

Grand Junction, Colorado

December 7, 1983

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

The President of the Council called the meeting to order and Councilwoman Clark led in the Pledge of Allegiance.

INVOCATION

Pastor Patty.

MINUTES

The minutes of the regular meeting November 16, 1983, were corrected to show a "Resolution of findings and decision scheduled on the December 7, 1983, City Council agenda" rather December 6. Upon motion by Councilman Pacheco, seconded by Councilman Dunn and carried, the minutes of November 16 were approved as corrected and the minutes of the special meeting November 30, 1983, were approved as submitted.

PROCLAMATION DECLARING WEEK OF DECEMBER 11 THROUGH DECEMBER 17, 1983, "NATIONAL DRUNK AND DRUGGED AWARENESS WEEK"

PROCLAMATION DECLARING DECEMBER 15, 1983, "ROCKY MOUNTAIN AIRWAYS DAY"

CITIZENS' ACTION FOR PEACE

Lance Oswald and Mary Hutchings representing the Citizens' Action for Peace requested a letter from the Mayor be directed to the citizens of Talnakh and Kyzyl in the Soviet Union. They thought this would be a positive step toward reducing cold-war tensions, thus reducing the threat of nuclear war. It was moved by Councilman Dunn that the Mayor send the letters on behalf of the City Council and the citizens of the community to the two towns in the Soviet Union. Motion lost for lack of a second. It was the consensus of Council that this endeavor should be through individual initiative rather than between governmental entities.

LIQUOR AND BEER - APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES APPROVED

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

approved:

1. The Feed Lot, Inc., 118 Main Street (Hotel-Restaurant)
2. First Street Liquor, 901 N. 1st Street (Retail Liquor Store)
3. Don Burgess Liquors, 202 Ute Avenue (Retail Liquor Store)
4. Crown Liquors, 28511/2 North Avenue (Retail Liquor Store)
5. Sal's Pizza, 755 North Avenue (Hotel-Restaurant)
6. Site Food Mart Station 372, 2833 North Avenue (3.2% Beer)
7. Fraternal Order of Eagles #595, 1674 Hwy 50 South (Club)
8. The Brass Rail, 476 28 Road (Tavern)
9. Jensen's Flamingo Lounge, 201 Colorado Avenue (Tavern)
10. Holiday Liquors, 755 Horizon Drive (Retail Liquor Store)
11. This Is It Grocery, 215 S. 11th Street (3.2% Beer)
12. B.P.O. Elks Lodge #575, 249 S. 4th Street (Club)
13. Far East Restaurant, 1530 North Avenue (Hotel-Restaurant)

3.2% BEER - APPLICATION BY PATRICIA LOUISE JOHNSON FOR 3.2% BEER LICENSE AT SHAKEY'S PIZZA PARLOR, 2560 NORTH AVENUE APPROVED (CHANGE OF OWNERSHIP)

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by Patricia Louise Johnson for a 3.2% beer license at Shakey's Pizza Parlor, 2560 North Avenue, was approved. This was a change of ownership. License presently held by Kubena, Inc.

LIQUOR - REGISTRATION OF MANAGER TIMOTHY L. SHAY, THE ASPEN TREE, 2828 H RD, AIRPORT TERMINAL - APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by Grandmet Site Services and Hospitality Ventures Corp. to register Timothy L. Shay as manager of The Aspen Tree, 2828 H Road, Airport Terminal, was approved.

WEED ORDINANCE - CITIZEN REQUESTS REMOVAL OF FIRE DEPARTMENT PERSONNEL FROM ENFORCEMENT

David Berry, 530 Hall Avenue, questioned the authority of the Fire Department personnel to issue citations for weed violations under the Ordinance. He requested that weed enforcement be removed from the duties of Fire Department personnel. Council members Kreissler and Holmes advised Mr. Berry that the Council gave due deliberation when duties for weed enforcement were assigned to the Fire Department personnel. Mr. Berry was urged to contact the City Manager to discuss his problem.

HEARING - APPLICATION BY WESIDE DELICATESSEN, INC. FOR HOTEL-RESTAURANT LIQUOR LICENSE AT 2454 HWY 50, UNITS 119 & 120, VALLEY PLAZA WEST, UNDER TRADE NAME OF WEST SIDE DELICATESSEN - APPROVED

A hearing was held after proper notice on the application by Weside Delicatessen, Inc., for a hotel-restaurant liquor license at 2454 Highway 50, Units 119 and 120, Valley Plaza West, under

the trade name of West Side Delicatessen. Officers, Directors, and Stockholders are Walter C. Thoms and Walter R. Thoms. The following report was read:

"November 30, 1983

An application was filed by Weside Delicatessen, Inc., for a hotel-restaurant liquor license at the West Side Delicatessen, 2454 Highway 6 & 50, Units 119 and 120, in Valley Plaza. The application was reviewed and accepted on October 28, 1983, and the hearing date set for December 7, 1983. Officers, Directors and Stockholders of the Corporation are:

President: Walter C. Thoms, 1515 Cedar Circle 50%
Secretary: Walter R. Thoms, 621 20 Road 50%

The above-listed individuals also own the Manhattan Delicatessen, 2889 North Avenue, which has a 3.2% beer license.

The display ad giving notice of hearing was posted on the property November 25, 1983, and the display ad giving notice of hearing was published in The Daily Sentinel November 25, 1983.

A survey of the area bounded by 24 Road on the west, F1/2 Road on the north, 25 Road on the east, to E1/2 Road on the south has been completed. 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. 379

a. An owner of property in the neighborhood. 34

b. An employee or business lessee of property in the neighborhood. 332

c. An inhabitant of the neighborhood. 37

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. 149

a. An owner of property in the neighborhood. 20

b. An employee or business lessee of property in the neighborhood. 128

c. An inhabitant of the neighborhood. 9

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

A memorandum from Bob Goldin, Senior City Planner; advises that

this same parcel was reviewed and approved for a previous conditional use in April, 1983; therefore, the Department feels an additional approval for Weside Deli is not necessary. Mr. Thoms submitted a Letter of Intent with site plans and parking agreements. The Department reviewed the proposed use and found that it met all the requirements.

The Fire and Health Departments report that the plans submitted have been approved as the plans appear to meet Uniform Fire and Building Code requirements and Rules and Regulations Governing the Sanitation of Food Service Establishments in the State of Colorado.

The Police Department ran NCIC/CCIC checks for wants, warrants and criminal histories on the above-named individuals. All checks came back clear with no records found. Walter R. and Walter C Thoms have previously been fingerprinted and the report back from CBI/FBI was good.

Similar-type outlets within survey area: One (1).

Similar-type outlets within one mile: Two (2)."

The map showing similar-type outlets was reviewed. Mr. Walter R. Thoms was present for the hearing. He requested that Council waive its usual procedure to go to fact-finding and give its decision at this meeting. Russell Reason who lives in the City asked if we are really serious about the Proclamation and the carnage on the highways, do we really need another liquor license in the City?

There were no other statements, pro or con, no letters or counterpetitions.

Upon motion by Councilwoman Clark, seconded by Councilman Pacheco and carried with Council members HOLMES and PACHECO voting NO, Council waived its usual procedure of fact-finding and elected to render a decision at this meeting.

Councilman Holmes stated that he would again as he did in the case of the Hilton bring up the impropriety of Council's taking the prerogative to deal with these requests. He submitted to Council that it should either get on or get off as far as fact-finding. He felt that it was inappropriate that Council take exception whenever it feels like it or adhere to it whenever it feels like it. He suggested that Council be consistent; remove fact-finding for any and all or keep it in place for any and all. He believed Council was walking a very tight rope and if it slipped off it could be facing some litigation that could cost the City more than it would be worth to have accommodated one request for a license.

Councilwoman Clark responded that progress is being made to change the system, and she pointed out that since the Hilton the Council has waived its procedure on one other hotel-restaurant liquor license. Councilman Lucero also pointed out that under the

applicant's existing license they have been investigated and he did not know what would be found by an additional two weeks. Councilman Dunn said he could appreciate where Councilman Holmes was coming from but he saw no reason to go to fact-finding on this application when it was evident there was no need to do so.

It was moved by Councilwoman Clark and seconded by Councilman Dunn that the application by Weside Delicatessen, Inc., be approved and authorized the license to issue when the State license has been received. Motion carried with Councilmen HOLMES and PACHECO voting NO.

HEARING - APPLICATION BY MESA COLLEGE MEXICAN-AMERICAN SCHOLARSHIP FUND FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT DECEMBER 31, 1983, 9:00 P.M. TO 1:00 A.M. AT TWO RIVERS PLAZA, 159 MAIN STREET - DANCE - FIRST PERMIT - APPROVED

A hearing was held after proper notice on the application by Mesa College Mexican-American Scholarship Fund for a malt, vinous and spirituous liquor special events permit for December 31, 1983, 9:00 p.m. to 1:00 a.m. at Two Rivers Plaza, 159 Main Street, for the annual dance/fund-raiser. Berlinda Quintana, 343 33 Road, Palisade, was present for the hearing. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried with Councilman HOLMES voting NO, the application was approved.

HEARING - APPLICATION BY WESTERN COLORADO HORTICULTURAL SOCIETY FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT JANUARY 19, 1984, 4:00 P.M. TO 2:00 A.M. AT 2 RIVERS PLAZA, 159 MAIN - DINNER-DANCE - 1ST PERMIT

A hearing was held after proper notice on the application by Western Colorado Horticultural Society for a malt, vinous and spirituous liquor special events permit on January 19, 1984, 4:00 p.m. to 2:00 a.m. at Two Rivers Plaza, 159 Main Street, for a dinner-dance. Larry Fuller, 3525 E Road, Palisade, was present for the hearing. 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.

REVENUE SHARING FUNDS

There was discussion among the Council members regarding the pros and cons of apportioning certain amounts from the General Fund as a result of the Revenue Sharing Funds to organizations in the community. Russell Reason, Administrator of the new State Office Building, submitted to Council that when the building is occupied in January there will be a tremendous parking problem downtown that he says will literally drive the customers from the downtown area to the shopping malls and kill downtown Grand Junction. He did not know whether Revenue Sharing Funds could be used to address this problem but he wanted to bring the problem to

Council's attention before the fact rather than after.

It was moved by Councilwoman Kreissler and seconded by Councilman Dunn to fund the listed organizations in the amount of \$19,858 from the General Fund. Roll was called upon the motion with the following result:

Councilmembers voting AYE: PACHECO, KREISSLER, DUNN
Councilmembers voting NO: HOLMES, CLARK, LUCERO.

The President declared the motion lost.

It was moved by Councilman Holmes and seconded by Councilwoman Clark that no funds be disbursed from the General Fund that were put there through Revenue Sharing Funds to any of the listed organizations. Roll was called upon the motion with the following result:

Councilmembers voting AYE: HOLMES, CLARK
Councilmembers voting NO: KREISSLER, DUNN, PACHECO, LUCERO.

Councilman Lucero stated that he was in favor this year of proceeding as Council has in previous years because there were formal hearing processes and Council did indicate that possibly there was something there and that maybe Council does have an obligation. Yet on the other hand he saw it as a forum for Council to phase out of this thing and next year he would probably be of the opinion that Council rethink the Revenue Sharing requests as they have been handled in the past and make a decision early on as to whether or not Council will share funds and not make it at this point in time.

It was moved by Councilman Pacheco and seconded by Councilman Dunn that the items on the list be approved for funding from the general Fund in the amount of \$19,858. Roll was called upon the motion with the following result:

Councilmembers voting AYE: DUNN, PACHECO, KREISSLER
Councilmembers voting NO: HOLMES, CLARK, LUCERO.

The President declared the motion lost.

The City Attorney advised that the issue was dead at this meeting, however it may be brought up at every single meeting of the Council if it chooses.

PARKERSON CONTRACT FOR CONSTRUCTION OF COFFER DAM AND REPAIR OF SEWER LINE CROSSING COLORADO RIVER - \$21,000 - RATIFIED

The City Manager requested ratification of a contract with Parkerson Construction Company to repair sewer line across the Colorado River in conjunction with an effort by Public Service Company and Ute Water District so the construction on behalf of the different entities could occur at the same time. The City's

proportionate amount, \$21,000. Upon motion by Councilman Pacheco, seconded by Councilman Holmes and carried, the action of the City Manager to enter into a contract with Parkerson Construction Company to perform the work outlined above for the approximate cost of \$21,000 was ratified.

BIDS - AWARD OF CONTRACT TO M.A. CONCRETE CONSTRUCTION FOR MAIN STREET RENOVATION FROM 3RD STREET TO 5TH STREET - \$89,919.21

Bids were received and opened December 1, 1983, for the Main Street Renovation from 3rd Street to 5th Street. Bidders were:

G. R. Construction, Inc. \$177,051.46
Pioneer Construction Company, Inc. \$142,351.00
Parkerson Construction, Inc. \$125,893.00
R.L. Atkins Construction, Inc. \$125,795.55
Commercial Services Construction Co., Inc. \$113,414.30
C. Mays Concrete Construction, Inc. \$100,583.17
Francis Constructors, Inc. \$98,527.95
Fred Cunningham Construction Company \$97,877.89
M.A. Concrete Construction \$89,919.21

Engineer's Estimate \$93,990.00

Staff recommended award of contract to M.A. Concrete Construction for its apparent low bid. Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried, the bids were accepted and the contract for Main Street Renovation from 3rd to 5th Street was awarded to M.A. Concrete Construction for its bid of \$89,919 and authorized the City Manager to sign said contract.

PROCESS CONTROLS & INSTRUMENTATION COMPANY (PCI) CONTRACT FOR ALL WATER AND SEWER INSTALLATIONS INSTRUMENTATION - APPROVED FOR 1984 FOR ESTIMATED CHARGE OF \$16,444

Upon motion by Councilwoman Kreissler, seconded by Councilman Pacheco and carried, the contract with PCI for Instrument Calibration Repair Work at both the Water Treatment Plant and the Waste Water Treatment Plant for 1984 for an estimated charge of \$16,444 was approved and the City Manager was authorized to sign said contract.

RESOLUTION NO. 69-83 DECISION ON CONDITIONAL USE APPLICATION BY RANDALL CURTIS AND RICHARD MAGOR FOR DAY-CARE CENTER AT 130 AND 132 ORCHARD AVENUE - DENIED

The following Resolution was read:

RESOLUTION NO. 69-83

RESOLUTION OF DECISION OF THE CONDITIONAL USE APPLICATION BY RANDALL CURTIS AND RICHARD MAGOR FOR A DAY-CARE CENTER AT 130 & 132 ORCHARD AVENUE.

Recitals

Randall Curtis and Richard Magor sought a conditional use so that a day-care center could use the properties at 130 and 132 Orchard Avenue in the City of Grand Junction. A hearing was held on the application before the City Council on the 16th day of November, 1983. After considering the evidence adduced at the hearing and the regulations as to the granting of conditional uses, the Council FINDS:

1. That the hearing was properly held after due notice.
2. The Planning Commission had recommended that the conditional use be granted subject to requirements set forth by the staff in its review of the application.
3. Petitions both for and against the granting of the use were placed in evidence. Those who opposed were concerned primarily with the impact on the immediate neighborhood with the approval of a use which had some of the same impact as a business use and with the impact of the immediate area of the additional traffic which would be generated by the use on the already heavily traveled Orchard Avenue.

Conclusion

While it is recognized that the proposed use would fit with the use immediately to the west, the impact on other abutting areas would seem to argue against the use under Criterion A, for evaluating conditional use applications. Additionally, the site difficulty combined with the heavy traffic on Orchard Avenue would make the use unacceptable under Criterion B, of the evaluation standards.

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

That the application of Randall Curtis and Richard Magor for a conditional use for a day-care center at 130 and 132 Orchard Avenue be denied.

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

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Dunn, seconded by Councilman Pacheco and

carried by roll call vote with Councilmembers CLARK and LUCERO voting NO, the Resolution was passed and adopted as read.

PROPOSED ORDINANCE REPEALING AND REENACTING THE CODE PROVISION FOR A RECREATION BOARD TO PROVIDE A PARKS AND RECREATION BOARD (CHAPTER 20, CODE OF ORDINANCES)

The title to the following entitled proposed ordinance was read: AN ORDINANCE REPEALING AND REENACTING THE CODE PROVISION FOR A RECREATION BOARD TO PROVIDE A PARKS AND RECREATION BOARD. Upon motion by Councilwoman Clark, seconded by Councilman Pacheco and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE RAISING SEWER SERVICE CHARGES

The following entitled proposed ordinance was read: AN ORDINANCE RAISING THE SEWER SERVICE CHARGES. Dick Coakley, 121 Mantey Heights Drive, owner of Coakley's Home-style Laundromate, referred to his utility bill last month -- water \$139.55; sewer, \$145.79. He requested that the formula for laundromats be looked into for the reason that the sewer billing exceeds the water billing and he feels the sewer fees are getting out of hand. The City Manager explained that the City is under an EPA regulation that requires the development of EQUs. Mr. Wysocki pointed out that City water was subsidized to the tune of \$600,000 this year, therefore, Mr. Coakley was not charged as much for water as he should be if he were being billed on a users pay basis which the City is on with sewer. He recommended a review of the rate structure for this category as it relates to the EQU to see if there is a need for change as it relates to this rate change. Councilman Dunn reported that he had calls from two other laundromat owners who stated that their business was down about fifty percent. They said they did not mind paying the sewer bill if business was good. It was recommended that Mr. Coakley meet with one of the Staff to review his particular situation. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication. Councilwoman Clark requested that Mr. Coakley's concern be placed under old business on the Council's agenda for one of the meetings in January.

ORDINANCES ON FINAL PASSAGE - PROOFS OF PUBLICATION

Proofs of Publication on the following Ordinances proposed for final passage had been received and filed. Copies of the Ordinances proposed for final passage had been submitted in writing to the City Council.

ORDINANCE NO. 2156 - I.D. ST-82, PHASES A, B, C ASSESSMENTS, AS AMENDED

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the following entitled proposed ordinance was called up for final passage and the title only read: AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE

IN AND FOR IMPROVEMENT DISTRICT NO. ST-82, PHASES A, B AND C, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS. The City Attorney indicated to the Council where the Ordinance was to be amended.

There were no comments. Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed and adopted as amended, numbered 2156, and ordered published.

ORDINANCE NO. 2157 - RIGHT-OF-WAY VACATION, SECTION OF 15TH STREET, S OF WINTERS AVENUE

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the following entitled proposed ordinance was called up for final passage and the title was read: AN ORDINANCE VACATING A RIGHT-OF-WAY IN THE CITY OF GRAND JUNCTION.

There were no comments. Upon motion by Councilwoman Clark, seconded by Councilman Pacheco and carried by roll call vote, the Ordinance was passed, adopted, numbered 2157, and ordered published.

ORDINANCE NO. 2158 - ZONING HOUSTON ENCLAVE ANNEXATION C-2, NW CORNER OF 251/2 ROAD AND INDEPENDENT AVENUE

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the following entitled proposed ordinance was called up for final passage and the title 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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY.

There were no comments. Upon motion by Councilman Pacheco, seconded by Councilman Dunn and carried by roll call vote, the Ordinance was passed, adopted, numbered 2158, and ordered published.

ORDINANCE NO. 2159 - APPROPRIATIONS FOR 1984, AS AMENDED

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the following entitled proposed ordinance was read by title: (Council had received copies of the amendments to the proposed ordinance.) AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES FOR THE CITY OF GRAND JUNCTION, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1984, AND ENDING DECEMBER 31, 1984, AND FIXING THE SALARY OF THE CITY MANAGER OF SAID CITY.

Mrs. Pauline Brynum, 2022 Gunnison, commented about the proposal by the Parks and Recreation Department to increase the Golf Course green fees for Senior Citizens from \$2.00/9 holes to \$4.00/9 holes. She stated that there are many, many Senior Citizens who enjoy the Lincoln Park Golf Course, and she said it would be a shame that they could not continue their pleasure because of the increase in the fees. She suggested that Council increase by a smaller amount the work up to the \$4.00 fee eventually. There were no other comments.

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried by roll call vote, the Ordinance was passed and adopted as amended, numbered 2159, and ordered published.

ORDINANCE NO. 2160 - SUPPLEMENTAL APPROPRIATIONS FOR 1983, AS AMENDED

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the following entitled proposed ordinance was called up for final passage and the title was read along with the amendments: AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS.

There were no comments. Upon motion by Councilwoman Kreissler, seconded by Councilman Holmes and carried by roll call vote, the Ordinance was passed and adopted as amended, numbered 2160, and ordered published.

ORDINANCE NO. 2161 - CHANGING THE CHARGES FOR WATER IN THE CITY

Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried, the following entitled proposed ordinance was called up for final passage and the title was read: AN ORDINANCE CHANGING THE CHARGES FOR WATER IN THE CITY.

Upon motion by Councilman Pacheco, seconded by Councilwoman Clark and carried by roll call vote with Councilman HOLMES voting NO, the Ordinance was passed, adopted, numbered 2161, and ordered published.

RESOLUTION NO. 70-83 - CONCERNING LOTTERY PROCEEDS AND PARKS - APPROVED

The following Resolution was read:

RESOLUTION NO. 70-83

CONCERNING LOTTERY PROCEEDS AND PARKS

WHEREAS, the City Council of the City of Grand Junction is concerned that changes may occur in the allocation of proceeds from the State lottery because of unauthorized uses of those proceeds;

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

1. That all local agencies receiving monies from the lottery be urged to expend the monies for new parks and recreational projects rather than using the money as replacement money.

2. That local legislators be advised of the position of the City Council that the present allocation of the funds, 10% to state parks and 40% to local agencies, be continued.

3. That the President of the Council be authorized to execute the Resolution of the Colorado Parks and Recreation Association affirming the Council's desires.

PASSED and ADOPTED this 16th day of November, 1983.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

HARRIS ANNEXATION PETITION, RESOLUTION NO. 71-83 - PROPOSED ORDINANCE - SOUTH SIDE OF PINYON, WEST OF 251/2 ROAD

The Harris Annexation 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 the SW Cor sE1/4NW1/4 Sec 10 T1S R1W UM, thence N 0 deg. 11 min. W 427.5 ft, thence S 89 deg. 55 min. E 611.4 ft, thence S 0 deg. 11 min. E 427.5 ft, thence N 89 deg. 55 min. W 611.4 ft to beginning.

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.

DATE SIGNATURE ADDRESS PROPERTY DESCRIPTION			
11/28/83/s/ John M. Harris 2531 W. Pinyon Ave. Grand Junction CO 81505 Beginning at the SW Cor SE1/4NW1/4 Sec 10 T1S R1W UM, thence N 0 deg. 11 min. W 427.5 ft, thence S 89 deg. 55 min. E 611.4 ft, thence S 0 deg. 11 min. E 427.5 ft, thence N 89 deg. 55 min. W 611.4 ft to beginning except road recorded in Book 936 at page 143 Mesa County records.			
11/28/83/s/ Bonnie G. Harris"			

STATE OF COLORADO)			
)SSAFFIDAVIT			
COUNTY OF MESA)			

Mark E. Mumby, 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/ Mark E. Mumby

Subscribed and sworn to before me this 28th day of November, 1983.

Witness my hand and official seal.

;sigl;
/s/ Janelle S. Heidel
Notary Public
846 22 Road
Grand Junction, CO 81505

My Commission expires: September 15, 1985

The following Resolution was read:

RESOLUTION NO. 71-83

WHEREAS, on the 7th day of december, 1983, 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 SW Cor of the SE1/4NW1/4 of Sect 10, T1W, R1W, UM, thence N 00 deg. 11 min. 427.5 ft thence S 89 deg. 55 min. E 611.4 ft, thence S 00 deg. 11 min. E 427.5 ft thence N 89 deg. 55 min. W 611.4 ft to beginning;

and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore; 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 owners of one hundred percent of the property have petitioned for annexation;

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

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 December, 1983.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler 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 Dunn, seconded by Councilman Pacheco and carried, the proposed ordinance was passed for publication.

RESOLUTION NO. 72-83 GRANTING REVOCABLE PERMIT TO CENTENNIAL PLAZA (DRY CREEK OFFICE VILLAGE, LTD.) 12TH AND PATTERSON, FOR SIDEWALK RELOCATION - APPROVED

The following Resolution was read:

RESOLUTION NO. 72-83

GRANTING A REVOCABLE PERMIT TO DRY CREEK OFFICE VILLAGE, LTD.

WHEREAS, Dry Creek Office Village, Ltd., has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to permit the moving of a sidewalk 8.5 feet into the south road right-of-way described as:

Beginning at the SE Cor of Sec 2 T1S, R1W of the Ute Meridian; thence W along the S line of said Sec 2, a distance of 324.67 ft to the E boundary line of a tract of ground deeded to Patterson

Gardens, Inc., a Colorado corporation in Deed recorded in Book 901 at Page 830, Mesa County Records, thence N 00 deg. 01 min. E 330.56 ft along the E boundary of said trace recorded in Book 901 at Page 830, thence E along the S boundary line of Patterson Gardens Subdivision as recorded in Plat Book 11 at Page 24 of Mesa County records to the E boundary of said Sec 2, thence S along the said E boundary line of Sec 2, to the point of beginning, EXCEPT the E 50 ft and the S 50 ft thereof for roads;

and

WHEREAS, such action would not be detrimental to 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 and 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. The construction in the right-of-way shall be in accordance with plans approved by the City Engineer.

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

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

ENGINEERING CONTRACTUAL SERVICES

The City Manager said that there are four projects that we would like to get along on the selection process for consulting engineers. The four projects are:

1. Rate studies for both water and sewer;
2. 201 Facility Plant updates;
3. Scenic Interceptor Sewer Package Pump Station Force Main and

River Crossing Design;

4. 15th Street Bridge Design across Grand Valley Canal.

He suggested that Council be thinking about the people who need to be appointed to a Committee to develop the procedures.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk