

Grand Junction, Colorado

July 20, 1977

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. Wednesday, July 20, 1977, in Council Chambers at City Hall. Present and answering roll call were Council members Larry Brown, Robert Holmes, Karl Johnson, Bill O'Dwyer, Jane Quimby, Elvin Tufly, and President of the Council Lawrence Kozisek. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

MINUTES

It was moved by Councilman Tufly and seconded by Councilman Johnson that the minutes of the regular meeting July 6, 1977, and the special meeting July 12, 1977, be approved as written. Motion carried.

STATUS REPORT - HOUSING AUTHORITY

Mr. Malinowski reported that the Housing Authority is currently involved in the administration of two programs, it has been funded for a third program, it has applied for a fourth program that has been reviewed, and it is now looking at the feasibility of three other programs.

The Housing Rehabilitation Program was funded under the Community Development Block Grant that the City received last year for \$250,000. This program started last month and is available to low and moderate income homeowners in the City. The program is in conjunction with the private sector in that eight of the nine full-service banks and Savings & Loans in the Community are participating in the program.

Target areas for rehabilitation are the El Poso area and the downtown area from 1st to 12th, South Avenue to North Avenue. A \$50,000 grant from the State Department of Local Affairs, Division of Housing, has been received for this project. The stipulation with this money is that it must be used to match a loan.

The second project under Housing Authority Administration is Walnut Park. This is a 78-unit apartment building for the elderly, handicapped or disabled. Construction is on schedule. Twenty to twenty-four apartments should be ready for occupancy by August 14. Final completion date is the middle of October. There is a waiting list of 210 people for the 78 apartments.

The third program has been funded but is not yet in operation. Existing Section 8 is a variation of the Walnut Park project. The Federal Government makes up the difference between the going rent and one-fourth of the family's income. The difference between this

project and Walnut Park is that existing housing can be used. Implementation of this program is expected in August or September.

The fourth program is low-rent public housing. Application has been made to HUD and is in the review process.

Three other programs currently under study by the Housing Authority are similar to the Walnut Park project in that they are rent-subsidy programs. A private developer would like to construct 150 units of family housing in Grand Junction. These would be two and three bedroom townhouses and apartments. The developer would like fifty of these units to be subsidized under the Section 8 rental assistance program. If an agreement is effected, it would require Housing Authority certification of the applicants for those fifty units and the inspection of the units once a year to make sure they are safe, decent, and standard. Currently, the developer is looking at sites in Grand Junction.

Another project is Section 8 Housing payments for elderly only. The Authority is considering one project for 30 units. It is also looking at the possibility of having those units solar heated.

The third project under consideration is for units that have been committed by HUD to a private developer. The developer lives out of State and is having some problems getting the project started. If the developer should withdraw, there is the possibility that HUD would offer the project to the Housing Authority.

#### METROPOLITAN RECREATION DISTRICT

Gabriel Bonnet, M.D., representing the Grand Valley Metropolitan Recreation Steering Committee, advised that the Steering Committee is collecting the signatures to petition District Court for calling an election to form a recreation district. Doctor Bonnet read two letters, one from Mesa College and one from School District 51. Recreational facilities under the jurisdiction of these entities are in heavy demand and will become more so as the population grows. Time is approaching when program facilities will be restricted to School use only. Therefore, the City's use of these facilities can only become less.

Public response to the formation of the recreation district has been positive. Dr. Bonnet said the Committee is strongly committed to a centrally located facility, possibly in Lincoln Park, at a cost of approximately one and one half million dollars.

The Committee anticipates having the signature drive completed by the end of August, the service plan completed towards the end of August for presentation to the County Planning Commission, the County Commissioners, and the City Planning Commission. If all goes well, it is anticipated that an election will be called sometime in October. If that election is positive, it is anticipated the bond election will be held in February or March, 1978, If that election were positive, it is anticipated the

building completion date would be the summer of 1979.

It was moved by Councilman Brown and seconded by Councilwoman Quimby that the City Council go on record in support of the Grand Valley Metropolitan Recreation District concept. Motion carried with Councilman Holmes voting NO.

LIQUOR - APPLICATION BY ELEANOR S. THOMS FOR RETAIL LIQUOR STORE LICENSE - "LAST CHANCE LIQUORS," 1203 PITKIN AVENUE APPROVED

Submitted for consideration was the application by Eleanor S. Thoms for Retail Liquor Store License. This is a change of ownership affecting "Last Chance Liquors," 1203 Pitkin Avenue, presently owned by Terry Brown. A report from the Police Department advised that after investigation of the applicant, nothing was found which would prohibit Mrs. Thoms from holding this type license.

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 Holmes voting NO.

LIQUOR - APPLICATION BY JOHN E. AND RUTH D. MURRAY FOR TAVERN LIQUOR LICENSE - "TEDDY'S PUB CAFE & LOUNGE," 603 U.S. HWY 50 SOUTH - APPROVED

Submitted for consideration was the application by John E. and Ruth D. Murray for Tavern Liquor License. This is a change of ownership for the "Pub Cafe & Lounge," 603 U.S. Highway 60 South presently owned by Paul Mc Mican. Proposed new trade name is "Teddy's Pub Cafe & Lounge." An investigation by the Police Department revealed nothing to prohibit Mr. and Mrs. Murray holding this type license.

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

HEARING - CONDITIONAL USE FOR RESTAURANT WITH LIQUOR LICENSE AT 811 MAIN STREET

A hearing on this item was held after proper notice.

Senior Planner Don Warner reviewed the site plan. The Planning Commission approved the Conditional Use subject to: this operation must maintain a minimum of 32 off-street parking spaces all operating times to 6 p.m. From 6 p.m. to closing a minimum of 48 off-street parking places must be maintained, zoning regulations specify that all such off-site parking areas must be within a 400 foot radius of the operation; detailed landscaping to be submitted to and signed by Parks Director Ken Idleman; screening to be erected along the east property line; a service entrance to be

provided on the east side of the building; building facilities are to be accessible to the handicapped; and should the off-street parking fall below the required, all business operations to cease until deficiency is corrected.

Attorney Joe Hambright was present along with applicants Dan Roberts and Norma Walker.

A Resolution of Findings and Decision is scheduled on August 3 Agenda.

HEARING - APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE AT 811 MAIN STREET, 811 MAIN, INC., TRADE NAME "ZACHARIAS"

A hearing on this item was held after proper notice. Corporate officers are:

President: Dan Roberts

Vice Pres: Garrett Walker

Sec/Treas: Norma Walker

The survey results were:

(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. 300

(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. 148

(3) Neutral 20

(4) Refused 9

(5) Five forms not counted as signers listed P.O. Box number or addresses outside the area (4 yes, 1 no) 5

(6) Vacant 12

Total 494

The Police Department background investigation revealed nothing to prohibit these officers from holding a liquor license.

The map showing similar outlets was reviewed.

Mr. Hambright, attorney, presented petitions signed by 1040 people from outside the immediate neighborhood who are in favor of the issuance of the license.

In line with Council policy, this item was tabled. A Resolution of

Findings and Decision is scheduled on the August 3 Agenda.

HEARING - I.D. ST-77 RESOLUTION CREATING DISTRICT

A hearing was held after proper notice. The following Resolution was presented and read:

RESOLUTION

CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-77 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF CURBS AND GUTTERS, SIDEWALKS AND PAVING ON STREETS THEREIN AND PROVIDING FOR THE PAYMENT THEREFOR.

WHEREAS, on June 15, 1977, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Improvement District No. ST-77, and authorizing Notice of Intention to Create said District; and

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

WHEREAS, no written complaints or objections have been made concerning the proposed improvements:

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

1. That said Improvement District No. ST-77 be, and the same is hereby, created and established; and that construction of curbs and gutters, sidewalks and paving of streets therein be, and the same is hereby, authorized and directed, in accordance with the Resolution Adopting Details, Plans and Specifications prepared and filed therefor.

2. That the construction of curbs and gutters, sidewalks and paving of streets shall be made by contract let to the lowest, reliable and responsible bidder after public advertisement, except that if it be determined by the City Council that the bids are too high, and that the proposed improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary material, supplies and equipment.

3. That the improvements in said District were duly ordered, after notice duly given; and that all conditions precedent and all requirements of the laws of the State of Colorado, the Charter of said City, and Ordinance No. 178, as amended, being Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, have been strictly complied with.

4. That the description of the curbs and gutters, sidewalks and paving of streets to be constructed, the boundaries of said

Improvement District No. ST-77, the amounts to be assessed, the number of installments and assessments, the time in which the cost shall be payable, the rate of interest on unpaid installments, and the manner of apportioning and assessing such cost, shall be as prescribed in the Resolution adopted for said District on the 15th day of June, 1977, and in accordance with the published Notice of Intention to Create said District.

5. That after the construction of said improvements in said District has been let, the Council shall, by resolution, provide for the issuance of public improvement bonds for said Improvement District No. ST-77 for the purpose of paying the cost and expenses of construction of said District.

PASSED and ADOPTED this 20th day of July, 1977.

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk

Present for the hearing was Aubrey Spann, 2845 Teller Avenue. He wanted to know why the plans call for the improvements to end at his property and not extend a quarter block further to Willow Road.

Jim Golden, attorney for Muniquita Allen Trust, questioned the abutting principle for assessing his client's property since her property does not abut the improvements. The City Attorney is to negotiate with Mr. Golden.

Mr. Bruce Sanders, 476 1/2 Glen Road, asked what Council's commitment for maintenance of Glen Road would be if it is dropped from the full improvements. Grading is the only maintenance the street would receive.

Council directed Staff to negotiate with the Contractor for the inclusion of the quarter block on Teller Avenue.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby 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.

BIDS - AWARD OF CONTRACT - I.D. ST-77 AND CURB, GUTTER AND  
SIDEWALK REPAIRS, 1977 - CORN CONSTRUCTION - \$199,391.05

Two bids were received and opened at 2:00 p.m. July 19, 1977, for construction of Street Improvement District 77 and including the

Curb, Gutter and Sidewalk Repairs, 1977. Bids were as follows:

Elam Construction, Inc. \$203,533.10

Corn Construction Company 199,391.05

Engineer's Estimate 205,060.20

Staff recommended that the Contract be awarded to Corn Construction Company.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the Contract be awarded to Corn Construction Company for the low bids of \$199,391.05. Motion carried.

BIDS - I.D. ST-77 PUBLIC IMPROVEMENT BONDS - RESOLUTION PROVIDING FOR THE ISSUANCE OF I.D. ST-77 BONDS

Bids for \$150,000 I.D. ST-77 Public Improvement bonds were received and opened at 2:00 p.m. Monday, July 18, 1977. Bids were:

<u>Average Int. RateInterest</u>		
Boettcher & Company6.2059\$45,675 .39		
Hanifen, Imhoff & Samford, Inc.5.9657 43,907.50		
E. F. Hutton & Company5.9219 43,584.74		
Kitchner, Moore & Company5.7568 42,370.00		
Coughlin & Company,		

Inc.5.6328 41,457.50		
Bosworth, Sullivan & Co., Inc.5.6044 41,248.41		

Staff recommended award of bid to Bosworth, Sullivan & Company, Inc.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the Contract be awarded Bosworth, Sullivan and Company, Inc. Motion carried.

The following Resolution was presented and read:

RESOLUTION

PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS OF IMPROVEMENT DISTRICT NO. ST-77

WHEREAS, on the 20th day of July, 1977, the City Council of the City of Grand Junction, Colorado, adopted a Resolution Creating Improvement District No. ST-77 within said City:

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

1. That for the purpose of paying the cost and expenses of constructing the improvements in said Improvement District No. ST-77, including engineering, inspection and other incidental expenses, the City shall issue public improvement bonds of said Improvement District No. ST-77 dated the 1st day of August, 1977, in the denomination of \$1,000 each, numbered 1 to 150, inclusive, due and payable on the 1st day of August, 1987, subject to call and payment, however, at any time prior to the maturity of said bonds, said bonds shall bear interest, payable semi-annually, on the first day of February and the first day of August of each year, as evidenced by coupons to be attached to said bonds, as follows:

Bond No.MaturityAmo unt Interest Rates			
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1- 158/1/78\$15,00 04.25%			
16- 358/1/79 20,0004.50%			
36- 548/1/80 19,0004.75%			
55- 728/1/81 18,0005.00%			
73- 898/1/82 17,0005.00%			
90-1058/1/83 16,0005.20%			
106-1208/1/84 15,0005.37%			
121-1328/1/85 12,0005.50%			
133-1428/1/86 10,0005.50%			
143-1508/1/87 8,0005.50%			

In addition to the above interest rates, bonds will bear Supplemental Coupons in the following manner:

Bond No. 36-54 bear 3.25% Supplemental Interest Coupons

Bond No. 55-89 bear 3.00% Supplemental Interest Coupons

Bond No. 90-105 bear 2.80% Supplemental Interest Coupons

Bond No. 106-120 bear 2.625% Supplemental Interest Coupons

Bond No. 121-150 bear 2.50% Supplemental Interest Coupons

Supplemental Coupons will accrue interest on September 1, 1977, and continue until August 1, 1978.

The principal of, and interest on, said bonds shall be payable at the office of the City Finance Director of the City of Grand Junction, Colorado, the said bonds shall be signed by the President of the City Council, sealed with the seal of the City and attested by the City Clerk, the coupons shall be signed with the original or facsimile signature of the City Finance Director, and when so executed, said bonds shall be registered by the City Finance Director.

2. Said bonds shall be payable out of the proceeds of a special assessment to be levied upon the real estate situate in the City of Grand Junction, in said improvement district, especially benefited by said improvements, and shall also be payable out of available proceeds of an annual one mill tax to be levied on the taxable property in said City, pursuant to People's Ordinance No. 27 of the said City, which tax was noted and authorized to make up deficits in special improvement district funds.

3. Said bonds, the coupons to be attached and the registration certificate to be endorsed thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF COLORADO COUNTY OF MESA

CITY OF GRAND JUNCTION

PUBLIC IMPROVEMENT BOND

IMPROVEMENT DISTRICT NO. ST-77

No. \_\_\_\_\_ \$1,000.00

The City of Grand Junction, County of Mesa, State of Colorado, for value received, acknowledges itself indebted and hereby promises to pay to the bearer hereof, the sum of ONE THOUSAND DOLLARS in lawful money of the United States of America, on the 1st day of

August, 1987, subject to call and payment, however, at any time prior thereto with interest thereon from date until payment according to the interest coupons hereto attached, payable semi-annually on the 1st day of February and the last day of August each year, both principal and interest being payable at the office of the City Finance Director in Grand Junction, Colorado, upon surrender of the attached coupons and this bond as they severally come due, or are called for payment.

This bond is issued for the purpose of paying the cost of local improvements in Improvement District ST-77 in the City of Grand Junction, by virtue of, and full conformity with, the Constitution and laws of the State of Colorado, the Charter of the City of Grand Junction, and requisite resolutions and ordinances of the said City, duly adopted, approved, published and made laws of said City prior to the issue hereof.

This bond is payable out of the proceeds of a special assessment to be levied upon real estate situate in the City of Grand Junction in said Improvement District No. ST-77 especially benefited by said improvements, and is also payable out of available property in said City, pursuant to People's Ordinance No. 27 of said City, which tax was voted and authorized to make up deficits in special improvement district funds, and the amount of the assessments upon real estate in said District for the payment hereof, with the accrued interest, shall be a lien upon said real estate in the respective amounts to be apportioned to said real estate, and assessed under the Charter and ordinances of said City.

It is hereby certified and recited that the total issue of bonds of said City for said District including this bond, does not exceed the estimate of the City Engineer of the cost of said improvements, nor the amount authorized by law, and it is further hereby certified and recited that every requirement of law relating to the creation of said Improvement District No. ST-77 and the making of said improvements and the issuance of this bond has been fully complied with by proper officers of said City, and that all conditions required to exist and to be done precedent to and in the issuance of this bond, to render the same lawful and valid, have happened, been properly done and performed, and did not exist in regular and due time, form and manner, as required by law.

IN TESTIMONY WHEREOF, the City of Grand Junction has caused this bond to be subscribed by the President of the City Council, attested by the City Clerk under the seal of the City, and the interest coupons hereto attached to be attested by the facsimile signature of the City Finance Director, as of the first day of August, 1977.

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President of the Council

Attest:

\_\_\_\_\_  
City Clerk

(SEAL)

(Form of Coupon)

No. \_\_\_\_\_

On the first day of August (February), A.D. 19\_\_\_\_\_, the City of Grand Junction, Colorado, will pay the bearer \_\_\_\_\_ DOLLARS in lawful money of the United States of America, at the office of the City Finance Director, in Grand Junction, Colorado, being six months' interest on its local public improvement bond of Improvement District No. ST-77 provided the bond to which this coupon is attached has not been called for prior payment.

Attached to bond dated August 1, 1977.

NO. \_\_\_\_\_

(Facsimile Signature)

\_\_\_\_\_  
City Finance Director

(Registration Certificate)

It is hereby certified that the within and foregoing bond has been registered in a suitable book kept for that purpose in the office of the City Finance Director of the City of Grand Junction, Colorado, in accordance with the laws and ordinances under which the same is issued.

Dated at Grand Junction, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 1977.

\_\_\_\_\_  
City Finance Director

The City Clerk is hereby authorized and directed to have printed the bonds authorized by this Resolution and when the same have been executed, to deposit the same with the City Finance Director, who shall deliver them to the lawful purchaser thereof, on receipt of the purchase price.

ADOPTED and APPROVED this 20th day of July, 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.

HEARING - I.D. ST-76 ASSESSMENTS - PROPOSED ORDINANCE

A hearing on this item was held after proper notice.

Mr. Fred Powell, 2940 N. 12th, questioned the additional assessment above \$15 per front foot. Mr. Powell was requested to come in Thursday, July 21, to see City Attorney Ashby for an answer.

Mr. Joe Shook who lives at 272 E. Parkview has a curved lot and requested some consideration for a reduction of his assessment. His request was denied.

Mr. Larry Dangler lives at 276 East Parkview and he questioned why the driveways were not uniform. The City Engineer advised that the driveways were matched with what was there. Standard driveways are 12 feet unless otherwise stipulated. The City Engineer was instructed to meet with Mr. Dangler.

The following entitled proposed ordinance was introduced and read: AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. ST-76, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS. It was moved by Councilman Brown and seconded by Councilwoman Quimby that the proposed ordinance be passed for publication. Motion carried.

The President declared a five-minute recess. Upon reconvening, all Council members were present.

HEARING - PLANNED DEVELOPMENT BUSINESS - SE CORNER 12TH & PATTERSON - CONTINUED

A hearing on this item was held after proper notice. Senior Planner Don Warner advised this request was turned down by the

Planning Commission. The petitioner requested this be brought to Council. The petitioner had to go out of town and could not be present for tonight's hearing, and requested that the hearing be continued to the next meeting of Council. The proposal is for a four-office complex on the SE Corner of 12th and Patterson.

It was moved by Councilman Brown and seconded by Councilman Johnson that the hearing be continued to August 3, 1977. Motion carried.

HEARING - PRELIMINARY PLAT, D & W REPLAT, SW CORNER 28 1/2 ROAD AND I-70 BUSINESS LOOP

A hearing on this item was held after proper notice. Senior Planner Don Warner reviewed the proposal. Comments were that the Fire Department wishes to loop 6 inch line with two fire hydrants; Mountain Bell and Public Service easements required; Engineering requires that the frontage road be constructed by the developer and all internal roads be improved by the developer.

It was moved by Councilman Johnson and seconded by Councilman O'Dwyer that the Preliminary Plat of the D & W Replat be approved. Motion carried.

HEARING - DEVELOPMENT IN H.O.- RETAIL LIQUOR STORE, 2706 U.S. HIGHWAY 50

A hearing on this item was held after proper notice. Senior Planner Don Warner reviewed the development plan in H.O. Zone.

Planning Commission asked for fencing around three sides, and then said there should be a staff review on site with the developer to see whether it would be proper to fence across his property and whether it is necessary to have an access road. Planning Commission also asked for structural landscaping.

Mr. Rex Schoonover, petitioner, was present for the hearing.

It was moved by Councilman Tuflly and seconded by Councilman Brown to approve the development in H.O. Zone. Motion carried.

HEARING - PROPOSED PDB FOR LAW OFFICES AT 1021 MAIN STREET - PROPOSED ORDINANCE

A hearing on this item was held after proper notice.

Senior Planner Don Warner reviewed the proposal. Planning Commission directed Staff to review alternate methods for preservation and renovation.

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

HEARING - PROPOSED FINAL PLAT - CYPHERS SUBDIVISION REPLAT - B-3/4 ROAD AND OAK COURT

A hearing on this item was held after proper notice. Senior Planner Don Warner reviewed the replat. Engineering Department has asked that the subdividers dedicate 20 foot radius, curb; Public Service has an overhead line crossing the vacated street which is already covered by an easement; Engineering Department requires improvements be made to the streets to City standards; a utility easement is to be changed to a utility and drainage easement. A culvert will be required at B-3/4 Road. A street is to be vacated through Lot 9.

It was moved by Councilman Tufly and seconded by Councilman O'Dwyer to approve the final plat of Cyphers Subdivision Replat subject to the conditions of the Planning Commission. Motion carried.

An Ordinance vacating the street is scheduled on the August 3 Agenda.

STATUS OF STREET DESIGNATION

Senior Planner Don Warner read the following statement: The Planning Commission is reviewing large numbers of items at their meetings which impact or are impacted by traffic considerations. The Small-Cooley Plan is outdated. The determination of approval or disapproval of proposed projects may result in erroneous decisions creating future problems and undesirable situations. If the (street designation) plan were to be adopted and additional information came to light on specific classifications, then the plan could be amended at a later date. Pressures require that an updated plan be available now. The requirement for sufficient study and public input has been received and the plan as tabled does represent reality and the needs of the total community.

Development Director Conni Mc Donough requested that the Small-Cooley street designation amended proposal tabled last December be denied for the following reasons: This proposed amendment was prepared one year ago by the Development Staff. The Planning Commission have, in that year's time, progressed significantly on land use policy work. Review and comment has been received on this proposal from the City Engineering, County Road, and State Highway Departments. At this time a technical review Committee is serving as advisors to the Transportation Study with the membership representing all departments, agencies, jurisdictions, and the Transportation Study consulting Engineer. This group of professionals is available at this time to provide guidance and to give input that was not available when this proposal was prepared.

A broad representation of citizens representing the total community were not given a specific opportunity to participate in the preparation of this proposal. A public hearing provides an opportunity for citizens to react and, generally, does not provide for satisfactory input.

During this past year the City and the County have made a full commitment to interact together, whether Planning Commission members, elected officials, citizens, professionals, or special interests in providing for valid input in the Planning process. While there may come the realization that the amendment on the table at this time is really correct, Mrs. Mc Donough requested time to reconsider the question. She could see no point in the possibility of having an amendment of the amendment should it be tabled for more work. Reconsiderations would include the Technical Committee, the Transportation Study information that has been gathered during the past year, a group of broad-based citizens, and the land use policies that are presently being prepared. She stated she feels comfortable with this position as there is an adopted street designation plan that is used on a day-to-day basis and therefore, the City is not vulnerable, nor are buildings being built, or subdivision, that are jeopardizing rights-of-way that may be needed in the future in the City with two possible exceptions. This amendment within the City Limits is the same as the adopted plan, or it is reduced right of way. In other words, the right of way on the adopted plan would be the same or greater than what is on the amendment with two exceptions: in newly annexed areas and 28 1/4 Road between Highway 6 & 24 and Orchard. She suggested an interim policy to take care of those two matters and asked that before that is done the Engineering Department be allowed to comment on it.

It was moved by Councilman Brown and seconded by Councilman Johnson that the Street designation amendment be tabled for a period of six months and that it be brought back to Council within six months. Motion carried.

I.D. ST-77

Mrs. Mel Denton, 531 28-3/4 Road, requested that her property be included in the full improvements this year. They are included for double penetration. It was determined that if arrangements can be made for full payment for full improvements, it will be done this year. If not, the double penetration will be dropped from this year's contract. Next year they will be scheduled in the improvement district for full improvements.

ORDINANCE NO. 1693 - VACATION OF RIGHT OF WAY IN CHARLA MINOR SUBDIVISION

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE VACATING AN EASEMENT WITHIN THE CITY OF GRAND JUNCTION. It was moved by Councilman Brown and seconded by Councilwoman Quimby that the Proof of Publication be



accepted for filing. Motion carried.

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

The Ordinance was read. There being no comments it was moved by Councilman Tufly and seconded by Councilman Brown that the Ordinance be passed, adopted, numbered 1693 and ordered published. Upon roll call all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1694 - EASEMENT VACATION IN BOOKCLIF VIEW SUBDIVISION

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE VACATING A RIGHT-OF-WAY WITHIN THE CITY OF GRAND JUNCTION. 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 O'Dwyer 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 1694 and ordered published. Upon roll call all Council members voted AYE. The President declared the motion carried.

RESOLUTION OF FINDINGS AND FACT - REZONING LOT 2, BENNETT SUBDIVISION, FROM R-1-A TO R-3 - DENIED

The following Resolution was presented and read:

RESOLUTION

ADOPTING A DECISION ON REQUEST FOR A ZONING CHANGE.

WHEREAS, Dorothy Bennett has made application to change the zoning map, a part of Chapter 32 of the Code of Ordinances of the City of Grand Junction, by changing the zoning from R-1-A to R-3 (Multi-Family Residential) on the following described land situated in the City of Grand Junction, Mesa County, Colorado, to wit:

Lot 2, BENNETT SUBDIVISION; and

WHEREAS, the hearing on said application was held before the City Council of the City of Grand Junction on the 6th day of July, 1977; and

WHEREAS, the Council, having considered the evidence adduced at the hearing, FINDS:

1. That a proper hearing was held after due notice thereof.
2. That the Grand Junction Planning Commission recommended that the application for rezoning be denied.
3. That the property lies within an R-1-A district separated from R-3 on the south and the east by roadways providing boundaries for the districts.
4. That no error in the original zoning and no change in condition within the area has been shown and such zoning change would not fit within any plan of development for the area in view of the natural division which now occur as to zoning.
5. That the change of zoning is not in the interest of the public peace, health and safety and should be denied.

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

That the rezoning application be denied.

PASSED and ADOPTED this 20th day of July, 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.

RESOLUTION AUTHORIZING CITY MANAGER TO SIGN CONVEYANCE OF SANITARY SEWER EASEMENT FROM THE CITY TO THE SISTERS OF CHARITY OF LEAVENWORTH HEALTH SERVICES CORPORATION

The following Resolution was presented and read:

RESOLUTION

WHEREAS, the Sisters of Charity of Leavenworth Health Services Corporation has requested a quit claim deed conveying a sewer line easement to them so that they, in turn, may convey another easement to the City of Grand Junction more accurately stating the location of the sewer line;

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

That the City Manager be authorized and directed to execute the quit claim deed conveying said easement recorded in Book 1098 at Page 436 of the records of the Mesa County Clerk and Recorder to the Sisters of Charity of Leavenworth Health Services Corporation, as the act of the City and on behalf of the City.

PASSED and ADOPTED this 20th day of July, 1977.

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk

It was moved by Councilman Brown and seconded by Councilman Tufly 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 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 AUTHORIZING CONVEYANCE OF CITY PROPERTY THAT WAS PARK LAND TO MR. MITHILESHWAR SINGH, 2124 MANOR AVENUE

The following Resolution was presented and read:

RESOLUTION

WHEREAS, the within described property which is owned by the City of Grand Junction was voted to be sold by the electorate; and

WHEREAS, Mithileshwar Singh has made an offer to buy said property from the City and the City has accepted said offer, being in the sum of \$1,000.00;

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

That the City Manager be authorized and directed to execute a quit claim deed to Mr. Mithileshwar Singh for the following property situated in the City of Grand Junction, County of Mesa, to wit:

Lot 29 of BOOKCLIFF MANOR SUBDIVISION,

as the act of the City and on behalf of the City.

PASSED and ADOPTED this 20th day of July, 1977.

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk

It was moved by Councilman Tuflly 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.

RESOLUTION RELEASING ALLEY AGREEMENT FOR LOTS 27 AND 28 OF BLOCK 23, MILLDALE SUBDIVISION AND CONVEYING TO GRAND JUNCTION STEEL FABRICATING COMPANY

The following Resolution was presented and read:

RESOLUTION

AUTHORIZING THE CONVEYANCE OF AN INTEREST IN LAND.

WHEREAS, an alley easement was obtained to provide access to another alley in Lots 27 and 28, Blk 23 Milldale Subdivision; and

WHEREAS, such other alley has been vacated, and there is no further need for this alley:

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

That the City Manager be authorized and directed to convey to the Grand Junction Steel Fabricating Company, the owner of the abutting property, the following:

All right, title and interest in Lots 27 and 28 in Block 23 of Milldale Subdivision in the City of Grand Junction, Mesa County, Colorado, as was established by instrument dated September 15, 1954, recorded October 15, 1954 at Block 621, Page 346, Mesa County records,

to eliminate the alley easement within said Lots.

PASSED and ADOPTED this 20th day of July, 1977.

\_\_\_\_\_  
President of the Council

Attest:

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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.

RECOMMENDATION BY VALLEY WIDE SEWER COMMITTEE CONCERNING PROPOSED SEWAGE TREATMENT PLANT

Jim Patterson, Secretary of the Valley Wide Sewer Committee, reviewed the activities of the Committee to date with respect to the implementation of a new treatment facility in the vicinity of I-70 and 22 Road. Land application methods versus mechanical treatment have been considered. Cost comparisons of \$20 to \$30 million dollars for land application methods and \$11 to \$15 million dollars for mechanical treatment were factors. On July 18, the Committee met and voted 12 to 3 to reaffirm its position of recommending that the City and the County proceed to design a mechanical treatment plant in the vicinity of I-70 and 22 Road and that the existing City treatment plant be abandoned. This Plan was presented to the Mesa County Planning Commission July 19, 1977, and to the County Commissioners this morning, July 20, 1977. By unanimous vote, the Mesa County Planning Commission recommended to the County Commissioners acceptance of the report of the Valley Wide Sewer Committee for the mechanical plant in the vicinity as described and that the water of the area be reused if at all possible. This morning the County Commissioners unanimously voted to accept the recommendation of the Valley Wide Sewer Committee as it was presented through the mesa County Planning Commission and including the recommendation that further study of alternatives include the recommendation that the plant be capable of both mechanical treatment and secondary treatment for land application depending upon the season of the year.

Mr. Patterson introduced Bill Bredar and associates present from the firm of HDR who have worked on the design to date. Mr. Patterson advised that the City did take an option on the piece of property where this proposed plant is to be located. That option needs to be exercised by the 15th of August.

It was moved by Councilman O'Dwyer and seconded by Councilman Johnson that the Valley Wide Sewer Committee Report be accepted with the stipulation that land application be considered in future development of the plant. Motion carried.

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the Utilities Director be authorized to go ahead and exercise the option for the 51.82 acres for the plant and that \$112,000 of the \$154,000 line itemed in the budget for existing plant improvements be transferred for this acquisition. Motion

carried.

REQUEST FOR CITY TO SERVE WATER TO PROPOSED COPPER HILLS DEVELOPMENT ON ORCHARD MESA - DENIED

Mr. Tom Logan, representing Mr. Marchbanks, requested Council to serve water to the proposed Copper Hills development on Orchard Mesa in the vicinity of B1/4 and 27 Roads. The Marchbanks feel the City could provide them with much better service. Presently, the site is being served from the flow line. The City has asked flow line customers to look to other sources for treated water. There is an existing City 6-inch line on B1/4 Road that the Marchbanks would like to utilize to their development which consists of 13 lots.

It was moved by Councilman Holmes and seconded by Councilman O'Dwyer that the request for treated water from the City's line be denied. Motion carried with Councilman Tufly voting NO.

CONTRACT WITH BUREAU OF RECLAMATION FOR WATER FROM CURECANTI DAM

Utility Engineer Duane Jensen reviewed a one-year water service Contract with the Bureau of Reclamation which calls for \$13 per acre foot of water. The Contract is effective one year from date of execution. Water would have to be purchased in blocks of 500 acre feet with payments in advance. Water would be released to the stream from the Curecanti project upon the request of the City.

Mr. Boyd Holt, Chief of the Operations Branch of the Bureau of Reclamation here in Grand Junction was present to answer questions. He stated that if the City did not need or use all the water requested, it could not be carried over to another year. There are no other water service contracts outstanding at this time. It will require a maximum of 48 hours for the released water to reach Grand Junction. It will require approximately 2 weeks from negotiation to execution of the Contract before water can be released. Under this Contract, no payment is made for water that is not called.

It was moved by Councilman Brown and seconded by Councilman O'Dwyer to direct the Staff to draw up a Contract with the Bureau of Reclamation for 3,000 acre feet of water for Council approval the middle of August subject to Water Counsel Jim Dufford's review and approval of the Contract. Motion carried.

DISCUSSION OF WATER RIGHTS AND DECREES

Water Counsel Jim Dufford presented a report on City's water rights and decrees. A summary prepared by Cliff Jex was the basis of the report. Mr. Dufford stated he feels that right now the City is in good shape for water when it is considered that this is the worst drought that this part of the country has ever encountered insofar as records are concerned. He and Mr. Jex feel that the City can safely release all the direct flow coming down from

Kannah Creek to the treatment plant and ease the restrictions. This direct flow along with the six million gallons of water from the Gunnison River should provide 9 million gallons a day. Mr. Dufford and Mr. Jex feel that the future of the City is on the Gunnison River and Kannah Creek. He stated there is a great need for a buffer across Kannah Creek near the headgate of the Juniata Enlarged Ditch so that all of the water of the (Kannah) Creek can be stocked and bypassed out of a dam sort of arrangement there. What would be bypassed is just enough to fill the downstream prior rights. That way, everything else would go down the ditch to the Juniata Enlarged Reservoir. He feels the facility could be constructed quite economically now and would make it so much easier to administer the creek. Enlargement of the Juniata Enlarged Reservoir and the Purdy Mesa Reservoir was estimated at approximately one-half million dollars.

#### LEASE - PURCHASE OF EQUIPMENT FOR SANITATION COLLECTION

After review and discussion of the proposal for sanitation collection, it was moved by Councilman Brown and seconded by Councilman Johnson that Council approve the concept and that Staff be authorized to negotiate lease-purchase of load off-site loader and front-end loader equipment for sanitation collection. Motion carried.

#### PUBLIC RIGHT OF WAY CONTRACTORS

Public Works Director Jim Patterson read a memorandum pertaining to concrete work in public rights of way.

Conclusion was that the requirements for quality control are built into the Ordinance as it now exists, and the licensing and bonding provisions are nominal. Council concluded it did not have the right to ask Staff to waive or make exceptions. Council does have the right to amend the Ordinance. Council decided to leave it as is until another problem comes up.

#### MAPS

Development Director Conni Mc Donough called Council's attention to the maps on the table that were passed out during the recess. They are maps that were drawn up for the Transportation Study. Council may use them for reference.

#### WEEDS

Councilman Holmes called attention to the weeds at 444 Grand Mesa Avenue. Staff will investigate and follow through on the complaint.

#### "WENDY'S" KEY TO THE CITY

Councilman Johnson presented a plaque from "Wendy's" which was a key to the "Wide World of Wendy's." Wendy's presented Councilman

Johnson a check in the amount of \$100 made payable to the "Save the Barn" Committee. A letter of thanks for the Mayor's signature is to be sent to the Management of Wendy's.

ENFORCEMENT

Councilman tufly requested that the Police Department patrol the Partee Subdivision behind Ramada Inn, specifically, the canal bank in that area where motorcyclists are reported to be using it, jumping irrigation ditches, and whipping back onto the street.

ADJOURNMENT

It was moved by Councilman O'Dwyer and duly seconded that the meeting be adjourned.

Neva B. Lockhart

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Neva B. Lockhart  
City Clerk