

Grand Junction, Colorado

June 17, 1970

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M. June 17, 1970, in the Civic Auditorium at City Hall. Councilmen present and answering roll call were: Raymond R. Paruch, Harry O. Colescott, Ray A. Meacham, Stanley R. Anderson, Theodore N. Naff, R. B. Evans and President Richard G. Youngerman. Also present were City Manager R. N. Gray, City Attorney Gerald J. Ashby, and Helen C. Tomlinson, City Clerk.

MINUTES

The minutes of the regular adjourned meeting held on June 4 were corrected as follows: Councilman Meacham stated that it was his intent to state that "even though the City has not received the 1970 edition of the Housing Code, the City Attorney be instructed to go ahead and prepare an ordinance adopting the present Code and bring it to the Council for the July 1st meeting." It was moved by Councilman Meacham and seconded by Councilman Anderson that the minutes of the regular meeting held on June 3 and the corrected minutes of the regular adjourned meeting of June 4 be approved. Motion carried.

LIQUOR LICENSE

Granted Gus Morris DBA City Liquor Drive In 901 North First

This was the date set for a hearing on the application of Gus Morris for a liquor store license at the City Liquor Drive In at 901 North First Street. A letter from Mr. Karl Johnson, Chief of Police, was read in which he stated that there was nothing concerning the character of Mr. Morris which would prevent the issuance of the license. It was moved by Councilman Evans and seconded by Councilman Naff that the application be approved and license issued when the State license has been received. Motion carried with Councilman Paruch voting NAY.

BIDS CONSTR ID-70

United Sand & Gravel Low - Contract \$68,514.65

Bids had been received and opened at 2:00 P.M. on June 16 for the construction of I.D. ST-70. Bids were tabulated as follows:

<u>Location</u>	<u>Engr's Est</u>	<u>Elam Const</u>	<u>United S & G</u>
Job #1-Westlake Park	\$40,706.40	\$32,856.20	\$31,123.60
#2-28 Rd Texas to Orch	\$18,063.50	19,241.69	16,052.40
#3-Belaire Dr	9,743.00	8,360.55	7,892.20

#4-14th St., North Ave. to Glenwood	2,170.50	2,357.50	1,975.00
#5-Alley, 4th to 5th So of Orch.	2,562.65	2,708.00	2,270.55
#6-Alley, 17th to 18th, North of Glenwood	5,104.25	5,263.75	4,518.50
#7-Sidewalk at Pantusos, 1st & Main	1,262.15	1,756.50	1,454.65
#8-26th St. in Teller Arms area	3,437.50	3,497.50	3,227.75
	\$83,049.95	\$76,041.59	\$68,514.65

City Manager Gray stated that the City Administration recommends the awarding of the contract to United Sand and Gravel, contingent on the sale of bonds. Bonds will be sold on the assessable portion of the contract, possibly locally, at a rate of interest between 7 1/2 and 8%.

It was moved by Councilman Colescott and seconded by Councilman Anderson that the contract for the construction of I.D. ST-70 be awarded to United Sand and Gravel Company at the apparent low bid of \$68,514.65, subject to the sale of the bonds. Motion carried.

LIQUOR

Valley Bowling Lanes (Freeway Bowling) Abide by Previous Decision Denied

The matter of a hearing on the application for a liquor license for Valley Bowling Lanes was brought up. City Attorney Ashby stated that for the record, Mr. Calkins was present to take the record. Previously, there had been a hearing on the application of the Valley Bowling Lanes for a liquor license. The hearing was held and at a subsequent time the Council made a determination to deny the license and furnish Mr. Oberholtzer with the reasons for the denial of the license. Subsequent to that, Mr. Webster, who is representing Valley Bowling Lanes, requested a copy of the record and it was necessary that he have as a part of the record a transcription of the taping that occurred at the hearing that had been held. This tape was not available, and a transcription, therefore, could not be made. So it was determined the only course available to us was to complete the balance of the record by having a hearing tonight designed to complete the record so that the Valley Bowling Lanes might take its appeal, if it chose to do so.

Mr. Ashby stated that he had talked for a brief time with Mr. Webster and he wasn't sure they had reached an agreement, but he had indicated to Mr. Ashby that apparently since the date of the various hearings and the determination, there had been other petitions obtained in support of the granting of the license, and Mr. Ashby had indicated that he felt that this was merely a record supplementing thing; that those petitions would not be acceptable since this was not the design of the hearing. Mr. Ashby stated that he would assume that Mr. Webster could make an offer of proof and then if he takes the City to Court and discovers the City did not have the right to reject the petition, the Council at that time would be happy to look at them.

Mr. Ashby and Mr. Webster agreed that this procedure would be satisfactory. Mr. Webster stated that he would offer the petitions that had been signed within the last week. It will be up to the Council whether it accepts them. Mr. Ashby stated that it would be quite difficult to essentially limit this to what was in the record that is being tried to make it as it should have been. He stated that he believed they were in general agreement that they would both try to get the record only to that point. Mr. Webster disagreed, as he stated it would limit him in presenting to Council any additional

petitions. Mr. Webster then stated that his understanding was that instead of having a motion to reconsider action of a previous motion which he thought dispensed with holding a whole new hearing, and having it advertised, that it actually was advertised, so he thought as far as the applicant was concerned, it would be considered a new application. Mr. Ashby stated that the law provides that a new hearing could not be held for two years, where an application has been denied, so this would have to be considered something other than a new hearing.

Mr. Ashby then asked Mr. Webster to present his evidence in the same manner as it was presented at the previous hearing, and then to add on at a subsequent time the fact that he had other petitions which he could produce and at that time the Council may rule whether or not they wish to accept them. Mr. Webster stated that he would be glad to go ahead on this basis.

A letter was read from Mr. Clifford Wilson, who made the independent survey in the area bounded by 14th Street on the west side, the south side of Grand Avenue on the north side, 23rd Street on the east and to the railroad tracks on the south side. This survey showed that he had called on 257 residences and businesses in this area. The results of the survey are as follows:

"64 in favor, 76 opposed, 67 no opinion, 27 not at home after 3 calls, 6 out of town, 8 vacant buildings, and 9 did not want to sign."

"I found that most of the opposition was from people who have small children and from people who have children that bowled quite regularly at the Valley Bowling Lanes, Inc., and from people who oppose any form of liquor."

A letter was read from Police Chief Karl M. Johnson stating that there had been no violations or complaints concerning the sale of fermented malt beverages at the bowling lane, and provided that proper restaurant and required food service facilities are provided, there was no reason why the restaurant liquor license could not be granted if it did not appear to be against the desires and needs of the neighborhood.

An architect's drawing of the proposed remodeling had been furnished to the City and made part of the record.

Mr. Oberholtzer and Mr. Webster came to the mike in front of the Council room and by questions and answers established that Mr. Oberholtzer was the Manager of the Valley Bowling Lanes; that he was the President of the Corporation; that he was not a majority stockholder; that the majority of the stock was in the estate of R. V. Oberholtzer and the Security Pacific National Bank Trust Department of San Diego. He also established that there was a 3.2 beer license at Valley Bowling Lanes and a restaurant license which they had held for about eleven years. Mr. Webster asked about complaints and Mr. Oberholtzer replied that there had been two times when the Police Department had been called to remove a person who had had too much to drink. The last time the Police Department had been called was in the middle of March.

Mr. Oberholtzer stated that there had never been any violations of the liquor code. Valley Bowling Lanes had obtained the services of Mr. Blake Chambliss to prepare plans for the remodeling of the building for the new lounge. Mr. Webster asked what Y.B.A. stood for, and Mr. Oberholtzer replied that it was "Youth Bowling Association." Large 8-year-olds, 9-year-olds to 18-year-olds are included in this group. When the Youth Bowling Association is bowling, there is no beer or liquor served. At the present time, there is a residential area north of the bowling alley and business buildings and vacant property on the other sides.

Mr. Webster asked Mr. Oberholtzer concerning a listing of businesses in the neighborhood. Mr. Oberholtzer stated that Valley Bowling Lanes own the whole tract of land and there is no alley. The business is located on the south side of this tract which is 275 x 600 feet. The door of the lounge would be about 329 feet from the proposed entrance to the cocktail lounge on the east side of the building. Forty feet would be the setback for the building. The building would front on the street side.

Mr. Webster asked about a survey that was made over a two-day period and Mr. Oberholtzer replied that a sampling of regular patrons of the bowling alley showed that there were 242 people in the building. 52% were County residents and 48% were City residents. Only two people declined to sign in favor of the liquor license. A high percentage of the

patrons were County residents - Panorama, Clifton, Redlands, and all surrounding areas. There was no preponderance for any one area.

Councilman Meacham asked that if a survey was conducted along a prescribed method of doing so, and a survey shows a certain thing, how then, if another survey is taken inside the building among the bowlers, how would this be admissible as evidence.

Attorney Ashby stated that this was admitted at the first hearing. In regard to what is the applicable area for a survey, nobody in the Courts has given any definition. We have assumed that we have an area where we conduct the survey which is a relatively small space. In some instances where patrons come from all over, they also may have some interest in this to which the Council may put what value it determines. It is an evidence of an area where people may come into this particular type of an operation. There are actually two areas.

Councilman Meacham stated that the point he was trying to make - if we have a disinterested person by the name of Mr. Clifford Wilson make a survey and then an interested person conducts a survey, why wouldn't you then have an interested person conducting a survey. In order to get the greatest number of people to say "Yes" he would be contacting those people whom he would be quite sure would say "yes".

Mr. Ashby stated this was one of the reasons the Legislature went to the type survey we now use. It may be that if we continue to run into this type of thing, we may have to conduct the same type of survey that Mr. Oberholtzer conducted. This is to take a disinterested party out to Mr. Oberholtzer's place and talk to the customers as they come in to see how they feel, but have it all with an impartial man. A survey by an interested person, such as that conducted by Mr. Oberholtzer, should be considered by the Council in that manner.

Mr. Oberholtzer stated that in two days he had collected 251 signatures and broke them down, trying to arrive at a neighborhood area. Of these signatures, 113 were residents of the City and 138 of the County, or 48% City and 52% County residents. This gives a reasonable indication of the percentage of City residents that patronize the bowling alley. It is a little over a mile to the Beacon Restaurant and Lounge; about 1 1/4 miles to the Holiday Inn; and 1 1/2 miles to the Bar-X Lounge. This was all of the information given at the previous Council hearing. The original petitions were filed with the Council after discussion as to whether it was in order to file them. Mr. Webster then asked to present additional petitions which had been signed within the past week or so and also to present evidence as to the number of parents of children in the youth bowling league who signed in favor of the issuance of the license. Mr. Ashby recommended that new petitions should not be considered by the Council, nor the evidence regarding the parents, as this material was not used at the time of the original hearing.

Councilman Meacham stated that he did not wish to consider new evidence, and he felt that the petition which Mr. Wilson circulated should be the one considered when making the decision.

President Youngerman stated that the people using the bowling alleys would have an opinion, but the evidence should stop where the original hearing did and if the additional petitions are to be considered, they should be brought up on the Court's order.

New petitions were not acceptable at this time unless ordered by the Court.

Councilman Meacham stated that he would like to make the same statements as he did at the last hearing, as closely as possible. It has been the Council's policy to have a survey made by a disinterested party hired by the City, and to use the results of this survey as one of the methods of determining whether to grant a license. This survey has been made. There were 64 "Yes" votes and 76 opposed; 67 were of no opinion; 27 not at home; 6 out of town; and 9 did not want to sign. This is the only thing you can use on that basis and the fact that there were 64 "Yes" and 76 "No" should be the consideration. He stated that he did not know what other basis you could have in making a determination, or in assuming or presuming that the balance might vote a different way percentage wise. No 2. Granting or denying a license base don the requirements of the neighborhood, one shouldn't go into that, because who is to say what the requirements of the neighborhood are. Perhaps liquor is not required in a neighborhood and perhaps it is required in every place in the neighborhood. A State Statute definition of fermented malt liquor is that it is a non-alcoholic beverage, and the fact that

there has been no problem over owning a 3.2 beer license has no bearing on a hard liquor license. It is a place that is frequented for a large part by youngsters, and so few places are left where young people can go and have the type of atmosphere that Mr. Oberholtzer has in this place. It is a well-operated place, by and large, because there is no access to liquor. The financial success of the business has not been predicated on the fact that a liquor license has been granted or denied.

Councilman Meacham moved that the Council abide by its previous decision and deny the request for a liquor license at the bowling alley. Councilman Anderson seconded the motion.

President Youngerman stated that he was the only one voting for the granting of the license before, and was probably the only active bowling at this time. Over the country, the trend is for bowling lanes to have a restaurant and liquor license, and they have worked out very satisfactorily. He will stand by his previous decision.

Upon the call for a vote on the motion, six Councilmen voted "AYE" and one "NAY". Therefore, the President declared the motion carried and the license denied.

