

Grand Junction, Colorado

September 3, 1975

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. September 3, 1975, in the Council Chambers at City Hall. Members present and answering roll call: Larry Brown, Harry Colescott, Karl Johnson, Jane Quimby, Elvin Tufly, Robert Van Houten, and President of the Council Lawrence Kozisek. Also present: City Manager Harvey Rose, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

MINUTES

It was moved by Councilwoman Quimby and second by Councilman Johnson that the Minutes of the Regular Meeting August 20, 1975, be approved as written. Motion carried.

It was moved by Councilman Colescott and seconded by Councilman Tufly that the Minutes of the Special Meeting August 29, 1975, be approved as written. Motion carried.

INTRODUCTION OF NEW CITY EMPLOYEES

The following new City employees were present and introduced to Council:

Mark Merris Fire Department	
Rick Monger Fire Department	
Billy Smith Fire Department	
Marilee Thompson Public Works Department	
Charles Reid Public Works Department	
Benjamin White Public Works Department	

Tommy Gallegos Utilities - Water Pollution Control Division	
Donald Rodgers Utilities Department	

WESTLAND THEATRE REQUEST TO EXPAND ON CITY PARKING LOT 7TH AND
MAIN TO CORRECT COOPER THEATRE BASEMENT PROBLEM

Granted

Mr. Deiter Sutherland, representative of Westland Theatres, appeared before Council to request permission to encroach upon the City parking lot at 7th and Main east of the Cooper Theatre for the purpose of reinforcing the basement wall in the Cooper Theatre. Mr. Sutherland explained that encroachment upon City property is necessary to construct an underground 10-inch outer wall to shore up the existing basement wall in the Cooper Theatre. The City parking lot will be put back in its existing condition as far as asphalt, and Westland Theatres is willing to pay any loss of parking meter revenues during the period of construction. Approximate construction time is three to four weeks.

City Attorney Ashby advised that Council could approve the request contingent upon Parking Authority bond counsel's approval. There was discussion regarding the possibility of Westland Theatres wanting a legal encumbrance on the property which City Attorney Ashby advised could be in the nature of an easement with a stipulation that the wall be contained at ground level.

It was moved by Councilman Tufly, seconded by Councilman Brown that Westland Theatres be granted permission to construct the wall as outlined contingent upon the Grand Junction, Colorado, Parking Authority obtaining bond counsel's approval of the project. Motion carried.

SPEED HUMPS IN ALLEY SOUTH OF NORTH AVENUE FURNITURE STORE, 945
NORTH AVENUE

Mr. Richard Sparkman, owner of North Avenue Furniture Store, 945 North Avenue, appeared before Council to protest the removal of speed humps in the alley south of North Avenue Furniture Store, and to request they be reinstalled by the City. Mr. Sparkman explained that approximately one year ago, North Avenue Furniture built a new building at 9th and Belford with a parking lot to the back of the store. It was the intent to get the entrance and exit traffic as far from North Avenue as possible by making the back door of the store the primary entryway. Mr. Sparkman continued

that at the time of construction of the building across the alley he was told that if speed humps were needed to slow down the traffic by the back door of North Avenue Furniture for the protection of the people exiting from that door, North Avenue Furniture could put the speed humps in as there were no funds available to put them in. Therefore, North Avenue Furniture proceeded to put the speed humps in the alley.

Mr. Sparkman stated that approximately six weeks ago the speed humps were removed by the City from the alley with no prior conversation with him. He stated there were people in the audience at this meeting who had stepped from the back door of the store and had narrowly been missed by excessive speeders along that alley. Mr. Sparkman stated that during a telephone conversation with one of the City people regarding the removal of the speed humps which were installed to slow down the traffic, this person said that he was in the process of speeding the traffic up. Mr. Sparkman then asked the gentleman at that time, "Are you trying to speed up the cars in the alley?" which ended the conversation. Mr. Sparkman said they have had people go over the speed humps at the regulated 15 mph in an alley, and there have been no problems whatsoever. Mr. Sparkman did not feel the speed humps were a detriment; he felt there was a possibility they might save some lives or some injuries. For these reasons, he requested Council authorize the replacement of the speed humps in the alley and lend assistance in controlling the speed in that alley.

During discussion, alternative measures were considered, one of which was that in lieu of speed bumps and since the alley in question comes down immediately adjacent to the back door, vacate that portion of the alley and move the alley over to form a semi-circle around the door with a traffic retainer. Mr. Sparkman said that if this is done, he would have to move the trash bins he has built and would then have no place to put them where City trash trucks could get to them. He also believed that with the curve, emergency vehicles and trash trucks would have some difficulty maneuvering in that alley. He noted that there appears to be no law against speed humps in private alleys. He pointed out the two properties in the area he does not own and stated that at some future time, should acquisition of these properties come under his control, the back entry to his store will become more attractive. He stated that during the first thirty days after the speed humps were installed, there was an appreciable decrease of through traffic.

Councilman Van Houten moved that since the speed humps were initially installed in the alley behind North Avenue Furniture Store by Mr. Sparkman, the Engineering Department be directed to design and reinstall the speed humps in cooperation with the Traffic Department for the placement of signs warning of speed humps ahead, which motion was seconded by Councilman Brown. Motion carried.

Councilman Van Houten and President Kozisek explained they wish to

experiment a little more with the speed humps. If there were to be a proliferation of requests for speed humps, the Engineering Department could provide a standardization of those speed humps. Councilman Van Houten stated that this motion is not on the basis of an open door to requests for speed humps. He stressed the fact that he feels more experiments are necessary. Councilman Brown explained that he seconded the motion for the City to pay for the speed humps because Mr. Sparkman put them in apparently with the permission of someone with the City and then the City arbitrarily dug them out. He said he is not necessarily going along with the policy of the City paying for speed bumps wherever people might want them. He could see later on discussing allowing them to be put in.

3.2 BEER LICENSE RENEWAL COOK'S WAREHOUSE MARKET, LTD, 1236 NORTH 4TH ST.

Submitted for consideration was the application by Cook's Warehouse Market, Ltd, 1236 North 4th Street, for the renewal of its 3.2 beer license. A memorandum from Police Department advised there have been no complaints or violations during the present licensing period.

It was moved by Councilman Colescott and seconded by Councilman Brown that the application be approved and the license issued when the State license has been received. Motion carried.

BIDS - CURB, GUTTER AND SIDEWALK PROGRAM, 1975 AWARD OF CONTRACT TO BUFORD CONSTRUCTION \$9,931.50

One bid was received and opened at 2:00 p.m. Tuesday, September 2, 1975, for the 1975 Curb, gutter and Sidewalk Program. The bidder was Buford Construction in the amount of \$9,931.50. Engineer's Estimate, \$17,266.25. A memorandum from the Engineering Department advised that this year's project includes a sidewalk along the south side of North Avenue adjacent to the Lincoln Park Golf Course. In comparing the bid with the estimate, the difference shows up in the bid price for the sidewalk along Lincoln Park. It was felt the bidder did not include enough money for gravel bedding under the sidewalk. It was recommended the contract be awarded Buford Construction for its bid of \$9,931.50.

Assistant City Manager Jim Wysocki reported that Project Engineer John Kenney had discussed the bid with Buford Construction and it appears that the figure for the bedding gravel may have been left out. Mr. Wysocki stated, however, that the bedding gravel requirement is included in the specifications; therefore, the City could require the contractor to fulfill the contract according to the specifications.

The sidewalk under discussion is located outside the fence along the Golf Course No. 6 Hole. Councilman Brown stated that putting a sidewalk there is simply throwing money out the window. He said the sidewalk would not encourage anyone to use it, not when it is

right up against North Avenue. He said there is only three and one-half to four feet of space between this high fence and four lanes of traffic on North Avenue. He asked if there were plans to move the fence. Mr. Wysocki said there were not at this time. Councilman Brown suggested moving the fence or cutting gates in the fence and placing the sidewalk inside the fence. Mr. Wysocki suggested that the fence is there so that people are not walking across the golf course. One portion of the fence was installed five years ago and the final portion installed four years ago. At that time the then City Engineer felt it was acceptable to place the fence four and one half feet from the back side of the curb. Mr. Wysocki discussed a meandering walkway. He said there is some restriction to this due to landing areas for golf balls along the proposed walkway, and although it would be possible to bend the sidewalk in a couple of places, it would still leave the greater portion outside the fence. He estimated a cost of \$2.50 per foot to move the approximately 995 feet of fence. Consensus of Council was that any sidewalk was better than none at all.

It was moved by Councilman Johnson and seconded by Councilman Van Houten that the bid be accepted and the contract awarded to Buford Construction in the amount of \$9,931.50. Motion carried with Councilman Brown voting NO.

HEARING - FINAL BULK DEVELOPMENT PLAN FOR PATTERSON GARDENS - 15TH & PATTERSON

Advertised for hearing on this date was the Final Bulk Development Plan for Patterson Gardens, 15th and Patterson. Senior Planner Don Warner reviewed the Plan. The Planning Commission accepted the Final Plan and recommended to Council with some contingencies. (1) The easements and rights of way be granted. Mr. Warner advised he has the easements in hand and the right of way will be deeded for Patterson Road. The 15th Street right of way has already been deeded. (2) That a drainage plan be submitted which would be acceptable to the Engineering Department. The drainage plan arrived in Mr. Warner's office this afternoon. (3) That a full landscaping plan be submitted to the Planning Commission for its approval on the 24th of September. (4) That a Power of Attorney be submitted giving permission to be placed in an improvement district when Patterson Road is improved and 15th Street is improved with the Power of Attorney stating that the developers would pay the full cost of the improvements. This would also include paying the full cost of containing the drainage and irrigation.

The President opened the hearing. Mr. Chuck Wiman was present and stated that the developers are fully aware of the contingencies placed upon them by the Planning Commission, and they are willing to comply with them. No letters having been filed and no others in the audience indicating a desire to speak on this item, the President closed the hearing.

It was moved by Councilwoman Quimby and seconded by Councilman

Johnson that the Final Bulk Development Plan for Patterson Gardens, 15th Street and Patterson Road, be approved subject to the contingencies placed upon them by the Planning Commission. Motion carried.

PETITION - RESOLUTION PROPOSED ORDINANCE - TECH DEL SOL ANNEXATION NO. 1

The following petition for annexation as submitted and accepted:

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:

Beginning at the intersection of the West line of Section 31, T1N, R1E, Ute Meridian and the South right-of-way line of Horizon Drive, thence N 54° 46' 30" E 785.22' to the westerly corner common to lots 81 and 82 Tech del Sol., thence S 35° 13' 30" E 400.00' along the lot lines common to lots 81 and 82 and lots 41 and 42 to the Easterly corner common to lots 41 and 42 Tech del Sol Sub., thence S 54° 46' 30" W 789.52' to the E right-of-way of the U.S. Government Highline Canal, thence N 40° 10' 02" W 352.25', thence N 00° 00' 00" E to the point of beginning and

Beginning inters. of S line Horizon Drive with East line Section 36 T1N, R1W, thence S to North line Highline Canal, thence Northwesterly along North line of said Canal to South line Horizon Drive, thence Northeasterly along Horizon Drive to beginning.

Also that part of Highline Canal right-of-way adjacent to above tracts.

As ground therefor, 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 establish 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 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.

<u>DATE</u> <u>SIGNATURE</u> <u>ADDRESS</u> <u>PROPERTY</u> <u>DESCRIPTION</u>			
<p>7-3-75 James F. Squirrell (Signature) 677 - 25-1/2 Rd. Beg. at SW Corner Tech del Sol Sub., thence northeasterly along W line of said Sub., to the W corner common to lots 81 and 82 Tech del Sol Sub., thence Southeasterly along the lot line common to lots 81 and 82 and that line common to lots 41 and 42 to the Eastern corner common to lots 41 and 42, thence Southwesterly to the SE corner of Tech del Sol Sub, thence Northwest to the point of beg.</p>			
<p>7-3-75 Nelson,</p>			

<p>Haley, Patterson & QuirkLot 1, Grand Junction Technological Center Subdivision</p>			
<p>John Haley, President (Signature)</p>			
<p>Attest:Willard R. Quirk, Secretary (Signature)</p>			
<p>7-3-75Bruce Currier (Signature) Wilma M. Currier (Signature by Bruce C. Currier)2760 H Road-Rt. 5 Grand JunctionBeg. inters of S line Horizon Drive with East line sec. 36 T1N, R1W, thence South 133.51' to N line Highline Canal, thence Northwesterly along North line of said Canal to South line Horizon Drive, thence Northeasterly along Horizon Drive to beg.</p>			

STATE OF COLORADO)		
)SS		
COUNTY OF MESA)		

Karl G. Metzner, of lawful age, being first duly sworn, upon oath, deposes and says:

That he 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.

Karl G. Metzner
(Signature)

Subscribed and sworn to before me this 19th day of August, 1975.

Witness my hand and official seal.

;sigl;
Donald H. Warner, Jr.
(Signature)\Notary Public

My Commission expires: April 9, 1979

Senior Planner Don Warner reviewed the annexation. It is located northeast of the Howard Johnson Annexation.

The following Resolution was read:

RESOLUTION

WHEREAS, on the 3rd day of September, 1975, 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:

Beginning at the intersection of the West line of Section 31, Township 1 North, Range 1 East, Ute Meridian and the South right-

of-way line of Horizon Drive, thence North 54° 46' 30" East 785.22 feet to the westerly corner common to lots 81 and 82 Tech del Sol, thence South 35° 13' 30" East 400.00 feet along the lot lines common to lots 81 and 82 and lots 41 and 42 to the Easterly corner common to lots 41 and 42 Tech del sol Sub., thence Souther 54° 46' 30" West 789.52 feet to the East right-of-way of the U.S. Government Highline Canal, thence North 40° 10' 02" West 352.25 feet, thence North to the point of beginning and

Beginning at the intersection of South line Horizon Drive with East line Section 36, Township 1 North Range 1 West, Ute Meridian, thence South to North line Highline Canal, thence Northwesterly along North line of said Canal to South line Horizon Drive, thence Northeasterly along Horizon Drive to beginning.

Also that part of Highline Canal right-of-way adjacent to above tracts, 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 therefore; 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 percent 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 September, 1975.

President of the Council

Attest:

City Clerk

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

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 Johnson that the proposed ordinance be passed for publication. Motion carried.

ORDINANCE NO. 1574 S.S. 32-74 ASSESSMENTS (PARTEE HEIGHTS SANITARY SEWER)

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT 32-74 PARTEE HEIGHTS, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS. It was moved by Councilman Colescott and seconded by Councilman Tufly that the Proof of Publication be accepted and filed. Motion carried.

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

The Ordinance was read. Lot 6, Block 9, Partee Heights, will be deleted from the assessment roll. This is a vacant lot and there are no immediate plans for developing this lot. There being no other comments, it was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Ordinance be passed, adopted, numbered 1574, and ordered published. Roll was called upon the motion with all members of Council voting AYE. The President declared the motion carried.

PROPOSED ORDINANCE CHANGING THE MEMBERSHIP OF THE PLANNING AND ZONING COMMISSION

The following entitled proposed ordinance was read: AN ORDINANCE CHANGING THE MEMBERSHIP ON THE PLANNING AND ZONING COMMISSION OF THE CITY AND THE QUALIFICATIONS THEREOF. President Kozisek commented that if this ordinance is passed, he would recommend that Council still appoint a member of Council to serve as ex-officio member to the Commission without voting rights. This person would continue to provide the liaison between the two bodies. Councilman Tufly commented that this could work both ways. He noted there were no Planning Commission members attending the Council meeting this evening. President Kozisek said that Council could request that some member other than the ex-officio member attend the Council meetings to represent the Planning Commission. Councilman Brown said that he feels the meetings that have been talked about repeatedly need to be set up; first, the meeting with the Council as to what it wants, and second, the meeting with the

Planning Commission to come up with some goals and objectives. Councilwoman Quimby said that as a member of the Planning Commission and the City Council, she feels very strongly that some liaison is very definitely needed between the two bodies. She said that quite frankly she doesn't like the ordinance unless there is a provision which specifically states that a member of Council be in attendance at all Planning Commission meetings. Councilman Brown said he would like to have this as an amendment to the ordinance. Councilman Van Houten commented that he was a member of the Planning Commission for two years, and it made him very uncomfortable to turn around and attempt to take a harder look at something that comes in front of the Council after he had already made up his mind about it as a member of the Planning Commission. He said that it was very hard for him to reverse his opinion regardless of what anyone presented before the City Council. Therefore, that was why he resigned from the Planning Commission. City Attorney Ashby said he did not feel there would be any legal problem with the ex-officio member, but whether or not that person would in fact become involved as indicated by Councilman Van Houten would depend upon the member who is serving. That member would not be called upon to make a decision.

It was moved by Councilman Tufly and seconded by Councilman Van Houten that the proposed ordinance be passed for publication. Motion carried with Councilwoman Quimby abstaining.

It was moved by Councilman Colescott that the proposed ordinance be amended by inserting "A member of the City Council shall serve ex-officio as a member of the Commission without vote" which motion was seconded by Councilman Tufly. Councilman Colescott said he feels this is what the Planning Commission wants, and he feels it is a good idea. Councilman Brown said that he is eager for improved communications with the Planning Commission; he just feels more comfortable with two separate bodies. Councilman Van Houten feels the Planning Commission should present its own case to Council rather than have Council bring back the case to itself to be heard. Motion carried with Councilman Brown and Van Houten voting NO.

Council discussed directing that a voting member of the Planning Commission be present at the City Council meetings to act as a communicator if there are questions regarding items brought up. Councilman Tufly and Councilwoman Quimby stated that these are volunteer members; they spend a considerable amount of time each month in service to this Board. They wondered if Council could expect them to attend yet another meeting. Consensus of Council was it "desired" a member of the Planning Commission attend all City Council meetings.

PROPOSED ORDINANCE - BARKING DOGS

City Attorney Ashby indicated that he had met with the Kennel Club people, the Humane Society people and one lady. On the rabies question, the Kennel Club people do have their dogs vaccinated

against rabies and generally believe in this as a practice, but they did not recommend it to Council as a thing that should be tied to this particular ordinance. Mr. Ashby said there is a strong provision in the Ordinance we now have that is tied to the Health Department, and the County has a similar provision in the State Statute. Mr. Ashby said that in the event Council feels a rabies inoculation program should be implemented, he would hope it would be done in conjunction with the Health Department and the County. Neither the Kennel Club nor the Humane Society recommended it at this point as there has been no appreciable rabies incidence.

On the question of spaying and neutering the dog, both the Humane Society and the Kennel Club favor this. Mr. Ashby suggested this be done in conjunction with the County by asking the City Manager to meet with the County Budget Officer to set up a pattern to be used with the licensing program. Mr. Ashby indicated the Kennel Club are the ones essentially hit by this, those who breed dogs. They indicated they do not seem to be too upset by it. That would mean there would be such a charge that after a three-year period it would pay to have the dog spayed or neutered. At the present time, the charge for spaying is \$45, for neutering \$35. He said this is something to be considered so that it doesn't hit them too heavily in one year or two years.

Upon the question of barking dogs, each of the groups to whom Mr. Ashby talked indicated that they felt the 10-minute provision was not a good one because it was too short. Each of the groups hoped an ordinance could be drafted that did not involve neighbor against neighbor. However, Mr. Ashby said he would recommend an ordinance that will do that. The reason is that without something which relates directly to some provable item, no crime can be set and therefore it would be an unenforceable ordinance. With that approach, Mr. Ashby read the following entitled proposed ordinance: AN ORDINANCE REQUIRING CONTROL OF BARKING DOGS BY THE OWNERS THEREOF. Mr. Ashby suggested trying this ordinance, and if it is not workable try something else.

Mr. Ashby said the Kennel Club would like to see people take care of their dogs. They suggested the "closure law." After dark the dog is enclosed and no one would hear his barking. Their theory is they do not have the right to inflict the dog's barking on any one else, one bark or otherwise. They did concede that this was a bit too much for the average dog owner.

It was moved by Councilman Colescott and seconded by Councilman Johnson that the proposed ordinance be passed for publication. Councilman Brown said that it appears we are going from a dog barking at people to people barking at each other. He wants to do something about barking dogs but he is afraid this is going to create more ill will. Councilwoman Quimby asked what the difference is of people complaining about their neighbor behind their back than in doing so face to face. Councilman Van Houten commented that he did not know how one could come up with anything

that is any better but he still doesn't like it. The motion carried.

It was moved by Councilman Brown and seconded by Councilman Johnson that the City Manager be directed to proceed in meeting with the County to work out a license fee schedule that will encourage spaying and neutering to go into effect January 1. Motion carried.

Councilman Colescott asked how the ordinance on barking dogs is to be enforced. City Manager Rose advised that this morning the animal wardens, the Humane Society shelter supervisor, and the President of the Humane Society began training at the Police Department. it is a program that has been prepared by the Police Department and the Sheriff's Department over the last few weeks. The understanding that Mr. Rose has received from both groups is that calls can be made to either the Police Department or the Humane Society. If the call is made to the Police Department, it will be referred to the Humane Society. The Humane Society will inform the Police Department when an animal warden will be available to take care of that complaint. If it is of such a nature that immediate attention is required, the Police Department will, if an animal warden is not available, send out a police officer to take care of the complaint. Councilman Johnson said that he feels very strongly that where a situation exists, other than a stray animal or the abandonment of an animal that needs to be taken to the shelter for care, such as a dog bite case where someone is placed in jeopardy or where livestock is being harassed, it needs more than the routine handling by a dog warden. He felt a Police Officer should respond. He does not feel that people calling the Police Department should be turned off by the statement "we don't handle dog calls." Councilman Brown said that this ordinance the Council has just adopted would not fall under the Humane Society. He asked if it would be the intent that this be strictly a police matter. City Manager Rose said it would be this intention that the Humane Society animal wardens should be the ones called. But if it is a night complaint, obviously it would be the Police Department who would be called as the animal wardens are not paid to perform that function. He would expect the Humane Society to respond during the day and issue the citations.

Councilman Johnson said that he would like to see a copy of the Agreement that does exist between the City and the Humane Society. A copy of the Agreement is to be provided all members of Council.

PROPOSED ORDINANCE - REZONING THE NW CORNER OF 12TH & PATTERSON FROM PDB TO B-2 AND P

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. City Attorney Ashby said this is the 12th and Patterson zoning which came in on a contingency. The Council sent it back to the Planning Commission, and the Planning

Commission approved the zoning back on the theory that this was the bargain made. The property is reverting to its status prior to the time of the application for the rezoning. Senior Planner Don Warner explained that there is still another provision in the Zoning Ordinance which states that the correct amount of right of way has to be given from that side of the street when a building permit is issued. The Planning Commission said that since it is covered that way, it would give its approval for the reversion of the zoning. Mr. Ashby said if this does go to court, we have the ground to do so.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the proposed ordinance be passed for publication. Councilman Van Houten commented that he sees no reason why these rezonings should be handed back and forth like a yo-yo. He felt this was zoned correctly and it should have stayed that way. He posed the possibility that a rezoning request may be turned in next week for this same property. He feels that if this was not the correct rezoning, it should not have been turned in in the first place. Mr. Ashby said this was considered to be the correct zoning if the developer gave the correct right of way, which he declined to do. Without that right of way, it becomes incorrect zoning. This is the position now. Mr. Ashby said he did not feel it was a mistake on the part of the Planning Commission at all. Mr. Ashby stated that in the future, contingency items will be handled before permitting the zoning request. Mr. Warner stated that the developer has been advised that he will be asked for the right of way when he applies for the building permit, and the developer understands this will be requested. Motion carried with Councilman Van Houten voting NO.

CUT-DOWN OF CURBS FOR THE HANDICAPPED

Mr. James Burke, a member of Citizens on Wheels, appeared before Council to discuss the cut-down of curbs in the downtown area and a few special parking spaces. Councilman Tufly outlined some of the problems the citizens in wheelchairs have to negotiate in order to reach a particular destination. Mr. Burke said that a standard slope in use elsewhere is 1 foot in 12 feet. Mr. Burke requested Council's permission to start this program provided money from private donors becomes available, and he requested that Council consider a 1976 budget item of \$2,000 appropriated for the installation of curb/street ramps and the improvement of other physical barriers to wheelchairs in city buildings and properties.

Councilman Colescott said he felt the cut-down of curbs must be a cooperative venture between the Engineering Department and the donor groups. President Kozisek suggested in line with this a delineation of the downtown area for the project. Councilman Johnson suggested the inclusion of all public buildings such as the Court House, city Hall, etc., in the project. Mr. Burke suggested starting with the main intersections from First Street to Seventh Street on Main Street with a few on Rood and White. All the Main Street intersections plus the ones around City Hall.

