

Grand Junction, Colorado

November 18, 1970

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M., November 18, 1970, in the Civic Auditorium at City Hall. Councilmen present and answering roll call were: Raymond R. Paruch, Harry O. Colescott, Stanley R. Anderson, Ray A. Meacham, Theodore N. Naff, R. B. Evans, and President R. G. Youngerman. Also present were City Manager Richard N. Gray and City Clerk Helen C. Tomlinson. City Attorney Gerald Ashby was absent.

MINUTES

It was moved by Councilman Colescott and seconded by Councilman Meacham that the minutes of the regular meeting held on November 4, 1970, be approved as written. Motion carried.

LETTER FROM B. J. REHDER, 2017 COLLEGE PLACE

Supporting Increase in Fees for Sanitation Services

A letter from Mr. B. J. Rehder of 2017 College Place was read. Mr. Rehder supports an increase in fees for sanitation services, and he also commended the City on other services which he receives, such as the leaf removal each fall and the street sweeping. The City Clerk was instructed to acknowledge the letter from Mr. Rehder.

LETTER FROM DALBY, WENDLAND & JENSEN - 1970 AUDIT

A letter from Dalby, Wendland & Jensen was read regarding the 1970 audit. The letter is to be filed.

DAYS - CHAMBER OF COMMERCE RETAIL TRADE COMMITTEE

Request Closing of Main Street from 5th Street to 6th Street, Saturday morning, November 28

A letter from the Downtown Retail Trade Committee was read in which they request permission to close Main Street from 5th to 6th on Saturday morning, November 28. This is for the official opening of the Christmas season.

It was moved by Councilman Naff and seconded by Councilman Evans that permission be granted. Motion carried.

COUNCILMAN MEACHAM'S APPOINTMENT TO RADON STUDY COMMITTEE AFFIRMED

A letter was read from Councilman Meacham in which he explained a meeting of a group of local people with Governor Love on November 12 regarding the Radon level in this area. So far there has been nothing conclusive from tests conducted in the past; however, Governor Love suggested that there is always the possibility that there may be some dangerous areas, and he felt that the local people must be aware of these possibilities to the extent that if they should require action, the area would be ready to take such action. The Study Committee includes Ed Lamm, Doctor Saccammano, Dale Hollingsworth, Bob Bray, and Councilman Meacham, with Richard N. Gray and Ted Ford acting as ex-officio members. In order for Councilman Meacham to serve on this Committee as the official representative of the Council, the Council would need to appoint him.

It was moved by Councilman Evans and seconded by Councilman Colescott that Councilman Meacham serve as the official representative of the Council on the Radon Level Study Committee.

Councilman Naff remarked that this affects the homes here in Grand Junction, and due to the consideration that has been

had about the homes during the last few days, he doesn't know whether the public would like to have Councilman Meacham on this Committee or not. Councilman Naff said he thought the Council should get somebody else if they could. Councilman Meacham said that he would defer to whatever the pleasure of the Council would be.

Councilman Paruch said that his first exposure to this was in the paper the other day and then Councilman Meacham's letter. He asked Councilman Meacham if he would mind answering two questions: Who has organized this, and what is the intent of the organization?

Councilman Meacham explained that as everyone know, there have been some tests going on and there has been absolutely nothing conclusive about them. The Governor apparently felt concern enough about it to come over and meet with quite a large group of people. President of the Council Youngerman, of course, would have been the representative, but he was out of town, so the Mayor Pro Tem, Councilman Meacham represented the City Council. From the information that is coming in from the best technology, the direction towards non-concern would probably be more advisable than to become concerned about it. However, the Governor does think that there is a possibility that we may have a problem, and if this possibility should exist, the local people should become aware of it; the local people should be on top of it; hence, the Committee which was suggested so that they can follow through on it.

Councilman Paruch asked who selected the Committee and who presented the list of people to be on the Committee.

Councilman Meacham said that besides the people mentioned on the Committee, there was also in attendance Paul Martin of the Chamber of Commerce, Dale Hollingsworth, Mr. Johnson and Mr. Jameson from the newspaper. Councilman Meacham said as a rule most committees are formed from among the people who attend in the first place -- right or wrong. Because Councilman Meacham happened to be there as a member of the Council, he was chosen. Councilman Meacham said that he would ask the Council to disregard his letter, and he asked the Mayor to appoint Councilman Naff to serve in his place.

President Youngerman said he hated to see Councilman Meacham do this, since the Governor has asked Councilman Meacham to be on this Committee.

Councilman Naff said that he is serving on two committees already, the Health Board and the Museum Board, and it would be very difficult for him to take on any more.

President Youngerman said the Council should go ahead and appoint Councilman Meacham as requested by the people who were at the meeting. Motion carried with Councilman Naff and Councilman Paruch voting NAY.

LIQUOR LICENSE RENEWALS FOR 1971

Approved

The following applications for renewal of liquor licenses for 1971 were presented:

Arn's, Arnold C. Ebert, 2882 North Avenue

Bar X Restaurant & Lounge, Elmer B. Nelson & Donna R. Copeland, 1600 North Avenue

Beacon Cafe & Lounge, Geo. P. Chronis & Paul J. Mitchell, 609 Main Street

Cafe Caravan, Marian S. Vogel, Alan M. Simpson & Julian E. Simpson, 105 West Main

Dream Restaurant, Lucile M. Buchanan, 118 Main Street

Jensen's Flamingo Lounge, Hazel Jensen, 201 Colorado

Ivanhoe Inn, Ski-Lu, Inc., 233 North Avenue

Mark's Cork & Embers, Mark's Finer Dining, Inc., 105 North Second Street

Pantuso's Pizzeria, James Pantuso & August Pantuso, 103 North First

Reverse R Bar, Jack D. Ritter & Virginia A. Ritter, 122 South Fifth Street

Royal Motel, Royal Motel Company, 1810 North Avenue

St. Regis Lounge, Katherine L. Blackshear, 355 Colorado Avenue

Santy's Cafe & Lounge, Tony Santy & Willow Bea Santy, 335 Main Street

Tony's Bar & Grill, Emil F. Tonozzi, Jr., 209 Colorado

Beefeaters, Ty We, Inc., 159 Colorado

The Sir Loyne, B. F. Crone & Richard H. Sheldon, 2879 North Avenue

Crown Liquor Store, Ben & Julia Poloni, 119 So. 4th St.

Foresight Liquors, Robert E. Johnson & Patricia L. Johnson, 201 Main Street

Grand Liquor Store, Thos. N. Mulvihill & Marguerite A. Mulvihill, 220 West Grand

Hilltop Liquors, Clarence B. Olson & Vernace E. Olson, 1563 Highway 50

Jim's Liquors, Melvin J. Benton & Helen M. Benton, 1560 North Avenue

Johnnie's Liquors, Johnnie Retolaza, 1000 No. 5th St.

Last Chance Liquors, Clara E. Warren, 1203 Pitkin Ave.

Raso Liquors, Raffaelina Raso & Dora F. Pantuso, 202 Ute Avenue

State Liquors, State Liquors, Inc., 659 Rood Avenue

Taylor's Liquors, Craig Taylor and Joyce Taylor, 401 North Avenue

Teller Arms Liquor Shoppe, Rufus M. Jones & Florence M. Jones, 2401 North Avenue

North Avenue Liquors, Richard K. Owens & Kenneth E. Owens, 801 North Avenue

City Liquor Drive In, Gus Morris, 901 North First St.

B. P. O. Elks G. J. Lodge #575, 249 South Fourth Street

Fraternal Order of Eagles, 1647 U.S. Hwy 50 South

Beye Lotz Post #1247, Veterans of Foreign Wars, 1404 Ute Avenue

A letter was read from Chief of Police Karl Johnson. Chief Johnson said there had been no problems during the past year and there is no reason why the licenses cannot be renewed.

Councilman Colescott moved that all of the applications under consideration be approved and licenses granted when State licenses have been received. Councilman Naff seconded the motion. Councilman Meacham requested a roll call.

Councilman Paruch: NAY

Councilman Colescott: YEA

Councilman Meacham: "This brings up a very interesting thing to me. In view of the past election, of course, where the vote against what the majority of the Council has been doing was approximately 5 to 1, it would appear to me that this is also a tacit approval of Mr. Paruch's position in voting NO on each and every beer and liquor license which comes up, even though it specifically states in the Ordinance that we have sworn an oath to the effect that we would uphold the Ordinance and uphold the laws of the State of Colorado. Liquor being a legal business in the State of Colorado, no Councilman and no one else has any right to deny unless they have a technical reason which is so defined by the law. But the point remains that a number of people have seen fit, as a matter of fact, for every person who saw fit to back the contentions of the majority of the Council, 5 saw fit to go along with Mr. Paruch. Now I am beginning to feel a little bit like I am being left out in the cold. I like this seat on the Council, and I must agree that the people's word is law; therefore, I must defer to the people. I must say that the people stood behind Mr. Paruch in this Housing Code election. By the same token, this must be a token of confidence to him and vote of no confidence to the rest of the Council. So I want to get on the right side, whether its legal or not, and so I am going to vote NO along with Mr. Paruch."

Councilman Paruch's request to answer Councilman Meacham was granted. The President requested that the roll call on the motion be continued first.

Councilman Anderson: NAY

Councilman Naff: YEA

Councilman Evans: YEA

Councilman Youngerman: YEA

Councilman Meacham commented that this is a split vote now. There were 3 NO votes and 4 YES votes. Whenever you change the tone of the Council, whenever you get to the point where you have 4 men who think like Mr. Paruch, then there will be no liquor licenses in this town unless you have them by court, and you will not have a lot of other things.

Councilman Paruch said that his original position was this: On the basis of the constituents that he represents who are opposed to the issuance of any license for beer or liquor, his vote is NO, and he feels that these people merit consideration and representation.

Councilman Meacham: "In other words, you don't care what the law says."

Councilman Paruch repeated that on the basis of the constituents that he represents, his vote is NO.

President Youngerman asked Councilman Paruch how many of his constituents were for and how many against. Councilman Paruch said, "I think the vote sort of confirmed that we had a little support. And I feel that perhaps the next election will determine this issue itself."

Councilman Anderson asked Councilman Paruch if he chose not to represent those other people that voted for him who do want liquor. Councilman Paruch stated that he chose to represent the people who have had no representation, so to speak, over the years. This has been discussed with the attorney and the attorney felt that Councilman Paruch's position was justified.

Councilman Meacham: "Mr. Paruch, when you raised your hand and swore to uphold the laws of the State of Colorado and the Constitution of the United States and the laws of the City of Grand Junction, did this not mean anything to you?"

Councilman Paruch: "I think that is a very unfair question, Mr. Meacham. I refuse to answer that."

The President declared the motion carried with a majority voting AYE.

ORDINANCE NO. 1377

Appropriation Ordinance

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1971, AND ENDING DECEMBER 31, 1971, AND FIXING THE SALARY OF THE CITY MANAGER OF SAID CITY. It was moved by Councilman Colescott and seconded by Councilman Meacham that the Proof of Publication be accepted and filed. Motion carried.

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

The Ordinance was read. There being no comments, it was moved by Councilman Meacham and seconded by Councilman Evans that the Ordinance be passed, adopted, numbered 1377, and ordered published. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

RESOLUTION

Adopting 1971 Budget

The following Resolution was presented and read:

RESOLUTION

A RESOLUTION ADOPTING A BUDGET FOR DEFRAYING THE EXPENSES AND LIABILITIES FOR THE FISCAL YEAR ENDING DECEMBER 31, 1971.

WHEREAS, in accordance with the provisions of Article VI, Section 59, of the Charter of the City of Grand Junction, the City Manager of said City has submitted to the City Council, a budget estimated of the revenues of said City and the expenses of conducting the affairs thereof for the fiscal year ending December 31, 1971, and

WHEREAS, after full and final consideration of the budget estimate, the City Council is of the opinion that the budget should be approved and adopted;

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

That the budget estimate of the revenues and expenses of conducting the affairs of said City for the fiscal year ending December 31, 1971, as submitted by the City Manager, be and the same is hereby adopted and approved as the budget estimate for defraying the expenses and liabilities against said City for the fiscal year ending December 31, 1971.

ADOPTED AND APPROVED THIS 18th day of November, 1970.

APPROVED:

President of the Council

ATTEST:

City Clerk

Councilman Colescott said he has reconsidered, and he would go along with the Council for the adoption of the 1971 Budget. However, he does feel the mill levy can be lowered, and he would like to have next year's budget a little earlier so that the Council can have more time for consideration.

It was moved by Councilman Anderson and seconded by Councilman Meacham 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.

CANVASS VOTES OF NOVEMBER 17 SPECIAL MUNICIPAL ELECTION

Implementing Housing Code - Defeated

A canvass of the votes cast in the November 17 Special Municipal Election was made. The following report was presented:

TALLY SHEET

SPECIAL MUNICIPAL ELECTION, NOVEMBER 17, 1970

We, the undersigned, acting a canvassing board, hereby certify that we have canvassed the returns of the Special Municipal Election held in the City of Grand Junction, Colorado, on November 17, 1970, and from the said canvass find the results to be as follows: that 1,032 ballots were cast in District "A"; 1,261 ballots were cast in District "B"; 995 ballots were cast in District "C"; 916 ballots were cast in District "D"; 1,059 ballots were cast in District "E"; and 96 absentee ballots were cast: a total of 5,359 ballots cast.

The question submitted was as follows:

"Shall the 1970 Edition of the Uniform Housing Code become effective and be implemented within the City of Grand Junction?"

| | <u>"A"</u> | <u>"B"</u> | <u>"C"</u> | <u>"D"</u> | <u>"E"</u> | <u>ABS.</u> |
|--|------------|------------|------------|------------|------------|-------------|
| FOR THE APPROVAL OF THE HOUSING CODE | 64 | 296 | 152 | 137 | 148 | 15 |
| AGAINST THE APPROVAL OF THE HOUSING CODE | 953 | 956 | 842 | 779 | 910 | 81 |

TOTAL FOR THE APPROVAL OF THE HOUSING CODE 812; Total Spoiled Ballots 26

TOTAL AGAINST APPROVAL OF THE HOUSING CODE 4,521

TOTAL BALLOTS CAST 5,359

MAJORITY AGAINST APPROVAL 3,709

Theodore N. Naff\

R. B. Evans\

Stanley R. Anderson\

R. G. Youngerman\

Ray A. Meacham\

Raymond R. Paruch\

Harry O. Colescott\

It was moved by Councilman Naff and seconded by Councilman Paruch that the tally be approved. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

SANITATION FEE SCHEDULE

Councilman Naff asked when the proposal for higher sanitation fees would be brought up. City Manager Gray said they hope to have the new schedule ready to go to the Council next week to be considered at the December 2nd or 16th Council meeting.

COUNCILMAN PARUCH

Councilman Paruch stated that he was new in the political field and twice since he has been involved, the matter of upholding the Constitution has been brought up. He did not wish to generate animosity, and loyalty was a very deep implication. He and his family have served in World War I and II and the Korean and Vietnam Wars and would serve again if necessary, proving their loyalty to the Nation.

He also said that he would be out of town for a few weeks and would ask Councilman Anderson to attend O.E.O. meetings while he is gone.

LINCOLN PARK CONCESSION BUILDING

Councilman Paruch stated that he had attended the Central High-Grand Junction High football game, and in going into the rest room area in the new concession building found that the rest rooms were very small and the equipment inadequate for taking care of a large crowd, especially for the amount of money paid out for the facilities. Councilman Colescott concurred with Councilman Paruch, also stating that there should be more policemen at the big games watching the youngsters who are trying to tear up the equipment in the rest rooms. Councilman Meacham commented that there are only two policemen at the games, and they are stationed at either end of the field and do not circulate around among the crowd. There was apparently some trouble in the stands at the game mentioned. City Manager Gray said the policemen have been instructed to station themselves at the ends of the field to watch for students coming in over the fence. He said he would check with the schools and Mesa College officials to see if more off-duty policemen could be hired.

COLORADO MUNICIPAL LEAGUE LEGISLATION

Discussion concerning proposed legislation to be supported by the Colorado Municipal League was had. President Youngerman asked how the Council felt about protesting the proposed telephone rate increase. It was noted that if the City participates in the fight, it should participate in the funding of it. This would amount to 2 1/2 to 3 cents per person in the City, or around \$600.00.

ADJOURNMENT

The President declared the meeting adjourned.

Helen C. Tomlinson\City Clerk