

Grand Junction, Colorado

November 3, 1976

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m., November 3, 1976, in the Council Chambers at City Hall. Members present and answering roll call: Larry Brown, Karl Johnson, Jane Quimby, Elvin Tufly, Robert Van Houten and President of the Council Larry Kozisek. Councilman Harry Colescott was absent. Also present: City Manager Jim Wysocki, City Attorney Gerald Ashby and City Clerk Neva Lockhart.

MINUTES

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the minutes of the regular meeting held October 20, 1976, be approved as written. Motion carried.

RECREATION BOARD APPOINTMENT

By secret ballot Ms Betsy Clark was appointed to the Recreation Board.

INTRODUCTION OF NEW CITY EMPLOYEES

Present for the City Council meeting were the following new City employees:

Randy Smith - Utility Plant
Tina Mc Cormick - Finance Department
Christopher Strike - Finance Department
Irina Hicks - Data Processing
Jerry Waller - Police Department
William Fariello - Police Department
Jerry Hill - Police Department
Chuck Ornellas - Police Department
Richard Miller - Police Department
Mary Jane Thompson - Police Department
James Hall - Police Department
Richard Bacher - Police Department

REGISTRATION OF MANAGER RAMADA INN, LARRY J. LE SUER

Submitted for consideration was the Registration application by Larry J. Le Suer as manager of Ramada Inn, 718 Horizon Drive. A report from the Police Department advised that Mr. Le Suer is clear through NCIC and CCIC. Teletypes were sent to all areas of former residence and all have been returned showing no prior record.

It was moved by Councilman Tufly and seconded by Councilman Brown that the Registration of Larry Le Suer as manager of Ramada Inn,

718 Horizon Drive, be approved. Motion carried.

HEARING - APPLICATION BY MESA COLLEGE, 1175 TEXAS AVENUE, FOR SPECIAL EVENTS PERMIT 3.2% BEER, SATURDAY, NOVEMBER 20, 1976, 8:00 P.M. TO 12:00 MIDNIGHT

A hearing on this item was duly conducted after proper posting and notice of hearing. The Police Department report advised that this activity will be a "keg" party and dance which will be held entirely within Houston Hall at Mesa College. The dance is sponsored by Mesa College Veterans Club and co-sponsored by Mesa College Student Body Association. Mesa College security will be in attendance and a \$2.50 charge per person will be collected at the door along with proper identification checks being made on each person entering. The Veterans Club has conducted the same activity in the past and there have been no problems noted.

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the application be approved. Motion carried.

HEARING - SONIC BURGER CONDITIONAL USE

A hearing on this items was duly held after proper notice. Senior Planner Don Warner reviewed the area in question. Proponents present and speaking for the conditional use: Mr. Frank Rose, Mr. Lee Trudjeon, Jr. Jim Gale. Opponents: Mrs. Mary Delp, Lena Watkins, Mr. Jim Rankin, Mr. Brodak. Letters were filed from Logan Wright, Steven B. Johnson, Sr., Mrs. Mary Delp, Mrs. James B. Rankin, Mrs. Barbara W. Brodak. Mr. Warner advised that at the last Planning Commission meeting the proposed development was denied by the Planning Commission by a vote of 6-1.

Consensus of Council was that a Finding and Fact will be prepared for the next meeting of the City Council on November 17, 1976.

ORDINANCE NO. 1632 - ROAD EASEMENT VACATION NORTH OF INTERSECTION AT 8TH AND WELLINGTON

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE VACATING A ROAD EASEMENT WITHIN THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Johnson 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. There being no comments, it was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Ordinance be passed, adopted, numbered 1632, and ordered published. Upon roll call all members of the Council present voted AYE. The President declared the motion carried.

ORDINANCE NO. 1633 - ALLEY VACATION, 10TH STREET AND 2ND AVENUE

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE VACATING A PORTION OF ALLEY WITHIN THE CITY OF GRAND JUNCTION, COLORADO. 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 Johnson and seconded by Councilwoman Quimby 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 Councilman Johnson that the Ordinance be passed, adopted, numbered 1633, and ordered published. Upon roll call all Council members present voted AYE. The President declared the motion carried.

ORDINANCE NO. 1634 - ROAD VACATION, SOUTH 5TH AND NOLAND

The Proof of Publication to the following proposed ordinance was presented: AN ORDINANCE VACATING A PORTION OF ROAD WITHIN THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Tufly and seconded by Councilman Johnson that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Johnson and seconded by Councilman Brown 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 Councilman Brown that the Ordinance be passed, adopted, numbered 1634, and ordered published. Upon roll call all members of Council present AYE. The President declared the motion carried.

ORDINANCE NO. 1635 - VACATION OF BOOKCLIFF AVENUE

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE VACATING A PORTION OF BOOKCLIFF AVENUE WITHIN THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Johnson 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 Councilman Brown 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 Councilman Brown that the Ordinance be passed, adopted, numbered 1635, and ordered published. Upon roll call all Council members present voted AYE. The President declared the motion carried.

ORDINANCE NO. 1636 - PARKING METER POLICY ON CERTAIN HOLIDAYS

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE CONCERNING HOLIDAYS AS DEFINED IN THE MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES. 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 Tufly and seconded by Councilman Brown 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 Brown and seconded by Councilwoman Quimby that the Ordinance be passed, adopted, numbered 1636, and ordered published. Upon roll call all Council members present voted AYE. The President declared the motion carried.

RESOLUTION SETTING MILL LEVY FOR THE YEAR 1976 - 14 MILLS

The following Resolution was presented and read:

RESOLUTION

LEVYING TAXES FOR THE YEAR 1976 IN THE CITY OF GRAND JUNCTION, COLORADO

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

That there shall be and hereby is levied upon all taxable property within the limits of the City of Grand Junction, Colorado, for the year 1976 according to the assessed valuation of said property, a tax of fourteen (14) mills on the dollar (1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado, for the purpose of paying the expenses of the municipal government of said City, and certain indebtedness, including interest upon indebtedness of the City, for the fiscal year ending December 31, 1977.

ADOPTED and APPROVED this 3rd day of November, 1976.

President of the Council

Attest:

City Clerk

Councilman Brown read a letter from County Assessor George Bunte, Jr., which certified the assessed valuation of the City of Grand Junction for the year 1976 to be \$74,786,990 as shown on the tax roll in the office of the County Assessor. According to House Bill 1025 the valuation for 1977 budget will be based on \$71,406,990. Councilman Brown proposed dropping by the City mill levy to 13. Councilman Tufly proposed that the Council take a real hard look at the Sales Tax Rebate. It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Resolution be passed and adopted as read. Roll call resulted in VAN HOUTEN, QUIMBY, JOHNSON, TUFLY, KOZISEK voting AYE. BROWN voting NO. The President declared the motion carried and the Resolution duly passed and adopted.

PROPOSED ORDINANCE AMENDING LEGAL DESCRIPTION ON ORDINANCE NO. 1630

The following proposed ordinance was read: AN ORDINANCE AMENDING ORDINANCE NO. 1630 VACATING AN ALLEY WITHIN THE CITY OF GRAND JUNCTION. It was moved by Councilman Johnson and seconded by Councilman Tufly that the proposed ordinance be passed for publication. Motion carried.

RESOLUTION ESTABLISHING STREET AND ALLEY IMPROVEMENT DISTRICT ASSESSMENTS

The following Resolution was presented and read:

RESOLUTION

ESTABLISHING STREET AND ALLEY IMPROVEMENT DISTRICT ASSESSMENTS

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

That until further order of the Council, the following shall be the front foot assessments for improvements within street and alley improvement districts:

Full Street Development . . . \$20.00
Sidewalk, curb & gutter, street paving and storm drains

Alley paving . . . \$5.00

Sidewalk only (4 feet) . . . \$2.50

Double-penetration seal coat . . . Full Cost

PASSED and ADOPTED this 3rd day of November, 1976.

President of the Council

Attest:

City Clerk

It was moved by Councilman Johnson and seconded by Councilman Tufly that the Resolution be passed and adopted as read. Upon roll call all members of Council present voted AYE. The President declared the motion carried and the Resolution duly passed and adopted.

ANNEXATION PETITION OF BLOCK 16 FAIRMOUNT SUBDIVISION - RESOLUTION
- PROPOSED ORDINANCE

An annexation petition signed by 100% of the residents of Block 16, Fairmount Subdivision, was presented. Council accepted for filing. The following petition was presented and read:

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:

Block 16 Fairmount Sub Sec 1 1S 1W Mesa County Colorado together with all dedicated road rights of way to the center of North 13th, North 15th, Hermosa Avenue and F1/4 Road that are associated with this property.

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 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.

<u>DATE</u> <u>SIGNATURE</u> <u>ADDRESS</u> <u>PROPERTY</u> <u>DESCRIPTION</u>			
October 27, 1976/s/ Milton A. Walls408 Dressel Drive Grand Junction, COBlock 16, Fairmount Sub, Sec 1S 1W			
October 27, 1976/s/ Norman D. Jones105 Red Mesa Heights Grand Junction, COBlock 16, Fairmount Sub, Sec 1S 1W			

STATE OF COLORADO)		
)SS		
COUNTY OF MESA)		

AFFIDAVIT

I, NORMAN D. JONES, 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.

/s/ Norman D. Jones

Subscribed and sworn to before me this 27th day of October, 1976.

Witness my hand and official seal.

/s/ Ralph D. Linscott

Notary Public

My Commission expires: October 21, 1979

The following Resolution was presented and read:

RESOLUTION

WHEREAS, on the 27th day of October, 1976, 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:

Block 16, Fairmount Subdivision, Section 1, Township 1 South, Range 1 West, Ute Meridian, Mesa County, Colorado, together with all dedicated road rights of way to the center of North 13th, North 15th, Hermosa Avenue and E1/4 Road that are associated with this property, and

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 owners of one hundred percent of the property have 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 November, 1976.

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. Upon roll call all members of Council present voted AYE. The President declared the motion carried and the Resolution duly passed and adopted.

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

Councilman Van Houten discussed annexation procedures, and received a consensus from Council that the enclave along 7th and Horizon Drive be considered for annexation.

PROPOSED ORDINANCE AMENDING THE LIQUOR AND FERMENTED MALT BEVERAGE OCCUPATIONAL TAX

The following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING THE LIQUOR AND FERMENTED MALT BEVERAGE OCCUPATIONAL TAX. It was moved by Councilman Johnson and seconded by Councilman Brown that the proposed ordinance be passed for publication. Motion carried.

DISCUSSION OF PLANNING COMMISSION POLICY REGARDING NORTH AVENUE AND THE USES

There followed a discussion regarding having the Planning Commission set a policy with respect to North Avenue and the uses. It was recommended that in conjunction with the safety study, the Engineering Department have members of its staff start, as time permits, going along North Avenue to list where curb cuts can be closed.

It was moved by Councilman Brown and seconded by Councilman Van Houten that staff be directed within time constraints to make a survey of those curb cuts they feel should be widened, those they feel should be closed, and recommend a policy to Council. Motion carried.

PROPOSED ELECTION CHANGES

Councilman Brown presented a proposal for election changes.

Consider bringing back to Council by the second meeting in December.

PUBLIC SERVICE FRANCHISE

Councilman Van Houten commented that during the past year and a half, the City and Public Service has been trying to come up with a franchise ordinance for Public Service. He proposed that the Council reorganize a committee to look into all options available. It was noted that the staff has completed certain studies. City Attorney Ashby advised Council about the Minturn case. Also a Fountain and Colorado Springs case going up which may decide the Minturn case. He advised there is no point in a franchise Agreement with Public Service at least on the percentage basis until such time as it is known what the decision will be. He stated that he would keep in contact with Colorado Municipal League to see what the outcome would be. He felt there should be some decision within a couple of months. Staff is to report back within a month.

ADJOURNMENT

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

Neva B. Lockhart

Neva B. Lockhart
City Clerk