

Grand Junction, Colorado

November 6, 1985

The City Council of the City of Grand Junction, Colorado, convened in regular session the 6th day of November, 1985, at 7:30 p.m. in the City-County Auditorium at City Hall. Those present were Council members John Bennett, James Leland, Gary Lucero, Steve Love, Tim Mannion, Mike Pacheco, and President of the Council Ray Phipps. Also present were City Manager Mark Achen, City Attorney Gerald Ashby and City Clerk Neva Lockhart.

Council President Phipps called the meeting to order and Councilman Mannion led in the Pledge of Allegiance.

INVOCATION

Rev. Wayne Lowell, First Assembly of God.

MINUTES

Upon motion by Councilman Pacheco, seconded by Councilman Love and carried, the minutes of the October 16, 1985, meeting were approved as submitted.

TED CIAVONNE APPOINTED TO FORESTRY BOARD

Upon motion by Councilman Love, seconded by Councilman Pacheco and carried, Ted Ciavonne was appointed to a term on the Forestry Board; said term to expire November, 1986.

HEARING - NEIGHBORS RV PARK, NW CORNER OF 24 ROAD AND G ROAD, PRELIMINARY PLAN

A hearing was held after proper notice on the petition by Grand Junction Tech Center, Inc., and Warren Jacobson for a Preliminary Plan of 840 Lots on approximately 77.8 acres in Planned Recreation Zone for Neighbors RV Park located at the northwest corner of 24 Road and G Road. There were no opponents, letters or counterpetitions. Upon motion by Councilman Pacheco, seconded by Councilman Love and carried, the Preliminary Plan for Neighbors RV Park, northwest corner of 24 Road and G Road, was approved subject to the conditions of the Planning Commission.

HEARING - PROPOSED ORDINANCE - REZONE FROM H.O. TO PC AND FINAL PLAT OF CH FOUR COMMERCIAL PARK #3, NW CORNER OF HORIZON DRIVE AND S OF H ROAD

A hearing was held after proper notice on the petition by Bruce and Wilma Currier to rezone from Highway Oriented to Planned Commercial and Final Plat of CH Four Commercial Park #3, located at the northwest corner of Horizon Drive and south of H Road. There were no opponents, letters or counterpetitions. Upon motion by Councilman Pacheco, seconded by Councilman Love and carried,

the Final Plat of CH Four Commercial Park #3 was approved subject to the conditions of the Planning Commission.

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 CH FOUR COMMERCIAL PARK, PHASE #3, IN THE CITY. Upon motion by Councilman Lucero, seconded by Councilman Pacheco and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - EASEMENT VACATION, LITTLE BOOKCLIFF AVENUE AND GRAND VALLEY CANAL

A hearing was held after proper notice on the petition by Health Services Programs, Inc., Paul Malinowski, to vacate a 30-foot utility easement along the west side of Lot 1, Little Bookcliff Subdivision, from the southwest corner to 30 feet south of the north property line. There were no opponents, letters or counterpetitions. Upon motion by Councilman Pacheco, seconded by Councilman Love and carried, the petition was approved subject to the conditions of the Planning Commission.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING AN EASEMENT IN THE CITY. Upon motion by Councilman Love, seconded by Councilman Mannion and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - VACATION OF PORTIONS OF GRAND JUNCTION TECH CENTER SUBDIVISION, NW COR OF 24 ROAD AND G ROAD

A hearing was held after proper notice on the petition by Grand Junction Tech Center, Inc., and Warren Jacobson to vacate portions of Grand Junction Tech Center Subdivision located at the northwest corner of 24 Road and G Road. There were no opponents, letters or counterpetitions. Upon motion by Councilman Pacheco, seconded by Councilman Love and carried, the petition was approved subject to the conditions of the Planning Commission.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING A SUBDIVISION PLAT TOGETHER WITH CERTAIN ROAD RIGHTS-OF-WAY AND EASEMENTS THEREIN. Upon motion by Councilman Mannion, seconded by Councilman Pacheco and carried, the proposed ordinance was passed for publication.

HEARING - APPLICATION BY B.P.O. ELKS #575 FOR MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT DECEMBER 14, 1985, TWO RIVERS PLAZA - SPONSORING INTRAWEST BANK DINNER AND CITY OF GRAND JUNCTION EMPLOYEES DINNER - 3RD PERMIT - APPROVED

A hearing was held after proper notice on the application by B.P.O. Elks for a malt, vinous and spirituous liquor special events permit at Two Rivers Plaza, 159 Main Street, December 14, 1985, from 4:00 p.m. to 2:00 a.m., sponsoring Intrawest Bank Dinner and City of Grand Junction Employees Dinner. Mr. Rich

Keefer, Trustee for the Elks #575, spoke for the permit. There were no opponents, letters or counterpetitions. Upon motion by Councilman Love, seconded by Councilman Leland and carried, the application was approved.

COUNCIL RECOGNIZES PRESENCE OF JERRY PHIPPS AND ADRIANA PACHECO AT TONIGHT'S COUNCIL MEETING

HEARING - NEIGHBORS RV PARK, NW CORNER OF 24 ROAD AND G ROAD - FINAL PLAT AND PLAN

A hearing was held after proper notice on the application by Grand Junction Tech Center, Inc., and Warren Jacobson for a Final Plat and Plan of 403 Lots on approximately 41 acres in a Planned Recreation Zone. City Attorney Ashby explained that the open space payments be made one third now with the two thirds balance to be paid before the end of the year. The roadways are proposed to be done by a letter of credit. Mr. John Ballagh, Grand Junction Drainage District, and Mr. Daryl Shrum, representing the petitioner, spoke to Council regarding off-site improvements and fees.

After lengthy discussion it was moved by Councilman Love, seconded by Councilman Pacheco and carried that the final plat and plan for Neighbors RV Park and the letter of credit approach and the method of payment on the open-space fees be approved, subject to the conditions of the Planning Commission, and with the subject of off-site improvements and fees being sent to Staff for resolution with the Grand Junction Drainage District.

RESOLUTION NO. 70-85 ADOPTING CITY'S MILL LEVY (8 MILLS) - APPROVED

The following Resolution No. 70-85 was presented and read:

RESOLUTION NO. 70-85

CITY OF GRAND JUNCTION 1986 BUDGET

IMPLEMENTING DOCUMENTS

RESOLUTION

LEVYING TAXES FOR THE YEAR 1986 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 1985 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, 1986.

ADOPTED and APPROVED this 6th day of November, 1985.

/s/ Raymond G. Phipps

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

RESOLUTION NO. 71-85 ADOPTING DOWNTOWN DEVELOPMENT AUTHORITY MILL LEVY (5 MILLS) - APPROVED

The following Resolution No. 71-85 was presented and read:

RESOLUTION NO. 71-85

LEVYING TAXES FOR THE YEAR 1985 IN THE CITY OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY.

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

That in accordance with the provisions of 31-25-817 of Colorado Revised Statutes, 1973, there shall be and hereby is levied upon all taxable property within the Grand Junction, Colorado, Downtown Development Authority limits, for the year 1985 according to the assessed valuation of said property, a tax of five (5) mills on the dollar (\$1.00) upon the total assessment of taxable property within the Grand Junction, Colorado, Downtown Development Authority, for the purpose of paying the expenses of said Authority for the fiscal year ending December 31, 1986.

APPROVED and ADOPTED this 6th day of November, 1985.

/s/ Raymond G. Phipps

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

PETITION FOR SUNSET TERRACE REPLAT ANNEXATION, NW CORNER OF 26-1/2 ROAD AND G ROAD - RESOLUTION NO. 72-85 SETTING HEARING

The following Resolution No. 72-85 was presented and read:

RESOLUTION NO. 72-85

ACCEPTING A PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO AND SETTING A HEARING ON SUCH ANNEXATION.

WHEREAS, on the 6th day of November, 1985, 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 which is 30 ft N of the SW Cor of Sec 33, T1N, R1W, Ute Principal Meridian, thence E along the N right-of-way line for G Road to the SW Cor of Lot 6, Blk 4, Sunset Terrace Replat, thence N along the W line of said Sunset Terrace Replat to a point 30 ft N of the NW Cor of Lot 1, Blk 9 of said Replat, thence E along the N line of said Replat to the centerline of 26-1/2 Road; thence S along said centerline to the N line of Sec 2, T1S, R1W, Ute Principal Meridian, thence W along the N line of said Sec 2 and the N line of Sec 3 in said Township and Range to a point which is 220 ft E of the NW Cor of said Sec 3, thence S to the S right-of-way line of G Road, thence W to the E line of 25 Road, thence N to the centerline of G Road, thence W along the centerline of G Road to a point 30 ft S of the point of beginning, thence N to the Point of Beginning;

and

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

That a hearing will be held on the 18th day of December, 1985, in the City-County Auditorium in City Hall of the City of Grand Junction, Colorado, at 7:30 o'clock p.m., to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the City; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership

has been divided by the proposed annexation; whether any land in identical ownership comprising more than twenty acres, which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars, is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings, and whether an election is required under the Municipal Annexation Act of 1965.

PASSED and ADOPTED this 6th day of November, 1985.

/s/ Raymond G. Phipps

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

RESOLUTION NO. 73-85 AUTHORIZING QUIT-CLAIM OF CERTAIN LAND TO BILLIE JEAN WHITE (BERRY PARK PROPERTY)

The following Resolution No. 73-85 was presented and read:

RESOLUTION NO. 73-85

AUTHORIZING QUITCLAIM OF CERTAIN LAND TO BILLIE JEAN WHITE.

WHEREAS, Elsworth E. Nieman and Mary J. Nieman have sought the quitclaim by City of Grand Junction of certain property alleged to have been acquired by the Niemans or their predecessors in title, by adverse possession against the City's predecessors in title; and

WHEREAS, appropriate representatives of the City have reviewed the situation and have advised the City Council that in their best judgment the Niemans or their predecessors in title appear to have adversely held the property for at least the time period required by statute; and

WHEREAS, the City is advised that the Niemans previously purchased the entire parcel of property by contract for deed and, therefore, do not show a record interest in the records of the Mesa County Clerk and Recorder; and

WHEREAS, it has been requested that the City quitclaim its interest in the property adversely held to Billie Jean White, the present record owner of the property;

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

That the City Manager as Commissioner to Convey is hereby authorized and directed to quitclaim to Billie Jean White, Box 113, LaSalle, Utah, the property described in Exhibit A, attached hereto and made a part hereof by this reference, said property containing approximately 0.52 acres.

PASSED and ADOPTED this 6th day of November, 1985.

/s/ Raymond G. Phipps

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

EXHIBIT A

Property Description: Mesa County land being deeded to Nieman.

That part of the SE4 of Sec 29, T1N, R1W, Ute Principal Meridian, being more particularly described as follows:

Commencing at the S4 Cor of said Sec 29, and considering the S line of the SE4 of said Sec 29 to bear N 89 deg. 57 min. 45 sec. E with all other bearings contained herein to be relative thereto; thence N 00 deg. 03 min. 45 sec. W 660.00 ft; thence N 89 deg. 57 min. 45 sec. E 330.09 ft; thence N 00 deg. 03 min. 45 sec. W 659.82 ft; thence S 89 deg. 57 min. 45 sec. W 66.09 ft to the POINT OF BEGINNING; thence N 00 deg. 03 min. 45 sec. W 330.00 ft; thence S 89 deg. 57 min. 45 sec. W 231.00 ft; thence N 00 deg. 03 min. 45 sec. W 19.72 ft; thence S 88 deg. 58 min. 57 sec. E 284.39 ft; thence S 00 deg. 03 min. 45 sec. E 344.48 ft; thence S 89 deg. 57 min. 45 sec. W 53.34 ft to the POINT OF BEGINNING, containing 0.52 acres, more or less.

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

DDA REQUEST FOR DEDICATION OF UNDERGROUNDING FUNDS TO THE SOUTH SIDE ALLEY RECONSTRUCTION PROJECT IN THE AMOUNT OF \$61,260

Upon motion by Councilman Love, seconded by Councilman Pacheco and carried, the request by the Downtown Development Authority for Dedication of Undergrounding Funds to the South Side Alley Reconstruction Project in the amount of \$61,260 was authorized.

APPROVING THE 1986 DDA WORK PLAN

Downtown Development Authority Director Gary Fergeson was present to answer questions of Council regarding the 1986 DDA Work Plan. Upon motion by Councilman Pacheco, seconded by Councilman Love and carried, the 1986 DDA Work Plan was accepted and approved.

RESIGNATION OF J.P. MIKE PACHECO, COUNCILMAN, DISTRICT C - SERVICE PLAQUE AWARDED

A letter of resignation was submitted to the City Council by J.P. Mike Pacheco, Councilman for District C; said resignation effective November 6, 1985. Upon motion by Councilman Love, seconded by Councilman Mannion and carried, the resignation of J.P. Mike Pacheco was accepted.

Councilman Love noted his pleasure in working with Mike Pacheco for three years.

Councilman Mannion stated that he has been very impressed with Mike and felt that he brought a great deal to the Council in leadership and knowledge. Mr. Mannion wished Mike the best.

Councilman Lucero commented that Mike served the City of Grand Junction very well, and not only the City of Grand Junction, but Associated Governments of Western Colorado has called on Mike several times to devote his efforts to things that involved some Western Slope issues. Mike was always willing to step in and help in those areas. Western Colorado is losing somebody that has done a very outstanding job for the whole Western Slope. Mr. Lucero was glad to see that Mike chose to stay in Grand Junction, so Council will still have access to him, and perhaps call upon Mike on some of the items that come up.

Mayor Phipps thanked Mike for what he has done for Grand Junction. He noted that Mike has devoted far more time than anyone was ever entitled to expect from anybody that takes a volunteer job like this. He felt Mike has worked tremendously hard and was very instrumental in helping to get Sundstrand in this area. Mike has done a lot for Grand Junction, far, far beyond what is expected or required to do a fine job.

City Manager Achen expressed his appreciation for the opportunity to work with Mike as a member of the Council. When he was hired, Mike was an important part of his decision to come to Grand Junction and he has been very pleased and honored to have the opportunity to work with him.

A service plaque was awarded to Mike Pacheco on behalf of the citizens of the community for his two and one-half years of faithful and meritorious service.

SERVICE PLAQUE AWARDED TO RAY PHIPPS BY GRAND JUNCTION HOUSING AUTHORITY

Councilman Bennett presented a service plaque to Councilman Ray Phipps for his outstanding service as a member of the Grand Junction Housing Authority from 1983 to 1985.

COMMUNICATIONS COMMITTEE

Councilman Mannion reported on the November 4 Communications Committee. A memo regarding the meeting will be distributed to the Council.

WATER COMMITTEE

Councilman Lucero reported on the Water Committee Meeting. Grant monies will be extended until next year so the repairs on Reservoir #8 can be made in 1986.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk