

Grand Junction, Colorado

October 17, 1979

The City Council of the City of Grand Junction, Colorado, convened in regular session the 17th day of October, 1979, in Council Chambers at City Hall. Those present were Council members Louis Brach, Frank Dunn, Dale Hollingsworth, Robert Holmes, Karl Johnson, and Jane Quimby, a quorum. Councilman Bill O'Dwyer was absent. Also present were City Attorney Gerald Ashby, City Manager Jim Wysocki, and City Clerk Neva Lockhart.

Council President Jane Quimby called the meeting to order.

PLEDGE OF ALLEGIANCE

INVOCATION

Reverend Conard Pyle, Congregational Church.

MINUTES

Upon motion by Councilman Dunn, duly seconded and carried, the Minutes of the regular meeting October 3, 1979, were approved as written.

APPOINTMENTS TO PLANNING COMMISSION FOUR-YEAR TERMS

By secret ballot, Janine Rider and Jim Pickens were reappointed to serve four-year terms on the Planning Commission.

HOUSING AUTHORITY APPOINTMENT - FIVE-YEAR TERM

Upon motion by Councilman Johnson, duly seconded and carried, the reappointment of Dave Humphries to a five-year term on the Housing Authority was ratified.

STREETS - ARBOR VILLAGE SUBDIVISION

Mr. Roger Martin, who resides in Arbor Village Subdivision, appeared before Council to state that he has lived in Arbor Village Subdivision for approximately five years, and to date the City has not accepted the streets into the city system. He feels there are some communication gaps between the developer, Blaine Ford, and the City. He noted there are no street lights, no street sweeping, or other amenities.

The City Manager advised that the developer has indicated to Councilman Johnson that the concrete work will be done. Public Service will be putting in the street lighting yet this fall. Mr. Wysocki stated that it is the City's position that the contractor must meet the obligations that he agreed to at the time that he was permitted to put in the subdivision.

Mr. Wysocki said he has directed the City Staff to take a look at means and methods so that this will not happen again -- even to the point of no occupancy of houses until everything is done. This is an extreme measure due to financing, but he said it may have to be done if the City does not get the cooperation of the developers.

Mr. Wysocki suggested that the developer be given the couple of weeks requested in order to complete the work. If after that time the work remains undone, the City and the neighborhood may want to join against that contractor.

Councilman Johnson discussed this matter with the developer on Tuesday. Mr. Ford said there were some deficiencies that the City Engineer called to his attention as a condition of accepting those streets into the city system. Early this summer Mr. Ford had contacted a contractor who does cement work and directed that the work be done. The contractor told a City Staff member yesterday that he had received the order for the work. The contractor said that the work would be scheduled in a couple of weeks after hunting season is over.

Mr. Martin stated that he is willing to give it another thirty days. If at that time the work has not been accomplished, he will be back to discuss it with Council.

Councilman Johnson said the City needs to be looking at some method of requiring a warranty or bond from the developer to make sure that the streets are stabilized and that they are not going to deteriorate.

Mr. Gary Garren, 2523 Pinyon, discussed the drainage ditch to the east of this development. It was a dirt ditch before the development. It is now a concrete ditch and overflows frequently. This problem goes along with the other problems in Arbor Village Subdivision. The City Attorney advised that this is a problem of the developer and the church. Mr. Garren also stated that the problem with the cul-de-sac started 14 to 15 months ago. He had records of his calls to the developer in an attempt to get something done.

COUNCIL CHALLENGED TO JUMP ROPE CONTEST ON NOVEMBER 17, 1979, TO BENEFIT CANCER SOCIETY

Mrs. Joanna Feather appeared before Council to challenge the members to an old-fashioned jump rope contest on November 17 at the Grand Junction High School cafeteria to benefit the Cancer Society. Council reluctantly accepted the challenge.

HEARING - REZONE FROM R-3 TO R-2 ALONG 7TH STREET FROM GRAND AVENUE TO ALLEY N OF CHIPETA AVENUE TO N/S ALLEYS ON E SIDE OF 7TH STREET - PROPOSED ORDINANCE

A hearing on this proposed rezone was held after proper notice.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Johnson, duly seconded and carried, the proposed ordinance was passed for publication.

HEARING - REZONE FROM C AND R-1-C TO PR AND FINAL PLAN FOR C.D.K. APARTMENTS (MINOR) SUBDIVISION, E SIDE HARRIS ROAD, 274 FEET S OF NORTH AVENUE - PROPOSED ORDINANCE

A hearing on this proposed rezone and final plan for C.D.K. Apartments (Minor) Subdivision was held after proper notice. The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Dunn, duly seconded and carried, the proposed ordinance was passed for publication.

HEARING - PLANNED DEVELOPMENT FINAL PLAN FOR EASTGATE PLAZA FILING #1, SW CORNER ELM AVENUE AND 28 1/2 RD

A hearing on the final planned development plan for Eastgate Plaza Filing #1 was held after proper notice. Upon motion by Councilman Brach, duly seconded and carried, the final planned development plan for Eastgate Plaza Filing #1 was approved subject to the conditions of the Planning Commission.

LIQUOR - HILLTOP LIQUOR STORE RENEWAL, 1563 HIGHWAY 50 SOUTH

Upon motion by Councilman Brach, duly seconded and carried, the application to renew the retail liquor store license at Hilltop Liquor Store, 1563 Highway 50 South, was approved with Councilman Holmes voting NO.

Councilman Hollingsworth stated that his "yes" vote for the consent items on the agenda, including the liquor renewal, is made because he believes his "yes" vote is an indication that they have met all the conditions of the law. It is not a "yes" vote in favor of alcoholic beverages for the consumption thereof. It's a "yes" vote that the conditions of the law have been met and that that is his responsibility as an elected official. He continued that Mr. Holmes votes "no" which would indicate that he must have some additional information that the others do not know; that the law has not been met and in fact not been adhered to. Councilman Hollingsworth said that if Mr. Holmes does have information, he should tell the Council now on this and on all other liquor license renewals. If he does not, Councilman Hollingsworth suggested that the City Attorney issue an opinion on whether Mr. Holmes should abstain from voting if he has a personal or religious conviction against voting "yes" on renewals of liquor licenses.

City Attorney Ashby stated that the vote is solely on the issue of whether or not the legal requirements have been met for the renewal of the license.

Councilman Hollingsworth questioned what "no" vote constitutes.

Councilman Holmes responded that it is his prerogative.

City Attorney Ashby said that he and Mr. Holmes have discussed this matter, and Mr. Holmes feels that he represents certain constituents who are opposed to the consumption of liquor; he feels that he represents these people when he votes "no".

Mr. Ashby said he has discussed with Mr. Holmes that as far as the law is concerned it is not an acceptable thing to vote "no" on the sole basis of the belief in the consumption of liquor or the belief that the consumption of liquor is bad.

Councilman Holmes commented that he would hope that the appreciation of his consistency in his "no" voting would be just as recognized as his consistency of "yes" voting on many issues where there is a reasonable question to question the authenticity or the prerogative for voting "yes".

HEARING - APPLICATION BY LOYAL ORDER OF MOOSE, GRAND JUNCTION LODGE #270, FOR CLUB LIQUOR LICENSE TO BE LOCATED AT 567 25 1/2 ROAD AND EAST CRETE CIRCLE - APPROVED

A hearing on the application by Moose Lodge for a club liquor license to be located at 567 25 1/2 Road was held after proper notice. Richard Livingston, attorney, was present representing the applicants. Upon motion by Councilman Johnson, duly seconded and carried, the application for club liquor license was approved with Councilman Holmes voting NO.

PETITION FOR F ROAD ANNEXATION, 2835 F ROAD - RESOLUTION - PROPOSED ORDINANCE

The following petition for F Road Annexation was accepted.

PETITION

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;

Beginning at a point 420 feet East of the Northwest corner Northeast 1/4 Northwest 1/4 Section 7 Township 1 South Range 1 East Ute Meridian thence East 240 feet, thence South 400 feet, thence West 240 feet, thence North 400 feet to point of beginning also adjacent right of way for north half of Patterson Road.

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 31-12-104 and 31-12-105 CRS 1973 have been met.

This petition is accompanied by four copies of a map or plat of the said territory, showing its boundary and its relation to established city limit lines, and said map is prepared upon a material suitable for filing.

Your petitioners further state that they are the owners of one hundred per cent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of each signer and the date of signature are set forth hereafter opposite the name of each signer, and that the legal description of the property owned by each signer of said petition is attached hereto.

WHEREFORE, these petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance.

<u>DATE</u> <u>SIGNATURE</u> <u>ADDRESS</u> <u>PROPERTY</u> <u>DESCRIPTION</u>			
10-5-79/s/ Fred I. Ferrar2835 F Road			
10-5-79/s/ Lois P. FerrarGrand Junction, COBeginning at a point 420 ft east of the Northwest corner Northeast 1/4 Northwest 1/4 Section 7 Township 1 South Range 1			

East Ute Meridian thence East 240 feet thence South 400 feet, thence North 400 feet to point of beginning except road right of way on North.			
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STATE OF COLORADO)			
) SSAFFIDAVIT			
COUNTY OF MESA)			

Bonnie Robb, of lawful age, being first duly sworn, upon oath, deposes and says:

That she is the circulator of the foregoing petition:

That each signature on the said petition is the signature of the person whose name it purports to be.

;sigl;
/s/ Bonnie B. Robb

Subscribed and sworn to before me this 10th day of October, 1979.

Witness my hand and official seal.

;sigl;
/s/ Pamela R. Delucas
Notary Public

My Commission expires: February 1, 1983

The following Resolution was presented and read:

RESOLUTION

WHEREAS, on the 17th day of October, 1979, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County and described as follows:

Beginning at a point 420 feet East of the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section 7, Township 1 South, Range 1 East, Ute Meridian, thence East 240 feet, thence South 400 feet, thence West 240 feet, thence North 400 feet to point of beginning; also adjacent right of way for North Half of Patterson Road;

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 17th day of October, 1979.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Johnson, duly seconded and carried, the Resolution was passed and adopted as read.

The following entitled proposed ordinance was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Upon motion by Councilman Johnson, duly seconded and carried, the proposed ordinance was passed for Publication.

SEWER SERVICE AGREEMENT WITH BRACH, INC., FOR PIONEER VILLAGE SOUTH

Upon motion by Councilman Hollingsworth, duly seconded and carried, the Sewer Service Agreement with Brach, Inc., for Pioneer Village South was approved with Councilman Brach abstaining.

CITY-COUNTY SEWERAGE AGREEMENT

Upon motion by Councilman Johnson, duly seconded and carried, the City-County Sewerage Agreement was approved and the President of the Council was authorized to sign.

VISITORS

Present for the meeting was Gary Galpin from Brighton, Colorado, City Council member.

Also, two members of the Mesa College Journalism class.

PARKS

George White, President of Greenbelt, Inc., commended the Council for the statement in the guidelines regarding parks acquisition that it is not the policy of the Council that condemnation be used as a means to acquire parklands or access thereto. He said this is the policy of the Greenbelt Committee, and they wholeheartedly support the resolution.

YOUTH COMMISSION

Councilman Dunn attended his fifth Youth Commission on Thursday. He was the only adult advisor present. More are needed. Future meetings will be held in the upstairs room at Dusty's.

PROPOSED PLAN FOR OFFICE BUILDING AT 3RD STREET AND COLORADO AVENUE

Councilman Johnson reported on the proposed plan for an office building at 3rd Street and Colorado Avenue.

ADJOURNMENT

Upon motion by Councilman Johnson, duly seconded and carried, the meeting was adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC

City Clerk