardy without a fight.

If the City Council is so bent on spending tax money, why not spend it where it is desired and will do some good for the residents in the area. We strongly urge that the City Council consider the installation of a bicycle lane out 12th Street. Our observation of bike traffic vs. pedestrian traffic would indicate that the bicycle riders outnumber pedestrians 75 to 1 in this area. We invite members of the City Council to spend a short period of time some evening in one of our back yards and judge for yourself on some of the problems we feel the improvement district will present to the residents in this area.

We realize that any suggestion to narrow the highway or otherwise restrict traffic flow to one of the main arteries between the City of Grand Junction and the airport will not solve the traffic flow problem. In the interest of the residents of the area who are directly affected insofar as the use and enjoyment of their homes are concerned we suggest that you consider putting up some sort of buffer area of shrubbery to lessen the impact of increased traffic and the resultant increase in noise level in the area.

We urge the City Council to give proper consideration to the residents in this area who will be directly affected by the proposed improvement district insofar as it pertains to our use and enjoyment of our residences.

Very truly yours

Paul C. Flesher1204 Hermosa St.	
Rubydell Flesher1204 Hermosa St.	
Mary Jean Stoner1234 Hermosa St.	
Howard Stoner1234 Hermosa St.	
Robert A. Barry1243 Bonita Ave.	
Kathleen M. Vanderpool1215 Bonita Ave.	
A.C. Powell2940 No. 12th	

Dorothy E. Powell12940 N 12th	
Evelyn Watters1208 Hermosa	
Garland Watters1208 Hermosa	
John V. Chadez1210 Hermosa	
Joan Chadez1210 Hermosa	
A.F. Soueski1228 Hermosa	
Jo Soinski1228 Hermosa	
Charles J. Russell1240 Hermosa Ave.	
Ruby J. Russell1240 Hermosa Ave.	
Ken Lowell1220 Bonita Ave.	
Irene L. Lowell1220 Bonita Ave.	
Alice Willoughby1214 Bonita Ave.	

Mr. James Griest, 2412 North 12th Street, opposed the bridge over the Grand Valley Canal as it is now designed as it would take away from his property. Public Works Director Gus Byrom said the Engineers are redesigning the bridge structure which is located between Bookcliff Avenue and Wellington Avenue to see if a siphon is feasible.

Present and opposing the improvements:
 Mr. and Mrs. Paul Flesher, 1204 Hermosa
 Mr. A. C. Powell, 2930 North 12th Street

Appearing in favor of the improvements:
 Mr. William Resigh, 2205 North 12th Street
 Mr. George Richardson, 2101 North 12th Street
 Mr. Ray Sullivan, 2335 North 12th Street
 Mr. Ed Clements, 2528 North 12th Street

Mr. William Reseigh and Mrs. Paul Flesher commented about the water in the area. Staff members are to check this out.

Mr. and Mrs. Paul Flesher commented about the noise and stated that if more right of way it taken, the street will be closer to their home and the noise factor will become more of a problem.

Public Works Director Byrom noted that the planting of florabunda or some other shrubbery along the street would buffer the noise.

The President closed the hearing.

The following Resolution was read:

RESOLUTION

CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-74, 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 THEREFOR.

WHEREAS, on May 15, 1974, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Improvement District No. ST-74, 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, written complaints and objections have been made concerning the proposed improvements by the following persons;

Paul C. Flesher
1204 Hermosa Street

Rubydell Flesher
1204 Hermosa Street

A. C. Powell
2940 No. 12th Street

Dorothy E. Powell
2940 No. 12th Street

Evelyn Watters
1208 Hermosa Avenue

John V. Chadez
1210 Hermosa Avenue

Joan Chadez
1210 Hermosa Avenue

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

1. That said Improvement District No. ST-74, 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 is hereby, authorized and directed, in accordance with the Resolution Adopting Details, Plans and Specifications prepared and filed therefor; EXCEPT the construction of a structure, over, under or across the Grand Valley Irrigation Company canal on 12th Street between Bookcliff Avenue and Wellington Avenue.

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 material, supplies and equipment.

3. That the improvements in said District were duly ordered, after notice duly given; that the objections and remonstrances presented by Paul C. Flesher, Rubydell Flesher, A. C. Powell, Dorothy E. Powell, Evelyn Watters, John V. Chadez and Joan Chadez against the creation or establishment of said district were considered and determined to be without merit; and that all conditions precedent and all requirements of the laws 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. 74, Phase B, the amounts to be assessed, 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 of apportioning and assessing such cost shall be as prescribed in the Resolution adopted for said District on the 15th day of May, 1974, and in accordance with the published Notice of Intention to Create said 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-74, Phase B, for the purpose of paying the cost and expenses of construction of said District.

PASSED and ADOPTED this 3rd day of July, 1974.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Resolution be passed and adopted as read. Roll was called upon the motion with the following result:

Council Members voting AYE:

Stanley Anderson
Harry Colescott
Silas Grantham
Jane Quimby
Elvin Tufly
Robert Van Houten

President of the Council:

Lawrence Kozisek

All members of the Council having voted in favor of the motion, the President declared the motion carried and the Resolution duly passed and adopted.

HEARING

I.D. ST-74, PHASE D

Misc Streets city-wide and alleys

Resol creating dist.

This date was advertised for hearing upon the creation of I.D. ST-74, Phase D, Miscellaneous Streets City-Wide and Alleys. A letter from Robert and Genevieve Hoyt, 535 29 Road, was read which opposed the inclusion of their property in the District as if fronts on 29 Road and would in no way benefit from curbs, gutters, and sidewalks installed on Texas Avenue.

Mr. Ted Fouts, 2832 Texas Avenue, appeared before the Council and said he is very pleased with the proposed improvements in the area.

The President closed the hearing.

The following Resolution was read:

RESOLUTION

CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-74, PHASE D, WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF CURBS AND GUTTERS,

SIDEWALKS AND PAVING ON STREETS AND ALLEYS THEREIN, AND PROVIDING FOR THE PAYMENT THEREFOR.

WHEREAS, on May 15, 1974, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Improvement District No. ST-74, Phase D, and authorizing Notice of Intention to Create said District; and

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

WHEREAS, a written complaint was received from Robert Hoyt and Genevieve Hoyt for the South 102.25 feet of the North 234.24 feet of Lot 1 Cannon Subdivision, Section 7 Township 1 South Range 1 East, concerning the proposed improvements;

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

1. That said Improvement District No. ST-74, Phase D. be, and the same is hereby, created and established; and that construction of curbs and gutters, sidewalks and paving of streets and alleys therein be, and the same is 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 and alleys 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 material, supplies and equipment.

3. That the improvements in said District were duly ordered, after notice duly given; that the objection filed against the creation or establishment of said District by Robert Hoyt and Genevieve Hoyt was considered and determined to be without merit; that all conditions precedent and all requirements of the laws 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 and alleys to be constructed, the boundaries of said Improvement District, Phase D, the amounts to be assessed, 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 of apportioning and assessing such cost, shall be as prescribed in the Resolution adopted for said District on the 15th day of May, 1974, and in accordance with the published Notice of Intention to Create said District.

5. That after the construction of said improvements in said District has been let, the Council shall, by resolution, provided for the issuance of public improvement bonds for said Improvement District No. ST-74, Phase D, for the purpose of paying the cost and expenses of construction of said District.

PASSED and ADOPTED this 3rd day of July, 1974.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Tufly and seconded by Councilman Van Houten that the Resolution be passed and adopted as read. Roll was called upon the motion with the following result:

Council Members voting AYE:

Stanley Anderson
Harry Colescott
Silas Grantham
Jane Quimby
Elvin Tufly
Robert Van Houten

President of the Council:

Lawrence Kozisek

All members of the Council having voted in favor of the motion, the President declared the motion carried and the Resolution duly passed and adopted.

GJ COMMUNITY CENTER

Bids-award contract to Blaylock \$1,446,275.

Three bids were received and opened at 2:00 P.M. Wednesday, June 26, for the construction of the Grand Junction Community Center.

Henry Blaylock \$1,498,000.
Harry & McCrary Construction 1,659,448.
Fred Sperber Construction 1,564,257.

City Manager Rose said Staff would recommend award of contract to Henry Blaylock with the following amendments:

1.Substitute use pipe piling at a saving of\$18,700.		
2.Substitute floor and roof insulation5,200.		
3.Eliminate base and columns for mushrooms1,400.		
4.Eliminate mushroom lights450.		
5.Eliminate one row stage lights1,075.		
6.Eliminate alternate soffit lights (high)325.		
7.Eliminate alternate soffit lights (low)175.		
8.Substitute for post lights (3 instead of 5)600.		
9.Omit sound system23,800.		
Total\$51,725.		

The total of \$51,725 would amend the base bid of Mr. Blaylock to \$1,446,275. Mr. Rose noted this does not deduct any of the alternates that were bid.

It was moved by Councilman Colescott and seconded by Councilwoman Quimby that the contract be awarded to Henry Blaylock in the

amount of \$1,446,275 which deletes the above items. Motion carried unanimously.

SS DIST 3074 O.M.

Phase 1 - Bids Contract to Scheierman \$229,078.90

Seven bids were received and opened at 2:00 P.M. Tuesday, July 1, for Phase 1 of the Orchard Mesa Sanitary Sewer. (SS 30-74)

H. W. Siddle, Inc \$353,964.50
Smith Welding & Construction 336,699.40
Shawnee Construction, Inc. 301,669.50
Dearman Brothers 299,559.80
Tiago Construction 291,991.25
Richard Kipp Construction 237,206.56
Scheierman Construction, Inc. 229,078.90
Engineer's Estimate 255,206.00

Staff recommended award of contract to Scheierman Construction, Inc., of Montrose for his low bid. City Manager Rose noted that 199 parcels in this District will be tapping on for a revenue source f \$238,800.

It was moved by Councilman Van Houten and seconded by Councilman Grantham to award the contract to Scheierman Construction, Inc., for its low bid of \$229,078.90. Motion carried unanimously.

I.D. ST-74 PHASE A

West Lake Park area

Bids-award contract Elam \$122,886.95

President Kozisek and Councilman Van Houten disqualified themselves from voting on the award of contract. President Pro Tem Tufly assumed the chair. Two bids were received and opened at 3:00 P.M. Tuesday, July 2, 1974, for the construction of I.D. ST-74, Phase A in the West Lake Park area.

United Sand & Gravel \$131,288.35
Elam Construction, Inc. 122,886.45
Engineer's Estimate 124,305.30

Staff recommended award of contract to Elam Construction, Inc., subject approval by bond counsel of the legal transcript of the proceedings to this point.

Councilman Anderson moved to award the contract for the construction of Phase A of I.D. ST-74 for the West Lake Park area to Elam Construction, Inc., for its low bid of \$122,886.45, subject to approval by bond counsel of the proceedings thus far, which motion was seconded by Councilwoman Quimby and said motion carried.

COUNCILMAN VAN HOUTEN and PRESIDENT KOZISEK resumed their chairs.

I.D. ST-74 PHASE B

12th Street Bids - contract to Elam \$170,836.

One bid was received and opened at 3:00 P.M. Tuesday, July 2, for Phase B, I.D. ST-74, North 12th Street. This bid reflected the deletion of the construction of structure over, under, or around the Grand Valley Irrigation canal.

Elam Construction, Inc. \$170,836.00
Engineer's Estimate 151,226.75

Councilman Anderson moved to award the contract for the construction of Phase B, I.D. ST-74, North 12th Street, to Elam Construction, Inc., for its low bid of \$170,836.00, which motion was seconded by Councilwoman Quimby and said motion carried unanimously.

I. D. ST-74 PHASE D

Misc streets & alleys Bids-contract to Elam \$202,927.55

Two bids were received and opened at 3:00 P.M. Tuesday, July 2, for the construction of Phase D, I.D. ST-74, miscellaneous city-wide and alleys.

United Sand & Gravel \$208,827.70
Elam Construction, Inc. 202,927.55
Engineer's estimate 189,845.90

Councilman Anderson moved to award the contract for the construction of Phase D, I.D. ST-74, miscellaneous streets city-wide and alleys, to Elam Construction, Inc., for its low bid of \$202,927.55, which motion was seconded by Councilwoman Quimby and said motion carried.

THE PRESIDENT DECLARED A FIVE-MINUTE RECESS

HEARING

Rev Pmt for planters SW cor 7th & Belford

Resol

Unanimously recommended from the Planning Commission and advertised for hearing on this date was the request by Chambliss-Dillion & Associates for a revocable permit for planters at an office building located at the southwest corner of 7th and Belford.

No letters had been filed and there was no one in the audience who

indicated a desire to speak. The President closed the hearing.

The following Resolution was read:

RESOLUTION

WHEREAS, JACK L. WALKER and DALLAS C. WALKER Have petitioned the City Council of the City of Grand Junction for a revocable permit to encroach upon the right of way between the curb line and the sidewalk right of way line of Belford Avenue, North Seventh Street and the alley between Belford and Teller Avenues between Seventh and Sixth Streets, (Lots 11, 12, 13, 14, 15 Block 17 City of Grand Junction,) to provide two planters on Belford Avenue, three on North Seventh Street and one planter in the alley; and

WHEREAS, such action has been heretofore approved by the City Planning Commission and the City Engineer and would not be detrimental to the use of the right of way or to the interest of the inhabitants of the City;

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

That the City Manager, on behalf of the City and as an act of the City, be, and he is hereby, authorized to grant such revocable permit to Jack L. Walker and Dallas C. Walker for the purpose described upon the execution by them of an agreement to save and hold the City harmless from any claims arising out of the construction and use granted and agreement that upon the revocation of such permit they will remove said planters or other impediments at their own expense and will restore the right of way to its original condition required in that area.

PASSED and ADOPTED this 3rd day of July, 1974.

President of the Council

ATTEST:

City Clerk

REVOCABLE PERMIT

WHEREAS, JACK L. WALKER and DALLAS C. WALKER have petitioned the City Council of the City of Grand Junction for a revocable permit to encroach upon the right of way between the curb line and the sidewalk right of way line of Belford Avenue, North Seventh Street and the alley between Belford and Teller Avenues between Seventh and Sixth Streets, (Lots 11, 12, 13, 14, 15 Block 17, City of Grand Junction), to provide two planters on Belford Avenue, three

on North Seventh Street and one planter in the alley; and

WHEREAS, the City Planning Commission and City Engineer have approved such action, and the City Council is of the opinion that such would not be detrimental to the City or to any of the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to Jack L. Walker and Dallas C. Walker a revocable permit for the purposes above stated, provided however, that said permit may be revoked by the City Council at its pleasure at any time; provided further, that Jack L. Walker and Dallas C. Walker shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from the permitted use; provided further, that Jack L. Walker and Dallas C. Walker shall agree to restore the right of way to a proper and usable condition after the completion of construction on said lots, and provided further that they shall agree to restore the right of way to its original condition upon the revocation of such permit.

Dated this _____ day of July, 1974.

City Manager

ATTEST: (no recorded information)

City Clerk

The undersigned, for themselves, their successors and assigns, hereby agree that they will abide by the conditions contained in the foregoing permit; that they will indemnify the City of Grand Junction and hold it harmless from all claims and demands as stated therein; that after construction, they will restore the right of way to a proper and usable condition; and, that, upon revocation of the permit, they will restore the right of way to its original condition.

Dated at Grand Junction, Colorado, this _____ day of July, 1974.

Jack L. Walker

Dallas C. Walker

STATE OF COLORADO)		
) ss		
COUNTY OF MESA)		

The foregoing was acknowledged before me this _____ day of July, 1974, by JACK L. WALKER and DALLAS C. WALKER.

Notary Public

My Commission expires:

It was moved by Councilman Tufly and seconded by Councilman Van Houten that the Resolution be passed and adopted as read. Roll was called upon the motion with all Council members voting AYE. The President declared the motion carried and the Resolution duly passed and adopted.

REZONE 1.36 Acres W OF 1ST ST S OF FRANKLIN TO R-3

Hearing

Prop Ord

Unanimously recommended from the Planning Commission and advertised for hearing on this date was the request by Sutherland Enterprises, Inc., for the rezoning of 1.36 acres located west of First Street and south of Franklin Avenue from C-2 (Heavy Commerce) to R-3 (Multi-family Residential). The petitioner is planning to construct two apartment buildings with 40 units located to the north and 20 units located to the south. The petitioners also are requesting the vacation of Glenwood Court in this vicinity so they can better utilize the site and the location of the apartment units. The Planning Commission approved subject to retaining the easements for existing utilities. No letters had been filed regarding these petitions, and there was no one in the audience who indicated a desire to speak about these items. The President closed the hearing.

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 ON CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Tufly and seconded by Councilman Grantham that the proposed ordinance be passed for publication. Motion carried.

VACATE GLENWOOD CT & CUL-DE-SAC

Proposed Ord.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING A PORTION OF STREET AND CUL-DE-SAC IN THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Grantham and seconded by Councilman Tufly that the proposed ordinance be passed for publication. Motion carried.

BULK DEVELOPMENT

S of Olson Ave, N. of UnawEEP, W of Cherry Lane

Approved

Considered by the Planning Commission at its meeting on May 29, and advertised for hearing on this date, was the request by Developer F. B. Ingelhart for bulk development on approximately .38 acres located south of Olson Avenue, north of UnawEEP, and west of Cherry Lane. This property is located on Orchard Mesa. Mr. Ingelhart would like to remove the single-family older home and replace it with a duplex. The Planning Commission approved subject to the petitioner deeding the additional 10 feet of right of way on Olson Avenue to bring it up to current street standards. The petitioner has agreed to this requirement. No letters had been filed and there was no one in the audience who indicated a desire to speak on this matter.

The President closed the hearing.

It was moved by Councilman Grantham and seconded by Councilman Tufly to approve the bulk development at this location subject to the deeding of the right of way on Olson Avenue. Motion carried.

SW COR 12TH ST. & BOOKCLIFF

HEARING- conditional use (office) in R-3

Approved

Advertised for hearing on this date was the request by the Federal Land Bank Association for Conditional Use for an office building in an R-3 (High-Density Residential) zoning district to be located on the southwest corner of 12th Street and Bookcliff Avenue. The Planning Commission considered this request and recommended

approval subject to final approval of the Zoning Ordinance amendment allowing offices as a conditional use in the R-3 Zoning District, and compliance with the Subdivision Regulations requiring a 50-foot right of way dedication from centerline of 12th Street and a 30-foot right of way dedication from centerline on Bookcliff Avenue. No letters had been filed regarding this item, and there was no one in the audience who indicated a desire to speak. The President closed the hearing.

It was moved by Councilman Van Houten and seconded by Councilman Anderson that the request for Conditional Use (office) in an R-3 zoning district be approved. Motion carried.

BULK DEVELOPMENT

S of Texas, W of 28 1/2 Rd (triplex) in R-1-D

Hearing-approved

Advertised for hearing on this date was the request by Orville and Grace Wallner for a Bulk Development (triplex) in an R-1-D (low-density residential) zoning district. The Planning Commission unanimously recommended approval of the request subject to providing a fire hydrant on the property. This involves a one-half acre tract located at 2845 Texas Avenue. The Wallners are asking for the bulk development to provide a place for an older son to live who needs care and supervision and to provide a place for an older gentleman who has lived with them for a number of years and who desires to continue to reside with them.

Councilman Anderson expressed concern about the sidewalks in the area and suggested an amended agreement that the petitioners enter into an improvement district as soon as possible and also that they agree to widen the driveway for parking.

No letters had been filed and there was no one in the audience who indicated a desire to speak. The President closed the hearing.

It was moved by Councilman Grantham and seconded by Councilman Anderson that the request by Orville and Grace Wallner for a bulk development (triplex) in an R-1-D zoning district be permitted subject to:

1. Providing a fire hydrant on the property,
2. Entering into an improvement district for sidewalks; and
3. Agreeing to widen driveway for parking.

Motion carried.

PLAT APPROVED

Eastgate Shopping Center Subdiv N of North Ave E of 28 1/2 Rd

Presented for consideration was the final plat of the Eastgate

Shopping Center Subdivision involving 12.8 acres more or less with C-1, Light Commerce zoning. Developer is Hanson Developing Company. The Planning Commission unanimously recommended approval of the plat subject to widening the 35-foot strip to the east of the plat to 50 feet or platting to the east property line to eliminate the strip. The developers have amended the plat and platted to the east line of the subdivision. The Planning Commission's concern was that the narrow strip as proposed would be utilized as a curbcut and add to the existing problems on North Avenue. By platting to the east line, common access to the Shopping Center and this lot can be accomplished through one curb cut. Proposed plans for the lot involve the construction of a restaurant.

It was moved by Councilman Anderson and seconded by Councilman Tufly that the Plat of the Eastgate Shopping Center Subdivision be accepted and signed by the President of the City Council and the City Manager; that it be approved and filed with the Mesa County Clerk and Recorder; and that a copy thereof be placed on file in the office of the County Assessor and the office of the City Engineer. Motion carried unanimously.

PLAT APPROVED

Perino Subdiv. N of Elm Ave W of 28 1/4 Rd

Presented for consideration was the final plat of the Perino Subdivision involving two lots with R-1-D (low density residential) zoning. This subdivision involves the splitting of a metes and bounds parcel into two single-family lots. The Planning Commission recommended approval of the subdivision subject to the developer or future owners of the lots agreeing to voluntarily joining an improvement district for Elm Avenue. This notation can be included on the subdivision plat.

It was moved by Councilman Van Houten and seconded by Councilman Colescott that the plat of the Perino Subdivision be accepted and signed by the President of the City Council and the City Manager; that it be approved and filed with the Mesa County Clerk and Recorder; and that a copy thereof be placed on file in the office of the County Assessor and the office of the City Engineer. Motion carried unanimously.

WATER TAP

Req by Jack Lee for use of Hallenbeck tap on flow line denied

Mr. and Mrs. Jack Lee, represented by Attorney James Golden, requested permission to connect to an existing water tap on the Kannah Creek flow line.

In view of past denials by the Council and the moratorium, Councilman Anderson moved that permission be denied, which motion was seconded by Councilman Tufly and said Motion carried

unanimously.

DAYS

Day-Care Mothers bake sale July 13

Mrs. Sandy Patterson, representing Day-Care Mothers, appeared before Council to request permission for a bake sale on Main Street between 4th and 5th Streets Saturday, July 13. Proceeds from the fund-raising event will be used to advertise the telephone number for a referral service. It was moved by Councilman Tufly and seconded by Councilman Grantham that permission be granted for the fund-raising event. Motion carried unanimously.

3.2 BEER RENEWAL

Freeway Bowling Lanes
Teddy's Cafe

Presented for consideration were applications for the renewal of 3.2 beer licenses for the following businesses:

Robert J. Stack, Freeway Bowling Lanes, 1900 Main Street
Ruth D. & John E. Murray, Teddy's Cafe, 1648 Highway 50

The report from the Police Department stated there have been no complaints or violations during the past year.

It was moved by Councilman Colescott and seconded by Councilman Grantham that the applications be approved and the licenses issued when the State licenses have been received. Motion carried unanimously.

DAYS

Alpha Theta Rho #1 Ice Cream Sale Sat 7-20

A letter from Alpha Theta Rho #1 was read requesting permission for an ice cream sale on the northeast corner of 5th and Main in the Downtown Shopping Park on Saturday, July 20, between the hours of 10 a.m. and 3 p.m.

It was moved by Councilman Grantham and seconded by Councilwoman Quimby that permission be granted. Motion carried unanimously.

PROPERTY

Req by Natl Fed of Blind of Colo West for NE cor 8th & Rood for rec-workshop

Denied

A letter from the National Federation of the Blind of Colorado

West was read which requested that Council consider the donation of a City-owned lot on the northeast corner of 8th Street and Rood Avenue for a special facility to be constructed which would provide a recreation center-workshop for handicapped members of the community. A compilation of handicapped in Mesa County who would benefit from a workshop totals 350. This information was provided by Mr. Conley M. Campbell, President of the National Federation of the Blind of Colorado West.

Consensus of Council was that it would not be inclined to donate the property at this time. It was moved by Councilman Anderson and seconded by Councilman Van Houten that the request for the donation of the lot on the northeast corner of 8th Street and Rood Avenue be denied. Motion carried.

ORD. NO. 1513

Define Home Occupation-Zoning Ord.

The Proof of Publication to the following entitled proposed ordinance was presented. AN ORDINANCE AMENDING THE DEFINITION OF HOME OCCUPATION. It was moved by Councilman Anderson and seconded by Councilman Grantham that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Colescott and seconded by Councilman Tufly that the proposed ordinance be called up for final passage and read. Motion carried.

The Ordinance was read. There being no comments, it was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Ordinance be passed, adopted, numbered 1513, and ordered published. Roll was called upon the motion with all Council members voting AYE. The President declared the motion carried.

