

Grand Junction, Colo.

June 7, 1967

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock p.m., June 7, 1967 in the Civic Auditorium at City Hall. Councilman present and answering roll call were R. B. Evans, Stanley Anderson, Harry O. Colescott, R. G. Youngerman, Herbert M. Wright and President Ray A. Meacham. Councilman C. E. McCormick was absent. Also present were City Manager Gray, City Attorney Ashby and City Clerk Helen C. Tomlinson.

INVOCATION

The invocation was given by Rev. Glenn Brown, Crossroads Methodist Church.

MINUTES

It was moved by Councilman Evans and seconded by Councilman Wright that the minutes of the regular meeting held May 17, 1967 be approved as written. Motion carried.

HEARING - SAN SEWER DISTRICT 22-67

This date had been advertised for hearing on Creating and Establishing Sanitary Sewer District 22-67. City Manager Gray stated that this area was annexed late in 1966 and is located in the area of North 12th Street and Patterson Road. The proposed Sanitary Sewer Dist. 22-67 has been planned for this district based on maps, blue prints, estimates, etc. drawn up by the City engineering Department in accordance with Ordinance No. 1257 adopted by the City Council on March 15, 1967. Approximately fifteen citizens were present who protested being included in this district. Mr. H. L. Senter, 1308 Wellington, Mr. Henry A. Massard, 1452 Wellington, Mr. Ralph Collins, 1321 Wellington, Mrs. Kanavel, 1313 Wellington and Mr. Geo. Kruse, 1324 Wellington, spoke against being included in this district. They stated they have a good system of septic tanks and they are working well. Most of these people own from 1/2 acre lots to seven acres and they felt they would be paying too much for something they do not need.

At the time annexation was being considered a meeting was held with the Development Director and they were told at that time that sewer would not cost them over \$400. It was explained that the City had adopted a new ordinance and new system for determining the cost of sewer improvements since that time. The total cost of the sewer for this area will be approximately \$175,000 and the City is trying to determine the most equitable way for this to be paid.

Office Engineer Fred Webber was present and had figured out the cost for the people present as follows: Florence Shirk, \$1,219.50; Addie Senter, \$1,229.50; Henry Massard, \$1,625; Mr. Williams, \$1,2000; Mr. Ashurst, \$937.50; Mr. Collins, \$1,550 and Mrs. Kanavel, \$1,126.20.

Attorney James M. Robb and Father Foster of Saint Matthew's Episcopal Church were present and presented a letter requesting that a 10-acre tract of land owned by the Church approximately 200 yards east of 12th Street be excluded from the District. The letter stated that the Church had purchased the property as a possible future site for a new parish but there were no immediate plans for any development of the property, and if the cost would be in the neighborhood of \$13,000, it would be too expensive for the Church to pay so they requested that it be excluded from the district.

City Manager Gray stated that the area represented 9% of the area and 6% of the cost of the District. It was also explained that a tract of land east of this proposed sewer district; namely, El Corona Subdivision needs sewer service and the trunk line could be extended to provide the service for this area.

Mr. Lodbe of Des Moines, Iowa, stated that he had property located between Bookcliff Ave. and the canal that was not suitable for a building because of a drain ditch through the middle of it, but he would be assessed \$600 for service which would be of no benefit to him.

President Meacham closed the hearing.

HEARING - GRANT 3.2 BEER LICENSE CHANGE OF OWNERSHIP - KUBENA, INC. DBA SHAKEY'S PIZZA PARLOR

This was the date advertised for hearing on the application of Kubena, Inc., dba Shakey's Pizza Parlor, 827 North Ave. This is for a change of ownership from an individual, Ted Kubena, to a corporation, Kubena, Inc. No protests had been filed, and it was moved by Councilman Wright and seconded by Councilman Colescott that the application be approved. Motion carried.

3.2 BEER RENEWAL - WADDELL'S MARKETS INC., 1630 HWY 50, GRANTED

An application for renewal of 3.2 beer license was presented by Waddell's Markets, Inc., 1630 Highway 50, Orchard Mesa. The original license was granted by Mesa County but because of annexation, they asked for renewal through the city. A letter was read from Police Chief Johnson stating that there was no reason known to him why the license should not be granted. It was moved by Councilman Colescott and seconded by Councilman Youngerman that the application be approved and license granted when State license has been received. Motion carried.

LIBRARY - CONSOLIDATION OF CITY-COUNTY - APPROVED

A letter from the Mesa County Commissioners was read in which it was stated that they had held a meeting on Tuesday, June 6, to discuss the matter of consolidating the Mesa County and City of Grand Junction libraries. The Commissioners will establish a Mesa County Library and will then appoint a five-member Board of Trustees as the governing body. The consolidation of the two libraries is recommended to take place on July 1, 1967 or as soon thereafter as possible. The letter stated that there probably would be some administrative problems in connection with the change and they asked that the City commit itself to turning over the unexpended City library funds for the year 1967 to the County. They also asked for any cooperation the City might give in selecting a site for a new library and in planning and construction that would advance the completion date of a new building.

A letter from Councilman McCormick, who is the Library Board representative, was read. He stated that the special library committee unanimously agreed that it would be more efficient to consolidate the two libraries as soon as possible, and they suggested that the City transfer the balance of the 1967 Library budget to the County for the operation of a combined Library for the balance of the year. Several Councilmen stated that they were glad this matter had progressed to the point where the libraries were going to be consolidated as it had been in the planning stage for many years. It was moved by Councilman Colescott and seconded by Councilman Evans that the City Administration write a letter to the County Commissioners stating that the Council is wholeheartedly in favor of the consolidation; that City Manager Gray and City Attorney Ashby be instructed to work out the details of the transfer as the City is willing to turn over the balance of its 1967 Library budget to the County when the deal is completed, and that by virtue of the County taking over the libraries the City would decrease the City mill levy by one mill in the City's 1968 budget. Motion carried.

PROPOSED ORDINANCE - PREVENT BURNING CERTAIN MATERIALS

The following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING SECTIONS 14-13 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION TO PREVENT THE BURNING OF CERTAIN MATERIALS WITHIN THE CITY. It was moved by Councilman Wright and seconded by Councilman Evans that the proposed ordinance be passed for publication. Motion carried.

SANITARY SEWER DISTRICT 22-67 - RESOLUTION CREATING DISTRICT TABLED

City Attorney Ashby read the following Resolution:

RESOLUTION

CREATING AND ESTABLISHING SANITARY SEWER DISTRICT NO. 22-67 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 THEREFOR.

WHEREAS, on the 19th day of April, 1967, the City Council of the City of Grand Junction, Colorado, passed a Resolution adopting details, plans, and specifications for Sanitary Sewer District No. 22-67 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, except; a letter from Saint Matthew's Episcopal Church concerning property owned by it within the District, which letter was submitted at the hearing on the formation of the District;

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

1. That said Sanitary Sewer District No. 22-67 be, and the same is 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 therefor;

2. That the construction of the said sanitary sewer shall be made by contract let to the lowest 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; except the letter of St. Matthew's Episcopal Church hereinbefore referred to, and except that the following citizens spoke at the hearing against the inclusion of their property within it, to-wit: H. L. Senter, 1308 Wellington Ave., Henry A. Massard, 1452 Wellington Ave., Ralph Collins, 1321 Wellington Ave., Mrs. Kanavel, 1313 Wellington Ave., Geo. Kruse, 1324 Wellington and Mr. Lodbe of Des Moines, Iowa; or any of the proceedings adopted therefor, and all conditions precedent and all requirements of the laws of the State of Colorado, the Charter of said City, and Ordinance No. 178, as amended, being Chapter 18 of

the Code of 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 April, 1967, 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 resolution, provide for the issuance of public improvement bonds for said Sanitary Sewer District No. 22-67 for the purpose of paying the cost and expenses of construction of said District.

PASSED AND ADOPTED this 7th day of June, 1967.

President of the Council

ATTEST:

City Clerk

There was further discussion concerning the protests heard earlier during the hearing. Councilman Wright commented that sewer improvements are vital to the community and sometimes it is necessary to go ahead with them even though it proves to work a hardship on some of the property owners and the assessments are burdensome but this problem exists whenever there are large undeveloped tracts of land involved.

City Engineer Hickman commented there are many problems in constructing a sewer line and in making equitable assessments. In this particular area the Eagleton Subdivision is desperately in need of sewer service. The group that is building the 24-unit condominium and the Medicenter on the west side of 12th and Patterson had been assured that sanitary sewer service would be made available to them in this area. Councilman Colescott mentioned that there was no one present who had spoken out in defense of the District and the Council was probably only getting one side of the question. Mrs. R. K. Childs who lives on Bonita in the Eagleton Subdivision was present and stated she was sure there were a number of people interested in the district who had not felt it was necessary to be present as they did not know there would be opposition presented to the district.

It was moved by Councilman Youngerman and seconded by Councilman Anderson that the matter be tabled until the next meeting of the

Council and that the City Manager go into the matter more fully to see if some of these problems could be settled. Motion carried.

