

Grand Junction, Colorado

September 7, 1983

The City Council of the City of Grand Junction, Colorado, convened in regular session the 7th day of September, 1983, at 7:30 p.m. in the City Council Chambers at City Hall. Those present were Betsy Clark, Frank Dunn, Robert Holmes, Christine Kreissler, Mike Pacheco, Ray Phipps, and President of the Council Gary Lucero. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

The President called the meeting to order and requested that Councilman Phipps lead in the Pledge of Allegiance.

INVOCATION

Councilman Frank Dunn.

MINUTES

The minutes of the regular meeting August 17, 1983, and the special meeting August 30, 1983, were deferred to the September 21, 1983, City Council meeting.

APPOINTMENT OF GLEN GREEN TO PLANNING COMMISSION

Upon motion by Councilman Dunn, seconded by Councilman Pacheco and carried, Glen Green was appointed to serve an unexpired term on the Planning Commission to January, 1984. Mr. Green was appointed to complete the term of Jane Quimby.

PROCLAMATION DECLARING SEPTEMBER 11, 1983, NATIONAL GRANDPARENTS DAY IN GRAND JUNCTION

PRESIDENT OF THE COUNCIL ACKNOWLEDGED RECEIPT OF LETTER FROM THE HOMEBUILDERS ASSOCIATION - REFERRED TO WORKSHOP

CITIZEN REQUESTS COUNCIL PUT PRESSURE ON THE RAILROAD COMPANY TO IMPROVE TRAFFIC FLOW AT RAILROAD CROSSINGS

Bill Arcierie, 2836 Newport Circle, owner of a business located at 357 Bonny off 27-1/2 Road south of the railroad tracks, came before Council to share a concern. He stated that he crosses the railroad tracks going to and from town usually six to eight times a day in his business activities. Usually two to three times a day he gets caught by a train. On Friday, September 2, 1983, he had an important meeting to attend at 4:00 p.m. He reached the railroad crossing at 9th Street at 3:46 p.m. just in time to have a slow roller come through. The train blocked 9th and 7th and stopped. Mr. Arcieri remained at that crossing until 4:21 p.m. -- thirty-five minutes at that railroad crossing. He said that he saw a lot of angry people at that crossing do a lot of stupid things to try and get out of there to get around it somehow. Mr. Arcieri said

that he pulled a "yo-yo" himself and went out to 30 Road to get across the tracks. He missed the bid opening of just under a \$100,000 project. Mr. Arcieri said that he made an attempt to talk to the Grand Junction Police Department who said they could do nothing about the situation. He talked to the Railroad who said they could care less about it. He talked to the City Manager's office and the secretary conferred with Mr. Ashby and he was basically told that nothing could be done about it. He stated that he did not know which was more aggravating: being caught there and monetary problems, or being told nothing could be done. He solicited Council's assistance to get something done. Mr. Arcieri asked if there was a City statute that limits the time a railroad crossing could be tied up. The City Attorney said that some years ago there was an ordinance that talked about a fifteen-minute obstruction. That was taken off a long time ago and he could not recall why it was removed. Mr. Ashby said that if Council wanted to, he could look at some form of restriction. Councilman Holmes requested that a letter be directed to the Railroad Company expressing indignation over the manner in which the Railroad's employee responded to the citizen's request for information. The City Attorney suggested that the Administration be permitted an opportunity to see if there was a legitimate reason for the train to stop there when it did. Councilman Pacheco suggested that a City representative be selected to meet with the Railroad officials to explore what types of accommodations can be made. The City Manager was designated to represent the Council with the Railroad.

#### LIQUOR-BEER - APPLICATIONS TO RENEW LICENSES

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the applications by the following business concerns to renew liquor and beer licenses were approved:

Bar X Restaurant & Lounge, 1600 North Avenue (Hotel-Restaurant)  
Night Gallery, 1900 Main Street (Tavern)  
Los Reyes Restaurant, 811 S. 7th Street (Hotel-Restaurant)  
The Sandwich Factory, 541 Main Street (Hotel-Restaurant)  
State Liquor, 659 Rood Avenue (Retail Liquor Store)  
Howard Johnson's, 752 Horizon Drive (Hotel-Restaurant)  
Seven-Eleven Store No. 1863, 2847 North Avenue (3.2% Beer)  
Gas Rite, 745 Horizon Drive (3.2% Beer)  
Country Club Sixty-Six, 723 Horizon Drive (3.2% Beer)  
The Eggschange, 2829 North Avenue (Beer-Wine)

LIQUOR - APPLICATION BY THE SARJER COMPANY FOR A HOTEL-RESTAURANT LIQUOR LICENSE AT THE GRAND RIVER YACHT CLUB, 336 MAIN STREET, APPROVED SUBJECT TO COUNCIL'S REINSTATEMENT OF CONDITIONAL USE PERMIT TO BE CONSIDERED BY COUNCIL OCTOBER 5, 1983

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Council members HOLMES and PACHECO voting NO, the application by the Sarjer Company for a hotel-restaurant liquor

license at the Grand River Yacht Club, 336 Main Street, was approved subject to Council's reinstatement of the conditional use permit to be considered by Council on October 5, 1983.

President/Director/Stockholder: Jerome H. Michael 100%  
Secretary: Donald J. Fleisher

This was a change of ownership. License presently held by Grand River Restaurant Management Corporation dba Board of Trade.

LIQUOR - APPLICATION BY THOMAS D. & ELSIE J. WOLDRUFF FOR A RETAIL LIQUOR STORE LICENSE AT NORTH AVENUE LIQUORS, 801 NORTH AVENUE - APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Council members HOLMES and PACHECO voting NO. the application by Thomas D. and Elsie J. Woldruff for a retail liquor store license at North Avenue Liquors, 801 North Avenue, was approved. This was a change of ownership. License presently held by Robert and Luella Cross.

LIQUOR - APPLICATION BY LAWRENCE D. DIXON AND REX ALAN MALONE, L & R ENTERPRISES, FOR A RETAIL LIQUOR STORE LICENSE AT HORIZON LIQUORS, 715 HORIZON DRIVE - APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Council members HOLMES and PACHECO voting NO, the application by Lawrence D. Dixon and Rex Alan Malone, L & R Enterprises, a partnership, for a retail liquor store license at Horizon Liquors, 715 Horizon Drive, was approved. This was a change of ownership. License presently held by Wolfgang and Mary Klaiber.

BEER - APPLICATION BY JAMES E. AND JOYCE K. GILLOOLY FOR A 3.2% BEER LICENSE AT COLESCOTT'S, 551 SOUTH AVENUE APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Council members HOLMES and PACHECO voting NO, the application by James E. and Joyce K. Gillooly for a 3.2% beer license at Colecott's, 551 South Avenue, was approved. This was a change of ownership. License presently held by R.B. and J.B. Corporation.

LIQUOR - APPLICATIONS BY PHILLIP L. FREITAS DBA QUINCY'S BAR AND GRILL, 609 MAIN STREET, TO RENEW TAVERN LIQUOR LICENSE - APPROVED SUBJECT TO ALLEGED VIOLATIONS BEING TURNED OVER TO HEARING OFFICER

Upon motion by Councilwoman Clark, seconded by Councilman Dunn and carried with Councilman HOLMES voting NO, the application by Phillip L. Freitas dba Quincy's Bar & Grill, 609 Main Street, to renew his tavern liquor license was approved subject to the alleged violations of the Liquor Code being turned over to the Liquor Hearing Officer and also subject to the express understanding that Council does not waive any of its rights either

to revoke the license or to suspend it for any period up to six months.

Councilman Holmes stated that it would appear that the charge of a felony against anyone would be substantial grounds upon which a licensing authority would refrain from taking any action to renew or to grant a license where there is the terrific and terrible traffic in drug and alcohol abuse. To do so, he said, would be side-stepping, in his beliefs, the responsibility to the citizenry.

HEARING - APPLICATION BY VPL CORPORATION FOR RETAIL LIQUOR STORE LICENSE TO BE LOCATED AT VALLEY PLAZA LIQUORS, 2454 HIGHWAY 6 & 50, UNIT 101

A hearing was held after proper notice on the application by VPL Corporation for a retail liquor store license to be located at Valley Plaza Liquors, 2454 Highway 6 & 50, Unit 101. The following report was read:

"On August 2, 1983, Rich Livingston, attorney for VPL Corporation, filed an application and supporting documents for a retail liquor store license at 2454 Highway 6 & 50, Unit 101, in the Valley Plaza Shopping Mall, under the trade name of Valley Plaza Liquors. The application was accepted and the hearing date was scheduled for September 7, 1983. Officers, stockholders, and directors of the corporation are:

\*President/Director/Stockholder: Hollis C. Brown 22.85%  
Treas/Sec/Director/Stockholder: Jon F. Abrahamson 23.5%  
Operating Mgt/Director/Stockholder: Arthur B. Evans 7.18%  
Director/Stockholder: Perry Christensen 23.56%  
Director/Stockholder: David Christensen 22.85%

I received notice of the death of Hollis C. Brown on August 12, 1983. Monday, August 15, 1983, Mr. Livingston was advised that the application should be amended. The information has not been filed to date.

The survey of the area bounded by 24 Road on the west, F-1/2 Road on the north, 25 Road on the east, to E-1/2 Road on the south, has been completed. Results are:

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. 233
  - a. An owner of property in the neighborhood. 36
  - b. An employee or business lessee of property in the neighborhood. 196
  - c. An inhabitant of the neighborhood. 27

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. 219

a. An owner of property in the neighborhood. 31

b. An employee or business lessee of property in the neighborhood. 185

c. An inhabitant of the neighborhood. 20

As of this date, there have been no letters or counterpetitions filed.

The building wherein the license is sought to be exercised is located more than 500 feet from any public or parochial school, college, university or seminary.

The background investigation of the Officers, Directors, and Stockholders resulted in the report from the Police Department that there are no criminal histories nor wants and warrants through NCIC/CCIC. Fingerprint cards were sent to the CBI/FBI with no returns to date.

Similar-type outlets within the survey area and one mile: 2."

The map showing similar-type outlets was reviewed.

Rich Livingston, Attorney for VPL Corporation, was present along with the officers of the corporation. He submitted additional petition forms: Yes - 213; No - 9. He indicated there may be some duplicate signatures on these forms and on the petition forms circulated by the City. He submitted Vehicle Volume Count done by the Colorado State Highway Department, about a year and a half old. He also noted the sales tax revenues in the Mesa Mall Shopping Center.

\* September 1, 1983

Neva B. Lockhart, CMC  
City Clerk  
City of Grand Junction  
250 North Fifth Street  
Grand Junction, Colorado 81501

Re: VPL Liquor License Application

Dear Neva:

Enclosed please find a copy of the minutes of the VPL Corporation reflecting the election of Arthur P. Evans as president of the corporation. It was necessary to elect a new president of the corporation due to the death of Mr. Hollis Brown.

Under the terms and conditions of the Articles of Incorporation of VPL Corporation, Mr. Brown's stock in the company will be reacquired by the corporation. The company, therefore, will be owned and operated by Arthur B. Evans, President and Director, Jon F. Abrahamson, Secretary-Treasurer and Director, David E. Christensen, Director and A. Perry Christensen, Director. All four of these individuals have submitted the necessary individual histories, letters of recommendation, and fingerprint cards required by the license application.

If I may provide any additional information with respect to the application of VPL Corporation, please do not hesitate to call.

Sincerely,

GOLDEN, MUMBY, SUMMERS & LIVINGSTON

;sigl;  
/s/ Richard Livingston

JRL/ald

Jon Abrahamson, one of the owners, stated that it has always amazed him that getting a liquor license can be so controlled. If he wanted to start a shoe store or practically any other business one could think of, it would simple be a matter of having enough guts, ambition, or work hard enough to make it go. In his opinion, the American way,, and he has never been able to understand why, just because it is a liquor store that it can be turned down because of pure numbers of people at the stores. He believed that the area where the license is proposed is very much a service area, and that the one-mile square really should not apply in this case but rather should be done on the amount of service and the people moving through the area.

Keith Boughton, Attorney for Cottonwood Liquors and Fisher Liquor Barn, two retail liquor outlets within the designated neighborhood area, spoke in opposition to the license application. He stated that Cottonwood Liquors recently obtained a County license on August 12, 1983, and it was their belief that most of the petitioners who signed petitions obtained both by the City and the applicant would have ben unaware of the availability of Cottonwood Liquors inasmuch as they are not presently open for business. It was pointed out that the store has been in this location for some time -- previously as Uranium Liquors and more recently as Kitty's Liquors. Mr. Boughton indicated that the circulators of the petitions he was turning in put the question to each of the signatories on the petitions that they were 21 years of age or older. Also, the petitions do not indicate the boundaries of the area; however, Mr. Boughton stated that the circulators placed this information before each of the signatories on the petitions. The City Attorney stated that the City would accept the petitions with the explanation and forego testimony of the circulators. Mr. Livingston had no objection to the City accepting the petitions

but he made the observation that he found it strange that one so concerned about the limits of the neighborhood would forget to put that on his petition. Mr. Boughton also indicated there may be some duplication.

Mr. Boughton stated his objection to any consideration by the Council of any matters that are not allowed under the statute for consideration of the license application. He noted that Council's statutory authority for issuing a license indicates that the primary concerns are the needs of the neighborhood and the desires of the inhabitants, and he objected to any consideration of any vehicle count concerning individuals or persons who are in fact outside of the neighborhood. He stated that the alcohol licensing procedures that VPL has submitted to requires that Council make an independent determination of the needs of the neighborhood, and to that end this Council has determined what that neighborhood would be and he requested that Council abide by that determination and only consider the area bounded by F-1/2 Road on the north, 25 Road on the east, 24 Road on the west, and E-1/2 Road on the south. He concurred with Mr. Livingston in that the Supreme Court, in the decision that he cited arising in 1967, does allow the Council to determine whether or not the needs of the designated neighborhood are being met by retail liquor outlets outside of the neighborhood. To that end he pointed to Ranch Liquors which is located one-half mile outside the designated neighborhood. He also objected to any consideration being given to tax revenues that could be generated by another retail outlet in that area. He stated that this was not one of the proper factors to be considered by the Council under its statutory authority for determining reasonable needs of the neighborhood and the desires of the inhabitants.

Mr. Boughton questioned the City Clerk regarding the forms used by the City and circulated by an agent hired to do the survey. Specifically that the form originates from the City. He noted that Mr. Livingston indicated that in fact the applicant had prepared petitions for consideration by the Council that were identical to the petition that the City used. Mr. Boughton stated that he suspected that the petition itself indicated that it originated from the City. Mr. Livingston responded that the same form was used in their survey. That was his decision because he did not want to confuse the people by presenting them with a different form that the one that had been circulated by the City as he wanted the same type of information presented. Mr. Boughton elicited testimony from the City Clerk that approximately 50 to 55 of the survey forms were sent through the mail to the City and were included in the tabulations of the report.

Mr. Boughton said that in view of the fact that the applicant had used City forms and they could just as easily have been mailed in and included in the City report, he would suggest that the Council segregate out those forms that were mailed in and consider only those forms that were received by the canvasser and accord greater weight to them on the basis that they would reflect a greater

degree of impartiality and avoid any risk of taint from the use of the forms that were supplied to individuals from the license applicant himself.

For the record, Mr. Livingston stated that on the particular form that the applicant circulated, the statement at the bottom of the form that the City used authorizing the mail in was deleted from the form that they used. Mr. Boughton requested that Council allow his clients to reserve the right to challenge the petitions at a later date rather than go through them at this meeting or that the Council direct the City Clerk to segregate the petitions at this time.

Mr. Ashby stated that either side may look at the petitions - there would be a two-week interval before the decision was made, so they may look at whatever evidence had been presented.

In response to a question by Councilwoman Clark, Mr. Boughton clarified some of his previous remarks by suggesting the Mr. Livingston's proposal that the Council should look at the potential tax revenue that would be generated by placing another outlet in that neighborhood was not a proper consideration for this Council. He said that the considerations for determining whether or not a license should issue were the needs of the neighborhood and the desires of the inhabitants. He stated that the ability of Kitty's Liquors previously to compete in this area was an indication of the ability of Fisher's Liquor Barn to provide the needs of the community; they ran a competitor out of business by their efficiency. In addition, there was not enough demand for alcoholic beverages in that neighborhood to support Kitty's Liquor in its former configuration. Now there are two liquor outlets in that area which should be more than enough to satisfy the needs of the neighborhood.

Councilman Holmes stated that on an agenda that has some 19 to 20 items dealing with liquor and beer and licenses, granting of, renewals, and such, and with reference to the comments regarding opening a shoe store . . . he would only call attention to what he thought was a mockery that needed to be changed. The survey hoopla on the needs of the neighborhood and the desires of the inhabitants, determining who the inhabitants are, whether they are employees or whether residences, had nothing at all to do with the needs of the community and the citizens that live in that community. He said it would appear that every concerned citizen, whether they want to sell liquor or they want to sell shoes or clothing or whatever else would have some consideration for the impact of what they would be doing to their neighbor and that that be the determination of the needs of the neighborhood whether they are being met or not met.

Wayne Fisher, owner of the Fisher Liquor Barn, stated that approximately seventy-five percent of the people that h and Dennis Barbour, owner of Cottonwood Liquor, polled were not aware that there was an existing license at Cottonwood Liquor since the store



was not open.

Phillip Frietas, owner of Quincy's Bar & Grill, stated that he was not a convicted felon. He appreciated the opportunity to go before a hearing and discuss his own particular problem. He felt that he (Mr. Livingston) was referring to him when he said that his applicants were not convicted felons. And he stated to Councilman Holmes that he was not a convicted felon. Councilman Holmes said he was making no reference to him. Mr. Freitas stated that there was a need, definitely, for a very careful control of the liquor industry.

There were no other opponents, letters or petitions. The President closed the hearing. A Resolution of findings and decision was scheduled on the September 21, 1983, City Council agenda.

A five-minute recess was declared. Upon reconvening, all Council members were present.

HEARING - APPLICATION BY GRAND JUNCTION MUSICAL ARTS ASSOCIATION FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT SEPTEMBER 30, 1983, 4:00 P.M. TO 2:00 AM AT TWO RIVERS PLAZA, 159 MAIN STREET - CONCERT - 1ST PERMIT - APPROVED

A hearing was held after proper notice on the application by the Grand Junction Musical Arts Association for a malt, vinous and spirituous liquor special events permit September 30, 1983, from 4 p.m. to 2 a.m. at Two Rivers Plaza, 159 Main Street, for a concert. Wanda Putnam, event manager, was present. There were no opponents, letters or counterpetitions. Upon motion by Councilwoman Clark, seconded by Councilwoman Kreissler and carried with Councilman HOLMES voting NO, the application was approved.

HEARING - APPLICATION BY BOOKCLIFF KIWANIS CLUB FOR 3.2% BEER SPECIAL EVENTS PERMIT OCTOBER 1, 1983, 12 NOON TO 10 PM, 500 BLOCK MAIN STREET - OCTOBERFEST - 1ST PERMIT - APPROVED

A hearing was held after proper notice on the application by the Bookcliff Kiwanis Club for a 3.2% beer special events permit on October 1, 1983, from 12 noon through 10 p.m., 500 block of Main Street, for the annual Octoberfest. Robert Colony was present to speak for the application. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Phipps and carried with Councilman HOLMES voting NO, the application was approved.

BIDS - AWARDS OF CONTRACT - NORTH AVENUE ISLANDS - M.A. CONCRETE - \$43,998.75

Upon motion by Councilman Holmes, seconded by Councilman Pacheco and carried, the bids for the North Avenue Islands beautification were accepted and the contract with M.A. Concrete for the amount of \$43,998.75 was ratified.

RESOLUTION NO. 46-83 OF FINDINGS & DECISION RE: PETITION BY HENRY FAUSSONE ETAL FOR REZONE FROM RSF-4 TO PB FOR THE NW COR OF 26-3/4 RD AND F RD - APPROVED PATTERSON MEDICAL CENTER OUTLINE DEVELOPMENT PLAN - NO ACTION TAKEN

The following Resolution was read:

RESOLUTION NO. 46-83

OF DECISION ON THE ZONING APPLICATION OF FAUSSONE AND OTHERS

WHEREAS, Henry Faussonne, Dennis Granum and Noel B. Norris have applied for a change in zoning from RSF-4 (Residential Single-Family - 4 units per acre) to PB (Planned Business) on the following described land situated in the County of Mesa, State of Colorado, to wit:

Lot 2, Bennett Subdivision, CITY OF GRAND JUNCTION,

and

WHEREAS, the City Council has considered the evidence adduced at the hearing and the Planning Department file and materials relating to the application, and FINDS:

1. That the hearing was properly held after due notice.
2. That the City of Grand Junction Planning Commission recommended that the rezoning be approved.
3. That the area is one of transition in zoning and development and is not suited for its presently zoned use for a single residence.
4. That proper design under the controls of a Planned Business zone will prevent heavy implementation on the surrounding residential uses.
5. Traffic concerns will have to be addressed in the planning of ingress and egress to the site, and, even though there are traffic problems in the area, this development should not add materially to those problems in the over-all future development of F Road, 26-3/4 Road and the area.
6. The evidence supports the granting of the change of zoning.

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

That the application of Henry Faussonne, Dennis Granum and Noel B. Norris for a change in zoning on the above described property be approved and the zoning on the tract of land be changed by ordinance.

PASSED and ADOPTED this 7th day of September, 1983.

/s/ Gary A. Lucero

\_\_\_\_\_  
President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

\_\_\_\_\_  
City Clerk

Upon motion by Councilman Phipps, seconded by Councilwoman Kreissler and carried by roll call vote with Councilman DUNN ABSTAINING, the Resolution was passed and adopted as read.

Upon motion by Councilman Pacheco, seconded by Councilman Phipps and carried, Council chose not to address the outline development plan for the Patterson Medical Center at this time.

PROPOSED ORDINANCE REZONING FROM RSF-4 TO PB THE NW COR OF 26-3/4 ROAD AND F ROAD

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

PROPOSED ORDINANCE VACATING A UTILITY EASEMENT AT THE NW COR OF 26-3/4 ROAD AND F ROAD

The following entitled proposed ordinance was read: AN ORDINANCE VACATING A UTILITY EASEMENT IN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Pacheco, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication.

LIQUOR - T-BONE RESTAURANT LICENSE SUSPENDED THREE DAYS EFFECTIVE SEPTEMBER 8, 1983; HEARING OFFICER'S RECOMMENDATIONS ADOPTED; LICENSEE TO BRING STAIRWELL UP TO EXISTING CODES; REINFORCED HEARING OFFICER'S RECOMMENDATION TO SUSPEND THE LICENSEE'S LICENSE AN ADDITIONAL THIRTY (30) DAYS WITH THAT SUSPENSION HELD IN ABEYANCE FOR SIX-MONTH PROBATIONARY PERIOD

The Liquor Hearing Officer Philip Coebergh submitted the following recommendations regarding the violation which occurred at the T-Bone Restaurant, 120 North 7th Street September 24, 1982: (Full copy in T-Bone Restaurant liquor license file). After discussion it was moved by Councilwoman Clark, seconded by Councilman Phipps, that the Council accept the recommendations of the Hearing Officer with the added stipulation that the stairwell be brought up to current Building Code. Roll was called upon the motion with the following result: Council members voting AYE: CLARK, DUNN, PHIPPS.

Council members voting NOT: HOLMES, KREISSLER, PACHECO, LUCERO.  
The President declared the motion lost.

Upon motion by Councilwoman Clark, seconded by Councilman Pacheco and carried by roll call vote with Councilman HOLMES voting NO, the recommendations of the Hearing Officer were adopted; a three-day (3) suspension of the License was imposed effective September 8, 1983, required the licensee to bring the stairwell up to specific current Codes; and at the conclusion of the above-specified three-day suspension, Council reinforced the Hearing Officer's recommendation to suspend the licensee's license for an additional period of thirty (30) days with that suspension to be held in abeyance for a six month (6) probationary period.

A copy of the full transcript of the foregoing discussion and action filed in T-Bone Restaurant liquor license file.

HOUSTON ENCLAVE ANNEXATION, NW CORNER 25 1/2 ROAD AND INDEPENDENT AVENUE - PROPOSED ORDINANCE

The following proposed ordinance of the proposed annexation of Houston Enclave located on the northwest corner of 25 1/2 Road and Independent Avenue was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION. Upon motion by Councilman Holmes, seconded by Councilman Dunn and carried, the proposed ordinance was passed with a notice to be published five (5) times.

PETITION - RESOLUTION NO. 47-83 - PROPOSED ORDINANCE - SHERIFF'S POSSE ANNEXATION, 25 ROAD AND INDEPENDENT AVENUE

The following petition 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 NW Cor SW1/4 Section 3 T1S, R1W, Ute Meridian, thence E 417.7 ft. thence S 208.7 ft, thence W 208.7 ft, thence S 209 ft, thence W 209 ft, thence N 418 ft to beginning.

And

Beginning 417.7 ft S and 30 ft E of the W1/4 Corner of Section 3, T1S, R1W, Ute Meridian, thence N 89 deg. 57 min. E 179 ft, thence N 209 ft, thence N 89 deg. 57 min. E 208.7 ft, thence N 178.7 ft, thence N 89 deg. 57 min. E 99.5 ft, thence S 487.2 ft, thence S 89 deg. 57 min. E, thence N 99.5 ft to beginning. Together with F1/2 Road right-of-way on N and except 25 Rd right-of-way on W (30 ft.).

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 petitions pray that this petition be accepted and that the said annexation be approved and accepted by ordinance.

| <u>DATE</u><br><u>SIGNATURE</u><br><u>ADDRESS</u><br><u>PROPERTY</u><br><u>DESCRIPTION</u>  |  |  |  |
|---|--|--|--|
| Mesa County<br>Sheriff's Posse<br>648 25<br>RoadBeginning at<br>NW Cor SW1/4 Sec<br>3 T1S, R1W, Ute<br>Meridian, thence<br>E 417.7 ft,<br>thence S 208.7<br>ft. thence W<br>208.7 ft, thence<br>S 209 ft, thence<br>W 209 ft, thence<br>N 418 ft to<br>beginning. |  |  |  |
| 8/31/83/s/ Neva<br>B. Lockhart,<br>CMC250 N. 5th<br>St.   |  |  |  |
| City ClerkGrand<br>Jct CO   |  |  |  |

|   |  |  |  |
|---|--|--|--|
| Power of Attorney   |  |  |  |
| And   |  |  |  |
| Beginning 417.7 ft S and 30 ft E of the W1/4 Cor of Sec 3, T1S, R1W, Ute Meridian, thence N 89 deg. 57 min. E 179 ft, thence N 209 ft, thence N 89 deg. 57 min. E 208.7 ft, thence N 178.7 ft, thence N 89 deg. 57 min. E 99.5 ft, thence S 487.2 ft, thence S 89 deg. 57 min. W 487.2 ft, thence N 99.5 ft to beginning. |  |  |  |

|                    |  |  |
|--------------------|--|--|
| STATE OF COLORADO) |  |  |
| )SS                |  |  |
| COUNTY OF MESA)    |  |  |

AFFIDAVIT

Linda D. Bright, 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/ Linda D. Bright

Subscribed and sworn to before me this 31st day of August, 1983.

Witness my hand and official seal.

/s/ Theresa F. Martinez

\_\_\_\_\_  
Notary Public  
250 N. 5th Street, Grand Junction CO

My Commission expires: June 13, 1987

The following Resolution was read:

RESOLUTION NO. 47-83

WHEREAS, on the 7th day of September, 1983, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of following property situate in Mesa County, Colorado, and described as:

Beginning at the NW Cor of the SW1/4 of Section 3, Township 1 South, Range 1 West, Ute Meridian, thence E 417.7 feet, thence S 208.7 feet, thence W 208.7 feet, thence S 209 feet, thence W 209 feet, thence N 418 feet to beginning; and

Beginning 417.7 feet S and 30 feet E of the W1/4 Cor of Section 3, Township 1 South, Range 1 West, Ute Meridian, thence N 89 deg. 57 min. E 179 feet, thence N 209 feet, thence N 89 deg. 57 min. E 208.7 feet, thence N 178.7 feet, thence N 89 deg. 57 min. E 99.5 feet, thence S 487.2 feet, thence S 89 deg. 57 min. W 487.2 feet, thence N 99.5 feet to beginning.

Together with F1/2 Road right-of-way on N and EXCEPT 25 Road right-of-way on the W (30 feet).

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 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 September, 1983.

/s/ Gary A. Lucero

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

Upon motion by Councilman Dunn, seconded by Councilman Pacheco 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. Upon motion by Councilman Holmes, seconded by Councilman Dunn, the proposed ordinance was passed for publication.

RESOLUTION NO. 48.83 SUPPLEMENTAL RESOLUTION OF INDUCEMENT ADOPTED CONCERNING INDUSTRIAL REVENUE BONDS FOR POMA OF AMERICA, INC., PROJECT - AMENDED TO LIMIT TO ONE YEAR

The following Resolution was read as amended:

RESOLUTION NO. 48-83

SUPPLEMENTAL RESOLUTION OF INDUCEMENT ADOPTED CONCERNING INDUSTRIAL REVENUE BONDS FOR POMA OF AMERICA, INC., PROJECT -

SUPPLEMENTAL RESOLUTION RELATING TO THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS; REAFFIRMING PRELIMINARY APPROVAL OF A PROJECT UNDER THE COUNTY AND MUNICIPALITY DEVELOPMENT REVENUE BOND ACT AND THE ISSUANCE OF REVENUE BONDS TO DEFRAY THE COSTS THEREOF AND AUTHORIZING THE PREPARATION OF NECESSARY DOCUMENTS.

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

SECTION 1

RECITALS

1.1 The legislature of the State of Colorado, in the County and Municipality Development Revenue Bond Act, Title 29, Article 3, Colorado Revised Statutes 1973, as amended (the "Act") has found and declared it to be a public purpose for municipalities to promote industry and develop trade or other economic activity by inducing profit or nonprofit corporations, federal governmental offices, hospitals and agricultural, manufacturing, industrial,



commercial or business enterprises to locate, expand or remain in this State, to mitigate the serious threat of extensive unemployment in parts of this State, to secure and maintain a balanced and stable economy in all parts of this State, and to further the use of its agricultural products or natural resources.

1.2. In furtherance of the foregoing purposes, the legislature has authorized municipalities to issue revenue bonds under the Act for the purpose of defraying the cost of financing, acquiring, improving and equipping any "project" including any land, building or other improvement and all real or personal properties, whether or not in existence, suitable or used for or in connection with commercial enterprises, including, without limitation, enterprises engaged in storing, warehousing, distributing, selling or transporting any products of agriculture, industry, commerce, manufacturing or business; to enter into a "financing agreement" with the use of the Project for the purpose of providing revenues to pay the bonds so authorized, and to secure the payment of such bonds as provided in the Act.

1.3. Pursuant to the authority of the Act, it was proposed by Resolution No. N/A, passed and adopted June 17, 1981 (the "Intent Resolution"), that the City issue its revenue bonds in an amount sufficient to defray the cost of financing, acquiring, improving and equipping certain real and personal properties in the City to be used by Poma of America, Inc. (the "Corporation"), as a manufacturing facility and related facilities (the "Project"), to enter into a financing agreement with the Corporation pursuant to which the Corporation will agree to pay the City amounts sufficient to pay when due the principal of, premium, if any, and interest on the revenue bonds and to cause the Project to be constructed. The Project is still estimated to cost approximately \$2,225,000.

1.4. The existence of the Project will promote the sound economic growth of the State of Colorado and the City of Grand Junction, would provide increased opportunities for employment for residents of the City and surrounding areas and would further the public purposes set forth in Section 1.1 hereof. The Project is located within the City limits of the City.

1.5. The City has been advised that conventional, commercial financing to pay the capital cost of the Project is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but with the aid of municipal financing, and its resulting low borrowing costs, the Project is economically more feasible.

1.6. The Corporation has been advised by investment bankers that revenue bonds of the City are placeable, depending on general conditions in the market at the time of offering.

1.7. The Project constitutes a "project" as defined in Section 29-

3-103(10) of the Act.

1.8. The City passed the Intent Resolution giving preliminary approval for the issuance of revenue bonds in an amount sufficient to pay project costs but not exceeding \$2,225,000, subject to approval by the City Council of the necessary legal documents and details of the bond issue and to approval by the bond purchasers of the details of the bond issue and provisions for their payment. The City Council, in the Intent Resolution, authorized the City's entrance into a financing agreement with the Corporation prior to or simultaneously with the issuance of the bonds. The financing agreement is to provide for payment by the Corporation to the City of such revenues as will be sufficient to pay the principal of, premium, if any, and interest on the revenue bonds, to build up and maintain any reserves deemed advisable in connection therewith, and for the Corporation to pay the costs of maintaining the Project in good repair and keeping it properly insured. The President of the Council, City Clerk, City Attorney and other officers, employees and agents of the City were also authorized in the Intent Resolution to initiate and assist in the preparation of such documents as may be appropriate to the Project.

1.9. The terms and conditions for the documentation for the Project are still being negotiated and finalized. Pending such finalization the City still intends to issue industrial development revenue bonds for the Project.

1.10. The City now reaffirms its intent to issue industrial development revenue bonds for the Project as originally stated in the Intent Resolution and as stated above.

## SECTION 2

### APPROVALS AND AUTHORIZATIONS

2.1. On the basis of the information given to the City in conjunction with the Intent Resolution and this resolution, it is hereby determined that it is still in the best interest of the City for the City to issue its industrial development revenue bonds under the provisions of the Act to finance all or part of the costs of the Project.

2.2. The current City Council of Grand Junction hereby approves and ratifies the intent and purpose of the Intent Resolution, and authorizes all official activities authorized earlier by the Intent Resolution, including but not limited to the City's entering into a financing agreement with the Corporation and preparing other documents pertaining to the Project.

2.3. This Supplemental Resolution shall be in full force and effect for one year from the effective date hereof set forth below.

## SECTION 3

SPECIAL OBLIGATIONS

In all the events, it is understood, however, that the principal of and interest on the revenue bonds issued to finance the Project shall be payable solely out of the revenues derived from the Project. The bonds shall never constitute the debt or indebtedness of the City within the meaning of any provision or limitation of the State Constitution, statutes or home rule charter, and shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers. Such limitation shall be plainly stated on the face of each bond.

PASSED and ADOPTED this 7th day of September, 1983.

/s/ Gary A. Lucero

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

Upon motion by Councilwoman Kreissler, seconded by Councilwoman Clark and carried by roll call vote with Councilman HOLMES voting NO, the Resolution was passed and adopted as amended.

RESOLUTION NO. 49-83 GRANTING REVOCABLE PERMIT FOR STREETSIDE DECK TO THE SARJER COMPANY DBA THE GRAND RIVER YACHT CLUB, 336 MAIN STREET

The following Resolution granting a Revocable Permit to the Sarjer Company was read:

RESOLUTION NO. 49-83

GRANTING A REVOCABLE PERMIT TO THE SARJER COMPANY.

WHEREAS, the Sarjer Company has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow a 4-foot encroachment into the Main Street right-of-way in front of Lots 23 through 25, Block 102, City of Grand Junction, for an outdoor cafe; and

WHEREAS, such action would not be detrimental to the inhabitants of the City;

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

That the City Manager, on behalf of the City as the act of the City, be and he is hereby authorized to grant such Revocable

Permit to the above-named petitioner for the purpose above described upon the execution by the petitioner of an agreement to save and hold the City harmless from any claims arising out of the encroachment and use granted, and execution by the petitioner of an agreement that upon the revocation of such permit, the petitioner will remove said encroachment at its own expense, restoring the right-of-way to its original condition.

PASSED and ADOPTED this 7th day of September, 1983.

/s/ Gary A. Lucero

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

#### REVOCABLE PERMIT

WHEREAS, the Sarjer Company has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow a 4-foot encroachment into the Main Street right-of-way in front of Lots 23 through 25, Block 102, City of Grand Junction, for an outdoor cafe; and

WHEREAS, the City Council is of the opinion that such action would not be detrimental to the inhabitants thereof at this time and has directed the City manager to issue a permit for such use;

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

There is hereby granted to The Sarjer Company a Revocable Permit to allow a 4-foot encroachment into the Main Street right-of-way in front of Lots 23 through 25, Block 102, City of Grand Junction, for an outdoor cafe; provided, however, that said permit may be revoked by the City Council at its pleasure at any time; provided, further that the above-named petitioner shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from the permitted use; and further provided that said petitioner shall agree that upon the revocation of such permit, it will, at its own expense, remove said encroachment and restore the right-of-way to its original condition.

DATED this 16th day of September, 1983.

/s/ James E. Wysocki

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City Manager

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

Upon motion by Councilman Pacheco, seconded by Councilman Dunn and carried with Councilman HOLMES voting NO, the Resolution was passed and adopted as read.

#### FIFTH STREET BRIDGE PROJECT - STATE HIGHWAY DEPARTMENT

Bob Mosston, District Engineer with State Highway Department, appeared before Council to address concerns expressed by Council regarding the Highway Department's method of handling the traffic on the Fifth Street Bridge project.

After the discussion, it was mutually agreed that a pre-conference before a project commences might help to resolve some of the frustrations and problems that have been experienced during the project.

PAVEMENT PATCHING CONTRACT WITH PETER KIEWIT & SONS' COMPANY TERMINATED - CORN CONSTRUCTION COMPANY TO COMPLETE PROJECT - \$22,000

Ken Reedy, City Engineer, appeared before Council to request that Peter Kiewit & Sons' Company be replaced by Corn Construction Company for the completion of the Pavement Patching Contract. There are several ongoing projects with the need to keep the patching as close as possible to the construction to minimize the traffic hazards and inconvenience to adjoining property owners. Peter Kiewit & Sons' have had problems with scheduling and quality control. The difference between Peter Kiewit & Sons' and Corn Construction bid would amount around \$22,000.

Councilwoman Kreissler asked why it was being recommended that Peter Kiewit & Sons' be relieved of this contract. They have a contract that they will perform in a certain manner and they have agreed to this. Now for some reason the City is being asked to be benevolent and the people of Grand Junction will pick up an extra \$22,000. She asked if there was a clause in the contract that should Staff say that their work is not satisfactory that they are removed from the job and the City is not out the additional money. Mr. Reedy said the City does have that option by the contract to revoke their performance bond and make them pay the difference.

The City Attorney indicated that the first thing would be to order them to proceed and then require them to proceed. He said that was where the Staff has had all the trouble. Mr. Reedy said that it would take more Staff time to supervise their activity and to require that they complete the project in an acceptable and timely manner than it would be worth. He stated that there was no adequate stipulation in the contract with Peter Kiewit to require

them to get the paving within two blocks of the construction. Repeated problems have been experienced on Grand Avenue with their scheduling to enable them to do the work they are doing on F Road and still allow them to do the patch work on Grand Avenue and the minor patch work they have done on Fifth Street. He pointed out that besides paying for construction activity, payment is also being made for traffic signage and people to supervise their activity. He thought that the City could easily get farther behind the \$22,00. Mr. Reedy indicated that the contract with Peter Kiewit was not the standard City contract. It's a short contract and very limited in scope and does not necessarily address all the City requirements on performance bonding, liability, and revocation of the contract.

Councilman Phipps stated that it appeared there should have been a contract to protect the City that required the contractor to meet its performances.

The City Attorney clarified that what is proposed is that Peter Kiewit & Sons be let out of the contract and that their bondholder be let out of the surety of the bond.

Councilwoman Kreissler suggested that since it has been mutually beneficial to recommend that they be let out of the contract that it might be mutually beneficial to suggest that they split the cost. Mr. Reedy said that at Council's discretion that was an option. Councilman Pacheco suggested that it would be prudent to go ahead and terminate the relationship as outlined. If another course should be pursued, it should be with total legal advise and total legal preparation with the City Manager and the City Attorney mapping out the strategy and determining what the options are and the costs. Councilman Pacheco thought that would be a far more important decision and probably a far more complicated decision that Council probably should not attempt to resolve at this meeting.

Councilman Holmes questioned whether the City would be better off to "take our lumps" and get out of it and proceed with a situation where there would not be a risk of losing more money as a result of trying to preserve that which has already been lost.

Councilwoman Kreissler questioned whether a precedent would be set for anybody who, in the future, misbids something and then says "well, you know, if we just don't perform, they will let us out of it." Mr. Ashby said that's a philosophy. He suggested that if the contractor were requested to perform under a bad bid, he was not sure there would be any gain.

Councilman Phipps stated that in his dealings with subcontractors who make bad bids and the back out of the job, he would go to the bidder and inform him that if he wanted to work for him again he had better get on the ball and perform. And if he doesn't then he better go look for another job. Councilman Phipps assumed that this man wanted this work at the time.

The City Manager said that before this was brought to Council, it was pointed out to Peter Kiewit & Sons' the fact that their bid was considerably under the other bidders. They understood that and they said they would honor the contract. Councilman Pacheco recalled that and also that the City Manager pointed it out at the time that the bid was low and that he had some concerns about it. Mr. Wysocki noted that the City had tried to work with Peter Kiewit & Sons' and that it is not working and Staff's recommendation now is to get the patching done by someone who is willing to do the job and is willing to do it the way it should be done. He suggested also that other projects are hurting as a result of this problem.

Councilman Phipps stated that before Peter Kiewit & Sons' are given another job, Council should look long and hard at it and that this Council should make sure they know that.

It was moved by Councilman Phipps, seconded by Councilman Holmes and carried with Councilwoman KREISSLER voting NO, that Staff be authorized to terminate the contract with Peter Kiewit & Sons' if it can be mutually agreed to and that Staff be authorized to enter into a contract with Corn Construction Company for the approximately \$22,000 difference to complete the project.

RESOLUTION NO. 50-83 AUTHORIZING THE CONVEYANCE OF CITY-OWNED REAL PROPERTY - 2824 ORCHARD AVENUE \$14,000 APPRAISED VALUE OFFERED BY CARL FELTS ACCEPTED

The following Resolution was read:

RESOLUTION NO. 50-83

AUTHORIZING THE CONVEYANCE OF CITY OWNED REAL PROPERTY.

WHEREAS, Carl Felts has offered the sum of \$14,000.00 to purchase land owned by the City of Grand Junction, situate in the County of Mesa, State of Colorado, and described as:

A parcel of land located in the E1/4SW1/4NW1/4 of Sec 7, T1S, R1E of the Ute Meridian, in the City of Grand Junction, County of Mesa, State of Colorado, described as follows:

Beginning at a point 205 ft E of the SW Cor of the E1/4 of the SW1/4 of the NW1/4 of said Sec 7, thence N 200 ft, thence E 125 ft, thence S 200 ft, thence W 125 ft to the point of beginning; EXCEPT that portion of land for road and utility right of way purposes described as follows:

Beginning at the SE Cor of the SW1/4NW1/4 of said Sec 7; thence N 0 deg. 22 min. 33 sec. W, distance of 1051.98 ft along the E line of the SW1/4NW1/4 of said Sec 7; thence S 88 deg. 44 min. 46 sec. W, a distance of 54.62 ft; thence S 01 deg. 15 min. 14 sec. E, a distance of 651.86 ft; thence S 88 deg. 44 min. 44 sec. W, a

distance of 5.00 ft; thence S 01 deg. 15 min. 14 sec. E, a distance of 262.24 ft; thence along the arc of a 69.50 ft radius curve to the right, a distance of 109.17 ft (the chord which bears S 43 deg. 44 min. 46 sec. W, a distance of 98.29 ft); thence S 88 deg. 44 min. 46 sec. W a distance of 10.74 ft, to a point on the W boundary line of a tract of land aforescribed; thence S 0 deg. 22 min. 33 sec. E along said W boundary line a distance of 65.50 ft to the S boundary line of the NW1/4 of said Sec 7; thence S 89 deg. 59 min. 00 sec. E along said S boundary line, a distance of 125.00 ft to the Point of Beginning.

Subject to permanent slope easement recorded in Book 1412 Page 917 of the office of the Mesa County Clerk and Recorder.

and

WHEREAS, the property is not used or held for park or governmental purpose, and the price offered is the appraised value for the parcel;

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

That the City Manager, James E. Wysocki, be authorized, as the Commissioner to Convey for the City, to convey the land above-described to Carl Felts, or to whom he may direct, for the price stated, conveyance to be made by special warranty deed.

PASSED and ADOPTED this 7th day of September, 1983.

/s/ Gary A. Lucero

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

The City Manager stated that it has been made perfectly clear to the buyers what the zoning is on this piece of property. As a condition of sale, the buyers will record an instrument that will combine this piece of property with the abutting property at 2822 Orchard Avenue which they own.

HOUSING AUTHORITY

Councilman Phipps stated that at a recent meeting, proposals were reviewed as to how to enter into some sort of partnership with



some proposed buyers to perhaps raise a considerable sum of money by selling part interest in some of the projects in order to raise more money to do other projects. It appears to be feasible, but he said they would continue to study the proposals. The RFP is out and he thought the due date would be the end of this week.

#### AIM

Councilman Pacheco reported that the County Commissioners requested the AIM Committee to investigate a recommendation for a Recreation District Election. He hoped Council would have an opportunity to discuss its thoughts on such an election.

#### DDA

Councilwoman Kreissler had submitted to Council members copies of the list of priorities set by the DDA for 1984.

#### CML BOARD MEETING

Councilwoman Clark was to attend the CML Board meeting in Denver on the 8th of September.

#### AIRPORT BOARD

Councilman Dunn reported that work is going on at the Airport and is going on extremely well. Future plans are proceeding to make Walker Field truly a regional airport.

#### RECREATION DEPARTMENT

Councilman Lucero filed a report that the Recreation Department discussed some of the items that had been presented to the Planning Commission and the County Commissioners. He said that Council and the County Commissioners need to give some clear direction as to what kind of choices are to be made and what they can plan on. He and Councilman Pacheco had discussed with the City Manager and the City Attorney some concerns of the west end of Main Street.

#### ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk