

Grand Junction, Colorado

March 21, 1984

The City Council of the City of Grand Junction, Colorado, convened in regular session the 21st day of March, 1984, in the City-County Auditorium 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 Attorney/Acting City Manager Gerald J. Ashby and City Clerk Neva Lockhart.

President of the Council Gary Lucero called the meeting to order and Councilman Holmes led in the Pledge of Allegiance.

INVOCATION

President of the Council Gary Lucero.

MINUTES

Upon motion by Councilman Phipps, seconded by Councilwoman Kreissler and carried, the minutes of the regular meeting held March 7, 1984, were approved as submitted.

APPOINTMENT OF DONNA SCOTT TO 5-YEAR TERM ON THE HOUSING AUTHORITY

By secret ballot, Donna M. Scott was elected to a five-year term on the Grand Junction, Colorado, Housing Authority.

PROCLAMATION DECLARING APRIL "FRESHAZA DAZY MONTH"

PARKS & RECREATION ADVISORY BOARD PRESENTATION OF SERVICE AWARD PLAQUES TO MESA BEVERAGE CO. AND ESTHER AND CLYDE GRANAT

ADRIANA PACHECO INTRODUCED TO AUDIENCE AND COUNCIL

LIQUOR AND BEER - APPLICATIONS TO RENEW LICENSES APPROVED

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

Moose Lodge #279, 567 25 1/2 Road (Club)

Dusty's Family Restaurant, 710 North Avenue (Hotel-Restaurant)

Local Food Store, 1904 N. 12th Street (3.2% Beer)

Pantuso Ristorante, 2782 Crossroad Blvd. (Hotel-Restaurant)

Stop N Save No. 4, 2700 Highway 50 (3.2% Beer)

LIQUOR - REGISTRATION OF ROBERTA KAY WILLIAMS AS MANAGER OF

DUSTY'S FAMILY RESTAURANT, 710 NORTH AVENUE - APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by Dusty's of Grand Junction, Inc., to register Roberta Kay Williams as manager of Dusty's Family Restaurant, 710 North Avenue, was approved.

BEER - APPLICATION BY DOS, INC., FOR 3.2% BEER LICENSE AT DOS HOMBRES RESTAURANT & FOOD STORE, 801 N. 1ST STREET, SALES FOR CONSUMPTION BOTH ON AND OFF-PREMISE - APPROVED - CHANGE OF OWNERSHIP

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by DOS, Inc., for a 3.2% beer license which permits sales for consumption both on and off-premise at Dos Hombres Restaurant and Food Store, 801 N. First Street, was approved. Officers are:

President: Del Howard

Vice Pres: Gloria Howard

Sec/Treas: Scott Howard

This was a change of ownership; license presently held by C & F Food Stores.

HEARING - PROPOSED ORDINANCE - REZONE FM PARKING TO PLANNED COMMERCIAL AND NW COR OF 3RD AND BELFORD AND FINAL PLAN FOR CAR SALES LOT ON APPROX .145 ACRE - APPROVED

A hearing was held after proper notice on the petition by Michael Gregg to rezone from P (Parking) to PC (Planned Commercial) the northwest corner of 3rd Street and Belford Avenue and a final plan for a car sales lot on approximately .145 acre. There were no opponents, letters or counterpetitions.

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 Phipps, seconded by Councilman Pacheco and carried with Councilman HOLMES voting NO, the proposed ordinance was passed for publication.

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the final plan was approved subject to the conditions of the Planning Commission.

RESOLUTION NO. 17-84 - FINDINGS & DECISION RE: APPLICATION BY L. JOE PIFER AND JOSEPHINE PIFER FOR A 3.2% BEER LICENSE AT VALLEY GROCERY, 484 28 ROAD, NO. 1 - APPROVED

The following Resolution was read:

RESOLUTION NO. 17-84

OF DECISION ON APPLICATION FOR A 3.2% BEER LICENSE BY LARRY JOE PIFER AND JOSEPHINE PIFER FOR VALLEY GROCERY AT 484 28 ROAD, #1, GRAND JUNCTION.

A public hearing having been held on March 7, 1984, on the application of Larry Joe Pifer and Josephine Pifer for a 3.2% beer license for sales in sealed containers for consumption off-premises for Valley Grocery at 484 28 Road, #1, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. The hearing was held on March 7, 1984, on the application after proper notice thereof under the Beer Code.
2. The survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet in that 115 persons so stated while 67 felt the needs were being met by the other outlets.
3. No one appeared at the hearing in opposition to the granting of the license and no petitions of disapproval were received by the City Council.
4. The characters of the applicants are good as determined by checking done by the Police Department and by letters attesting to their good characters.
5. The evidence supports the position that the license should be granted.

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

That the application of Larry Joe Pifer and Josephine Pifer for a 3.2% beer license for Valley Grocery at 484 28 Road, #1, Grand Junction, be granted.

PASSED and ADOPTED this 21st day of March, 1984.

/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 Councilmembers HOLMES and PACHECO voting NO, the Resolution was passed and adopted as read.

RATIFICATION OF BID ACCEPTANCE AND AWARD OF CONTRACT FOR 15TH ST BRIDGE OVER GRAND VALLEY CANAL - ROLLER ENGINEERING, INC. - \$52,084

Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried, the acceptance of the bids and award of the contract for the 15th Street Bridge over the Grand Valley Canal to Roller Engineering, Inc., for its bid of \$52,084 was ratified.

BIDS - AWARD OF CONTRACT - EXTENSION OF DUGOUTS AT COLUMBINE AND POMONA PARKS - KINDER CONSTRUCTION \$8,669.74 REIMBURSEMENT TO CITY BY MESA COUNTY SOFTBALL ASSOCIATION

Four bids were received and opened March 15, 1984, for the extension of the dugouts at Columbine and Pomona Parks. Bidders were:

G & R Construction Company	\$14,770.00	
Eldorado Construction	10,500.00	
M. A. Concrete	9,430.00	
Kinder Construction	8,669.74	

The Mesa County Softball Association has agreed to pay a minimum of \$5,000 and a maximum of \$9,000 for the enlargement of the dugouts at both Columbine and Pomona softball complexes through existing donated funds and an additional donation upon completion of construction. The scope of the project includes dugout extension, new concrete floors and numerous fencing changes as well as some asphalt work. Staff recommended award of contract to Kinder Construction for its low bid.

Upon motion by Councilman Pacheco, seconded by Councilman Holmes and carried, the contract was awarded to Kinder Construction for its bid of \$8,669.74 and the City Manager was authorized to sign said contract.

BOY SCOUT TROOP 362, ORCHARD MESA, WAS INTRODUCED TO COUNCIL

ORDINANCE ON FINAL PASSAGE - PROOF OF PUBLICATION

The Proof of Publication to the following Ordinance proposed for final passage had been received and filed. A copy of the Ordinance proposed for final passage had been submitted in writing to the City Council prior to the meeting.

ORDINANCE NO. 2178 - AMENDING CHAPTER 18, SECTION 19, CODE OF ORDINANCES, CONCERNING ASSESSMENTS IN STORM AND SANITARY SEWER DISTRICTS

Upon motion by Councilwoman Kreissler, seconded by Councilman Pacheco and carried, the following entitled proposed ordinance was called up for final passage and the title was read: CONCERNING ASSESSMENTS IN STORM AND SANITARY SEWER DISTRICTS.

There were no comments. Upon motion by Councilman Pacheco, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed, adopted, numbered 2178, and ordered published.

EMERGENCY ORDINANCE NO. 2179 - PROVIDING FOR THE REFUND OF THE 1978 REFUNDED G.O. WATER BOND ISSUE AND THE 1982 G.O. WATER BOND ISSUE

The following entitled emergency ordinance was read: AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF GRAND JUNCTION, COLORADO, GENERAL OBLIGATION WATER REFUNDING BONDS, SERIES 1984, IN THE PRINCIPAL AMOUNT OF \$5,200,000, FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION WATER BONDS OF THE CITY; PROVIDING FOR THE ESTABLISHMENT OF AN ESCROW ACCOUNT TO PAY THE OUTSTANDING BONDS AND INTEREST THEREON; PROVIDING FOR THE LEVY OF TAXES AND FOR THE APPLICATION OF WATER RATES, FEES, TOLLS, AND CHARGES TO PAY THE PRINCIPAL OF AND INTEREST ON THE REFUNDING BONDS; PROVIDING OTHER DETAILS IN CONNECTION WITH SUCH BONDS; DECLARING AN EMERGENCY; AND PROVIDING FOR ITS IMMEDIATE PASSAGE AND EFFECT.

There were no comments. Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried by roll call vote, the Ordinance was passed and adopted as an Emergency Ordinance, numbered 2179, and ordered published.

Councilwoman Clark stated that although her firm does consulting work with Kirchner, Moore and Company, she personally would not gain in any way from this issue.

REA #2 ANNEXATION, 28TH STREET AND GRAND AVENUE - PETITION - PROPOSED ORDINANCE - RESOLUTION NO. 18-84

The following petition for the REA #2 Annexation was received for filing:

<u>DATE</u> <u>SIGNATURE</u> <u>ADDRESS</u> <u>PROPERTY</u> <u>DESCRIPTION</u>			
<p>3/7/84 Grand Valley Rural Power Lines /s/ Lyle Shriver, General Manager 2727 Grand Jct CO Commencing at the W4 Cor of Sec 18, T1S, R1E, UM; thence S 89 deg. 54 min. E Alg N Li of SW4 of said Sec 18 a distance of 596.8 ft.; thence S 00 deg. 06 min. W, a distance of 30.0 ft. to a point on the S ROW Li of Grand Ave (May 1981) which is the true point of beginning:</p>			
<p>1. Thence S 89 deg. 54 min. E, a distance of 120.4 ft.;</p>			
<p>2. Thence S 17 deg. 08 min. E, a distance of 80.0 ft.;</p>			
<p>3. Thence S 72 deg. 52 min. W, a distance of 635 ft.;</p>			

<p>4. Thence N 51 deg. 27 min. W, a distance of 52.7 ft. to a point on the Nly ROW Li of SH 70 Business Loop (May 1981) as recorded in B-621, P-19 of Mesa County Records;</p>			
<p>5. Thence Alg said ROW Li, N 72 deg. 52 min. E, a distance of 324.7 ft.;</p>			
<p>6. Thence continuing Alg said ROW Li N 55 deg. 06 min. E, a distance of 236.3 ft., more or less, to the true point of beginning.</p>			

<p>STATE OF COLORADO)</p>			
<p>) SSAFFIDAVIT</p>			
<p>COUNTY OF MESA)</p>			

Brent S. Dawson, 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/ Brent S. Dawson

Subscribed and sworn to before me this 9th day of March, 1984.

Witness my hand and official seal.

;sigl;

/s/ Donald H. Warner, Jr.

Notary Public

250 N. 5th Street

Grand Junction CO 81501

My Commission expires: 4-7-87

The following Resolution was read:

RESOLUTION NO. 18-84

WHEREAS, on the 21st day of March, 1984, 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:

Commencing at the W4 Cor of Sec 18, T1S, R1E, UM; thence S 89 deg. 54 min. E Alg N Li of the SW4 of said Sec 18 a distance of 596.8 ft.; thence S 00 deg. 06 min. W a distance of 30.0 ft. to a point on the S ROW Li of Grand Avenue (May 1981) which is the true point of beginning; thence S 89 deg. 54 min. E a distance of 120.4 ft.; thence S 17 deg. 08 min. E a distance of 80.0 ft.; thence S 72 deg. 52 min. W a distance of 635.0 ft.; thence N 51 deg. 27 min. W a distance of 52.7 ft. to a point on the Nly ROW Li of SH 70 Business Loop (May 1981) as recorded in B-621, P-19 of the Mesa County records; thence Alg said ROW Li N 72 deg. 52 min. E a distance of 324.7 ft.; thence continuing Alg said ROW Li N 55 deg. 06 min. E a distance of 236.3 ft., more or less, to the true point of 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, COLORADO:

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 21st day of March, 1984.

/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 Councilwoman Clark and carried, the proposed ordinance was passed for publication.

SPERBER ANNEXATION, 26 1/2 ROAD AND SPERBER LANE - PETITION - RESOLUTION NO. 19-84 - PROPOSED ORDINANCE

The following petition for Sperber Annexation was received for filing:

PETITION FOR ANNEXATION

WE, THE UNDERSIGNED, do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described property to the said City:

The SE4NW4NE4 and the NW4SW4NE4 and the N2NE4SW4NE4 Sec 2 T1S R1W U.M.

As ground therefore, the petitioners respectfully state that annexation to the City of Grand Junction, Colorado, is both necessary and desirable and that the said territory is eligible for annexation in that the provisions of the Municipal Annexation Act of 1965, Sections 31-12-104 and 31-12-105 CRS 1973 have been met.

This petition is accompanied by four copies of a map or plat of the said territory, showing its boundary and its relation to established City limit lines, and said map is prepared upon a material suitable for filing.

Your petitioners further state that they are the owners of one hundred percent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of each signer and the date of signature are set forth hereafter opposite the name of each signer, and that the legal description of the property owned by each signer of said petition is attached hereto.

WHEREFORE, these petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance.

<u>DATE</u> <u>SIGNATURE</u> <u>ADDRESS</u> <u>PROPERTY</u> <u>DESCRIPTION</u>			
3/10/84/s/ Fred W. Sperber2665 Sperber Lane Grand Junction COBeg S 89 deg. 34 min. 45 sec. W 235.09 ft. fr SE Cor SE4NW4NE4 Sec 2 T1S R1W U.M., thence N 29 deg. 17 min. 30 sec. W 247.19 ft. to S Li Sperber Lane; thence W Alg said S Li to W Li SE4NW4NE4 Sec 2; thence S to SW Cor said SE4NW4NE4; thence E to beginning (2945- 021-00-036)			
3/10/84/s/ A. J. Sperber2665 Sperber Lane Grand Junction COand			
That Pt of SE4NW4NE4 Sec 2			

<p>T1S R1W U.M. W of Sperber Lane. (2945-021-00- 015)</p>			
<p>and</p>			
<p>Beg N 00 deg. 16 min. E 40 ft. fr SE Cor NW4NE4 Sec 2 T1S R1W U.M.; thence N 53 deg. 22 min. W 341.61 ft. to Ely ROW of Sperber Lane; thence NWly Alg said ROW to Pt on S Li McMillin Sub; thence E 373.75 ft., thence S 00 deg. 16 min. W 619.05 ft. to Beg Exc Beg N 00 deg. 16 min. E 509.05 ft. fr SE Cor NW4NE4 Sec 2 T1S R1W U.M., thence W 368.21 ft. to Ely ROW Li Sperber Lane; thence Alg Arc of Curve Ri Radius 85 ft. Chord of which bears N 10 deg. 07 min. 47 sec. W 30.60 ft.; thence N 00 deg. 16 min. E 119.80 ft. to Sly Li McMillin Sub; thence E 373.75 ft.; thence S 00 deg. 16 min. W 150 ft. to Beg.</p>			
<p>3/11/84/s/ Kenneth M. Muhr680 Sperber</p>			

<p>LaneBeg N 00 deg. 16 min. E 509.05 ft. fr SE Cor NW4 NE4 Sec 2 T1S R1W U.M.; thence W 368.21 ft. to Ely ROW Li Sperber Lane; thence Alg Arc of Curve Ri Radius 85 ft. Chord of which bears N 10 deg. 07 min. 47 sec. W 30.60 ft.; thence N 00 deg. 16 min. E 119.80 ft. to Sly Li McMillin Sub; thence E 373.75 ft.; thence S 00 deg. 16 min. W 150 ft. to Beg. (2945-021-00- 048)</p>			
<p>3/11/84/s/ Ann L. Muhr680 Sperber Lane</p>			
<p>2/14/84/s/ Elizabeth Jaros, Personal Rep for Ernest A. Jaros674 26 1/2 Road Grand Jct COThe NW4SW4NE4 and the N2NE4SW4NE4 Sec 2 T1S R1W U.M. (2945-021-00- 017)</p>			
<p>2/14/84/s/ Elizabeth J. Jaros674 26 1/2 Road Grand Jct CO</p>			
<p>3/11/84/s/</p>			

<p>Vincent R. Gray2669 Sperber Lane Grand Jct COBeg at the SE Cor SE4NW4NE4 Sec 2 T1S R1W U.M.; thence S 89 deg. 34 min. 45 sec. W 235.09 ft.; thence N 29 deg. 39 min. 17 sec. W 247.19 ft. to Sperber Lane; thence Alg ROW of said lane E 10.05 ft.; thence Alg said ROW on Curve to Left 62.8 ft.; thence S 53 deg. 22 min. E 341.61 ft.; thence S 00 deg. 16 min. W 40 ft. to Beg. (2945-021-00- 034)</p>			
<p>3/11/84/s/ Jean C. Gray2669 Sperber Lane Grand Jct CO</p>			

;

<p>STATE OF COLORADO)</p>			
<p>) SSAFFIDAVIT</p>			
<p>COUNTY OF MESA)</p>			

Fred W. Sperber, 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/ Fred W. Sperber

Subscribed and sworn to before me this 12th day of March, 1984.

Witness my hand and official seal.

Commission Expires: 6-17-85

;sigl;
/s/ Vincent R. Gray
Notary Public
2669 Sperber Lane
Grand Junction CO 81501

The following Resolution was read:

RESOLUTION NO. 19-84

WHEREAS, on the 21st day of March, 1984, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

The SE4 of the NW4 of the NE4 and the NW4 of the SW4 of the NE4 and the N2 of the NE4 of the SW4 of the NE4 of Sec 2, T1S, R1W, Ute Meridian;

and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City, and that no election is required under the Municipal Annexation Act of 1965 as the owners of 100% of the property have petitioned for annexation;

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

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 21st day of March, 1984.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

P.H. ANNEXATION, N SIDE OF F ROAD, E OF 24 1/2 ROAD - PROPOSED ORDINANCE RESOLUTION NO. 20-84

The P.H. Annexation petition was received for filing:

PETITION FOR ANNEXATION

WE, THE UNDERSIGNED, do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described property to the said City:

The E 15 Acres of the N4SW4SE4 Sec 4 T1S R1W U.M., and W4SE4SW4SE4 Sec 4 T1S R1W U.M. Exc S 190 ft. of the W 100 ft., and E 132 ft. of the E2SE4SW4SE4 Sec 4 T1S R1W U.M. and NW4 of the SE4 of the SE4 of Sec 4, T1S, R1W, U.M.

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 100% of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of each signer and the date of signature are set forth hereafter opposite the name of each signer, and that the legal description of the property owned by each signer of said petition is attached hereto.

WHEREFORE, these petitioners pray that this petition be accepted

and that the said annexation be approved and accepted by ordinance.

<u>DATE</u> <u>SIGNATURE</u> <u>ADDRESS</u> <u>PROPERTY</u> <u>DESCRIPTION</u>			
<p>3/12/84/s/ Robert E. Hirons Secretary, F Road Development Corp.P.O. Box 2026 Grand Jct COThe E 15 Acres of the N2 SW4SE4 Sec 4 T1S R1W U.M. and the W4SE4SW4SE4 Sec 4 T1S R1W U.M. Exc the S 190 ft. of the W 100 ft.</p>			
<p>3/12/84/s/ Neil R. Hammond Secretary, Western Colorado Real Estate Management, Inc. for Professional Investors of Grand Junction, Ltd., a Limited Partnership2754 Compass Drive Grand Jct COThe E132 ft. of the E2 SE4SW4SE4 Sec 4 T1S R1W U.M.</p>			
<p>3/12/84/s/ Paul I. Kern2479 F 1/4 Road Grand Jct COThe NW4 of the SE4 of the SE4 of Sec 4, T1S R1W U.M.</p>			

3/12/84/s/ Frances Kern2479 F 1/4 Road Grand Jct CO			
--	--	--	--

STATE OF COLORADO)			
) SSAFFIDAVIT			
COUNTY OF MESA)			

Daryl K. Shrum, 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/ Daryl K. Shrum

Subscribed and sworn to before me this 12th day of March, 1984.

Witness my hand and official seal.

;sigl;
/s/ Ellen M. Dailey
Notary Public
3293 D No. Goodhope Circle
Clifton CO

My Commission expires: 1-27-87

The following Resolution was read:

RESOLUTION NO. 20-84

WHEREAS, on the 21st day of March, 1984, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

The E 15 acres of the N2 of the SW4 of the SE4 of Sec 4, T1S R1W U.M.; and the W4 of the SE4 of the SW4 of the SE4 of Sec 4 T1S R1W U.M., Exc the S 190 ft. of the W 100 ft.; and the E 132 ft. of the E2 of the SE4 of the SW4 of the SE4 of Sec 4 T1S R1W U.M.; and the NW4SE4SE4 Sec 4 T1S R1W U.M.

and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the 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, COLORADO:

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 21st day of March, 1984.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

HORIZON DRIVE EXTENSION FROM 7TH STREET TO 1ST STREET (NORTHRIDGE ESTATES FILING NO. 4)

Councilwoman Clark: "I think that we need to give the people a response to the last Council meeting on the Horizon Drive and the Northridge Filing No. 4."

Councilman Dunn: "Well Miss Clark, what do you mean by . . . "

Councilwoman Clark: "Well I think we need to give them some direction."

Councilman Dunn: "So what specifically were you . . . "

Councilwoman Clark: "Specifically, well . . . "

President Lucero: "You want to respond? What do you want to respond?"

Councilwoman Clark: "Specifically, I would like to suggest that we disband the project of Horizon Drive as is currently proposed in our budget and move towards a working agreement with the Northridge Development group to come to a reasonable access residential street with the work of our Staff negotiating that."

Councilwoman Kreissler: "Well I think I've already expressed my concerns on that. I would be in favor of the first part of that motion, if that was a motion, but certainly not the second part. I think the decision and the vote that we need to give tonight may be to whether or not we proceed with the Horizon Drive Extension as originally proposed and certainly as it is in our budget. But I do not see us in a negotiating situation with the Developers of the Filing No. 4. They will be free to propose and to make their preliminary plans once they have that other decision. I don't think it needs to be included in the motion."

Councilman Pacheco: "Well I don't think that was a motion, Chris, but would you like to make a motion?"

Councilman Kreissler: "I would make a motion that we ;ellipsis that we disband and remove from our budget the funds that we had allocated for the extension of Horizon Drive (from 7th Street to 1st Street) and use that money elsewhere."

Councilwoman Clark: "Second."

Councilman Holmes: "Did you say `expansion' or `extension'?"

Councilwoman Kreissler: "Extension."

Councilman Holmes: "Extension."

Councilwoman Clark: "Second."

President of the Council Lucero: "Is there any discussion on the motion? Yes, I have some. I think before we . . . before we do anything, I think it's worthwhile to mention that this particular project has been in the budget for a number of years now and many citizens in the City have operated under the assumption that `yes we are proceeding.' In fact, last fall, early this year we gave direction to proceed with negotiation of right-of-way for Horizon

Drive Extension and I think without informing the public as to any change of position on this particular item that they need to be informed first so that we know what the consensus is out there in terms of our being representatives of the citizens. It's possible that they, too, may have had a change of opinion and until such time that they have the freedom to come in and voice . . . address the matter in whatever regard they feel appropriate. I think that this Council has maintained in the past that we will listen and we are very receptive to the comments of the general public and this is an instance which deserves their input. And we're always asking for input. And so I would not be in favor of the motion."

Councilman Pacheco: "Mr. Mayor, I appreciate your bringing up that point. It's the most important, I think, thing that we must consider. However, I look at it in a different light, in that I think up to this point the community has gone with the assumption that the Horizon Drive Extension would take place and that's been an assumption that's carried through for approximately ten years. However, I think at this time the Council should make a public statement through their vote which is representative of the people that elected them as to whether or not the decision to do that has changed. And I think it's only fair, and it's not in any way affecting those people in the community who would still like to see the Extension completed for the Council to make a stand. I think when that occurs then the hearing process and the communication process that you are concerned about takes place. But it's this period of time where nobody really knows where you stand that makes it really difficult for anybody to be motivated to come in and share their feelings. So I would very strongly support the motion so that the community does know at least where the Council stands. Thank you."

Council President Lucero: "Any other comments?"

Councilman Holmes: "Yes Mr. Mayor. I, too, would concur that we need to stop floundering and we need to have the courage to make a statement as to where we do stand and what we do perceive as the necessary action to take at this time. I have in the past been staunch in my support of the continuance or the Extension of Horizon Drive. Those under different circumstances, a different economy than what we're presently and foreseeably in the future looking at. I see, and I view, this other proposal as a means of satisfying many needs in a position of reasonableness. And I would feel that we should act on the motion as to whether we intend to continue with the Extension or not at this point in time to give the ones that are concerned about it our vote and our direction. I think we owe that to the citizens whether they agree or whether they disagree with that particular position. It's that which we perceive to be, I presume hopefully, the action to take at this time."

Council President Lucero: "Mr. Phipps?"

Councilman Phipps: "I just also want to speak in favor of the motion. I think, you know, through the years we've all heard endless testimony from all sides. I think more testimony would serve no purpose and I think we have developers wanting to move ahead with the project and I think they deserve a decision by this group as to whether we're going to go ahead with Horizon or not so I would be in favor of acting on the motion . . . acting favorably on the motion."

Council President Lucero: "Any other comments from Council? If not . . . "

Councilman Dunn: "You know how I feel about it. So I agree with the rest of you."

Councilman Pacheco: "Mr. Mayor, I call for the question if that does not inhibit any other comments from the council."

Council President Lucero: "Just one last comment. I think it's my position that yes this can be a short-term solution but it also can be a long-term solution if we address it properly, so I think that we need to protect the citizens as a whole out there as to the future road needs, and traffic movement here within the City, and . . . "

Councilwoman Clark: "I have to make one more comment to that, I'm sorry, when you're through, Mr. Mayor."

Council President Lucero: "Yes. Go ahead."

Councilwoman Clark: "The concern I have is that the public also needs to realize that we're making some changes that originally were not in our plans. We're four-laning 12th Street from Horizon to Bonita which will open up and make access available to Patterson in a more efficient manner. I still haven't seen the statistics, but my suspicion is that most people turn off at 12th Street instead of 7th Street. We're doing some upgrading on Patterson and so the public is going to have access on Patterson better than we had originally planned at an earlier date. And I think that also has an effect on what we're doing on a proposed Horizon Drive Extension."

Councilman Holmes: "Call for the question."

Council President Lucero: "All those in favor signify by saying AYE."

Council Members voting AYE: CLARK, DUNN, PACHECO, PHIPPS, KREISSLER, HOLMES.

Council Members voting NO: LUCERO.

ROAD PROJECTS - STAFF AUTHORIZED TO CONTRACT FOR TWO ADDITIONAL ENGINEERS ON TEMPORARY BASIS - \$30,000

Staff requested authorization to put on, on a temporary basis, two design engineers. One will be designing 12th Street from F Road to Horizon including the intersection at 12th and Horizon with the idea that the intersection will be constructed this year which will be moving the intersection up from its previous priority; and the other engineer will do the design on F Road from 28 1/4 Road to 12th Street. The design and right-of-way acquisition will be done this year, with the actual project construction occurring next year. One or the other of the above-listed engineers will need to do the design of 15th Street from F Road to the bridge and that will go into the improvement district proposal and will be constructed this year. \$30,000 was budgeted for this expenditure, and funds were budgeted to accomplish the projects.

Upon motion by Councilman Pacheco, seconded by Councilwoman Clark and carried, the staff was authorized to contract for two additional engineers to assist on the projects as outlined.

CITIZEN COMMENT ON COUNCIL ACTION REGARDING HORIZON DRIVE EXTENSION

Skip Mottram, 609 26 1/2 Road, expressed extreme disappointment and frustration with Council's action regarding the Horizon Drive Extension. He realized that many of the Council were not present over the period of years when the issue of Horizon Drive was being argued and debated, many public hearings were being held, when all of the, what he considered to be, legitimate governmental process was occurring before the decision was made to extend Horizon Drive. And how at this meeting before a largely empty auditorium on an item that was not even on the agenda, this Council vacated that decision. Mr. Mottram considered it a back-door operation. He thought the decision was very shortsighted. He said he was very disturbed and upset with what he considered to be a violation of the governing process.

Councilman Dunn responded that he and Councilman Holmes were a part of that hearing process referred to by Mr. Mottram, and that at one time he was a proponent of the Horizon Drive Extension. When new facts were presented and when conditions change, Councilman Dunn said that one rethinks the issue. He was never comfortable with the intersection that was proposed for the Horizon Drive Extension at 1st Street. Councilman Dunn said that the present thinking of the Council is to widen Patterson Road and four-lane it from 1st Street to 7th Street. Councilman Phipps concurred with the remarks regarding the intersection.

Councilman Pacheco said the Council felt very strongly that because of the change in the attitude of the Council toward this subject that a decision should be made. He noted that the progression of the proposed Horizon Drive Extension had been a football that had been kicked for ten years, and it appeared that it was going to continue to be kicked for another ten. This Council decided to come to grips with that decision and the

feeling at the present time was that the project as conceived was no longer needed. He stated that when situations change, somebody had to take the responsibility to take that information and make a new decision. That happened at this meeting and Councilman Pacheco commenced Council for making that decision. During conversations with many people on this subject the last two weeks, Councilman Pacheco said he had heard many angles for the proposal, but the one thing he heard the most was: will Council make a decision; are you or aren't you. Now that the decision has been made, the time has come to see what the community feels about it. Councilman Pacheco stated that plans made five years ago to come on stream today have been impacted and must be modified. He said that no credible person today would stand behind the population projections, statistics, and studies that were used in the planning five years ago because they have changed. With that information, Councilman Pacheco said a reasonable person cannot just close his eyes and go forward and spend the public's money to produce something that logically calls for reconsideration.

Councilman Phipps pointed out that when Horizon Drive was originally conceived, it was a circle road around the north side of Grand Junction. Previous Councils have already discontinued at least half of that circle so it no longer serves the purpose for which it was originally intended. The other consideration Councilman Phipps had was the budgeted million eight-hundred thousand dollars for a road that may be needed "someday." He was not willing to risk the citizens' money on something he was not really sure would be needed when there are other needed roads where the money can be spent.

Mr. Mottram repeated that he thought it was a shortsighted decision, and five years from now he will come back and say "I told you so."

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk