

Grand Junction, Colorado

April 21, 1971

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M. April 21, 1971, in the Civic Auditorium at City Hall. Councilmen present and answering roll call were: Raymond Paruch, Harry Colescott, Ray Meacham, Stanley Anderson, Robert Evans, and President of the Council Richard Youngerman. Absent: Councilman Theodore Naff. Also present were City Manager Richard Gray, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

MINUTES

It was moved by Councilman Anderson and seconded by Councilman Paruch that the minutes of the regular Council meeting held on April 7, 1971, be approved as written. Motion carried.

HEARING - 3.2 BEER LICENSE dba EL SOMBRERO-CAFE, 811 S. 7TH - APPROVED

This was the date advertised for a hearing upon the application of Augie Reyes for a 3.2 beer license for the El Sombrero Cafe at 811 South Seventh Street. A letter was read from Chief of Police Karl Johnson in which he said that Mr. Reyes meets all of the qualifications necessary for a 3.2 beer license, and there appeared to be no reason why the application should not be approved. The President of the Council closed the hearing.

It was moved by Councilman Evans and seconded by Councilman Meacham that the application be approved and the license issued when the State license has been received. Motion carried with Councilman Paruch voting NAY.

HEARING - LIQUOR LICENSE CHANGE OF LOCATION - EMIL F. TONOZZI, JR., FROM 209 COLORADO TO 215 COLORADO - DENIED

This was the date advertised for a hearing upon the application for change of location of the liquor license held by Emil F. Tonozzi, Jr., dba Tony's Bar & Grill, 209 Colorado Avenue to be moved to 215 Colorado Avenue.

Mr. Terrance Farina, Attorney representing Mr. Tonozzi, appeared before the Council. Mr. Farina said that at the present time Mr. Tonozzi is leasing the building at 209 Colorado Avenue from Mr. H. O. Hayashi and that Mr. Tonozzi has been trying to sell his business. Mr. Farina said that in March Mr. Tonozzi had contracted to sell his business to a gentleman by the name of Mr. McMican. Mr. Hayashi had informed Mr. Tonozzi that the lease on the building at 209 Colorado was on a month-to-month basis. At

this time Mr. Tonozzi entered into an arrangement to buy the building at 215 Colorado Avenue and made application for the transfer of the license. In the meantime, the sale to Mr. McMican went by the wayside. The building at 215 Colorado has the same dimensions as the one at 209 Colorado. Mr. Farina said that Mr. Tonozzi plans to do a certain amount of remodeling at the new location, and he would continue to operate at 209 Colorado Avenue until he can move his business. Mr. Farina said that Mr. Hayashi is not legally entitled to the premises at 209 Colorado at this time. Mr. Farina said that he has a copy of the lease to this building that runs until September, 1971. Mr. Farina noted that he was not Mr. Tonozzi's legal representative when the lease was drawn up. Mr. Farina said that at this time Mr. Tonozzi has a buyer for his license, and the buyer was present for this hearing. Mr. Farina also noted that the clientele at Tony's Bar and Grill is not the same as it was in the mid-1950's. Mr. Farina said that Mr. Tonozzi should not be denied the right to sell his business.

Councilman Anderson asked if the building at 215 Colorado Avenue would be remodeled to meet health standards. Mr. Farina said it would be.

Chief of Police Karl Johnson appeared before the Council to give a background of Tony's Bar and Grill over the past two years and to report on the charges filed against Mr. Tonozzi earlier this year. Chief Johnson said that the bar at 209 Colorado Avenue is probably one of the earlier liquor license outlets in Grand Junction, having been in business at this location under different operations since the mid-1930's. The Hayashi family operated it until the mid 1950's and then other operators, with Mr. Tonozzi having taken over the license in late 1968. Chief Johnson said that when the liquor licenses came up for renewal in 1969, he submitted a report to the Council about the operation at Tony's Bar and Grill. At that time the City Council asked Mr. Tonozzi to appear before them to justify the renewal of his license on the basis of a number of complaints that had been made during the year. The complaints were primarily the failure to maintain order and to operate the bar in a decent and respectable manner as required by the Code. After hearing Mr. Tonozzi discuss his efforts and intentions, the Council granted a renewal for 1970 with an admonition that he must try harder to operate his business at a standard acceptable to the Council. Chief Johnson said that in this respect there was apparently improvement made during 1970 because of the decreasing number of complaints of the same nature. When the license came up for renewal last fall for the year 1971, there was no derogatory information presented to the Council concerning the renewal of his license.

Chief Johnson said, however, that in January of 1971 Mr. Tonozzi was charged with a criminal offense. A felony charge was filed against him for receiving stolen property. This charge was based

on information furnished by other persons and charged with similar offenses at that time. Depositions from these people were taken by the District Attorney and these were the basis of this charge. Subsequently, on February 24, 1971, Mr. Tonozzi entered a plea of guilty to a misdemeanor charge of receiving stolen property, receiving property which he knew to be stolen with a value of less than \$100. Chief Johnson said that for this Mr. Tonozzi was given a 30-day suspended jail sentence and a fine of \$100. Chief Johnson said this in itself did not constitute a violation that would disqualify Mr. Tonozzi from selling liquor in the community or anywhere in the State. Chief Johnson said he wrote a letter to the City Manager on March 1 outlining the details of this particular event and making it available to the City Council if they needed it for any consideration on the character and reputation of Mr. Tonozzi at that time as to whether or not he should be allowed to continue in business.

Chief Johnson said that since January of 1971 there have been nine incidents that have come to the attention of the Police Department at the location of 209 Colorado--disturbances, fighting, and assault. All except three of these have been reported by the employees or by Mr. Tonozzi. Within the same building complex at Second and Colorado, there is the Flamingo and on the southwest corner is the Beefeaters' and then Tony's making three outlets within a few feet of each other.

Mr. Farina asked Chief Johnson if he thought the Beefeaters and Tony's Bar serve an entirely different type of clientele, to which Chief Johnson agreed, but said he does not feel that the clientele at 209 Colorado has changed radically over the past thirty years. Chief Johnson added that this was a desirable situation where places are provided so that this type of people can be served without having to intrude upon other places that might discourage them or discriminate against them.

Councilman Anderson asked Chief Johnson if the nine incidents were more than the usual in this approximate period of time. Chief Johnson said he did not think so. One point Chief Johnson did wish to emphasize was that in regard to these incidents Mr. Tonozzi or one of his employees has called and reported the incidents to the Police Department. He said that in fairness to Mr. Tonozzi, he has made an effort to cooperate with the Police Department since he appeared before the Council in 1969 and was admonished. Before that time, Mr. Tonozzi was trying to take care of the problem himself by moving it out to the street rather than reporting to the Police Department.

Mr. Farina explained that the felony charges against Mr. Tonozzi were dismissed entirely. The misdemeanor for which Mr. Tonozzi was convicted was because he took a tape deck valued at approximately \$20 on a bar bill from one of his clients. Mr. Tonozzi pled guilty, so it could be assumed that he had strong and reasonable reasons to believe that the tape deck had been

stolen. Prior to being charged, he turned the tape deck over to the Police. Mr. Farina said this does not excuse what Mr. Tonozzi did, but should bring the incident into some perspective. There being no further comments from the audience, the President closed the hearing.

President Youngerman suggested that this should be studied more fully and the determination could be brought back to the next City Council meeting. He asked for comments from the Councilmen.

Councilman Meacham said that in the beginning he had personally visited with Mr. Tonozzi about his problems at 209 Colorado. Subsequently, when his license came up for renewal and it was reported by Chief Johnson that he was not doing the job as he was expected to, the Council told him at that time that he would be more carefully watched than anyone else running an establishment of this type. Councilman Meacham said he felt anyone has a right to enter into a legal business on his own as long as he takes care of that legal business properly and in so doing that business does not place a burden upon society. Councilman Meacham said he feels that Mr. Tonozzi has placed a burden upon society. As far as the misdemeanor charge is concerned, Councilman Meacham said that the problem goes deeper than just receiving a tape deck. He said anyone could get a copy of the deposition and make up his own mind. Councilman Meacham felt that Mr. Tonozzi has not shown good faith, especially after having been warned by the Council, and if he could vote on this, he would very definitely vote no. In addition, Councilman Meacham said that if he were on the Council when Mr. Hayashi presented his petition for a license down there, he would deny him also on the basis that the needs of the area are sufficiently served. Councilman Meacham said that as far as serving that type of clientele is concerned, there are several other outlets within a block and a half, such as the St. Regis and Rovey's.

It was moved by Councilman Anderson and seconded by Councilman Evans that the deliberation upon the application of Mr. Tonozzi for a change of location of his liquor license be tabled until the next Council meeting.

Councilman Colescott said he felt that this Council should settle this problem at this meeting.

Councilman Meacham said he still believes the needs of the neighborhood are being sufficiently served. He said there are too many licenses in the area and there has been nothing but trouble in this area from this type of establishment and now is the opportunity to get rid of the trouble.

Councilman Anderson said that this was not the consideration when the license was renewed last December. If there were too many licenses, this should have been considered at that time. Councilman Meacham agreed with Councilman Anderson; however,

since he does not feel there is a need for the license and since the present operator has not operated properly, this is an opportunity for the Council to invoke the supply criterion.

A vote upon the motion to table the deliberation until the next Council meeting resulted in 3 AYES and 3 NAYS. The motion to table was defeated.

It was then moved by Councilman Meacham and seconded by Councilman Paruch that the request to move this license from 209 Colorado to 215 Colorado be denied. A majority of the councilmen having voted AYE, the motion carried and the request for a change of location was denied.

HEARING - LIQUOR LICENSE APPLICATION, T & K, INC., H.O.HAYASHI, PRESIDENT - 209 COLORADO

This was the date advertised for a hearing upon the application of T & K, Inc., H. O. Hayashi, President, for a liquor license at 209 Colorado Avenue to do business as the Royal Grill. Mr. Hayashi appeared before the Council. He wanted to clarify one point that Mr. Farina had made during the hearing for Mr. Tonozzi's request for a change of location regarding the lease to the building at 209 Colorado. Mr. Hayashi said that Mr. Farina had implied that the lease was still good. Mr. Hayashi said the lease had expired in 1969 on September 20, and as far as Mr. Hayashi is concerned, Mr. Tonozzi was there month by month. Mr. Hayashi said the lease he has is the one the Olsens were operating under when they sold the business to Mr. Tonozzi. Mr. Hayashi said that he refused to draw up a new lease, with Mr. Tonozzi in 1969.

Mr. Farina said that even though there is no written lease as to what the term will be, when the rent is paid and accepted this is an automatic renewal of the lease and Mr. Hayashi does not have a legal right to the premises.

Mr. Bob Baughman whose family operates a business on the corner of Second and Colorado appeared before the Council and said that he felt the needs of the neighborhood are adequately served.

The President of the Council ruled that a license already exists at 209 Colorado, so the request of T & K, Inc., for a liquor license at this address is out of order.

PLAT NORTHERN HILLS ESTATES - NE CORNER OF 26 3/4 ROAD & F ROAD - APPROVED

The proposed Northern Hills Estates Subdivision is immediately west of the Medicenter on the north side of Patterson Road and referred to as the Tupper Property. The Planning Commission has approved this Subdivision Plat.

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

PROPOSED ORDINANCE - REZONING FROM R-1-C TO C-1, 506 28 3/4 ROAD (GUYTON'S FUN PARK)

This was the date set for a hearing upon a request for rezoning from R-1-C (Single Family Residence) to C-1 (Light Commerce) of the property at 506 28 3/4 Road (Guyton's Fun Park). This is the area that is bound on the northeast corner by the park, to the north of that is a rest home, and to the west is the Chief Drive-In. There was no objection from the one resident in this area to the rezoning. The Planning Commission has approved this request for rezoning. The President closed the hearing.

The following entitled proposed ordinance was introduced 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 Meacham and seconded by Councilman Anderson that the proposed ordinance be passed for publication. Motion carried.

WATER SUPPLY TO SERVE 53 USERS IN NEWLY ANNEXED AREA

The matter of the water supply to serve the 53 users of the old First Fruitridge Pipeline Company lying within the newly annexed area north of the City was brought from the table for consideration. At the April 14 City Council Special Study Session, it was agreed that Alternative No. 3 as presented by the City Manager be presented the 53 users. Alternative No. 3 proposed that the City would make the investment of the estimated \$58,755 to bring the water lines up to the Class 6 fire rating standard. The 53 users would be charged according to the Class 4 rates at \$4.00 minimum for 3,000 gallons and \$0.50 per 1,000 gallons thereafter.

Mr. Keith Mumby, a resident of the area and spokesman for the group, appeared before the Council. He reported that he had called a meeting of the people involved to present the proposal.

A majority of the 53 users had agreed to accept the City's proposal; however, they requested that in the event the Ute bulk rate to the City increases, the rates to these 53 users should remain unchanged until such time as the City's rates come up to this amount. City Manager Gray said the rate that would be applied for this area is the same as is being applied to other users, and he could not see how the City could make a promise of

this kind to the 53 users and discriminate against the other users. City Manager Gray recommended that the Council should not agree to this request. The City Council concurred.

It was moved by Councilman Meacham and seconded by Councilman Anderson that the 53 applicants of the old First Fruitridge Water Pipeline Company be placed on the Class 4 rates and the City should proceed with all reasonable haste to make all the improvements necessary to bring the water lines up to the Class 6 fire rating standard. Motion carried.

REMOVAL OF ON-STREET PARKING THURSDAY APRIL 22 AT MESA COLLEGE - GRANTED

Mr. Mel Reams, Mesa College Student Body Cabinet Executive Officer, appeared before the Council to request the temporary removal of on street parking on Elm Avenue between 12th Street and College Place on Thursday, April 22, in observance of Earth Week. The Student Government at Mesa College had selected this Thursday as Earth Day and plan to work with the idea of increasing the use of bicycles rather than driving cars and thus stop polluting the air. Mr. Reams said that he had talked to City Manager Gray about the blocking of Elm Avenue for this one day and had learned that it would not be possible to do this. City Manager Gray said that to actually close Elm Avenue between 12th Street and College Place would be a great inconvenience to a lot of non-college oriented traffic. He had suggested to Mr. Reams that the City could possibly support this by placing "No Parking" signs along Elm and clear the street of parked cars. Councilman Evans also suggested that he would like to have all parking between 7th Street and 12th Street on Elm removed. He noted the narrow street and the fact that emergency vehicles would have a problem getting through.

It was moved by Councilman Colescott and seconded by Councilman Meacham that permission be granted for the temporary posting of "No Parking" signs along Elm Avenue between 12th Street and College Place for Thursday, April 22, in observance of Earth Day at Mesa College, and that the suggestion of Councilman Evans be turned over to the Traffic Engineer. Motion carried. Councilman Anderson offered an amendment to the motion. As soon as the parking lots along Elm Avenue are full, then the "No Parking" signs should be removed from Elm Avenue.

DAYS - VFW REQUEST PERMISSION FOR SELLING POPPIES ON MAY 22 - GRANTED

A letter from Mrs. Lorraine H. Brandt requesting permission for the American Legion Auxiliary and the VFW to sell Poppies in the City on Saturday, May 22, 1971, was read. It was moved by Councilman Evans and seconded by Councilman Meacham that permission be granted for the American Legion Auxiliary and the VFW to sell Poppies on May 22, 1971. Motion carried.

DAYS - REQUEST FROM DISABLED AMERICAN VETERANS TO SELL FORGET-ME-NOTS ON SATURDAY, MAY 1, 1971 - GRANTED

A letter from Mrs. Vella E. Parks requesting permission for the Colorado Chapter 9 of the Disabled American Veterans to sell Forget-Me-Nots on Saturday, May 1, in the City was read. It was moved by Councilman Colescott and seconded by Councilman Evans that permission be granted for the sale of Forget-Me-Nots in the City on Saturday, May 1, 1971. Motion carried.

AMENDMENT TO CITY EMPLOYEES' RETIREMENT FUND - RESOLUTION

City Manager Gray explained that the City adopted a Retirement Plan on July 1, 1969, for all City employees. What was envisioned in that Plan was to allow employees who resign after six years of Employment the option of leaving their money in the Plan and thereby vesting the City money until they reach the normal retirement age wherever they might be. In the original plan, however, it called for the removal of this employee's account and placed in a separate Trust Account. There is a minimum trust fee that must be charged each account. With a rather small account, that is, the employee's personal contributions and the City's contributions pulled out and set up separately, the trustee's fee would actually be a penalty. The minimum trust fee which the bank charges would have eaten up and exceeded what could have been earned in interest.

The Trust Officer proposed that the City amend this to read that if an employee resigns and chooses to leave his money in the Plan and thereby vesting his earned portion of the City's contributions, it would stay in the General Account, and he would pay his pro-rata share of the trustee's fees along with active employees. This would not deplete his account as it would if it were transferred to a separate account.

The amendment was presented to the Retirement Board where it was considered. The Board unanimously recommended that it be submitted to the City Council for adoption.

The following Resolution was presented and read:

AMENDMENT TO THE CITY OF GRAND JUNCTION, COLORADO  
EMPLOYEES RETIREMENT PLAN AND TRUST

Be it resolved and it is hereby resolved by the City Council of the City of Grand Junction, Colorado, that the Employees Retirement Plan and Trust, adopted by said council on July 1, 1969, shall be and the same hereby is amended as follows:

Article Six, Section 6.2

Death and Total and Permanent Disability. As of the date of



death of any participant, his beneficiary or his estate shall be entitled to receive the entire balance of his account in one of the methods set forth in Section 6.1, or any combination thereof.

The method selected by the beneficiary or estate shall be subject to the approval of the Committee.

As of the date any participant shall be determined by the Committee to have become totally and permanently disabled because of physical or mental infirmity, he shall be entitled to receive the entire balance of his account in one of the methods set forth in Section 6.1, or any combination thereof. The method selected by the participant shall be subject to the approval of the Committee. The participant shall be deemed totally and permanently disabled when on the basis of qualified medical evidence, the Committee finds such participant to be totally and presumably permanently prevented from engaging in any occupation or employment for a wage or profits as a result of physical or mental injury or disease, either occupational or non-occupational.

Article Six, Section 6.3, Paragraph (c) is hereby amended to read as follows:

The participant may elect to leave in the plan all of his contributions, earnings, and fund changes, and his proportionate share of the City's contributions, earnings, and fund changes as adjusted in accordance with Section 4.6 at the rate of 20% for each twelve full months of participation in the plan, plus 20% for each full year of employment in excess of one year prior to the effective date of the plan. When a participant attains retirement status (as determined by the Committee), he shall elect the manner of distribution of his account by November 30th of the year he will retire. Subject to the approval of the Committee, he shall be entitled to receive the entire balance of his account as provided for in Section 6.1. As of the date of death of any participant or as of the date any participant shall be determined by the Committee to have become totally and permanently disabled because of physical or mental infirmity, he shall be entitled to receive the entire balance of his account as provided for in Section 6.2.

Except as herein amended, said Employees Retirement Plan and Trust shall be and remain in full force and effect.

CITY OF GRAND JUNCTION, COLORADO

By /s/ R. G. Youngerman  
Council President

FIRST NATIONAL BANK IN GRAND JUNCTION

By /s/ Richard A. Smith  
Trust Officer

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

W. E. ENGER LETTER REQUESTS ACTION TO DISSOLVE PUBLIC AIRPORT AUTHORITY

A letter from Mr. W. E. Enger, 3043 F 3/4 Road, was read in which he requested the City Council to take necessary action to dissolve the Walker Field Public Airport Authority. Mr. Enger enclosed some newspaper clippings charging Boettcher and Company with false and misleading statements. Mr. Enger said that many doubts had been raised in the minds of Grand Junction residents who noted the formation of the Airport Authority being rushed through at the insistence of a Boettcher and Company representative with the full cooperation of the City and County officials. Mr. Enger noted Frontier Airlines' gloomy financial report.

Council President Youngerman read an article from the April 21, 1971, issue of the Denver Post which noted the "phenomenal growth" of ski passenger traffic through Grand Junction, Colorado, gateway to ski country, on United Airlines. It was reported in the article that United Airlines had almost tripled its traffic to Grand Junction during the four-month period that Saturday-only Snowbird flights were in operation. President Youngerman said that he realizes Frontier is having some financial difficulties. Their boardings for Grand Junction are up, however. He said that if Frontier should quit, this area would still require air service, and some other company would probably come in here to provide that service. So the need for the improvements at Walker Field remains.

President Youngerman noted Mr. Enger's charges regarding Boettcher and Company; however, he said that without further substantiation the Council feels the charges are not all that serious. President Youngerman noted that Boettcher and Company is a reputable firm, and they were hired as our financial counsel. The City's experience with this firm in the past has been very good. The other members of the Council agreed unanimously with President Youngerman.

SANITARY SEWER DISTRICT NO. 29-71 - PROPOSED SANITARY SEWER FOR PORTION OF EAST GRAND AVENUE ANNEXATION BETWEEN GRAND & FREEWAY FROM 23 ROAD TO 28TH - RESOLUTION OF INTENT TO CREATE - RESOLUTION ADOPTING PLANS & DETAILS

The following Resolution was presented and read:

R E S O L U T I O N

DECLARING THE INTENTION OF THE CITY COUNCIL OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY A LOCAL IMPROVEMENT DISTRICT TO BE KNOWN AS SANITARY SEWER DISTRICT NO. 29-71, AND AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME.

