

Grand Junction, Colorado

November 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 November, 1980, in the City Council Chambers at City Hall. Those present were Council members Louis Brach, Frank Dunn, Dale Hollingsworth, Robert Holmes, 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 Tracey Miller, First Christian Church.

MINUTES

Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer and carried, the minutes of the regular meeting October 15, 1980, were approved as written.

INTRODUCTION OF NEW CITY EMPLOYEES

The following new City employees were present and introduced to Council:

Dorothy Gonazles, Police Department
Robert Rice, Buildings and Plant Division
Jack Raff, Buildings and Plant Division
John Zen, Police Department
Jacqueline Benker, Data Processing

APPOINTMENT OF KENNETH HAMON TO THE IRB COMMITTEE

With the concurrence of Council, the President appointed Kenneth Hamon, CPA, Dalby, Wendland & Jensen, to the IRB Committee to fill the recent vacancy. The County concurs with the appointment.

GOLF BALLS FROM LINCOLN PARK ALONG GUNNISON, NORTH AVENUE AND VETERANS HOSPITAL

Mr. Robert Van Houten, 2000 Gunnison Avenue, addressed Council regarding damages along Gunnison Avenue from golf balls traveling from Lincoln Park Golf Course. Several residents from along Gunnison Avenue were present and noted damage to vehicles, broken windows, and necessity by some to wear hard hats when they are in their back yards. Mr. Van Houten submitted that the City should carry some type insurance to protect the homeowners from the danger of the flying golf balls. Relying upon the golfer to accept the damages is not working, and the golfers are becoming more

abusive to the residents in response to the requests to accept the damages. In addition, Mr. Van Houten suggested the City should increase the height of the fence another six feet between the homes and Lincoln Park Golf Course for additional protection.

The consensus of Council was that Mr. Van Houten and another member from the area meet with the City Parks and Recreation Director and a member of the legal staff to work toward a resolution of this problem.

Another member of the audience suggested that in addition to Gunnison Avenue, consideration should be given to the businesses on the north and Veterans Hospital.

Councilman Johnson advised the audience that Council is sympathetic to their problem in seeking a resolution, but at the same time he recommended that members of Council who are not familiar with the layout of the golf course find time to go out and take a tour with somebody who can explain the situation in order to have a better understanding as to the kind of solution the City may have to adopt.

APPLICATIONS APPROVED TO RENEW LIQUOR LICENSES AND TRADE NAME CHANGES

Upon motion by Councilman Brach, seconded by Councilman Dunn and carried with Councilman HOLMES voting NO on all thirteen applications to renew, and Councilman O'Dwyer voting NO on No. 8, the renewal of North Avenue Liquor application, the following applications to renew liquor licenses and the application to change the trade name were approved:

A. Applications for Renewal of Liquor Licenses

1. Board of Trade Restaurant, 336 Main Street (Hotel-Restaurant)
2. The Office, 159 Colorado Avenue (Hotel-Restaurant)
3. Los Reyes Restaurant, 811 S. Seventh Street (Hotel-Restaurant)
4. The Far East Restaurant, 1530 North Avenue (Hotel-Restaurant)
5. The Winery, 642 Main Street (Hotel-Restaurant)
6. Eagles Club, 1674 U.S. Highway 50 (Club)
7. BPOE Elks No. 575, 249 S. Fourth Street (Club)
8. North Avenue Liquor, 801 North Avenue (Liquor Store)
9. Johnnie's Liquor Store, 1000 N. Fifth Street (Liquor Store)
10. Centennial Liquors, 2721 N. 12th Street (Liquor Store)

11. Redlands Liquor, 2516 Broadway (Liquor Store)
 12. Orchard Mesa Liquor, 2706 Highway 50 (Liquor Store)
 13. Reverse R Bar, 122 S. Fifth Street (Tavern)
- B. Application for Trade Name Change (Hotel-Restaurant)

From: Oasis Restaurant

To: Prairie Schooner Restaurant & Lounge 352 North Avenue

HEARING - APPLICATION BY FEATHER PETROLEUM COMPANY DBA STOP & SAVE NO. 2, 2050 NORTH AVE. FOR 3.2% BEER LICENSE TO PERMIT SALES FOR OFF-PREMISE CONSUMPTION

The following report was read:

"On September 18, 1980, an application was accepted from Feather Petroleum Company, dba Stop & Save No. 2, 2050 North Avenue, for a 3.2% beer license, sales for consumption "off" the premises of the licensee. Corporate officers are:

President: Larry V. Feather, Grand Junction
Vice Pres: Andrew K. Smith, Evergreen, CO
Sec/Treas: Stanley R. Medsker, Vail, CO

Feather Petroleum Company owns Stop & Save No. 1, 213 N. First Street. A 3.2% beer license was approved for that location April 4, 1979.

The hearing before the City Council was set for November 5, 1980, with the decision to be given at the subsequent meeting on November 19, 1980. Notice of hearing by the Council was published in The Daily Sentinel October 24, 1980, and the sign giving notice of hearing was posted Friday, October 24.

A survey of the neighborhood bounded by 18th Street on the west, Elm Avenue on the north, 24th Street on the east, and Hill Avenue on the south commenced October 6 and was concluded by October 24, 1980.

Results:

(1) Yes, I am in favor of the issuance of the license as I believe the needs of the neighborhood are not being met by existing outlets. 217

(a) Owner of property in the neighborhood. 55

(b) An employee or business lessee of property in the neighborhood. 110

(c) An inhabitant of the neighborhood. 67

(2) No. I am not in favor of the issuance of the license as I believe the needs of the neighborhood are being met by existing outlets. 103

(a) Owner of property in the neighborhood. 11

(b) An employee or business lessee of property in the neighborhood. 22

(c) An inhabitant of the neighborhood. 18

(3) No opinion. 6

The report from the Police Department advises that at the time of application for 3.2% beer at Stop & Save No. 1, the Feather Petroleum Corporate Officers background was investigated and no derogatory information was revealed. Since April, 1979, the Police Department has not recorded any complaints or violations regarding the sale of 3.2% beer. Management seems to police the sales of beer and has always been corporative towards the Police Department.

Petition favoring issuance of license containing 871 signatures filed by applicant on Monday, November 3, 1980.

Similar type outlets: 8."

The map showing similar type outlets was reviewed.

Larry Feather, President of Feather Petroleum, was present represented by his attorney, Dave Palo.

There were no opponents, letters, or counterpetitions.

A Resolution of Findings and Decision is scheduled November 19, 1980.

HEARING - APPLICATION BY MESA COLLEGE FOR 3.2% BEER SPECIAL EVENTS PERMIT FOR FRIDAY, DECEMBER 5, 1980, FROM 7:00 P.M. TO MIDNIGHT IN STUDENT CENTER CAFETERIA - APPROVED - (7TH PERMIT)

The property at Mesa College was posted Friday, October 24, 1980, giving notice of hearing to all interested persons on the application by Mesa College for a 3.2% beer special events permit to be used in conjunction with an SBA activity scheduled in the student center cafeteria December 5, 1980, from 7:00 p.m. to midnight. Jim Eby, the Program Chairman of the SBA, was present to respond to questions.

There was no opponents, letters or counterpetitions.

Upon motion by Councilman Brach and carried with Council members HOLMES and O'DWYER voting NO, the application by Mesa College for

a 3.2% beer special events permit on December 5, 1980, was approved.

HEARING CONTINUED FROM OCTOBER 15 ON CROWN HEIGHTS FINAL FLAT FILING #1, SE CORNER 27 1/2 ROAD AND G ROAD

The City Attorney summarized the hearing by the Council and the Board of County Commissioners. It was determined that the extension of Runway 4-22 could be conveniently moved at least sufficiently far to the north to remove the clear zone from Crown Heights, and that it was to be the policy of the City Council and the Board of County Commissioners that as to matters as far along as Crown Heights, a residential construction would be permitted within the critical zone. That being so, he advised Council that all that remains to the Council tonight to determine is the approval of the final plat with the understanding there will be no part of Crown Heights which will be necessary to acquire in order to protect the airport. There is already an aviation agreement of record which controls both the height and the acceptance of the noise in perpetuity.

Councilman Hollingsworth compared this request to the discussion earlier this evening regarding some terribly inconvenient circumstances, and in many cases dangerous circumstances resulting from what seems a recreational activity, golf, which is one individual's pleasure that has become a hazard to many of the citizens even though it is recognized that homes along Gunnison were constructed following the use of the golf course which was there prior to most of those homes. And now a solution is being sought to a circumstance that could have been predicted and many of the earlier owners and builders of those homes may or may not have recognized that the golf course would be a hazard to them. In the judgment of Councilman Hollingsworth, the City is now in the same circumstance at Walker Field. It is known the Airport has existed there for many years; it is known that it creates noise and a hazard, and a potential health hazard of the worst degree. Therefore, it seemed to him that the Council should be extremely cautious in that it does not create a situation in which the individual who is to live in the residence, apartment, or whatever is to be clearly advised in some manner that the Airport is there, it creates a hazard, it is a noise hazard. He thinks that, although the runway can be moved, it is not an ideal situation. It seems unfortunate to him that there is not a circumstance for a procedure that goes beyond just placing this information on the deed of record that would advise people -- not just the first owner -- but the owners for all time that are in that path of that airport of the danger both for their health and safety and the noise and other things that go with airports.

President Quimby asked how that might be accomplished.

Councilman Hollingsworth responded that as a member of the Airport Authority he would hope it would be more restrictive in allowing development and certainly the densities around the airport. For

whatever reasons previous people in his chair and at the County Commissioner level might have made decisions relative to the development in that area surrounding the Airport, he does not feel obligated to perpetuate those, what he considers, dangerous circumstances to the health and safety of the individuals in the area.

President Quimby said she was thinking more specifically about one point in which Councilman Hollingsworth said he hoped the people could be aware of what they "were buying into," and she wondered if he had any suggestions along those lines.

Councilman Hollingsworth thinks there have been enough studies made nationally that would indicate that people do not recognize the adjacency of not only airports, but also golf courses, race ways, and all of these other things, many of which are recreational in aspect and one individual can become a social and health hazard to another individual.

President Quimby asked the City Attorney if there is some procedure that can be set up in order to assure that those people would know and to protect (the City).

Mr. Ashby said that if having it on the abstract isn't enough, he doesn't know how it could be handled.

Councilman Brach suggested signage along the highway.

President Quimby was thinking that perhaps those houses that are to be affected could be flagged in the utility accounts so that when the house changes ownership the new owners could be advised of the situation.

According to Councilman O'Dwyer, that would be too late. The transaction would already have taken place.

President Quimby said the only other alternative is to take to the Board of Realtors and explain Council's concern and ask their cooperation.

Councilman O'Dwyer couldn't see a realtor passing up a sale.

President Quimby stated that at least it would be known that Council had enlisted their support to help meet a potentially hazardous problem.

Councilman Johnson did not think the City can accept responsibility all the time for whatever might occur. The City has obtained an aviation agreement which becomes a covenant upon that property. It releases the City, the Airport Authority, and the County from any liability due to noise and other conditions that are attendant to the Airport. In his opinion, the City does not carry a perpetual obligation to seek out and advise each property owner each time that property changes hands of what he is buying

into. He thinks it is the property owner's obligation to become knowledgeable about his purchase as he cannot foresee a buyer buying property sight unseen without an abstract search or any covenants or restrictions on that property and being advised of those at the time of purchase. Councilman Johnson feels the City has gone just as far as it can go by obtaining the easement and release of liability.

Councilman Brach reported that along about July, the Airport Authority was in line for federal aid to purchase this land, and then unbeknown to the Authority the President froze all that funding in August. Until funds are available, the Authority cannot move.

Upon motion by Councilman O'Dwyer, seconded by Councilman Johnson and carried with Councilman HOLLINGSWORTH voting NO, the final plat for Crown Heights Filing #1 was approved with the understanding that no ground within that plat fails within the clear zone and purchase of any part is not necessary.

HEARING - ORDINANCE NO. 1916 - ADOPTING BY REFERENCE THE 1979 EDITION OF UNIFORM BUILDING CODE

A hearing was held after due notice on the proposal to adopt by reference the 1979 Edition of the Uniform Building Code. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman O'Dwyer, seconded by Councilman Holmes and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing; AN ORDINANCE RELATING TO THE REGULATION OF CONSTRUCTION, ALTERATION, MOVING, DEMOLITION, REPAIR AND USE OF ANY BUILDING OR STRUCTURE WITHIN THE CITY OF GRAND JUNCTION, COLORADO; ADOPTING BY REFERENCE THERETO THE UNIFORM BUILDING CODE OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, 1979 EDITION, TOGETHER WITH THE APPENDIX THERETO, WITH CERTAIN AMENDMENTS THERETO, AND TOGETHER WITH THE UNIFORM BUILDING CODE STANDARDS, 1979 EDITION, OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

Upon motion by Councilman Brach, seconded by Councilman Johnson 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 1916, and ordered published.

HEARING - ADOPTING BY REFERENCE FOR 1979 EDITION OF UNIFORM FIRE CODE

A hearing was held after due notice on the proposal to adopt by reference the 1979 Edition of the Uniform Fire Code. There were no opponents, letters, or counterpetitions.

HEARING - RESOLUTION - PROPOSED ORDINANCE - NORTH 12TH STREET ENCLAVE ANNEXATION, E OF 12TH STREET BETWEEN F 1/4 ROAD AND HORIZON DRIVE

A hearing was held after propert notice on the North 12th Street Enclave Annexation. The City Attorney advised Council that under the Municipal Annexation Act, Council is required to determine during the hearing:

1. Whether or not land in identical ownership has been divided by the proposed annexation;
2. Whether or not any land in identical ownership of the territory proposed to be annexed comprises twenty acres or more and has an assessed valuation in excess of \$200,000; and
3. Whether or not said territory is subject to a petition for annexation to another municipality.

Mr. Don Warner, Planning Analyst, advised that all the above conditions have been met.

Mr. Warner pointed out the area to be annexed. This area is completely surrounded by the City and has had two-thirds boundary contiguity with the City for three years. There is approximately fifty (50) acres in the area proposed for annexation.

The following people opposed the annexation:

Arthur T. Pattenburger, 665 Eastcliff Drive
Mr. and Mrs. David Oldeberg, 2708 F 1/2 Road
Nancy Dickey, 718 Niblic Drive
Harry Petersen, 27 1/4 and F 1/2 Roads
Rodney Wright, 668 Eastcliff

Comments were had from:

Nancy Dickey, 718 Niblic Drive, curbs & gutters
Doctor Bull
Doctor Gould
Donna Garber, 666 Budlong Drive
Victor Trinn, 2710 Midway
Winston Whitney, 660 Eastcliff Drive,
(for annexation)

Mr. Warner had five calls regarding this annexation: two for information, one for zoning, and two others need sewers.

The hearing was closed.

The following resolution was read:

RESOLUTION

WHEREAS, on the 5th day of November, 1980, 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:

Beginning at a point 66 feet N and 30 feet E of the SW Corner of the NW Quarter of the SW Quarter, Section 1, T1S, R1W, Ute Meridian; thence E along the N line of the S One Acre of the SW Quarter of the NW Quarter of the SW Quarter of said Section 1 to the W line of the SE Quarter of the NW Quarter of the SW Quarter of said Section 1, thence N to the NW Corner of said SE Quarter of the NW Quarter of the SW Quarter of said Section 1, thence E to the E line of the NW Quarter of the SW Quarter of said Section 1, thence N to the NE Corner of said NW Quarter of the SW Quarter of Section 1, thence E to the SW Corner of Bell Ridge Subdivision, thence N to the NW Corner of Lot 25, Jaynes Subdivision, thence E to the E line of the NW Quarter of said Section 1, thence N along said E line of said Section 1, thence N along said E line to a point 782.5 feet S of the NE Corner of the NW Quarter of said Section 1, thence W 408 feet, thence S 82 deg. 49 min. W 220 feet, thence S 55 deg. 57 min. W 596 feet, thence W 190 feet, thence S 176 feet, thence W to the SErly right of way line of Horizon Drive, thence SWerly along said line to the E right of way line of 12th Street, thence S along said E right of way line to the point of beginning;

and

WHEREAS, the Council has found, and does hereby find that the area proposed to be annexed has had the two-thirds contiguity with the City for more than three years as required by the Municipal Annexation Act; 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 5th day of November, 1980.

published.

ORDINANCE NO. 1919 - EASEMENT VACATION, 3225 APPLEWOOD STREET

Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried, 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 Holmes 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 1919, and ordered published.

ORDINANCE NO. 1920 - REZONE FROM R-3 TO B-1, NE OF WELLINGTON AND 11TH STREET, SW OF GRAND VALLEY CANAL

Upon motion by Councilman O'Dwyer, seconded by Councilman Brach 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 Holmes, 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 O'Dwyer, seconded by Councilman Holmes and carried by roll call vote, the Ordinance was passed, adopted, numbered 1920, and ordered published.

ORDINANCE NO. 1921 - ZONING MESA MALL ANNEXATION NO. 4 H.O. (HIGHWAY-ORIENTED)

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 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 Hollingsworth, seconded by Councilman Johnson 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 Johnson and carried by roll call vote, the Ordinance was passed, adopted, numbered 1921, and ordered published.

PROPOSED ORDINANCE - LODGING TAX - HEARING DECEMBER 3, 1980

The title and purpose of the following proposed ordinance was read: AN ORDINANCE IMPOSING A LODGERS' TAX FOR THE CITY OF GRAND JUNCTION, COLORADO, SETTING FORTH PURPOSES, DEFINITIONS, PROVIDING FOR EXEMPTION AND ENFORCEMENT PROCEDURES, ESTABLISHING ADMINISTRATIVE PROCEDURES AND PROVIDING FOR AN EFFECTIVE DATE. Upon motion by Councilman O'Dwyer, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - LEASE PURCHASE OF TRASH EQUIPMENT

The following entitled proposed ordinance was read: AN ORDINANCE AUTHORIZING THE APPROVAL, ADOPTION AND EXECUTION OF A LEASE WITH AN OPTION TO PURCHASE BETWEEN THE CITY OF GRAND JUNCTION, COLORADO, AND THE UNITED BAND OF DENVER, NATIONAL ASSOCIATION, FOR THE PURPOSE OF LEASING PROPERTY FOR MUNICIPAL PURPOSES; AND PRESCRIBING THE FORM OF SAID LEASE. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

JOINT RESOLUTION REGARDING DEVELOPMENT OF TRANSIT PLAN

The following Resolution was read:

RESOLUTION

CONCERNING THE DEVELOPMENT OF A TRANSIT PLAN.

WHEREAS, the State of Colorado, the County of Mesa, and the City of Grand Junction have cooperated in a transportation system planning process; and

WHEREAS, that process has led to a determination of a level of service to be pursued toward the development of a system through consensus of the named agencies and the public;

NOW, THEREFORE, BE IT JOINTLY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA AND THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Dave Consulting, Inc. be directed to develop a "Level 2" transit plan as determined in its Working Paper 3: "Public Transportation Alternatives Urban and Nonurban Areas and Public Transportation Support Activities."

Further, that it be the expression of the Board and the Council that implementation of the plan be undertaken at the earliest possible time consistent with funding options and the availability of monies.

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

CITY OF GRAND JUNCTION

By:

President of the Council

Attest:

City Clerk

PASSED and ADOPTED this 18th day of November, 1980.

COUNTY OF MESA

By:

Chairman of the Board of County Commissioners of the County of Mesa

Attest:

County Clerk

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

APPOINTMENT OF DAVE PALMER LIQUOR AND BEER HEARING OFFICER

Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried with Councilman HOLMES voting NO, Dave Palmer was appointed the liquor and beer hearing officer.

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE DEEDS ON ANTONOPOULOS PROPERTY AND RESOLUTION AMENDING DATES CORRECTING SECTION 5 OF RESOLUTIONS PREVIOUSLY ADOPTED

The following Resolution was read:

RESOLUTION

DESIGNATING THE CITY MANAGER TO CONVEY LANDS OF THE CITY OF GRAND JUNCTION.

WHEREAS, the City of Grand Junction is the owner of lands situate in the City of Grand Junction, County of Mesa, Colorado, described as:

Lots 1 through 24, inclusive, Block 99, CITY OF GRAND JUNCTION,

and

WHEREAS, the City is planning to acquire the following lands situate in the City of Grand Junction, Mesa County, Colorado, to-wit:

Lots 9 through 12, inclusive, Block 100, CITY OF GRAND JUNCTION,

and

WHEREAS, as a part of the security arrangement entered into in connection with the purchase of said lands it is necessary to place in escrow Warranty Deeds conveying to Boettcher & Company, or whom it may direct, the interest of the City in such lands;

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

That the City Manager, James E. Wysocki, is authorized and directed to execute Warranty Deeds, on behalf of the City and as the act of the City, conveying the interest of the City to Boettcher & Company, or to whom it may direct, such deeds to be placed in escrow and treated as in the escrow provided.

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

President of the Council

Attest:

City Clerk

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

The following Resolution was read:

RESOLUTION

WHEREAS, the City of Grand Junction, Mesa County, Colorado (the "City"), has, by Resolution adopted and approved by the City Council of the City of Grand Junction on the 15th day of October 1, 1980, authorized the issuance of its Purchase Money Promissory Notes, secured by Purchase Money Mortgages to Boettcher & Company ("Boettcher") or its assigns, in the respective principal amounts of \$1,450,000.00 and \$400,000.00, for the purpose of acquiring, over a five-year period, certain parcels of real property located in the City, all as is more fully set forth in said Resolution; and

WHEREAS, pursuant to the terms and conditions in Section 5 of said Resolution and for the purpose of effectuating payment by the City of the designated principal and interest under said Notes, the City shall annually deposit certain sums into the "Land Purchase Payment Fund," to the extent annually appropriated by the City Council; and

WHEREAS, due to the variability of interest rates and in view of the designated principal and interest payments to become due and payable under said Notes, the City Council of the City deems it necessary and advisable to amend said Section 5.

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

That said Section 5 of Resolution adopted and approved by the City Council of the City of Grand Junction on the 15th day of October, 1980, be amended as read as follows:

Section 5. That for the purposes of effectuating the payment by the City of the designated principal and interest under said Note (Notes), there is hereby established the "Land Purchase Payment Fund," which shall be maintained in a special account of the City at a Colorado savings and loan association; in the event the City acquires parcel B by February 1, 1981, as is more fully set forth in Section 1-3, supra, then the City reasonably anticipates, based upon expected interest earnings, that it shall deposit into such fund the following sums, to the extent appropriated annually by the City Council:

<u>Deposit Date</u>	<u>Amount</u>
10/21/80	\$257,250.00*
10/21/81	388,296.42
10/21/82	361,133.12
10/21/83	337,797.84
10/21/84	543,199.11

*Includes \$157,250 capitalized interest.

In the event the City does not acquire Parcel B by February 1, 1981, as is more fully set forth in Sections 1 and 2, supra, then the City reasonably anticipates, based upon expected interest earnings, that it shall deposit into such fund the following sums,

to the extent appropriated annually by the City Council:

<u>Deposit Date</u>	<u>Amount</u>
10/21/80	not to exceed \$257,250.00*
10/21/81	not to exceed \$311,698.54
10/21/82	not to exceed \$278,498.27
10/21/83	not to exceed \$261,780.22
10/21/84	not to exceed \$388,491.06

*Includes \$157,250 capitalized interest.

In such event, it is agreed that, pursuant to the terms and conditions of Sections 1 and 2, supra, the City on February 1, 1981, shall utilize \$34,000 of such capitalized interest to effect mandatory prepayment of the Note respecting Parcel B.

Sums deposited into said Fund shall be invested for a period of one year at an interest rate of nine (9%) percent per annum until the next succeeding payment date under the Purchase Money Promissory Note (Notes), at which time the sums deposited shall be utilized to pay the designated principal and interest payment under said Note (Notes).

ADOPTED and APPROVED this 5th day of November, 1980.

CITY OF GRAND JUNCTION

By:

President of the Council

Attest:

City Clerk

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

PRE-APPLICATION FOR HUD COMMUNITY DEVELOPMENT BLOCK GRANT

Assistant City Manager Ron Ruskey recommended Council approval to submit preapplications to HUD for two projects:

1. Continuation of the Housing Rehabilitation Program under the Housing Authority in the amount of \$200,000; \$180,000 for 25 units and \$20,000 for administration of the program.

2. Request \$400,000 to be submitted under the economic development program of the CDBG program to be used for the acquisition and development of parking in the downtown area.

Upon motion by Councilman Johnson, seconded by Councilman Brach and carried, approval was granted for the submittal of preapplication to HUD under the Community Development Block Grant.

AIRPORT

Councilman Brach reported that bids for the earth-work drainage and roads at the Airport was reviewed. The engineer's estimate was \$1,233,307.75. Kirkland and Company of Rye, Colorado, submitted a low bid of \$1,115,072.52. As soon as all documents are in order, the work will commence.

COMACT HOUSING

Councilman Dunn reported that ComAct Housing is purchasing a new house.

AIM

Councilman Johnson reported that the AIM Committee staff met Monday and reviewed what has been accomplished so far and agreed to recommend the continuance of the operation of the committee and asked for an appropriation. The City Manager pointed out that due to the program getting started late in the year there is a carryover, so it is projected that \$7,00 will be requested from each entity to continue the program.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk

JOINT RESOLUTION NO. _____

Planning Department No. _____

CONCERNING THE DEVELOPMENT OF A TRANSIT PLAN.

WHEREAS, the State of Colorado, the County of Mesa and the City of Grand Junction have cooperated in a transportation system planning process; and

WHEREAS, that process has led to a determination of a level of service to be pursued toward the development of system through consensus of the named agencies and the public;

NOW, THEREFORE, BE IT JOINTLY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA AND THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Dave Consulting, Inc. be directed to develop a "Level 2" transit plan as determined in its Working Paper 3: "Public Transportation Alternatives Urban and Nonurban Areas and Public Transportation Support Activities".

Further, that it be the expression of the Board and the Council that implementation of the plan be undertaken at the earliest possible time consistent with funding options and the availability of monies.

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

CITY OF GRAND JUNCTION

Attest:

By: *James S. Dancy*
President of the Council

Neve B. Sedgwick
City Clerk

PASSED and ADOPTED this 18 day of November, 1980.

COUNTY OF MESA

Attest:

By: *Bill Guston*
Chairman of the Board of County Commissioners of the County of Mesa

Earl Sawyer
County Clerk

