

Grand Junction, Colorado

September 21, 1977

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. Wednesday, September 21, 1977, in the 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 Deputy City Clerk Teddy Martinez.

MINUTES

It was moved by Councilman Tufly and seconded by Councilman Brown that the minutes of the regular meeting of September 7, 1977, be approved as written. Motion carried.

LIQUOR - RENEWAL OF RETAIL LIQUOR STORE LICENSES FOR TELLER ARMS LIQUOR SHOPPE, 2353 BELFORD AVENUE, AND STATE LIQUORS, 659 ROOD AVENUE

Submitted for consideration were the applications by Teller Arms Liquor Shoppe, 2353 Belford Avenue, and State Liquors, 659 Rood Avenue, for the renewal of their Retail Liquor Store Licenses. Reports from the Police Department advised that during the past licensing period there have been no complaints or violations concerning the sale of liquor on a carry-out basis by these establishments.

It was moved by Councilman Brown and seconded by Councilman Tufly that the applications be approved and the licenses issued when the State licenses have been received. Motion carried with Councilman Holmes voting NO.

HEARING - CEDAR TERRACE, AMENDED PLAN W OF 28 1/2 ROAD, N OF ORCHARD AVENUE

Senior Planner Del Beaver advised that the Planning Commission recommends approval of the Cedar Terrace Amended Plan subject to the following conditions:

- (1) Power of Attorney for full improvements on 28 1/2 Road and Brittany Drive;
- (2) Revocable permits for fire gate at Brittany and 28 1/2 Road;
- (3) Fire hydrants as required by City Fire Department;
- (4) No fencing in right of way and Parks Department to review landscaping in right of way on east side.

A hearing was held after proper notice. Mrs. Glen Edwards, 2840 Orchard Avenue, spoke in opposition to the Plan. There were no letters filed regarding this Plan.

It was moved by Councilman Tufly and seconded by Councilman O'Dwyer to approve the Amended Plan for Cedar Terrace, W of 28 ½ Road, N. of Orchard Avenue, subject to the conditions of the Planning Commission. Motion carried with Councilman Holmes voting NO.

Councilman Brown requested that when the suit against Cedar Terrace is determined, that Council be apprised by the City Attorney of the change, and of any action that the City should be taking.

HEARING - DEVELOPMENT IN H.O. ZONE, MOTEL 6, LOCATED NE OF GSA BUILDING ON HORIZON DRIVE

Senior Planner Del Beaver advised that the Planning Commission recommends approval of the Development in H.O. Zone subject to the following conditions:

- (1) Power of attorney for standard one-half street improvement for Horizon Drive as part of an authorized improvement district;
- (2) Revised access and drive location;
- (3) Adequate pressure and fire flow available to site prior to issuance of building permits;
- (4) Two fire hydrants as required by City Fire Department;
- (5) Fencing on three sides.

Mr. Les Olson, Motel 6, Santa Barbara, California, was present.

A hearing was held after proper notice. There was no one in the audience who indicated a desire to speak and there were no letters filed regarding this hearing.

It was moved by Councilman Johnson and seconded by Councilman O'Dwyer that the H.O. Zone for Motel 6, located NE of GSA Building on Horizon Drive be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING - FINAL PLAT, REPLAT OF D&W SUBDIVISION, NW OF 28 1/2 ROAD AND I-70 BUSINESS

Senior Planner Del Beaver advised that the Planning Commission recommends the approval of the Final Plat, Replat of D & W Subdivision subject to the following conditions:

- (1) Power of attorney for standard one-half street improvements

for 28 1/2 Road as part of an authorized improvement district;

(2) Easements as required by Mountain Bell and Public Service;

(3) Fire hydrants as required by City Fire Department;

(4) Signed utilities and roadway composite to be filed with Building Department prior to recording of plat;

(5) Street sections as approved. (24' mat, 5' V-pan gutter, paving behind gutter to edge of right of way, striping behind gutter for designated walking area, signs to indicate no on-street parking.)

Tom Logue, Paragon Engineering, was present representing CBW Builders, Developers of the project. It was noted that 24' mat would be changed to 42'. This change has been approved by Ron Rish of the City Engineering Department. This change in mat would allow for on-street parking in the future.

A hearing was held after proper notice. No one in the audience indicated a desire to speak and there were no letters filed regarding this Final Plat.

It was moved by Councilman Johnson and seconded by Councilman Tufly that the Final Plat, Replat of D & W Subdivision located NW of 28 1/2 Road and I-70 Business, be approved subject to the conditions of the Planning Commission and amending Condition No. 5; said condition to read 42' mat in lieu of 24' mat, with parking to be cleared with Traffic Engineer. Motion carried.

HEARING - PRELIMINARY PLAT, FAIRMOUNT NORTH, NE OF 13TH AND HERMOSA

Senior Planner Del Beaver advised that the Planning Commission recommends approval of the Preliminary Plat, Fairmount North, NE of 13th and Hermosa, subject to the following conditions:

(1) Improve one-half street improvement of 15th Street to City standards;

(2) Power of attorney for one-half street improvement of Hermosa Avenue and F1/4 Road and 13th Street;

(3) Full street improvements on 14th Street;

(4) Cul-de-sac on 13th Street;

(5) Vacate W1/2 of F1/4 right of way;

(6) Right of way for drain ditch;

(7) Four fire hydrants as required by City Fire Department;

(8) Easements as required.

A hearing was held after proper notice. No one in the audience indicated a desire to speak and no letters were filed regarding the Preliminary Plat.

It was moved by Councilman O'Dwyer and seconded by Councilman Brown that the Preliminary Plat, Fairmount North located NE of 13th and Hermosa, be approved subject to the conditions of the Planning Commission. Motion carried.

Councilman Johnson stated that he would vote for the approval of the Preliminary Plat for Fairmount North, but unless 15th Street is improved the full width, he will vote against the approval of the Final Plat of Fairmount North.

HEARING - FINAL PLAT, REPLAT PARK LAND SUBDIVISION (MINOR), NE CORNER OF PARK DRIVE AND LOST LANE

Senior Planner Del Beaver advised that the Planning Commission recommends the approval of the Final Plat, Replat Park Lane Subdivision (Minor), located NE corner of Park Drive and Lost Lane subject to the following conditions:

- (1) Dedication of an additional 10' of right of way for Park Drive;
- (2) Power of attorney for full one-half street improvements for Park Drive and Lost Lane;
- (3) Easements as required by Public Service;
- (4) A signed utility composite must be filed with the Building Department prior to recording the final plat.

Tom Logue, representing the Developers, was present.

A hearing was held after proper notice. No one in the audience indicated a desire to speak and there were no letters filed regarding the Final Plat.

It was moved by Councilman Tuflly and seconded by Councilman Brown that the Final Plat, Replat of Park Lane Subdivision (Minor), located NE Corner of Park Drive and Lost Lane be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING - CONDITIONAL USE, DRIVE-IN, PETITIONER MBI DRIVE-IN, LOCATED AT 19TH AND MAIN STREETS

This item was withdrawn from the Agenda at the request of the applicant.

PROPOSED ORDINANCE - STREET VACATION, NORTH 9TH STREET

The following entitled proposed ordinance was introduced and read:

AN ORDINANCE VACATING A STREET WITHIN THE CITY LIMITS. It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the ordinance be passed for publication. Motion carried.

PROPOSED ORDINANCE - STREET VACATION IN ORMSBEE SUBDIVISION
LOCATED AT TEXAS AVENUE E OF NORMANDY DRIVE

The following entitled proposed ordinance was introduced and read. AN ORDINANCE VACATING A STREET WITHIN THE CITY LIMITS. It was moved by Councilwoman Quimby and seconded by Councilman Johnson that the ordinance be passed for publication. Motion carried.

ORDINANCE NO. 1699 - SANITARY SEWER DISTRICT 33-76 (PHASE III
ORCHARD MESA) ASSESSMENTS

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 33-76 PHASE III ORCHARD MESA, 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 Tufly and seconded by Councilman Brown 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 Councilwoman Quimby that the Ordinance be passed, adopted, numbered 1699 and ordered published. Upon roll call all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1700 - SANITARY SEWER DISTRICT 34-76 (EL POSO)
ASSESSMENTS

The Proof of Publication to the following entitled proposed ordinance was presented. AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 34-76 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 Councilwoman Quimby and seconded by Councilman Johnson that the Proof of Publication be accepted

for filing. Motion carried.

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

The Ordinance was read. There being no comments, it was moved by Councilman Tufly and seconded by Councilman Brown that the Ordinance be passed, adopted, numbered 1700 and ordered published. Upon roll call all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1701 - REZONING SE CORNER 28 1/2 ROAD AND BELFORD TO PD-B

The Proof of Publication to the following entitled proposed ordinance was presented: 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 Tufly and seconded by Councilwoman Quimby that the Proof of Publication be accepted for filing. Motion carried.

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

The Ordinance was read. There being no comments, it was moved by Councilman Johnson and seconded by Councilman Brown that the Ordinance be passed, adopted, numbered 1701 and ordered published. Upon roll call all Council members voted AYE. The President declared the motion carried.

RESOLUTION AUTHORIZING CONVEYANCE OF WATER RIGHTS TO CLIFTON WATER DISTRICT

The following Resolution was presented and read:

RESOLUTION

AUTHORIZING THE CONVEYANCE OF WATER RIGHTS

WHEREAS, the City of Grand Junction has heretofore entered into an agreement with Clifton Water District to convey certain rights to the District; and

WHEREAS, it is necessary to provide for the conveyance of such rights;

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

That the City Manager be authorized and directed as the act of the City and on behalf of the City to convey to Clifton Water District

the water rights located in Mesa County, Colorado, and described as:

The right to divert twenty (20) cubic feet of water per second of time out of the Colorado River under Conditional Priority - Index No. 2957, with a date of priority of February 17, 1947 (Priority No. 787, Conditional), awarded by the District Court of Mesa County in Civil Action 8303, (a Supplemental Adjudication proceeding pertaining to water rights in former Colorado Water District No. 42) to the Grand Junction Colorado River Pipe Line, which water right is now designated as Basin Rank No. 2957, in Water Division No. 5, pursuant to the tabulation dated October, 1974, prepared by the Office of the State Engineer of Colorado.

Priority No. 787, Conditional, referred to above was awarded to the Grand Junction, Colorado, River Pipe Line out of the Colorado River for a total of one hundred twenty (120) cubic feet of water per second of time of which twenty (20) cubic feet of water per second of time has been conveyed by Grantor to Water Development Co.

The remainder of such water, i.e. eighty (80) cubic feet of water per second of time is reserved and retained by Grantor.

Priority of use between the parties, their successors and assigns, of the one hundred (100) cubic feet of water per second affected by this conveyance shall be as follows:

1. The first 3,000,000 gallons of water diverted - Grantee
2. The next 4,000,000 gallons of water diverted - Grantor
3. The next 9,927,200 gallons of water diverted - Grantee
4. Then the balance of such water right diverted - Grantor

PASSED and ADOPTED this 21st day of September, 1977.

President of the Council

Attest:

Deputy City Clerk

CONVEYANCE OF WATER RIGHT

THE CITY OF GRAND JUNCTION, COLORADO, a Municipal Corporation, "Grantor," in consideration of Ten Dollars and other consideration, sells, conveys and transfers to CLIFTON WATER DISTRICT, a quasi-municipal corporation, "Grantee," the following

described water and water rights located in Mesa County, Colorado:

The right to divert twenty (20) cubic feet of water per second of time out of the Colorado River under Conditional Priority - Index No. 2957, with a date of priority of February 17, 1947 (Priority No. 787, Conditional), awarded by the District Court of Mesa County in Civil Action 8303, (a Supplemental Adjudication proceeding pertaining to water rights in former Colorado Water District No. 42) to the Grand Junction, Colorado, River Pipe Line, which water right is now designated as Basin Rank No. 2957, in Water Division No. 5, pursuant to the tabulation dated October, 1974, prepared by the Office of the State Engineer of Colorado.

Priority No. 787, Conditional, referred to above was awarded to the Grand Junction, Colorado, River Pipe Line out of the Colorado River for a total of one hundred twenty (120) cubic feet of water per second of time of which twenty (20) cubic feet of water per second of time has been conveyed by Grantor to Water Development Co.

The remainder of such water, i.e. eighty (80) cubic feet of water per second of time is reserved and retained by Grantor.

Priority of use between the parties, their successors and assigns, of the one hundred (100) cubic feet of water per second affected by this conveyance shall be as follows:

1. The first 3,000,000 gallons of water diverted - Grantee
2. The next 4,000,000 gallons of water diverted - Grantor
3. The next 9,927,200 gallons of water diverted - Grantee
4. Then the balance of such water right diverted - Grantor

Grantor warrants title to the water right herein conveyed against all persons and corporations claiming, by, through or under Grantor.

Grantor executed this instrument on the 21st day of September, 1977.

THE CITY OF GRAND JUNCTION, COLORADO

By /s/ James E. Wysocki

Attest:

/s/ Theresa F. Martinez

Deputy City Clerk

STATE OF COLORADO)		
) ss		
COUNTY OF MESA)		

The foregoing instrument was acknowledged before me this 22nd day of September, 1977, by James E. Wysocki as City Manager and Theresa F. Martinez as Deputy City Clerk of the City of Grand Junction, Colorado.

Witness my hand and official seal.

My Commission expires: April 9, 1979

/s/ Donald H. Warner, Jr.

Notary Public

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 duly passed and adopted.

RESOLUTION AUTHORIZING ACCEPTANCE OF AMENDMENT NO. 3 TO GRANT AGREEMENT, AIRPORT DEVELOPMENT AID PROJECT NO. 8-08-0027-01, TO INCREASE MAXIMUM PAYABLE BY FAA OF \$35,125.79

The following Resolution was presented and read:

RESOLUTION

AUTHORIZING ACCEPTANCE OF AMENDMENT NO. 3 TO THE GRANT AGREEMENT BETWEEN THE CITY OF GRAND JUNCTION, THE COUNTY OF MESA, COLORADO, AND THE WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY, AS CO-SPONSORS, AND THE FEDERAL AVIATION ADMINISTRATION RELATING TO THE DEVELOPMENT OF WALKER FIELD UNDER AIRPORT DEVELOPMENT AID PROGRAM PROJECT NO. 8-08-0027-01, CONTRACT NO. DOT-FA71WE-1301.

WHEREAS, the Administrator of the Federal Aviation Administration has issued an Amendment to the above-numbered project to increase the maximum obligation of the United States; and

WHEREAS, the Administrator of the Federal Aviation Administration has agreed to the Amendment to the Grand Agreement;

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

Section 1. That the City of Grand Junction shall, as co-sponsor with the County of Mesa and Walker Field, Colorado, Public Airport Authority, accept Amendment No. 3 to the Grant Agreement, between the City of Grand Junction and the County of Mesa, and the Walker Field, Colorado, Public Airport Authority and the Federal Aviation Administration executed on June 16, 1971.

Section 2. That the President of the City Council of the City of Grand Junction is hereby authorized and directed to execute said Amendment No. 3 to the Grant Agreement on behalf of the City of Grand Junction, and the City Clerk of the City of Grand Junction is hereby authorized and directed to impress thereon the official seal of the City of Grand Junction and to attest said execution.

Section 3. That the said Amendment No. 3 to the Grant Agreement referred to hereinabove shall be as follows:

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION
Contract No. DOT-FA71WE-1301
Walker Field Airport
Grand Junction, Colorado

AMENDMENT NO. 3 TO GRANT AGREEMENT FOR PROJECT NO. 8-08-0027-01

WHEREAS, the Federal Aviation Administration (hereinafter referred to as the "FAA") has determined it to be in the interest of the United States that the Grant Agreement between the FAA acting for and on behalf of the United States, and the City of Grand Junction, County of Mesa, and Walker Field, Colorado, Public Airport Authority, (hereinafter referred to as the "Sponsor"), accepted by said Sponsor on the 16th day of June, 1971, as amended on the 28th day of June, 1971, and on the 21st day of August, 1972, be further amended as hereinafter provided;

NOW, THEREFORE, WITNESSETH:

That in consideration of the benefits to accrue to the parties hereto, the FAA on behalf of the United States, on the one part, and the Sponsor, on the other part, do hereby mutually agree that the maximum amount of the obligation of the United States as set forth in paragraph 1 of the terms and conditions of the Grant Agreement, as amended, is hereby increased from \$1,856,562.00 to \$1,891,687.79.

PASSED and ADOPTED this 21st day of September, 1977.

President of the Council

Attest:

Deputy City Clerk

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

EMERGENCY ORDINANCE NO. 1702 - CHANGING WATER RATES

It was moved by Councilman Brown and seconded by Councilman O'Dwyer that the Emergency Ordinance changing water rates be called up and read. Motion carried.

The following entitled proposed emergency ordinance was read: AN ORDINANCE REDUCING THE CHARGES FOR THE USE OF WATER IN THE CITY OF GRAND JUNCTION AND DECLARING AN EMERGENCY. It was moved by Councilman Johnson and seconded by Councilman Tufly that the Ordinance be passed, adopted, as an Emergency Ordinance, numbered 1702, and ordered published. Upon roll call, all Council members voted AYE. The President declared the motion carried.

WATER RESTRICTIONS

City Manager Jim Wysocki stated as an official act of the Administration that the hour and day restrictions would be lifted as of this hour, 8:30 p.m., September 21, 1977.

President Kozisek, on behalf of Council, thanked everyone in the City for their patience during this past summer and assistance during this very trying time.

Mr. John Patterson commended Council for the action taken earlier this year on water restrictions, rates, etc. and for its courage in taking such action.

Councilman Johnson commented that any additional revenues derived as the result of the increased rates goes directly back into the water system and will be used to make improvements and hopefully alleviate some of the potential for another year of shortage that we have just gone through.

REQUEST FOR ADDITIONAL APPROPRIATION FOR DESIGN OF JUNIATA RESERVOIR ENLARGEMENT

City Manager Jim Wysocki requested an additional appropriation of \$100,000 be placed in the Water/Sewer Fund for the design of the Juniata Reservoir Enlargement and to get a design for the Juniata

Ditch and the diversion box.

It was moved by Councilwoman Quimby and seconded by Councilman Johnson that the request for \$100,000 for the design of Juniata Reservoir Enlargement be approved. Motion carried.

Mr. Wysocki reminded Council of Future Power Work Shop on Tuesday, September 27.

There will also be a meeting with the Auditors on Tuesday, September 27.

An Unemployment Compensation and Energy Impact Assistance Meeting will be held on October 5 in Montrose.

GRAND VALLEY METROPOLITAN RECREATION DISTRICT

Dr. Gabriel Bonnet brought Council up to date on the progress of the Grand Valley Metropolitan Recreation District. The Service Plan has been submitted to the County Commissioners. The hearings have been scheduled for the Service Plan for Monday, October 17, at 11:30 a.m. The hearings offer an opportunity for the various municipalities and taxing agencies to express their thoughts about the Recreation District since they are somewhat involved in sharing the ad valorem tax. Dr. Bonnet invited Council to attend the hearings.

The petition to the District Court is coming along well. The District has approximately 2500 signatures, but needs approximately 500 additional signatures.

COUNCIL COMMITTEE REPORTS

Housing Authority - Councilman Johnson gave a report on the Walnut Park project which is nearing completion. There are approximately 10 units that have received Certificates of Occupancy. There have been far more applicants than there are houses to be rented. Occupancy will begin the 1st of October. It is expected that the total complex will be ready for occupancy by the 1st of December. The Authority has determined that it is too late in the season to do any seeding or sodding, but has gone ahead and planted trees and shrubs.

Rehabilitation Program -- Councilman Johnson advised that the Program is moving along. To date, there have been 25 applications submitted.

CML - Councilwoman Quimby attended a CML Meeting in Greeley last weekend. There will be some information coming to the rest of the Council members. CML is also discussing "Snow Mass" upcoming one year from now.

Energy Impact Assistance Advisory Committee - Energy Impact Assistance Advisory Committee which was established under Statute

will be conducting its first meeting the 7th of October in Denver.

ADJOURNMENT

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

Theresa F. Martinez

Theresa F. Martinez
Deputy City Clerk