

Grand Junction, Colorado

November 4, 1964

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m., November 4, 1964. Councilmen present and answering roll call were Ray A. Meacham, R. B. Evans, Chas. H. Love, Warren D. Lowe, Herbert M. Wright and President C. W. McCormick. Councilman Harry Colescott was absent. Also present were City Manager Joe Lacy, City Attorney Gerald J. Ashby and City Clerk Helen C. Tomlinson.

INVOCATION

The invocation was given by Rev. Bernard E. Straake, Pastor, Lutheran Church of the Messiah.

MINUTES

It was moved by Councilman Lowe and seconded by Councilman Evans that the minutes of the last regular meeting of the Council held on October 21, 1964 be approved as written. Motion carried. (6 AYES)

3.2 BEER

Gerald W. Wieker dba Main St. Billiards to move to 543 Colo.

This was the date set for hearing on the application of Gerald W. Wieker, dba Main Street Billiards, to move his 3.2 beer license from 541 Main Street to 543 Colorado Avenue. The Police Department had no objections to the move. There were no protests from the audience. It was moved by Councilman Wright and seconded by Councilman Lowe that the application be approved and Mr. Wieker granted permission to transfer his license from 541 Main Street to 543 Colorado Ave. as soon as State approval has been received. Motion carried. (6 AYES)

TV

Req for cable TV franchise by Cable TV Co of Colo (Western TV Corp)

Western Television Corporation, Thomas W. Mitchell, Jr., President, and Mr. Roy Bliss, Secretary, presented an application for a franchise to provide cable television reception facilities in the City of Grand Junction. The franchise would be granted in the name of Cable Television Co. of Colorado, a Colorado Corporation.

They propose to provide a master receiving antenna tower near the Denver television station transmitters. All five of the Denver TV station signals would be received and converted to microwave and sent to the Grand Junction area by intermediate microwave relay stations. After arriving in Grand Junction, the signals would be converted back down to VHF TV channels and distributed through the alleys by 5/8" aluminum co-axial cable. No programs carried on KREX-TV would be duplicated. It would be equipped to carry color. The charge initially would be about \$5.95 per month.

Mr. Ivan Kladder, Attorney, answered questions which the Council proposed in connection with the application for this franchise. This company has operated cable TV services in Wyoming, but recently has disposed of these stations.

The franchise provides that the Cable Television Co. of Colorado would pay the City 2% of the gross receipts from their operation in Grand Junction. This is the same amount that Public Service Co. of Colo. and Mt. States Telephone Co. now pay for their franchises with the City for the use of the streets and alleys.

To grant a franchise of this nature, it is necessary that sixty days elapse between the time the proposal is filed with the City and the date of the election for qualified taxpaying electors to vote on the proposal. Cable Television Co. of Colorado has deposited with the City Clerk the sum of \$2,000 in payment for the election.

Western Slope Electronics req for franchise (Rex Howell)

Mr. Lincoln Coit, Attorney, representing Western Slope Electronics System, Inc. a corporation organized by Rex G. Howell, Roy H. Adamson and Robert J. McMahan, presented a proposed franchise ordinance for furnishing cable TV to the City of Grand Junction by Station KREX. A letter from Mr. Howell explained their position, as they had previously stated same, before applications for revocable permits were made, the last in April, 1963. He reiterated the fact that unregulated cable TV service damages free TV service, but stated that the public interest and not private interest would determine the status of cable TV versus free TV.

This franchise was similar to the one presented by Cable Television Co. of Colo., in that it mentioned the streets and alleys which would be used; provided for the fee of 2% of gross receipts to be paid the City, etc. They also deposited a check in the amount of \$2,000 to cover the cost of an election.

City Attorney Ashby stated that the two franchises could be presented in several ways: (1) they could be presented at the same election on the same ballot; (2) they could be presented at the same election on a different ballot; (3) they could be presented at elections held on different days.

Mr. Adamson assured the Council that whether or not Cable Television of Colorado came in, if Western Slope Electronics System, Inc. were granted a franchise, they would put in the cable TV.

The application for the franchise to Cable Television of Colorado had been filed in the office of the City Clerk, on Monday, November 2nd, about noon. The application of Western Slope Electronics Systems, Inc. was filed on Tuesday at 4:30 p.m. Both were in time to be placed upon the City Council agenda for this meeting. Mr. Mitchell stated that he did not wish to cooperate in holding a joint election. Mr. Coit insisted that the elections should be held at the same time as his client had been thinking about making application for some time and he had talked to Mr. Ashby about it. Mr. Coit brought up the matter of holding only one special election in a six-month period and Mr. Ashby said that would not apply in this instance.

Several people in the audience spoke on the matter including Lee Roy Clouse, 2112 Yellowstone Drive (Panorama Homes), Joe Lesko, 1030 White Ave., Donald Rounds, 1295 Pinyon, Carl Purcell, 221 Hall Avenue., and Blake Chambliss, 938 Orchard Ave.

City Manager Lacy, being asked for the recommendations of the Administration, stated that he would have no more to do with this franchise than with the Public Service Co. or Telephone Co. He remarked that the amount being paid for the elections was just the bare cost of advertising and holding the election and would not include the extra work by City Clerk's office personnel and other City officials. Both company's offered to pay for the first election and offered to pay all the costs of administration as well as actual advertising and officials.

Councilman Lowe moved that in accordance with the request of Cable Television of Colorado and Western Slope Electronics Systems, Inc. machinery be put in motion to hold elections at the same time to vote on each franchise. There was no second and the motion was declared lost.

It was moved by Councilman Love and seconded by Councilman Evans that the request for Cable Television of Colorado for a franchise for cable TV be submitted to a vote of the qualified taxpaying electors of the City at a special election to be held on January 5, 1965. Motion carried. (6 AYES)

It was moved by Councilman Lowe and seconded by Councilman Meacham that the request of Western Slope Electronics Systems, Inc. for a franchise for cable TV be submitted to a vote of the qualified taxpaying electors of the City at a special election to be held on January 6, 1965. Motion carried. (6 AYES)

PROP. ORD. (People's)

Cable TV Franchise

The following entitled proposed People's Ordinance was presented and read: AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF GRAND JUNCTION TO CABLE TELEVISION COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, AUTHORIZING SAID COMPANY TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN, AND OPERATE INTO, WITHIN AND THROUGH SAID CITY A PLANT OR PLANTS, SUB-STATIONS AND WORKS FOR THE GENERATION, TRANSPORTATION AND DISTRIBUTION OF ELECTRONIC SIGNALS AND TO DISTRIBUTE AND FURNISH SAID ELECTRONIC SIGNALS TO THE INHABITANTS OF THE CITY OF GRAND JUNCTION BY MEANS OF CONDUITS, CABLES AND WIRES STRUNG ON POLES OR OTHERWISE OVER, UNDER, ALONG, ACROSS AND THROUGH CERTAIN STREETS, ALLEYS AND OTHER PUBLIC WAYS AND PLACES IN THE CITY OF GRAND JUNCTION AND FIXING THE TERMS ND CONDITIONS THEREOF. It was moved by Councilman Meacham and seconded by Councilman Love that the ordinance be passed for publication in accordance with the City Charter. Motion carried. (6 AYES)

PROP. ORD. (People's)

TV Franchise for cable TV for Western Slope Electronics Systems Ins (Rex Howell, R.H. Adamson & R.J. McMahan)

The following entitled proposed People's Ordinance was presented and read: AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF GRAND JUNCTION TO WESTERN SLOPE ELECTRONICS SYSTEM, INC., ITS SUCCESSORS AND ASSIGNS, AUTHORIZING SAID COMPANY TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH SAID CITY A PLANT OR PLANTS, SUBSTATIONS AND WORKS FOR THE GENERATION, TRANSPORTATION AND DISTRIBUTION OF ELECTRONIC SIGNALS AND TO DISTRIBUTE AND FURNISH SAID ELECTRONIC SIGNALS TO THE INHABITANTS OF THE CITY OF GRAND JUNCTION BY MEANS OF CONDUITS, CABLES AND WIRES STRUNG ON POLES OR OTHERWISE OVER, UNDER, ALONG, ACROSS AND THROUGH CERTAIN STREETS, ALLEYS AND OTHER PUBLIC WAYS AND PLACES IN THE CITY OF GRAND JUNCTION AND FIXING THE TERMS AND CONDITIONS THEREOF. It was moved by Councilman Love and seconded by Councilman Evans that the ordinance be passed for publication in accordance with the City Charter. Motion carried. (6 AYES)

AUDITOR FOR 1964

Committee apptd to select

President McCormick appointed Councilmen Meacham, Evans and Wright to serve as a Committee to recommend an auditor to audit the 1964 books for the City. They are to report at the next meeting of the Council.

Instru No. 4053 LEASE RENEWED

To Western Slope Broadcasting Co. for land near Whitewater

A request was read from the Western Slope Broadcasting Company to extend the lease for property owned by the City in the NE 1/4 of the SE 1/4, Section 25, Tn. 2. S. Range 1 East of Ute Meridian and Lots 2, 3 and 4 in Section 10, Township 2 S., Range 2 East of the Ute Meridian.

It was moved by Councilman Wright and seconded by Councilman Meacham that the request be granted and the City Manager authorized to sign the extension of the lease. Motion carried. (6 AYES)

BONDS APPROVED

It was moved by Councilman Lowe and seconded by Councilman Love that the following bonds, being on the approved forms, be accepted and filed:

Success Associates dba Professional Employment Service for Employment Agency	Peerless Ins. Co.	35 03 47
Monument Construction, Inc. for General Contractor	USF&G	

Motion carried. (6 AYES)

PROP. ORD.

Licensing of Peddlers, Solicitors & Transient merchants

City Attorney Ashby presented copies of a proposed ordinance entitled AN ORDINANCE REPLATING TO THE LICENSING OF PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS AND PROVIDING PENALTIES FOR VIOLATION THEREOF. He suggested that the Council study this proposed ordinance, and that it be considered at a later meeting.

WATER

Instru No. 4104 Water Click

To purchase Fred E. Click property in Kannah Creek Area - \$27,000

City Manager Lacy stated that after a considerable time, it has been determined that the 160-acre ranch belonging to Fred E. Click and Ica M. Click in the Kannah Creek area can be purchased by the City. This property carries 22 shares of water in the Hallenbeck No. 2 reservoir; 15 shares of capital stock of Juniata Ditch Co. water and 250 shares of the capital stock of the Kannah Creek Highline Ditch Co. The Clicks are offering this ranch to the City for the sum of \$27,000. providing that they be allowed to live there as long as they wish; \$20,000 is payable at the present time, and \$7,000 at a later date.

It was moved by Councilman Meacham and seconded by Councilman Wright that the City Manager be authorized to purchase the Fred E. Click ranch for the sum of \$27,000 together with water rights as stated above. Motion carried. (6 AYES)

WATER

Instru No. Water 4166 Mains

To purchase Jaros Water Line for \$2,890

City Manager Lacy also stated that it is possible for the City to purchase a water line owned by Mr. Frank Jaros, Sr., which serves users on Orchard Avenue between 12th Street and 28 1/2 Road. Mr. Jaros has been purchasing water from the City and selling it to these users for a number of years and since some of the users are now in the City, complications are encountered in the matter of paying more than City rates to Mr. Jaros. City Attorney Ashby explained the City's position as a "friend in court" in a case now in Court in Thornton, whereby the Public Utilities Commission enters into the picture. He stated that he did not think that the City of Grand Junction would become involved with the Public Utilities Commission in this instance. Councilman Wright moved and Councilman Love seconded the motion that the City Manager be authorized to negotiate with Mr. Jaros to purchase this water line for the sum of \$2,890.00. Motion carried. (6 AYES)

TV REV PMT

Req by Wentronics, Inc.

Mr. Wm. Nelson, Attorney, representing Wentronics, Inc. requested that the Council set up an election on December 15th for qualified electors to vote on a revocable permit for cable TV to be furnished to the inhabitants of Grand Junction. In 1963, Western Slope Electronics Systems, Inc. and Wentronics, Inc. had formed a partnership under the name of Weslope Cable TV and had applied for a revocable permit for cable TV. This request was defeated by the electors of the City at an election in April, 1963. Mr. Nelson did not know whether this partnership had been dissolved or not. As the Council had set election dates of Jan. 5 and 6 for the franchise elections for cable TV, it was moved by Councilman Meacham and seconded by Councilman Wright that Wentronics, Inc. be assigned the date of Jan. 7th for an election on the revocable permit which they applied for. Motion carried. (6 AYES) Mr. Nelson stated that if they could not have the election before Jan. 5th, he would withdraw his request.

ADJOURNMENT

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

Helen C. Tomlinson\City Clerk