GRAND JUNCTION, COLORADO

April 6, 1977

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m., Wednesday, April 6, 1977, 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 Larry Kozisek. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

MINUTES

It was moved by Councilman Van Houten and seconded by Councilman Brown that the minutes of the regular meetings March 2, 1977, and March 16, 1977, be approved as written. Motion carried.

CANVASS ELECTION RETURNS

The following Certificate of Election was reviewed and accepted:

CITY OF GRAND JUNCTION, COLORADO

CERTIFICATE OF ELECTION

April 5, 1977

WE, THE UNDERSIGNED, HEREBY CERTIFY that the results of the General Municipal Election held in the City of Grand Junction, Colorado, on Tuesday, April 5, 1977, were as follows:

Total votes cast in District "A" 197 Total votes cast in District "B" 479 Total votes cast in District "C" 398 Total votes cast in District "D" 451 Total votes cast in District "E" 352 Total Absentee Ballots Cast <u>59</u> TOTAL VOTES CAST 1936

FOR COUNCILMAN FROM DISTRICT "A"

CANDID				
ATESDi				

st. "A"Dis t. "B"Dis t. "C"Dis t. "D"Dis t. "D"Dis t. "E"Abs enteeT OTAL				
Lauren ce R. Flanag an5710 076837 812406				
Millar d R. Gilber t60149 115143 111256 03				
Robert W. Holmes 721551 551651 241568 6				

FOR COUNCILMAN FROM DISTRICT "D"

Dwain Jackso n57129 969811 815513				
Elvin Tufly8 429725 529018 5351,1 46				
Bobby E. Wilson 262929 492781 68				

FOR COUNCILMAN FROM DISTRICT "E"

David L. Kolsta d61183 137163 119266 89							
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Willia m G. O'Dwye r10022 922423 621125 1,025								
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FOR COUNCILMAN FROM CITY AT LARGE

Randal l T. Chew, III751 591581 251231 7657				
Jane Quimby 103305 237310 217421 ,214				

TOTAL OF ALL VOTES FOR COUNCILMEN

Laurence R. Flanagan District "A" 406 Millard R. Gilbert District "A" 603 Robert W. Holmes District "A" 686 Dwain Jackson District "D" 513 Elvin Tufly District "D" 1,146 Bobby E. Wilson District "D" 168 David L. Kolstad District "E" 689 William G. O'Dwyer District "E" 1,025 Randall T. Chew, III City at Large 657 Jane Quimby City at Large 1,214

That Robert W. Holmes has been duly elected as Councilman for District "A" by the greatest number of votes;

That Elvin Tufly has been duly elected as Councilman for District "D" by the greatest number of votes;

That William G. O'Dwyer has been duly elected as Councilman for District "E" by the greatest number of votes;

That Jane Quimby has been duly elected as Councilwoman for the City at Large by the greatest number of votes;

CHARTER AMENDMENTS

FIRST AMENDMENT SUBMITTED:

(Words lined through show deleted material. Words in capitals are new material).

That Section 35, 36 and 28 of the Charter of the City of Grand Junction be amended to read as follows:

DISTRICTING

35. Officers - Terms. That the elective officers under the Charter of Grand Junction shall be members of the council as hereinafter provided, all of whom WHO shall be nominated and elected by the qualified electors of the city AND THE DISTRICTS as herein provided. The terms of all elective officers shall commence at ten o'clock a.m. on the first Monday in May following the election and shall be for a term of four years each and until ten o'clock a.m. on the first Monday following the election and qualification of their successors.

36. Membership. The council shall consist of seven members to be designated as councilmen, two members to be elected from the city at large BY THE QUALIFIED ELECTORS THEREOF, and five members to be elected from the districts established within the city BY THE QUALIFIED ELECTORS THEREOF. SUCH PROCESS SHALL BEGIN WITH THE ELECTION OF APRIL, 1979, WITH THOSE DISTRICTS AND AT LARGE SEAT UP FOR ELECTION AT THAT TIME. The council shall be the judge of the election and qualification of its own members; shall determine its own rules; shall punish its own members for disorderly conduct, and may compel the attendance of its members. The council may from time to time, by A RESOLUTION ADOPTED BY A two-thirds vote of all its members, change the boundaries of the ELECTION districts OF THE CITY, and said districts, until so changed by the council, shall be AS THEY ARE PRESENTLY designated BY THE COUNCIL.

28. Petition for Recall. Any qualified elector of the city, IF THE HOLDER OF THE OFFICE SOUGHT TO BE RECALLED IS ELECTED AT LARGE,

AND OF A DISTRICT, IF SUCH HOLDER SOUGHT TO BE RECALLED IS ELECTED FROM THAT DISTRICT, may make and file with the city clerk an affidavit containing the name of the officer sought to be removed and a specific statement of the grounds of removal. The clerk shall thereupon deliver to the elector making such affidavit a sufficient number of copies of petitions for such recall and removal, printed forms of which he shall keep on hand. Such petitions shall be issued by the clerk with his signature and official seal thereto attached; they shall be dated and addressed to the city council, shall contain the name of the person to whom issued, the number of forms so issued, the name of the person sought to be removed, the office from which such removal is sought, the grounds of such removal as stated in said affidavit, and shall demand the election of the successor to such office, a copy of which petition shall be entered in a record book to be kept in the office of said clerk. Any defect in said form or record shall not invalidate the same. Said recall petition must be returned and filed with said clerk within thirty days of its issuance. Said petitions before being returned and filed, shall be signed by qualified electors equal in number to at least twenty per centum of the last preceding vote cast for all the candidates for Governor of the State of Colorado by the electors of the city, IF THE HOLDER SOUGHT TO BE RECALLED IS ELECTED AT LARGE, AND OF THE DISTRICT, IF THE HOLDER SOUGHT TO BE RECALLED IS ELECTED FROM THAT DISTRICT, and to each signature shall be attached his place of residence, giving the street and number. Such signatures need not all be on one paper. One of the signers of each such paper shall make an affidavit thereto that the statements therein contained are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such papers for the recall of any one officer shall be fastened together and filed as one instrument, with the endorsements thereon of the names and addresses of three persons designated as filing the same.

FOR THE AMENDMENTS TO SECTIONS 35, 36, AND 28 OF THE CHARTER TO PROVIDE FOR THE ELECTION OF DISTRICT COUNCILMEN BY THE REGISTERED ELECTORS OF THE DISTRICT ONLY AND AMENDMENT OF THE RECALL SECTION TO PROVIDE RECALL IN THE SAME MANNER

Districts

"A""B"" C""D""E			
"Absent eeTOTAL			

8019718 6130141 29763			

AGAINST THE AMENDMENTS TO SECTIONS 35, 36 AND 28 OF THE CHARTER TO PROVIDE FOR THE ELECTION OF DISTRICT COUNCILMEN BY THE REGISTERED ELECTORS OF THE DISTRICT ONLY AND AMENDMENT OF THE RECALL SECTION TO PROVIDE RECALL IN THE SAME MANNER . . .

Districts

"A""B"" C""D""E "Absent eeTOTAL			
8521317 3257151 24903			

MAJORITY AGAINST: 140

TOTAL VOTES CAST: 1666

That the First Charter Amendment lost by the greatest number of votes;

SECOND AMENDMENT SUBMITTED:

(Words lined through show deleted material. Words in capitals are new material.)

That Section 22 of the Charter of the City of Grand Junction be amended to read as follows:

RUNOFF

2. Canvass and Election. As soon s the polls are closed, the election judges shall immediately open the ballot boxes, take therefrom and count the ballots, and enter the total number thereof on the tally sheet provided therefor , DETERMINE THE RESULTS OF THE ELECTION IN THEIR DISTRICTS IN THE MANNER REQUIRED BY THE METHOD OF VOTING AS DETERMINED BY THE COUNCIL. They shall then carefully enter the number of votes for each candidate on said tally sheet and make return to the city clerk as provided by law. No vote shall be counted for any candidate more than once on any ballot. The person receiving the highest number of votes cast as such election for any office shall be elected to that office; PROVIDED, HOWEVER, THAT SUCH NUMBER OF VOTES MUST ALSO CONSTITUTE A MAJORITY OF THE TOTAL VOTES CAST FOR THE OFFICE. IN THE EVENT NO CANDIDATE FOR AN OFFICE RECEIVES A MAJORITY OF THE VOTES CAST FOR SUCH OFFICE, A RUNOFF ELECTION SHALL BE HELD ON THE LAST TUESDAY IN APRIL FOLLOWING THE GENERAL ELECTION BETWEEN THE TWO CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES IN THE GENERAL ELECTION. A tie between two or more THE candidates WHERE THERE ARE ONLY TWO IN GENERAL ELECTION OR BETWEEN THE CANDIDATES IN A RUNOFF THE ELECTION shall be decided by lot, under direction of the canvassing board.

FOR THE AMENDMENT TO SECTION 22 TO THE CITY CHARTER TO PROVIDE RUNOFF ELECTIONS IN THE CITY OF GRAND JUNCTION

Districts

"A""B"" C""D""E "Absent eeTOTAL			
6820518 2147129 32763			

AGAINST THE AMENDMENT TO SECTION 22 TO THE CITY CHARTER TO PROVIDE RUNOFF ELECTIONS IN THE CITY OF GRAND JUNCTION

Districts

"A""B"" C""D""E "Absent eeTOTAL			
7817715 3211135 24778			

MAJORITY AGAINST: 15

TOTAL VOTES CAST: 1541

That the Second Charter Amendment lost by the greatest number of votes.

THIRD AMENDMENT SUBMITTED:

(Words lined through show deleted material. Words in capitals are new material.)

That Section 39 of the Charter of the City of Grand Junction be amended to read as follows:

REORGANIZATION

39. Term - Duties. Each council, at its first regular meeting and thereafter when a vacancy occurs, shall elect from its membership a president of the council. He shall serve for a term of three years ONE YEAR and until his successor is elected and qualified. During such term he shall be a member of the council with the same right to speak and vote therein as any other member, but without the right to veto. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. In case of his absence or disability, his duties shall be performed by a president pro tempore, chosen by the council from among its own members.

FOR THE AMENDMENT TO SECTION 39 TO THE CITY CHARTER TO PROVIDE FOR

MAJORITY FOR: 113

"A""B"" C""D""E "Absent eeTOTAL			
7218715 9220132 15785			

FOR ANNUAL REORGANIZATION OF THE CITY COUNCIL

Districts

AGAINST THE AMENDMENT TO SECTION 39 TO THE CITY CHARTER TO PROVIDE

"A""B"" C""D""E "Absent eeTOTAL			
8523020 3177161 42898			

Districts

ANNUAL REORGANIZATION OF THE CITY COUNCIL

TOTAL VOTES CAST: 1683

That the Third Amendment submitted carried by the greatest number of votes.

FOURTH AMENDMENT SUBMITTED:

(Words lined through show deleted material. Words in capitals are new material.)

That Section 38 of the Charter of the City of Grand Junction be amended to read as follows:

SALARIES

38. Salaries. At least two meetings of the city council shall be held monthly at such times as may be fixed by the Council, such two meetings to be known as the regular meetings. All other meetings of the city council shall be known as special meetings or adjournments. The president of the council shall be paid a salary of \$125.00 per month \$6,000.00 PER YEAR and all other councilmen shall be paid a salary of \$100.00 per month \$5,000 PER YEAR COMMENCING JUNE 1, 1979.

FOR THE AMENDMENT TO SECTION 38 OF THE CITY CHARTER INCREASING THE SALARY FOR CITY COUNCILMEN TO \$5,000.00 PER ANNUM, WITH THE PRESIDENT OF THE COUNCIL TO RECEIVE \$6,000.00 PER ANNUM

Districts

"A""B"" C""D""E "Absent eeTOTAL			
4812512 6899623 507			

Districts

AGAINST THE AMENDMENT TO SECTION 38 OF THE CITY CHARTER INCREASING THE SALARY FOR CITY COUNCILMEN TO \$5,000.00 PER ANNUM, WITH THE PRESIDENT OF THE COUNCIL TO RECEIVE \$6,000.00 PER ANNUM

Districts

"A""B"" C""D""E "Absent eeTOTAL			
1233092 4230321 0351222			

MAJORITY AGAINST: 715

TOTAL VOTES CAST: 1729

That the Fourth Amendment submitted lost by the greatest number of votes.

FIRST QUESTION SUBMITTED:

Shall the City Council be authorized to sell or trade, for at least the appraised value thereof, Lots 26 and 29 in Bookcliff Manor Subdivision; if traded, the lands traded for to be used for park purposes, and, if sold, the monies to be used toward the acquisition of other park lands. (Manor Park, 2100 Block Manor Drive)

FOR THE SALE OR TRADE

Districts

"A""B"" C""D""E "Absent eeTOTAL			
1033222 6727422 4461236			

AGAINST THE SALE OR TRADE

Districts

"A""B"" C""D""E "Absent eeTOTAL			
5177799 4671137 9			

MAJORITY FOR: 857

TOTAL VOTES CAST: 1615

That the First Question submitted carried by the greatest number of votes.

SECOND QUESTION SUBMITTED:

Shall the City Council be authorized to sell or trade for at least the appraised value thereof, Lots 14 and 19 of Block 1 in South

Fifth Street Subdivision; if traded, the lands traded for to be used for park purposes, and, if sold, the monies to be used toward the acquisition of other park lands.

(Southside Park, 400 Block Noland Avenue)

FOR THE SALE OR TRADE

Districts

"A""B"" C""D""E "Absent eeTOTAL			
1023102 6926821 3461185			

AGAINST THE SALE OR TRADE _____

Districts

"A""B"" C""D""E "Absent eeTOTAL			
5280881 0371114 29			

MAJORITY FOR: 756

TOTAL VOTES CAST: 1613

That the Second Question submitted carried by the greatest number of votes.

DATED this 6 day of April, 1977.

/s/ Lawrence L. Kozisek

Lawrence L. Kozisek Councilman, District B

/s/ Karl M. Johnson

Karl M. Johnson Councilman, District C

/s/ Larry Brown

Larry Brown Councilman, City at Large

/s/Gerald J. Ashby

Gerald J. Ashby, Notary Public My Commission Expires: 9-2-79

/s/Donald H. Warner

Donald H. Warner, Notary Public My Commission Expires: 4-9-79

Neva B. Lockhart, Notary Public My Commission Expires: 7-14-78

/s/K. K. Summers

K. K. summers, Notary Public My Commission Expires: 8-1-77

CERTIFIED this 7 day of April, 1977

Neva B. Lockhart City Clerk Theresa F. Martinez Deputy City Clerk

BAR-X ALLEY

Mr. Vince King, attorney, appeared before Council to advise what has occurred with respect to the Bar-X alley. He stated that the problem is compounded because of the location of the owners. They all reside in Canada. There is considerable delay in the mail and there are nine owners whose signatures are required. He stated a deed and formal Agreement was transmitted to Canada on March 17. All that remains now is obtaining the signatures and the transmittal of those items back to Grand Junction.

Council directed that it be apprised by May 4, 1977, of the progress made to that date.

HEARING-CONDITIONAL USE FOR HOTEL-RESTAURANT AND LIQUOR LICENSE TO BE LOCATED AT 509-28 1/2 ROAD

A hearing on this item was duly held after proper notice. Senior Planner Don Warner advised Council that Planning Commission had the following suggestions: (1) That the drainage go to the northwest to drain into the large wash; (2) that the driveways be changed from 20 feet to 24 feet; (3) that the parking lineup be changed; (4) and provide a Power of Attorney for the paving of 28 1/2 Road when the City is ready with an improvement District. Mr. Warner advised that all conditions have been met by the developer, and the Power of Attorney is in hand. Planning Commission recommended approval.

It was moved by Councilman Tufly and seconded by Councilman Brown that the Conditional Use be approved. Motion carried.

RESOLUTION OF FINDINGS AND DECISION REGARDING APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE TO BE LOCATED AT 509 28 1/2 ROAD

The following Resolution was presented and read:

RESOLUTION

DECISION ON APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE FOR ESCONDIDO AT 509 28 1/2 ROAD, GRAND JUNCTION, COLORADO.

A public hearing having been held on March 16, 1977, on the application by Levi Lucero for a Hotel and Restaurant Liquor License for Escondido at 509 28 1/2 Road in the City of Grand Junction, and the City Council having considered the evidence adduced at said hearing;

FINDS:

1. That the hearing was held after proper notice under the Liquor Code.

2. That the survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet, in that 92 persons so stated while 59 felt the needs were being met by the other outlets and 7 persons were otherwise opposed to the issuance of the license. No letters were received opposing the issuance of the license.

3. The applicant presented petitions bearing 584 signatures of persons living within the proposed trade area of the license who were in favor of the issuance of the license stating that the needs of the neighborhood were not being met by existing outlets.

4. That four people spoke at the hearing in opposition to the granting of the license. The opposition did not generally concern the restaurant location but did concern the dispensing of liquor therein. Some were concerned with the traffic on the roadway and the effect that liquor might have on this problem. Others were concerned generally with the use of alcoholic beverages.

5. That the character of the Applicant, as determined through the check of his fitness by the Police Department and through letters attesting to his good character, is good.

6. The evidence supports the position that the needs of the neighborhood are not being met by other outlets of the same type and the position that the desires of the inhabitants of the neighborhood are that the license issue.

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

That a Hotel and Restaurant Liquor License issue to Levi Lucero, doing business as Escondido, for the premises at 509 28 1/2 Road in the City of Grand Junction.

PASSED and ADOPTED this 6th day of April, 1977.

President of the Council

Attest:

City Clerk

It was moved by Councilman Tufly and seconded by Councilman Johnson that the Resolution be passed and adopted as read. Upon

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

BID CONSIDERATION-AWARD OF CONTRACT-SANITARY SEWER DISTRICT 34-76 (EL POSO AREA)-LEON PARKERSON, \$37,423)

On Monday, April 4, 1977, at 2:00 p.m., four bids were received and opened on Sanitary Sewer District 34-76 for the El Poso area. Bidders were:

R. L. Atkins Construction, Inc. \$75,601.50
Jim Arnold Construction 42,808.00
Low Excavating 40,102.29
Leon Parkerson 37,423.00

Engineer's Estimate 38,008.00

It was recommended by Utility Engineer Duane Jensen that the Contract be awarded Leon parkerson in the amount of \$37,423, subject to Mr. Parkerson furnishing to the City the appropriate Insurance certificates and Performance Bonds as required by the specifications. advised Council Contract Mr. Jensen that sufficient funds are budgeted in 1977 to cover this project. He publicly wanted to thank Mr. Robert Benton, Ranger at the Colorado National Monument, who was instrumental in assisting the City in acquiring a pump station which is to be used on this project. He feels that the acquisition of the pump station saved approximately \$10,000 on this project. He noted that Mr. Parkerson will have ninety days for completion of the project after award of the Contract.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Contract be awarded to Leon Parkerson in the amount of \$37,423. Motion carried.

HEARING-APPLICATION FOR BEER, WINE AND LIQUOR SPECIAL EVENTS PERMIT, FRIDAY, APRIL 5, 8:00 P.M. TO SATURDAY, APRIL 16, 1:00 A.M.-GRAND JUNCTION BOARD OF REALTORS

A hearing on this item was held after posting of property giving Notice of Hearing. Mrs. Marjorie Brach, representing the Grand Junction Board of Realtors, was present, and requested approval of the Special Events Permit. She stated they would like to have a party as a benefit for "Save the Lincoln Park Auditorium Committee." They proposed to sell 300 tickets at \$5.00 each, and they felt that if they could serve spirits by the drink, they could raise that much more money. A report from the Police Department advised that a live band will be hired, a general admission charge will be collected at the door. Arrangements will be made for two off-duty Police Officers for crowd control.

It was moved by Councilman Johnson and seconded by Councilman Brown that the application for the Special Events Permit be approved. Motion carried.

HOUSING AUTHORITY-CONSIDERATION OF BIDS ON PROPERTY AT 8TH AND ROOD

Mr. Dave Humphries, Chairman of the Housing Authority, advised that as directed by Council at its meeting on March 2, 1977, the Housing Authority advertised for bids on the property at 8th and Rood to be opened April 1. Two bids were received. One bid was for \$30,550. The high bid was for \$31,265. Mr. Humphries continued that after the bid opening word was received that the original party that made the offer of \$30,000 felt he was at a disadvantage as his bid had been disclosed at the Council meeting prior to the bid opening, and he requested that the position of the Council and the Housing Authority be reconsidered. Mr. Humphries stated this was discussed at the Housing Authority meeting last Tuesday.

He stated that subsequent to the bid opening, the Housing Authority received another offer higher than the two bids received. During the course of the discussion at its meeting the Authority came up with five options: (1) Reject all bids, readvertise within three to six months; (2) Reject all bids, have a public auction with a base price of \$30,000, the auction to occur within thirty days; (3) accept the highest bid received on the first of April; (4) accept new offer; (5) go back and accept the original offer. Mr. Humphries advised that the Housing Authority voted to recommend the second option. It was noted that Mr. Levi Lucero will hold the auction, and there will be no commission.

It was moved by Councilman Brown and seconded by Councilwoman Quimby that the Housing Authority reject all bids, have a public auction with a base price of \$30,000, and the auction to occur within thirty days. Motion carried.

HEARING-FINAL PLAT OF BELLRIDGE SUBDIVISION FILING NO. 1-SOUTHWEST OF 27 1/4 ROAD AND F1/2 ROAD

A hearing on this item was held after proper notice. Senior Planner, Don Warner, advised that the Planning Commission approved only to a curb approach, and to any improvements on 27 1/2 Road. Developers have agreed to the condition. Mr. Ken Weathers of NHPQ was present representing the developers.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the final plat of Bellridge Subdivision Filing No. 1 be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING-REZONE FROM R-1-D TO C-1, NORTH OF NORTH AVENUE BETWEEN 23 ROAD AND 28 1/4 ROAD-PROPOSED ORDINANCE

A hearing on this item was held after proper notice. Senior Planner Don Warner advised that the Planning Commission recommended approval of the rezoning. The following entitled proposed ordinance was introduced and read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY.

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

HEARING-FINAL DEVELOPMENT PLAN PD-B, THE "AGENCY," 12TH AND BELFORD

A hearing on this item was held after proper notice. Senior Planner Don Warner stated this is the location of Fitzgerald Weaver Real Estate office. He stated that at the Planning Commission meeting one question was the paving in front of the building, and traffic going through. Planning Commission stated that it should be closed off. The final plan as submitted shows the landscaping the Planning Commission requested. Also it noted the curb cut will be closed. Sidewalk was requested and the plan does show the sidewalks.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the final development plan in PD-B zone for "The Agency" at 12th and Belford be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING-FINAL PLAT OF PINYON PARK II

A hearing on this item was held after proper notice. Senior planner Don Warner stated this is a small commercial development off the I-70 Business Loop. He stated that Mountain Bell has requested a 15-foot front easement and Public Service asked for some 20-foot front easements.

The developers have been working with both of the utilities, and it has been agreed that the plan will not be recorded until it is resolved what easements, if any, they will have on the front side.

Engineering questioned the street section as to what type of paving. The developers have agreed to meet all the Engineering requests and standards. The Fire Department has asked for one fire hydrant and the developers have agreed. Planning Commission recommended approval of the plan subject to the conditions.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the plan be approved subject to the conditions as stated by the Planning Commission. Motion carried.

HEARING-FINAL PD-B AT 10TH AND BELFORD

A hearing on this item was held after proper notice. Senior Planner Don Warner stated that this is a small planned development for a small office complex. The Parks Department had some suggestions which they are working out with the developers regarding the types of trees to be used. They are recommending that in lieu of the cottonwood, as previously shown on the plat, that honey locust, lindent, or green ash be used. The Engineering Department requested grass in lieu of rock in one section. The grass is shown on the final plan. Engineering also asked for a redwood barricade with a two-inch lip above the sidewalk to be placed along one section of desert landscaping to keep the gravel from shifting onto the sidewalk.

This has been agreed to. Engineering also requested an exit be shown on the west side to the alley which has been agreed to by the developer. With those conditions, the Planning Commission has recommended approval.

Council discussed the requirement for grass due to the water situation. Consensus was the grass area could be delayed until this fall or next spring.

It was moved by Councilman Tufly and seconded by Councilman Johnson that the final PD-B at 10th and Belford be approved subject to the conditions of the Planning Commission. Motion carried.

PROPOSED ORDINANCE REPEALING SECTIONS OF CHAPTER 11-ELECTRICITY

The following entitled proposed ordinance was introduced and read: AN ORDINANCE CONCERNING WIRING IN FIRE ZONES 1 AND 2, INTERIOR WIRING, METAL AND WOOD NEAR CONDUCTORS AND RADIO AND TV AERIALS.

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

ORDINANCE NO. 1670-AMENDING ZONING TEXT, SETBACK

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND SUBDIVISION REGULATIONS TO CHANGE MINIMUM SETBACK REQUIREMENTS FOR BUILDING. It was moved by Councilman Tufly and seconded by Councilman Brown that the Proof of Publication be accepted for filing.

It was moved by Councilman Brown and seconded by Councilman Johnson 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 Councilman Johnson that the Ordinance be passed, adopted, numbered 1670 and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1671-AMENDING DOG LICENSE FEES

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE CHANGING THE DOG LICENSING FEES IN THE CITY OF GRAND JUNCTION. It was moved by Councilman Tufly and seconded by Councilman Van Houten 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 Johnson and seconded by Councilman Tufly that the Ordinance be passed, adopted, numbered, 1671 and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1672-CORRECTING ORDINANCE NO. 1661 VACATING PORTIONS OF STREET AND ALLEY, GRAND JUNCTION STEEL

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE VACATING PORTIONS OF A STREET AND OF AN ALLEY WITHIN THE CITY OF GRAND JUNCTION. 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 Van Houten 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 Johnson that the Ordinance be passed, adopted, numbered 1672 and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

RESOLUTION ACCEPTING RAILROAD LAND GIFT

The following Resolution was presented and read:

RESOLUTION

WHEREAS, the Denver & Rio Grande Western Railroad Company has donated certain lands within the City of Grand Junction to the City for its use and the benefit of the citizens of the City;

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

That the City of Grand Junction accept with the thanks of the Council and the citizens the gift of the Denver & Rio Grande Western Railroad Company of the lands situate in the City of Grand Junction and the County of Mesa, Colorado, and described as:

Beginning at the Northeast corner of Lot 17 of the South 5th Street Subdivision of City of Grand Junction; thence running North for a distance of 5.00 feet; thence running North 89° 55' West for a distance of 27.00 feet; thence along the arc of a curve to the right of radius 175.0 feet and central angle 26° 28' a distance of 80.84 feet (the long chord of said curve bears North 76° 41' West a distance of 80.12 feet); thence running North 63° 27' West for a distance of 236.50 feet; thence along the arc of a curve to the left of radius 225.0 feet and central 26° 24' a distance of 103.65 feet (the long chord of said curve bears North 76° 39' West a distance of 102.74 feet); thence running North 89° 51' West for a distance of 213.00 feet; thence running South for a distance of 153.29 feet to a point on the boundary line of the Denver & Rio Grande Western Railroad Company property; thence running South 89° 59' East along said Denver & Rio Grande Western Railroad Company property line for a distance of 629.46 feet to the Point of Beginning.

PASSED and ADOPTED this 6th day of April, 1977.

President of the Council

Attest:

City Clerk

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

CORRECTION RESOLUTION-AUTHORIZING CONVEYANCE OF LAND TO VAN GUNDY

The following correction Resolution was presented and read:

RESOLUTION

WHEREAS, the City Council of Grand Junction has concluded the condemnation settlement with Elveta E. Van Gundy requiring the conveyance of certain lands to her as a part of said settlement, said lands not being used or hold for park purposes; and

WHEREAS, it is necessary to provide for the conveyance of title to said lands;

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

That the City Manager, James E. Wysocki, be authorized and directed as the act of the City to convey to Elveta E. Van Gundy the property situate in the County of Mesa, State of Colorado, and described as:

PARCEL A

A parcel of land situated in Section 23, Township 1 South, Range 1 West, Ute Meridian, being more particularly described as follows: Beginning at the Southwest Corner of said property from when the city block monument at the intersection of 5th Street and 4th Avenue bears West 67.90 feet; thence North 06° 31' 49" East 40.12 feet; thence North 17° 03' 38" East 19.96 feet; thence North 34° 19' 19" East 19.82 feet; thence North 59° 54' 48" East 19.96 feet; thence North 87° 03' 33" East 19.99 feet; thence South 73° 53' 21" East 20.47 feet; thence South 78° 35' 23" east 16.11 feet; thence South 77.48 feet; thence West 94.28 feet to the point of beginning,

AND

PARCEL B

A parcel of land situated in Section 23, Township 1 South, Range 1 West, Ute Meridian, being more particularly described as follows: Beginning at the Southwest Corner of the property from when the city block monument at the intersection of 5th Street and 4th Avenue bears West 178.18 feet thence North 70.41 feet; thence South 63° 32' 07" East 157.99 feet; thence West 141.43 feet to the point of beginning,

AND

Lot 5, SOUTH FIFTH STREET SUBDIVISION, except the West 4 feet thereof.

PASSED and ADOPTED this 6th day of April, 1977.

President of the Council

Attest:

City Clerk

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

adopted.

RESOLUTION CONVEYING A TEMPORARY CONSTRUCTION EASEMENT TO DR. VERNE A. SMITH, JR. AND DIANA B. SMITH

The following Resolution was presented and read:

RESOLUTION

WHEREAS, the City of Grand Junction obtained a temporary construction easement from Verne A. Smith Jr. and Diana B. Smith, dated November 1, 1971, for the property described herein; and

WHEREAS, the construction making said easement necessary has now been completed;

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

That the City Manager, as the act of the City and on behalf of the City be, and he is hereby, authorized to convey by Quit Claim Deed to said Verne A. Smith, Jr. and Diana B. Smith the following real property upon which said temporary construction easement had been taken:

The North 15 feet of the South 25 feet of Lot 5, Block 1, Pomona View Subdivision, City of Grand Junction, County of Mesa, State of Colorado.

PASSED and ADOPTED this 6 day of April, 1977.

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

PROPOSED ORDINANCE-VACATING OF EAST-WEST ALLEY, BLOCK 5, GARFIELD PARK SUBDIVISION (MESA COLLEGE)

The following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING AN ALLEY IN 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.

DANIELS ANNEXATION-EAST SIDE OF 1ST STREET, NORTH OF PATTERSON ROAD-PETITION-RESOLUTION OF INTENT TO ANNEX-PROPOSED ORDINANCE

A 100% signed petition for three properties comprising Daniels Annexation on the east side of 1st Street north of Patterson Road was presented. Council accepted the petition.

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:

Parcel One: Beginning 31.5 rods South of the Northwest Corner Southwest One Quarter, Southwest One Quarter, Section 2, T1S, R1W, Ute Meridian, thence East 21 rods, thence South 8.5 rods, thence West 21 rods thence North to Beginning AND BEGINNING at the Northwest Corner of the South Half, of the Southwest Quarter of the Southwest One Quarter Section 2, Township 1 South, Range 1 West, Ute Meridian, thence South 100.45 feet, Thence Northeasterly to a point on the South line of the North One half Southwest One Quarter, Southwest One Quarter, Section 2 which is 242.1 feet East of beginning, thence West 242.1 feet to beginning.

Parcel Two: Beginning 8.5 rods North of the Southwest Corner, Northwest One Quarter, Southwest One Quarter, Southwest One Quarter Section 2, T1S, R1W, Ute Meridian, thence East 21 rods, North 7.75 rods, West 21 rods, South 7.75 rods to beginning.

Parcel Three: Beginning 16.25 rods North of the Southwest Corner Northwest One Quarter, Southwest One Quarter Southwest One Quarter Section 2, T1S, R1W, Ute Meridian, thence East 21 rods, North 7.75 rods, West 21 rods South 7.75 rods to beginning.

And road right-of-way for F1/2 Road on South

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 this petition be accepted and that the said annexation be approved and accepted by ordinance.

DATESIGNATUREA DDRESSPROPERTY DESCRIPTION 3-30-1977/s/		
Robert B. Daniel610 26 Rd.		
3-30-1977/s/ May Belle Daniel610 26 Rd.Parcel One: Beginning 31.5 rods South of the Northwest Corner Southwest One Quarter, Southwest One Quarter, Section 2, T1S, R1W, Ute Meridian, thence East 21 rods, thence South 8.5 rods, thence West 21 rods thence North to Beginning AND BEGINNING at the Northwest Corner of the South Half, of the Southwest Quarter of the		

	(
Southwest One Quarter Section 2, Township 1 South, Range 1 West, Ute Meridian, thence South 100.45 feet, Thence Northeasterly to a point on the South line of the North One half Southwest One Quarter, Southwest One Quarter, Section 2 which is 242.1 feet East of beginning, thence West 242.1 feet to beginning.		
3-30-1977/s/ Edward Ray Mathews614-26 Rd.		
3-30-1977/s/ Merriel E. Mathews614-26 Rd.Parcel Two: Beginning 8.5 rods North of the Southwest Corner, Northwest One Quarter, Southwest One Quarter, Southwest One Quarter Section 2, T1S, R1W, Ute Meridian, thence East 21		

rods, North 7.75 rods, West 21 rods, South 7.75 rods to beginning.		
Parcel Three: Beginning 16.25 rods North of the Southwest Corner Northwest One Quarter, Southwest One Quarter Southwest One Quarter Section 2, T1S, R1W, Ute Meridian, thence East 21 rods, North 7.75 rods, West 21 rods South 7.75 rods to beginning.		
STATE OF COLORADO)		
)SSAFFIDAVIT		
COUNTY OF MESA)		

Robert B. Daniel, 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.

;sigl; /s/ Robert B. Daniel

Subscribed and sworn to before me this 30th day of March, 1977.

Witness my hand and official seal.

/s/ Melba J. Wilkinson

Notary Public

My Commission Expires: May 16, 1979

The following Resolution was presented and read:

RESOLUTION

WHEREAS, on the 6th day of April, 1977, a Petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property in Mesa County, to wit:

<u>Parcel One:</u> Beginning 31.5 rods South of the Northwest Corner Southwest One Quarter, Southwest One Quarter, Section 2, T1S, R1W, Ute Meridian, thence East 21 rods, thence South 8.5 rods, thence West 21 rods thence North to Beginning AND BEGINNING at the Northwest Corner of the South Half, of the Southwest Quarter of the Southwest One Quarter Section 2, Township 1 South, Range 1 West, Ute Meridian, thence South 100.45 feet, Thence Northeasterly to a point on the South line of the North One half Southwest One Quarter, Southwest One Quarter, Section 2 which is 242.1 feet East of beginning, thence West 242.1 feet to Beginning;

<u>Parcel Two:</u> Beginning 8.5 rods North of the Southwest Corner, Northwest One Quarter, Southwest One Quarter, Southwest One Quarter Section 2, T1S, R1W, Ute Meridian, thence East 21 rods, North 7.75 rods, West 21 rods, South 7.75 rods to beginning;

<u>Parcel Three:</u> Beginning 16.25 rods North of the Southwest Corner Northwest One Quarter, Southwest One Quarter Southwest One Quarter Section 2, T1S, R1W, Ute Meridian, thence East 21 rods, North 7.75 rods, West 21 rods South 7.75 rods to beginning.

And Road right of way for F1/8 Road on South.

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 oris 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 6th day of April, 1977.

President of the Council

Attest:

City Clerk

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

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

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

PROPOSED AGREEMENT WITH PURDY MESA LIVESTOCK COMPANY

The following memorandum was filed by Duane Jensen, City Engineer, Utilities:

Date: March 21, 1977

TO: Jim Wysocki, City Manager

FROM: Duane R. Jensen, P.E., City Engineer-Utilities

Subject: PURDY MESA LIVESTOCK WATER COMPANY

The Purdy Mesa Livestock Water Company is proposed by ranchers on Purdy Mesa to provide livestock and culinary water to their various ranch homes on Purdy Mesa and Kannah Creek and along the North Fork of Kannah Creek. The proposed water company will take over and probably enlarge the tap which presently serves the Hallenbeck house (numbered as 107 on attached map). This tap gets is water supply from the Kannah Creek flowline. The water company would extend water lines across Purdy Mesa toward the south and would supply water in that area.

At the present time the area is used for wintering cattle. These cattle presently are provided drinking water through ditches which derive their source of supply from Kannah Creek. The minimum flow necessary to insure that water actually reaches the cattle during winter months is .60 cfs or about 400,000 gallons per day.

There also exists about a half dozen homes on Purdy Mesa. These homes derive their water supply be hauling water in tank trucks after purchasing it from the City at the Kannah Creek intake. The Purdy Mesa Livestock Water Co. could supply water to these users for stock water and for domestic purposes after purchasing water from the City. The system could also offer a treated water supply to two customers in that area who presently are using untreated water from Kannah Creek flowlines. These customers are No. 106 and tap number 107 which is the City-owned Hallenbeck house. The Purdy Mesa Livestock Water Company could also provide treated water to the Cross Bar Cross Water Company (102).

In addition to providing an alternate source of water supply to the taps on Purdy Mesa, the Purdy Mesa Livestock Water Company proposes to sell water to tank customers who will continue to haul water to their residences. This will eliminate the need for the City continuing that service in the area.

In addition to the proposal of pipe lines on Purdy Mesa, the Purdy Mesa Livestock Water Company proposes to be allowed an optional agreement which will allow them to acquire a tap in the area of tap number 109. This would create a supply of treated water in that area and offer another source of supply to those flowline users the City presently serves.

The proposed price of raw untreated water from the City to the Purdy Mesa Livestock Water Company is \$.30 per thousand gallons as metered into their system. The amount of water that would be available to the Purdy Mesa Livestock Water Company would be 3.3 million gallons per month. This amount would be the maximum amount available on dry years. This represents a savings of at least 8.9 million gallons per month during winter months over what is presently being sent to water stock through the existing ditch transport method. The savings may be even higher when the water company does not utilize up to its maximum amount. Because during the summer months the Purdy Mesa Livestock Water Company will continue to receive water up to its maximum amounts of 3.3 million gallons per month and the ditch delivery system is not utilized, the total annual savings will be reduced to 45.6 million gallons per year or an average of 3.8 million gallons per month.

The revenue that would be generated if this water company was using its full amount of water allocated by the proposed agreement

is up to \$990 per month. The proposed agreement will also contain a provision by which the rate will be reviewed every five years so the sale price may be kept relative to the rising cost of water supply operations.

Mr. Jensen was seeking some guidance from Council. He advised that he has received a letter from Jim Dufford. Mr. Dufford's suggestions conform with what is being proposed.

It was moved by Councilman Johnson and seconded by Councilman Tufly that Mr. Jensen be authorized to go ahead with the negotiations subject to the tentative agreement coming to Council for review and changes for final approval.

Discussion following regarding the \$.30 per thousand gallons with a review of the Agreement every five years. It was suggested that a statement be inserted that the rates would be subject to change as the municipal rates change rather than the five-year rate review. It was also indicated that it should be stated in the Agreement that no stock water be permitted in the ditch during the winter months; irrigation water according to their rights to be permitted. Also that the number of taps be limited to the minimum.

Motion carried with Councilman Van Houten voting NO.

CONSERVATION OF WATER

Mr. Bert Schilling of the City Center Motel suggested that a placard signed by the Mayor be prepared to be placed in the motel showers requesting conservation of water.

Many other suggestions were offered for water conservation.

K R E X REPORTER

Ms. Phillipa Ormond, KREX reporter, was introduced to Council.

NEWLY ELECTED COUNCIL MEMBERS CONGRATULATED

Congratulations were offered Jane Quimby, Elvin Tufly, Robert Holmes and Bill O'Dwyer on their election to the Council.

COUNCIL COMMITTEE REPORTS

Housing Authority Development

Councilman Karl Johnson filed a report on Walnut Park. He indicated that units should be available for rental by July 1, 1977.

Recreation

Councilman Tufly reminded Council that the group who is working on a recreation building has contacted a bonding agent and the

bonding agent will be putting together some kind of a proposal. The aim is towards a recreation district. He indicated that the City would be involved as the initiating authority.

LIQUOR AND BEER-SURVEY FORM

It was moved by Councilman Van Houten and seconded by Councilman Brown that all survey forms used in connection with applications for 3.2 beer licenses and liquor license be changed to include the state "The City of Grand Junction in its considerations for the issuance of a license can only consider the needs of the neighborhood and the desires of the inhabitants," and that two questions be asked: (1) Yes, I am in favor of the issuance of the license as I believe the needs of the neighborhood are not being met by existing outlets: (2) No, I am not in favor of the issuance of the license as I believe the needs of the neighborhood are being met by existing outlets." Motion carried.

ADJOURNMENT

It was moved by Councilman Brown and duly seconded that the meeting be adjourned.

Neva B. Lockhart

Neva B. Lockhart City Clerk