

Grand Junction, Colorado

March 16, 1966

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock P. M. March 16, 1966 in the Civic Auditorium at City Hall. Councilmen present and answering roll call were Chas. E. McCormick, R. B. Evans, Chas. H. Love, Harry O. Colescott, Dr. Hurst Otto, Herbert M. Wright and President Ray A. Meacham. Also present were City Attorney Gerald J. Ashby, City Manager J. M. Lacy and Deputy City Clerk Blanche G. Stringer. City Clerk Helen C. Tomlinson was absent.

INVOCATION

The invocation was given by Rev. O. Sundal, Pastor, Grand Junction Gospel Tabernacle.

MINUTES

It was moved by Councilman McCormick and seconded by Councilman Colescott that the minutes of the regular meeting held March 2, 1966 be approved as written. Motion carried. (7 AYES)

ELECTION

Wentronics, Inc. Cable TV

Canvass of vote

A canvass of the vote cast in the special municipal election held March 15, 1966 on the question of granting a revocable permit to Wentronics, Inc. to use all streets and alleys within the City for installation, operation and maintenance of a cable television system, the City receiving 2 1/2% of the gross receipts derived by the corporation from such operation within the City was made by the City Council.

It was moved by Councilman Love and seconded by Councilman Wright that the following Tally Sheet be accepted and placed on file:

TALLY SHEET

SPECIAL MUNICIPAL CABLE T.V. REVOCABLE PERMIT ELECTION March 15, 1966

We, the undersigned, acting as canvassing board, hereby certify that we have canvassed the returns of the Special Municipal Cable T. V. Revocable Permit Election held in the City of Grand Junction, Colorado, on March 15th, 1966, and from the said canvass find the results to be as follows: that 246 ballots were cast in District "A"; 460 ballots were cast in District "B"; that 752 ballots were cast in District "C"; that 463 ballots were cast in District "D"; that 492 ballots were cast in District "E"; and 32 absentee ballots were cast: a total of 2445 ballots cast.

The question submitted was as follows:

``Shall the City Council of the City of Grand Junction, Colorado, grant a Revocable Permit to Wentronics, Inc., a Colorado Corporation, to Permit that Corporation to Use all Streets and Alleys within the City for Installation, Operation and Maintenance of a Cable Television System, the City Receiving Two and One-Half (2 1/2%) of the Gross Receipts Derived by the Corporation from such Operation Within the City.

	<u>"A"</u>	<u>"B"</u>	<u>"C"</u>	<u>"D"</u>	<u>"E"</u>	<u>Absentee</u>
Yes	115	251	418	202	250	19
No	131	208	333	260	240	13

Total for Granting of Revocable Permit	1255	Total spoiled ballots	5
Total Against Granting of Revocable Permit	1185		
Majority in favor	70		

/s/ Charles B. McCormick

/s/ Robert B. Evans

/s/ Charles H. Love

/s/ Ray A. Meacham

/s/ Harry O. Colescott

/s/ Herbert M. Wright

/s/ Hurst Otto

Motion carried.

SPECIAL ELECTION

For charter change to allow Council to grant Rev Pmts for Cable TV

Req withdrawn

The matter of petitions presented at the last Council meeting calling for a special election to change Section 127 of Article XIV of the Grand Junction City Charter was brought up. Councilman Love stated that he wished there was some way that it would not be necessary to have the special election called for by these petitions as he felt it would be a waste of the taxpayers' money. City Attorney Ashby stated that Mr. Stanberry had been contacted before presenting his

petitions last Council meeting asking that he not submit them until after the election but he had done so which was his prerogative. Under the Constitution of the State of Colo., it would be necessary to hold the election. However, it is now a moot question and would be a useless act. If any individual who signed the petition would request an election, the Council would have to go ahead and hold the election or it could be taken to Court, and the Court could order the election held.

Mr. Stanberry was in the audience and stated that he had no desire to waste the taxpayers' money, and it was agreeable with him that the election not be held at this time. It was brought out that the Council could on its own motion initiate action to put this matter on the ballot at the next regular municipal election in April 1967.

Councilman McCormick felt that the Council was obliged to take action on the petition and moved that a Special Election be set on April 19, 1966 as petitioned for by Mr. Stanberry's group. Motion was seconded by Councilman Wright. Councilman McCormick voted AYE on the motion with Councilman Evans, Love, Colescott, Otto, Wright and Pres. Meacham voting NAY. The President declared the motion lost.

It was then moved by Councilman Colescott and seconded by Councilman Evans that the petition be tabled to some future date and that further study be made. Councilmen voting AYE, Evans, Love, Colescott, Otto, Wright and President Meacham with Councilman McCormick voting NAY. The President declared the motion carried.

To put on ballot 1967 question of returning to Co. right to grant Rev Pmt for cable TV

It was moved by Councilman Wright and seconded by Councilman Love that the question of returning the right to grant a revocable permit for CATV to the Council be placed on the ballot at the next general municipal election to be held in 1967. Councilmen voting AYE, Evans, Love, Colescott, Otto, Wright and Pres. Meacham with Councilman McCormick voting NAY. The President declared the motion carried.

TV ELECTION

Western Slope Broadcasting Co Inc req for Rev Pmt election withdrawn

On March 7, 1966 a letter had been received from Western Slope Broadcasting Co., Inc., requesting that an election date be set for a revocable permit for C.A.T.V. They offered to pay to the City three per cent of the gross receipts from the applicant's customers residing within the City Limits.

A letter received March 16th from Western Slope Broadcasting Co., Inc. was read requesting that their request for a revocable permit election be withdrawn. It was moved by Councilman Evans and seconded by Councilman Otto that the letter be considered and application be deemed withdrawn. Motion carried. (7 AYES)

TV ELECTION

Community TV Inc req for cable rev pmt withdrawn

A letter from Anthony W. Williams, Attorney, for Community Television, Inc. was presented and read. They asked that their request for an election for the purpose of granting a revocable permit be withdrawn. It was moved by Councilman Love and seconded by Councilman Wright that the letter be accepted and the request for a revocable permit election be deemed withdrawn. Motion carried. (7 AYES)

BOARD OF ADJUSTMENT

to appoint 2 more members

The Board of Adjustment now consists of five members with four required for a quorum. An amendment to the Zoning Ordinance makes it possible to add two more members to the Board. President Meacham asked Councilmen Evans and Colescott to act as a Committee to submit names for these appointments by next Council meeting.

CONTRACT FOR WATER

Instr No. Water 4201

With Ute Water Dist to fill Mantey Hts Tank

City Manager Lacy presented a contract for the purchase of water from the Ute Water District for use in Mantey Heights water tank. Water would be purchased for the four driest, hottest months of the year to provide additional water for quicker-filling capacity for the tank. A previous contract had been refused by the Ute Water District for service at 25¢ a thousand gallons with connection to be made by Ute Water District. This contract is for 27¢ a thousand gallons and the City to reimburse them approximately \$1000 for the cost of the connection. The tap is to be made at a point mutually agreeable to both parties. The contract has been signed by the Ute Water District. It was moved by Councilman Wright and seconded by Councilman McCormick that the contract be ratified and the President of the Council authorized to sign on behalf of the Council. Motion carried. (7 AYES)

3.2 BEER LICENSE

Safeway Store, Inc. Teller Arms approved

An application for renewal of 3.2 beer grocery store license was presented by Safeway Store, Inc., Teller Arms Shopping Center. A letter was read from Police Chief Karl Johnson stating there was no reason known to him why the license should not be renewed. It was moved by Councilman McCormick and seconded by Councilman Otto that the application be approved and license granted when State license has been received. Motion carried. (7 AYES)

3.2 BEER LICENSE

Valley Bowling Lanes dba Freeway Bowling Lanes 1900 Main

approved

An application for renewal of 3.2 beer license was presented by Valley Bowling Lanes, Inc., dba Freeway Bowling Lanes, 1900 Main St. A letter was read from Police Chief Karl Johnson stating he had no objection to renewal of this license. It was moved by Councilman Colescott and seconded by Councilman Wright that the application be approved and license granted when State license has been received. Motion carried. (AYES)

BONDS APPROVED

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

Clifton Barnes Decorating Serv	Spec Contr	Transamerica Ins		#178
David L. Hancock dba Valley Htg & Air Conditioning	Spec Contr	Peerless Ins		#180
Richard Palan	Spec Contr	Western Surety	494629	#181
Burkey Lumber Co.	Spec Contr	USF&G		#183
Marion F. Crenshaw	Gen Cont	Western Cas & Sur	345076	#182

Earl C. Manspeaker	Gen Cont	Peerless Ins	35 04 25	#184
Clarence Lunsford	Cement	Western Surety	481831	#179

It was moved by Councilman Wright and seconded by Councilman Colecott that the bonds be accepted and filed. Motion carried. (7 AYES)

DAYS

Easter Lily Mar 26

A letter requesting permission to sell Easter lilies on Main Street on Saturday, March 26th, from the Chairman of the Eastern Seal Drive was read. It was moved by Councilman Love and seconded by Councilman Evans that the request be granted. Motion carried. (7 AYES)

DAYS

CAP to sell candy on Apr 2

A letter was read from the Civil Air Patrol Squadron requesting permission to sell candy on the downtown streets on March 26th and April 2nd in order to raise funds for use of new uniforms, training program, etc. It was felt that it would not be a good idea to have two organizations selling on the same day and permission had just been granted to the Easter Seal Drive to sell lilies on March 26th. It was moved by Councilman Wright and seconded by Councilman McCormick that permission be granted to the Civil Air Patrol to sell candy on the downtown streets on Saturday, April 2nd and to encourage them to accept one day but if they feel they have to have two days, that they come back and ask for another day. Motion carried. (7 AYES)

3.2 BEER RENEWAL

Food Time Drive in 2355 Belford Ave.

aprvd

An application for renewal of 3.2 beer license was presented by Food Time Drive In No. 2 at 2355 Belford Ave. It was reported that Chief Johnson had no objections to renewal of this license. It was moved by Councilman Otto and seconded by Councilman Love that the application be approved and license granted when State license has been received. Motion carried. (7 AYES)

REVOCABLE PERMIT

Wentronics, Inc. for cable TV

Instr No. Rev Pmt 4204

Recorded 3-18-66 at 10:40 am, on 3/18/66 Reception No. 914156, Bk894, Pg 346)

The following Revocable Permit was presented and read:

REVOCABLE PERMIT

WHEREAS, Wentronics, Inc., a Colorado corporation, has petitioned the City Council of the City of Grand Junction for a revocable permit to install and maintain cables and necessary appurtenances thereto to transmit television signals

throughout the City of Grand Junction, using the streets, alleys and other public places of the City of Grand Junction for the purpose of constructing, operating, reconstructing, erecting, locating, relocating, repairing, removing, rebuilding along, over and across, through and under the said streets, alleys and other public places of said city, together with the right to trim trees in protection of its cables so installed, and including the right to secure compensation in advance for the raising or removal of such cables for the moving of buildings by private movers of such; and

WHEREAS, such matter has been submitted to the electorate of the City of Grand Junction in special election held March 15, 1966; and

WHEREAS, the electorate have approved the granting of such revocable permit on the condition that Wentronics shall pay unto the City 2.5% of its gross revenues derived from the services it renders hereunder, but excluding connection charges in the computation of gross revenues;

NOW, THEREFORE, in accordance with the action of the City Council of the City of Grand Junction, there is hereby granted to Wentronics, Inc., A Colorado corporation, a revocable permit for the purposes above stated; provided, however, by accepting such permit, Wentronics, Inc. agrees that it shall:

1. Save and hold the City harmless of and from any claim or demands of any kind and nature arising out of the exercise by Wentronics, Inc. of the rights herein granted;
2. Agree that all construction shall be under the control and supervision of the City Engineer and in accordance with his specifications;
3. Agree that any time the City shall lawfully elect to alter or change the grade of any street or alley, Wentronics, Inc., upon reasonable notice by the City, shall remove, relay and relocate its poles, wires, cables or other fixture at its own expense;
4. Post with the City of Grand Junction a bond or cash in the sum of \$20,000.00 for the purpose of indemnifying any customers of Wentronics who shall pay any connection charges within twelve months from the granting of this permit, if, within said twelve months period, Wentronics shall cease to do business in the City of Grand Junction, so much of said bond or cash shall be forfeited in order that the City may reimburse any such customer for such connection charge.
5. Pay unto the City within sixty days following the expiration of each semi-annual period (the first semi-annual period ending July 1, 1966 and the second semi-annual period ending December 31, 1966) two and one-half per cent (2.5%) of its gross revenues derived from the services Wentronics renders under the terms of said revocable permit, but excluding connection charges in the computation of gross revenues;
6. Accompany such payment of fees to the City of Grand Junction with a statement showing the gross revenues for the period for which payment is being made and the computation of fees payable to the City thereunder. In connection with the payment of such fees, Wentronics, Inc. hereby grants to the City of Grand Junction the right at reasonable times and places to examine the books of said company for the purpose of determining the accuracy of reports and payments made to the City hereunder. All such examinations to be made at the cost and expense of the City of Grand Junction.

Dated this 16th day of March, 1966.

J.M. Lacy
City Manager

ATTEST:

Helen C. Tomlinson
City Clerk

Agreed and accepted this 16th day of March, 1966.

WENTRONICS, INC.

By (Signed) Edward E. Drake
President

\$20,000 Bond attached

City Attorney Ashby explained that this is the standard form and contains the provisions we now require in such permits.

Mr. Anthony Williams, Attorney for Wentronics, Inc. and Mr. Ed Drake, President, were present and answered questions pertaining to rates, charges for hook-ups, free service for hospitals, schools and nursing homes. Various regulations were discussed and it was pointed out that the City has the right at reasonable times to examine the Company's books. (Tape recording available)

It was moved by Councilman Otto and seconded by Councilman Colescott that a Revocable Permit be granted to Wentronics, Inc. to permit that corporation to use all streets and alleys within the City for installation, operation and maintenance of a cable television system, the City receiving two and one-half per cent of the gross receipts derived by the corporation from such operation within the City. Motion carried. (7 AYES)

MUSEUM

President Meacham reminded the Council members that they had all been invited by Chairman Ken Johnson to take a specially conducted tour of the new museum and that he would meet them all down there.

ADJOURNMENT

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

/s/ Blanche G. Stringer
Deputy City Clerk