

Grand Junction, Colorado

September 6, 1978

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session Wednesday, September 6, 1978, at 7:30 P.M. in Council Chambers at 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 Clerk Neva Lockhart, and City Manager Jim Wysocki.

MINUTES

Correction to the August 16, 1978, Council minutes - "Leonard" Lehl. The minutes were approved as corrected.

INTRODUCTION OF NEW CITY EMPLOYEES

The following new City employees were present and introduced to Council: Doug Jones, Parks Department; Eva Benner, Administrative Secretary at Two Rivers Plaza; Eliseo "Al" Chavarria, Fire Department; Tom Freeman, Police Department; Susie Alvarado, Police Department; Darrel Horan, Police Department; and Connor Britton, Police Department.

BOARD OF ADJUSTMENT AND APPEALS

Applications are being accepted for appointment to the Board of Adjustment and Appeals. Councilwoman Quimby suggested contacting the applicants to the Planning Commission to see if they would be interested in serving on this Board.

HEARING ON PROPOSED ADOPTION OF FLOOD PLAIN MAP AND REGULATIONS FOR NATIONAL FLOOD INSURANCE PROGRAM

A hearing was held on the proposed adoption of flood plain map and regulations for National Flood Insurance Program.

Appearing in support of the adoption of the map and regulations were:

Pam Davignon, 2904 Bonita, who presented a petition signed by friends and relatives of the people in Riverside.

Omar Mercer, 819 West Main
Ruby Mercer, 819 West Main
Jessie Bell, 604 West Colorado
Cheryl Mann

Opponents:

Frank Dunn, 2680 Capra Way
Bill Jarvis, Jr., 228 Rood Avenue
Tom Lewis, 1337 White
Dean Van Gundy
Bernard Dangler Insurance Company

Council took this matter under advisement and if it determines that it is to the best interests of all parties and the City as a whole, it will instruct the City Attorney to draft an ordinance adopting the Flood Plain Map and the regulations that go along with it. Further comments will be taken upon the adoption of the ordinance.

CLICK PROPERTY LEASE - KEITH CLARK

Submitted for consideration was the Click Property Lease with Keith Clark.

It was moved by Councilman Brown and seconded by Councilman Kozisek that the Lease as presented by the staff be approved and authorized, the City Manager to sign said Lease. Motion carried.

LIQUOR - RENEWAL OF HOTEL - RESTAURANT LIQUOR LICENSE AT GRASSO'S ITALIAN RESTAURANT AND LOUNGE, 103 NORTH 1ST STREET

Submitted for consideration was the application by Albert L. and Anita L. Grasso, 103 North 1st Street, to renew the Hotel-Restaurant Liquor License at Grasso's Italian Restaurant and Lounge.

The Fire Department report advised that problems noted on preliminary inspection have been corrected and complies with fire regulations. The Health Department report revealed no serious health violations. The Police Department report advised that during the past licensing period, there have been no violations or complaints regarding the operation of this establishment.

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 - RESOLUTION OF FINDINGS AND DECISION ON APPLICATION BY JAMES F. RAMSEY FOR HOTEL-RESTAURANT LIQUOR LICENSE AT THE GRAND RESTAURANT, VALLEY FEDERAL PLAZA, TERRACE #1, 225 NORTH 5TH - APPROVED - APPROVAL OF LONNIE WHITE AS REGISTERED MANAGER

The following Resolution was presented and read:

RESOLUTION

OF DECISION ON APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE AT THE GRAND RESTAURANT, VALLEY FEDERAL PLAZA, TERRACE #1, 225 NORTH 5TH STREET.

A public hearing having been held on August 16, 1978, on the application by James F. Ramsey for a Hotel and Restaurant Liquor License for The Grand Restaurant at Valley Federal Plaza, Terrace #1, 225 North 5th Street, Grand Junction, and the City Council having considered the evidence adduced at said hearing:

FINDS:

1. That the hearing was held after proper notice under the Liquor Code.
2. That the survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet in that 322 persons so stated while 34 felt the needs were being met by the other outlets.
3. That no one appeared at the hearing in opposition to the granting of the license and no petitions or letters of disapproval were received by the City Council.
4. That the character of the Applicant is good as determined through a check by the Police Department and through letters attesting to his good character.
5. The evidence supports the position that the needs of the neighborhood are not being met by other outlets of the same type and the position that the desires of the inhabitants of the neighborhood are that the license issue.

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

That a Hotel and Restaurant Liquor License issue to James F. Ramsey for The Grand Restaurant at Valley Federal Plaza, Terrace #1, 225 North 5th Street, Grand Junction, Colorado.

PASSED and ADOPTED this 6th day of September, 1978.

President of the Council

Attest:

City Clerk

It was moved by Councilman Brown and seconded by Councilman Kozisek that the Resolution be passed and adopted as read. Upon roll call Council members KOZISEK, BROWN, QUIMBY, and JOHNSON voted AYE. Council members HOLMES and O'DWYER voted NO. The

President declared the motion carried and the Resolution passed and adopted.

It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that Lonnie White be approved as the registered manager of this business. Motion carried.

HEARING - I.D. ST-78, PHASE C, WALNUT AVENUE, 15TH TO 17TH STREETS
RESOLUTION CREATING AND ESTABLISHING DISTRICT - APPROVED

After proper notice, a hearing was held on I.D. ST-78, Phase C, Walnut Avenue, 15th to 17th Streets. All property owners but one signed the petition for improvements. Mr. Skip Clifton, who owns property on this street, appeared before Council and stated he favors the improvements. No others were present to speak for or against the formation of the district and no letters were filed.

The following Resolution was presented and read:

RESOLUTION

CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-78, PHASE C, 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 August 2, 1978, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Improvement District No. ST-78, Phase C, 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-78, Phase C, 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 are 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-78, Phase C, 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 2nd day of August, 1978, 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-78, Phase C, for the purpose of paying the cost and expenses of construction of said District.

PASSED and ADOPTED this 6th day of September, 1978.

President of the Council

Attest:

City Clerk

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

I.D. ST-78, PHASE C, WALNUT AVENUE, 15TH TO 17TH STREETS
CONSTRUCTION CONTRACT CORN CONSTRUCTION, \$37,294.65

City Engineer Ron Rish advised that he submitted to the contractor for phases A & B (Corn Construction) the detailed plans and quantities for Phase C and asked for a price quote to change order this work in. After analyzing the price quote, Mr. Rish recommended the authorization to execute the change order in the amount of \$37,294.65.

It was moved by Councilman Holmes and seconded by Councilwoman Quimby to authorize the execution of the change order in the amount of \$37,294.65 in the street improvement contract with Corn Construction Company. Motion carried.

I.D. ST-78 BOND BID AWARD TO COUGHLIN & COMPANY - 5.568 -
RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Five bids were received at 2:00 p.m. September 6, 1978, for the sale of \$254,000 street improvement district bonds. They were:

<u>Average Int. RateInterest</u>		
E. F. Hutton & Company6.71972\$78,35 2.00		
Kirchner, Moore & Company6.681\$77,605. 00		
Boettcher & Company6.515\$75,974. 00		
Hanifen, Imhoff, & Samford, Inc.6.2839\$73,270.50		
Coughlin & Company, Inc.5.568\$64,928.00		

Staff recommended the award of the bid to Coughlin & Company, Inc. It was moved by Councilwoman Quimby and seconded by Councilman Kozisek that the bond bid be awarded Coughlin & 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-78

WHEREAS, the City Council of the City of Grand Junction has heretofore adopted Resolutions Creating Improvement District No. ST-78 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-78, including engineering, inspection and other incidental expenses, the City shall issue public improvement bonds of said Improvement District No. ST-78, dated the 1st day of October, 1978, in the denomination of \$1,000 each, numbered 1 to 254, inclusive, due and payable on the 1st day of October, 1988, 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 April and the first day of October of each year, as evidenced by coupons to be attached to said bonds, as follows:

<u>Bond Nos.</u> <u>Inclusive</u> <u>Principal</u> <u>Interest</u> <u>Rate</u> <u>Estimated</u> <u>Dates of</u> <u>Payment</u>			
01 - 30 \$30,000 4.75% 10-1-79			
31 - 70 40,000 4.90% 0-1-80			

71 - 10434,0005.00% 10-1-81			
105 - 13430,0005.10% 10-1-82			
135 - 16228,0005.20% 10-1-83			
163 - 18826,0005.30% 10-1-84			
189 - 21224,0005.40% 10-1-85			
213 - 23119,0005.50% 10-1-86			
232 - 24312,0005.60% 10-1-87			
244 - 25411,0005.60% 10-1-88			

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

Bond Nos. 1 to 254 bear 1.25% Supplemental Interest Coupons

Supplemental Coupons commence to accrue interest on October 1, 1978, and continue until October 1, 1979.

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 voted 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-78

No. _____ \$1000.00

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 October, 1988, 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 April and the 1st day of October, 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-78 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-78 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 costs 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 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 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 October, 1978.

President of the Council

Attest:

City Clerk

(SEAL)

(Form of Coupon)

No. _____ \$ _____

On the first day of (April) October, A.D., 1978, 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-78 provided the bond to which this coupon is attached has not been called for prior payment.

Attached to bond dated October 1, 1978.

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., 1978.

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 6th day of September, 1978.

President of the Council

Attest:

City Clerk

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

declared the motion carried and the Resolution duly passed and adopted.

LIQUOR - HEARING ON ALLEGED VIOLATION OF STATE LIQUOR CODE BY JIM'S LIQUORS, 1560 NORTH AVENUE - 6-DAY SUSPENSION

A hearing was held on the violation of State Liquor Code Section 12-47-128(a), selling to a person under 21 years of age, by employee Bruce David Johnson, Dick Will Enterprises, Ltd., Jim's Liquors, 1560 North Avenue, on June 27, 1978.

Present for the hearing were Dick Will with his attorney Clayton Tipping, Timothy Shane Anderson whose birth date is 8-24-60, Officer Cruz, Officer Dave Schumacher, and August Pantuso, employee of Dick Will Enterprises, Ltd.

The employee, Bruce David Johnson, has entered a plea of guilty to the charge.

It was moved by Councilman Holmes and seconded by Councilman O'Dwyer that a six-day suspension of the license be imposed to go into effect at midnight tonight. Upon roll call Council members HOLMES, KOZISEK, O'DWYER and BROWN voted AYE. Council members QUIMBY and JOHNSON voted NO. The President declared the motion carried.

LIQUOR - HEARING ON ALLEGED VIOLATION OF STATE LIQUOR CODE BY GLORIA MELVIN DBA BEACON LOUNGE, 609 MAIN STREET - 6-DAY SUSPENSION

A hearing was held after proper notice on the alleged violation January 26, 1978, of sale of alcoholic beverages to visibly intoxicated persons at the Beacon Lounge of Section 12-47-128(1)(a) Colorado Revised Statutes, 1973, as amended, at the Beacon Lounge, 609 Main Street.

Mrs. Gloria Melvin (Wright) was present with her attorney, Mr. Gary Cowan. The charge was denied.

Sworn testimony was had from Officer Dave Schumacher and Officer Richard Bacher.

It was moved by Councilman Holmes and seconded by Councilman Brown that the license be suspended for a period of six days effective at midnight tonight. Motion carried.

The President declared a five-minute recess.

LIQUOR - REPORT ON LAMPWICK RESTAURANT 336 MAIN STREET

Stan Mena, State Liquor Enforcement Officer assigned to this district, advised Council of efforts to this date on attempts to complete the investigation of the major stockholder from Costa Rica in Lampwick Restaurant.

Mr. Laird Milburn, Attorney, was present representing Mr. Don Fleisher, President of Pitkin County Food and Beverage Company dba Lampwick Restaurant. Mr. Milburn requested that this matter be continued until after the first of October when the stockholder, Mr. Kopper, will be in Costa Rica where he can be contacted for financial information.

It was moved by Councilman Kozisek and seconded by Councilman O'Dwyer that this matter be continued until Wednesday, October 18, so that the information may be received. Motion carried.

HEARING - 3.2% BEER SPECIAL EVENTS PERMIT GRANTED MESA COLLEGE FOR FRIDAY, OCTOBER 6 - 8TH PERMIT

A hearing was held on the application by Mesa College for a 3.2% Beer Special Events Permit for a social function by the Student Body Association on Friday, October 6, at Houston Hall, Mesa College Campus, from 8:00 p.m. to midnight.

A report from the Police Department advised that four Grand Junction Police officers will work the event to provide security. Mesa College will also provide security officers, I.D.'s will be checked at the door to assure those consuming will be of age.

No letters were filed. There were no others in the audience who indicated a desire to speak for or against the request.

It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that the application for the 3.2% Beer Special Events Permit be approved. Motion carried with Council members HOLMES and O'DWYER voting NO.

BIDS - AWARD OF CONTRACT - JUNIATA RESERVOIR DAM CONSTRUCTION - NEWSTROM DAVIS \$1,600,957.87

On August 28, 1978, eight bids were received for the Juniata Reservoir Dam construction. They were:

Ramsour Brothers Construction\$2,948,445.20	
Jasper Construction Company\$2,896,344.00	
Neilsons, Inc.\$2,756,142.00	

Harrison - Western Corporation\$2,627,892.70	
Schmidt - Tiago Construction Company\$2,496,893.00	
Wadsworth Excavation\$2,159,911.61	
Nick Pinello Construction Company\$1,896,425.00	
Newstrom Davis Construction\$1,600,957.87	
Engineer's Estimate\$1,682,855.00	

It was moved by Councilman Brown and seconded by Councilwoman Quimby that after review and approval by the City Manager and the City Attorney that the contract be awarded to Newstrom Davis Construction Company in the amount of \$1,600,957.87, and authorized the appropriations as outlined. Motion carried.

PRELIMINARY STUDY BY ARMSTRONG ENGINEERS FOR COFFERDAM AT JUNIATA RESERVOIR - \$2000

It was moved by Councilman Brown and seconded by Councilman Holmes that the City Manager be authorized to sign the contract with Armstrong Engineers and expend the \$2000 for the engineering study for the cofferdam and that the City Engineering staff investigate all possible alternatives to having the water spill over on BLM land under terms of an agreement. Motion carried with Councilwoman QUIMBY voting NO.

HEARING - NELSON STEWART ANNEXATION - RESOLUTION ANNEXING - PROPOSED ORDINANCE

A hearing was held after proper notice on the Nelson-Stewart Annexation. No letters were filed and there was no one in the audience who appeared for or against the annexation.

The following Resolution was presented and read:

RESOLUTION

WHEREAS, on the 6th day of September, 1978, a hearing was held before the City Council of the City of Grand Junction, Colorado, to determine the eligibility for annexation to said City of the following described territory, situate in Mesa County, Colorado, to wit:

That part of the West Half of the Northwest Quarter of Section 1, Township 1 South, Range 1 West, Ute Meridian, lying North and West of the Southeasterly right of way line of Horizon Drive except right of way for 27 Road on the west;

and

WHEREAS, the Council has found, and does hereby find, 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 territory is integrated or is capable of being integrated with said City; that no land in single ownership has been divided by the proposed annexation; no land held in identical ownership comprising more than twenty acres which, together with the building and improvements thereon has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; nor is any of the land now subject to other annexation proceedings; and that no election is required under the Municipal Annexation Act of 1965.

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

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

PASSED and ADOPTED this 6th day of September, 1978.

President of the Council

Attest:

City Clerk

It was moved by Councilman O'Dwyer and seconded by Councilman Kozisek that the Resolution be passed and adopted as read. Upon roll call all Council members present 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. It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that the proposed ordinance be passed for publication. Motion carried.

It was moved by Councilman Kozisek and seconded by Councilman Brown to direct the Staff to take action for annexation of the enclave. Motion carried.

HEARING - PROPOSED ORDINANCE - REZONE FROM R-1-C TO PD-8, LAMPLITE PARK, E END OF SANTA CLARA AVENUE

A hearing was held after proper notice on the proposed rezoning from R-1-C to PD-8, Lamplite Park, east end of Santa Clara Avenue. No letters were filed and there was no one in the audience who indicated a desire to speak for or against the proposal.

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, BY CHANGING THE ZONING OF CERTAIN LAND. It was moved by Councilman Kozisek and seconded by Councilman O'Dwyer that the proposed ordinance be passed for publication. Motion carried with Councilman HOLMES voting NO.

HEARING - CONDITIONAL USE - DAY CARE AND PAROCHIAL SCHOOL, CHRISTIAN LIFE CENTER, 1622 GLENWOOD AVENUE

A hearing was held on this item after proper notice.

Mrs. Sandy Patterson, consultant, presented the proposal. No others were present to speak for or against and no letters were filed.

It was moved by Councilman Kozisek and seconded by Councilman Holmes that the conditional use for the day care and parochial school, Christian Life Center, 1622 Glenwood Avenue, be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING - AMENDMENT TO PD-12 FOR PRE-SCHOOL, MESA MONTESSORI SCHOOL, UNITY CHURCH, 3205 N. 12TH STREET

A hearing on this item was held after proper notice.

Mrs. Lee Malinowski reviewed the request. There were no others present to speak for or against, and no letters were filed.

It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that the amendment to PD-12 for preschool, Mesa Montessori School, Unity Church, 3205 N. 12th Street, be approved. Motion carried.

HEARING - RESOLUTION - REVOCABLE PERMIT FOR PLANTERS AND CANOPIES

AT NORTH HALF OF N-S ALLEY BETWEEN 6TH AND 7TH STREETS, S OF MAIN STREET

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

The following Resolution was presented and read:

RESOLUTION

WHEREAS, Larry Dowd has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the placing of planters and canopies on the North Half of the North-South alley between 6th and 7th Streets, South of Main Street, in the City of Grand Junction; and

WHEREAS, such action has heretofore been approved by the City Planning Commission and City Engineer and would not be detrimental to the interest of the inhabitants of the City;

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

That the City Manager, on behalf of the City and as the act of the City, be and he is hereby authorized to grant such Revocable Permit to the above-named petitioner for the purpose above described upon the execution by the petitioner of an agreement to save and hold the City harmless from any claims arising out of the encroachment and use granted, and execution by the petitioner of an agreement that upon the revocation of such Permit, the petitioner will remove said encroachment at his own expense, restoring the right of way to its original condition.

PASSED and ADOPTED this 6th day of September, 1978.

President of the Council

Attest:

City Clerk

REVOCABLE PERMIT

WHEREAS, Larry Dowd has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the placing of planters and canopies on the North Half of the North-South alley between 6th and 7th Streets, South of Main Street, in the City of Grand Junction; and

WHEREAS, the City Planning Commission and City Engineer have approved such action, and the City Council is of the opinion that such would not be detrimental to the City or to any of the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to Larry Dowd a Revocable Permit to allow the placing of planters and canopies on the North Half of the North-South alley between 6th and 7th Streets, South of Main Street; provided, however, that said Permit may be revoked by the City Council at its pleasure at any time; provided, further, that the above-named petitioner shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from the permitted use; and provided further that said petitioner shall agree that upon the revocation of such permit, he will, at his own expense, remove said encroachment and restore the right of way to its original condition.

Dated this _____ day of _____, 1978.

James E. Wysocki
City Manager

Attest:

Neva B. Lockhart, CMC
City Clerk

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

HEARING - PROPOSED ORDINANCE - ZONING TREECE ANNEXATION H.O.

A hearing was held after proper notice. No letters were filed and there was no one in the audience to speak for or against the proposed zoning.

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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Brown and seconded by Councilwoman Quimby that the proposed ordinance be passed for publication. Motion carried.

HEARING - RESOLUTION - STREET NAME CHANGE FROM GUNNISON BOULEVARD
TO CLYMER WAY

A hearing was held after proper notice. There was no one in the audience to speak for or against the proposal, and there were no letters filed.

The following Resolution was presented and read:

RESOLUTION

CHANGING THE NAME OF A STREET.

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

That,

Gunnison Boulevard, Beginning at the top of 5th Street hill going Southwesterly parallel to the Gunnison River, as platted in Orchard Mesa Heights Subdivision,

be changed in name to Clymer Way.

PASSED and ADOPTED this 6th day of September, 1978.

President of the Council

Attest:

City Clerk

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

HEARING - JACKSON BULK DEVELOPMENT AND ALLEY VACATION, 23RD AND
ELM

A hearing was held after proper notice.

Mr. Keith Mumby, Attorney, was present representing Mrs. Dorothy Jackson, the petitioner.

Others present:

Dale McLaughlin, 2324 Elm Avenue
Mrs. Roth, 2304 Elm Avenue

Mr. Owen Aspinall, Attorney, was present representing the opponent, Mr. Bob Bacon, 1436 N. 23rd Street. Mr. Aspinall submitted a report from the Colorado Western Survey that the lot is 11,835.8 square feet.

Mr. Bob Lovelace, 1505 N. 23rd Street, stated he purchased his property after assurance that it was zoned single-family residential. He expressed concern not only with just this location, but also with what may happen on down the street.

Councilman Brown said the record should remain open for ten days only for the submission of surveys and other documentary evidence.

HEARING - PROPOSED PLANNED DEVELOPMENT BUSINESS, DOWNTOWN DEVELOPMENT AUTHORITY, 1ST TO 3RD STREETS, ROOD TO COLORADO

A hearing was held after proper notice. Mr. Loran Dake, Acting Director of the Downtown Development Authority, appeared in support of the proposal. There were no others in the audience who indicated a desire to speak for or against the proposal, and there were no letters filed.

It was moved by Councilman Brown and seconded by Councilman Kozisek that the outline development plan for Downtown Development Authority be approved. Motion carried.

ORDINANCE NO. 1760 - EASEMENT VACATION, 3RD AND SHERWOOD STREETS

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE VACATING AN EASEMENT FOR UTILITIES. It was moved by Councilman O'Dwyer and seconded by Councilman Brown that the Proof or Publication be accepted for filing. Motion carried.

It was moved by Councilman Kozisek 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 Holmes and seconded by Councilman Brown that the Ordinance be passed, adopted, numbered 1760, and ordered published. Upon roll call, all Council members present voted AYE. The President declared the motion carried.

ORDINANCE NO. 1761 - ZONING FALLS ANNEXATION PD-8

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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Brown and seconded by Councilman Kozisek that the Proof of Publication be accepted for filing. Motion carried.

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

The Ordinance was read. There being no comments, it was moved by Councilman Brown and seconded by Councilwoman Quimby that the Ordinance be passed, adopted, numbered 1761, and ordered published. Upon roll call, all Council members present voted AYE. The President declared the motion carried.

ORDINANCE NO. 1762 - ZONING AMERICAN FAMILY ANNEXATION H.0.

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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Kozisek 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 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 Brown and seconded by Councilman Kozisek that the Ordinance be passed, adopted, numbered 1762, and ordered published. Upon roll call, all Council members present voted AYE. The President declared the motion carried.

ORDINANCE NO. 1763 - ZONING TEXT CHANGE, SECTION 6, PARAGRAPH b, FIRE ZONES

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF GRAND JUNCTION IN REGARD TO FIRE ZONES. It was moved by Councilman O'Dwyer and seconded by Councilman Holmes 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 Brown and seconded by Councilman O'Dwyer that the Ordinance be passed, adopted, numbered 1763, and ordered published. Upon roll call, all Council members present voted AYE. The President declared the motion carried.

PROPOSED ORDINANCE - CORRECTING ORDINANCE NO. 1734 - ALLEY VACATION, S HALF OF ALLEY BETWEEN NORTH AVENUE AND GLENWOOD AVENUE, E OF 7TH STREET

The following entitled proposed ordinance was introduced and read: AN ORDINANCE VACATING AN ALLEY WITHIN THE CITY OF GRAND JUNCTION. It was moved by Councilman Brown and seconded by Councilwoman Quimby that the proposed ordinance be passed for publication. Motion carried.

AGREEMENT WITH BLACK WATER COMPANY

The Agreement with Black Water Company was submitted for consideration. It was moved by Councilman Brown and seconded by Councilwoman Quimby that the agreement be approved and authorized the City Manager to sign said agreement. Motion carried.

RESOLUTION - RARE II

The following Resolution was presented and read:

RESOLUTION

CONCERNING DRAFT ENVIRONMENTAL STATEMENT ON ROADLESS AREA REVIEW AND EVALUATION.

WHEREAS, a Draft Environmental Statement has been filed on the RARE II program of the United States Forest Service for Colorado; and

WHEREAS, within that Statement, Alternate H includes an area 195, that area involving uses and concerns of the City of Grand Junction pertaining to its water system;

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

That the inclusion of area 195 be strongly opposed by the City of Grand Junction for the following reasons:

1. The inclusion of land on the top of Grand Mesa near the Flowing Park and Chambers Reservoirs would severely hamper remedial improvements of or maintenance action for the reservoirs through substantially restricting borrow areas and haul roads and even work on the reservoirs.

2. The City and other Kannah Creek water users vary stream flow through the area included which lies under the Grand Mesa rim by releases from the Grand Mesa reservoirs, thus influencing the stream flow by man-made structures and devices; and, while no construction in the area is presently planned, the land should not be included within the program as development of proper water control will depend on open use of this land.

PASSED and ADOPTED this 6th day of September, 1978.

President of the Council

Attest:

City Clerk

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

RESOLUTION - ACCEPTING GRANT AGREEMENT FOR APRON IMPROVEMENT AT WALKER FIELD AS LIMITED BY CO-SPONSORSHIP AGREEMENT APPROVED BY COUNCIL JULY 19, 1978

The following Resolution was presented and read:

RESOLUTION

AUTHORIZING EXECUTION OF GRANT OFFER FOR ADAP PROJECT NO. 6-08-0027-04 FOR IMPROVEMENTS AT WALKER FIELD AIRPORT.

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

The President of the City Council is hereby authorized and directed to execute the Acceptance to Grant Agreement No. 6-08-0027-04 for the City of Grand Junction, Colorado, and the City Clerk is authorized and directed to affix the Seal of the City thereto and attest the execution.

The Offer to said Grant Agreement is attached and incorporated into this Resolution by reference.

The above Resolution by the City of Grand Junction is herewith adopted and executed in regular meeting of the City Council this 6th day of September, 1978.

President of the Council

Attest:

City Clerk

It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that the Resolution be passed and adopted as read. Upon

roll call all Council members BROWN, QUIMBY, HOLMES, KOZISEK and JOHNSON voted AYE. Councilman O'DWYER voted NO. The President declared the motion carried and the Resolution duly passed and adopted.

PETITION - RESOLUTION - PROPOSED ORDINANCE - WESTGATE ANNEXATION,
S OF F ROAD, BETWEEN 25 AND 25 1/2 ROADS

A petition with 100% signatures for the annexation of Westgate located south of F Road between 25 Road and 25 1/2 Road was accepted for filing.

The following Resolution was presented and read:

RESOLUTION

WHEREAS, on the 6th day of September, 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:

The East Half of the West Half of the Northwest Quarter of Section 10, Township 1 South, Range 1 West, Ute Meridian, lying North of road right of way recorded in Book 909 at Page 647, Mesa County Records. Except right of way for F Road on the North;

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 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 been petitioned for annexation;

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

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

PASSED and ADOPTED this 6th day of September, 1978.

President of the Council

Attest:

STATE OF COLORADO, COUNTY OF MESA SEP 29 1978
RECORDED AT 2:35 P.M. D'CLOCK
RECEPTION NO. 1172473 EARL SHYVER, RECORDER

R E S O L U T I O N

CHANGING THE NAME OF A STREET.

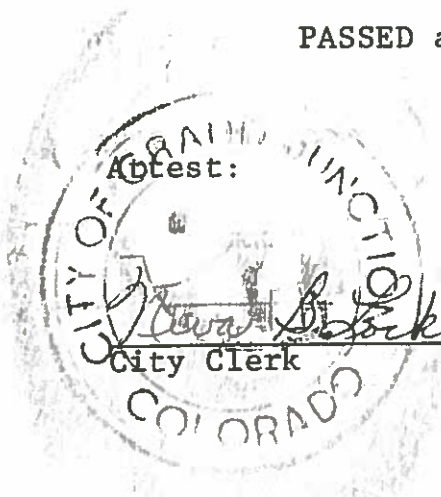
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND
JUNCTION:

That,

Gunnison Boulevard, Beginning at the top of 5th
Street hill going Southwesterly parallel to the
Gunnison River, as platted in Orchard Mesa
Heights Subdivision,

be changed in name to Clymer Way.

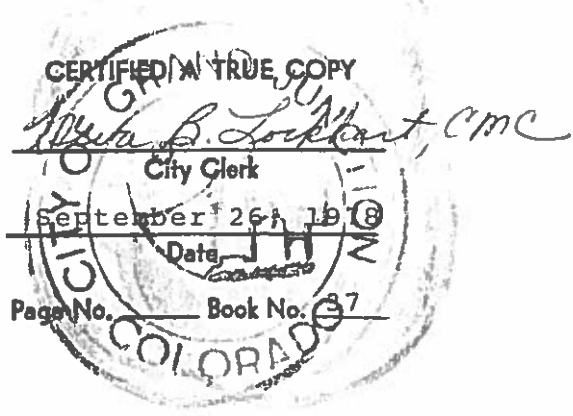
PASSED and ADOPTED this 6th day of September, 1978.



Wanda B. Lockhart, CMC
City Clerk

Karl M. Johnson

President of the Council



CERTIFIED TRUE COPY
Wanda B. Lockhart, CMC
City Clerk
September 26, 1978
Date
Page No. Book No. 37

1172473

[Handwritten mark]

STATE OF COLORADO } ss
County of MESA
I hereby certify that this instrument was
filed for record

SEP 29 1978

at 935 P. and recorded
in Book 1167 Page 872
EARL SAWYER, County Clerk & Recorder
By *[Signature]*

318

*Atty General's
250 No Sth
off*