WHEREAS, a petition has been filed with the City Council of the City of Grand Junction, Colorado, asking for the construction of a sewer and appurtenances for sanitary drainage of the areas hereinafter described; and,

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction of a sanitary sewer drainage system within the said described areas is necessary for the health and safety of the residents of the territory to be served, and would be of special benefit to the property included within the said district; and,

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a special improvement sanitary sewer district to be known as Sanitary Sewer District No. 29-71;

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 proposed sanitary sewer improvement shall be as follows:

Beginning 30 feet South of the Northeast Corner of the Southeast Quarter of Section 13, Township 1, South, Range 1 West Ute Meridian; thence West 1,429.51 feet along the South line of Grand Avenue, thence South 401.74 feet; thence West 520.00 feet more or less to the East line of 21st Street; thence South to the North line of the State Highway; then Northeasterly along side North Highway right of way line to a point South of the point of beginning; thence North to the point of beginning, said land being encompassed in the East Grand Avenue Annexation, all in the City of Grand Junction, Mesa County, Colorado.

2. That the City Engineer be, and he is hereby, authorized and directed to prepare and file full details, plans, and specifications for such sewer construction, and estimate of the total cost 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.

ADOPTED and APPROVED this 21st day of April, A.D. 1971.

President of the City Council

ATTEST:

City Clerk

It was moved by Councilman Colescott and seconded by Councilman Anderson that the Resolution be passed and adopted as read. Roll was called upon the motion with the following result:

Councilmen voting AYE:        Raymond Paruch  
                                     Harry Colescott  
                                     Ray Meacham  
                                     Stanley Anderson  
                                     Robert Evans

President of the Council:    Richard Youngerman

Councilmen voting NAY:        None

Councilmen absent:            Theodore Naff

All members of the Council present having voted AYE, the President of the Council declared the motion carried and the Resolution was duly passed and adopted.

The following Resolution was presented and read:

R E S O L U T I O N

RESOLUTION ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF A SEWER IN THE CITY OF GRAND JUNCTION, COLORADO, IN SANITARY SEWER DISTRICT NO. 29-71, DETERMINING THE NUMBER OF INSTALLMENTS AND THE TIME IN WHICH THE COST OR SAID IMPROVEMENTS SHALL BE PAYABLE, THE RATE OF INTEREST ON UNPAID INSTALLMENTS AND THE DISTRICT OF LANDS TO BE ASSESSED WITH THE COST OF THE PROPOSED IMPROVEMENTS, AND AUTHORIZING NOTICE OF INTENTION TO CREATE SAID DISTRICT AND A HEARING THEREON.

WHEREAS, on the 21st day of April, 1971, the City Council of the said City of Grand Junction, Colorado, by Resolution, authorized the City Engineer to prepare and file full details, plans and specifications for construction of a sanitary sewer within proposed Sanitary Sewer District No. 29-71, together with an estimate of the total cost of such improvements, and a map of the District to be assessed; and,

WHEREAS, said City Engineer has fully and strictly complied with the directions so given and has filed such details, plans and specifications, estimate and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF

GRAND JUNCTION, COLORADO:

1. That said details, plans, specifications, estimates and may be, and the same are hereby approved and adopted.

2. That the District of Lands to be assessed with the cost of said improvement is described as follows:

Beginning 30 feet South of the Northeast Corner of the Southeast Quarter of Section 13, Township 1, South Range 1 West Ute Meridian, thence West 1,429.51 feet along the South line of Grand Avenue thence South 401.74 feet; thence West 520.00 feet more or less to the East line of 21st Street- thence South to the North line of the State Highway; then Northeasterly along side North Highway right of way line to a point South of the point of beginning, thence North to the point of beginning, said land being encompassed in the East Grand Avenue Annexation all in City of Grand Junction, Mesa County, Colorado.

3. That the cost of said improvement shall be assessed upon the improved real estate in the District against those people with developed property and those who have vacant property who choose to be assessed at the time of construction of the district in accordance with those tap charges as the same are set out in Section 19 Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado.

4. The assessments to be levied against the property in said District to pay the cost of such improvement, shall be due and payable, without demand, within thirty (30) days after the final publication of the ordinance assessing such cost, and if paid during such period the amount added for collection, incidentals and interest shall be deducted; provided, that all such assessments may, at the election of the owners of property in said District be paid in ten (10) equal installments, the first of which shall be payable at the time the next installment of general taxes is due and payable, after the expiration of said thirty (30) days, and the following annual installments shall be paid on or before the same date each year thereafter, with interest, in all cases, on unpaid principal, payable annually at a rate not to exceed eight per centum (8%) per annum.

5. Notice of intention to create said Sanitary Sewer District, and of hearing thereon, shall be given by advertisement in one issue of the Daily Sentinel, a newspaper of general circulation published in said City, which Notice shall be in substantially the following form, to-wit:

N O T I C E

OF INTENTION TO CREATE SANITARY SEWER DISTRICT NO. 29-71, IN THE CITY OF GRAND JUNCTION, COLORADO, AND A HEARING THEREON.

PUBLIC NOTICE is hereby given to the owners of real estate in the District hereinafter described, and to all persons generally interested, that the City Council of the City of Grand Junction, Colorado, intends to create Sanitary Sewer District No. 29-71 in said City for the purpose of constructing a sanitary sewer to serve the property hereinafter described.

The said Sanitary Sewer District shall include all of the following described real estate:

Beginning at a point 150 feet West and 30 feet South of East Quarter Corner Section 13 Township I South, Range 1 West, South 112.5 feet, West 120 feet, North 112.5 feet, East to beginning.

Beginning 270 feet West and 30 feet South of East Quarter corner Section 13 Township 1 South, Range I West, South 125.5 feet, West 170.57 feet, North 125.5 feet, East to beginning.

Beginning at a point 685 feet West and 30 feet South of East Quarter corner Section 13 Township 1 South, Range 1 West, South 112.5 feet, West 50 feet, North 112.5 feet, East to Beginning.

Beginning 735 feet West and 30 feet South of East Quarter corner Section 13 Township 1 South, Range 1 West, South 112.5 feet, West 60 feet, North 112.5 feet, East to Beginning.

Beginning 795 feet West and 30 feet South of East Quarter Corner Section 13 Township I South, Range I West, South 112.5 feet, West 50 feet, North 112.5 feet East to beginning.

Beginning 845 feet West and 30 feet South of East Quarter Corner, Section 13 Township 1 South, Range I West, South 112.5 feet, West 60 feet, North 112.5 feet, East to Beginning.

Beginning 905 feet West and 30 feet South of East Quarter Corner Section 13 Township I South, Range 1 West, South 112.5 feet, West 59.87 feet, North 112.5 feet, East to Beginning.

Beginning 30 feet South of East Quarter Corner, Section 13, Township 1 South, Range 1 West, South 250.1 feet, South  $72^{\circ} 52'$  West 157 feet North to a point West of Beginning, East to Beginning.

Beginning 440.57 feet West and 30 Feet South of Northeast corner Southeast Quarter, Section 13, Township 1 South, Range 1 West, West 244.43 feet, South 112.5 feet, West 279.87 feet, North 112.5 feet, West 60 feet, South 431.74 feet, West 828.51 feet, South 424.26 feet to North line Highway 6 & 24, northeasterly along North line to a point 150 feet West and 290 feet South of Northeast corner Southeast Quarter, North 177.5 feet, West 120 feet, South 13 feet, West 170.57 feet, North 125.5 feet to beginning.

From East Quarter corner Section 13, Township 1 South, Range 1 West, West 1024.87 feet, South 431.74 feet, West 828.51 feet for beginning; South 424.26 feet to northerly line Highway 6 & 24, South 72° 52', West 100 feet, North 453.4 feet, East 95.73 feet to beginning.

Beginning 1024.87 feet West of East Quarter Corner of Section 13 Township 1 South, Range 1 West of Ute Meridian, then South 431.74 feet, West 404.64 feet, North 431.74 feet, East to Point of Beginning.

The probable total cost of said improvements, as shown by the estimate of the City Engineer is \$26,304.00 exclusive of cost of collection, interest and incidentals.

The maximum share of said total estimate shall be as follows:

Water Service Size	Capital Improvement Charge		Plant Investment Fee		Total
1" or less	\$650.	+	\$150.	=	\$800.
1-1/2"	1,000.	+	200.	=	1,200.
2"	500.	+	300.	=	1,800.
3"	2,250.	+	400.	=	2,650.
4"	3,250.	+	500.	=	3,750.
6"	5,250.	+	700.	=	5,950.

Such assessment shall be made against all of the improved property in the district at the time of the installation of the sewers in the district; provided, however, that nothing herein shall relieve the owner of property within the District from paying other tap fees as portions of his property are improved even though they may have been assessed within this District.

To all of said estimated costs there shall be added six per centum (6%) for costs of collection and incidentals, and also interest at the rate borne by the special assessment bonds of said District to the next succeeding date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado made payable. The said assessment shall be due and payable, without demand, within thirty (30) days after the final publication of the ordinance assessing such cost, and if paid during such period, the amount added for collection, incidentals and interest shall be deducted; provided that all such assessments may, at the election of the City be paid in ten equal annual installments of principal; with interest in all cases on the unpaid principal payable annually at a rate not exceeding eight per centum (8%) per annum; provided, however, that nothing herein shall prevent the Council from providing that interest may be Added onto the principal, the entirety to then be repaid in monthly installments as a part of the sewerage charges on the monthly water bill, as is herein set out. The number of

installments, the period of payment and the rate of interest may be determined by the Council.

On the 2nd day of June, 1971, at the hour of 7:30 o'clock P.M. in the Council Chambers in the City Hall of said City, the Council will consider the ordering of the proposed improvements and will hear All complaints and objections that may be made in writing concerning the proposed improvements by the owner of any real estate to be assessed or by any person interested.

A map of the District, from which the approximate share of the total estimated cost to be assessed upon each piece of real estate in the District may be readily ascertained, and all proceedings of the Council in the premises are on file and can be seen and examined by any person interested therein, in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, on this 21st day of April, 1971.

BY ORDER OF THE CITY COUNCIL CITY OF GRAND JUNCTION, COLORADO

City Clerk

PASSED and ADOPTED this 21st day of April, 1971.

President of City Council

ATTEST:

City Clerk

It was moved by Councilman Meacham and seconded by Councilman Anderson that the Resolution be passed and adopted as read. Roll was called upon the motion with the following result:

Councilmen voting AYE:	Raymond Paruch Harry Colescott Ray Meacham Stanley Anderson Robert Evans
President of the Council:	Richard Youngerman
Councilmen voting NAY:	None
Councilmen absent:	Theodore Naff

All members of the Council present having voted AYE, the President of the Council declared the motion carried and the Resolution duly passed and adopted.

PROPOSED ORDINANCE - AMENDING WEED ORDINANCE



The following entitled proposed ordinance was introduced and read: AN ORDINANCE AMENDING THE ORDINANCES OF THE CITY OF GRAND JUNCTION, CONCERNING THE RESPONSIBILITY OF OWNERS FOR REMOVAL OF WEEDS AND BRUSH.

It was moved by Councilman Anderson and seconded by Councilman Meacham that the proposed ordinance be passed for publication. Motion carried.

ORDINANCE NO. 1394 - REGULATING MERCHANT POLICE

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE ESTABLISHING REQUIREMENTS FOR MERCHANT PATROL. It was moved by Councilman Anderson and seconded by Councilman Meacham that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Paruch and seconded by Councilman Anderson that the proposed ordinance be called up for final passage and read. 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 1394, and ordered published. Roll was called upon the motion with all members of the Council present voting AYE. The President declared the motion carried.

REQUEST FOR A CIVIL RIGHTS COMMISSION OFFICE IN GRAND JUNCTION

Mr. John Taylor of the Colorado Rural Legal Service appeared before the Council to request their support in re-establishing a Civil Rights Commission Office in the City of Grand Junction. Mr. Taylor said that at a recent meeting of the Civil Rights Commission, President Youngerman had told them they should come to the Council and ask their support in such an endeavor. Mr. Taylor said he feels there is a need for an office in Grand Junction. Mr. Taylor then introduced Mr. John Zamora who wanted to address the Council.

After Mr. Zamora had requested a Civil Rights Commission Office in Grand Junction, it was suggested that perhaps more time should be given to the consideration of this office. Mr. Zamora said he would return to the May 5 City Council meeting.

APPRECIATION CERTIFICATES PRESENTED COUNCILMAN MEACHAM AND COUNCILMAN EVANS

President of the Council Youngerman presented Appreciation Certificates to Councilman Ray Meacham from District "B" and to Councilman Robert Evans from City at Large in recognition of their many years of faithful service as Councilmen.

ADJOURNMENT

President Youngerman declared the meeting adjourned.

/s/ Neva B. Lockhart  
City Clerk

At this time the meeting was turned over to the Students' Council Meeting.