

Grand Junction, Colorado

March 5, 1980

The City Council of the City of Grand Junction, Colorado, convened in regular session at 7:30 p.m. the 5th day of March, 1980, in Council Chambers at City Hall. Those present were Council members Louis Brach, Frank Dunn, Robert Holmes, Dale Hollingsworth, Karl Johnson, Bill O'Dwyer, and Jane Quimby, a quorum. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

Council President Jane Quimby called the meeting to order and led in the Pledge of Allegiance.

INVOCATION

Reverend Tracy Miller, First Christian Church

MINUTES

The Minutes of February 20, 1980, were corrected to reflect that projection of parking structure beyond Colorado Avenue property line by 5 feet also applies only to this project south of Colorado Avenue between 3rd and 4th Streets. Upon motion by Councilman Dunn, seconded by Councilman Brach and carried unanimously, the Minutes of February 20, 1980, were approved as corrected.

REAPPOINTMENTS TO RECREATION BOARD 3-YEAR TERMS

Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried unanimously, the reappointment of Jim Wilds and Betsy Clark to 3-year terms on the Recreation Board were ratified.

WITHDRAWAL OF PROPOSAL BY HAC TO ACT AS CITY AGENT RE: INDUSTRIAL DEVELOPMENT REVENUE BOND ISSUES

Bob Matticks, Executive Director of the Housing Assistance Corporation, appeared before Council to withdraw HAC's proposal to administer the City's proposed Industrial Development Revenue Bond program as it has been suggested there might be a conflict of interest of the principals of the Housing Assistance program and this program.

APPLICATION TO RENEW LIQUOR AND BEER LICENSES - APPROVED

Upon motion by Councilman Dunn, seconded by Councilman Brach and carried with Councilman HOLMES voting NO, the following applications to renew liquor and 3.2% beer licenses were approved:

1. Holiday Inn, 755 Horizon Drive
2. Ramada Inn, 718 Horizon Drive
3. Brach's Mini Market, 2516 Broadway

APPLICATION BY MESA COLLEGE FOR 3.2% BEER SPECIAL EVENTS PERMIT
(3RD PERMIT APPROVED)

Posted for hearing on this date was the application by Mesa College for 3.2% beer special events permit April 26, 1980, from 1:00 p.m. to 5:00 p.m. on the west side of Saunders Field House. Matt Smith, Student Body Association President, appeared in behalf of the application. There were no opponents, no letters, no counterpetitions.

Upon motion by Councilman Brach, seconded by Councilman Hollingsworth and carried with Council members HOLMES and O'DWYER voting NO, the application by Mesa College for its 3.2% Beer Special Events Permit on April 26, 1980, was approved.

PETITION - RESOLUTION - PROPOSED ORDINANCE - MESA MALL #3
ANNEXATION, SE CORNER OF F AND 24 ROADS

The 100% signed petition for the annexation of Mesa Mall #3 was accepted for filing. The following Resolution was read:

RESOLUTION

WHEREAS, on the 5th day of March, 1980, 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, Colorado, and described as follows:

Lot 1 MESA MALL SUBDIVISION in Section 4, Township 1 South, Range 1 West, Ute Meridian, together with right of way for 24 Road on West;

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 5th day of March, 1980.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Johnson, seconded by Councilman Brach and carried by roll call vote, 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, seconded by Councilman Dunn and carried unanimously, the proposed ordinance was passed for publication.

PETITION - RESOLUTION - PROPOSED ORDINANCE - REDDING ANNEXATION, F ROAD N OF POMONA SCHOOL

The 100% signed petition for annexation of Redding property was accepted for filing. The following Resolution was read:

RESOLUTION

WHEREAS, on the 5th day of March, 1980, 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, Colorado, and described as follows:

Beginning 130 feet North and 86 feet East of the Southwest Corner of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 3, Township 1 South, Range 1 West, Ute Meridian, thence West 86 feet, thence North 60 feet, thence East 116 feet, thence South 10 feet, thence Southwesterly to beginning and Beginning at the Southwest Corner of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 3, Township 1 South, Range 1 West, Ute Meridian, thence North 130 feet, thence East 96 feet, thence South 130 feet, thence West to beginning; also F Road right of way on South;

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 5th day of March, 1980.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Brach, seconded by Councilman Dunn and carried unanimously by roll call vote, 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 Dunn, seconded by Councilman O'Dwyer and carried unanimously, the proposed ordinance was passed for publication.

ORDINANCE NO. 1869 - VACATING ROADWAY, HORIZON DRIVE

Upon motion by Councilman Johnson, seconded by Councilman O'Dwyer and carried unanimously, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE VACATING A ROADWAY WITHIN THE CITY OF GRAND JUNCTION.

Upon motion by Councilman O'Dwyer, seconded by Councilman Johnson and carried unanimously, the proposed ordinance was called up for final passage and read.

There were no comments. Upon motion by Councilman Brach, seconded by Councilman O'Dwyer and carried by roll call vote, the Ordinance was passed, adopted, numbered 1869, and ordered published.

ORDINANCE NO. 1870 - ZONING CROSSROADS #2 ANNEXATION PR-4 AND H.O.

Upon motion by Councilman O'Dwyer, seconded by Councilman Johnson and carried unanimously, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: 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.

Upon motion by Councilman Holmes, seconded by Councilman Hollingsworth and carried unanimously, the proposed ordinance was called up for final passage and read.

There were no comments. Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer and carried unanimously by roll call vote, the Ordinance was passed, adopted, numbered 1870, and ordered published.

ORDINANCE NO. 1871 - REZONING NW CORNER OF NORTH 3RD STREET AND BELFORD AVENUE FROM R-2 TO P (PARKING)

Upon motion by Councilman O'Dwyer, seconded by Councilman Johnson and carried unanimously, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: 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 OF CERTAIN LANDS WITHIN THE CITY.

Upon motion by Councilman O'Dwyer, seconded by Councilman Brach and carried unanimously, the proposed ordinance was called up for final passage and read.

There were no comments. Upon motion by Councilman Holmes, seconded by Councilman O'Dwyer and carried unanimously by roll call vote, the ordinance was passed, adopted, numbered 1871, and ordered published.

ORDINANCE NO. 1872 - EASEMENT VACATION AT 2225 DOGWOOD COURT

Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried unanimously, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE VACATING AN EASEMENT IN THE CITY.

Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer and carried unanimously, the proposed ordinance was called up for final passage and read.

There were no comments. Upon motion by Councilman Dunn, seconded by Councilman Brach and carried unanimously by roll call vote, the Ordinance was passed, adopted, numbered 1872, and ordered published.

ORDINANCE NO.1873 - REPEALING AND REENACTING CHAPTER 25, CODE OF ORDINANCES, SEWERS

Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried unanimously, the Proof of Publication giving notice of hearing on the following entitled proposed ordinance to be published in pamphlet form was accepted for filing: A JOINT ORDINANCE AND RESOLUTION REPEALING AND REENACTING CHAPTER 25, SECTIONS 14 THROUGH 61, OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION AND ESTABLISHING RESOLUTION NO. MCM-8049 OF THE

COUNTY OF MESA FOR REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWERAGE SYSTEM; PROVIDING CHARGES THEREFOR AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN THE CITY OF GRAND JUNCTION AND COUNTY OF MESA, COLORADO.

Upon motion by Councilman Brach, seconded by Councilman Dunn and carried unanimously, the proposed ordinance was called up for final passage and the title only read.

The hearing was opened. There was no one present who indicated a desire to speak, no letters, no counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried unanimously by roll call vote, the Ordinance was passed, adopted, numbered 1873, and a notice of its final passage thereof ordered published.

ORDINANCE NO. 1874 - ESTABLISHING INDUSTRIAL RECOVERY COSTS FOR INDUSTRIAL USERS OF THE SEWERAGE SYSTEM

Upon motion by Councilman O'Dwyer, seconded by Councilman Johnson and carried unanimously, the Proof of Publication giving notice of hearing on the following entitled proposed ordinance to be published in pamphlet form was accepted for filing: A JOINT ORDINANCE AND RESOLUTION ESTABLISHING THE PROCEDURE FOR DETERMINING AN EQUITABLE SYSTEM OF INDUSTRIAL COST RECOVERY CHARGES TO BE LEVIED ON ALL INDUSTRIAL USERS WHICH DISCHARGE WATERS AND WASTES TO THE WASTEWATER COLLECTION SYSTEM; AND PROVIDING PENALTIES FOR NONPAYMENT THEREOF; IN THE CITY OF GRAND JUNCTION AND COUNTY OF MESA, COLORADO.

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried unanimously, the proposed ordinance was called up for final passage and the title only was read.

The hearing was opened. There was no one present who indicated a desire to speak, no letters, no counterpetitions. Upon motion by Councilman O'Dwyer, seconded by Councilman Dunn and carried unanimously by roll call vote, the Ordinance was passed, adopted, numbered 1874, and a notice of its final passage thereof ordered published.

PROPOSED ORDINANCE AUTHORIZING AND PROVIDING FOR ISSUANCE OF \$5,500,000 INDUSTRIAL DEVELOPMENT REVENUE BONDS - DAYTON-HUDSON CORPORATION PROJECT

The following entitled proposed ordinance was read: AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE BY THE CITY OF GRAND JUNCTION, COLORADO, OF ITS \$5,500,000 INDUSTRIAL DEVELOPMENT REVENUE BONDS (DAYTON-HUDSON CORPORATION PROJECT) SERIES 1980, FOR THE PURPOSE OF FINANCING THE COST OF ACQUIRING, CONSTRUCTING AND INSTALLING CERTAIN COMMERCIAL FACILITIES FOR DAYTON-HUDSON CORPORATION, WITHIN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT

TO THE COUNTY AND MUNICIPALITY DEVELOPMENT REVENUE BOND ACT, SAID BONDS AND ALL OBLIGATIONS OF THE CITY IN CONNECTION WITH SUCH TRANSACTION TO BE PAYABLE SOLELY AND EXCLUSIVELY FROM THE PLEDGE OF A NOTE OF DAYTON-HUDSON CORPORATION, GIVEN AS SECURITY FOR SAID BONDS AND IN NO EVENT TO CONSTITUTE A GENERAL OBLIGATION OR LIABILITY OF THE CITY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS; AUTHORIZING THE EXECUTION BY THE CITY OF GRAND JUNCTION, COLORADO, OF A LOAN AGREEMENT AND AN INDENTURE OF TRUST IN CONNECTION WITH SUCH TRANSACTION, DIRECTING THE PUBLICATION OF THIS ORDINANCE AND REPEALING ALL ORDINANCES, RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT WITH THE PROVISIONS HEREOF. Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and unanimously carried, the proposed ordinance was passed for publication in pamphlet form and authorized publication of Notice thereof.

Councilman Johnson stated that the applicant should be notified that an application fee of \$2,000 or one-tenth of one percent, whichever is great, is due the city for the processing of this application.

RESOLUTION CONCERNING PROXY VOTING BY THE CITY OF GRAND JUNCTION

The following Resolution was read:

RESOLUTION

CONCERNING PROXY VOTING BY THE CITY OF GRAND JUNCTION.

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

That the City Manager, or his designee, shall have the authority to cast the vote or votes available to the City of Grand Junction as a result of its membership in water and ditch companies or organizations.

PASSED and ADOPTED this 5th day of March, 1980.

President of the Council

Attest:

City Clerk

Upon motion by Councilman O'Dwyer, seconded by Councilman Brach and carried unanimously by roll call vote, the Resolution was passed and adopted as read.

MEETING

The City Manager reminded Council of its joint meeting Friday morning, March 7th, with the County Commissioners to visit about the Planning Department per se, and if there is time to discuss the Transportation Advisory Committee.

TRASH TRUCKS - BLOWING DEBRIS

Councilman Holmes reported that he has observed trash trucks travelling from the Duck Pond on south to the Landfill. Trash, cardboard boxes, debris blows and litters the highway. He feels this needs to be enforced. He did not know whether these are City vehicles, private trash haulers, or the private property owner who are causing the littering.

INDUSTRIAL DEVELOPMENT REVENUE BONDS - COMMITTEE

Councilman Hollingsworth reviewed the program to establish Council policy regarding Industrial Development Revenue Bond issues. His concern was with the appointment of a review committee.

After discussion and upon motion by Councilman Johnson, seconded by Councilman Brach and carried with Councilman HOLMES voting NO, the Council requested the list of names the County Commissioners appointed to this Committee for its consideration and recommendation whether to endorse for appointment the same people, with the City Council reserving the option of adding to the list or deleting from the list subject to the County's concurrence.

DDA

Councilman Johnson reported that as a member of DDA, he will be going to Denver next week to attend the Governor's Conference on Downtown Development.

AIRPORT AUTHORITY

President Quimby, with Council's concurrence, removed Councilman Brach as the temporary representative to the Airport Authority and reappointed Councilman Hollingsworth to take up his duties on this Board full time.

HOUSE BILL 1221 - WEATHER MODIFICATION

After discussion, consensus of Council was to oppose the passage of House bill 1221.

ADJOURNMENT

Upon motion by Councilman O'Dwyer, duly seconded and carried, the meeting was adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk