

Grand Junction, Colorado

August 2, 1978

ROLL CALL

The City Council of the City of Grand Junction, Colorado met in regular session Wednesday, August 2, 1978, at 7:30 p.m. in Council Chambers of City Hall. Present were Council members Larry Brown, Robert Holmes, Larry Kozisek, Jane Quimby, Bill O'Dwyer, and President of the Council Karl Johnson. Also present were City Attorney Gerald Ashby, City Manager Jim Wysocki, and City Clerk Neva Lockhart.

MINUTES

Consideration deferred to August 16th meeting.

INTRODUCTION OF NEW CITY EMPLOYEES

Present and introduced to Council were the following new city employees:

Elaine Schrader - Police Department
Neil Tripp - Utilities Department
Roger Parks - Fire Department

PLANNING COMMISSION APPOINTEES, FLORENCE GRAHAM AND DALE SCHOENBECK

By secret ballot, Florence Graham and Dale Schoenbeck were elected to serve the unexpired terms of Vern Denison and Mac Brewer on the Planning Commission. It was moved by Councilman Brown and seconded by Councilwoman Quimby that the appointments be ratified. Motion carried.

LIQUOR - RENEWAL APPLICATION APPROVED FOR RAMADA LIQUORS, 716 HORIZON DRIVE

Submitted for consideration was the application by John W. Maloney, Jr., and Eleanor L. Maloney to renew the retail liquor store license for Ramada Liquors, 716 Horizon Drive. A report by the Police Department advised that during the past licensing period, there have been no complaints or incidents concerning the sale of packaged liquor by Ramada Liquors.

It was moved by Councilman Kozisek 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.

LIQUOR - APPLICATION BY ROBERT CHESTER MILLER FOR TAVERN LIQUOR LICENSE APPROVED - (CHANGE OF OWNERSHIP) IRON HORSE 227 ROOD AVENUE

Submitted for consideration was the application by Robert Chester Miller for a tavern liquor license to be located at the Iron Horse, 227 Rood Avenue. The license is presently owned by Michele Garcia, dba El Charro Supper Club. A report from the Fire Department advised that heat lamps above the warming tray need to be raised to prevent the charring of the wood on the table. The condition is minor, and the owner was very cooperative and stated that she will get it corrected. The Health Department advised that the facility meets health requirements. The Building Department reported the building meets exit requirements.

The Police Department advised that a background check was conducted on the applicant, Robert C. Miller, fingerprint cards were mailed 7-26-78 with no return to date. A check was made of local records as well as NCIC/CCIC. Mr. Miller is clear of any felony. Records indicate there are no wants or warrants on this subject.

Mr. Miller was present. His previous holding of liquor and beer licenses were reviewed. Mr. Miller advised Council regarding his previous interest in a license at The Brass Rail and the ruling by District Court that the incident was at status quo as it was a gross misunderstanding by both parties, ordered Mr. Kirkhart to return the money to Mr. Miller, and directed Mr. Miller to back out of the arrangement. Legally, he was not a partner.

It was moved by Councilman Brown 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 - APPLICATION FOR CONDITIONAL USE FOR RESTAURANT WITH 3.2% FERMENTED MALT BEVERAGE LICENSE AT 1037 NORTH AVENUE

Del Beaver reported that review agencies approved the application and the Planning Commission approved.

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

A Resolution of Findings and Decision is scheduled August 16th.

HEARING - APPLICATION BY TO TAY AND BICH KIM TRUONG FOR A 3.2% FERMENTED MALT BEVERAGE LICENSE AT THE GOLDEN DRAGON RESTAURANT, 1037 NORTH AVENUE

A hearing was held after proper notice on the application by To Tay and Bich Kim Truong for a 3.2% fermented malt beverage license at the Golden Dragon Restaurant, 1037 North Avenue. Mrs. Truong was present for the hearing.

The following report was read:

On July 3, 1978, To Tay and Bich Kim Truong filed an application for a 3.2% fermented malt beverage license at the Golden Dragon, 1037 North Avenue. They filed with their application the appropriate fees and supporting documents.

The sign giving Notice of Hearing was posted July 21st and the display ad giving Notice of Hearing was published July 21, 1978.

Al Wing was hired to survey the area bounded by 8th Street on the west, Hill Avenue on the south, 13th Street on the east, and Kennedy Avenue on the north. The survey commenced July 14th and was concluded July 21, 1978. Results:

(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. 171

(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. 100

(3) No Opinion. 26

Total responses 297

Mr. Wing contacted 473 addresses.

The Police Department report advises an extensive check was made through Immigration on the above applicants and both are clear in this area. A records check was also made through NCIC/CCIC and local files; also clear. Fingerprint cards have been sent to authorities for clearance with no return to date. The building meets Life Safety requirements per the Fire Department and health requirements per the Mesa County Health Department.

No letters were filed, and there was no one in the audience who indicated a desire to speak regarding this application.

A Resolution of Findings and Decision is scheduled for the August 16th Agenda.

HEARING - APPLICATION BY MESA COLLEGE FOR A 3.2% FERMENTED MALT BEVERAGE SPECIAL EVENTS PERMIT FOR FRIDAY, SEPTEMBER 1, 8:00 P.M. TO MIDNIGHT - 7TH PERMIT

Advertised for hearing on this date was the application by Mesa College for a 3.2% fermented malt beverage special events permit for Friday, September 1, 8:00 p.m. to midnight at Houston Hall on the Mesa College campus. The following report was filed by the Police Department:

Dr. Workman advised the Special Events Permit is for orientation week at Mesa College. The function will be presented by the Student Body Association. They will provide supervision as well as

check I.D.'s at the door to assure there is no underage consumption of 3.2 beer. Only 3.2 beer will be served during the event which is scheduled to last from 8:00 p.m. to midnight. Beer will stop being served at 11:40 p.m. Mesa College has requested four (4) off-duty police officers to provide security. The S.B.A. people will assist the officers with any problems that may arise. There will be disco music during the function. Music will only be played inside Houston Hall.

Mr. Craig Wertman, Vice President of Administrative Affairs for the Student Body Association, was present to speak for the granting of the permit.

No letters were filed, and there were no others in the audience who indicated a desire to speak.

It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that the application be approved. Motion carried with Councilmen HOLMES and O'DWYER voting NO.

I.D. ST-78, PHASE B - AWARD OF CONTRACT TO CORN CONSTRUCTION CO.
\$264,547.20

Two bids were received for Phase B, I.D. ST-78:

Elam Construction Company \$401,796.30
Corn Construction Company \$388,602.50
Engineer's Estimate \$334,646.00

The changes in the improvement district were reviewed with the apparent low bidder, Corn Construction Company. The Contractor indicated the changes would not effect his unit prices other than the Melody Lane where there would be an increase of \$376.60. It was recommended that the Contract be awarded to Corn Construction Company with the understanding that change orders will be issued in accordance with the changes made in the street I.D. The net construction contract to be in the amount of \$264,547.20, and this does not include any changes that may result because of Walnut Avenue. Completion date is set for 120 days.

It was moved by Councilman Kozisek and seconded by Councilman O'Dwyer that the construction contract for I.D. ST-78 be awarded Corn Construction Company in the amount of \$388,602.50. Motion carried.

HEARING - CONDITIONAL USE - THE JUNCTION CORPORATION, REQUEST FOR RESTAURANT WITH DRIVE-UP WINDOW, S OF NORTH AVENUE, 176 FEET W OF 28 1/2 ROAD

Del Beaver read the agency review comments on the alternative submittal.

(1) Parks Department that the grass mix be seedless honey locust.

(2) Previous Engineering comments stand for the alternative proposal as it represents no significant change. Sign is still shown in right of way.

The Planning Commission denied the application based on the six reasons before Council.

Still needed are 17 feet of right of way on 28 1/2 Road and 10 feet on North Avenue.

Mr. Beaver reviewed the internal circulation, the landscaping, ingress and egress problem to 7-11.

Mr. Bob Gardner, the developer, addressed Council.

A hearing was held after proper notice.

Mrs. Rae Torfin, 236 27 Road, stated that in her opinion no proven need has been established for this conditional use. She understood the request is for conditional use for a locally owned and operated restaurant to be built at 28 1/2 Road and North Avenue. She also understood it is a franchised fast food outlet known in the south as Judge Harper's. Her recollection of previous testimony by the petitioner was that the market survey showed that 40% of the business of the Judge Harper's chain was from drive-up window service. She maintained the pressure for the drive-up window was coming from outside the community and requested Council to weigh the monetary gain against the health, safety, and welfare of the people in this community.

Mr. Gardner's response was that, to his knowledge, there are no Judge Harper's in the south. This is completely, totally local. There are three local people and one fourth individual with 45% interest who has been in the chicken business in the south in Mississippi. This individual stated that in the restaurants that he ran (he sold them several years ago) 40% of the business of the restaurant was from drive-up service.

A Resolution of Findings and Decision is scheduled on the August 16th Agenda.

ORDINANCE NO. 1756 - APOLLO PARK ANNEXATION, 25 1/2 ROAD AND INDEPENDENT AVENUE

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION.

It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Holmes 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 Kozisek and seconded by Councilman O'Dwyer that the Ordinance be passed, adopted, numbered 1756, and ordered published. Upon roll call all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1757 - MINERVA PARK ANNEXATION, 25 1/2 ROAD AND PINYON AVENUE

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION. It was moved by Councilman Kozisek and seconded by Councilman O'Dwyer that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Holmes 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 Holmes and seconded by Councilman Kozisek that the Ordinance be passed, adopted, numbered 1757, and ordered published. Upon roll call all Council members voted AYE. The President declared the motion carried.

ORDINANCE NO. 1758 - JONES-SCHINDEL ANNEXATION, BETWEEN G ROAD AND F-3/4 ROAD, E OF 27 1/2 ROAD

The Proof of Publication to the following entitled proposed ordinance was presented. AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION. It was moved by Councilman O'Dwyer and seconded by Councilwoman Quimby that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilwoman Quimby 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 Holmes and seconded by Councilwoman Quimby that the Ordinance be passed, adopted, numbered 1758, and ordered published. Upon roll call all Council members voted AYE. The President declared the motion carried.

PETITION FOR ANNEXATION OF TREECE PROPERTY SW OF INTERSECTION OF HORIZON DRIVE AND I-70 - RESOLUTION - PROPOSED ORDINANCE

A petition with 100% signatures for the annexation of Treece property located southwest of the intersection of Horizon Drive and I-70 was presented and accepted.

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:

Commencing at the SW Corner NW4SE4 Section 36, T1N R1W of the Ute Meridian; thence N 89° 48' 30" E along the South line of the NW4SE4 Section 36, 294.02 feet to a point on the Westerly right of way line of Horizon Drive; thence N 31° 22' 30" E along said right of way 107.3 feet; thence N 27° 20' 00" E along said right of way 432.0 feet to the true point of beginning; thence N 27° 20' 00" E along said right of way 213.76 feet to a point on the Southerly right of way line of Highway I-70; thence along the Southerly right of way line of Highway I-70 the following courses; (N 21° 18' 26" W 495.89 feet; thence N 32° 59' 09" W 240.10 feet; thence N 39° 24' 02" W 75.00 feet; thence N 42° 00' 08" W 74.44 feet; thence N 44° 52' 04" W 309.32 feet; thence N 55° 39' 51" W 31.97 feet) to a point on the West line of the NE4 of said Section 36; thence S 00° 15' 05" E, along said West line 363.80 feet to the SW Corner of the NE4 of said Section 36; thence S 00° 13' 42" E along the West line of the SE4 of said Section 36, a distance of 658.42 feet to the NW Corner SW4NW4SE4 of said Section 36, thence N 89° 46' 08" E along the North line of said SW4NW4SE4 329.81 feet to the NE Corner of the W2SW4NW4SE4; thence S 00° 13' 42" E along the East line of W2SW4NW4SE4 68.97 feet; thence S 62° 40' 00" E 248.20 feet to the true POINT OF BEGINNING And adjacent right of way for Interstate 70 and Horizon Drive.

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 such 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.

<u>DATE</u> <u>SIGNATURE</u> <u>ADDRESS</u> <u>PROPERTY</u> <u>DESCRIPTION</u>			
<p>7-31-78/s/ Jack Treece Horizon/702323 N. 7th St.Beginning north 89° 48' 30" E 293.1 feet and N 31° 22' 30" E 107.3 feet and N 27° 20' E 432 feet from NW Corner SW4SE4 Section 36 Township 1 North Range 1 West Ute Meridian, thence N 27° 20' E 212.7 feet thence N 20° 58' 30" W 492.1 feet, thence N 32° 35' 30" W 240.2 feet, thence N 42° 12' 30" W 271.2 feet, thence N 44° 34' 30" W 187.8 feet, thence N 54° 49' 30° W 32.2 feet, thence Southerly 1021.5 feet, thence N 89° 48' 30" E 329.86 feet,</p>			

thence S 0° 02' 30" W 71.16 feet, thence S 62° 40' E 244.1 to beginning except right of way described in Book 896, Page 562, Mesa County Clerk's Records.			
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STATE OF COLORADO)			
) ssAFFIDAVIT			
COUNTY OF MESA)			

Jack Treece, 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.

HORIZON 70, a Joint Venture

/s/Jack Treece

Subscribed and sworn to before me this 31st day of July, 1978.

Witness my hand and official seal.

/s/Doris W. Murphy

Notary Public

My Commission expires: September 3, 1978

The following Resolution was presented and read:

RESOLUTION

WHEREAS, on the 2nd day of August, 1978, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property, to wit:

Beginning North 89° 48' 30" East 293.1 feet and North 31° 22' 30" East 107.3 feet and N 27° 20' East 432 feet from the Northwest Corner of the Southwest Quarter of the Southeast Quarter of Section 36, Township 1 North, Range 1 West, Ute Meridian, thence North 27° 20' East 212.7 feet, thence North 20° 58' 30" West 492.1 feet, thence North 32° 35' 30" West 240.2 feet, thence North 42° 12' 30" West 271.2 feet, thence North 44° 34' 30" West 187.8 feet, thence North 54° 49' 30" West 32.2 feet, thence Southerly 1021.5 feet, thence North 89° 48' 30" East 329.86 feet, thence South 0° 02' 30" West 71.16 feet, thence South 62° 40' East 244.1 feet to beginning except right of way described in Book 896, Page 562, Mesa County Clerk's Records, together with adjacent right of way for Interstate 70 and for Horizon Drive;

and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City, and that no election is required under the municipal Annexation Act of 1965 as the owner of one hundred percent of the property has petitioned for annexation;

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

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 2nd day of August, 1978.

President of the Council

Attest:

City Clerk

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

LEASE EXTENSION FOR ACE KINDERGARTEN BUILDING, 134 WEST AVENUE, TO COLORADO WEST COMMUNITY ACTION PROGRAM - HEADSTART

It was moved by Councilman Kozisek and seconded by Councilman Brown to approve the Lease Extension for the ACE Kindergarten Building, 134 West Avenue, to Colorado West Community Action Program - Headstart, and authorized the City Manager to sign. Motion carried.

I.D. ST-78, PHASE C, WALNUT AVENUE FROM 15TH TO 17TH STREETS - RESOLUTION OF INTENT TO CREATE DISTRICT - RESOLUTION ADOPTING DETAILS, PLANS, AND SPECS AND GIVING NOTICE OF HEARING

The following Resolution of Intent to Create I.D. ST-78 Phase C, for Walnut Avenue from 15th Street to 17th Street was presented and read:

RESOLUTION

DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY A LOCAL IMPROVEMENT DISTRICT NO. ST-78, PHASE C, AND AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME.

WHEREAS, the City Council has determined the desirability of the construction of the following improvements:

Walnut Avenue from 15th Street to 17th Street between Pinyon Avenue and Cedar Court

To include combination vertical curb, gutter and sidewalk with a base course material under a 34-foot wide mat of Hot Mix Bituminous paving from lip of gutter to lip of gutter.

Where acceptable curb, gutter and/or sidewalk exists, credit will be given;

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a special improvement district;

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

That the district of land to be assessed is described as follows:

Lots 10 thru 15 inclusive of Block 2 in Weaver Subdivision and Lot 1 in Lutkiewicz Subdivision and the South 125.00 feet of Lots 21 and 24 of Block 7 in Fairmount Subdivision. All in the SE4 of the NW4 of Section 12, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, in the limits of the City of Grand Junction, Colorado.

That the City Engineer be, and he is hereby, authorized and directed to have prepared and filed full details, plans and specifications for such sidewalk, curb, gutter and street paving, and estimate of the total costs thereof, exclusive of the per centum for cost of collection and other incidentals; and of interest to the time the first installment becomes due; and a map of the District to be assessed, from which the approximate share of said total cost that will be assessed upon each piece of real estate in the District may be readily ascertained, all as required by Ordinance No. 178, as amended, of the City of Grand Junction, Colorado.

ADOPTED and APPROVED this 2nd day of August, 1978.

President of the Council

Attest:

City Clerk

It was moved by Councilman Brown and seconded by Councilman Holmes that the Resolution be passed and adopted and read. Roll was called upon the motion with all Council members voting AYE. The President declared the motion carried and the Resolution duly passed and adopted.

The following Resolution adopting details, plans and Specs and giving Notice of Hearing was presented and read:

RESOLUTION

ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR CONSTRUCTING SIDEWALKS, CURBS AND GUTTERS AND PAVING STREETS AND AVENUES IN THE

CITY OF GRAND JUNCTION, COLORADO, IN IMPROVEMENT DISTRICT ST-78, PHASE C, DETERMINING THE NUMBER OF INSTALLMENTS AND THE TIME IN WHICH THE COST OF SAID IMPROVEMENTS SHALL BE PAYABLE, THE RATE OF INTEREST ON UNPAID INSTALLMENTS AND THE DISTRICT OF LANDS TO BE ASSESSED WITH THE COST OF THE PROPOSED IMPROVEMENTS, AND AUTHORIZING NOTICE OF INTENTION TO CREATE SAID DISTRICT AND OF A HEARING THEREON.

WHEREAS, on August 2, 1978, the City Council of the City of Grand Junction, Colorado, by a Resolution, authorized the City Engineer to prepare and file full details, plans and specifications for constructing sidewalks, curbs, gutters and paving streets and avenues in said City within proposed Improvement District No. ST-78, Phase C, together with an estimate of the total cost of such improvements and a map of the District to be assessed; and

WHEREAS, said City Engineer has fully and strictly complied with the directions so given, and has fully such details, plans and specifications, estimate and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City;

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

Section 1. That said details, plans and specifications, estimates and map be and the same are hereby approved and adopted.

Section 2. That the district of lands to be assessed are as follows:

Lots 10 thru 15 inclusive of Block 2 in Weaver Subdivision and Lot 1 in Lutkiewicz Subdivision and the South 125.00 feet of Lots 21 and 24 of Block 7 in Fairmount Subdivision. All in the Se4 of the NW4 of Section 12, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, in the limits of the City of Grand Junction, Colorado.

All installations to be constructed in accordance with General Conditions, Specifications and Details for Street Improvement Projects, City of Grand Junction, Colorado. Where acceptable curb, gutter and/or sidewalk exists, credit will be given.

Section 3. The assessments to be levied against the property in the said District to pay the cost of such improvements shall be due and payable, without demand within thirty (30) days after the ordinance assessing such costs becomes final, and, if paid during this period, the amount added for costs of collection and other incidentals shall be deducted; provided that all such assessments may, at the election of the owners of property in said District be paid in ten (10) equal installments, the first of which shall be payable at the time the next installment of general taxes is, by the laws of the State of Colorado, made payable, after the expiration of said thirty-day period; and the following annual

installments shall be paid on or before the same date each year thereafter, with interest, in all cases, on unpaid principal annually at a rate not to exceed eight percent per annum.

Section 4. Notice of Intention to Create said Improvement District No. ST-78, Phase C and of a hearing thereon, shall be given by advertisement in one issue of the Daily Sentinel, a newspaper of general circulation published in said City, which Notice shall be in substantially the following form:

NOTICE

OF INTENTION TO CREATE IMPROVEMENT DISTRICT NO. ST-78, PHASE C, IN THE CITY OF GRAND JUNCTION, COLORADO, AND OF A HEARING THEREON.

PUBLIC NOTICE IS HEREBY GIVEN to the owners of real estate in the District hereinafter described, and to all persons generally interested that the City Council of the City of Grand Junction, Colorado, intends to create Improvement District No. ST-78, Phase C, in said City for the purpose of constructing sidewalks, curbs and gutters and paving streets and avenues to serve the property hereinafter described, which lands are to be addressed with the cost of the improvements, to wit:

2945-122-00-053Lots 23 and 24 Blk 7 Fairmont Sub and E2SW4NE4NW4 Sec 12 1S 1W N of Lots and S of Cn1	
2945-122-00-059S 125 Ft of Lot 21 Blk 7 Fairmont Sub Sec 12 1S 1W	
2945-122-05-001Lot 1 Lutkeiwicz Sub Sec 12 1S 1W	
2945-122-05-003Lot 15 Blk 2 Weaver Sub	
2945-122-05-004Lot 14 Blk 2 Weaver Sub	
2945-122-05-005Lot 13 Blk 2	

Weaver Sub	
2945-122-05-006Lot 12 Blk 2 Weaver Sub	
2945-122-05-007Lot 11 Blk 2 Weaver Sub	
2945-122-05-008N 7 Ft of Lot 9 and all Lot 10 Blk 2 Weaver Sub	

Where acceptable curb, gutter and/or sidewalk exists, credit will be given. Any portion of the District cost not covered by said assessment shall be paid by the City.

The probable total cost of said improvements as shown by the estimate of the City Engineer is \$45,000 exclusive of collection, interest and incidentals. The estimated assessable cost is \$29,280, also exclusive of costs of collection, interest and incidentals.

The maximum share of such total cost shall be as follows:

Walnut Avenue, from 15th Street to 17th Street

Per Front foot . . . \$20.00

Except Lot 24, Block 7 in Fairmount Subdivision

Full cost per front foot . . . \$75.00

To the estimated assessable cost of \$29,280 (said amount reflects estimated credit for existing curb, gutter and sidewalk) to be borne by the property owners, there shall be added six (6) percent for costs of collection and incidentals, and also interest at the rate borne by the special assessment bonds of said District to the next succeeding date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado, made payable. The said assessment shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such cost shall have become final, and if paid during such period the amount added for the costs of collection and incidentals shall be deducted; provided that all such assessments, at the election of the owners of the property in said District, may be paid in ten (10) annual installments which become due upon the same date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado, made payable. Interest not to exceed eight percent per annum shall be charged on

unpaid installments.

On September 6, 1978, at the hour of 7:30 o'clock P.M. in the Council Chambers in City Hall of said City, the City Council will consider objections that may be made in writing concerning the proposed improvements, by the owners of any real estate to be assessed, or by any person interested.

A map of the District, from which the approximate share of the total estimated cost to be assessed upon each piece of real estate in the District may be readily ascertained, and all proceedings of the Council in the premises are on file and can be seen and examined by any person interested therein in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, this 2nd day of August, 1978.

BY ORDER OF THE CITY COUNCIL CITY OF GRAND JUNCTION, COLORADO

By:

Neva B. Lockhart, City Clerk

PASSED and ADOPTED this 2nd day of August, 1978.

President of the Council

Attest:

City Clerk

It was moved by Councilman Brown and seconded by Councilman Holmes 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.

DISCUSSION OF USE OF PARK LAND FOR NORTHEAST CHRISTIAN CHURCH,
22ND AND BUNTING

Mr. James Davis of Northeast Christian Church appeared before Council and reviewed the request. After discussion it was moved by Councilman Brown and seconded by Councilman Holmes to table this item until Staff prepares a proposal for the development of recreational use and parking use and bring to Council for review and action. Motion carried.

FLOOD PLAIN MEETING 7:30 P.M. THURSDAY, AUGUST 3, 1978

Mr. Wysocki reminded Council of the Flood Plain informational

meeting at 7:30 p.m. on Thursday, August 3rd.

REVENUE SHARING FUNDS - PROPOSAL FOR WESTERN SLOPE ACTION COALITION

Ms. Jeanne Sturiale appeared and summarized a proposal for \$5,000 of Revenue Sharing Funds for the Western Slope Action Coalition to develop an on-going dual recreation program to serve the needs of low-income minorities, specifically, Chicano children. It includes a girls recreational club and a boys boxing club. Both are in operation now and implemented by State funds which will be depleted September 1st of this year. She was directed to submit the proposal to the City Manager. When the proposal is to be considered by Council at budget time, Ms. Sturiale will be notified. Mr. Phil Lujan also appeared.

MISCELLANEOUS DISCUSSION

Streets

Councilman Holmes suggested the City look into what can be done regarding the 5th Street approach to the City; particularly the south approach where a water main break has occurred.

Weeds

Councilman Holmes said emphasis should be placed on the weed program.

Weekend Peddlers

Councilman Kozisek suggested the Sales Tax Clerk inform the Police Department on the weekend of those peddlers who have made application for sales tax licenses. If the Police Department finds one who does not have a license they can check them and call the Sales Tax Clerk who can come down and sell a license even on the weekend.

Discussed a potential expansion of Farmers Market at Lincoln Park on Wednesday mornings.

Public Service Rates

Councilman Brown noted the PUC Change to Public Service natural gas rates to level it out.

It was moved by Councilman Brown and seconded by Councilman Kozisek to district the City Manager and the City Attorney to discuss with Public Service the reopening of negotiations on the franchise to fulfill the intent of the flat 3% across the board and also on the electric rates should that come about. Motion carried.

The President declared a five-minute recess.

PLANNED DEVELOPMENT RESOLUTION

President Johnson brought up the Planned Development Resolution submitted by the Council Commissioners for comment by Council.

Bob Kettle, Mesa County Senior Planner, reviewed the planned development resolution.

After discussion, consensus of Council was the impact of planned development will be felt by the City of Grand Junction more than any other entity. Councilman Brown stated that the point needs to be made very strongly that when a major subdivision or any major development is placed anywhere near the City the impact is going to be felt by the City of Grand Junction only.

President Johnson and City Manager Wysocki are to attend the hearing on August 8th. Council members are to submit written positions to them by Monday.

APPLICATIONS FOR COMMUNITY ACTION PROGRAM

President Johnson requested applications to the Community Action Program.

ADJOURNMENT

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

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk