

Grand Junction, Colorado

February 1, 1961

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock p.m. February 1, 1961. Councilmen present and answering roll call were Meacham, Hadden, Colescott, Wright, Lowe and President McCormick. Also present were City Manager Lacy, City Attorney Ashby and City Clerk Tomlinson.

INVOCATION

The invocation was given by Rev. W. F. Wilson, Pastor, Assembly of God Church.

CHAS. H. LOVE appointed Councilman for District C to Apr '61

President McCormick called upon Councilman Ray Meacham as Chairman of the committee to secure a councilman to replace Mr. Ed Surface, who resigned January 1st as Councilman from District "C." Mr. Meacham stated that several well-qualified people had been suggested and the Committee would recommend that Mr. Chas. H. Love, 1602 Orchard Avenue, be appointed Councilman from District "C."

It was moved by Councilman Meacham and seconded by Councilman Wright that the report of the Committee be accepted and that Mr. Love be appointed to fill the position of Councilman from District "C." Motion carried. (6 members voting "AYE.")

Councilman Love was then sworn in by City Clerk Tomlinson and took his place as a member of the City Council.

MINUTES

It was moved by Councilman Colescott and seconded by Councilman Wright that the minutes of the regular meeting held January 17th be approved as written. Motion carried. (7 Councilmen voting "AYE.")

3.2 BEER APPL Frank B. & Irene G. Haynes dba South Side Grocery 832 So. 7th St. granted

This was the date set for hearing on the application of Frank B. and Irene G. Haynes dba South Side Grocery, 832 South 7th Street. There were no remarks nor petitions against the issuing of this license, and the report from the Police Department being favorable, President McCormick closed the hearing.

It was moved by Councilman Hadden and seconded by Councilman Colescott that the application be approved and license granted when state license is received. Motion carried. (7 Councilmen voting "AYE.")

COMMITTEE APPTD To suggest names to fill vacancies on Boards

There are several vacancies on various Boards and Commissions to be filled. President McCormick named the following committee to suggest names to the Council for replacements on these Boards: Councilman Colescott, Chairman, Councilmen Hadden and Love.

BOYS & GIRLS CITY-COUNTY GOVT DAY \$50 for Expenses plus meals for City employees

Mr. Walsh, representing the American Legion, asked for a contribution from the City for the expenses for Boys & Girls City-County Govt. Day. It was moved by Councilman Colescott and seconded by Councilman Meacham that the City donate to the American Legion the sum of \$50 for expenses for Boys & Girls City-County Govt Day and also that the lunches for the City employees who take part in this project be paid by the City. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

REV. PERMIT- COLO. Fire Control Co. for cables - granted

Mr. Ray Morton of the Colorado Fire Control Company requested that he be granted a revocable permit to install fire warning system communications lines in public rights of way in the City. He, particularly at this time, wanted a permit for an overhead cable from the Reed Miller, Inc., building on Main Street to the Western Slope Automobile Company lot on Rood Avenue; also one on Fourth Avenue.

It was moved by Councilman Wright and seconded by Councilman Colescott that authority be given to Mr. Morton to construct the fire warning systems and that a revocable permit be drawn up with the provision that each installation be cleared with the Building Inspector. Motion carried. (7 Councilmen voting "AYE.")

WATER REPORT By Community Citizens Water Committee - Accepted

A report from the Community Citizens Water Committee concerning their recommendations towards the Ute Conservancy water supply system was given to the City Council.

"January 16, 1961

"To: Honorable C. E. McCormick, President Grand Junction City Council, and Council Members, and J. M. Lacy, City Manager

"Following receipt of letter of June 24, signed by (then) Council President Ed Strnad, and attached council memo #18-60 - Subject: "Relationship of Ute Water District to City System, dated June 10, 1960, and signed by J. M. Lacy, City Manager, the citizens committee met on July 6, 1960, at City Hall conference room. The committee includes the following members: Orville Jaynes, Redlands; LeRoy Bacon, City; Oscar Yarbrough, Orchard Mesa; C. A. Walt, City; John Harper, City; Jim Duggan, Mantey Heights; and Lawrence Collins, Fruitvale.

"The committee carried on its studies and met several times during the period July 6 through September 28.

"On July 28 committee members were furnished copies of the preliminary engineering report on the Ute Water Conservancy District which together with various engineering and water study reports from the City of Grand Junction were the sources for most of our studies and conclusions.

"During the study a proposal was authorized by the city for a cooperative use of water by the City and Ute District, but, though requested, none was advanced or authorized by Ute District officials.

"The committee is convinced that much benefit will accrue to the entire Grand Valley area if the Ute Water Conservancy District and the City of Grand Junction pool their efforts in arriving at a solution for providing domestic water to the sections of the valley for residents desirous of obtaining a much needed and long delayed piped water system.

"In arriving at this conclusion, the committee members have endeavored to be objective in their study and thinking. The approach of the committee to the problem has been valley-wide. Its analysis of the problem has been on strictly engineering and economic considerations regardless of accumulated jealousies and prejudices.

"The committee has placed itself in the imaginary position of a single guidance authority with the sole purpose in mind of study and suggesting a solution for the development of the needed piped water system for the residences of the entire valley. The committee strongly feels that the pooling of efforts will work to the advantages of all citizens of the valley. Without a proper consolidation of efforts of the two organizations in a solution to the problem at this time, much damage and economic loss could

develop which may handicap growth of the valley for several generations.

"The following basic facts and concepts of the problem have been developed by the committee after lengthy and serious study:

1. Piped water is now needed and can well be economically justified for the service of residents of many sections of the Grand Valley.

2. A valley-wide piped water system should be so designed that future expansion can be provided without economic loss and also the system should be protected with a potential supply of quality water for later expansion.

3. The soundness and the economic success of any piped water system is dependent upon the number of new tap connections for water service. Too great a reliance on unrealistic population trends obligated for repayment of capital expenditures and water system operating cost is undesirable for the entire valley. An economically sound water system good for the valley is also good for the City of Grand Junction.

4. The water of least cost available to the valley, within its economic capabilities, should be developed and used first.

"5. Grand Junction City Water Department data shows that with nominal capital expenditure the City has potentially on hand adequate water and facilities for delivery at Reservoir Hill sufficient water to service an additional 12,000 population above that now served. The use of this water for the immediate future or interim service of the valley residents could well be thoroughly developed. The Grand Junction City Water Department estimates that with the expenditure of approximately one and one-half million dollars additional for facilities and water rights another 12,000 people can be served from Kannah Creek making a total of 24,000 over and above those now served. This would be the ultimate development possible on Kannah Creek.

"6. There exists a potential carry-over obligation of some \$90,000.00 by whichever agency eventually makes use of Plateau Creek water. This money was received from a Federal Agency and was spent on a project fostered by the City of Grand Junction in a study of water use similar to that proposed by Ute District. Work was done by R. J. Tipton Associates of Denver in 1949. If repayment is demanded by the Federal Agency, this would be an added cost to the project.

"7. Our committee strongly feels and recommends to the City that water rates to users outside the city limits be reduced as early

as possible from three times the inside city rate to no more than double the inside city rate. We feel the present rate cannot be justified. We also strongly recommend that facilities be provided to furnish outside the city water users the same quality filtered water now furnished inside the city.

"8. We feel it should be pointed out that the City filed on Colorado River water at a point north and east of Palisade prior to the Ute District filing and this in effect presumably gives double protection to valley users on use of Plateau Creek water. We feel this has value only in event Ute's water rights should be jeopardized by long delayed construction of the district.

"9. It is the opinion of some citizen committee members that Ute's forecast of potential water users, hence income, for the proposed district in the next 15 years may be on the optimistic side, unless the valley's economic growth is stimulated far beyond its historic pattern. The payout schedule anticipates the first five years revenues, including mill levy income, will be \$3,734,800.00. After bond interest, Operation & Maintenance costs, and by-pass facilities costs of \$2,742,750.00 have been paid, a reserve of \$992,050.00 is forecast with mill levy increased to 2 mills in the 5th year. In the 6th year capital repayments start boosting annual payout to \$1,016,000.00 and this climbs to a peak of \$1,837,840.00 annual payout in the 12th year thereafter.

"The reports estimate of potential water users includes approximately 2,700 users who are already being served by connections onto the city system. The present monthly cost to these users, based on the 5,000 gallons per month set as a minimum by Ute, and at the present 3 times city user rate, is \$7.10. This cost under the Ute Plan would increase to \$11.00. The committee feels it is optimistic to assume any considerable number of users would voluntarily switch to the higher water cost service. We note on Page #27 of the Ute Report, it is estimated Clifton Water District, formed in 1956, would have 1,500 users. At the present time, Clifton District is serving 650 taps and Clifton District officials estimate that if all potential users are served the total will not exceed 1,000. Clifton District designed their system and contracted with the City for 15 million gallons of water per month to service up to 1,300 taps.

"10. It is proposed that consideration be given to an analysis of the reported Ute District piped water system as the same related to basic trunk supply lines and appurtenances and to the water user distribution pipeline system. Preliminary examinations of available engineering data supplied by the committee indicates that the capital cost of necessary facilities for the delivery of water to the valley, exclusive of water user distribution lines,

is on the order of \$5,000,000.00 to \$6,000,000.00 or about half of Ute's estimate of total project cost of \$10,500,000.00, and this total cost may increase due to rising costs, etc.

"Engineering data also supplied the committee shows that fully treated water can be supplied at the City's Reservoir Hill and at the Mantey Heights storage tank on Patterson Road for a sizable valley water user requirement. Studies of city water costs indicate that without extra cost to city residents, water for interim development to the valley piped water system could be provided as needed at a cost less than one-half the interest charge attaching to the \$5,000,000.00 to \$6,000,000.00 capital cost of the trunk supply lines and appurtenant works and such planned construction would provide immediate returns on budgeted investment.

"The committee feels that without in any way prejudicing the Ute Water Conservancy District plan of valley piped water distribution system, and at the same without encroachment on water system investment of the citizens of Grand Junction, a plan of valley domestic water service can be developed. The time of committee members has not permitted complete thorough analysis and recommendation of a solution of all details associated with the problem, but they are convinced that the details are not insurmountable.

"The committee suggests that a competent outside disinterested engineer, agreeable to the Ute Water Conservancy District Board and the City of Grand Junction, be employed for the purpose of preparing an analysis of a cooperative and correlated valley-wide plan of domestic water development. The City Council has approved the expenditure of up to \$10,000.00 for our committee's use and we have not found it necessary in our studies to expend any of this allocated fund. It is not at this time considered necessary that the work of such an engineer would extend into analysis of the plan of water user distribution lines of the Ute District or into the details of Grand Junction City water supply. It is further suggested that the District and the City be requested to provide such engineering and economic data as desired by the engineer, the engineer to be employed by and report to the committee.

"11. In our September 28 meeting with members of the City Council and representatives of Ute Water District, the citizens committee discussed our conclusions and recommendations fully. We also pointed out the importance of the City Council and Ute District working together closely to solve the mutual problems, and suggested that a joint committee made up of City Council - Ute Water representatives be set up to find a common ground for solution. It seems to your citizens committee that any proposal

to put available domestic water into lines to serve the agricultural and industrial users of the valley is a good one. We believe it is possible to work out the mechanics of doing it on a sound basis, and feel the community has the right to expect completely unselfish cooperation from its elected and selected representatives to find a way to do it.

"Since almost four months have passed without any such joint effort for closer team work between the two groups to solve the problem, our committee members feel obligated to proceed with recording our recommendations and findings into this formal report.

(Signed) James Duggan Engineering Study	(Signed) C.A. Walt Chairman	(Signed) LeRoy Bacon Economics Study
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Other members of the Citizens Committee:

Orville Jaynes, Redlands
John Harper, City
Oscar Yarbrough, Orchard Mesa
Lawrence Collins, Fruitvale

President McCormick suggested that the report be taken under advisement and the committee be dismissed and thanked for their efforts and that the public be assured that the Council would take action on the report. The committee was commended very highly for their work on this project.

TRAFFIC Loading zone granted LeHarpe Hotel on 3rd Street

The La Harpe Hotel presented a request to have a passenger loading zone on Third Street. This is in line with requests from other hotels and was approved by the City Manager and Traffic Director. It was moved by Councilman Wright and seconded by Councilman Hadden that the request be granted. Motion carried. (7 Councilmen voting "AYE.")

HEARING ON PLAT Tula Sub 2-15-61 Barco Develop Co. W of 36th St. So of Hall

A proposed plat for Tula Subdivision (which is located west of 36th Street and south of Hall Avenue) was presented by Barco Development Company and is described as follows:

The South Half Northeast quarter Northeast quarter Southwest Quarter Section 7 T 1 S, R 1 E of the Ute Meridian. The Northeast quarter Southeast quarter Northeast quarter Southwest quarter Section 7 T1S R1E of Ute Meridian Lots 5 to 15 inclusive of original Tula Subdivision which is now known as the Tula Subdivision First Addition replat of Lots 5 through 15.

It was moved by Councilman Wright and seconded by Councilman Meacham that the plat for this subdivision be advertised for hearing on February 15th. Motion carried. (7 Councilmen voting "AYE.")

3.2 BEER RENEWAL Safeway Stores, Inc. 217 No. 7th St.

Safeway Stores, Inc. presented an application for renewal of their 3.2 beer license for their store at 217 No. 7th Street. It was moved by Councilman Colescott and seconded by Councilman Hadden that the application be approved and license granted when the state license has been received. Motion carried. (7 Councilmen voting "AYE.")

3.2 BEER APPLICATION Hearing 3-1-61 Donald I. Cherp dba PAD 307, 307 So. 12th Street

Mr. Donald I. Cherp presented an application for a 3.2 beer license for a new establishment to be known as Pad 307 located at 307 So. 12th Street. It was moved by Councilman Lowe and seconded by Councilman Wright that the application be advertised for hearing on March 1st. Motion carried. (7 Councilmen voting "AYE.")

REV. PERMIT Elmer Nelson, Bar X Motel for water lines - granted

Mr. Elmer Nelson of the Bar X Motel presented a request for a revocable permit for two private water lines to cross the alley north of North Avenue and east of 16th Street to connect to two buildings which he intends to have on the same utilities installation. It was moved by Councilman Lowe and seconded by Councilman Wright that the request be granted and revocable permit be drawn up. Motion carried. (7 Councilmen voting "AYE.")

BONDS APPROVED

It was moved by Councilman Colescott and seconded by Councilman Hadden that the following license bonds be approved and filed: Motion carried. (7 Councilmen voting "AYE.")

Cement Contractor

Raymond Huerta

Contractor (General)

Lyall E. Coulter
Earl Homer and Jack W. Drake dba Homer & Drake

Contractor (Special)

Lyle E. Oates
Clifford C. Robison dba Robison Roofing Co.
George Tilton

Electrical Contractor

L. E. Tuckness dba Advance Electric

Employment Agency

Jean Hawk dba Grand Junction Employment Agency

Gas Installer

Chester N. Lowe dba Lowe Plumbing and Heating

Junk Dealer

V. L. Ethington dba Ethington Iron & Metal Company

Pawn Broker

Donald D. O'Brien dba Credit Jewelry and Loans
Harold H. Shults dba Harold Shults Sporting Goods Store

Plumber (Contractor)

Chester N. Lowe dba Lowe Plumbing and Heating

ORD. 1127 PASSED Annexing Lot 3 Blk 1 Fairmount Sub (10 lots NW
Cor 13th & Pinyon)

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION. It was moved by Councilman Colescott and seconded by Councilman Wright that the Proof of Publication be accepted and filed. Motion carried. (7 Councilmen voting "AYE.")

It was then moved by Councilman Meacham and seconded by Councilman Wright that the ordinance be called up for final passage. Motion carried. (7 Councilmen voting "AYE.")

The Ordinance was then read and upon motion of Councilman Hadden and seconded by Councilman Colescott was passed, adopted, numbered 1127 and ordered published. Roll was called on the motion with all members of the Council voting "AYE.") The President declared the motion carried.

SPOMER CEMETERY SUIT Settled out of Court for \$4,000 R.E. Cheever to pay \$1,000

City Attorney Ashby reported on the Spomer cemetery case. He reviewed the background of the case wherein the City had moved the Spomer child's body without permission from the parents - the child having been buried in the wrong grave. The Spomers sued the City and R. E. Cheever, who was City Manager at that time, for the sum of approximately \$17,000 and the case was tried in District Court and was dismissed on the technical grounds that the Spomers had not proven all that their counsel had agreed should be proven in order for them to recover damages. The Spomers appealed the case to the Supreme Court and the Supreme Court reviewed the decision of the District Judge and sent the matter back for re-trial.

City Attorney Ashby stated that "the only defense which existed to the City of Grand Junction and Cheever was that no damages could be recovered by the Spomers for mental pain and suffering in the absence of their showing that the acts of the City or its agents, were willful and wanton. Until recently, willful and wanton in the law of the State of Colorado implied almost that the acts be done with evil intent or with malice. However, about a month before the Spomer case was argued in the Supreme Court, that Court handed down a decision in another matter, which very materially weakened the force of the term willful and wanton, reducing it almost to nothing more than a deliberate act.

"It is sincerely felt that with the present state of the law any defense to the Spomer action has been eliminated and that the only question remaining now is how much does the City and Cheever owe to the Spomers."

Mr. Cheever, his attorneys, Haynie and Mumby, and Mr. Lafferty, Attorney for the Spomers, and Mr. Ashby, City Attorney, had been negotiating a settlement out of Court and had agreed on the sum of \$4,000 damages to the Spomers. Mr. Cheever agreed to pay the sum of \$1,000.

It was moved by Councilman Hadden and seconded by Councilman Lowe that the Spomer case be settled by payment of \$4,000 to the Spomers from the contingency fund of the City with R. E. Cheever reimbursing the City for \$1,000 of such amount as has been

agreed. Roll was called on the motion with all members (excepting Councilman Love) of the Council voting "AYE." (Councilman Love requested that he be excluded from voting.) The President declared the motion carried.

To consider Cheever's atty fees at later date

Councilman Wright stated that Mr. Cheever called him and asked that the City pay his attorney's fee. The Council decided to consider this matter at a later date.

DUMP - LAND FILL CM authorized to sign lease with Wm. Jarvis et al

City Manager Lacy reported that he had negotiated a lease with Wm. Jarvis et al for a new land fill site on the Colorado River which will take care of the City's dumping for two to two and a half years. Mr. Jarvis has agreed to give a sixty foot right of way along the river which is included in the over-all plan for the City. The dump at the Painted Bowl on the Redlands will be closed as of February 15th, and the County and Mesa County Health Department have arranged for other dumps to be available for the burning of rubbish, large trees, etc. City Manager Lacy stated that the City would begin the collection of garbage and trash on a once a week basis as soon as the two new packer trucks arrive which should be within the next two weeks and that they should begin to operate the land fill dump at that time.

It was moved by Councilman Wright and seconded by Councilman Hadden that the City Manager be authorized to sign the lease with Mr. Jarvis et al. Motion carried. (7 Councilmen voting "AYE.")

GARBAGE CONTRACT with Phelps for \$100 mo. - CM authorized to sign

City Manager Lacy reported that Mr. Phelps, who has been hauling all of the garbage for the City of Grand Junction for the sum of \$18,000 per year, had agreed to continue hauling garbage from at least twenty commercial locations for the sum of \$100 per month and that at any time he gets less than twenty customers, the City would take over hauling all of the garbage.

It was moved by Councilman Meacham and seconded by Councilman Wright that the City Manager be authorized to negotiate and sign the lease with Mr. Phelps. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

REPORT ON NEW FIRE STATION PLANS

City Manager Lacy reported that consideration was now being given towards plans for the new fire station and that they were considering whether to hire a structural engineer or an architect

to design the building and suggested that this matter be laid over until the next meeting of the Council.

SELECTING CONSULTANTS FOR PROJECT PLANNING Govt Publications - to order 10 copies for Councilmen

It was moved by Councilman Lowe and seconded by Councilman Meacham that the City Manager secure ten copies of a booklet entitled "SELECTING CONSULTANTS FOR PROJECT PLANNING" put out by the Superintendent of Documents, Washington, D. C., which would aid the Council in selecting consultants for various governmental projects. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

WATER Contract with Turney for Micro-Strainer Filter Plant - \$4,000 - CM authorized to sign

Mr. W. F. Turney, Consulting Engineer was present and presented a contract in the amount of \$4,000 for designing a micro-strainer filter plant on the flowline which would cost approximately \$150,000. His fee of \$4,000 would take care of drawing up plans and specifications, notice to bidders, etc. If the City desires that he furnish the inspection for the construction of the plant, the contract provided that an additional sum of \$1,400 be paid to Mr. Turney. Some discussion of micro-strainer filter plants was had, and President McCormick stated that he had accompanied the City Manager and Public Utilities Director to Palisade to see their plant in action and that this was a very satisfactory installation. It was also brought out that Palisade's record on water for 1960 was the best and that consulting engineers all over the country were surprised at the efficiency of the micro-strainer plants. The State Health Department is very well pleased with their operation.

It was moved by Councilman Colescott and seconded by Councilman Hadden that when the contract has been approved by the City Attorney, that the City Manager and City Clerk be authorized to sign same on behalf of the City. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

ADJOURNMENT

It was moved by Councilman Meacham and seconded by Councilman Hadden that the meeting adjourn. Motion carried.

/s/Helen C. Tomlinson
City Clerk