I.D. ST-67 - RESOLUTION CREATING AND ESTABLISHING DISTRICT - (WILLOWBROOK)

The following Resolution was presented and read:

RESOLUTION

DECLARING THE INTENTION OF THE CITY COUNCIL OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY A LOCAL IMPROVEMENT DISTRICT ST-67 AND AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME.

WHEREAS, there has been presented to the City Council of the City of Grand Junction a petition for the construction of sidewalks, curbs and gutters and paving on the following street in said City, to-wit:

Willowbrook Road north of Patterson Road, east of First Street, for the installing of Hollywood-type curb, gutter and sidewalk with 2" of asphaltic concrete mat to be 32' wide between gutter lips, except cul-de-sac which shall have a radius of 41' to lip of gutter, and base and sub-base course and other incidentals thereto,

AND WHEREAS, the Council has found and determined, and hereby finds and determines, that said petitions were signed and acknowledged by the owners of more than one-third of the property abutting on said street to be assessed with the cost of the proposed construction of sidewalks, curbs and gutter and paving of the street; and

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a special improvement district;

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

1. That the district of lands to be assessed with the cost of the improvement district is described as follows:

Lots 1 through 10 in Block 1 of Willowbrook Subdivision Replat

Lots 1 through 7 in Block 2 of Willowbrook Subdivision Replat.

2. That the City Engineer be, and he is hereby, authorized and directed to have prepared and filed full details, plans and specifications for such sidewalk, curb and gutter and street paving; and estimate of the total costs thereof, exclusive of the per centum for cost of collection and other incidentals, and of

interest to the time the first installment becomes due; and a map of the district to be assessed, from which the approximate share of said total cost that will be assessed upon each piece of real estate in the district may be readily ascertained, all as required by Ordinance No. 178, as amended, of the City of Grand Junction, Colorado.

ADOPTED AND APPROVED this 7th day of June, 1967.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Evans and seconded by Councilman Youngerman that the Resolution be passed and adopted as read. Roll was called on the motion with all members of the Council present voting AYE. The President declared the motion carried and the Resolution duly passed and adopted.

WATER - BIDS FOR NORTH AVENUE, 11TH TO 15TH - AWARD CONTRACTS

On the proposed project of replacing the North Avenue water line from 11th Street to 15th Street, bids were received on June 1 as follows:

Pipe & Couplings: Only one bid was received which was from the Thompson Pipe & Steel Company from Denver, Colo. The total of this bid was in the amount of \$13,003.16. Delivery is scheduled for eight to nine weeks after receipt of order and approval of shop drawings.

Valves & Fittings:

Dana Kepner Company	\$3,257.66
Colorado Western Distributor	2,974.03
Thompson Pipe & Steel	2,809.70
Dresser Manufacturing Company	2,804.25
Water Works Sales Company	2,662.05

Delivery of valves from low bidder was nine weeks after receipt of order.

Installation of New Pipe Line:

Scheierman Construction Company	\$22,191.50
Bookcliff Construction Company	19,797.40
Elam Construction Company	18,655.08
Tilton Construction Company	12,199.20
H. B. Smith Construction Company	9,250.20

Engineer's Estimate \$11,107.00

H. B. Smith of Fruita was the low bidder on the installation of the pipe line for a bid of \$9,250.20 and Tilton Construction Company was second low with a bid in the amount of \$12,199.20. Because of the fact that Mr. Smith has very little equipment and only himself and two sons in his organization and Tilton Construction Company has many pieces of equipment and eight permanent employees and has had many jobs of similar construction, City Engineer Hickman and City Manager Gray recommended that the contract be awarded to Tilton Construction Company. The total cost of this project using the Tilton Construction Company bid would be \$31,364.41. Mr. Hickman had estimated the cost at \$32,000.00. As it will be from sixty to ninety days before the materials will be delivered and in order to get the project completed in the early fall, it was felt that a responsible and reliable contractor should be given the contract.

It was moved by Councilman Youngerman and seconded by Councilman Evans that the City accept City Manager Gray's recommendation and award the contracts to Tilton Construction Company for the installation in the amount of \$12,199.20; to Water Work Sales Company for the valves and fittings in the amount of \$2,662.05 and to Thompson Pipe & Steel for the pipe in the amount of \$13,003.16. Motion carried.

