

Grand Junction, Colorado

October 4, 1961

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock p.m., October 4, 1961. Councilmen present and answering roll call were Love, Colescott, Lowe and President McCormick. Councilman Wright arrived shortly after roll call. Councilmen Meacham and Hadden were absent. Also present were City Manager Lacy, City Attorney Ashby, and Blanche G. Stringer in place of Helen C. Tomlinson, City Clerk, who was absent.

INVOCATION

The invocation was given by Rev. Howard Manning, Presbyterian Board of National Missions.

MINUTES

It was moved by Councilman Colescott and seconded by Councilman Lowe that the minutes of the regular meeting held September 20th be approved as written. Motion carried. (4 Councilmen voted AYE)

WATER Reject all bids to improve Hallenbeck Reservoir

City Manager Lacy stated that at the last Council meeting the Council had deferred awarding a contract for the enlarging of the Hallenbeck Reservoir because of the wide spread in bids, and it was felt that other areas needed to be investigated. As it now appears, because of the unseasonable weather, it will be too late to begin this work and get it done in time for the spring run-off next year. Second, with the micro-strainer plant being built and to be in operation next year, it might be better to improve the Reeder Reservoir which would be used to feed the micro-strainer plant and which would minimize even further the murkiness of the water. Third, because of the early winter, the reservoir did not empty out as expected and is now catching water which would have to be released to make improvements in the reservoir. The need is not critical enough to dump all of this water. It was recommended by Mr. J. A. Burton, Director of Public Utilities, and City Manager Lacy that this work not be done this fall and the Council reject all bids received September 18th which is the Council's prerogative under the advertisement for bids for this project.

Councilman Colescott stated that he felt the same way and thought that the gates and other mechanisms of operation at the reservoir were in bad shape and should be worked over. It was moved by

Councilman Colescott and seconded by Councilman Lowe that all bids submitted on September 18th for the improvement of the Hallenbeck Reservoir be rejected. Motion carried. (4 Councilmen voted AYE)

WEED CUTTING CHARGE by Nellie Jones - denied

Mrs. Nellie Jones appeared before the Council to protest a bill she had received from the City for cutting weeds on two properties she owns; one at 218 North First Street and the other at 142 Rood Avenue. She stated that she had received notices to cut these weeds and she had hired Mr. Owens who had cut and sprayed all of the weeds on the properties and then the City weed crew came along and claimed to have cut weeds on the properties when there were no weeds to cut. Mr. Owens was present and stated that he had cut and sprayed all of the weeds on these properties.

City Manager Lacy read a memorandum prepared by Homer E. Young, Office Manager, which stated that the initial survey for the property at 218 No. First Street had been made on July 7th and the notice delivered and signed for the 15th of July. The second survey was made the 27th of July and as there were still weeds that needed cutting, the weeds were cut the same day for a total cost to the City of \$9.13 for which Mrs. Jones was charged \$8.00. The property at 142 Rood had its initial survey on the 11th of July and notice was delivered and signed for on the 14th of July. The second survey was made the 26th day of July and, as there were still weeds that needed cutting, they were cut the same day for a cost to the City of \$9.13 for which Mrs. Jones was charged \$8.00.

City Manager Lacy stated that the ordinance requiring weed cutting by July 1st does not require that the City send any notice. It appeared that apparently Mrs. Jones and Mr. Owens felt the weeds had been adequately cut but obviously the weed crew felt they were not adequately cut.

Councilman Lowe stated that these are sticky situations and there are questions on both sides; that it sort of parallels a traffic ticket case. This is a case where the City Manager and the City Council have to accept the word of the people they hire if it is not beyond reason, but possibly they should admonish them to be extremely careful about what they assess. By the same token, he felt the Council was not in any position to deviate from a policy or take any action that would cancel the decision of its people or reports turned in by them, therefore, he felt he was forced to move that the request be denied. Councilman Wright seconded the motion. Motion carried. (5 Councilmen voted AYE)

WATER BILL ADJUST. Accept ck \$6841 as partial payment of water bill of \$729.72 for Mesa Co. Canning Co.

City Attorney Ashby stated that at the last meeting of the Council he had advised the Council to hold on to the check of \$68.41 presented by the Mesa County Canning Company in payment of a water bill for \$729.72 to see if more funds are to be received from insurance policies. He had contacted Mr. Dick Williams who had suggested that the City go ahead and deposit the check as this particular check was not presented necessarily as full payment. It was payment out of the proceeds they had and City Attorney Ashby was assured that in the event the Company got more money, it will be prorated among the creditors.

City Manager Lacy stated that he would write a letter to the Mesa County Canning Company stating that the City would deposit the check with the understanding that it was not in full payment of the account.

VETERANS MEM. PARK P.I.A.B. endorses City-County acquisition of property

City Manager Lacy read the following letter from the Park Improvement Advisory Board:

"September 21, 1961

"Mesa County Commissioners and
Grand Junction City Councilmen
Grand Junction, Colo.

"Gentlemen:

"At the regular meeting of the Park Improvement Advisory Board on September 20, 1961 the matter of Veteran's Memorial Park on Orchard Mesa was discussed. It appears that this facility will soon be disposed of by the Veterans organization in one way or another.

"The wide range of recreational, cultural and promotional purposes to which this area lends itself were thoroughly considered. It was unanimously agreed that every effort should be made by the appropriate agency to see if Veteran's Park can be acquired for public usage. The most logical initial use would probably be a county fair grounds facility, however this lends itself to multiple use development and would only be a start in the right direction.

It was moved, seconded and unanimously passed that the Mesa County Commissioners should be urged to investigate all possibilities of acquiring the property and that the City Council be urged to lend their support in any way possible to help save this property for public usage.

"You are assured of all possible support of the Park Improvement Advisory Board in any way that we can help.

"FOR THE PARK IMPROVEMENT ADVISORY BOARD:

"JOE M. LACY,
Secretary

"JML/hm"

Councilman Wright stated that he had the dubious distinction of being one of the Trustees of the Intermountain Veterans Memorial Park Association and had attended some of the meetings held in regard to disposal of the property. The Park was developed by contributions from a number of counties in Colorado and Utah. Records of these contributions have been kept, and the Trustees will make the determination of how the proceeds are to be distributed. If the proceeds are received in cash, they will be invested and the returns would be distributed in accordance with the contributions by the various counties. He said if the City and County do consider this, he thought it would not have to be purchased in cash but on a ninety-nine year basis or a long term purchase with the interest and payments being distributed to the various veterans' organizations. It appeared that the Board of Trustees were more interested in an annual income from it that could be distributed in accordance with the charter and by-laws. An appraiser has been employed to make an appraisal of the property to try to determine the basis for entering into some sort of agreement with the purchaser. He felt it is an ideal location for a park with water and other facilities already in and if it wasn't for the taxes, it would be practically self-supporting, at least as far as a caretaker and maintenance is concerned, from the sale of hay and other small crops that are taken from the farm part of the property.

President McCormick stated that no decision had to be made at this time as this matter was in a state of flux.

BONDS APPROVED

The following bonds, being on the approved forms, were presented for approval:

CONTRACTORS (General)

Mathew M. Carroll dba Home Improvement
James M. Cross
Cecil Moore

CONTRACTORS (Special)

Neilson Plastering Inc. of Utah
Robert C. Bolibaugh dba Western Porcelain Engr of Denver

GAS CONTRACTOR

Lee Eby

It was moved by Councilman Colescott and seconded by Councilman Wright that the bonds be accepted and filed. Motion carried. (5 Councilmen voted AYE)

PROP. ORD. Vacating N/S Alley - Blk 138 - east of Police Station, 6th & Ute

The Planning Commission at its meeting held Sept 27th recommended the vacation of the north-south alley in Block 138 by the City jail and the sale of adjacent city property to the County.

The following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING A PORTION OF ALLEY-WAY IN BLOCK 138 IN THE CITY OF GRAND JUNCTION, COLO. It was moved by Councilman Wright and seconded by Councilman Colescott that the ordinance be passed for publication. Motion carried. (5 Councilmen voted AYE)

City Attorney Ashby stated that a survey had been made of the land the County will need in addition to the half of the right of way of the vacated alley, and he had discussed the matter with Mr. Tom Younge, County Attorney, who was of the same opinion as he, that the only way the City can convey a clear title to the land is to hold an election. There is some haste on this matter as the County Commissioners have hired an architect and are going ahead with their plans to build a county jail next to the city jail.

City Manager Lacy stated that he was working up a charge for the land on the basis of the same square footage as it cost the City to buy the property in the first place which comes to something less than \$3,000 for the tract they need which is some 14 feet wide and full depth of the lot. This doesn't include the portion of the alley vacated as the City had no cost for it. It was his understanding that the County is willing to pay for this election. If the City has other items to be on it, it should bear part of the cost; if theirs is the only item on the election, the cost should be somewhat less than \$1,200 which should be borne by the County. He stated no action was necessary until he gets a firm figure and knows for sure that this meets with the approval of the County Commissioners.

PLANNING COM MINUTES

Some discussion was had on the recommendations of the Planning Commission on the vacation of several other alleys. President McCormick suggested that each Councilman make a personal inspection of each property listed in the Planning Commission minutes of September 27th so he will have an understanding of what is proposed when these changes come up at the next Council meeting.

City Attorney Ashby suggested that for the benefit of the Council sometimes the Planning Commission Minutes do not show exactly what is being vacated so the members of the Council can go to the map and locate it. He suggested that they show both the common description (the lay-man's) and the legal description.

ORD. 1140 PASSED Adopting by reference 1961 Uniform Bldg Code

City Attorney Ashby stated that at the meeting of the Council on August 2 all members of the Council except Mr. Wright who was absent had affirmed by affidavit that they had read the 1961 building code. Councilman Wright affirmed that he too had read the 1961 building code.

It was moved by Councilman Love and seconded by Councilman Colescott that the second reading of the 1961 Edition of the Uniform Building Code be dispensed with, and that the Affidavit of the Councilmen previously presented (on August 2, 1961 - page 14) be accepted in lieu thereof with such affidavit appearing in the minutes of this meeting. Motion carried. (5 Councilmen voted AYE)

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE ADOPTING BY REFERENCE, THE 1961 EDITION OF THE UNIFORM BUILDING CODE PROMULGATED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS SUCH CODE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, CONVERSION, DEMOLITION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF BUILDINGS OR STRUCTURES IN THE CITY OF GRAND JUNCTION, COLORADO, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND SETTING OUT IN FULL THE PENALTY PROVISIONS THEREIN CONTAINED. It was moved by Councilman Love and seconded by Councilman Colescott that the Proof of Publication be accepted and filed. Motion carried. (5 Councilmen voted AYE)

It was moved by Councilman Colescott and seconded by Councilman Lowe that the ordinance be called up for final passage. Motion carried. (5 Councilmen voted AYE)

The ordinance as then read and upon motion of Councilman Love and seconded by Councilman Lowe was passed, adopted, numbered 1140 and ordered published. 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)

OPERATION FORESIGHT Hearing Oct. 18

City Manager Lacy stated that he was continuing to show the program on "Operation Foresight", and it is continuing to get enthusiastic endorsement; many questions are being asked and many are being answered. He was sure that all Councilmen were familiar with the newspaper report of the special meeting of the "Operation Foresight Committee" yesterday morning at which time they recommended the program. The Planning Commission will consider it tomorrow morning at a special meeting. In light of this and an apparent desire on the part of the property owners involved so they can make up their minds whether to sign the petitions for it or not, he suggested that the Council ask that its hearing, which is not a legally required hearing as such, be held on Oct. 18th which is the next regular Council meeting. After the hearing the Council will be asked to either go along with the Planning Commission recommendation as it is presented or by resolution modify it and then go along with it or not go along with it at all.

This, of course, he stated affects the City budget which is right in the last throes of the final preparation of the first draft for consideration by the Council so the action now is if the Council wishes to do so is to go on record as setting the hearing and urging the people who wish to be heard on this plan to attend the next meeting on October 18 and be heard on "Operation Foresight."

The Council will then have its report from the Citizens Committee and the Planning Commission and will then make up its mind so that the petitions can be gotten out in whatever form the Council wishes.

President McCormick stated that he thought the Council wants to hear from everyone on this matter. Personally, he said, he would like to hear what some of the people from out in the County who come to shop in Grand Junction think of the plan. He thought it would be a very fine idea if the Council got a consensus from out-of-county visitors . . . He stated he thought this matter had been handled much the same as the new zoning code had been

handled. He felt it was essential to point out again that this is the people's decision. It is not the Council's. He stated he certainly would very much welcome a heavy attendance at the next meeting. He said the Council would appreciate publicity from all publicity sources so that a good crowd would be here so that the Council can hear the pros and cons as they do not want to hear only one side.

City Manager Lacy said he would schedule this hearing as the first item on the agenda for the next meeting of the Council, Oct. 18, 1961.

ADJOURNMENT

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

Helen C. Tomlinson
/s/By Blanche G. Stringer