

Grand Junction, Colorado

May 17, 1961

ROLL CALL

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

INVOCATION

The invocation was given by Rev. Ray Bringham, Pastor, First Church of God.

MINUTES

It was moved by Councilman Lowe and seconded by Councilman Wright that the minutes of the regular meeting held May 3, 1961 be approved as written. Motion carried.

HEARING Annexation - Pomona View Sub

This was the date set for hearing on the annexation of the Pomona View area in the northwest part of the City. A valid counter-petition had been presented and checked. City Attorney Ashby stated that the procedure would be, if the Council so desired, to pass the ordinance in the regular manner and upon final passage, the matter would be referred to the County Court and an election held under the Court's supervision to determine whether or not the resident landowners in the area desired to be annexed to the City.

Councilman Meacham stated that he did not wish to coerce anyone to come into the City if they did not wish to come in but wondered why the protesting petition had been filed. Mr. Theo Berneau stated that he had helped circulate the counter-petition and that a number of the residents felt that it was not economically feasible to take in such a small area; that sooner or later a much larger area would desire annexation and they felt it was better to wait until that time. President McCormick closed the hearing on the Pomona View annexation.

ANNEXATION McCoy Tract (40 Acres South of North Ave bet 28 1/4 & 28 1/2 Rds) - denied

Action on the proposed annexation of the McCoy tract (40 acres South of North Avenue between 28 1/4 and 28 1/2 Roads) had been

tabled for sometime. It was moved by Councilman Wright and seconded by Councilman Meacham that the request for annexation of the McCoy tract be denied. Motion carried. (7 Councilmen voted AYE)

ANNEXATION Petitions & Resol for Central Fruitvale (340 Acres NE to 29 Rd) - Instr No. 4037

The following petitions for annexation of a 340 acre tract in Fruitvale extending to 29 Road were presented:

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 Southeast Quarter Section 7 Township 1 South Range 1 East, U.M.

That part of the Northeast Quarter Section 18 Township 1 South Range 1 East U.M. lying North of Highway 6 and 24

The Northeast Quarter Northwest Quarter Section 18 Township 1 South Range 1 East U.M.

The Southwest Quarter Northeast Quarter Section 7 Township 1 South Range 1 East U.M. except that part which lies East of Indian Waste

That part of North Half Southeast Quarter Northeast Quarter Section 7 Township 1 South Range 1 East U.M. which lies North of Grand Valley Canal and West of Indian Waste

All in Mesa County, Colorado

Further described as follows: Beginning at the Northwest Corner South Half Northeast Quarter Section 7 Township 1 South Range 1 East, U.M. thence East along North line said South Half Northeast Quarter to intersection with Indian Waste; thence Southwesterly along said Indian Waste to intersection with South line said South Half Northeast Quarter thence East along said South line to East Quarter Corner said Section 7 thence South along East line said Section 7 to Southeast corner said Section 7 thence South along East line Section 18 Township 1 South Range 1 East U.M. to intersection with North line Highway 6 and 24 thence Southwesterly along said North line Highway 6 and 24 to intersection with East line West Half said Section 18 thence North along said East line to Southeast Corner Northeast Quarter

Northwest Quarter said Section 18 thence West along South line said Northeast Quarter Northwest Quarter to Southwest Corner said Northeast Quarter Northwest Quarter thence North along West line said Northeast Quarter Northwest Quarter to the Northwest Corner said Northeast Quarter Northwest Quarter thence East along North line Section 18 Township 1 South Range 1 East U. M. to the North Quarter Corner said Section 18 thence North along North-South center line Section 7 Township 1 South Range 1 East U. M. to Point of Beginning.

All in Mesa County, Colorado

As grounds therefor, the petitioners respectfully show to the said Council that the said territory is eligible for annexation in that it is not embraced within any city or town, that it abuts upon or is contiguous to the City of Grand Junction in a manner which will afford reasonable ingress and egress thereto, that more than one-sixth of the aggregate exterior boundary of the territory proposed to be annexed coincides with the existing boundary of the said City, and that the non-contiguous boundary of the said territory coincides with the existing block lines, street lines, or governmental subdivision lines.

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 more than fifty per cent of the area of such territory to be annexed and also comprise a majority of the land owners residing in the said territory; that a description of the land owned by each signer, together with his residence address and other descriptive facts are set forth hereafter opposite the name of each signer.

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

(See Petitions for Signatures)

The following Resolution was presented and read:

RESOLUTION

WHEREAS, a petition to annex the following-described property, to-wit:

The Southeast Quarter Section 7, Township 1 South, Range 1 East, Ute Meridian; that part of the Northeast Quarter of Section 18,

Township 1 South, Range 1 East, Ute Meridian lying North of Highway 6 and 24; the Northeast Quarter of Northwest Quarter of Section 18, Township 1 South, Range 1 East, Ute Meridian; the Southwest Quarter of the Northeast Quarter of Section 7, Township 1 South, Range 1 East, Ute Meridian except that part which lies East of Indian Waste; that part of the North Half Southeast Quarter Northeast Quarter of Section 7, Township 1 South, Range 1 East, Ute Meridian, which lies North of the Grand Valley Canal and West of Indian Waste, all in Mesa County, Colorado, further described as follows:

Beginning at the Northwest corner of the South Half of the Northeast Quarter of Section 7, Township 1 South, Range 1 East, Ute Meridian, thence East along the North line of said South Half of the Northeast Quarter to intersection with Indian Waste; thence Southwesterly along said Indian Waste to intersection with the South line of said South Half of the Northeast Quarter, thence East along said South line to the East Quarter Corner of said Section 7, thence South along the East line of said Section 7 to the Southeast Corner of said Section 7, thence South along the East line of Section 18, Township 1 South, Range 1 East, Ute Meridian, to intersection with the North line of Highway 6 and 24, thence Southwesterly along said North line of Highway 6 and 24 to the intersection with the East line of the West Half of said Section 18, thence North along the said East line to Southeast Corner of the Northeast Quarter of the Northwest Quarter of said Section 18, thence West along the South line of the said Northeast Quarter of the Northwest Quarter to the Southwest Corner of the said Northeast Quarter of the Northwest Quarter, thence North along the West line of the said Northeast Quarter of the Northwest Quarter to the Northwest Corner of the said Northeast Quarter of the Northwest Quarter, thence East along the North line of Section 18, Township 1 South, Range 1 East, Ute Meridian, to the North Quarter Corner of said Section 18, thence North along the North-South center line of Section 7, Township 1 South, Range 1 East, Ute Meridian to Central Fruitvale Annexation the point of beginning, all in Mesa County, Colorado.

has been filed with the City Clerk and is now presented to the City Council; and

WHEREAS, upon examination of the said petition and hearing the testimony presented, the City Council does hereby find: that the said territory is eligible for annexation to the City of Grand Junction; that the petition is signed by more than 50% of the owners of the area of such territory to be annexed and that the persons signing such petition also comprise a majority of the landowners residing in the territory at the time said petition was filed with the City Clerk; that there is attached to the said petition four copies of a map or plat of such territory which is

suitable for filing; that the said petition and maps are sufficient and substantially meet the requirements of Section 2, of Chapter 314, Session Laws of Colorado, 1947:

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

That the said petition for annexation shall be, and the same is hereby, accepted and approved; and that notice of the filing of the said petition shall be published once each week for four publications in the Daily Sentinel, the official newspaper of the said City of Grand Junction.

PASSED AND ADOPTED this 17th day of May, 1961.

President of the City Council

ATTEST:

City Clerk

It was moved by Councilman Wright and seconded by Councilman Hadden that the Resolution be passed and adopted as read. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried. (7 members voted AYE)

FORGET-ME-NOT DAY May 20, 1961 Disabled American Veterans

The Disabled American Veterans requested permission to sell Forget-me-nots on the downtown streets on May 20, 1961. It was moved by Councilman Hadden and seconded by Councilman Lowe that the request be granted. Motion carried. (7 Councilmen voted AYE)

3.2 BEER RENEWAL Bimbo's Cafe 727 Third Ave. Granted

An application for renewal of 3.2 beer license for Steve Foster dba Bimbo's Cafe, 727 Third Avenue, was presented. 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 voted AYE)

PROP. ORD. Annexation - Pomona View Sub - (Northwest)

The following entitled proposed ordinance was presented and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION. It was moved by Councilman Lowe and seconded by Councilman Colescott

that the ordinance be passed for publication. Motion carried. (7 Councilmen voted AYE)

ORD. 1130 - Vacating Street in Yocum (Yockum) Subd.

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING A STREET IN YOCUM (YOCKUM) SUBDIVISION IN THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Meacham and seconded by Councilman Wright that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Wright and seconded by Councilman Meacham that the proposed ordinance be called up for final passage. Motion carried.

The ordinance was then read and upon motion of Councilman Wright and seconded by Councilman Love was passed, adopted, numbered 1130 and ordered published. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried. (7 Councilmen voted AYE)

ORD. 1131 Zoning 1st & Orchard - (Faith Annexation)

Councilman Wright asked to be excused while the ordinance concerning the zoning of First and Orchard Ave. was considered.

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING AND ADDING TO THE ZONING DISTRICT MAP, WHICH IS A PART OF CHAPTER 83 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO BY THE ADDITION OF CERTAIN LANDS TO SAID ZONING MAP AND THE ZONING THEREOF. It was moved by Councilman Colescott and seconded by Councilman Meacham that the Proof of Publication be accepted and filed. Motion carried. (6 Councilmen voted AYE)

It was then moved by Councilman Colescott and seconded by Councilman Love that the ordinance be called up for final passage. Motion carried. (6 Councilmen voted AYE)

Mr. John Knoll was present in the audience and asked that he be given a change to get the neighbors together and appear before the Council again concerning this zoning. He thought the matter could be handled in a much better manner than it had been, and if the Council would look the property over and talk to the neighbors, it would have a different opinion of what the rezoning is going to do to this area.

The ordinance was then read and upon motion of Councilman Hadden, seconded by Councilman Colescott, was passed, adopted, numbered

1131 and ordered published. Roll was called upon the motion with the following result:

Councilmen voting AYE: Hadden, Love, Colescott and Lowe

Councilmen voting NAY: Meacham and Pres. McCormick

The President declared the motion carried. Councilman Meacham, when he voted, assured Mr. Knoll that this matter was never cut and dried.

NEW FIRE STATION Alleged irregularities re selection of professional architect-engineer

After Mr. Wm. Barnes had been selected as the Consulting Engineer to design the new fire station, the Press and some citizens of Grand Junction felt that there had possibly been irregularities in the selection of Mr. Barnes.

City Attorney Ashby discussed with the Council the allegations which had been made concerning the irregularities in entering into a contract with William Barnes in regard to the designing of the Fire Station. He stated that the Charter provides that no Councilman may, through a contract with the City, benefit directly or indirectly. The inference had been made that there was some direct or indirect benefit to Councilman Wright or Councilman Lowe, or both, because of a relationship with Mr. Barnes. He first discussed the relationship between Mr. Barnes and Mr. Wright. He stated that he was certain that the Council had never been under any illusion in regard to the entire situation. He thought they knew from the beginning exactly what the situation was and that the action of the Council had been based upon the information which they had, and which was found to be substantially correct. Mr. Wright owns the building in which Mr. Lowe has the Wesco Electric business. Mr. Lowe is the lessee from Mr. Wright. In turn, Mr. Barnes sub-leases from Mr. Lowe. Under no stretch of the imagination does Mr. Wright receive any direct or indirect benefit as is contemplated by the law or Charter, merely because Mr. Barnes happens to be a sub-tenant in the building which Mr. Wright owns.

As to the relationship between Mr. Lowe and Mr. Barnes, Mr. Lowe is the landlord to Mr. Barnes. Mr. Barnes pays rent to him. In addition, Mr. Lowe formerly owned stock in Engineers and Constructors, which was acquired at the inception of the corporation, but he is not now and was not a stockholder in this corporation at the time Mr. Barnes contracted with the City for the designing of the Fire Station. The stock had been sold to two of the minority stockholders in Engineers and Constructors in exchange for a note. This is a bona-fide transaction and not a

subterfuge to hide a benefit to Mr. Lowe. The Charter provision means that the contract with the City in and of itself should provide the direct or indirect benefit. This does not mean that a pre-existing condition such as the rent which is owing, or the fact that a note is due on some particular stock would be made more certain of payment because of a City contract. Mr. Ashby did not feel that there is anything illegal or improper, under the Charter or law, with regard to the award of the contract to Mr. Barnes.

Councilman Meacham stated that he had been present at all of the meetings at which this matter of selection of an engineer or architect was discussed, and that at no time did Mr. Lowe promote Mr. Barnes for the contract. Mr. Barnes was chosen, not through influence of any one person, but through a thorough analysis of his qualifications. Mr. Meacham stated that he had every respect for Mr. Lowe and was positive in his own mind that Mr. Lowe would not place either himself or the Council in a position that would be embarrassing. He felt that everything had been "above board" in this matter.

Councilman Colescott stated that he felt everything had been done in a proper manner and endorsed what Councilman Meacham had said.

Councilman Hadden also endorsed Councilman Meacham's statement and said that the Council thought they were acting in the interest of the citizens and would save money for the taxpayers and get a good building, and he would not run away from their selection of Mr. Barnes.

President McCormick felt that Mr. Barnes would design as economical a building as possible.

City Manager Lacy stated that he felt it might be important for the record to show the exact procedure the Council of the City of Grand Junction, and many other City Manager cities, use in selecting consultants to design jobs. There are two alternatives: they can either say to the Manager, "Go select the consultant, using your own judgment," or the Council can request the Manager to draw up a procedure so that it can select the consultant for the particular job. No matter what sort of project, this is the usual way.

It has been the policy in Grand Junction, under previous managers, that the Manager proceed to select the Consultant. This was the procedure used, because of precedent, in selecting Mr. William Turney and Associates to design the Micro-strainer plant which the Council affirmed sometime ago. The same procedure was assumed to be used in this case, and upon the recommendation of the City Manager of this particular firm (which was made in the

best interests of the City) there were some rumblings from some of the other designing firms who felt that they did not have an adequate chance. City Manager Lacy thought that inasmuch as he was relatively new in Grand Junction, it was then up to the Council to re-affirm its position or to sanction the procedure used by him in determining what the best qualifications were for a consultant.

An elaborate and fully documented procedure was then instituted. Advertisements were placed in Denver papers as well as the local paper for qualified engineers and architects to come to Grand Junction to be considered. Six firms came and listened to an oral presentation which was followed up in writing as to what the City wanted. Five of these firms came and made a one-half hour oral presentation at a pre-arranged time, individually before the Councilmen. This was entirely documented by the City Clerk and is a matter of public record. Three firms were selected on the basis of this oral presentation and were asked to make a written proposal to the Council according to twelve specific questions which were designed so that the Council could use the information as a criteria in measuring the ability of the consultants. This is also a matter of public record and the comparison as compiled by the City Manager is in a special document. All of these records are available and have been examined by the members of the press, and anyone else who would care to see them may do so to determine whether or not the qualifications of the firm ultimately selected were not the most reasonable and in the best interest of the City of Grand Junction taxpayer.

I.D. #57 To Advertise for Bids on or before 6-21-61 Contingent on formation of District

City Manager Lacy stated that the hearing on the formation of Improvement District No. 57 will be held on June 14th and that prior to June 21, 1961, the Engineering Department would like to advertise for bids for the construction of the district so that it can be started as quickly as possible.

It was moved by Councilman Wright and seconded by Councilman Meacham that authorization be given for the advertising for bids for the construction of Improvement District No. 57 on or before June 21, 1961 (CONTINGENT ON THE FORMATION OF THE DISTRICT ON JUNE 14, 1961). Motion carried. (7 Councilmen voted AYE)

COUNCIL MEETING June 14 instead of June 7

City Manager Lacy also stated that the Colorado Municipal League Conference would be held in Colorado Springs on June 7-8-9; that he was on the nominating committee and that Pres. McCormick was on the resolutions committee, and he urged all members of the

Council to attend these meetings who could possibly get away. He suggested that the first regular meeting of the Council in June, being on the 7th of June, should be postponed until the 14th. It was moved by Councilman Meacham and seconded by Councilman Wright that the first meeting of the City Council of the City of Grand Junction for June be held on June 14, 1961. Motion carried. (7 Councilmen voted AYE)

RE-AFFIRM POLICY ON USE OF SWIMMING POOLS AND TENNIS COURTS

City Manager Lacy stated that the Council has been asked to re-affirm its 1960 policy on the use of the swimming pools by the Dolphins and other similar groups. He referred to a "Memo" which he had written to the Council on May 18, 1960, and upon which the Council had based its regulations for the use of the pools last year. He read the following points from his "Memo."

1. The organization must be non-profit organization and cannot be conducted by an individual as a form of business.
2. Membership in the group must be open to all, regardless of any restrictions such as race or dues. Organizations may ask their members to pay dues but may not exclude membership if such dues are not paid.
3. No special charge may be made by the group for the use by its members of the pool at the times allowed by City Council action. As a general rule the City will not charge use of the pool against season tickets for the particular day in which the pool is used by the group. However, all members of the group must either have a season ticket in their possession or purchase a single daily swim ticket for use with the group.
4. Times allowed for special groups cannot interfere with the normal pool use for public swimming, City-sponsored programs or other pool maintenance or operation requirements. For example, pool personnel are authorized to give private lessons during the noontime break.
5. A qualified life guard acceptable to the City operator of the pool must be on duty while any group is using the pool and must be reimbursed by the group. This is often handled by arrangement between the group and one of the regular life guards.
6. The ultimate aim of the group must be for some general purpose which is desirable and in the best interest of the community.

Councilman Hadden reported that it had been brought out in a Recreation Board meeting that there was some difficulty being encountered in the use of the tennis courts. It was the consensus

of the Council that the same regulation should govern the use of the tennis courts as those for the use of the swimming pools.

It was moved by Councilman Meacham and seconded by Councilman Lowe that Mr. Ralph Stocker, Superintendent of Parks & Recreation, be given authority to administer the use of the swimming pools and tennis courts in accordance with the six-point factors set forth above. Motion carried. (7 Councilmen voted AYE)

CITY MGRS INSTITUTE Colo. Mun. League in Boulder

City Manager Lacy stated that he would be out of the City to Attend the City Managers' Institute in Boulder on Thursday and Friday, May 18th and 19th.

GOLF COURSE Committee meeting - 6-5-61

Councilman Meacham set a meeting for June 5, 1961 for the Committee appointed to look into the golf course fees; this meeting to be held with Mr. Sommers at the Golf Club House.

AIRPORT CONTROL TOWER on schedule

City Manager Lacy stated that construction of the Control Tower was on schedule and should be completed by June 15, 1961.

MESA CO. HEALTH BOARD Chas. H. Love to serve as member replacing Ray A. Meacham

President McCormick appointed Councilman Chas. H. Love to serve on the Mesa County Health Board in place of Councilman Meacham.

ADJOURNMENT

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

/s/Helen C. Tomlinson
City Clerk