

Special Council Meeting  
Grand Junction, Colorado

November 14, 1984

In accordance with Ordinances of the City of Grand Junction, Colorado, and special notice having been served on each member of Council, a special meeting was held November 14, 1984, at 7:30 p.m. in the City-County Auditorium at City Hall. Present were Council members Betsy Clark, Frank Dunn, Christine Kreissler, Gary Lucero, Ray Phipps, and President of the Council Mike Pacheco. Councilman Robert Holmes was absent. Also present were City Manager Mark Achen, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

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

INVOCATION

Bishop John Soelberg.

MINUTES

Upon motion by Councilman Phipps, seconded by Councilman Dunn and carried, the minutes of the regular meeting October 17, 1984, and the minutes of the special meeting November 5, 1984, were approved as submitted.

PROCLAMATION DECLARING NOVEMBER 12-16, 1984, "CHAMBER OF COMMERCE WEEK"

PROCLAMATION DECLARING NOVEMBER 11-17, 1984, "AMERICAN EDUCATION WEEK"

PROCLAMATION DECLARING NOVEMBER 18-25, 1984, "BIBLE WEEK"

APPOINTMENTS TO SERVE ON BOARDS

Upon motion by Councilwoman Kreissler, seconded by Councilman Dunn and carried, the following list of people were appointed to serve on the following Boards:

Parks and Recreation Advisory Board - Terms expire May, 1985

Mark N. Williams

M. Katherine Pinson

Housing Authority - 5-Year Term

Jeff Cyriacks

Forestry Board

Roy Winegardner - 3-Year Term

Jerry Moore - 3-Year Term

Susan Martineau - 2-Year Term

Dennis Hill - 2-Year Term

Board of Adjustment and Appeals - 3-Year Term

Anita Johnson

Warren Lowe

Airport Board - 2/12 Year Term

Henry Faussonne

Planning Commission - Term Expires January, 1985

Karen Madsen

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

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the following applications by the following businesses to renew liquor and beer licenses were approved subject to the matter of alleged violations by the Circle K Store, 2685 UnawEEP Avenue, and the Reverse R Bar, 122 South 5th Street, being turned over to the Liquor Hearing Officer:

1. C & F Food Store, 2516 Broadway (3.2% Beer)
2. Safeway Store No. 628, 2696 U.S. Hwy 50 South (3.2% Beer)
3. Circle K Store, 2685 UnawEEP (3.2% Beer)
4. Centennial Liquor, 2721 N. 12th Street (Retail Liquor Store)
5. Foresight Liquors, 740 Pitkin Avenue (Retail Liquor Store)
6. Reverse R Bar, 122 S. 5th Street (Tavern)
7. The Winery, 642 Main Street (Hotel-Restaurant)
8. Burgess Liquors, 202 Ute Avenue (Retail Liquor Store)
9. Far East Restaurant, 1530 North Avenue (Hotel-Restaurant)
10. First Street Liquors, 901 N. 1st Street (Retail Liquor Store)
11. Orchard Mesa Lanes, 295 27 Road (Hotel-Restaurant)

12. Eagles Lodge #595, 1674 U.S. Highway 50 (Club)
13. The Brass Rail, 476 28 Road (Tavern)
14. Johnnie's Liquor Store, 1000 N. 5th (Retail Liquor Store)
15. Orchard Mesa Liquors, 2682 U.S. Hwy 50 (Retail Liquor Store)
16. Sal's Pizza, 755 North Avenue (Hotel-Restaurant)
17. Elks Lodge, #575, 249 S. 4th Street (Club)
18. The Office, 159 Colorado Avenue (Hotel-Restaurant)
19. Crown Liquors, 28511/2 North Avenue (Retail Liquor Store)

LIQUOR - APPLICATION BY SILVER STAR BOWLING, INC., FOR TAVERN LIQUOR LICENSE AT 1900 EAST MAIN STREET UNDER TRADE NAME OF FREEWAY BOWL-NIGHT GALLERY, APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the application by Silver Star Bowling, Inc., for a tavern liquor license at 1900 East Main Street under the trade name of Freeway Bowl-Night Gallery, was approved. This was a change of ownership - license presently held by Robert Stack. Officers, Directors, and Stockholders of Silver Star Bowling, Inc.:

President/Treasurer/Director/Stockholder: Donald A. Silver 70%

Secretary: Arlene D. Silver

Director/Stockholder: Elaine S. Silver 30%

Operating Manager: Joseph P. Donofrio

LIQUOR - APPLICATION BY KENNETH H. FUNNELLE FOR A TAVERN LIQUOR LICENSE AT 201 COLORADO AVENUE UNDER TRADE NAME OF CHEERS - APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the application by Kenneth H. Funnelle for a tavern liquor license at 201 Colorado Avenue under the trade name of Cheers, was approved. This was a change of ownership - license presently held by Hazel Jensen dba Flamingo Lounge.

LIQUOR - APPLICATION BY CAROUSEL MOTEL, INC., FOR A HOTEL-RESTAURANT LIQUOR LICENSE AT JASPER'S SALOON, 718 HORIZON DR - APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the application by Carousel Motel, Inc., for a hotel-restaurant liquor license a 718 Horizon Drive under the trade name of Jasper's Saloon, was approved. This was a change of ownership -

license presently held by Melvin Scott Kramer. Officer, Director, and Stockholders of Carousel Motel, Inc.:

President/Director/Stockholder: Theodor Richter 331/3%

Vice Pres/Director/Stockholder: Sheldon Brottman 331/3%

Sec/Treas/Director/Stockholder: Marshall Stein 331/3%

HEARING - PROPOSED ORDINANCE - UTILITY EASEMENT VACATION, 330 MOUNTAIN VIEW COURT

A hearing was held after proper notice on the petition by Enno F. Heuser to vacate a utility and irrigation easement lying in and along the north 10 feet of Lot 5, Moore Subdivision, First Addition. There were no opponents, letters or counterpetitions.

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

HEARING - PROPOSED ORDINANCE - ZONING AND DEVELOPMENT CODE TEXT AMENDMENTS TO ADD VOCATIONAL/TECHNICAL SCHOOLS TO USE ZONE MATRIX (FIGURE 4-3-4) AS A CONDITIONAL USE IN H.O. ZONE: TO ALLOW CERTAIN MANUFACTURED HOUSING; AND DEFINING MANUFACTURED HOUSING

A hearing was held after proper notice on the petition by the Grand Junction Planning Department for Zoning and Development Code Text Amendment to add vocational/technical schools to use zone matrix (Figure 4-3-4) as a Conditional Use in Highway Oriented Zone; to allow certain manufactured housing; and defining manufactured housing. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE CONCERNING MOBILE HOMES, MANUFACTURED HOMES AND VOCATIONAL/TECHNICAL SCHOOLS IN HIGHWAY ORIENTED ZONE. Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried, the proposed ordinance was passed for publication.

HEARING - MOM'S BARBEQUE & BAKERY REVISED FINAL PLAN FOR 2122 N. 12TH

A hearing was held after proper notice on the petition by Margaret L. Graves for a revised final plan on .39 acre in a planned business zone for Mom's Barbeque & Bakery at 2122 N. 12th Street. Floy Young, representing Margaret Graves, was present and said she had new information that would permit 55 customers at this location. She noted that at the Planning Commission meeting 20 customers were approved, but with the new information she requested that Council approve 40 customers. She was advised that the new information would need to be deferred back to the Planning Commission for review. She requested that Council approve the 20

customers at this time. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the revised final plan for Mom's Barbeque & Bakery at 2122 N. 12th Street be approved subject to the conditions of the Planning Commission.

RESOLUTION NO. 57-84 - DECISION REGARDING APPLICATION BY PATSY ARGUELLO FOR A HOTEL-RESTAURANT LIQUOR LICENSE AT CONDITIONAL USE AT 1310 UTE AVENUE UNDER TRADE NAME OF LA MEXICANA - APPROVED

The following Resolution was read.

RESOLUTION NO. 57-84

OF DECISION OF APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE BY PATSY ARGUELLO FOR LA MEXICANA, 1310 UTE AVENUE

A public hearing having been held on October 17, 1984, on the application of Patsy Arguello for a hotel-restaurant liquor license for La Mexicana at 1310 Ute Avenue, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was properly held after due notice.
2. The survey conducted by the City showed that of those residents within the neighborhood responding 41 opposed the issuance of the license, while 35 approved of the license. On the additional question of the needs of the neighborhood for the license, 96 owners of property opposed the license with 29 favoring, and 13 employees within the neighborhood opposed the issuance with 42 employees favoring it.
3. Petitions were presented which favored the issuance of the license and in opposition to the issuance of the license. Most of those signing as favoring the issuance were not residents or otherwise involved with the neighborhood. The applicant urged upon the Council that the neighborhood for a restaurant, as proposed, would exceed that of the surveyed area.
4. There were three persons present at the hearing speaking in favor of the application. Two persons, one of whom circulated the opposition petition, spoke against the license. The opposition was concerned with dissimilar outlets and with possible noise generated in the residential section of the area from a restaurant located in the commercial and business section of the same area.
5. There were no other similar outlets within the neighborhood, but there are 8 within a one mile radius of the proposed location.
6. The neighborhood surveyed by the City is one of mixed residential and business/commercial. The restaurant is to be located in the business/commercial area on an arterial street and is a permitted use in the area.

## CONCLUSIONS

Because of its location within the neighborhood in relation to the residential section, the restaurant will not have an adverse impact on that residential section, and the permission for a conditional use should be granted. The numbers involved in a determination of the desires of the inhabitants are small and inconclusive, with some of those opposed on grounds which are not relevant here or do not appear to be so. The numbers involved in a determination of the needs of the neighborhood is larger, particularly when the petitions of the applicant are added, as the Council believes should be done in this instance, the neighborhood here being larger than that covered by the survey. The needs would not appear to be being met by existing outlets near the neighborhood.

With the lack of clear evidence either way as to the desire of the inhabitants, but with the clearer evidence as to the needs of the neighborhood, the license should issue and the conditional use for that license be approved.

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

That the application of Patsy Arguello for a Hotel-Restaurant Liquor License at La Mexicana, 1310 Ute Avenue in the City of Grand Junction, be approved together with the conditional use for such licensed restaurant.

PASSED and ADOPTED this 14th day of November, 1984.

/s/ J.P. Mike Pacheco

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

Upon motion by Councilman Phipps, seconded by Councilwoman Clark and carried with Council members DUNN and KREISSLER voting NO and Councilman PACHECO ABSTAINING, the Resolution was passed and adopted as read.

HEARING - APPLICATION BY VPL CORP., DBA VALLEY PLAZA LIQUORS, 2454 HWY 6 & 50, TO RENEW RETAIL LIQUOR STORE LICENSE - DENIED

A hearing was held after proper notice on the application by VPL Corp., doing business as Valley Plaza Liquors, 2454 Highway 6 & 50, Unit 101, to renew its retail liquor store license. The license had been inactive for over one year. The applicant was not

present for the hearing. Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried with Councilwoman Clark voting NO, the application by VPL Corp. to renew its retail liquor store license was denied.

HEARING - APPLICATION BY MINING & PETROLEUM DAYS OF AMERICAN INSTITUTE OF MINING, METALLURGICAL AND PETROLEUM FOR MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT DECEMBER 8, 1984, 5 P.M. TO 2 A.M. AT TWO RIVERS PLAZA, 159 MAIN ST, FOR CITY EMPLOYEES DINNER/DANCE APPROVED - 1ST PERMIT

A hearing was held after proper notice on the application by the Mining and Petroleum Days of American Institute of Mining, Metallurgical and Petroleum for a malt, vinous and spirituous liquor special events permit on December 8, 1984, from 5:00 p.m. to 2:00 a.m. at Two Rivers Plaza, 159 Main Street, as sponsors for the City Employees Dinner/Dance. Richard Munro was present for the hearing. There were no opponents, letters or counterpetitions. Upon motion by Councilwoman Clark, seconded by Councilman Phipps and carried, the application was approved.

HEARING - APPLICATION BY WESTERN CO CENTER FOR THE ARTS, INC., FOR 2 MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENT PERMITS ON DECEMBER 18 & 20, 1984, 6-11 PM AT 1803 N. 7TH ST - APPROVED - 2ND PERMIT

A hearing was held after proper notice on the applications by Western Colorado Center for the Arts, Inc., for two malt, vinous and spirituous liquor special events permits to be used on December 18 and 20, 1984, from 6:00 p.m. to 11:00 p.m. at 1803 N. 7th Street. Allan Dodworth was present for the hearing. There were no opponents, letters or counterpetitions. Upon motion by Councilwoman Clark, seconded by Councilman Phipps and carried, the applications were approved.

HEARING - APPLICATION BY MESA COLLEGE MEXICAN-AMERICAN SCHOLARSHIP FUND FOR MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT DECEMBER 31, 1984, 8 PM TO 2 AM, AT TWO RIVERS PLAZA, 159 MAIN STREET - APPROVED - 1ST PERMIT

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 on December 31, 1984, from 8:00 p.m. to 2:00 a.m. at Two Rivers Plaza, 159 Main Street. Modesto Galvan was present for the hearing. There were no opponents, letters or counterpetitions.

Mr. Galvan raised the issue of the cost of the off-duty police officers and asked if a Security Company could provide the same services at a much reduced cost. He was advised that the City Manager would be in touch with him to discuss the issue.

Upon motion by Councilwoman Clark, seconded by Councilman Phipps and carried, the application was approved.

HEARING - APPLICATION BY THE GRAND JUNCTION DOWNTOWN ASSOCIATION, INC., FOR A MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT ON DECEMBER 21, 1984, 6 PM TO 2 AM AT LIFF AUDITORIUM, MESA COLLEGE CAMPUS, FOR THE FIRST NATIONAL BANK EMPLOYEES DINNER/DANCE - APPROVED - FIRST PERMIT

A hearing was held on the application by the Grand Junction Downtown Association, Inc., for a malt, vinous and spirituous liquor special events permit on December 21, 1984, from 6:00 p.m. to 2:00 a.m. at Liff Auditorium, Mesa College Campus, for the First National Bank Employees Dinner/Dance. There were no opponents, letters or counterpetitions. Upon motion by Councilwoman Clark, seconded by Councilman Phipps and carried, the application was approved.

HEARING - PROPOSED 1985 BUDGET AND REVENUE SHARING MONIES

The President of the Council opened the hearing on the proposed 1985 budget and the revenue sharing monies. The City Manager gave a brief review of the revenue sharing monies.

Council President Pacheco filed requests by the following for revenue sharing monies:

Domestic Violence Project - \$5,000

Suzanne Dosh, Executive Director and Susan Rush were present to speak for this request.

American Lung Association - \$900

No one was present.

The Parent Education & Support Association - \$1,200

Kathy Clark was present to speak for this request.

Councilwoman Clark commended the groups in the community who deal with a great number of volunteers for their commitment to the community. She restated her position that she has maintained for the past three years that the City should maintain the basic services. She did not want the people in the audience to leave the meeting thinking that she might change the position.

Council President Pacheco pointed out that last year the Council decision was split and that the decision will be discussed once again but he thought the feeling of the Council in this matter was relatively unchanged.

Councilwoman Kreissler was glad to hear that there would be discussion by Council prior to any decisions this year. She believed that Council had made a mistake in moving away from giving away some of the funds. She stated that she did not believe



in funding an organization year after year, but when an organization was in the midst of some special project she thought that would be appropriate for Council to help in that funding situation.

There were no others in the audience who indicated a desire to speak. The President closed the hearing with the statement that the Council will be making a decision the latter part of December.

PROPOSED ORDINANCE ESTABLISHING OFFICE OF LIQUOR HEARING OFFICER FOR GRANTING AND RENEWING BEER AND LIQUOR LICENSES AND CHANGING THE APPEAL PROVISIONS AS TO HEARING OFFICER DECISIONS

The following entitled proposed ordinance was read: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND RENEWAL OF CERTAIN LIQUOR AND BEER LICENSES BY A HEARING OFFICER AND CHANGING THE APPEAL PROVISIONS AS TO HEARING OFFICER DECISIONS. Upon motion by Councilwoman Clark, seconded by Councilman Phipps and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - APPROPRIATIONS FOR 1985

The following entitled proposed ordinance was read: AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1985, AND ENDING DECEMBER 31, 1985, AND FIXING THE SALARY OF THE CITY MANAGER OF SAID CITY. Upon motion by Councilman Lucero, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

ORDINANCE NO. 2213 - VACATING RIGHT OF WAY, EAST/WEST ALLEY NORTH OF 1316 NORTH AVENUE

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

There were no comments. Upon motion by Councilman Phipps, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed, adopted, numbered 2213, and ordered published.

RESOLUTION NO. 58-84 SETTING MILL LEVY FOR 1985 - 8 MILLS

The following Resolution was read:

RESOLUTION NO. 58-84

CITY OF GRAND JUNCTION 1985 BUDGET

IMPLEMENTING DOCUMENTS

LEVYING TAXES FOR THE YEAR 1985 IN THE CITY OF GRAND JUNCTION, COLORADO

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

That there shall be and hereby is levied upon all taxable property within the limits of the City of Grand Junction, Colorado, for the year 1984 according to the assessed valuation of said property, a tax of eight (8) mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado, for the purpose of paying the expenses of the municipal government of said City and certain indebtedness of the City, for the fiscal year ending December 31, 1985.

ADOPTED and APPROVED this 14th day of November, 1984.

/s/ J.P. Mike Pacheco

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

PETITION - FAIRWAY PARK FIRST ADDITION ANNEXATION - RESOLUTION NO. 59-84 - PROPOSED ORDINANCE - E OF 12TH STREET, N OF CHIPPER DRIVE

The following petition was accepted:

PETITION FOR ANNEXATION

WE THE UNDERSIGNED to 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 a point 660 ft N of the SW Cor of Sec 36, T1N, R1W, Ute Meridian, thence E along the centerline of Chipper Drive to the intersection with the centerline of Golfmore Drive, thence N 372.06 ft to a point E of the NE Cor of Lot 5 Blk 5 Fairway Park Sub, thence W to the W line of Sec 36, thence S to the point of beginning.

Above being Lot 5 Blk 5 Fairway Park Sub and the 1st Addition to Fairway Park Sub except a part of Lot 4 Blk 7 Fairway Park 1st Addition described as beginning at the SE Cor of Lot 2 Blk 3 Fairway Park, thence W 163.8 ft, thence N 65 deg. E 85 ft, thence S 67 deg. 31 min. E 93.9 ft to the 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 petitions 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>			
Lot 1, Block 7, Fairway Park 1st Add.			
Lot 2, Block 7, Fairway Park 1st Add.			
Lot 3, Block 7, Fairway Park 1st Add.			
Lot 4, Block 7, Fairway Park 1st Add. except that part of Lot 4 beginning at SE Corner Lot 2, Block 3, thence West 163.8 feet, thence N 65 deg.			

E 85 feet, thence S 67 deg. 31 min. E 93.9 feet to beginning.			
Lot 1, Block 8, Fairway Park 1st Add.			
Lot 2, Block 8, Fairway Park 1st Add.			
Lot 3, Block 8, Fairway Park 1st Add.			
Lot 4, Block 8, Fairway Park 1st Add.			
Lot 5, Block 8, Fairway Park 1st Add.			
Lot 6, Block 8, Fairway Park 1st Add.			
Lot 7, Block 8, Fairway Park 1st Add.			
Lot 8, Block 8, Fairway Park 1st Add.			
Lot 1, Block 9, Fairway Park 1st Add.			
Lot 2, Block 9, Fairway Park 1st			

Add.			
Lot 3, Block 9, Fairway Park 1st Add.			
Lot 4, Block 9, Fairway Park 1st Add.			
Lot 5, Block 9, Fairway Park 1st Add.			
Lot 6, Block 9, Fairway Park 1st Add.			
Lot 5, Block 5, Fairway Park			
10-11-84Neva B. Lockhart City Clerk250 N. 5th Street Grand Junction CO 81501Beginning at a point 660 feet North of the Southwest Corner of Section 36, Township 1 North, Range 1 West, Ute Meridian, thence East along the centerline of Chipper Drive to the intersection with the centerline of Golfmore Drive, thence North 372.96 feet, thence West 602.04 feet, thence North 67			

deg. 31 min. 85 feet, thence West 40 feet, thence South to the point of beginning except for Lot 5 Block 5 Fairway Park 1st Addition POA Book 972 Page 282			
10-11-84Neva B. Lockhart City Clerk250 N. 5th Street Grand Junction CO 81501Lot 5 Block 5, Fairway Park POA Book 975 Page 447			
STATE OF COLORADO)			
) SSAFFIDAVIT			
COUNTY OF MESA)			

Don Warner, 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.

/s/ Don Warner

\_\_\_\_\_  
Notary Public

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

Witness my hand and official seal.

/s/ Theresa F. Martinez

\_\_\_\_\_  
Notary Public  
250 N. 5th Street  
Grand Junction, Colorado 81501

My Commission expires: June 13, 1987.

The following Resolution was read:

RESOLUTION NO. 59-84

WHEREAS, on the 17th day of October, 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:

Beginning at a point 660 feet North of the Southwest Corner of Section 36, Township 1 North, Range 1 West, Ute Meridian, thence East along the centerline of Chipper Drive to the intersection with the centerline of Golfmore Drive, thence North 372.06 feet to a point East of the Northeast Corner of Lot 5, Block 5, Fairway Park Subdivision, thence West to the west line of Section 36, thence South to the point of beginning.

Above being Lot 5, Block 5, Fairway Park Subdivision and 1st Addition to Fairway Park Subdivision except a part of Lot 4, Block 7, Fairway Park 1st Addition described as beginning at the Southeast Corner of Lot 2, Block 3, Fairway Park, thence West 163.8 feet, thence North 65 deg. East 85 feet, thence South 67 deg. 31 min. East 93.9 feet to the 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 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 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 14th day of November, 1984.

/s/ J.P. Mike Pacheco

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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 Phipps and carried by roll call vote, the Resolution was passed and adopted as read.

The following proposed ordinance was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Upon motion by Councilman Phipps, seconded by Councilwoman Kreissler and carried, the proposed ordinance was passed for publication.

LIQUOR - 4-DAY SUSPENSION ASSESSED MICHELLE GARCIA DBA LA BARRA FAMOSA DEL CHARRO, 227 ROOD AVE NOVEMBER 16, 17, 23, 24, 1984

Tom Jurak, Attorney for Mrs. Michelle Garcia, stated that the Hearing Officer did not sustain charge number one which was permitting disorderly conduct on the premises of the tavern, and for that reason Mr. Jurak said that recommendation No. 3 requiring a security officer on duty during all times that Mrs. Garcia is open for business is excessive and unwarranted.

Upon motion by Councilman Phipps, seconded by Councilwoman Kreissler and carried, the recommendations of the Hearing Officer were accepted and approved with the amendment of recommendation No. 3 to require a security guard on duty during all times Mrs. Garcia is open for business until she renews her license. The dates for the suspension, November 16, 17, 23 and 24, 1984. (Full copy of the Liquor Hearing Officer's recommended decision in La Barra Famosa de Charro file.)

RESOLUTION NO. 60-84 AUTHORIZING CONVEYANCE OF CITY-OWNED LANDS TO ALFRED B. CARRICK AND EULA C. CARRICK      **BOOK 1559      PAGE 584**

The following Resolution was read:

RESOLUTION NO. 60-84

AUTHORIZING CONVEYANCE OF CITY-OWNED LANDS TO ALFRED B. CARRICK AND EULA C. CARRICK.

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

Commencing at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of said Section 2, Township 1 South, Range 1 West, Ute Meridian; thence South 89 deg. 58 min. 46 sec. West along the South line of the Northeast Quarter of the Northwest Quarter of said Section 2, a distance of 47.00 feet, thence South 00 deg. 00 min. 07 sec. East, 100.0 feet to the True Point of Beginning; thence South 89 deg. 58 min. 46 sec. West, 348.00 feet;



thence North 00 deg. 00 min. 07 sec. West, 11.51 feet; thence along the arc to a curve to the right whose radius is 601.38 feet and whose chord bears North 73 deg. 08 min. 39 sec. East, 143.37 feet; thence North 79 deg. 59 min. 21 sec. East, 197.05 feet; thence South 50 deg. 00 min. 23 sec. East, 21.85 feet to the Westerly right-of-way line of North 7th Street in the City of Grand Junction; thence South 00 deg. 00 min. 07 sec. East, 73.17 feet to the True Point of Beginning;

The land not being used or held for park or governmental purposes; and

WHEREAS, the City wishes to sell the lands to the Carricks for the sum of \$14,832.00, which is the fair market value of the lands;

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

That the City Manager, as Commissioner to Convey, be directed to convey to Alfred B. Carrick and Eula C. Carrick the lands above-described for the sum stated; the conveyance to be by special warranty deed.

PASSED and ADOPTED this 14th day of November, 1984.

/s/ J. P. Mike Pacheco

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Mayor

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

RESOLUTION NO. 61-84 AUTHORIZING CONVEYANCE OF CITY LANDS FOR ROAD RIGHT-OF-WAY AND UTILITY PURPOSES

The following Resolution was read:

RESOLUTION NO. 61-84

AUTHORIZING CONVEYANCE OF CITY LANDS FOR ROAD RIGHT-OF-WAY AND UTILITY PURPOSES.

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

Commencing at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of Section 2, Township 1 South, Range 1 West,

Ute Meridian; thence South 89 deg. 58 min. 46 sec. West, along the South line of the Northeast Quarter of the Northwest Quarter of said Section 2 a distance of 47.00 feet to the true Point of Beginning; thence South 00 deg. 00 min. 07 sec. East, 26.83 feet; thence North 50 deg. 00 min. 41 sec. West, 21.59 feet; thence South 79 deg. 59 min. 21 sec. West, 197.05 feet; thence along the arc of a curve to the left whose radius is 601.38 feet and whose long chord bears South 73 deg. 08 min. 39 sec. West, 143.37 feet; thence North 00 deg. 00 min. 07 sec. West, 62.47 feet; thence along the arc of a curve to the right whose radius is 1081.38 feet whose long chord bears North 67 deg. 01 min. 08 sec. East, 66.72 feet, thence along said South line of the Northeast Quarter of the Northwest Quarter a distance of 286.56 feet to the True Point of Beginning;

and

WHEREAS, it is necessary to dedicate said lands for road right-of-way purposes;

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

That the City Manager is directed, as Commissioner to Convey, to convey the lands above-described for road right-of-way and utility purposes.

PASSED and ADOPTED this 14th day of November, 1984.

/s/ J. P. Mike Pacheco

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

RESOLUTION NO. 62-84 CONCERNING ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR THE HOLIDAY INN PROJECT

The following Resolution was read:

RESOLUTION NO. 62-84

WHEREAS, the City of Grand Junction, Colorado (the "Issuer"), a body politic and corporate and a political subdivision of the State of Colorado, is authorized and empowered by the provisions of the County and Municipality Development Revenue Bond Act,

C.R.S. Section 29-3-101 et seq., as amended (the "Act"), to finance a project, as that term is defined in the Act, and to issue its industrial development revenue bonds for the purposes of paying the cost of financing a project; and

WHEREAS, Western States Motel Operations, Inc., dba Holiday Inn of Grand Junction (the "Corporation") has requested the Issuer to issue and sell to the order of the Corporation, subject to the unqualified approving opinion of the Corporation's bond counsel, as approved by the Issuer ("Bond Counsel"), its industrial development revenue bonds pursuant to provisions of the Act for the purpose of financing commercial and business facilities constituting projects, as that term is defined in the Act (the "Projects") for the Corporation; and

WHEREAS, the Issuer has heretofore agreed by Resolution 91-82 and 66-83 to issue and sell such bonds in a total amount not to exceed \$3,500,000 to be issued and sold by December 12, 1984; and

WHEREAS, the public meeting of the Grand Junction City Council at which the bonds were to be issued was scheduled for November 7, 1984, but was rescheduled on short notice, requiring new publication of legal notice; and

WHEREAS, an extension of 19 days in the expiration date of the City's existing resolutions allows a reasonable margin of time in which to complete the issuance and sale of the bonds;

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

That the time period within which the issuance and sale of the Bonds is extended to December 31, 1984, subject to the conditions contained in the Inducement Resolution and the Memorandum of Agreement supporting it.

PASSED and ADOPTED this 14th day of November, 1984.

/s/ J.P. Mike Pacheco

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

CONCLUSION OF REED MILLER TRANSACTION

Upon motion by Councilwoman Clark, seconded by Councilman Dunn and carried, the President of the Council was authorized to execute the note and purchase money mortgage of the City to complete the Reed Miller transaction.

RESOLUTION NO. 63-84 CONCERNING AIR QUALITY IN THE COLORADO NATIONAL MONUMENT

The following Resolution was read:

RESOLUTION NO. 63-84

CONCERNING AIR QUALITY IN THE COLORADO NATIONAL MONUMENT

WHEREAS, the City Council of the City of Grand Junction, Colorado, while recognizing the need for control of air quality throughout its area, is, at this budget time, painfully aware of the extreme depression of the economy in that area; and

WHEREAS, the City, with others, is attempting to attract industry to the City and Mesa County to relieve this depression, and

WHEREAS, the Council is aware that hearings are to be held by the Colorado Air Quality Control Commission to determine whether or not there have been violations of the Category I increment for sulfur dioxide in the Colorado National Monument;

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

That the Colorado Air Quality Control Commission be respectfully requested to strongly consider the economic conditions in the Grand Junction area, along with other appropriate criteria, in arriving at decisions arising out of its meetings on the 15th and 16th of November, 1984, to be held in Grand Junction.

PASSED and ADOPTED this 14th day of November, 1984.

/s/ J. P. Mike Pacheco

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk