

Grand Junction, Colorado

May 7, 1980

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

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

INVOCATION

Dennis Eichinger, American Lutheran Church, with a special remembrance for Councilman Holmes who has broken his shoulder.

REORGANIZATION OF COUNCIL

Councilman Karl M. Johnson was appointed temporary chairman.

Upon motion by Councilman Brach, seconded by Councilman Dunn and carried, Jane S. Quimby was nominated President of the Council ex-officio Mayor, and William G. O'Dwyer was nominated President of the Council Pro-Tempore ex-officio Mayor Pro-Tempore.

There were no other nominations.

Upon motion by Councilman Dunn, seconded by Councilman Brach and carried, nominations were closed and a unanimous ballot was cast for Jane S. Quimby, President of the Council ex-officio Mayor, and William G. O'Dwyer, President of the Council Pro-Tempore ex-officio Mayor Pro-Tempore.

The oath of Office was administered to President Quimby and President Pro-Tempore O'Dwyer.

APPOINTMENTS

1. AIM (Action in Mesa County)
Karl Johnson

2. ComAct Housing
Frank Dunn

3. Colorado Municipal League
Advisory Committee:
Policy Committee: Karl Johnson

4. Downtown Development Authority (DDA)
Karl Johnson

5. Dominguez Dam Project
Louis Brach
6. Employees Supplemental Retirement Board
Frank Dunn
7. Energy Impact Assistance Team
Dale Hollingsworth
8. Fire Pension Board (President of Council)
Jane Quimby
9. Grand Junction, Colorado, Housing Authority
Karl Johnson
10. Park Improvement Advisory Board (PIAB)
William O'Dwyer
11. Walker Field, CO, Public Airport Authority (3)
Dale Hollingsworth
Louis Brach
Bill O'Dwyer
12. Executive Board of Colorado Municipal League
Jane Quimby
13. Governor's Energy Impact Committee
Jane Quimby
14. Region 11 Council of Governments
Louis Brach
15. Planning Revision Program - Jane Quimby Discontinued
16. Recreation Board
Frank Dunn
17. Valley Wide Sewer Committee
Bill O'Dwyer
18. Youth Commission - Discontinued
19. Clean Communities Committee
Frank Dunn
20. County Park Board
Louis Brach

MINUTES

Upon motion by Councilman O'Dwyer, seconded by Councilman Dunn and carried, the Minutes of April 16, 1980, were approved as written.

RENEWAL OF 3.2% BEER AND LIQUOR LICENSES

Upon motion by Councilman Dunn, seconded by Councilman Brach and carried, the applications to renew the 3.2% beer and liquor licenses for the following businesses were approved:

1. Quincy's Bar & Grill, 609 Main Street (Tavern)
2. Circle K Store, 1st & Chipeta (Beer)
3. Night Gallery, 1900 Main Street (Tavern)
4. City Market Store No. 18, 2830 North Avenue (Beer)
5. This Is It Grocery, 215 S. 11th Street (Beer)
6. 7-11 Store, 1134 N. 12th Street (Beer)

BEER - RESOLUTION OF FINDINGS & DECISION RE: APPLICATION BY CARL FELTS AND FRANK CHILDS FOR 3.2% OFF-PREMISES BEER LICENSE AT C & F FOOD STORE NO. 3, 2714 HIGHWAY 50 - APPROVED

The following Resolution was read:

RESOLUTION

OF DECISION ON APPLICATION FOR A FERMENTED MALT BEVERAGE LICENSE BY CARL J. FELTS AND FRANK CHILDS AT C & F FOOD STORE #3, 2714 HIGHWAY 50, GRAND JUNCTION, COLORADO.

A public hearing having been held on April 16, 1980, on the application by Carl J. Felts and Frank Childs for a fermented malt beverage license for sales in sealed containers for consumption off the premises for C & F Food Store #3, at 2714 Highway 50, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was held on April 16, 1980, on the application after proper notice thereof under the Beer 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 82 persons so stated while 35 felt the needs were being met by 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 characters of the applicants, as determined through a check by the Police Department and through letters attesting to their good characters, are good.

5. That 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.

6. That the applicants have assured the City that they will clean up and police the area of any beer bottles or cans littering the area if it is apparent they are generated from their place of business.

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

That a fermented malt beverage license issue to Carl J. Felts and Frank Childs for C & F Food Store No. 3 at 2714 Highway 50, Grand Junction.

PASSED and ADOPTED this 7th day of May, 1980.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Brach, seconded by Councilman Hollingsworth and carried by roll call vote with Councilman O'DWYER voting NO, the Resolution was passed and adopted as read.

HEARING - APPLICATION BY MARVIN J. AND LESLIE L. SOMERVILLE TO MOVE RETAIL LIQUOR STORE LICENSE FROM 817 N. 1ST STREET TO 2902 NORTH AVENUE

A hearing on the above item was held after due notice. The following report was read:

On March 18, 1980, Marvin J. and Leslie L. Somerville filed an application to transfer the location of their retail liquor store license from 817 North First Street to 2902 North Avenue. Also filed is an application to change the trade name from "First Street Liquor" to "Corner Discount Liquor." The sign giving notice of hearing was posted on the property April 25, 1980, and the display ad giving notice of hearing was published in The Daily Sentinel April 25, 1980.

The zoning at 2902 North Avenue is appropriate for this type business. Mr. Somerville is planning modification to the building now in existence. He has been informed that his plans must be approved by the Building and Fire Departments for compliance with the Building and Fire Codes.

The location is more than 500 feet from any public or parochial school or the principal campus of any college, university, or seminary.

A survey of the area bounded by Highway 6 & 24 on the south, 28-1/2 Road on the west, Orchard Avenue on the north to 29-1/2 Road on the east was conducted April 1 through April 25, 1980. Results:

(1) Yes, I am in favor of the transfer of the license as I believe the needs of the neighborhood are not being met by existing outlets. 227

a. Owners of property in the neighborhood. 93

b. Employees or business lessees of property in the neighborhood. 58

c. Inhabitants of the neighborhood. 83

(2) No, I am not in favor of the transfer of the license as I believe the needs of the neighborhood are being met by existing outlets. 304

a. Owners of property in the neighborhood. 186

b. Employees or business lessees of property in the neighborhood. 55

c. Inhabitants of the neighborhood. 120

(3) No Opinion. 16

a. Owners of property in the neighborhood. 12

b. Employees or business lessees of property in the neighborhood. 0

c. Inhabitants of the neighborhood. 5

Similar type outlets within one mile in any direction: 1 at 28-1/2 Road, 1 approved at 30 Road, but not in existence at the present time.

To date, no letters or counterpetitions have been filed.

Council should know that in going through Kathy's work papers, we counted approximately 132 refusals to vote. Some of those refusals to vote are noted "ineligible to vote."

There were 24 vacant properties in this survey area.

There were approximately 10 properties with a notation "dog" and 1 with a notation "gate locked."

The map showing similar type outlets was reviewed.

Mr. and Mrs. Somerville, represented by Val Silins, Attorney, were present. Mr. Silins reviewed the good background of the applicants. He pointed out that the location of the store on a main arterial would be beneficial to the City. Mr. Silins submitted that the results of the survey may not necessarily be representative of the needs of that particular commercial neighborhood. Since the store is on the extreme edge of the City, the needs of that particular commercial neighborhood, which he would consider would include the various shopping centers, also serve the needs of the County. He noted that there is presently another application for a retail store outlet with the County for a location just across the street. He was not saying the City should beat the other governmental body to the punch one way or the other but that the decision of whether another store or outlet may be in that area may be taken from the City.

Mr. J. D. Snodgrass, 704 Galaxy, attorney, appeared representing two opponents to this application, Crown Liquors and Fruitvale Liquors. He stated that it is the feeling of his clients that the needs of the neighborhood and the desires of the inhabitants are being met by the current outlets in this area. Mr. Snodgrass presented a petition in opposition to this transfer containing 338 signatures. He noted only four signers from within the City's survey area, the balance obtained from the area immediately surrounding the survey area designated by the City. Mr. Snodgrass pointed out that the applicant purchased his present store, it is presumed, on the basis of its current location and at least having had the opportunity to determine the availability of business at that particular location. Likewise, he pointed out that those stores currently in this neighborhood and within the area of the neighborhood have at least relied upon their present degree of competition in that area, and he suggested that the City's own survey and the petitions presented this evening indicate that the desires of the inhabitants are being met.

Doris McGill, 508 29-1/2 Road, appeared as an opponent to the transfer of the license. Her home is directly behind the proposed location. She has a ten year old son who sees and hears enough fights and other problems resulting from liquor.

Mr. Marvin Somerville, the applicant, appeared to speak in favor of the transfer of the license. He said that he has been robbed twice in this present location.

The hearing was closed. A Resolution of findings and decision is scheduled May 21, 1980.

HEARING - I.D. ST-80, PHASE A, 28-1/4 ROAD FROM ORCHARD TO PATTERSON, AND PATTERSON ROAD FROM MIRA VISTA TO PARK DRIVE - CONTINUED TO MAY 14, 7:30 A.M.

A hearing on the above item was held after due notice. Members of the audience were advised that the hearing will be continued to Wednesday, May 14, at 7:30 a.m. The area of the district was reviewed. Staff recommends this improvement district.

The area of 28-1/4 Road, Orchard to Patterson, was considered first.

Norman Ebbley, 203 Country Club Park, appeared before Council and stated that he and a partner in some ground in this area dedicated 1.63 acres some two or three months ago for a permanent easement through their ground. He discussed the different assessments for the different ground in the district. He stated that he and his partner will be assessed \$100 per front foot.

He is not against the improvements, but there is a great discrepancy in the assessments. The City Manager indicated that he would have Staff respond later in the meeting.

Maps of the proposed improvements were displayed and made a part of the record.

Opponents of the district, Mr. and Mrs. Warren Reams and their son Bill, were present represented by Attorney Harold Feder, 1220 Western Federal Savings Building, Denver. Mr. Feder noted the filing this afternoon in the City Clerk's Office the objections and exceptions, and the memorandum of authorities. (See I.D. ST-80 File). Mr. Feder stated that the State Supreme Court and the State Legislature have addressed this issue many times. He stated that he did not think the court or the Legislature would permit the Council to do what it is attempting to do. Mr. Feder noted the publication of the notice of public hearing on April 4, 1980, in the Sentinel and quoted a part of that notice: "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 hearing." Mr. Feder stated that Mr. Reams' son Bill was in City Hall this afternoon at four o'clock, and they could not determine at four o'clock today what the assessment was going to be. Mr. Feder took issue with Council's continuance of this matter to next Wednesday. He did not think it appropriate to play fast and loose with the assessments that are going to be impressed on these properties. He defined "you" to mean the Staff. He did not think the figures can wait; those figures must be presented at tonight's hearing; these citizens are present tonight to know how much they will have to spend out of their pocket to pay for this improvement. His client, Mr. Reams, owns approximately 9.5 acres in this District of which a lot of land is being taken in two condemnation cases that are now filed against him. He clarified that Mr. Reams' property is being taken part in fee, part in easement, some of the property has already been vested in the City for construction of the bridge

over the canal. He continued that the serious part of this proceedings this evening involves the question of whether Mr. Reams' property will be specially benefitted in any way so as to justify the imposition of the special tax on him. Mr. Feder approached the matter of special benefits as an alternative because first, and foremost, he takes the position that you cannot combine, as the City Council is doing, a special improvement district with a condemnation case and in effect have the victim of the condemnation pay for his own damage. Secondly, he asserted that (word not clear) provisions have not been met, the statute has not been complied with. Thirdly, he asked the City Council and the City Attorney's Office to review carefully their objections and their position and the memorandum of legal authorities which was filed in writing as required by the statutes. Finally, Mr. Feder introduced some testimony from an expert to deal with the subject of whether or not Mr. Reams' property is being specially benefitted by this District. The law and the cases seem to say that that right is available and that duty is on the property owner to come forward and he has the burden at this time. Mr. Feder called Richard Hodges as a witness and requested that he be sworn to give some brief testimony. The oath was administered to Mr. Richard Hodges, 190 Thompson Road, Grand Junction, Colorado, Real Estate Appraiser and Consultant.

Mr. Hodges stated: That he has been a real estate appraiser approximately fifteen years; that he has an Associate of Arts Degree from a Northeastern college, and a Bachelor of Science Degree, Colorado State University; that he has taken numerous courses through the American Institute of Real Estate Appraisals; that he has been qualified as an expert witness on real estate appraisal matters in Garfield County and Mesa County, Colorado; that he has had work experience in areas of apartment buildings, (word not clear) buildings and subdivision developments; that he is a real estate broker in Colorado; that he is a certified Review Appraiser for the National Associates of Review Appraisers; that he serves the Mesa County public on the Board of Building Code book reviews; that he has membership in the Colorado Chapter of the International Right-of-Way Association; that he is an approved appraiser for the Highway Department in the State of Colorado; that he has performed work for public utilities that have condemning authority in the State; that is, Cross Rio Sanitation District and for Utah Power and Light appraising all their assets; that some of his other clients have been Texaco, Inc., Colorado State University Foundation, Mobile Oil, First National of Colorado Corporation; that he has been working on the 9-1/2 acres owned by Mr. Reams at Orchard and 28-1/4 Road approximately mid-February; that he has put in approximately 45 to 50 hours; that he has studied any comparable sales dealing with the project; that he has studied the property itself and has been over it in detail; that he has looked at maps and plats prepared by the Staff of the City concerning this road widening and development project that have been available; that he has looked at any correspondence or letters which describe the type of road which is to be built between Patterson and Orchard; that he concludes after review of

the material that the road to be built is to be a four-lane, high-speed arterial access street and that it runs at least from Orchard to Patterson as far as we (Mr. Reams et al) are concerned in this case; that for the purposes of ordinance which is being discussed by the City Council this evening at their public hearing, he has made a determination that there is no indication on any of the plans that he has seen for an access to Mr. Reams' property; that, in his opinion, damage to the Reams' property in the absence of access to the Reams' property would certainly make it of no value at all; that, after study, the value, diminution, or increase in the event some access is afforded to the Reams' property as a result of this taking, and based upon a study briefly in the market, there appears to be approximately a 24% decrease in the value of a parcel with limited access; that, based upon his knowledge and experience, and based upon his study of this property, i.e. maps, correspondence, the nature of the project itself, his opinion is that the Reams' property, as a result of this road project, will receive no special, immediate or peculiar benefit based upon his study of number one: it's a high-speed arterial collector road or street, it's elevated, it has limited access with no acceleration or deceleration lanes, high noise from vehicular traffic, possibly surface drainage problems, and loss of view due to the elevated street. Mr. Hodges, using the map marked as Exhibit A, pointed out that starting at Orchard as the property progresses north toward the top of the map comes to the canal and at this point there is quite a rise, and if you put any type of inhabitant structure in here, you would be looking at a wall of dirt. The property immediately to the east of this property is high-density bulk development R-2 zone. Mr. Reams' property is zoned R-2. Mr. Hodges stated that on the project map shown on the wall for the City Council, there is no access point to either Orchard Avenue or 28-1/4 Road for Mr. Reams' property.

Mr. Feder asked Council to give serious consideration to the constitutional questions raised here tonight. He stated that a man has been asked to sustain a condemnation of his property. The offers that have been tendered to him indicate that tens of thousands of dollars of damage have been done to his property, and that is what is being done with the left hand, and with the right hand and as part and parcel of the same proceeding, Council is saying "but Mr. Property Owner, you will kindly pay us for the damage that we are about to pay for having taken your property." Mr. Feder stated it is constitutionally impermissible, cases have been cited which will be studied by the City Attorney's office, and he urged Council to disregard this approach to a condemnation device, and asked Council to consider strongly the Constitutional prohibitions about taking property without due process of law. He urged that the notice requirement is faulty and defective and that the figures were not ready for this evening, and that the City cannot beg the issue tonight. Those figures were to be decided tonight and produced for the citizens here tonight. Mr. Feder asked Council to consider the testimony of Mr. Hodges who has indicated to Council substantial diminution if not total diminution in value of Mr. Reams' property, and particularly the

fact that under the language of our cases, there is no special, immediate, or peculiar benefit to Mr. Reams' property by this taking. He also asked Council to take notice of the statute of the State of Colorado which is in the pocket part of 31-25-513 which says "No cost of improvements of streets or alleys shall be assessed to any property where reasonable access to the street or alley is denied to the owner of the property." Mr. Feder stated that for the purpose of this hearing tonight, the City has denied his client full access to 9.5 acres of R-2 zoned property and the section 35-25-513 applies. He stated Council may not assess his property having taken all of his access.

Councilman Johnson asked whether there has been a denial of access by the City staff or by anybody or has there been a request for access to that property.

Mr. Feder responded that there has been some discussion about it and it has not been determined and there is no access called for on any of the plans at this time.

Councilman Johnson stated that access is given to a property owner when he develops the property and requests that access. The City does not go in there and build streets being accessed through that property until he determines how it is going to be subdivided.

Mr. Feder replied that this property is more complicated than that. Mr. Feder indicated on the map where the elevated portion of this property starts on a rise of three, four, five, six feet so that in order to get into the property, one is going up a ramp of three, four, five, six feet because of the way the City is going to the canal. In addition, the City has a yield turn designed into the project at the south extremity and there can be no access there.

Councilman Johnson restated that access, so far as Council knows, has not been requested, and it has not been denied by this Council, and he does not think it has been denied by Staff.

Mr. Feder said that fact remains that access is not shown on any of the drawings, but he did say in all candor that there has been some discussion about access points, but it has been tied to some other matters that really are not relevant at this time.

City Manager Wysocki asked Mr. Feder whether Mr. Reams or any representative for Mr. Reams asked for a specific access. Mr. Feder said he did not think so.

Mr. Wysocki asked whether the Staff has inquired about the possibility of any access and would it be desirable to have that in the drawings or make it in the change order at this time. Mr. Feder responded that Staff has inquired; they have made a gesture in this direction.

President Quimby clarified that Council is not considering an

ordinance tonight; it is considering a Resolution of Intent to Create the district.

City Manager Wysocki said the ordinance will come following along with the specific dollar amounts.

Mr. Feder urged Council to deny the consideration of the resolution for an ordinance.

Mr. Bob Gerlofs, owner of the property north of the canal immediately east of the property. He did not think he was in either opposition or for, but he did take exception to being assessed for \$1,000,000 work that the City in turn is going to have to pay to Mr. Reams for his property.

Mr. Wysocki asked Mr. Gerlofs if he has the same kind of elevation differentiation on his side of the block. Mr. Gerlofs said approximately 20 feet on his side. Mr. Wysocki asked if that has proven to be any problem in the development of that particular parcel of ground. Mr. Gerlofs said no, but that he has a lot more acreage than Mr. Reams has.

Patterson Road from Mira Vista to Park Drive, was considered next.

This area for proposed improvement was reviewed. The City Engineer explained the proposed assessments. He said that after opening bids for the project yesterday, the estimated cost of the project has changed.

Jim Bonella, 245 Park Drive, appeared before Council and stated that his property overlooks Patterson Road and he will be assessed (approximately) \$700 for a partial benefit. His situation is something like the Reams' property, he guesses, because he does not feel he will have any more benefit than the public going up and down that street. The sidewalk and gutter will not help his property in any way; it will not increase the value of his property. Another situation is, he is no satisfied with the definition of partial benefit. He spoke also for his neighbor to the west of him, Keith Miller, 235 Park Drive. Mr. Bonella stated that he would have no access down Patterson Road and he asked who would be responsible for cleaning those sidewalks when it snows and keeping the weeds down the bank. He stated that he would not do those tasks. His main concern with Council is that he thinks the assessment is unfair for a partial benefit.

City Manager Wysocki pointed out to Mr. Bonella that the ordinance regarding the cleaning of sidewalks, at this point, does not make any exceptions. Just the same as the weed ordinance makes no exceptions. Mr. Wysocki said the City appreciates Mr. Bonella's weed maintenance of the bank along Patterson Road. Mr. Wysocki said the Council would have to deal with the snow removal from the sidewalks ordinance at another time and not during this hearing.

Mr. Bonella invited the Council members to come out to his

property to review the situation.

The City Engineer, Ron Rish, said that people are responsible for being assessed for a local street standard which is 34 foot of mat, curb, gutter and four foot sidewalk. The variance from that on these two projects is that on 28-1/4 Road the construction cost of the canal structure itself was deducted from the assessment. Also deducted was the cost of the canal fill. Also deducted was the cost of the anticipated traffic signals at 28-1/4 Road and Orchard. Also, in this particular case, the pavement width is going to be 52-foot wide, 18 feet wider than the normal 34. The Engineer calculated what 18 foot of mat quantities and related cost, and also a 5-foot sidewalk instead of a 4-foot sidewalk that difference was included and credited. Also, some medians are going to be installed at Orchard. The City Engineer said that at the meeting when the figures went into the legal notice he was not sure whether there would be an assessment for the right-of-way or not, so he included the cost for the right-of-way in part based on the statement by Mr. Ashby saying that it was legal. Tonight, just to be different, he has deducted the cost of the right-of-way assessment. Mr. Rish said he discussed it today with Mr. Bill Reams. Mr. Rish concluded that this is the Council's decision and Mr. Ashby's as to whether the City assesses for the right-of-way costs.

In the case of Patterson Road, Mr. Rish said the sidewalk is five feet wider, credit for the difference between 4 feet and 5 feet, and there was some detour signing because it is a narrow piece of road. There was not an adjustment for mat width because it took a piece of mat 28 feet wide.

He stated these are some of the reasons why there are different costs. These things are quantified investments. He listed the following as qualitative as they affect the cost. Specifically, these items speak to the differences in the assessments on 28-1/4 Road versus Patterson Road.

1. 28-1/4 Road is an entirely new right-of-way. Patterson Road improvements, with the exception of a couple of small parcels at intersections and some temporary construction easements, are all done within the existing right-of-way. There is a significant difference in cost between the two projects. 28-1/4 Road is difficult, not only crossing the canal but the extensive earthwork north of the canal. It's difficult soil, too, which increases the construction costs. Also, because the physical configuration in constructing a 28-foot width of mat on Patterson Road versus a 52-foot width of mat on 28-1/4 Road. Also more engineering and legal services were necessary on 28-1/4 Road, and that is because, in Mr. Rish's opinion, it is physically a more difficult terrain. Those things all affect the assessment costs.

Mr. Feder asked the City Engineer whether any lesser assessments were calculated for those people who sustained a 5 or 10 or 15 or 16 or 18 foot embankment alongside their property as opposed to

those people who have no embankment alongside their property. Was this factor considered in downgrading the estimate?

Mr. Rish responded that he did not make a refinement because of topographical differences from one parcel versus another. The only topographic adjustments he made was for the canal embankment cost itself and the canal structure.

Mr. Feder stated the record should reflect that at the high point on Mr. Reams' property he's got a 16-foot embankment adjacent to the canal which is a substantially different kind of a thing than for example he faces at the south extremity of his property. The second observation Mr. Feder made was that apparently the City has an ordinance concerning the criteria to go into special improvement district taxes. Mr. Feder confessed his ignorance, but what has been done by the City Engineer is to play that ordinance which is specific for certain street widths and so on against a project that was never contemplated at the time the ordinance was enacted. What he was trying to say, and very specifically so, is that what the City Engineer has done may be good engineering but he has done it off the top of his head. The citizens are entitled to have an ordinance in existence which tells them how these factors are equated. The second observation by Mr. Feder was that the four factors submitted by the City Engineer which he has evaluated are also good engineering but they are off the top of his head. They are not in any ordinance. In order for the City to act, it must have exercised its legislative powers setting forth how it assesses property in a special improvement district, how much per running foot, how much per front foot, how much for curb and gutter, and it can't brown deck it because it's got a project that doesn't fit the mold. The City has to have a new taxing ordinance and it doesn't have it. Mr. Feder observed that apparently the City is trying to interplay an existing ordinance to fit a new mold and it just won't work.

City Manager Wysocki restated again that this is a Resolution of Intent to Create the District. The Ordinance itself specifically stating the projects, cost, etc., will come at a later date.

President Quimby stated that it should be recognized that this is not some arbitrary, capricious act of the Council it's decided to embark upon. This has been a part of an improvement planning and street districts, etc. The City is not out to get anybody, but is trying to improve the overall community in general and it's a result of many requests that have been received from the citizens. The City Council is looking more at the benefit of the community in general, and unfortunately, on occasion, there are some people who believe they suffer because of an act that Council takes which in general benefits the majority of the community.

Mr. Feder responded that he was sure that was a true statement; however, the self-serving declaration of arbitrary and capricious absence in this case by the Mayor will not suffice. He said he was sure it was not done without due study, but that you can have long

study and still be arbitrary and capricious. Secondly, when one party, one citizen is injured for the benefit of the public good then you have to pay that party, more money and unfortunately you can't tax the party who has suffered the cost of his own demise and that's what this Resolution points to tonight. It may have been five years in the planning, but Warren Reams still is the adverse beneficiary of the long-term planning.

The Mayor announced the continuance of this hearing until 7:30 a.m. in the City Council Chambers next Wednesday, May 14, 1980.

I.D. ST-80, PHASE A, CONSTRUCTION CONTRACT BIDS - AWARD OF CONTRACT - TABLED

The City Manager said that bids were accepted for street improvement district for 1980, Phase A. Three bids were received. The Engineer's Estimate was \$593,802.50. The apparent low bidder was Corn Construction Company with a bid of \$465,846.80. He recommended tabling this item until the adjourned meeting on Wednesday, May 14, 1980, at 7:30 a.m.

Upon motion by Councilman Johnson, seconded by Councilman O'Dwyer and carried, the consideration of the bids and award of the construction contract for I.D. ST-80, Phase A, was tabled to 7:30 a.m. May 14, 1980.

The President declared a five-minute recess. Upon reconvening, six members of Council were present.

BIDS - AWARD OF CONTRACT - CURB, GUTTER, AND SIDEWALK REPAIRS, 1980 - FRED CUNNINGHAM CONSTRUCTION, INC. \$62,376.00

On April 22, 1980, three bids were received and opened for the Curb, Gutter, and Sidewalk Repairs, 1980. Bids were:

Jim Reeves Construction, Inc. \$118,410.00
C. Mays Concrete Construction, Inc. \$80,430.00
Fred Cunningham Construction, Inc. \$62,376.00
Engineer's Estimate \$93,340.00

The City Manager requested ratification of the contract to Fred Cunningham Construction, Inc., which was signed two days ago and authorization to add other areas, at the same unit prices, of other needed repair up to the budgeted amount of \$100,000.00.

Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer and carried, the contract was awarded to Fred Cunningham Construction, Inc., for his low bid of \$62,376.00, the signing of the contract by the City Manager was ratified, and the Staff was authorized to add other areas of repair work at the same unit prices up to the budgeted amount of \$100,000.00.

RESOLUTION OF FINDINGS & DECISION REGARDING PETITION BY WALTER WAYMEYER TO REZONE FROM R-1-B TO PR-7.6 AND FRUITRIDGE TOWNHOMES

PRELIMINARY PLAN, PROPERTY S OF PATTERSON ROAD, APPROX 800 FEET E OF 1ST STREET DENIED

The following Resolution was read:

RESOLUTION

ADOPTING A DECISION ON REQUEST FOR ZONING CHANGE BY WALTER WAYMEYER.

WHEREAS, Walter Waymeyer sought to have the zoning changed from R-1-B (Single Family Residential - 4.8 units per acre) to PR (Planned Residential) on the following described land situate in the City of Grand Junction, Mesa County, Colorado, to wit:

Beginning at the SE Cor of Lot 12 of Park Lane Sub; thence N 20 deg. 10 min. W along the E line of Lot 12, 125 ft; thence S 81 deg. 49 min. W 123 ft; thence S 5 deg. 30 min. E 115 ft to the S line of Lot 11 of Park Lane Sub; thence N 84 deg. 24 min. E 154.50 ft to the point of beginning,

AND

Beginning 726 ft E of the NW Cor of the NW Quarter of Section 11, T1S, R1W of the Ute Meridian, thence S 20 deg. 10 min. E 622.50 ft; thence S 65 deg. 30 min. E 113.3 ft; thence N 631.27 ft; thence W 317.6 ft to the beginning;

and

WHEREAS, the hearing before the City Council was held on April 16, 1980; and

WHEREAS, the Council considered the evidence presented at the hearing and the zoning maps and regulations of the City and FINDS:

1. That the hearing was duly held after proper notice.
2. That the Grand Junction Planning Commission recommended denial of the application for rezoning, and the rezoning was opposed by all of the owners of property abutting the subject property.
3. The applicant failed to show that a change in the character of the neighborhood had occurred or that the original zoning of the tract was in error; neither did he show that the change in zoning would conform to the comprehensive plan for the City.
4. The zoning change would not be in the best interest of the public peace, health and safety and should be denied.

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

That the application of Walter Waymeyer for a change in zoning on

the within described property from R-1-B to PR be denied.

PASSED and ADOPTED this 7th day of May, 1980.

President of the Council

Attest:

City Clerk

Upon motion by Councilman O'Dwyer, seconded by Councilman Dunn and carried by roll call vote with President QUIMBY voting NO, the Resolution was passed and adopted as read.

President Quimby said that inasmuch as her no vote would not affect the outcome of the action, her no vote was to explain to the residents that she was very disturbed that they were not able to come to some kind of resolution on this, and she would caution them to remember that this property can still be developed and it may be developed in a manner in which it will also not be quite pleasing to them. But she also thinks that it is very important to uphold the findings of the Planning Commission. Her "no" is a protest type of thing.

Mr. Bob Denning, 145 Lost Lane, commented that he does not feel that it is the residents' responsibility because they do not oppose development of the property in its present zoning. They feel it is zoned correctly. He stated they made many attempts on their own to try to come to some agreement on the resolution of that property, and it was through their own efforts that any negotiation occurred whatsoever. He wanted to keep the record quite clear that the residents did everything they could to see that something was done. Jim Bonella, 245 Park Drive, agreed with Mr. Denning's comments.

RESOLUTION OF FINDINGS & DECISION REGARDING PETITION BY MESA COUNTY SOCIETY FOR CRIPPLED CHILDREN AND ADULTS FOR CONDITIONAL USE TO PERMIT TRANSACTION BANK AT 1100 PATTERSON ROAD - APPROVED

The following Resolution was read:

RESOLUTION

GRANTING A CONDITIONAL USE FOR MESA COUNTY SOCIETY FOR CRIPPLED CHILDREN AND ADULTS.

WHEREAS, Mesa County Society for Crippled Children and Adults have petitioned the City of Grand Junction for a conditional use for a transaction bank owned by United States Bank of Grand Junction on the land described as follows:

Commencing on the S line of Section 2, T1S, R1W of the Ute Meridian at a point 324.67 ft W of the SE Cor thereof; thence N 0 deg. 01 min. E 330.56 ft; thence W 324.95 ft; thence S 21 deg. 58 min. W 215.43 ft; thence S 28 deg. 46 min. W 149.18 ft; thence E 477.23 ft to the point of beginning;

and

WHEREAS, a hearing was held on April 16, 1980, and the Council has found and does hereby find that such conditional use would be in the public interest, provided certain conditions are met in the operation;

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

That the application of the Mesa County Society for Crippled Children and Adults for a conditional use for a transaction bank owned by United States Bank of Grand Junction be approved subject to the conditions of the Planning Commission and the planning staff as evidence in the plan for the location attached hereto and made a part hereof by reference.

PASSED and ADOPTED this 7th day of May, 1980.

President of the Council

Attest:

City Clerk

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

AMENDMENTS TO THE MEMORANDUM OF AGREEMENT FOR TRANSPORTATION SYSTEM PLANNING FOR THE GRAND JUNCTION AREA

The By-Laws of the Transportation Systems Planning Advisory Committee are to be amended to read "that of the six members, four members must present to conduct business and that a majority of those members would cause an action to be recommended on an advisory capacity to the appropriate entity, that is, the State of Colorado, the County of Mesa and the City of Grand Junction, for appropriation action." The second amendment includes the Planning area to be expanded to include the area of Clifton as shown on the map attached to the amendments.

Upon motion by Councilman Brach, seconded by Councilman

Hollingsworth and carried, the amendments were approved and the President of the Council was authorized to sign said Memorandum.

RECONSIDERATION OF HEARING ON WINTERS AVENUE INDUSTRIAL PARK

This item came back for reconsideration because of a previous approval under a previous owner for a platted 10th Street between Winters Avenue and Kimball Avenue, and the recent presentation had a different lot configuration on the west and 10th Street was not platted. In the review comments, the City Engineer requested that 10th Street be divided into the subdivision, preferably in location extending the present 10th Street, or down through the center of the development. Paragon Engineering, representing the petitioner Richard Sparkman, requested that Mr. Sparkman be relieved of that requirement. The Planning Commission left it up to the petitioner and the City Engineer to resolve the situation. They did not reach a resolution so now it is up to Council.

Councilman O'Dwyer clarified that Kimball Avenue would be cut through and brought over to 9th Street. Karl Metzner pointed out that the Fire Department made no comments one way or the other on the review sheets, so the assumption is that they must see no problems (without 10th Street).

The City Engineer requested 10th Street extended connect Winters and Kimball in this area for better traffic connection for people who do much out-of-the-way driving to get to Orchard Mesa, for instance.

Del Beaver, Paragon Engineering, said the petitioner proposes, because of the potential purchaser of the west lot, to connect Kimball over to 9th Street. It is the petitioner's intent that if the purchase agreement for the lot falls through, 10th Street will go through and the lot will be divided up into smaller parcels. Mr. Beaver said that he will provide a letter stipulating that the petitioner will provide improvements to the north half of Kimball Avenue, that is, 22 feet of mat, curb and gutter on North side, and 6 feet of graveled shoulder on the south side. From the railroad right-of-way to 9th Street, however, will be full street improvements both sides.

Richard Sparkman, 530 Walnut, petitioner, stated that their thoughts along the line of keeping this as one parcel is that so far as he knows it is the only size piece of parcel property left that has a railroad siding. So by taking 10th Street out, it limits the amount of people or the people that can be brought into Grand Junction especially of any commercial size. He stated that he has no objection to leaving in 10th Street if he cannot sell it as it presently stands.

Upon motion by Councilman Hollingsworth, seconded by Councilman Johnson and carried, the deletion of 10th Street from this proposal as outlined by the petitioner was approved subject to the letter from the petitioner for full improvements of Kimball from

9th Street to the railroad crossing, and that Kimball will receive a full 22-foot mat, curb and gutter on the north side with 6-foot graveled shoulder on the south side.

ORDINANCE NO. 1882 - REZONE FROM R-1-C TO PR-20, 2304 N. 17TH STREET

Upon motion by Councilman Johnson, seconded by Councilman O'Dwyer and carried, 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 Hollingsworth and carried, 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 by roll call vote, the Ordinance was passed, adopted, numbered 1882, and ordered published.

ORDINANCE NO. 1883 - REZONE FROM R-1-C TO PR, NE CORNER OF 28-3/4 ROAD AND ELM

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

There were no comments. Upon motion by Councilman Brach, seconded by Councilman Dunn and carried by roll call vote, the Ordinance was passed, adopted, numbered 1883, and ordered published.

ORDINANCE NO. 1884 - ROAD AND SUBDIVISION VACATION, GOLDEN COURT

Upon motion by Councilman O'Dwyer, seconded by Councilman Dunn and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE VACATING GOLDEN COURT SUBDIVISION AND ALL STREETS AND SUBDIVISION THEREIN.

Upon motion by Councilman Brach, seconded by Councilman Dunn and carried, 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 by roll call vote, the Ordinance was passed, adopted, numbered 1884, and ordered published.

ORDINANCE NO. 1885 - INDEPENDENT AVENUE ANNEXATION

Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

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

There were no comments. Upon motion by Councilman O'Dwyer, seconded by Councilman Brach and carried by roll call vote, the Ordinance was passed, adopted, numbered 1885, and ordered published.

PETITION - RESOLUTION - PROPOSED ORDINANCE - MC KEE ANNEXATION, NE CORNER OF 25 ROAD AND F-1/2 ROAD

The petition for McKee Annexation was accepted for filing.

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 the W4 Cor of Section 3, T1S, R1W of the Ute Meridian, thence S 89 deg. 57 min. E 659.85 ft, thence N 00 deg. 01 min. W 980.2 ft, thence S 74 deg. 27 min. W 400 ft, thence S 64 deg. 16 min. W 141 ft, thence W 147.2 ft, thence S 811.2 ft to the point of beginning; EXCEPT the W and S 30 ft for road right of way, together with F-1/2 Road right of way on South.

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 percent 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>			
4-14-80/s/ Leroy E. McKee652 25 Road Grand Junction ColoradoBeginning g at the W4 Cor of Section 3, T1S, R1W of the Ute Meridian, thence S 89 deg. 57 min. E 659.85 ft, thence N 00 deg. 01 min. W 980.2 ft, thence S 74 deg. 27 min. W 400 ft, thence S 64 deg. 16 min. W 141 ft, thence W 147.2 ft, thence S 811.2 ft to the point of beginning; except that W and S 30 ft for road right of way. (2945-032- 00-105)			
/s/ Esther M. McKee652 25 Road Grand Junction Colorado			

STATE OF COLORADO)		
)SS		
COUNTY OF MESA)		

AFFIDAVIT

Katherine F. McIntyre, 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/ Katherine F. McIntyre

Subscribed and sworn to before me this 16th day of April, 1980.

Witness my hand and official seal.

/s/ Kathy L. Brocha

Notary Public

My Commission expires: 4-18-81

The following Resolution was read:

RESOLUTION

WHEREAS, on the 7th day of May, 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 at the W Quarter Cor of Section 3, T1S, R1W of the Ute Meridian, thence S 89 deg. 57 min. E 659.85 ft, thence N 00 deg. 01 min. W 980.2 ft, thence S 74 deg. 27 min. W 400 ft, thence S 64 deg. 16 min. W 141 ft, thence W 147.2 ft, thence S 811.2 ft to the point of beginning; EXCEPT the W and S 30 ft for road right of way, together with F-1/2 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 7th day of May, 1980.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Brach, seconded by Councilman Johnson 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 O'Dwyer and carried, the proposed ordinance was passed for publication.

PETITION - RESOLUTION - PROPOSED ORDINANCE - WESTERN FEDERAL ANNEXATION, NE COR 24-1/2 ROAD AND F ROAD

The petition for Western Federal Annexation was accepted for filing:

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:

The S 244.5 ft of the W 417.5 ft of the SW4SW4SE4 Section 4, T1S, R1W, Ute Meridian.

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 percent 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>			
5-2-80/s/ H. T. Puckett 1600 Sable Blvd. Space #140 Aurora, CO 80011 The S 244.5 ft of the W 417.5 ft of the SW4SW4SE4 Section 4, T1S, R1W, Ute Meridian, except the W and S 30 ft for roads.			
5/2/80/s/ Nina L. Puckett 1600 Sable Blvd. Space #140 Aurora, CO 80011			

STATE OF COLORADO)		
)SS		
COUNTY OF MESA)		

AFFIDAVIT

Kenneth Hunt, 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.

;sigl;
/s/ Kenneth Hunt

Subscribed and sworn to before me this 5th day of May, 1980.

Witness my hand and official seal.

/s/ Donald H. Warner, Jr.

Notary Public

My Commission expires: April 9, 1983

The following Resolution was read:

RESOLUTION

WHEREAS, on the 7th day of May, 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:

The S244.5 ft of the W 417.5 ft of the SW4SW4SE4 Section 4, T1S, R1W, Ute Meridian.

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 7th day of May, 1980.

President of the Council

Attest:

City Clerk

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

TREE SPRAYING

Chris Goodwin, 617 Teller, appeared before Council to discuss the City's tree spraying program. He submitted a proposal to phase out the City's spray program as it creates a hazard to human life and wildlife.

The City Manager responded that the City values the greenery in this area. He outlined the spray program. He stated that in July, 1979, the Parks and Recreation requested that the State Compensation Insurance people take a look at the City's spray program from the standpoint of accident prevention. The City received and is following the procedures outlined by them. He also mentioned that EPA came over and interviewed and reviewed the processes that the City deals with in September, 1979, and actually observed some of the applications being made. His point is that the City is monitoring the program as carefully as it can. The City does take precautions as to the time it sprays. Mr. Wysocki wanted to review the phasing out of spraying as submitted by Mr. Goodwin with the Parks and Recreation Director and Mr. Goodwin and any other interested persons.

Bernard Dangler related to Council his observation yesterday afternoon of a small child who was watching workmen spray weeds on

property at the southwest corner of Burger King when the worker inadvertently sprayed the child across the face with a gasoline powered sprayer. Mr. Dangler outlined what was done for the child to get emergency treatment. He noted that the worker apparently was not well trained in safety procedures. He clarified that the worker was not a City employee.

Mr. James Fisk addressed comments to the pesticide program. He stated that he was a witness to the incident described by Mr. Dangler. His position was that pesticides are harmful and that the beneficial insects are harmed and the pests are very little harmed.

Mr. Wysocki said that it would be helpful to get the license number or some identify of the person involved in incidents as described so that the person could be in a position to educate himself as to antidotes.

AIRPORT

Mr. Bernard Dangler asked Council how it balances two individuals, one, enthusiastically in favor of the Airport, just about anything Airport, and another who is against the booze business and its being conducted on government-owned property. He stated that he cannot recall hearing Bob Holmes criticize or diminish the Airport operation aside from the booze business being conducted on City-County property. He asked whether an inquiry has been made as to what, if any, cost is involved to the City by the booze business on City-County property as far as insurance risks are concerned. He said he cannot recall Dale Hollingsworth ever saying against the Airport, and Mr. Dangler said he didn't think that was necessarily so bad either, but, he asked, does one's overenthusiasm on the overall have more value than the other's bias against one particular part of the whole. His personal view is that he is getting sick of the establishment's various arms belabouring of Christians for their Bible view. He commended the Airport Board, including Dale Hollingsworth, for a commendable job which sometimes appears to be a very thankless task.

CITIZEN COMMENT

Mr. John Viera, Grand Junction resident, appeared before Council and stated that today when we live in a time when many of our public officials are looked upon with contempt by many of the citizenry, he wanted to come forward and speak a few words of praise for Councilman Bob Holmes. He and many others in the community feel that Bob is a rare individual. Although he is in politics, he can still stand by his guns, his beliefs, his morals, and can take a stand on an issue without being concerned as to political pressure from wherever it comes. He does not appear to compromise what he believes in. Mr. Viera cast his vote of confidence for Councilman Holmes.

NO SMOKING

President Quimby noted the posting of Council Chambers with a "No Smoking" sign by Mesa County Health Educator and commented that Staff, Council, and audience had complied this evening.

Daily Sentinel reporter Shari Bernard said that if the rest of us are going to be prohibited from indulging in nicotine that Mr. Wysocki also be prohibited from "dipping."

CARPOOLING

The President encouraged carpooling.

ADJOURNMENT

Upon motion by Councilman Johnson, seconded by Councilman Brach and carried, the meeting was adjourned to 7:30 a.m. Wednesday, May 14, 1980.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk