

Grand Junction, Colorado

February 6, 1963

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. February 6, 1963. Councilmen present and answering roll call were Meacham, Hadden, Love, Colescott, Lowe, Wright and President McCormick. Also present were City Manager Lacy, City Attorney Ashby and City Clerk Helen C. Tomlinson.

INVOCATION

The invocation was given by Rev. Henry Rische, Pastor, Lutheran Church of Messiah.

MINUTES

It was moved by councilman Hadden and seconded by Councilman Meacham that the minutes of the regular meeting of the City Council of the City of Grand Junction held on January 16, 1963 be approved as written. Motion carried. (7 AYES)

3.2% BEER LICENSE - G & J CAFE, 326 MAIN STREET, HENRY & SILVIA JOHNSON, & MYRTLE & L.R. GURNEY - GRANTED

This date had been advertised for hearing on the application of Henry and Silvia Johnson and Myrtle and L.R. Gurney dba G & J Cafe, 326 Main Street, for a 3.2 beer license. A letter from Chief of Police Karl Johnson was read which stated that his investigation failed to disclose any reason why they should not have a license. No protests had been filed with the City Clerk and no protests were made from the audience. It was moved by Councilman Love and seconded by Councilman Hadden that the application be approved and license granted when the State license has been received. Motion carried. (7 AYES)

LIQUOR LICENSE - LEE S. HUNT & JOHN O. SPENDRUP DBA POLAR BEAR LOUNGE, 2804 NORTH AVENUE - HEARING - POSTPONE DECISION TO NEXT MEETING

This date had been advertised for hearing on the application of Lee S. Hunt and John O. Spendrup for a restaurant liquor license to do business as the Polar Bear Lounge, 2804 North Avenue. This location was formerly known as J Bar C Lounge. Petitions had been filed previous to the meeting supporting the granting of a license

to Messrs. Hunt and Spendrup. The distribution of signers was shown on a map prepared by the City Clerk. Just prior to the meeting petitions protesting the granting of the license were filed with the City Clerk. Apparently there were those who had signed both for and against the issuance of the license. The hearing was opened.

Mr. William Johnson, 406 28 Road, spoke to the Council, and stated that a short time ago, he had presented a petition opposing the application of Mr. Pinger for a liquor license at this same location. The residents in the area are still concerned about having this lounge opened up again. Part of the area is outside the City limits and is patrolled only by the Sheriff's office. They have only two patrol cars, so can't spend much time there.

The petitions were signed immediately after the last meeting of the council, and no one was pressured into signing. They only show the wishes of the people. There are about 200 signatures.

Mr. Spendrup stated that in talking to the people within a four-block area 8% of the people were in favor of the granting of a drink and a meal, and would not cause any ruckus. The people who live next door and across the street are most closely concerned. Beyond that no one should be concerned as they would not be able to hear or see what was going on. The signatures of people farther away should not be considered, as they would only be for or against liquor. That is not the point to be decided, just the desires of the neighborhood.

Mr. R.N. Andrew, 2806 North Avenue, and just adjacent to the lounge, stated that the map given to the Council shows the location of residents who have signed in opposition to the granting of the license. No pressure has been put on anyone to sign. A majority of the property owners or inhabitants are not in favor of the granting of the license.

Mr. Spendrup called attention to other "letter of intent." He suggested that what was past should be past history and shouldn't count in considering the granting of this license. He showed plans, which have been approved by the Mesa County Health Department, for the remodeling of the building.

Mr. Ivan Kladder, Attorney for Messrs. Hunt and Spendrup, also asked the Council to consider the "letter of intent." The applicants understand that if they do not operate this business properly the license may be suspended or revoked. He suggested that the Council study the petitions carefully.

Mr. Johnson stated that the Royal Inn is located at 1810 North Avenue, which isn't very far away. He wondered if the need for this license had been proven.

President Mc Cormick closed the hearing.

President McCormick suggested that the Council should take time to study the petitions. It was moved by Councilman Wright and seconded by Councilman Lowe that the Council be given a study of the petitions, for and against, and that action on granting of the license be postponed until the next regular meeting of the Council. Motion carried. (7 AYES)

SAN SEWER DISTRICT #21 - RESOLUTION CREATING DISTRICT

This was the date set for hearing on the formation of Sanitary Sewer District No. 21. There were no protests filed, or comments made from anyone in the audience. President McCormick declared the District hearing closed. The following Resolution was presented and read:

R E S O L U T I O N

CREATING AND ESTABLISHING SANITARY SEWER DISTRICT NO. 21 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF A SANITARY SEWER WITHIN SAID DISTRICT AND PROVIDING FOR THE PAYMENT THEREFORE.

WHEREAS, on the 19th day of December, 1962, the City Council of the City of Grand Junction, Colorado, passed a Resolution adopting details, plans and specifications for Sanitary Sewer District No. 21 and authorizing notice of intention to create said District; and

WHEREAS, Notice to Create said District was duly published; and

WHEREAS, no written complaints or objections have been made concerning the proposed improvements;

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

1. That said Sanitary Sewer District No. 21 be, and the same is hereby hereby, created and established, and that construction of a sanitary sewer therein be, and the same is hereby, authorized and directed, in accordance with the details, plans and specifications prepared and filed therefore;

2. That the construction of the said sanitary sewer shall be made by contract let to the lowest reliable and responsible bidder, except that if it be determined by the City Council that the bids are too high, and that the proposed improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary material, supplies and equipment;

3. That the sanitary sewer in said District was duly ordered, after Notice duly given; that no remonstrance, protest or objection was filed against the creation or establishment of said District, or any of the proceedings adopted therefore; and that all conditions precedent and all requirements of the laws of the State of Colorado, the Charter of said City, said Ordinance No. 178, as amended, being Chapter 81 of the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, have been strictly complied with;

4. That the description of the sanitary sewer, the boundaries of said Sanitary Sewer District, the amounts to be assessed the number of installments and assessments, the time in which the cost shall be payable, the rate of interest on unpaid installments, and the manner of apportioning and assessing such cost, shall be as prescribed in the Resolution adopted for said District on the 19th day of December, 1962, and in accordance with the published Notice of Intention to Create said District.

5. That, after the construction of the sanitary sewer has been let, the Council shall, by a resolution, provide for the issuance of public improvement bonds for said Sanitary Sewer District No. 21 for the purpose of paying the cost and expenses of construction of said District.

PASSED AND ADOPTED this 6th Day of February, 1963.

President of the Council

ATTEST:

City Clerk

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

Councilmen voting AYE: Ray A. Meacham
Arthur Hadden
Charles H. Love
Harry O. Colescott

Warren D. Lowe
Herbert M. Wright
President Charles E. McCormick

Councilmen voting NAY: None

All of the Councilmen voting AYE on the motion, the President declared the motion carried, and the Resolution duly passed and adopted.

SANITARY SEWER DISTRICT #21 - TO ADVERTISE FOR BIDS 2-20-63

It was moved by Councilman Meacham and seconded by Councilman Hadden that City Manager Lacy be authorized to advertise for bids for the construction of Sanitary Sewer District No. 21; these bids to be opened at 10:00 o'clock a.m. on February 20, 1963. They will be considered at the Council meeting on February 20th. Motion carried. (7 AYES)

CATV - REX HOWELL EXPLAINS REQUEST FOR REVOCABLE PERMIT FOR CABLE TV FOR WESTERN SLOPE ELECTRONICS SYSTEMS, INC.

Mr. Rex Howell of Station KREX was present and spoke to the Council on the matter of cable TV which had been postponed from the previous meeting. He gave each member of the Council a statement which had recently been filed with the Federal Communications Commission by the Western Slope Electronics Systems, Inc. inasmuch as it represented the position his company is taking in respect to matters which had previously been under consideration before the Council. He stated there is a basic difference between what he and his associates hope to do, in the event the voters of the City see fit to extend this permit as a result of the election in April, and any of the plans previously discussed concerning Cable TV in the community.

Basically the difference is, they feel their obligation is to bring a choice of service to the people in the community rather than to supplant anything that is now available on the present free system. This is different from proposals made a number of years ago. At that time, CATV was planned as a means of bringing in all of the services including a complete duplication of services furnished by KREX and KREY.

Mr. Howell presented a statement which he had prepared for F.C.C. This was in the form of an amendment to adopt rules and regulations to govern granting of authorization for the type of micro-wave relay service required here for feeding this type of cable service. He stated that since he had appeared before the Council previously, the Federal Court in Idaho District had rendered a decision which does place into the hands of broadcasters a basic

property right in material which they buy from syndicated sources and from recorders. This matter was in litigation when CATV was previously considered in Grand Junction, and it had not been determined whether or not broadcasters had the right to restrict the use of programmed material once it had been transmitted. This decision may be appealed, but it is very important to broadcasters.

One of the primary functions of Western Slope Electronics Systems, Inc. is the construction and operation of community antenna systems. This term is usually employed to describe the importation of additional television signals into a community by micro-wave for distribution to home subscribers over coaxial cable. He said they recognized the proper jurisdiction of the F.C.C. in the licensing of all transmitters including those used for their purposes. He believed the F.C.C. may also have some jurisdiction over the cable system itself since it is a form of communication and does in fact employ common equipment and public utilities under F.C.C. jurisdiction referring to joint use of public telephone and electric utility poles.

Mr. Howell stated they believed the proper function of their service is to bring a choice of programming into the community rather than duplicating existing local service. They further recognize the fact that F.C.C. is charged with the responsibility of analyzing the impact of CATV upon local service and the inherent effects upon public interest that may result. His company has agreed to enter into an arrangement whereby no local programs will be duplicated unless said duplication is agreed to by the local station. They also plan to carry the local station signal fed directly into the cable, to assure optimum quality. He believed the proposed rule should permit duplication by agreement with the local station, or stations. This would preclude any damaging effects and yet leave a margin of freedom in such instances as a live performance which will not be carried until some later date on a filmed basis. In this case, should the live release jeopardize the availability for station viewers not connected with CATV, it would be the station's prerogative to delete the program from the cable until broadcast by the station.

It is planned to extend cooperation not only within Grade A service area but also Grade B and beyond even though it is a small market and could be damaging to the station.

Mr. Howell's presentation was in conformity with testimony furnished one of the sub-committees of the Foreign and Interstate Commerce Committee; that CATV should be licensed and not permitted to duplicate existing program services and not in any way impair service offered to viewers.

Mr. Howell stated that it would be necessary to feed KREX TV into the cable to simplify operation and it would make it less expensive for the viewers as they would not have to purchase outside antennas. He said they were affiliated with all three networks. They try to make selections of public interest and what programs seem to please the largest number of viewers, but can't satisfy everyone and are subject to some criticism. on the cable, they would carry all three major networks and also hope to bring in an educational channel.

President McCormick asked in case of another TV station in Grand Junction what would Mr. Howell's attitude be toward releasing matter they were carrying.

Mr. Howell stated they would have to agree not to duplicate their signal unless they took it from them and would not duplicate any of their programs from some other source.

Regarding the area to be served Mr. Howell stated they probably would serve the area closest to the studio first, but would cover as much territory as possible as rapidly as possible. They would extend their lines as rapidly as possible. The demand would have to be quite uniform.

As the Council was concerned with what it was going to cost, Mr. Howell stated that it would depend on how fast they could expand. They were estimating the costs at one half million dollars with a period of three years before they could break even. Probably, however the charge would be within the scope of other cities for the same service which was running from a high of \$10 per month to a low of \$7; or possibly somewhere between \$7 to \$7.50 per month. Sometimes there are high installation fees to pay for service, but they do not contemplate this. Until they know what it will cost to use utilities facilities, they will not know what the cost to patrons will be. They expect to have a good signal although plans are not complete on picking up the signal; they expect to have a good Grade A signal including color.

Mr. Pierce Nash asked Mr. Howell many questions concerning his organization, and then came up with the idea that the City should put in the television station and finance it by a mill levy. Mr. Howell explained the technicalities of this plan.

"Doc" Lemon, formerly of KEXO, asked Mr. Howell questions about the probability of another TV station coming into Grand Junction.

City Attorney Ashby stated that he had told Mr. Nash to consult with his Counsel and then he would talk to him. However, he stated that there is a bill that the City could own and operate a certain type system with public funds. Mr. Nash wished to know what approach should be used to

bring it before the Council with the idea in mind to present it to the electorate at the same time that the revocable permit is submitted in order to give a possible alternate choice to the voters. There is nothing in the law that requires this to be submitted to the voters. If the matter were put on the ballot, it would come to the Council only as a directive; nothing mandatory. It probably could be put on the ballot and would give a choice of approaches. The Council would not be bound by vote and there would be no particular importance in the election on the City, or City and County owned station. If Mr. Howell spends \$500,000 on this project, it very possibly would not be possible to get a City-owned system. Mr. Ashby suggested that Mr. Nash get an attorney and present facts and figures at the next meeting and it could be put on the ballot if the Council desires. This system is a translator system, and it was suggested that the money come from the Recreation Fund. Mr. Nash said they have this system in Price, Utah, and it costs sixty-seven cents per person per year. Mr. Howell stated that in an effort to find out if there was a signal available in this area, that they could pick up, they had pretty well combed the mountains. Price is about the closest place they could pick up a signal. There is no place nearer than one hundred miles where a signal could be picked up. The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS Western Slope Electronics System, Inc. of Grand Junction, Colorado, has applied to the City Council of the City of Grand Junction for a Revocable Permit to use the streets and alleys of the City for the installation, operation, and maintenance of a Cable Antenna Television System within the City; and

WHEREAS, Section 127 of the Charter of the City requires that such application be submitted to the qualified electors of the City for a vote thereon;

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

That there be submitted to the qualified electors of the city, at the general Municipal Election to be held on April 2, 1963, the following proposition:

Shall the City Council of the City of Grand Junction, Colorado grant a Revocable Permit to Western Slope Electronics, System, Inc., to permit that company to use streets and alleys within the City for installation, operation, and maintenance of a Cable Antenna Television System, the City receiving Two Per Cent (2%) of the gross receipts derived by the Company from such operation within the City.

PASSED AND ADOPTED this 6th day of February, 1963.

President of the City Council

ATTEST:

City Clerk

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

DAYS - FORGET-ME-NOT TO BE 4-27-63

A letter from the Disabled American Veterans, Chapter No. 9, requesting permission to sell forget-me-nots on City streets during band tournament was read. On questioning the representatives of this organization who were present, it was found that they wished only to have the 27th of April. It was moved by Councilman Meacham and seconded by Councilman Hadden that permission be granted D.A.V. Chapter 9, to sell forget-me-nots in Grand Junction on April 27, 1963. Motion carried. (7 AYES)

AIRPORT - SELL PORTION LAND TO STATE HIGHWAY FOR INTERSTATE HIGHWAY FOR \$6,740.00

At the last meeting of the Airport Board on January 21, 1963, it was decided that a parcel of land which is a portion of the airport be sold to the State Highway for the Interstate Highway for the sum of \$6,740.00. It is necessary that the City Council ratify the action of the Airport Board. This action has been ratified by the County Commissioners. The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, The Department of Highways, State of Colorado (District No. 3) is desirous of purchasing certain lands formerly a part of the Airport owned jointly by the City of Grand Junction, Colorado, and the County of Mesa, Colorado, more particularly described as follows:

A tract or parcel of land No. 113 of Colorado Department of Highways Project No. I 70-1(3) 24 containing 12.456 acres, more or less, in the SW 1/4 of Section 31, T1N, R1E and the E 1/2 of the NW 1/4 of the NW 1/4 and the NE 1/4 of the NW 1/4, lying north of the Highline Canal, of Section 6, T1S, R1E, of the Ute Meridian, in Mesa County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the south line of Sec. 31 from which

the SW Corner of Sec. 31, T1N, R1E bears N. 89° 53' 30" W. a distance of 2,555.4 feet;

1. Thence S. 89° 53' 30" E. along the south line of Sec. 31 a distance of 73.0 feet to the S 1/4 Corner of Sec. 31;
2. Thence north along the east line of the SW 1/4 of Sec. 31 a distance of 15.9 feet;
3. Thence S. 77° 44' W. a distance of 74.8 feet, more or less, to the point of beginning.

The above described portion of Parcel No. 113 contains 0.013 acres, more or less.

A L S O

Beginning at a point on the north line of Sec. 6 from which the NW Corner of Sec. 6, T1S, R1E bears N. 89° 53' 30" W. a distance of 2,555.4 feet;

1. Thence S. 77° 44' W. a distance of 1,390.0 feet;
2. Thence S. 80° 00' 30" W. a distance of 381.4 feet;
3. Thence along the arc of a curve to the right having a radius of 1,487.1 feet a distance of 164.6 feet (the chord of this arc bears S. 87° 54' W. a distance of 164.5 feet) to the West line of the E 1/2 of the NW 1/4 of the NW 1/4 of Section 6;
4. Thence south along the west line of the E 1/2 of the NW 1/4 of the NW 1/4 of Sec. 6 a distance of 275.1 feet;
5. Thence along the arc of a curve to the left having a radius of 1,762.1 feet a distance of 189.8 feet (the chord of this arc bears N. 87° 49' E. a distance of 189.7 feet);
6. Thence N. 78° 43' 30" E. a distance of 414.7 feet;
7. Thence N. 77° 44' E. a distance of 700.0 feet;
8. Thence N. 80° 35' 30" E. a distance of 200.3 feet;
9. Thence N. 77° 44' E. a distance of 505.0 feet to the east line of the NW 1/4 of Sec. 6;
10. Thence north along the east line of the NW 1/4 of Sec. 6 a distance of 265.5 feet to the N 1/4 Corner of Sec. 6;

11. Thence N. 89° 53' 30" W. along the north line of Sec. 6 a distance of 73.0 feet, more or less, to the point of beginning.

The above described portion of Parcel No. 113 contains 12,443 acres, more or less.

The above described parcel contains a total of 12,456 acres, more or less.

A tract or parcel of land No. 111 of Colorado Department of Highways Project No. I 70-1(3) 24 containing 11.626 acres, more or less, in Lots 9 & 10 of Jaynes Subdivision, east of Highline Canal, in Lot 1 of Section 1, Township 1 South, Range 1 West and Lots 2, 7, and 8 of Jaynes Subdivision, east of the Highline Canal, in the SE 1/4 of the SE 1/4 of Section 36, Township 1 North, Range 1 West, of the Ute Meridian, in Mesa County, Colorado, said tract or parcel being more particularly described as follows:

Beginning at a point on the east line of Lot 9 of Jaynes Subdivision from which the NE Corner of Section 1, T1S, R1W bears N. 80° 59' E. a distance of 192.1 feet;

1. Thence along the arc of a curve to the right having a radius of 1,487.1 feet a distance of 284.7 feet (the chord of this arc bears N. 55° 47' W. a distance of 284.3 feet), to the north line of Lot 9 of Jaynes Subdivision;

2. Thence N. 89° 58' W. along the north line of said Lot 9 a distance of 395.0 feet;

3. Thence S. 36° 37' E. a distance of 183.7 feet;

4. Thence along the arc of a curve to the left having a radius of 1,787.1 feet a distance of 628.5 feet (the chord of this arc bears S. 56° 20' 30" E. a distance of 625.3 feet), to the east line of Lot 9 of Jaynes Subdivision;

5. Thence north along the east line of said Lot 9 a distance of 333.9 feet, more or less, to the point of beginning.

The above described portion of Parcel No. 111 contains 3.818 acres, more or less.

+A L S O+

Beginning at a point on the south line of Lot 8 of Jaynes Subdivision from which the SE Corner of Sec. 36, T1N, R1W bears S. 84° 49' E. a distance of 334.3 feet;

1. Thence along the arc of a curve to the right having a radius of 1,487.1 feet a distance of 237.1 feet (the chord of this arc bears N. 42o 14' W. a distance of 236.8 feet);
2. Thence N. 36o 41' W. a distance of 383.2 feet;
3. Thence N. 30o 40' W. a distance of 715.6 feet;
4. Thence N. 12o 30' E. a distance of 217.3 feet to the north line of Lot 2 of Jaynes Subdivision;
5. Thence West along the north line of said Lot 2 a distance of 59.0 feet to the centerline of the Highline Canal;
6. Thence S. 26o 30' W. along the centerline of said Canal a distance of 286.3 feet;
7. Thence along the centerline of said Canal, along the arc of a curve to the left having a radius of 337.1 feet a distance of 188.6 feet (the chord of this arc bears S. 10o 28' W. a distance of 186.2 feet;)
8. Thence S. 36o 16' E. a distance of 155.1 feet;
9. Thence S. 30o 40' E. a distance of 454.3 feet;
10. Thence S. 33o 02' 30" E. a distance of 415.0 feet;
11. Thence S. 36o 37' E. a distance of 8.8 feet to the south line of Lot 7 of Jaynes Subdivision;
12. Thence S. 89o 58' E. along the south line of Lots 7 and 8 of said Subdivision a distance of 371.6 feet, more or less, to the point of beginning.