CONSERVATION TRUST FUND

Resol establishing

The following Resolution was read:

RESOLUTION

WHEREAS, the Forty-Ninth General Assembly adopted House Bill 1084 concerning the Conservation Trust Fund of Municipalities and Counties and made an appropriation therefor, which act authorizes the creation of such a fund by the City of Grand Junction; and

WHEREAS, The City Council of the City of Grand Junction desires to create such a fund for the Health, Safety and Welfare of present and future citizens of this City;

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

That a Conservation Trust Fund be and the same hereby is, created pursuant to House Bill 1084 of 1974 and specifically C.R.S. 1963, 138-1-98 and C.R.S. 1963, 36-1-22 for the City of Grand Junction, and that monies received from the State of Colorado to this City pursuant to said Statutes be deposited in said fund and expended only for the acquisition, development and maintenance of new conservation sites; and,

BE IT FURTHER RESOLVED:

That a copy of this Resolution be certified to the Colorado Department of Revenue.

PASSED and ADOPTED this 3rd day of July, 1974.

President of the Council

ATTEST:

City clerk

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Resolution be passed and adopted as read. Roll was called upon the motion with all Council members voting AYE. The President declared the motion carried and the Resolution duly passed and adopted.

GREEN ACRES ANNEX.

Petition

A petition for annexation to the City of Grand Junction was presented:

PETITION

WE, THE UNDERSIGNED, do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described property to the said City:

that part of the Northeast one quarter of the Southeast one quarter of the Northwest one quarter of Section 26 of Township 1 South of Range 1 West of the Ute Meridian lying North of the Orchard Mesa Canal #2.

As ground therefore, the petitioners respectfully state that annexation to the City of Grand Junction, Colorado, is both necessary and desirable and that the said territory is eligible for annexation in that the provisions of the Municipal Annexation

Act of 1965, Sections 3 and 4 have been met.

This petition is accompanied by four copies of a map or plat of the said territory, showing its boundary and its relation to established city limit lines, and said map is prepared upon a material suitable for filing.

Your petitioners further state that they are the owners of one hundred per cent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of each signer and the date of signature are set forth hereafter opposite the name of each signer, and that the legal description of the property owned by each signer of said petition is attached hereto.

WHEREFORE, these petitioners pray that petition be accepted and that the said annexation be approved and accepted by ordinance.

Signed
6-18-74
Preston Randolph
669 Hwy 50
That part of the NE1/4 of SE1/4 of NW1/4 Sec 26 T1S R1W UM lying North of the Orchard Mesa Canal #2

STATE OF COLORADO)	
)	
COUNTY OF MESA)	

AFFIDAVIT

Barbara L. Einspahr, of lawful age, being first duly sworn, upon oath, deposes and says:

That she is the circulator of the foregoing petition;

That each signature on the said petition is the signature of the person whose name it purports to be.

/s/ Barbara L. Einspahr

Subscribed and sworn to before me this 18th day of June, 1974.

Witness my hand and official seal.

/s/ Kimberly A. Ralston

Notary Public

My Commission expires: June 12, 1977

The Green Acres Annexation is a four-acre tract located east of the Catholic Cemetery on Orchard Mesa. The petition for annexation was signed 100 per cent.

The following Resolution was read:

RESOLUTION

WHEREAS, on the 3rd day of July, 1974, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property, to wit:

That part of the Northeast one quarter of the Southeast one quarter of the Northwest one quarter of Section 26 of Township 1 South of Range 1 West of the Ute Meridian lying North of the Orchard Mesa Canal #2, Mesa County, Colorado,

WHEREAS, the Council has found and determined, and does hereby find and determine, that said petition is in substantial compliance with statutory requirements therefor, that one-sixth of 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, and, that no election is required under the Municipal Annexation Act of 1965, as the owner of one hundred per cent of the property has petitioned for annexation;

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

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

PASSED and ADOPTED this 3rd day of July, 1974.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Grantham and seconded by Councilwoman Quimby that the Resolution be passed and adopted as read. Roll was called upon the motion with all Council members voting AYE.

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

ADJOURNMENT

It was moved by Councilman Tufly and seconded by Councilman Grantham that the meeting be adjourned. Motion carried unanimously.

Neva B. Lockhart

City Clerk