

Grand Junction, Colorado

June 21, 1961

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p. m. Councilmen present and answering roll call were Arthur Hadden, Harry O. Colescott, Warren D. Lowe, Herbert M. Wright and President C. E. McCormick. Councilmen Ray A. Meacham and Chas. H. Love were absent. Also present were City Manager Lacy, City Attorney Ashby and City Clerk Tomlinson.

INVOCATION

Invocation was given by Rev. J. Paul Habliston, Pastor, St. Matthew's Episcopal Church.

MINUTES

It was moved by Councilman Hadden and seconded by Councilman Colescott that the minutes of the regular meeting held June 14th be approved as written. Motion carried.

I.D. #57 Bids for construction - Huerta & McKay Const Co - \$17,133 for sidewalks - Corn Constr Co \$78,637.60 for paving etc - Contracts awarded

Bids for the repair and construction of sidewalks and construction of paving, curbs, gutters, etc. in Improvement District No. 57 were opened at 10:00 a.m., and the following bids were tabulated: (See Tabulation of Bids - separate page)

It appeared that the low bidder for the sidewalk repair and construction was Huerta & McKay Construction Company with a bid of \$17,133.00. The low bidder for the improvements to streets and alleys was Corn Construction Company with a bid of \$78,637.60. It was recommended by the Engineering Department and City Manager that contracts be awarded to these two firms. It was moved by Councilman Wright and seconded by Councilman Hadden that a contract be entered into with Huerta & McKay Construction Company and Corn Construction Company as apparent low bidders for the improvements to be made in Improvement District No. 57. Motion carried. (5 Councilmen voted AYE.)

ANNEXATION PROCEDURE Eliminate 3rd consideration by Planning Commission

The Planning Commission recommended that in the annexation procedure, as adopted by the Council on July 18, 1960, one step

should be eliminated. The Planning Commission now considers every annexation three times. They feel that it is not necessary for the petition itself to be considered by them before it goes to the City Council.

It was moved by Councilman Lowe and seconded by Councilman Hadden that the Council approve the Planning Commission's request, and that the third presentation of the annexation petition to the Planning Commission be eliminated. Motion carried. (5 Councilmen voted AYE)

BOND ACCEPTED & FILED

The license bond for E. W. Albertson, dba Albertson's Floor Covering Installations (Contractor) was presented. It was moved by Councilman Wright and seconded by Councilman Colescott that the bond be accepted and filed. Motion carried. (5 Councilmen voted AYE)

3.2 BEER RENEWAL H. E. Colescott dba Colescotts', 551 South Ave.- granted

An application for the renewal of 3.2 beer license for H. E. Colescott dba Colescotts', 551 South Avenue was presented. It was moved by Councilman Hadden and seconded by Councilman Lowe that the application be approved and license issued when the State license has been received. Motion carried. (5 Councilmen voted AYE)

REVOCABLE PERMIT Mesa College for Electrical Feeder line - granted

The following Resolution including a Revocable Permit to Mesa College for an electrical feeder line was presented and read:

RESOLUTION

WHEREAS, Mesa County Junior College in Grand junction has made application to the City of Grand Junction for permission to construct and maintain Electrical Distribution Feeders of 4.16 K.V. capacity under the road right-of-way beginning five (5) feet West of the Southeast corner of Lot thirty-one (31), South Garfield Park Subdivision in the City of Grand Junction, Mesa County, Colorado, thence Southeasterly to the Northwest corner of the Mesa College Campus. Such installation to be in transite conduit, encased in concrete, with the bottom depth to be at least 36 inches; and,

WHEREAS, said Mesa County Junior College has filed a plat of such construction with the City Engineer and said City Engineer has

approved said plat and the application by said Mesa County Junior College; and,

WHEREAS, the City Council is of the opinion that the installation of such facility would not be detrimental to the use of the highway right-of-way involved.

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

That the City Manager, on behalf of the City and as the act of the City, be, and he hereby is, authorized to grant a revocable permit to Mesa County Junior College in Grand Junction, permitting the College to install and maintain such electrical distribution feeders in accordance with the plat of such construction filed with the City Engineer, with the further requirement that the College indemnify the City and save it harmless from any and all claims of whatever nature arising out of the construction, maintenance, use and operation of said electrical distribution feeders.

Instr #4041 Rev Pmts

REVOCABLE PERMIT

WHEREAS, Mesa County Junior College in Grand Junction has made application to the City of Grand Junction for permission to construct and maintain Electrical Distribution Feeders of 4.16 K.V. capacity under the road right-of-way beginning five (5) feet West of the Southeast corner of lot thirty-one (31), South Garfield Park Subdivision in the City of Grand Junction, Mesa County, Colorado, thence Southeasterly to the Northwest corner of the Mesa College Campus. Such installation to be in transite conduit, encased in concrete, with the bottom depth to be at least 36 inches; and,

WHEREAS, the City Engineer has approved this application and the City Council is of the opinion that the installation and maintenance of such facility would not be detrimental to the use of the highway right-of-way involved and has directed the City Manager to issue a permit for such construction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted a revocable permit to Mesa County Junior College to install and maintain the electrical distribution feeders above described in accordance with the directions of the City Manager; provided that the said permit may be revoked by the City Council at its pleasure at any time; provided further that

Mesa County Junior College shall install and maintain the electrical distribution feeders returning the right-of-way to its proper condition after such installation or any maintenance of said feeders; provided further that Mesa County Junior College shall agree to indemnify the City and save it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising or resulting from the installation, maintenance or use of the said electrical distribution feeders.

Dated this 21st day of June, 1961. (Not recorded. Not properly Signed)

(Signed) J. M. Lacy
City Manager

We hereby agree that we will abide by the conditions contained in the above permit and that we will indemnify the City and hold it harmless from all claims as recited in the foregoing revocable permit.

MESA COUNTY JUNIOR COLLEGE
By _____

It was moved by Councilman Lowe and seconded by Councilman Hadden that the Resolution be passed and adopted. Roll was called on the motion with all members of the Council present voting AYE. The President declared the motion carried. (5 members voted AYE)

IMPROVEMENT DIST. #57 Resolution

The following is taken from a memorandum from Carl Alstatt, City Engineer, to City Manager Lacy regarding the amount of bonds to be issued for the payment of improvements in Improvement District No. 57:

"For the purpose of buying bonds to finance the District, I would recommend the following amount showing the breakdown as follows:

Contract (Huerta & McKay)	\$ 17,133.00
Contract (Corn Const. Co.)	<u>78,637.60</u>
Total Contract Cost	\$ 95,770.60
Materials to be furnished by the City, Over-run and unforeseen contingencies	<u>9,600.00</u>
Total Construction Cost	\$105,370.60
Engineering Cost	6,329.40

Attorney's Fees, Bond Costs, Abstracting and Publications	<u>9,800.00</u>
Total District Cost to be Financed by Bonds	\$121,500.00"

The following Resolution was presented and read:

RESOLUTION

PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS OF IMPROVEMENT DISTRICT NO. 57

WHEREAS, on the 14th day of June, 1961, the City of Grand Junction, Colorado, adopted a resolution creating Improvement District No. 57 within said City;

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

1. That for the purpose of paying the cost and expenses of constructing improvements in said Improvement District No. 57, including engineering, inspection and other incidental expense, the City shall issue public improvement bonds of said Improvement District No. 57, dated the 1st day of July, 1961, in the denomination of \$1,000.00 each, numbered 1 to 122 inclusive, due and payable on the 1st day of July, 1971, subject to call and payment however, at any time prior to the maturity of said bonds, said bonds shall bear interest at the rate of four per cent (4) per annum, payable semiannually on the 1st day of January and the 1st day of July of each year, as evidenced by coupons to be attached to said bonds. The principal of, and interest on, said bonds being payable at the office of the City Treasurer of the City of Grand Junction, Colorado, the said bonds shall be signed by the President of the City Council, sealed with the seal of said City and attested by the City Clerk; the coupons shall be signed with the original or facsimile signature of the City Treasurer, and when so executed said bonds shall be registered by the City Treasurer.

2. Said bonds shall be payable out of the proceeds of a special assessment to be levied upon the real estate situate in the City of Grand Junction, in said improvement district, especially benefited by said improvement, and shall also be payable out of available proceeds of an annual one mill tax to be levied on the taxable property in said City, pursuant to People's Ordinance No. 27 of said City, which tax was voted and authorized to make up deficits in special improvement district funds.

3. Said bonds, the coupons to be attached thereto and the registration certificate to be endorsed thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF COLORADO

COUNTY OF MESA

CITY OF GRAND JUNCTION

PUBLIC IMPROVEMENT BOND IMPROVEMENT DISTRICT NO. 57

NO. _____ \$1,000.00

The City of Grand Junction, County of Mesa, State of Colorado, for value received, acknowledges itself indebted and hereby promises to pay to the bearer hereof, the sum of

ONE THOUSAND DOLLARS

in lawful money of the United States of America, on the first day of July, 1971, subject to call and payment, however, at any time prior thereto with interest thereon from date until payment according to the interest coupons hereto attached, payable semi-annually on the first day of January and the first day of July each year, both principal and interest being payable at the office of the City Treasurer in Grand Junction, Colorado, upon surrender of the attached coupons and this bond as they severally become due, or are called for payment.

This bond is issued for the purpose of paying the cost of local improvements in Improvement District No. 57 in the City of Grand Junction, by virtue of, and in full conformity with, the Constitution and laws of the State of Colorado, the Charter of the City of Grand Junction, and requisite resolutions and ordinances of the said City, duly adopted, approved, published and made laws of said City prior to the issue hereof.

This bond is payable out of the proceeds of a special assessment to be levied upon real estate situate in the City of Grand Junction, in said Improvement District No. 57, especially benefited by said improvement, and is also payable out of available proceeds of an annual one mill tax to be levied on the taxable property in said City, pursuant to People's Ordinance No. 27 of said City, which tax was voted and authorized to make up deficits in special improvement district funds, and the amount of the assessments upon real estate in said District for the payment hereof, with the accrued interest, shall be a lien upon said real estate in the respective amounts to be apportioned to said real

estate, and assessed under the Charter and ordinances of said City.

It is hereby certified and recited that the total issue of bonds of said City for said District including this bond, does not exceed the estimate of the City Engineer of the cost of said improvements, nor the amount authorized by law, and it is further hereby certified and recited that every requirement of law relating to the creation of said Improvement District No. 57 and the making of said improvements and the issuance of this bond has been fully complied with by proper officers of said City, and that all conditions required to exist and to be done precedent to and in the issuance of this bond, to render the same lawful and valid, have happened, been properly done and performed, and did exist in regular and due time, form and manner, as required by law.

IN TESTIMONY WHEREOF, the City of Grand Junction has caused this bond to be subscribed by the President of the Council attested by the City Clerk under the seal of the City, and the interest coupons hereto attached to be attested by the facsimile signature of the City Treasurer, as of the 1st day of July, 1961.

President of the City Council

ATTEST:

City Clerk

(Form of Coupon)

NO. _____ \$ _____

On the 1st day of January/July A.D. 19_____, the City of Grand Junction, Colorado will pay the bearer

_____ Dollars

in lawful money of the United States of America, at the office of the City Treasurer, in Grand Junction, Colorado being six months' interest on its local public improvement bond of Improvement District No. 57, provided the bond to which this coupon is attached has not been called for prior payment.

Attached to bond dated July 1, A. D. 1961.

No. _____

City Treasurer

(Registration Certificate)

It is hereby certified that the within and foregoing bond has been registered in a suitable book kept for that purpose in the office of the City Treasurer of the City of Grand Junction, Colorado, in accordance with the laws and ordinances under which the same is issued.

Dated at Grand Junction, Colorado, this _____ day of _____, A. D. 1961.

City Treasurer

The City Clerk is hereby authorized and directed to have printed the bonds authorized by this Resolution and when the same have been executed, to deposit the same with the City Treasurer, who shall deliver them to the lawful purchaser thereof, on receipt of the purchase price.

ADOPTED AND APPROVED THIS _____ day of _____, A. D. 1961.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Colescott and seconded by Councilman Lowe that the Resolution be passed and adopted as read. Roll was called on the motion with the following result:

Councilmen voting AYE: Herbert M. Wright, Arthur Hadden, Harry O. Colescott, Warren D. Lowe, President C. E. McCormick

Councilmen voting NAY: None

All Councilmen present voting AYE, the President declared the motion carried.

WATER Ute Conservancy Dist. Report on Withdrawal from district

City Attorney Ashby reported on the matter of withdrawal of areas from the Ute Water Conservancy District. Several persons who own property in recently annexed areas have requested that the City

do what it can to get their properties withdrawn from the Ute Water Conservancy District.

The Council is aware of the statute providing for the removing of acreage from water conservancy districts. Mr. Ashby stated that the State statute is very difficult to interpret, and that he had requested an opinion from Mr. Dunbar, Attorney General, but had received no reply to his request. He stated that if the Council desired, he would draw up the necessary papers to be presented at the next Council meeting in accordance with the State statute and attempt to remove the lands from the Ute Water Conservancy District.

Several of the Councilmen commented that a good many people did not know that they were in the Ute Conservancy District, and they felt the Council was under obligation to do what it could to assist in this matter. It was felt that there would be changes made in the boundary lines of the district anyway.

It was moved by Councilman Lowe and seconded by Councilman Hadden that the City Attorney be instructed to go ahead and prepare the necessary papers as he had pointed out the procedure to them. Roll was called on the motion with all members of the Council present voting AYE. The President declared the motion carried. (5 Councilmen voted AYE)

PROPERTY Authorize Lease to Royal Motel for land South of Fire Station #2

City Manager Lacy reported on the matter of rental of the area near the Fire Sub-station to the Royal Motel. He stated that he had contacted Mr. Settle in regard to a lease for land south of Fire Station No. 2 at 18th and Glenwood. Mr. Settle wishes to use this property for parking and wants to black-top the area. The City did not need, and probably would derive no benefit from the black-topping. City Manager Lacy stated that amortizing the cost of black-topping this lot over a five-year period would cost approximately \$20.00 per month, but that he and Mr. Settle had arrived at a compromise whereby the City would amortize one-half of the cost of the improvement over a five-year period at \$10.00 per month. The lot had been appraised for a rental of \$45 per month - deducting the \$10 would leave a rental fee of \$35.00 per month. The lease would be up for renewal and re-negotiation at the end of the five-year term and would have a suitable cancellation clause and amortization would be worked out and fully understood in case the lease was canceled before the five-year period.

It was moved by Councilman Wright and seconded by Councilman Hadden that the City Manager be authorized to enter into a

contract and to sign same with Mr. Edward Settle of the Royal Motel upon terms as discussed above; the rental fee to be \$45 per month if the lot is not black-topped and \$35.00 if Mr. Settle black-tops it; the lease to be re-negotiated at the end of five years and to have a suitable cancellation clause. Motion carried. (5 Councilmen voted AYE)

RE-CLASSIFICATION OF Trash Crewman-Resolution

City Manager Lacy reported that when the 1961 budget was drawn up the matter of the sanitation program was experimental and not completely set up and when the position classifications were made in the implementing documents of the budget, the Trash Crewmen were set up in Ranges 3 and 4 and he had promised that if the men would cooperate and provide for weekly trash pick-up, he would bring to the Council a request for a change in their classifications to Ranges 4 and 5. The men have done an excellent job, and with the help of the public, are providing a weekly pick-up and are now entitled to this change in classification. The following Resolution was presented and read:

RESOLUTION

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

That the Supplementary Resolution to the 1961 budget of the City of Grand Junction establishing the position and salary ranges for the employees of the City of Grand Junction be amended to provide that the position of Trash Crewman #2 be re-classified to salary range number four and that Trash Crewman #1 be re-classified to salary range number five, effective July 1, 1961.

It was moved by Councilman Colescott and seconded by Councilman Lowe that the Resolution be passed and adopted as read. Roll was called on the motion with all members of the Council present voting AYE. The President declared the motion carried. (5 Councilmen voted AYE)

INDIAN WASTE DITCH City to co-ordinate Agencies on Improvement for flood control

City Manager Lacy reported on efforts toward improvement of Indian Wash. He stated that the Reclamation Bureau is planning to build a flood control dam at the upper reaches of Indian Wash which would cost in the neighborhood of \$100,000 and is asking the local authorities - County, City and Drainage District - to assure them that certain other steps will be taken on the channel so that there will be no more flood damage if big rains do come.

In order to do this, they need some agency to co-ordinate the sponsoring of the various agencies to undertake

1. The widening and enlarging of the capacity of the bridge at Kennedy Ave.
2. The channel from North Avenue to Grand Avenue be improved as it was supposed to have been improved when the area North of North Avenue was improved.
3. That continual maintenance be set as a responsibility of one of the appropriate sponsoring agencies.

These three things were brought out in a meeting on April 1st with the Reclamation Bureau to be worked toward in the Grand Junction area. About a year ago, Mr. Wallace Downer of the Grand Junction Drainage District, the County and City indicated that this was necessary and Mr. Downer felt that the Drainage District was willing to take over the responsibility of the maintenance of this area because they had the facilities to do this work. This also involves the Grand Valley Irrigation Company turning over money they received from the Federal Government sometime ago for cleaning out the channel, and which has never been done. The money could be turned over to the Drainage District, and they would undertake the work. The ground work has been well laid, but it needs to be coordinated, and the City has been asked to co-ordinate all of the agencies so that the work can be completed by July, 1962. Someone needs to take the leadership if the work is to be done and the flood control dam constructed.

It was moved by Councilman Lowe and seconded by Councilman Hadden that City Manager Lacy be authorized to write a letter, endorsed by the City Council, saying that the City will act as the co-ordinating agency to assure that the program is completed by July 1, 1962. Motion carried. (5 Councilmen voted AYE)

ADJOURNMENT

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

/s/Helen C. Tomlinson
City Clerk