The above described portion of Parcel No. 111 contains 7.808 acres more or less.

The above described parcel contains a total of 11.626 acres, more or less.

for the total purchase price of \$5,565.00, and

WHEREAS, said land is not being held for park or governmental purposes and the sale of such land will be beneficial to the inhabitants of the City;

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

That the City Manager be, and he is hereby, authorized to execute on behalf of the City of Grand Junction, Colorado, and as the act of the City, such

preliminary documents as may be required by the Department of Highways and further authorized to execute quit claim and Access Deeds conveying the interest of the City of Grand Junction in the above described properties at such time as the same are required by the Department of Highways.

PASSED AND ADOPTED THIS 6TH DAY OF FEBRUARY, 1963.

President of the City Council

ATTEST:

City Clerk

It was moved by Councilman Hadden and seconded by Councilman Love 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 AYES)

BONDS APPROVED

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

CEMENT CONTRACTOR

Clarence Lunsford 210 Grand Ave.	Western Surety	481831-63	152
James J. Sloggett 3007 D 1/2 Rd.	Peerless Ins. Co.	25 18 78	153

CONTRACTOR (GENERAL)

Dwight E. Cline 735 Ouray Ave.	Peerless Ins. Co.	25 18 88	154
James J. Sloggett 3007 D 1/2 Rd.	Peerless Ins. Co.	25 18 79	155

CONTRACTOR (SPECIAL)

Richard L. Sparkman 964 North Ave.	Mid-Century Ins. Co	2757237	156
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GAS INSTALLER

Furnaces, Inc. 730 Independent Ave.	Royal Indemnity Co.	612079	157
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JUNK DEALER

V.L. Ethington Iron & Metal Co.	American Surety C. of NY	9701-22-52	158
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It was moved by Councilman Colescott and seconded by Councilman Lowe that the bonds be approved and filed. Motion carried. (7 AYES)

3.2 BEER LICENSE - VALLEY BOWLING LANES, INC. DBA FREEWAY BOWL - HEARING ON 3-6-63

Valley Bowling Lanes, Inc. dba The Freeway Bowl, 1900 Main Street, made application for a 3.2 beer license. It was moved by Councilman Love and seconded by Councilman Hadden that the application be advertised for hearing on March 6, 1963. Motion carried. (7 AYES)

PROPOSED ORDINANCE - VACATING 11TH STREET BETWEEN ORCHARD AND WALNUT

The following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING A PORTION OF A STREET IN THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Wright and seconded by Councilman Colescott that the proposed Ordinance be passed for publication. Motion carried. (7 AYES)

ORDINANCE NO. 1168 - ZONING SOUTH SIDE OF GLENWOOD BETWEEN 13TH AND 15TH TO B-1

The Proof of Publication to the following entitled Ordinance was presented and read: AN ORDINANCE CHANGING THE ZONING MAP A PART OF CHAPTER 83 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, BY CHANGING THE ZONING OF CERTAIN PROPERTY WITHIN SAID CITY. It was moved by Councilman Hadden and seconded by Councilman Wright that the Proof of Publication be accepted and filed. Motion carried. (7 AYES)

It was moved by Councilman Colescott and seconded by Councilman Meacham that the Ordinance be called up for final passage. Motion carried. (7 AYES)

The Ordinance was then read and upon motion of Councilman Wright and seconded by Councilman Hadden was passed, adopted, numbered 1168 and ordered published. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried. (7 AYES)

I.D. #59 - ENGINEER'S FINAL ESTIMATE - RESOLUTION MAKING ASSESSMENTS

The City Engineer presented the following total cost of construction for Improvement District No. 59 and Statement of the Engineer:

ENGINEERING DEPARTMENT
City of Grand Junction, Colorado
January 31, 1963

FINAL ESTIMATE FOR IMPROVEMENT DISTRICT NO. 59
Grand Junction, Colorado

Contract (Grand Mesa Constructors, Inc.)

\$327,317.03

Materials Furnished by District		1,834.88
	Total:	\$329,151.91
Minus Portion Paid by the City (not including engineering) <u>79,128.50</u>		
		250,023.41
Engineering and Assessing (Portion assessed to District)		16,267.01
Bonds Service		783.11
Printing, Advertising and Miscellaneous		629.07
Minus Liquidated Damages on contract		<u>-200.00</u>
		267,502.60

STATEMENT OF THE ENGINEER

Statement showing the whole cost of Improvement District No. 59 of Grand Junction, including six per centum additional for cost of collection and incidentals and including interest at the rate of 2.96295 per cent per annum to May 1, 1963, and apportioning the same to lot or tract to be assessed for same.

The sum of \$291,585.17 is to be apportioned against the real estate in the District and against the owners thereof respectively, as by law in the proportions and amounts as follows, to-wit:

Total cost of construction	\$267,502.60
Interest on bonds to May 1, 1963 at 2.96295%	7,577.75
6% for cost of collection and incidentals	16,504.82
Total	291,585.17

(Signed) J. P. Fossenier
City Engineer

RESOLUTION - ASSESSMENTS FOR I.D. #59

R E S O L U T I O N

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Improvement District No. 59; and

WHEREAS, the City Council has caused to be prepared a statement showing the whole cost of the improvements of Improvement District No. 59, including therein six per cent additional for cost of collection and other incidentals and including interest to the 1st day of May, 1963, and apportioning the same upon each lot or tract of land or other real estate to be assessed for the same;

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

That the improvements connected therewith in said District be, and the same are hereby, accepted; that said statement be and the same is hereby, approved and accepted as the statement of the whole cost of the entire improvements of said Improvement District No. 59, including six per cent additional for cost of collection and other incidentals and including interest to the 1st day of May, 1963; and

BE IT FURTHER RESOLVED, That the same be apportioned on each lot or tract of land or other real estate to be assessed for the same, and the same be certified by the President of the City Council and filed in the office of the City Clerk; and

BE IT FURTHER RESOLVED, That the City Clerk shall immediately advertise for three days in the Daily Sentinel, a newspaper of general circulation published in said City, notice to the owners of the real estate to be assessed, and all persons interested generally without naming such owner or owners, that said improvements have been completed and accepted, specifying the whole cost of the improvements and the share so apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the Council and filed with the Clerk within thirty days from the first publication of said notice; that the same may be heard and determined by the Council at their first regular meeting after said thirty days and before the passage of the ordinance assessing the cost of the improvements, all being in pursuance of the terms and provisions of Chapter 81 of the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

N O T I C E

NOTICE IS HEREBY GIVEN, to the owners of the real estate hereinafter described, and said real estate comprising the district of lands known as Improvement District No. 59, and to all persons interested therein as follows:

That the improvements in and for said district, which are authorized by and are in accordance with the terms and provisions of a resolution passed and adopted on the 20th day of December, 1961, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local improvement district to be known as Improvement District No. 59; with the terms and provisions of a resolution passed and adopted on the 18th day of April, 1962, adopting details and specifications for said District; and with the terms and provisions of a resolution passed

and adopted on the 23rd day of May, 1962, creating and establishing said district, all being in accordance with the terms and provisions of Chapter 81 of the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended, have been completed and have been accepted by the City Council of the City of Grand Junction, Colorado;

That the whole cost of the improvements has been definitely ascertained and is in the sum of \$291,585.17, said amount including six per cent additional for cost of collection and incidentals and also including interest to May 1, 1963, at the rate or rates specified in that resolution providing for the issuance of public improvement bonds adopted the 11th day of June, 1962; that the part apportioned to and upon each lot or tract of land within said District and assessable for said improvements is hereinafter set forth; that payment may be made to the Treasurer of the City of Grand Junction at any time within thirty days after the final publication of the assessing ordinance, assessing the real estate in said District for the cost of said improvements, and that the owner so paying should be made entitled to an allowance of six per centime for all payments made during said period, and of interest from date of payment to the date the first installment comes due;

That any complaints or objections that may be made in writing by the said owner or owners of land within said District and assessable for said improvements, or any person interested, made to the City Council and filed in the office of the City Clerk of said City within thirty days from the first publication of this Notice will be heard and determined by the said City Council at its first regular meeting after said last mentioned date and before the passage of any ordinance assessing the cost of said improvements against the real estate in said District, and against said owners respectively, as by the law provided;

That the said sum of \$291,585.17 for improvements is to be apportioned against real estate in said District and against the owners respectively as by law provided in the following proportions and amounts severally as follows, to-wit:

LEGAL DESCRIPTION	TOTAL ASSESSMENT
CITY OF GRAND JUNCTION	
BLOCK 81	
Lots 11 to 14 incl.	1,096.98
Lots 15 & 16	1,068.11
Lots 17, 18, 19 & 20	1,491.51
Lots 21 and 22	312.74
BLOCK 94	
Lots 16 to 20 incl.	1,589.20

Lot 21	294.30
Lots 22, 23, 24	882.89
Lots 25 & 26	588.59
Lots 27 & 28	588.59
Lots 29 & 30	588.59
BLOCK 96	
West 10 feet Lot 11	41.07
East 15 feet Lot 11 & all Lots 12 to 16 include.	1,499.00
Lots 17 to 20 incl.	1,999.81
Lots 21 to 25 incl.	1,691.12
Lots 26 to 32 incl.	2,042.06
BLOCK 97	
Lots 17 to 25	2,648.27
Lot 26	294.25
Lot 27	294.25
Lots 28 & 29, East 10 feet Lot 30	706.20
West 15 feet Lot 30; Lots 31 & 32	765.06
BLOCK 100	
Lots 13 & 14	1,035.29
Lots 15 to 19 incl.	2,588.23
Lots 20, 21, & 22	1,552.93
Lots 23 & 24	1,035.29
BLOCK 101	
Lot 11	84.06
Lot 12 & West 1/2 Lot 13	214.35
East 1/2 Lot 13 & lot 14	340.44
Lots 15 & 16	622.05
Lots 17, 18 & 19	2,410.47
Lots 20, 21 & 22	1,956.55
Lot 23	517.69
Lot 24 East 2 inches Lot 25	521.14
West 24 feet 10 inches Lot 25	514.24
Lots 26 to 32 incl.	3,623.82
BLOCK 102	
Lots 1 & 2	1,354.62
Lots 3 to 6 include.	1,963.84
Lots 7 to 10 incl.	1,177.01
North 65.8 feet of Lots 11 to 16 incl.	2,043.49
South 60 feet of Lots 11 to 16 incl.	1,275.16
Lots 17 to 21 include.	6,845.19
Lot 22	1,182.66
Lots 23, 24 & 25	3,237.35
Lots 26 & 27	2,261.76
Lot 28	1,244.76
Lot 29	1,306.89

Lots 30, 31 & 32	4,293.35
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BLOCK 103

Beginning at SW Cor. Lot 1, the East 39 feet, the North 17 feet, the West 39 feet, the South 17 feet to place of beginning	108.83
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Lots 1 to 6 incl., exc. Ahrens tract above described & exc. East 11.7 feet of Lot 6	3,009.67
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East 11.7 feet Lot 6; lots 7, 8 & 9	383.19
Lots 10 to 16 incl.	3,593.14
Lots 17 & 18 include.	2,923.41
Lot 19	1,368.64
Lot 20	1,306.60
Lot 21 East 8 1/2 feet Lot 22	1,646.61
West 16 1/2 feet Lot 22 & East 6 in. Lot 23	802.04
West 24 feet 6 in. Lot 23	1,057.52
Lots 24 & 25	2,158.21
Lot 26	1,079.11
Lot 27	1,182.65
Lot 28	1,244.78
Lots 29 & 30	2,675.92
Lots 31 & 32	2,924.43

BLOCK 104

Lot 17	1,493.14
Lots 18 & 19	2,799.98
Lot 20	1,306.83
Lots 21 & 22	2,427.36
Lots 23 & 24	2,158.25
Lot 25	1,079.12
Lots 26 & 27	2,261.66
Lot 28	1,244.57
Lot 29	1,306.61
Lot 30	1,368.65
Lot 31 & 32	2,923.45

BLOCK 105

North 95.89 feet Lots 1 & 2	1,107.13
South 30 feet Lots 1 & 2	247.40
Lots 3,4,5 & 6	1,963.83
Lots 7 & 8	588.59
Lots 9 & 10	588.59
Lots 11 & 12	921.74
Lots 13, 14 & 15	667.46
West 63 1/2 feet Lots 16 thru 20	2,740.98
East 71 1/2 feet Lots 16-20, exc. North 30 feet	2,752.98
North 30 feet of East 71 1/2 feet of Lots 16 & 17	333.32

Lots 21 to 24 incl	4,316.50
Lot 25	1,182.64
Lot 26	1,244.74
Lot 27	1,306.84
Lots 28, 29 & 30	4,293.14
BLOCK 116	
Lots 1 & 2	2,924.10
Lot 3	1,368.91
Lots 4 & 5	2,551.53
Lot 6	1,182.62
Lots 7, 8 & 9	3,237.38
Lot 10	1,079.13
East 50.45 feet of Lots 11 thru 15 include.	2,158.25
West 85 feet of Lots 11 thru 15 include.	3,669.02
Lots 16, 17, 18 & East 1/2 Lots 19 & 20	1,128.26
West 1/2 Lots 19 & 20	460.84
Lots 21 to 26 incl.	2,034.74
Lots 27 to 30 incl.	2,460.41
BLOCK 117	
Lots 1,2 & 3	4,293.32
Lots 4 to 7 incl.	4,813.42
Lot 8	1,079.12
Lots 9 & 10	2,158.25
Lot 11	1,182.61
Lot 12	1,244.71
Lot 13	1,306.80
Lot 14	1,368.90
Lot 15	1,430.99
Lot 16	1,493.09
Lots 17 to 21 incl.	2,920.22
Lot 22	397.76
Lots 23 to 26 incl.	1,177.07
Lot 27	397.80
Lot 28	459.91
North 42.5 feet of Lots 29 to 32	645.98
North 42.5 feet of South 82.5 feet of Lots 29 to 30 incl.	843.72
South 40 feet of Lots 29 to 32 incl.	971.07
BLOCK 118	
Lot 1	1,493.10
Lot 2	1,431.00
Lots 3,4, & 5	3,920.39
Lot 6, 7, & 8	3,340.81
Lot 9	1,079.11
Lot 10	1,079.11
Lots 11 & 12	2,427.37

Lots 13 & 14	2,675.83
Lots 15 & 16	2,924.29
Lots 17 to 20 include.	2,460.70
North 25 feet Lots 21 to 24 incl.	147.99
Lots 21 to 28 incl. exc. North 25 feet of Lots 21 to 24, incl.	2,744.25
Lot 29	521.94
Lot 30	584.04
Lots 31 & 32	1,354.37

BLOCK 119

Lots 1 & 2	2,924.46
Lot 3	1,369.04
Lot 4	1,306.92
Lots 5 & 6	2,427.45
Lot 7	1,079.12
Lot 8	1,079.12
Lots 9 & 10	2,158.24
Lot 11	1,157.66
Lot 12	1,205.10
Lots 13 to 21 include.	6,159.45
Lot 22	90.21
Lots 23 & 24	588.56
Lots 25 to 32 include.	3,907.40

BLOCK 120

Lots 1, 2 & 3	1,553.06
Lot 4 & West 6 in. Lot 5	528.04
East 24 1/2 feet Lot 5, all of Lot 6 & West 24.5 feet of Lot 7	1,532.36
East 7 inches Lot 7, & all Lots 8 to 12 incl.	2,868.00
Lot 13	745.49
West 24 feet Lot 14	773.44
East 1 foot Lot 14, Lots 15 & 16	1,835.77
South 75 1/2 feet Lots 17 & 18	923.40
North 49.6 feet of Lots 17 & 18	431.23
Lot 19	584.12
Lots 20 to 25 incl.	2,262.22
Lots 26 to 29 incl.	1,176.80
Lots 30, 31, & 32	882.60

BLOCK 121

North 1/2 of Block 121	4,578.09
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BLOCK 123

Lots 1 & 2	588.40
Lot 3 & South 35 feet Lot 4	334.21
North 90 feet Lot 4 & Lots 5 to 11 incl	2,313.59
Lots 12 & 13	195.97
Lots 14 to 16 incl.	293.95

BLOCK 124	
Lots 1, 2 & 3	803.13
Lots 4 to 8 include.	341.65
Lots 9, 10, & 11	882.84
Lots 12 & 13 & West 4 feet of Lot 14	635.64
East 21 feet of Lot 14 & all Lots 15 & 16	835.75
BLOCK 125	
Lot 1	294.25
Lots 2 to 6 incl.	1,471.25
Lot 7	294.25
Lots 8, 9 & 10	882.75
Lots 11, 12 & 13	1,353.52
Lots 14, 15 & 16	1,883.15
Lots 17 thru 22 include.	1,471.17
BLOCK 126	
Lots 1, 2 & 3	1,883.20
Lots 4 & 5	961.22
Lots 6, 7 & 8	980.88
Lots 9 & 10	588.53
Lot 11	294.27
Lots 12 to 16 incl.	1,471.33
Lots 27 thru 32 incl.	1,471.17
BLOCK 127	
Lots 1, 2 & 3, West 1/2 Lot 4	1,029.97
East 1/2 Lot 4 & all Lots 5 & 6	735.69
Lots 7 to 10	1,177.10
Lots 11 to 15	1,589.09

STATE OF COLORADO

COUNTY of MESA

CITY OF GRAND JUNCTION

I, C. E. McCormick, President of the Council and Ex-Officio Mayor of the City of Grand Junction, Colorado, do hereby certify that the above and foregoing is the statement showing the whole cost of the improvements in Grand Junction Improvement District No. 59, and includes interest to the 1st day of May, 1963, and apportioning the same upon each lot or tract of land or other real estate to be assessed for the same, all in accordance with the terms and provisions of Chapter 81 of the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Meacham 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 voting AYE. The President declared the motion carried. (7 AYES)

WATER CONTRACTS - CITY MANAGER AND CITY ATTORNEY TO RE-WRITE CONTRACT FOR OUTSIDE WATER USERS ELIMINATING ANNEXATION CLAUSE

City Manager Lacy stated that the City is in the process of considering detailed arrangements for water service along 30 Road and is working with the Clifton Water District to allow temporary service until they can be served by other domestic water facilities. It was brought up that it was necessary to re-look at some of the other policies in regard to outside City users. One of the requirements needing to be changed is in altering the outside water users' contracts so as not to require annexation provided the property becomes "eligible" for annexation. This becomes a problem because "eligible" is not defined under State law. When an outside owner finds his property inside a larger tract of land, one-sixth of which is contiguous to the City, he is automatically "eligible" for annexation. In many cases it is not practical to either the property owner or the City for the area to be annexed. It seems wise to remove this provision from the contracts in the future and take whatever action is necessary to negate it in those contracts in force for individual users. The Council suggested that City Manager Lacy and City Attorney Ashby rewrite the contract and present it to the Council for consideration at the next meeting.

RECREATION BOARD TO CONTACT MR. MUMBY AND MRS. WILLIAM L. REED TO SEE IF THEY WILL SERVE ANOTHER TERM

City Manager Lacy stated that the terms of Mr. Keith Mumby and Mrs. William L. Reed, members of the Recreation Board, expire on March 7, 1963. President McCormick offered to contact these people to see if they wished to continue to serve on the Committee.

LIQUOR CODE - CITY MANAGER TO WRITE LETTER TO STATE LEGISLATURE REGARDING REVISION OF CODE

Councilman Meacham stated that there is a bill in the Legislature at the present time to revise the liquor code. He did not believe that this bill, or bills, covers the points that Grand Junction

needs to be revised. He suggested that the City Manager write to members of the State Legislature and suggest that the entire liquor code needs to be revised. City Manager Lacy stated that he would get a letter in the mail on Thursday. City Attorney Ashby stated that there is a recent supreme court decision which gives the Council the power to revoke a 3.2 beer license if the person holding the license has been convicted in a court of a violation.

ADJOURNMENT

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

/s/ Helen C. Tomlinson
City Clerk