

Grand Junction, Colorado

October 15, 1975

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. October 15, 1975, in the Council Chambers at City Hall. Members present and answering roll call: Karl Johnson. Also present: City Manager Harvey Rose, and City Clerk Neva Lockhart.

A quorum of Council not being present, Councilman Johnson adjourned the meeting to 7:30 p.m., Wednesday, October 22, 1975.

Grand Junction, Colorado

October 22, 1975

ROLL CALL

The City Council of the City of Grand Junction, Colorado met in adjourned session at 7:30 p.m. October 22, 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 Councilman Van Houten and seconded by Councilwoman Quimby that the minutes of October 1, 1975, be corrected as follows: "Hearing - Liquor License - The County Seat" by striking out "\$400,000" and inserting "\$4,000" payment on option to purchase property. Motion carried.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the Minutes of September 17, 1975, Minutes of the adjourned meeting of September 23, 1975, and corrected Minutes of October 1, 1975, be approved. Motion carried.

REAPPOINTMENT OF LEVI LUCERO TO ONE-YEAR TERM ON HOUSING AUTHORITY

President Kozisek appointed Mr. Levi Lucero to serve a one-year term on the Housing Authority. It was moved by Councilman Johnson and seconded by Councilman Tufly the appointment of Mr. Lucero be ratified. Motion carried.

PRESENTATION OF CERTIFICATE OF APPRECIATION TO COUNCILWOMAN JANE QUIMBY

Presentation of Certificate of Appreciation was made to Councilwoman Quimby by President Kozisek in recognition and

appreciation for her faithful service to the community as a member of the Grand Junction Planning Commission from May, 1973, to October, 1975.

RESOLUTION OF CONDOLENCE (HOMER M. WOODS)

The following Resolution was read:

RESOLUTION OF CONDOLENCE

WHEREAS, on the 13th day of October, 1975, death brought to a close the active life of Homer M. Woods; and

WHEREAS, Homer M. Woods has, through his leadership in Senior Citizens activities for a number of years, earned the affection of the people in the City of Grand Junction and throughout the Valley; and

WHEREAS, the focus of his leadership efforts was the construction of the Older American Center at Sixth Street and Ouray Avenue which was dedicated in March, 1974; and

WHEREAS, the stature he attained in this community by his many achievements was recognized during his lifetime;

BE IT THEREFORE RESOLVED that the City Council of the City of Grand Junction, Colorado, does, by this resolution and public record, recognize the influence of Homer M. Woods upon the development of Senior Citizen activities and the Older American Center in Grand Junction, Colorado, recognizing further that his death is a distinct loss to the City of Grand Junction where he won deep respect and affection.

BE IT FURTHER RESOLVED that this resolution be spread upon the Minutes of the Council and a copy thereof be sent to his widow, Irene.

PASSED and ADOPTED this 22nd day of October, 1975.

President of the Council

Attest:

City Clerk

It was moved by Councilman Colescott and seconded by Councilman Brown that the Resolution be duly adopted. Motion carried.

MR. HOWARD BUTTERFIELD REPRESENTING DOWNTOWN RETAIL MERCHANTS,
REGARDING CITY POLICE DEPARTMENT

Mr. Howard Butterfield spoke to Council stating he was not representing the entire downtown retail trade committee, but the majority. Mr. Butterfield wished to endorse Ben Meyers and the Grand Junction City Police Department for the job they have done. He stated the majority of the merchants feel they have had adequate protection and good service whenever they have needed the Police during the past two years. He simply wished to endorse the entire department and thanked Council for the opportunity to do so.

MESA COLLEGE STUDENT BODY PRESIDENT TO REQUEST FUNDS FOR CUTTING DOWN SIDEWALKS AROUND MESA COLLEGE

Mr. Kevin Burke, representing the Student Body Association of Mesa College, requested the City to look seriously at situations involving City streets in and around the College. He wished to inquire as to the availability of funds this year to cover this purpose. If not, could plans be made for a later date.

President Kozisek commented that as far as this year's budget is concerned, there would be no funds available. At this time President Kozisek was unable to make an accurate report as to next year's availability since the budget sessions have not been completed for 1976. Councilman Van Houten inquired as to which curbs Mr. Burke was requesting to be cut down. Mr. Burke replied the curbs on the North and South side of Elm Avenue around the Physical Education Center and the Fine Arts Center. President Kozisek questioned if the Student Body has put forth any effort of their own to accomplish this task. Mr. Burke stated they are looking at many approaches, but nothing definite. He had no written statement of costs for such a project. President Kozisek stated this request will be considered at next week's Tuesday evening budget session.

HEARING - APPLICATION FOR 3.2 BEER LICENSE FOR SALES BOTH ON AND OFF PREMISES

Williams 7-11 Market 801 North First Street

Advertised for hearing on this date was the application by Hayden Scott Howard, Del Howard, and Gloria Marie Howard for a fermented malt beverage (3.2%) Beer License for sales both on and off the premises at Williams 7-11 Market, 801 North First Street. The President opened the hearing. A memorandum from the Police Department indicated the applicants currently hold a license for the sale of 3.2 beer on a carry-out basis. During this period there have been no complaints or violations reported concerning the sale of 3.2 beer. The applicants conducted their own survey. Tabulation shows: need exists for such license 91, refused to sign 28, neutral 1, no response 55, vacant 1, applicant observed no solicitors signs 56. A total of 242 properties were surveyed. Also submitted was a petition from the area at large which contained 592 signatures.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the application be approved and the license issued when the State license has been received. Motion carried with Councilman Brown voting NO.

HEARING - APPLICATION BY MESA COLLEGE FOR SPECIAL EVENTS PERMIT TO SELL 3.2 BEER, SATURDAY, NOVEMBER 1, 1975

Advertised for hearing on this date was the application by Mesa College for a special events permit to sell 3.2 beer by the drink for consumption on the campus, Saturday, November 1, 1975, between the hours of 8:00 p.m. and 12:00 midnight. The President opened the hearing. Student Body President Burke advised Council they are planning a dance in the old gym at Houston Hall on November 1.

President Kozisek questioned if this was a fund raising project. Mr. Burke replied that it was not; merely an evening of entertainment. No letters having been filed and no others in the audience indicating a desire to speak, the President closed the hearing.

It was moved by Councilman Brown and seconded by Councilman Van Houten that the application be approved and the permit granted. Motion carried.

QUESTION ON POLICY OF GRANTING OF 3.2 BEER AND LIQUOR LICENSES

Councilman Van Houten commented he would like to investigate the needs of the neighborhood himself rather than accepting the statement of a survey taken by an applicant, which says that everybody is in favor of it. He would like to have the same policy and rules for the beer licenses as liquor. It was moved by Councilman Van Houten and seconded by Councilman Colescott that as a matter of policy that Council conduct the hearings at one meeting and determination offered at subsequent meeting on all on-premise beer and liquor license applications. Motion carried.

Council will have to determine if it is willing to pay the approximate amount of \$200 for a survey on 3.2 beer.

It was moved by Councilman Van houten and seconded by Councilman Colescott that the City Attorney be directed to draw up an ordinance to read that the City run the survey on all on-premise consumption 3.2 beer license applications rather than the applicant, with the expense of that survey being charges the applicant. Motion carried. The ordinance is to be considered at next regularly scheduled meeting.

MRS. KAREN COBB SPEAKS ON STATE CENTENNIAL-BICENTENNIAL COMMITTEE FUNDING

Mrs. Cobb's purpose in speaking to Council was to clear up a few misunderstandings and ill feelings pertaining to the Centennial-

Bicentennial State Commission. She noted that the State Commission has funded 1200 projects, making the State of Colorado the third state in the nation for its number of projects. There are also 128 communities in Colorado that have designated funds. All the members serving on the commission have put in a lot of donated time. Mrs. Cobb went over the funding (routing, etc.) helping to clear up why it takes as much time as it does to receive the funding. She felt that one cannot judge the operation by the amount of grant money received. A better barometer of that would be the community participation -- this community is ready for full participation. she commented that she receives calls daily to speak before service clubs. Mrs. Cobb commended the City Council for its job in getting the people interested in participation. She concluded her comments by presenting a Centennial pin to each of the Council members.

HEARING - FINAL PLAT FOR LA VILLA GRANDE SUBDIVISION, 26-3/4 ROAD AND PATTERSON ROAD

This hearing was cancelled October 1, 1975 because the Final Plat had not been submitted. It was advertised and rescheduled for hearing October 15, 1975, which meeting was adjourned to this date. The President opened the hearing. Senior planner Don Warner advised that the Planning Commission has recommended the approval of this subdivision on one condition: that no building permits be granted for Lots 1 and 2 until one of two things has taken place.

(1) Either 8th Street is continued on to Patterson; or (2) a turn-around is provided at the end of it.

The petitioners have accepted this. On that basis the Planning Commission recommends acceptance of the plat. Councilman Tufly questioned Don Warner on how he was going to prevent building on those two lots. Mr. Warner explained that the would put a "hold" on the plat in the Building Department. No letters having been filed and no one 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 Plat for La Villa Grande 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 officer of the County Assessor and the office of the City Engineer, subject to the developer complying with the stipulation of the Planning Commission. Motion carried.

FINAL PLAT OF SPRING VALLEY SUBDIVISION FILING NO. 3, NE CORNER OF THE 27-;FRAX;1;2; ROAD AND F ROAD INTERSECTION

Advertised for hearing on this date was the Final Plat for Spring Valley Subdivision Filing No. 3 located at the Northeast corner of the 27-1/2 Road and F Road Intersection. The President opened the hearing. Senior Planner Don Warner advised that the construction

company has submitted all the necessary documents and guarantees of insurance, etc. The Planning Commission recommends acceptance of this third filing. No letters having been filed and no one in the audience indicating a desire to speak on this item, the President closed the hearing.

It was moved by Councilman Johnson and seconded by Councilman Brown that the Final Plat of Spring Valley Subdivision Filing No. 3 be accepted and signed by the President of the 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.

HEARING - FINAL LANDSCAPE PLAN FOR HORIZON PARK PLAZA S.E. OF HOWARD JOHNSON MOTEL

Advertised for hearing on this date was the final landscape plan for Horizon Park Plaza southeast of Howard Johnson Motel. The President opened the hearing. Senior Planner Don Warner reviewed the plan. The plan was approved completely by the Planning Commission two meetings ago and has been recommended for acceptance. No letters having been filed, and no one in the audience indicating a desire to speak, the President closed the hearing.

It was moved by Councilman Tufly and seconded by Councilman Brown that the landscape plan for Horizon Park Plaza be approved. Motion carried.

HEARING - FINAL LANDSCAPE AND DRAINAGE PLAN FOR PATTERSON GARDENS, 15TH STREET AND PATTERSON ROAD

Advertised for hearing on this date was the final landscape plan and the drainage plan for Patterson Gardens, 15th Street and Patterson Road. The President opened the hearing. Senior Planner Don Warner explained that although Patterson Gardens was approved in concept, it has been held up for a final landscape design plan and also for a final drainage plan. Mr. Warner indicated that Ken Idleman, Assistant Parks and Recreation Director, went over the landscape plan. He had no objection to it, but did point out some problems to the developers about certain trees. They were things that would be a maintenance problem not to the City, but to the developer. The second item was the final drainage plan to be reviewed by the City Engineer, Rodger Young. Mr. Young has approved the drainage plan. The Planning Commission has asked that the developers work with Rodger Young and other people as they develop the property to make sure the drainage is correct. The Planning Commission, in making its motion for adoption of this plan, asked for two things: a 5-foot detached sidewalk be constructed along Patterson Road. It was first stated that the applicants would sign a power-of-attorney for paving district, which they agreed to, but then the Planning Commission felt the developers should provide sidewalk across the front not knowing

when future development would require it. The developers agreed to this stipulation, so the Planning Commission has recommended that the Plan be approved subject to the 5-foot detached sidewalk along Patterson Road; review by the City Engineer of the drainage as it progresses; and provision of a concrete edge or gutter around the roads to ease the drainage situation. Developer Chuck Wiman has indicated complete agreement. On this basis the Planning Commission has recommended approval of this plan. No letters having been filed and no one in the audience indicating a desire to speak, the President closed the hearing.

It was moved by Councilwoman Quimby and seconded by Councilman Tufly that the final landscape and the final drainage plan for Patterson Gardens be approved, subject to the recommendations of the Planning Commission. Motion carried.

ORDINANCE NO. 1583 - BURGLAR ALARMS

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION OF THE INSTALLERS OR MAINTAINERS OF POLICE ALARM SYSTEMS AND PROVIDING FOR COMPENSATION FOR EXCESS ALARMS FROM POLICE ALARM SYSTEMS. It was moved by Councilman Brown and seconded by Councilman Tufly that the Proof of Publication be accepted for filing. Motion carried.

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

The Ordinance was read. Councilman Brown stated that it was the committee's intent that this ordinance go into effect January 1, 1976.

District Attorney Terrance Farina appeared before its final adoption. He stated that, obviously, burglar alarms do deter crime. He also noted there is a substantial problem of false alarms in this City. The statistics for this year show slightly over 400 alarms for a six month period. Looking at those statistics fairly closely, it appears that at least half of those false alarms are attributable to 20 firms or less. He noted that this says something about the way in which we should get at the problem. Mr. Farina was pleased to see that the City of Grand Junction is trying to come up with an ordinance to help solve the situation. He agreed that this proposed ordinance is a fairly simple one in comparison to those of many other cities, yet he felt negative so far as the "user fee" approach as set forth in this ordinance. He felt that it might deter some people from installing burglar alarms. He said it is obvious that the person who has a legitimate alarm go off (even if you catch the burglar) is actually going to have to pay a fee for that service under certain circumstances. He referred to an incident where there has been a burglary of the same business establishment within one month's time. Insult is added to injury when a person loses \$1200 and the

City is then charging him after having gone to the extra expense of installing a burglar system which aids in catching the burglar. Mr. Farina said he does not think it is a very good precedent at all to ever get into the situation where victims are being charged on the basis that as they are injured they have to pay. It is to the interest of all that burglar alarms be installed and that burglar be caught. Also, he did not notice within the proposed ordinance a grace period in which the user could iron out any bugs in any newly installed burglar alarm system. He felt there should be some sort of grace period until the bugs in the systems can be cleared up before starting to implement the \$15 user fee. What he felt he was really opposed to was the fact that victims of crimes would additionally be charged for the burglar alarm system. He suggested an alternative approach to the problem whereby there is a determination made as to whether or not there is a valid alarm and suggested a six-month trial period. If this does not alleviate the problem, then implement the user fee approach.

Councilman Van Houten stated that the Police Department did not ask for this ordinance. As far as the formulation of this ordinance, it was done in conjunction with the users of the alarms and the people who install them. The Council did not direct them nor tell them what to do, and this is what they came up with.

Mr. Farina replied that he was afraid that as a result of the publicity that was attending this ordinance, we might be deterring some people from installing a burglar alarm system on the idea that Council would come up with certain draconian measures to penalize these people. He did not feel that Council has done this and he thinks it is a reasonable approach. He did feel that we could take a half-step, though, for a six-month period or a year and see how that goes. Instead of going the "user fee" approach, give everybody the benefit of the doubt, and yet still focus on those people who are causing the major alarms. He felt this could be done without a "user fee." If it turns out this is not an effective approach, then the Council can go the "users fee."

City Attorney Ashby suggested that the "user fee" be left just exactly as it is, but said at the end "provided, however, that any alarm caused by criminal activity shall not be considered an alarm under this section." Then you would have to set up somebody to hear it, either the City Manager or the City Attorney, and make a determination as to whether or not it was caused by criminal activity.

District Attorney Farina stated that anyone who works for the Government should always be concerned about the problem of the Government just coming down and saying, "This is the way it is going to be; there is not going to be any discussion in the matter; you are going to pay because you did what we don't want you to do." He didn't think Grand Junction is that big yet where it has to succumb to that particular method. If someone wishes to object about whether they had a false alarm or not, it at least means that the business person or the homeowner is going to be

talking to the law enforcement person or whoever makes the decision. Mr. Farina thinks that is a good approach to encourage as long as we can. He felt that this "users fee" in a small way embodies exactly the principle that there is no discussion; this proposed ordinance has no appeal provision in it at all -- you pay, period. That is why it is called a "users fee." The appeal provision is on the license side, but it is not on the users side. He felt a provision is needed where the lines of communication are open and not have the heavy hand of Government coming down.

Councilman Johnson commented that he has had some experience with false burglar alarm calls. He suggested imposing a stiff penalty for negligence -- employee or otherwise. He concurred with the comments of Mr. Farina.

President Kozisek thanked Mr. Farina for his comments and stated that this ordinance was not drawn up by the Council, but by members of the community; installers and subscribers and one councilmember. He did not feel the citizens of Grand Junction have been told the truth by the news media in this matter. He supported Mr. Farina's comments concerning the proviso for leniency process in the event of criminal intent.

Mr. Stanley Anderson, a member of the burglar alarm committee, commented that this ordinance was actually a compromise in that it was taken from portions of a number of other ordinances of this type that have been in use around the country. He felt that the committee set its priority at keeping the ordinance simple. And, perhaps, at taking those pains, they may have overlooked the problem that it creates for some people as Mr. Farina has mentioned. But the committee did not at any time wish to discourage the use of the alarm which is an excellent deterrent to burglaries. Personally, Mr. Anderson would have no objection to putting in the wording which would put the appeal procedure also on the "user fee."

Mr. Roger Mahoney, 1940 North 21st Street, commented that he did not understand why the businessman should pay the "users fee" for a false alarm. President Kozisek assured Mr. Mahoney that what he is saying has been discussed this evening and is being considered by the Council to be incorporated into the proposed ordinance.

Mr. Ashby said the ordinance can be amended to read: "provided, however, that any alarm caused by criminal activity shall not be considered an alarm under this section. Provided further that any alarm occurring within 15 days after the installation of the system shall also not be considered an alarm." Councilman Johnson questioned if this would protect the user whose alarm goes off for reasons beyond his control. Mr. Ashby replied it would not. This would only protect him in the event there were criminal activity. This would not cover the other situation that was discussed.

Mr. Larry Walsh of 1945 North 22nd, came before Council to discuss this problem. Speaking as a businessman and installer, he has

answered too many of these calls where the Telephone Company installation crew has set off as high as four or five alarms a day. Under this proposed ordinance there is no provision for appeal under this type of situation. Mr. Walsh felt that as a businessman, if an alarm were keyed and set off by such a situation he would be highly offended at the thought of having to pay a \$15 fine.

It was moved by Councilman Colescott and seconded by Councilman Van Houten that the proposed ordinance be amended by inserting under Section 22-61. User Fee for Alarms the words "provided, however, that any alarm caused by criminal activity shall not be considered an alarm under this Section and provided further that any alarm occurring within fifteen days after the installation of the system shall also not be considered," and further that Section 4 be added by the words "The effective date of this Ordinance shall be January 1, 1976." Motion carried.

Councilman Tufly suggested that if this ordinance should be adopted as amended, that a record be kept of how many calls we are getting and what kind of a problem this is causing one way or another so we will know what has happened. The President directed that a record be kept for six months to a year with a complete and accurate report back to the Council.

It was moved by Councilman Van Houten and seconded by Councilman Brown that the Ordinance be passed and adopted as amended, numbered 1583, and ordered published. Upon roll call members of Council voting AYE: Quimby, Colescott, Tufly, Van Houten, Brown, Kozisek. Members voting NO: Johnson. The President declared the motion carried.

ORDINANCE NO. 1584 - AMENDING DOG LICENSING FEE

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE CONCERNING THE LICENSING FEE FOR DOGS. It was moved by Councilman Brown and seconded by Councilman Johnson that the Proof of Publication be accepted for filing. 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 Johnson and seconded by Councilwoman Quimby that the Ordinance be passed, adopted, numbered 1584, and ordered published. Upon roll call all members of Council voted AYE. The President declared the motion carried.

ORDINANCE NO. 1585 - CARRYING OF CONCEALED WEAPONS

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE CONCERNING THE CARRYING OF

CONCEALED WEAPONS. It was moved by Councilman Tufly and seconded by Councilman Brown that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Van Houten 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 Colescott and seconded by Councilwoman Quimby that the Ordinance be passes, adopted, numbered 1585 and ordered published. Upon roll call all members of Council voted AYE. The President declared the motion carried.

The President of Council called for a five-minute recess at this time.

When Council reconvened, all members of Council were present.

PETITION FOR ANNEXATION - CROSSROADS (HOLIDAY INN) - RESOLUTION OF INTENT TO ANNEX W/NOTICE

Senior Planner Don Warner reviewed the petition for annexation of Crossroads Subdivision. The total area for annexation is 62.48 acres. The area of Crossroads Subdivision is subdivided into lots for commercial subdivision. There are three areas that are not signed in the petition: (1) An area belonging to a woman in Colorado Springs. A letter from her lawyer advised that she has been mentally incompetent most of her life and had died in June, 1975. He took no position either for or against the annexation. (2) An area that was sold to "Motel 6." This area was not signed, but the City has a power-of-attorney to annex if they build. (3) The area where the Holiday Inn and Gulf Station are located. This is owned by Laird Smith, Clint Biggs and Bruce Currier. They own the land and could have signed, but they did not sign because the Holiday Inn, who leases from them, was not in favor of it. Approximately 77.5% of the land owners did sign. The area is presently zoned Highway Service in the County. The Planning Commission's proposal is that this area be zoned as the rest of the immediate area which is Highway Oriented (H.O.). This is planned-development type zoning. The following petition was submitted:

PETITION FOR ANNEXATION

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 Northeast corner of Lot 1 Block 1 Crossroads Colorado West Subdivision, thence Northwesterly and West along Northeasterly and North line said Subdivision to the Northwest corner Lot 2 Block 5 said Subdivision, thence South along West line said Subdivision to intersection with right-of-way line

Interstate 70, thence Southeasterly along said right-of-way line to intersection with Horizon Drive, thence Northeasterly along Horizon Drive to point of beginning also road right-of-way adjacent to Southeasterly side of this tract.

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 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 more than fifty percent 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 this petition be accepted and that the said annexation be approved and accepted by ordinance.

| DATE SIGNATURE ADDRESS PROPERTY DESCRIPTION | | | |
|---|--|--|--|
| 8-22-75 Mary Broderick Mervin A. Ziegler That part of West one-half East one-half Northwest one quarter Section 36 Township 1 North Range 1 West Ute Meridian. | | | |

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|--|--|--|--|
| <p>8-22-75L. K. Smith C. BriggsWestern States MotelBeginning at a point which is North 00° 01' East 943 feet from the Southwest Corner East one quarter Northwest one quarter Southeast one quarter Section 36 Township 1 North Range 1 West Ute Meridian, thence North 00° 01' East 735.42 feet, thence North 89° 59' East 329.64 feet, thence South 00° 01' West 212.84 feet, thence South 63° 44' West 367.6 feet to beginning.</p> | | | |
| <p>8-22-75Quadrant Development CompanyBeginni ng at a point which is North 75° 00' 13" West 706.41 feet from East one quarter corner Section 36 Township 1 North Range 1 West Ute</p> | | | |

| | | | |
|--|--|--|--|
| <p>Meridian, thence North 54° 46' 30" East 165 feet, thence North 35° 13' 13" West 410 feet, thence South 54° 46' 30" West 165 feet, thence South 350° 13' 30" East to beginning.</p> | | | |
| <p>8-22- 75Crossroads Colorado West A Limited Partnership SPEC. INC. a Colorado Corporation General Partner (Signature) Samuel T. Haupt, President (Signature) Mark Holloway, Sec. & Treas. (Signature) Robert E. Hirons, General PartnerAll of Crossroads Colorado West Subdivision of Section 36 Township 1 North Range 1 West Ute Meridian</p> | | | |
| <p>8-22-75Bruce E. CurrierBeginni</p> | | | |

| | | | |
|---|--|--|--|
| <p> ng at the Southeast corner Southwest one quarter Northeast one quarter Section 36 Township 1 North Range 1 West Ute Meridian, thence North 89° 51' 40" West 329.64 feet, thence North 00° 08' East 240.1 feet, thence North 67° 50' 18" East 264.44 feet, thence South 21° 18' 31" East to North line Horizon Drive, thence Southwesterly along Horizon Drive to a point which is South 00° 01' West 212.34 feet from the point of beginning, thence Northerly to the point of beginning. </p> | | | |
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| STATE OF COLORADO) | | | |
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|) SSAFFIDAVIT | | | |
| COUNTY OF MESA) | | | |

SAMUEL T. HAUPT, 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.

Signature

Samuel T. Haupt

Subscribed and sworn to before me this 6th day of October, 1975.

Witness my hand and official seal.

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

My Commission expires: April 9, 1975

The petition was accepted.

The following Resolution was read:

RESOLUTION

WHEREAS, a petition to annex to the City of Grand Junction certain lands, situate in Mesa County, Colorado, and described as follows:

Beginning at the Northeast corner of Lot 1 Block 1 Crossroads Colorado West Subdivision, thence Northwesterly and West along Northeasterly and North line said Subdivision to the Northwest corner Lot 2 Block 5 said Subdivision, thence South along west line said Subdivision to intersection with right-of-way line Interstate 70, thence Southeasterly along said right-of-way line to intersection with Horizon Drive, thence Northeasterly along Horizon Drive to point of beginning, also road right-of-way adjacent to Southeasterly side of this tract.

has been submitted to the City Council of the City of Grand Junction; and

WHEREAS, said petition substantially complies with the requirements of Chapter 31-8-107, Colorado Revised Statutes, 1973, as amended;

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

That a hearing to determine whether or not the proposed annexation complies with the provisions of Sections 104 and 105 of said Chapter 31-8 of the Colorado Revised Statutes 1973, will be held on the 3rd day of December, 1975, in the Council Chambers of said City at the hour of 7:30 o'clock P.M., and that Notice of such hearing be given as required by law.

PASSED and ADOPTED this 22nd day of October, 1975.

President of the Council

Attest:

City Clerk

It was moved by Councilman Johnson and seconded by Councilman Brown that the Resolution be passed and adopted as read. Roll was called upon the motion with all members of Council voting AYE. All members of Council having voted in favor of this motion, the President declared the motion carried and the Resolution duly passed and adopted.

PETITION FOR ANNEXATION - TECH DEL SOL NO. 2 - RESOLUTION - PROPOSED ORDINANCE

Senior Planner Don Warner reviewed the petition for annexation for Tech Del Sol No. 2. Tech del Sol is an annexation extending out beyond the Howard Johnson Annexation. It is a single ownership with 100% sign-up. This annexation is the rest of the subdivision that was annexed previously. This area total 5.05 acres.

PETITION FOR ANNEXATION

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:

Tech del Sol Annex #II

Beginning at the W corner common to Lots 81 and 82 Tech del Sol Sub., thence N 54° 46' 30" E 554.51' to the NW corner Lot 1 Tech

del Sol Sub., thence S 33° 46' 05" E 400.13' to the SE corner Lot 20 Tech del Sol Sub., thence S 54° 46' 39" W 544.33' to the E corner common to Lots 41 and 42 Tech del Sol Sub., thence N 35° 13' 30" W along the lot lines common to Lots 41 and 42 and 81 and 82 to the point of beginning.

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 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 percent 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.

| DATE SIGNATURE ADDRESS PROPERTY DESCRIPTION | | | |
|---|--|--|--|
| 7-3-75 James F. Squirrell (Signature) 677 25-1/2 Road Beg. at the W corner common to Lots 81 and 82 Tech del Sol Sub., thence N 54° 46' 30" E 544.51' to the NW corner Lot 1 Tech del Sol | | | |

| | | | |
|--|--|--|--|
| Sub., thence S 33° 46' 05" E 400.13' to the SE corner Lot 20 Tech del Sol Sub., thence S 54° 46' 30" W 544.33' to the E corner common to Lots 41 and 42 Tech del Sol Sub., thence N 35° 13' 30" W along the lot lines common to Lots 41 and 42 and 81 and 82 W to the point of beginning. | | | |
|--|--|--|--|

| | | | |
|-----------------------|--|--|--|
| STATE OF COLORADO) | | | |
|) SSAFFIDAVIT | | | |
| COUNTY OF MESA) | | | |

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

That he is the circular of the foregoing petition;

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

Signature

Karl G. Metzner

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

Witness by hand and official seal.

Donald H. Warner, Jr. (Signature)

Notary Public

My Commission expires: April 9, 1979

The petition was accepted.

The following Resolution was read:

RESOLUTION

WHEREAS, on the 22nd day of October, 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 West corner common to Lots 81 and 82 Tech del Sol Sub., thence North 54° 46' 30" East 554.51 feet to the Northwest corner Lot 1 Tech del sol Sub., thence South 33° 46' 05" East 400.13 feet to the Southeast corner Lot 20 tech del Sol Sub., thence South 54° 46' 05" West 544.33 feet to the East corner common to Lots 41 and 42 Tech del Sol Sub., thence North 35° 13' 30" West along the lot lines common to Lots 41 and 42 and 81 and 82 to the point of beginning, 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 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 22nd day of October, 1975.

President of the Council

Attest:

City Clerk

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

PROPOSED ORDINANCE DECLARING A REVERTER OF VACATION OF AN ALLEY IN THE CITY OF GRAND JUNCTION

Submitted for consideration was the reverter of the east/wets alley between Belford and Teller, Tenth and Eleventh, in Block 21 in the City of Grand Junction. Mr. Ashby stated it was vacated by ordinance in March, 1971. The Ordinance provided further that unless two building providing at least 15 living units have been constructed within two years, the alley shall revert to its original status of an alleyway.

The following entitled proposed ordinance was read: AN ORDINANCE DECLARING A REVERTER OF VACATION OF AN ALLEY IN THE CITY OF GRAND JUNCTION. It was moved by Councilman Tufly and seconded by Councilman Brown that the proposed ordinance be passed for publication. Motion carried.

Councilwoman Quimby asked about what has happened to the alley behind The Bar-X. Don Warner stated that the requirement of the motel people was that they need an alley going north to complete this deal. Their attorney is getting the deed for us now. He has to get a signature from California, one from back East, two savings and loan institutions in Grand Junction, plus the owners. It is tied up financially and Mr. Waldeck is working on the deed now. This alley will run straight through from North Avenue to continue that alley that comes in from North Avenue from the median break. This will make a T-alley as there will be an east/west alley running in from 18th street to this north-south alley.

PROPOSED ORDINANCE SPECIFYING REBATE PROCEDURES ON FOOD

The following entitled proposed ordinance was read: AN ORDINANCE PROVIDING FOR THE PAYMENT OF FOOD SALES TAX REBATE. It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the proposed ordinance be passed for publication. Motion carried.

PROPOSED ORDINANCE REDUCING UTILITY RATES (SEWER, WATER, TRASH)

This ordinance sets the rates at that level they were just prior to the last raise. It is a rollback to the rates that became effective by an ordinance in 1971. Due to the length of the following proposed ordinance: AN ORDINANCE REDUCING THE FEES FOR THE USE OF UTILITIES WITHIN THE CITY OF GRAND JUNCTION, it was moved by Councilman Johnson and seconded by Councilman Brown that the rules of Council be suspended by waiving the reading of the proposed ordinance, and that it be passed for publication. Motion carried.

RESOLUTION SETTING MILL LEVY FOR 1975

TABLED

The following Resolution was read: It was moved by Councilman Johnson and seconded by Councilman Brown that the Resolution setting Mill Levy for 1975 be tabled and rescheduled for the next regularly scheduled meeting on November 5, 1975. Motion carried.

DISCUSSION OF SIGN MORATORIUM

City Manager Harvey Rose discussed the possibility of extending the sign moratorium which will be coming to an end presently. Mr. Warner was to invite local sign manufacturers to be in attendance this evening should Council have questions to ask.

Councilman Johnson stated that when Council adopted this moratorium it was done for the purpose of crowding the Sign Committee and the Planning Commission to have an ordinance to consider by the end of that period. Mr. Johnson was not favor of extending the moratorium under those conditions.

Mr. Warner stated that the Sign Code Committee submitted its final recommendation to the Planning Commission in draft form on the 24th of September. There was a study session set up by the Sign Code Committee and the Planning Commission for the morning of the 8th of October. The Sign Code Committee was present, but there was not a quorum of the Planning Commission present. The Sign Code has again been redone into a better form in indexing and will go back to the Planning Commission next Wednesday morning. This is not the public hearing, because the Planning Commission has not made its recommendations as to any changes that they want. So there is no public hearing yet. Mr. Warner estimated the Public Hearing before the Planning Commission at its last meeting in November with Planning Commission recommendations coming to Council the first meeting in December.

It was moved by Councilman Tufly and seconded by Councilman Johnson that Council not extend the moratorium beyond November 4th. The President declared the motion carried, with Councilman Brown voting NO.

CITIZEN REQUEST FOR TRAFFIC SIGNALS AND CHANGE OF SPEED LIMIT SIGNS AT ORCHARD AVENUE SCHOOL

Mrs. Dorothy Hah, 1942 N. 22nd. appeared before Council on behalf of the Orchard Avenue Parent Teacher Association. The organization has obtained 677 signatures of people, in the form of a Petition, who are interested in getting traffic slowed down on Orchard Avenue in the area of Orchard Avenue Elementary School. There were twelve parents who took traffic counts October 13, 14, 16 and 17. On Monday, from 8:00 to 9:00 a.m. there were 157 going East and 238 going West. Another count was taken at noon from 11:00 to 1:00 which reflected 532 cars going East and 447 going West. At the end of the school day, from 2:30 to 3:30 p.m., there were 326 cars going East and 275 going West. That was one day's count only. Mrs. Hah had the figures for the other three days, and the heaviest time is between 11:00 to 1:00 with close the 1,000 cars all four days traveling that area.

Mr. Larry Walsh, 1945 N. 22nd, Grand Junction, presented a traffic pattern on the signs of their streets. The organization is asking Council to place in the budget for next year the provision for flashing "caution" lights and speed reduction signs through the Orchard Avenue School area. Specifically, the area between the 1500 block and the 2300 block of Orchard Avenue. This area is a residential street, but it has now become a major arterial in the City. The street width in that area is 36' 6" and does not provide for parking. Cars can park legally on the street; there is no sign against it. This leaves very little room for vehicle traffic. Every street in the instance between 15th and 23rd on Orchard Avenue either dead-ends or jogs through Orchard Avenue. The light at the school crossing is activated by crossing guards provided by the school. The children cross at the crosswalk at 18th and Orchard Avenue. Vehicles making left turns from 18th Street onto Orchard Avenue very frequently turn right through the light. It is hard to see, hard to tell whether it is red. Due to the increased building in the area, it is felt it is time to take some type of action in the area. Crosswalk signs in that area are orange and black in color. There is one at 17th Street on the south corner. It is obscured by power poles and vegetation for most of the school year. One must be approximately 100 feet from it before one becomes aware it is there. There is a painted area that says "school" in that same area. This is the only warning there is that there is even a school in the area. The City has faithfully painted the crosswalk at 22nd and Orchard Avenue, but it has never been signed. A lot of children use this crosswalk. The sign for the school crossing is where 19th dead-ends going north on Orchard. There is a crosswalk sign there and it is completely obstructed by a tree. The branches obscure the sign until you are right upon it. The most predominant signs in the area are the 30

mph speed limit signs. The lack of wide sidewalks and much heavy growth out onto the existing sidewalks in some areas is placing the children very close to the traffic which is moving at an average speed of 37 mph. Mr. Walsh did have a check made to ascertain the average speed.

The Parent Teacher Organization wishes to include the 23rd Street intersection because at 23rd and Orchard Avenue, Orchard Avenue is now down to 26 feet of paved street and no curbs, gutters or sidewalks. It is also a crossing for Nisley School students who catch the bus.

Councilman Tufly asked Mr. Walsh how many lights he was proposing. Mr. Walsh replied that initially only the two lights. However, he did feel that along with this the Engineering Department of the City should take a look at this particular area and its problems. The signs blend so badly with the background that it really doesn't give the motorist much warning. The main objective is to slow down the traffic.

It was moved by Councilman Van Houten and seconded by Councilman Tufly that the Traffic Department be directed to investigate the situation and report back in full to the Council by November 5, 1975. Motion carried.

Mrs. Hah concluded by reading to Council the petition drawn up and signed by parents, concerned friends, interested people. The petition read as follows: "Due to the large amount of building in the surrounding area and new businesses on North Avenue, it has increased vehicle traffic to a volume which endangers the students which use Orchard Avenue. We, the concerned parents and friends of Orchard Avenue School, hereby petition Grand Junction City Council for flashing lights and reduced speed signs; one to be placed on the north side of Orchard Avenue between Linds Lane and 23rd Street, the other to be placed on the southeast corner of 15th Street and Orchard Avenue."

Mrs. Hah, along with the organization, would like to see the speed signs lowered to 20 mph. Mrs. Hah questioned Council as to when some action will be taken on this subject. President Kozisek did not feel that any funds of this nature would be forthcoming from this year's budget. In this year's budget Council had two allocations; one for Tope and one for Columbus. Funds would have to come out of the 1976 budget, which means some time after January 1, 1976, and would not be able to install these until weather permits in the Spring of 1976.

ADJOURNMENT

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

Neva B. Lockhart

Neva B. Lockhart
City Clerk