

Grand Junction, Colorado

February 3, 1965

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m., February 3, 1965. Councilmen present and answering roll call were Ray A. Meacham, R. B. Evans, Charles B. Love, Harry Colescott, Warren Lowe, Herbert M. Wright and President C. E. McCormick. Also present were City Manager Lacy, City Attorney Ashby and City Clerk Tomlinson.

INVOCATION

The invocation was given by Rev. Edward McCracken, Minister of Education, First Methodist Church.

MINUTES

It was moved by Councilman Lowe and seconded by Councilman Evans that the minutes of the regular meeting held January 20, 1965 be approved as written. Motion carried. (7 AYES)

CANVASS OF ELECTION - FEBRUARY 2, 1965, ON QUESTION OF GRANTING FRANCHISE TO WENTRONICS, INC.

A canvass of the vote cast in the Special Municipal Election held February 2, 1965 on the question of granting a franchise to Wentronics, Inc. to construct cable television in the City of Grand Junction was made by the City Council. It was moved by Councilman Evans and seconded by Councilman Lowe that the following report of the Canvassing Committee be accepted. Motion carried. (7 AYES)

T A L L Y   S H E E T

SPECIAL FRANCHISE ELECTION,  
FEBRUARY 2ND, 1965

We, the undersigned, acting as canvassing board, hereby certify that we have canvassed the returns of the Special Municipal Franchise Election held in the City of Grand Junction, Colorado, on February 2nd, 1965, and from the said canvas find the results to be as follows: that 238 ballots were cast in District "A"; 480 ballots were cast in District "B"; 762 ballots were cast in District "C"; 501 ballots were cast in District "D"; and that 499 ballots were cast in District "E" and 32 absentee ballots were cast.

The question submitted was as follows:

"AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF GRAND JUNCTION TO WENTRONICS, 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."

	"A"	"B"	"C"	"D"
"E" Abs				
FOR THE GRANTING OF THE FRANCHISE	79	204	337	171
210 14				
AGAINST THE GRANTING OF THE FRANCHISE		158	276	425
330 289 18				
	spoiled	1		
TOTAL FOR THE GRANTING OF THE FRANCHISE				1015
TOTAL AGAINST THE GRANTING OF THE FRANCHISE				1496

/s/ Charles E. McCormick

/s/ Ray A. Meacham

/s/ Charles H. Love

/s/ Harry O. Colescott

/s/ Robert B. Evans

/s/ Warren D. Lowe

/s/ Herbert M. Wright

Mr. William Nelson, Attorney, spoke on behalf of Wentronics, Inc. He thanked the Council for the cordial and fair way Wentronics had

been treated and the manner in which the election had been held. He stated that Wentronics has no apologies to offer in losing the election, but that doesn't mean they wouldn't be around for awhile.

Before leasing a permanent office location, they asked the Council for a revocable permit to run their cable and trunk lines to the outlying areas through one or more alleys. He also requested that the Council set a date in the summer for an election for the people of Grand Junction to vote on a revocable permit for Wentronics, Inc. to construct a cable television system in Grand Junction.

Councilman Meacham stated that the Council has allowed three elections to be brought up now and wondered if this would be a never-ending thing. Mr. Nelson replied it possibly would be until someone was given permission to construct a cable system. Attorney Ashby stated that as long as the electorate has spoken and said these things must be submitted to a vote of the people that the applicants who come in are entitled to have the elections set in a reasonable length of time providing they pay the cost of the elections.

It was moved by Councilman Colescott and seconded by Councilman Love that the Council set July 20th as the date for a Wentronics, Inc. Revocable Permit election. It was moved by Councilman Meacham and seconded by Councilman Evans that the matter be tabled until the next meeting of the Council. Motion carried. (7 AYES) As the motion to table took precedence over the motion setting a date for an election, that motion was declared lost. It was moved by Councilman Colescott and seconded by Councilman Meacham that the City Attorney be instructed to draw up a Revocable Permit permitting Wentronics, Inc. to use certain alleys for transmission of large cable to outlying county. Motion carried. (7 AYES)

PLANNING COMMISSION - JAMES GOLDEN APPOINTED MEMBER TO 8-1-67

President McCormick appointed James Golden, Attorney, as a member of the Planning Commission to fill the vacancy caused by the resignation of David Palo. Mr. Golden's appointment to expire on August 1, 1967 and the appointment was approved by all members of the Council.

BUILDING PERMIT FEE REBATED - \$27 TO SEVENTH DAY ADVENTIST CHURCH FOR WELFARE CENTER, 827 3RD AVENUE - FREE WATER DENIED

The 7th Day Adventist Church wrote a letter to the Council requesting that fees they paid for a building permit for a welfare center at 827 Third Avenue be rebated to them and also requesting free water for the building. City Manager Lacy reviewed what had

been done in the past stating there was a precedent for rebating the building fee but there was no precedent in granting free water for a welfare center.

It was moved by Councilman Wright and seconded by Councilman Lowe that in accordance with Mr. Lacy's report the permit fee of \$27.00 be rebated to the 7th Day Adventist Church and that the request for free water be denied. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried,

#### P.I.A.B. REVISED CHARTER APPROVED

City Manager Lacy explained the revised P.I.A.B. Charter as it has been approved by the Park Improvement Advisory Board. The revised Charter provides for annual participating fees as follows: City of Grand Junction, \$3,000; School District #51, \$2,000; Mesa College, \$1,000 and Mesa County, \$1,000.

The Park Improvement Board itself may spend up to \$7,000, minimum appropriation, or whatever the annual appropriation is on the action of the Board only without having approval or ratification. This was formerly \$1,000.

More definite procedure on expenditure of money was defined. If any of the participating members vote "No" on an expenditure, it automatically tables the proposal until a future P.I.A.B. meeting so that the rest of the members have a chance to discuss it. If there is a second "No" vote at a later meeting, the matter is automatically killed.

School District No. 51 is no longer a voting or official member but participates in cooperation and as an ex officio non-voting member and still pays fees.

Also clarified is the fact that this is a cooperative participation and it does not pre-commit elected officials of any agency to provide the funds stated in the Charter unless they are appropriated annually.

It was moved by Councilman Lowe and seconded by Councilman Wright that the President of the Council be authorized to sign the revised P.I.A.B. charter. Motion carried. (7 AYES)

ANNEXATION - ELIGIBLE FOR PETITION, NORTHWEST CORNER OF 15TH AND CEDAR

From the action of the Planning Commission on January 25, 1965, it was recommended that a petition for annexation of Lot 19 Block 6 Fairmount Subdivision could be approved by the Council.

Mr. Don Warner, Development Director, had presented a memorandum to Mr. Lacy stating that residents of Block 7 and 8 of Fairmount Addition were not in favor of annexing so therefore this small area, 300' x 300', should be allowed to circulate a petition for annexation. It was moved by Councilman Lowe and seconded by Councilman Love that a petition for annexation be provided for Lot 19, Block 6, Fairmount Subdivision (Northwest corner of 15th and Cedar). Motion carried. (7 AYES)

REVOCABLE PERMIT - TO CHARLES CROSBY TO RUN UNDERGROUND POWER LINE ACROSS ALLEY TO PARKING LOT FROM NEW POST OFFICE AT 4TH AND WHITE

A Revocable Permit was requested by Mr. Charles Crosby, Contractor, for the new Post Office, to run an underground power line to the parking lot across the alley from the new Post Office, 4th & White. The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, Charles Crosby has petitioned the City Council of the City of Grand Junction for a revocable permit to extend an underground electric service line across an alleyway in the City from a point 10 feet east of the Southwest corner of Lot 7 in Block 97 in the City of Grand Junction to a point 10 feet east of the Northwest corner of Lot 26 in said Block; and

WHEREAS, such action has been heretofore approved by the City Planning Commission and City Engineer and would not be detrimental to the use of the right-of-way or to the interests of 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, on behalf of the City and as the act of the City, be, and he is hereby, authorized to grant such revocable permit to the above-named individual for the purpose described upon

the execution by the applicant of an agreement to save and hold the City harmless from any claims arising out of construction necessary and the use granted, agreement to restore the right-of-way to its original condition after construction, and agreement that upon the revocation of such permit the applicant will remove the service line and restore the right-of-way to its original condition, all at his own expense.

PASSED AND ADOPTED this 3rd day of February, 1965.

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 members of the Council voting AYE, The President declared the motion carried.

R E V O C A B L E            P E R M I T

WHEREAS, Charles Crosby has petitioned the City of Grand Junction for a revocable permit to extend an underground electric service line across an alleyway in the City from a point 10 feet east of the Southwest corner of Lot 7 in Block 97 in the City of Grand Junction to a point 10 feet east of the Northwest corner of Lot 26 in said Block; and

WHEREAS, the City Planning Commission and City Engineer have approved such action, and the City Council is of the opinion that such would not be detrimental to the City or to any of the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use.

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

There is hereby granted to Charles Crosby of Grand Junction, Colorado, a revocable permit to encroach upon the City right-of-way for the purpose above-stated; provided, however, that said permit may be revoked by the City Council at its pleasure at any time; provided further that the above-named individual shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from, the permitted use; and provided further that the permittee will restore the surface of the right-of-way to its original condition after construction, and, upon revocation of such permit, will, at his own expense, remove the service line and restore the right-of-way to its original condition.

Dated this \_\_\_\_\_ day of February, 1965.

City Manager

(No recording information)

ATTEST:

City Clerk

The undersigned, for himself, his heirs, administrators, executors and assigns, hereby agrees that he will abide by the conditions contained in the foregoing permit, and that he will indemnify the City of Grand Junction and hold it harmless from all claims and demands as stated therein, and, further, after construction, he will restore the right-of-way to its original condition, and, upon revocation of the permit he will, at his own expense, remove the service line and restore the right-of-way to its original condition.

Dated at Grand Junction, Colorado, this \_\_\_\_\_ day of February, 1965.

Charles Crosby

STATE OF COLORADO)

) Ss

COUNTY OF MESA )

The foregoing was acknowledged before me this \_\_\_\_\_ day of February, 1965, by Charles Crosby.

Notary Public

My commission expires:

BONDS APPROVED

It was moved by Councilman Colescott and seconded by Councilman Meacham that the following bonds, being on the approved forms, be accepted and filed. Motion carried. (7 AYES)

Clarence Lunsford	Cement Cont	Western Surety	481831	137
Charles C. Pander	" "	Royal Indemnity	558458	145
Bray Constr Co.	Contractor	Nat'l Surety	6094650	138
Partee Homes	"	USF&G	17142 13 2047139	
Roper Constr	"	Conn Fire Ins	26070	140
Tabat Decorating	"	Fid & Dep	7250335	141
Howard L. Reid	"	St. Paul Fire	400 AL 8551	142
Kwality Krafts, Ltd	"	Royal Ind	612164	143
George R. Schnell	"	Royal Ind	612088	144

CENTRAL HIGH SCHOOL ATHLETIC ASSOCIATION GRANTED PERMISSION TO SELL BALLOONS ON STREETS ON 2-6-65

Central High School Athletic Association requested permission to sell balloons on the downtown streets on February 6, 1965. It was moved by Councilman Love and seconded by Councilman Colescott that the request be granted. Motion carried. (7 AYES)

ORDINANCE NO. 1210 PASSED - AMENDING SALES & USE TAX (EMERGENCY)

The following entitled proposed ordinance was introduced and read: AN ORDINANCE AMENDING SECTIONS 2-18 (1), 11-6, 20-1 (1) and 13-1 (1) OF THE CITY RETAIL SALES AND USE TAX ORDINANCE OF THE CITY OF GRAND JUNCTION, THE SAME BEING CHAPTER 94 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, AND DECLARING AN EMERGENCY. It was moved by Councilman Lowe and seconded by Councilman Meacham that the ordinance be passed and adopted as an emergency ordinance, numbered 1210 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)

ORDINANCE NO. 1211 PASSED - REGULATING PEDDLERS & SOLICITORS - REPEALING CHAPTER 69 (GREENRIVER)

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE REGULATING PEDDLERS AND SOLICITORS AND PROVIDING PENALTIES FOR VIOLATION THEREOF. It was moved by Councilman Wright and seconded by Councilman Lowe 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 proposed ordinance be called up for final passage.  
Motion carried. (7 AYES)

The ordinance was then read, and it was moved by Councilman Meacham and seconded by Councilman Love that the ordinance be passed and adopted as read, numbered 1211 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)

RESOLUTION CORRECTING DESCRIPTION, LOTS 9/10, BLOCK 5, DUNDEE PLACE, FOR J.W. & MARGARET JARVIS

The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, J. W. JARVIS AND MARGARET JARVIS have requested that the City of Grand Junction deed to them by Quit Claim Deed, any interest the City may have in the following described property situate in Mesa County, Colorado, to-wit:

Lots 9 and 10 in Block 5 of Dundee Place  
in the City of Grand Junction, Colorado,

and

WHEREAS, it appears to the City Council of the City of Grand Junction that such deed is necessary to clear the title to said land and is in nature a correction deed,

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

That the City Manager, J. M. Lacy, on behalf of the City of Grand Junction and as the act of said City, be, and he is hereby, authorized and directed to execute said deed; and the City Clerk is directed to attest to the same.

PASSED AND ADOPTED this 3rd day of February, 1965.

It was moved by Councilman Love and seconded by Councilman Evans 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)

RESOLUTION CORRECTING DESCRIPTION LOT 18, BLOCK 1, SOUTH 5TH STREET SUBDIVISION - EARL H. & ELVETA VAN GUNDY

The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, Earl H. Van Gundy and Elveta Van Gundy have requested the City of Grand Junction to deed to them, by Quit Claim Deed, any interest the City may have in the following described property situate in Mesa County, Colorado, to-wit:

Lot 18, Block 1, South Fifth Street Subdivision; and

WHEREAS, it appears to the City Council of the City of Grand Junction that such deed is necessary to clear the title to said land and is in nature a correction deed;

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

That the City Manager, J. M. Lacy, on behalf of the City of Grand Junction as the act of said City, be, and he is hereby, authorized and directed to execute said deed; and the City Clerk is directed to attest to the same.

PASSED AND ADOPTED this 3rd day of February, 1965.

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 members of the Council voting AYE. The President declared the motion carried. (7 AYES)

LINCOLN PARK CONCESSIONS CONTRACT EXPIRES 5-19-65

City Manager Lacy reported that the contract with Mr. Fulton for

the concessions at Lincoln Park expires May 19, 1965. There is a great deal of interest in the handling of this contract, and in efforts to make proposals on it. He stated that a tentative contract which he hoped would overcome some of the disadvantages on the present contract had been worked out. This calls for a flat fee per month instead of 10% of the gross sales which was paid by Mr. Fulton. There is attached to the proposed contract, the amount of money which the City has been paid in previous years and other tenants are listed, which anyone interested can study.

Mr. Lacy proposed a procedure to select a concessionaire. First, he proposed to advertise that the contracts are available and anyone interested could pick one up. Then a date for discussing the good and bad points of the contract would be set up. The Council would evaluate the proposals and go ahead in the usual manner to award a contract.

It was moved by Councilman Lowe and seconded by Councilman Wright that Mr. Lacy go ahead as proposed. Motion carried. (7 AYES)

#### AIR POLLUTION

Mr. Lacy reported on a meeting he had attended on January 24th on Air Pollution. Dr. Reinstein of the Mesa County Health Department called the meeting which was held at the Chamber of Commerce building. It was attended by Dr. Reinstein, Mr. Lacy, representatives from the Chamber of Commerce, Public Service, American Gilsonite and Climax Uranium. Mr. Lacy stated that the discussion on air pollution brings up the matter of a "No Burning" regulation. Anything done on air pollution needs to be a county-wide project. This meeting was a beginning towards air pollution control.

#### ASPEN AIRWAYS ENDORSES RINGSBY TRUCK LINES APPLICATION FOR CONTROLLING INTEREST

President McCormick stated that Ringsby Truck Line is proposing to purchase controlling interest in Aspen Airways and would like a letter from the Council to C.A.B. supporting their request. Councilman Wright moved and Councilman Meacham seconded the motion that the Council write a letter to C.A.B. supporting Ringsby Truck Line to purchase controlling interest in Aspen Airways in order to improve the service from Grand Junction to Aspen. Motion carried. (7 AYES)

ST. PATRICK'S DAY PARADE IN DENVER

President McCormick also read a letter from Mayor Currigan of Denver asking any interested organization to participate in the St. Patrick's Day parade in Denver. Also President McCormick was invited to attend a meeting in Washington, D. C. March 30th to April 1st. This meeting is for National League of Cities and Colorado Mayors are urged to attend. This will be brought up again later.

CANVASSING BOARD - ELECTION 2-9-65 ON HOME OWNED CABLE TV FOR REVOCABLE PERMIT - COUNCIL TO MEET 4:00 2-10-65

It was agreed the Council would sit as a Canvassing Board to canvass election returns February 9th at 4:00 P.M. Wednesday, February 10, 1965.

ADJOURNMENT

It was moved by Councilman Lowe and seconded by Councilman Wright that the meeting adjourn. Motion carried. (7 AYES)

/s/ Helen C. Tomlinson  
City Clerk