SEWER AGREEMENT - PARADISE HILLS - TO OPERATE SYSTEM (OUTSIDE CITY)

City Manager Gray explained the contract which has been drawn up between the Paradise Hills Service Company and the City for the operation of the package sewer treatment system for Paradise Hills Subdivision. Under this contract the Paradise Hills Service

Company would have the system installed and would pay for it. They are required to install this system by State and County regulations before the land can be developed. The City would take over the system and operate it. The Company would collect connection fees, and the City would charge service fees commensurate with the cost of operation and similar to other sewer and utility fees. The Company would reserve the right to disconnect properties from the system in case of non-payment of fees and no re-connect until such fees are paid. There also would be an irrevocable power of attorney given by each shareholder to the City Clerk authorizing the Clerk to cast a unanimous ballot for annexation or inclusion into a larger sewer district if one is created. Shares cannot be transferred without the power of attorney. The power of attorney form is included in the contract.

President Meacham questioned what the City's liability might be if it was found that the system didn't work or was the source of obnoxious odor. City Manager Gray quoted Section 6 of the contract, as follows: "If at any time during the Company's ownership, the sewer system shall be insufficient to handle the volume of sewage treated therein, the Company shall be solely responsible for expansion thereof." City Attorney Ashby stated he thought the question was what to do if there was an adequately sized system and still the odors began to come. City Manager Gray stated that then the system would not be adequate and if the County Health Dept. should say it isn't an adequate effluent, the City should be able to treat the sewage and not in a noxious manner. Mr. Ashby then stated the City would bear the burden of a telephone call, as if the plant belonged to the City, and would try to get the plant set up to operate properly and the Company would pay for whatever was necessary for the plant to operate properly.

President Meacham felt the City should be relieved of any responsibility to define whether the plant is operating properly or being responsible for odors deriving other than those through neglect of the plant. The Company would be obligated to take care of bringing the plant up to proper standards.

Mr. Dave Limes, Resident Engineer of the Engineering firm of Nelson, Haley, Patterson & Quirk (Engineers for Home Loan & Investment Company and Paradise Hills Service Company) was present and stated that the problem of odor constantly comes up and the best way to clarify it is to say that if there is an odor it will be due to one of two things; either the plant is not functioning properly due to its inability to function properly (there is something wrong with it and it isn't a good plant) or it is being improperly operated, and maintained. The way the agreement is set up, the City is an operating agency for their plant and has no ownership of it. They are taking something that someone else has built and are operating it for them. The City is well within its rights to assume that when they are given the plant they will have no liability. Mr. Limes told the Council he is familiar with this

package-type treatment plant and that they work efficiently; that there is a polishing pond and the effluent is chlorinated before releasing into the ditch. It was moved by Councilman Wright and seconded by Councilman Anderson that the Council authorize the President of the Council to sign this agreement with the Paradise Service Company with the provision that the City Attorney endeavor to clarify that particular phrase as to what the City's responsibility is if there is any deficiency of the plant. Motion carried.

BONDS-WATER/SEWER - FISCAL AGENT - BOETTCHER & CO. APPOINTED

City Manager Gray reported that the Council had considered the proposals of four firms to act as fiscal agent for the City in the forthcoming water and/or sewer bond proposals. The Council had met as a committee of the whole on May 11th to hear these proposals. The Administration had considered these proposals and reviewed the terms and would recommend that Boettcher & Company of Denver, who have offices in many Colorado cities including Grand Junction, be appointed as fiscal agent. It is believed that they would serve the best interest of the City. Mr. Jim Hill, who was present at the meeting, is the Grand Junction representative.

It was stated by Councilman Wright that even though there were several fine companies who had made proposals, he would move that the Council follow the recommendation of City Manager Gray and enter into a contract with Boettcher & Company to serve as fiscal agent. Councilman Youngerman seconded the motion. It was moved by Councilman Wright and seconded by Councilman Youngerman that the firm of Tallmadge & Tallmadge be stipulated to act as legal counsel and that City Manager Gray be authorized to modify the contract to fit the occasion. Voting was called for on the amendment to the motion and all members of the Council present voted AYE. The original motion, as amended, was voted on with all members of the Council present voting AYE. The President declared the motion carried.

DRINKING FOUNTAINS - THANK GRAND JUNCTION REALTORS FOR 4 FOUNTAINS IN SHOPPING PARK

President Meacham stated that the Grand Junction Realtors had furnished four drinking fountains to be placed in the downtown shopping park and the Engineering Department had furnished the plans and installation. One had been installed in each of the four blocks of the shopping park. The Realtors and the Engineering Department were thanked for their cooperation and participation in this project.

ADJOURNMENT

President Meacham declared the meeting adjourned.

/s/ Helen C. Tomlinson
City Clerk