HEARING

Zoning-Lots 21-24 Block 3, City 934-944 Belford From R-3 to P

This was the date scheduled and advertised for hearing on a change of zoning for Lots 21, 22, 23, and 24 except the West five feet of Lot 24 in Block 3, City of Grand Junction, from R-3 to P (Parking). No complaints had been filed and there was no one present who protested the change of zoning. President Youngerman closed the hearing.

BIDS

Pipe & Valve Purdy Mesa Reservoir Contract to Thompson and Miller

Bids were opened on June 15 for 16" steel pipe and accessories and one 16" butterfly valve for high-level outlet tube for Purdy Mesa Reservoir. The following bids were received:

16" Steel Pipe & Accessories

Thompson Pipe & Steel Co. \$4,757.00

(Bid 7 gauge instead of 8 gauge) 1% - 10 days

Delivery - August 29, 1970

Armco Steel Corp. - Delivery Sept. 30 \$5,993.82

16" Wafer-Type Butterfly Valve

Industrial Materials Co. (Henry Pratt make) Denver, Colo. Delivery - 6-8 weeks \$568.00

Ted D. Miller Association (Allis Shalmers make) Denver, Colorado Delivery, 4-6 weeks \$528.00

City Manager Gray stated that the bids were for materials only. They need to be ordered and a contract for installation will be made in the fall. He recommended accepting the low bids.

It was moved by Councilman Colescott and seconded by Councilman Evans that the bid of Thompson Pipe & Steel Company for 16" steel pipe be accepted and that contract be awarded for \$4,757.00, and that the bid of Ted D. Miller Assoc., Denver, for 16" wafer-type butterfly valve be accepted and that a contract in the amount of \$528.00 be awarded. Motion carried.

PLAT-PATTERSON GARDENS

W. of 12th & N. of Patterson Approved

The matter of approving a plat of Patterson Gardens Subdivision was again brought up. At the meeting of the Council on June 4, action had been deferred so that the Council could take another look at this subdivision to see if there was a possibility of having an entrance onto Patterson Road instead of onto 12th Street. Councilman Anderson stated that he had gone out and taken another look at this tract and there is no access available onto Patterson Road. There is a possibility that 12th Street will be widened to four-lane traffic and when it is, there should not be any congestion on 12th Street from traffic coming out of this subdivision.

It was moved by Councilman Paruch and seconded by Councilman Anderson that the plat of Patterson Gardens be accepted and signed by the President of the City Council and attested by the City Clerk; that it be approved and filed with the Mesa County Clerk and Recorder; that a copy thereof be placed on file in the office of the County Assessor and City Engineer. Motion carried.

DAYS

Sheriff's Posse to Sell Rodeo Tickets on Main Street Wednesday, June 24

Mr. Virgil Van Dyke, representing the Sheriff's Posse, appeared before the Council and requested that the Youth of Western Slope Quarterhorse Association be granted permission to sell tickets to the rodeo on Monday through Saturday. It was explained to Mr. Van Dyke that the Council has a policy of limiting sales in the Shopping Park to one day, and if they make an exception to this policy they would have many other requests, and it was felt that sales should be limited. There is no objection to setting up booths on private property or in the stores. It was moved by Councilman Anderson that the Sheriff's Posse be given permission to sell tickets in the Shopping Park for one day, Wednesday, June 24, the day of the parade. Motion was seconded by Councilman Meacham and carried.

3.2 BEER RENEWALS

Teddy's Cafe & Shakey's Pizza Parlor

Applications for renewal of 3.2 beer licenses were presented by the following licensees:

John E. and Ruth D. Murray dba Teddy's Cafe, 1648 Highway 50

Kubena, Inc., dba Shakey's Pizza Parlor

Letters were read from Police Chief Karl M. Johnson stating that there had been on complaints or violations by either licensee, and he knew of no reason why licenses should not be renewed. It was moved by Councilman Evans and seconded by Councilman Meacham that the applications be approved and licenses granted when State licenses have been received. Motion carried with Councilman Paruch voting NAY.

REPORT ON LINCOLN PARK GOLF COURSE

A few weeks ago, Councilman Colescott had reported that several golfers had called him and told him that the Lincoln Park Golf Course was in bad shape. This matter had been referred to the City Manager for investigation and report back. Mr. Gray read a "Memo" from Ralph Stocker and Roy Reynolds and gave reasons why some of the grass on the course was not in the usual good condition. The fact that Lincoln Park course is open for play seven days a week was brought out. Many courses are closed at least one day so that the men can get maintenance work done. Councilmen Meacham and Youngerman had played the course and reported that it is in better shape now than it was a few weeks ago.

Mr. Stocker and Mr. Reynolds were present and answered questions.

PROPOSED ORDINANCE

Zoning Lots 21-24 Blk 3 City (934-944 Belford) to P

The following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Anderson and seconded by Councilman Evans that the proposed ordinance be passed for publication. Motion carried.

ORDINANCE 1358

Passed - Trsf Funds in Park Dept for Concession Stand

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE TRANSFERRING MONIES FROM THE CAPITAL RESERVE SECTION IN THE CAPITAL IMPROVEMENT FUND OF GENERAL GOVERNMENT AND FROM THE PARKING LOT OVERLAY SECTION IN THE CAPITAL IMPROVEMENT FUND OF THE PARKS OPERATIONS TO THE CONCESSION STAND SECTION OF THE STADIUM AND PARKS FUND. It was moved by Councilman Paruch and seconded by Councilman Colescott that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Colescott and seconded by Councilman Meacham that the proposed ordinance be called up for final passage. Motion carried.

The Ordinance was then read, and it was moved by Councilman Anderson and seconded by Councilman Colescott that the ordinance be passed and adopted as read, numbered 1358 and ordered published. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

ORDINANCE 1359

Passed - Vacate Easement E of 12th Fr Mesa to Elm

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING AN EASEMENT WITHIN THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Paruch and seconded by Councilman Evans that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Colescott and seconded by Councilman Paruch that the proposed ordinance be called up for final passage. Motion carried.

The Ordinance was then read, and it was moved by Councilman Anderson and seconded by Councilman Naff that the ordinance be passed and adopted as read, numbered 1359 and ordered published. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

ORDINANCE 1360

Passed - Vacate Alley Blk S Keith's (Between 12th & 13th Pitkin & South)

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING AN ALLEY IN THE CITY OF GRAND JUNCTION. It was moved by Councilman Colescott and seconded by Councilman Paruch that the Proof of Publication be accepted and filed. Motion carried. It was moved by Councilman Anderson and seconded by Councilman Meacham that the proposed ordinance be called up for final passage. Motion carried.

The Ordinance was then read, and it was moved by Councilman Meacham and seconded by Councilman Paruch that the ordinance be passed and adopted as read, numbered 1360 and ordered published. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

WATER BILL ADJUSTMENT

Carrie R. Hill 2858 B Road \$46.80

Mrs. Carrie R. Hill, 2858 B Road, requested an adjustment in her May water bill due to a service line leak. An adjustment in her April billing was made for \$39.60 due to a water line break. The water line is about 3/4 mile long and was laid with early style plastic about twelve years ago. Utilities Director Plowman recommends that the adjustment be made as the line was repaired as soon as the break was discovered. It was moved by Councilman Anderson that the adjustment of \$46.80 be granted to Mrs. Hill on her May water bill. Motion was seconded by Councilman Meacham. Motion carried. Councilman Anderson suggested that a letter be sent to Mrs. Hill telling her that the Council might not consider another adjustment in her water bill and that she consider replacing the line.

SALES TAX

Discuss Distribution of Collections

Mr. Gray stated that he had another matter to bring up - that of the proposed 2% sales tax resolution which the County wishes to have the citizens vote upon this fall. Mr. Ted Ford and the Commissioners have proposed that the County be given a guaranteed floor in collections of 50%. This has been brought on by the filing of petitions of annexation by six areas north of the City. If these areas are annexed, it will raise the assessed valuation of the City of Grand Junction. Under the old formula, the County was to receive 66% and the towns 44%. The City of Grand Junction would have about 40.18%. The County points out that even though the City annexes areas and has extra cost, they do not lose the maintenance costs and theirs do not diminish. They propose a section of the resolution to read as follows:

Item 6. That such tax will be shared with the incorporated towns and cities in Mesa County on a percentage basis determined by a comparison of assessed valuation. In determining such percentage, the valuation for the County shall be that valuation not assessed within any incorporated city or town. The assessed valuations used will be those determined by the assessor in the year preceding the year in which distribution is to be made.

Anything herein to the contrary notwithstanding, the distribution percentages shall not fall below the following:

Mesa County 50%
Grand Junction 40%
Fruita 1.93%
Palisade 1.25%
Collbran .27%
DeBeque .14%

Sales tax monies collected by the State Revenue Department will be returned to the Mesa County Treasurer, and then dispersed to each governmental entity. There will be no treasurer's fee charged by the Mesa County Treasurer for this disbursement of funds.

The present formula would give the County about 56% and the City 40.18%. The County now wants a guaranteed floor of at least 50% and the City's guarantee would be 40%. When assessed valuations from annexations are available to the City, the County's sales tax would decrease, and the City's increase. Councilman Meacham suggested that after five years the matter be renegotiated. Councilman Naff stated that he was in favor of the original 50-50 split. After discussion, it was agreed that the formula would be acceptable if the clause to renegotiate in five years was put in.

SHOPPING PARK

Councilman Anderson called attention to the editorial in the Daily Sentinel commending Mr. Stocker and Park Department employees for the care they give to the Shopping Park. It really is a nice job, and the crew deserves a pat on the back. Much favorable comment is heard concerning the beauty of the shopping park.

WEST ORCHARD AVENUE

Councilman Paruch stated that there is a portion of West Orchard Avenue that is being used as a speeding road. It will be paved this summer, and this could increase the hazard. The City Manager will look into this to see if signs are needed.

JUNIOR HIGH SCHOOL BUILDINGS - DIRT

Use in Parks

Councilman Meacham stated that he would like to have the City Recreation Department look into the possibility of having some of the dirt being piled up at the building sites of the two new Junior High School buildings taken to some of the parks in the City for the children to play in. It could be piled up rather high and used for slides instead of Lilac Park. The City Manager will check into this.

HEARING - I.D.ST-70

Resolution for Creation of District

This was the date set for hearing on I.D. ST-70. There were no protests filed in writing, and no one appeared at the meeting to protest the creation of the District.

The following Resolution was read:

RESOLUTION

CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-70 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF CURBS AND GUTTERS, SIDEWALKS AND PAVING ON STREETS AND ALLEYS THEREIN, PROVIDING FOR THE PAYMENT THEREFOR AND PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS OF SAID DISTRICT.

WHEREAS, on the 6th day of May, 1970, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Improvement District No. ST-70 and authorizing Notice of Intention to Create said District; and

WHEREAS, Notice of Intention 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 Improvement District No. ST-70 be, and the same is hereby, created and established; and that construction of curbs and gutters, sidewalks and paving of streets and alleys therein be, and the same is hereby, authorized and directed, in accordance with the Resolution Adopting Details, Plans and Specifications prepared and filed therefor.

2. That the construction of curbs and gutters, sidewalks and paving of streets and alleys shall be made by contract let to the lowest, reliable and responsible bidder after public advertisement, 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 improvements in said District were 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 therefor, and that 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 curbs and gutters, sidewalks and paving of streets and alleys to be constructed, the boundaries of said Improvement 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 6th day of May, 1970, and in accordance with the published Notice of Intention to Create said District.

5. That for the purpose of paying the cost and expenses of constructing improvements in said Improvement District No. ST-70, including engineering, inspection and other incidental expense, the City shall issue public improvement bonds of said Improvement District No. ST-70, dated the _____ day of _____, 1970, in the denomination of \$1,000.00 each, numbered 1 to 67, inclusive, due and payable on the _____ day of _____, 19_____, subject to call and payment, however, at any time prior to the maturity of said bonds, said bonds shall bear interest at not more than eight per cent (8%) per annum, payable semi-annually on the _____ day of _____ and the _____ day of _____ of each year, as evidenced by coupons to be attached to said bonds. The principal of, and interest on, said bonds being payable at the office of the City Treasurer of the City of Grand Junction, Colorado, the said bonds shall be signed by the President of the City Council, sealed with the seal of said City and attested by the City Clerk; the coupons shall be signed with the original or facsimile signature of the City Treasurer; and when so executed said bonds shall be registered by the City Treasurer.

6. Said bonds shall be payable out of the proceeds of a special assessment to be levied upon real estate situate in the City of Grand Junction, in said Improvement District No. ST-70, especially benefitted by said improvement, and shall also be payable out of available proceeds of an annual one-mill tax to be levied on the taxable property in said City, pursuant to People's Ordinance No. 27 of said City, which tax was voted and authorized to make up deficits in special improvement district funds.

7. Said bonds, the coupons to be attached thereto and the registration certificate to be endorsed thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF COLORADO COUNTY OF MESA

CITY OF GRAND JUNCTION

PUBLIC IMPROVEMENT BOND

IMPROVEMENT DISTRICT NO. ST-70

No. _____ \$1,000.00

The City of Grand Junction, County of Mesa, State of Colorado, for value received, acknowledges itself indebted and hereby promises to pay to the bearer thereof, the sum of ONE THOUSAND DOLLARS in lawful money of the United States of America, on the first day of _____, 19_____, subject to call and payment, however, at any time prior thereto with interest thereon from date until payment according to the interest coupons hereto attached, payable semi-annually on the first day of _____ and the first day of _____ each year, both principal and interest being payable at the office of the City Treasurer in Grand Junction, Colorado, upon surrender of the attached coupons and bond as they severally become due, or are called for payment.

This bond is issued for the purpose of paying the cost of local improvements in Improvement District No. ST-70 in the City of Grand Junction by virtue of, and full conformity with, the Constitution and laws of the State of Colorado, the Charter of the City of Grand Junction, and requisite resolutions and ordinances of said City, duly adopted, approved, published and made laws of said City prior to the issue hereof.

This bond is payable out of the proceeds of a special assessment to be levied upon real estate situate in the City of Grand Junction, in said Improvement District No. ST-70 especially benefitted by said improvements, and is also payable out of available proceeds of an annual one-mill tax to be levied on the taxable property in said City, pursuant to People's Ordinance No. 27 of said City, which tax was voted and authorized to make up deficits in special improvement district funds, and the amount of the assessments upon the real estate in said District for the payment hereof, with the accrued interest, shall be a lien upon said real estate in the respective amounts to be apportioned to said real estate, and assessed under the Charter and ordinances of said City.

It is hereby certified and recited that the total issue of bonds of said City for said District, including this bond, does not exceed the estimate of the City Engineer of the cost of said improvements, nor the amount authorized by law, and it is further hereby certified and recited that every requirement of law relating to the creation of said Improvement District No. ST-70 and the making of said improvements and the issuance of this bond has been fully complied with by proper officers of said City, and that all conditions required to exist and to be done precedent to and in the issuance of this bond, to render the same lawful and valid, have happened, been properly done and performed, and did exist in regular and due time, form and manner, as required by law.

IN TESTIMONY WHEREOF, the City of Grand Junction has caused this bond to be subscribed by the President of the Council, attested by the City Clerk under the seal of the City, and the interest coupons hereto attached to be attested by the facsimile signature of the City Treasurer, as of the first day of _____, 19 _____.

President of the City Council

ATTEST:

City Clerk

(FORM OF COUPON)

No. _____ \$ _____

On the first day of _____, A.D. 19 _____, the City of Grand Junction, Colorado, will pay the bearer _____ Dollars in lawful money of the United States of America, at the office of the City Treasurer, in Grand Junction, Colorado, being six month's interest on its local improvement bond of Improvement District No. ST-70, provided the bond to which this coupon is attached has not been called for prior payment.

Attached to bond dated _____, 19 _____.

No. _____

(Facsimile Signature)\City Treasurer

(REGISTRATION CERTIFICATE)

It is hereby certified that the within and foregoing bond has been registered in a suitable book kept for that purpose in the office of the City Treasurer of the City of Grand Junction, Colorado, in accordance with the laws and ordinances under which the same is issued.

Dated at Grand Junction, Colorado, this _____ day of _____, 19_____.

\City Treasurer

The City Clerk is hereby authorized and directed to have printed the bonds authorized by this Resolution and when the same have been executed, to deposit the same with the City Treasurer, who shall deliver them to the lawful purchaser there of, on receipt of the purchase price.

PASSED AND ADOPTED this _____ day of _____, 19_____.

\President of the Council

ATTEST:

\City Clerk

It was moved by Councilman Anderson and seconded by Councilman Evans that the Resolution be passed and adopted as read. Roll call was made on the motion with the following results:

Councilmen voting AYE: Raymond R. Paruch, Harry O. Colescott, Ray A. Meacham, Stanley R. Anderson, Theodore N. Naff, R. B. Evans, President R. G. Youngerman

Councilmen voting NAY: None

All the Councilmen voting AYE, the President declared the motion carried.

ADJOURNMENT

The President declared the meeting adjourned.

Helen C. Tomlinson\City Clerk