It was moved by Councilman Tufly that if the Citizens on Wheels organization receives service organization donation funds for this project they be granted permission to start implementing the project in cooperation with the Engineering Department and that the request to expand the program be considered during the 1976 budget sessions. Motion carried.

1976 BUDGET SESSION SCHEDULE

City Manager Rose said he would like to start the budget process by reviewing a list of capital improvements which staff will present to Council in a priority fashion. The staff members will give a dollar recommendation as to how many dollars worth of the improvements can be accomplished in 1976. They will ask Council to reestablish perhaps those priorities to meet with the interests of the Council. At the same time Mr. Rose wanted direction as far as dealing with the community promotion activities. That is, how Council wishes to assess the requests of outside organizations for funds for 1976. He proposed starting Tuesday, September 9, and running each Tuesday and Thursday thereafter until the budget process is completed. Consensus of Council was to start September 9, 1975, 7:30 p.m. in the City Manager's Office.

It was moved by Councilman Colescott and seconded by Councilman Van Houten that a list of the outside organizations be provided from which Council will schedule appointments for review. Motion carried.

DISCUSSION OF ADVANCE REFUNDING OF WATER-SEWER REVENUE BONDS

City Manager Rose introduced Mr. Joe Barrows of Kirchner, Moore & Company who presented a recommendation for the refunding of water-sewer revenue bonds with the possibility of saving some money over the long run of these bonds. He stated that initial analysis indicates the City may realize substantial savings in principal and/or interest, relieve itself of covenants and revise its bond repayment schedules by issuing refunding bonds on the outstanding approximately \$4,240,000 of joint water and sewer revenue bonds dated April 1, 1968, and November 1, 1969, in conformity with Colorado statutes and the City Charter. After outlining the procedures his Company will use, he requested Council's authorization to proceed with the workup from which he will offer a formal proposal for Council consideration at its next meeting on September 17.

It was moved by Councilman Van Houten and seconded by Councilman Johnson that Mr. Barrows pursue the approach as presented at this meeting with the full understanding that this does not at this point irrevocably commit the City Council to any action in refunding these bonds, but that if the proposal appears practical, reasonable, and satisfactory Council will seriously consider it. Motion carried.

COLORADO RIVER PARK COMMITTEE - APPOINTMENT OF COUNCIL MEMBERS
ELVIN TUFLY AND KARL JOHNSON AND ASSISTANT CITY MANAGER JIM
WYSOCKI TO SERVE

Council President Lawrence Kozisek appointed Councilman Elvin Tufly and Karl Johnson and Assistant City Manager Jim Wysocki to serve as the City's representatives to the Colorado River Park Committee. It was moved by Councilman Brown and seconded by Councilwoman Quimby that the appointments be ratified. Motion carried with Councilmen Johnson and Tufly abstaining.

COUNCILMAN VAN HOUTEN VOLUNTEERS TO ATTEND SOME OF THE COUNTY
COMMISSIONERS MEETINGS

Councilwoman Quimby commented about the attendance of County Commissioner Howard Roland the last three Council meetings. She thought this was a nice gesture.

Councilman Van Houten thereupon volunteered to attend some of the County Commissioners meetings as a representative of the City Council.

LIQUOR AND BEER REVISION COMMITTEE

Councilman Karl Johnson reported on the progress being made by the Colorado Municipal League Liquor and Beer Revision Committee.

BURGLAR ALARM COMMITTEE

Councilman Brown reported that the Burglar Alarm Committee will meet on Monday night, September 8, 1975. He indicated the Committee will have a recommendation for Council in the very near future.

Councilman Brown requested some research regarding noise pollution.

GOLF BALLS

Councilman Van Houten reported golf balls flying over the six foot fence surrounding the Golf Course and breaking the windows of residents along Gunnison Avenue. He asked of Council would consider reimbursing those people whose windows are broken by these flying golf balls, or increasing the height of the fence. Senior Planner Don Warner is to do some research to determine what other municipalities are doing, if anything, in relation to this problem.

MUNICIPAL LAND USE MEETING

President Lawrence Kozisek reported there will be a Municipal Land Use Meeting October 16. He requested input from anyone who is interested.

ADJOURNMENT

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

Neva B. Lockhart

Neva B. Lockhart
City Clerk