

Grand Junction, Colorado

June 2, 1971

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M. June 2, 1971, in the Civic Auditorium at City Hall. Councilmen present and answering roll call were: Raymond Paruch, Harry Colescott, Lawrence Kozisek, Theodore Naff, Richard Youngerman, Silas Grantham, and President of the Council Stanley Anderson. Also present were City Manager Richard Gray, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

MINUTES

It was moved by Councilman Youngerman and seconded by Councilman Naff that the minutes of the regular Council meeting held on May 19, 1971, be approved as written. Motion carried.

HEARING - SANITARY SEWER DISTRICT NO. 29-71 - RESOLUTION TO CREATE DISTRICT

This was the date set for a hearing upon the creation of Sanitary Sewer District No. 29-71. This proposed sanitary sewer is for a portion of the East Grand Avenue Annexation, between Grand Avenue and the Freeway and from 23rd Street to 28th Street. There being no written protests and no one in the audience to protest, the

President closed the hearing.

The following Resolution was presented and read:

R E S O L U T I O N

CREATING AND ESTABLISHING SANITARY SEWER DISTRICT NO. 29-71 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF A SANITARY SEWER WITHIN SAID DISTRICT AND PROVIDING FOR THE PAYMENT THEREFOR.

WHEREAS, on the 21st day of April, 1971, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Sanitary Sewer District No. 29-71 and authorizing Notice of Intention to Create said District: and

WHEREAS, Notice to Create said District was duly published; and

WHEREAS, no written complaints or objections have been made concerning the proposed improvements;

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

GRAND JUNCTION:

1. That said Sanitary Sewer District No. 29-71 be, and the same is hereby created and established, and that construction of a sanitary sewer therein be, and the same is hereby, authorized and directed, in accordance with the details, plans and specifications prepared and filed therefor;

2. That the construction of the said sanitary sewer shall be made by contract let to the lowest responsible bidder, except that if it be determined by the City Council that the bids are too high, and that the proposed improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by-the day or otherwise, and by purchasing all necessary material, supplies and equipment;

3. That the sanitary sewer in said District was duly ordered, after Notice duly given that no remonstrance, protest or objection was filed against the creation or establishment of said District; or any of the proceeding adopted therefor; and all conditions precedent and all requirements of the laws of the State of Colorado, the Charter of said City, and Ordinance No. 178, as amended, being Chapter 18 of the Code of ordinances of the City of Grand Junction, Colorado, have been strictly complied with;

4. That the description of the sanitary sewer, the boundaries of said Sanitary Sewer District, the amounts to be assessed, the number of installments and assessments, the time in which the cost shall be payable, the rate of interest on unpaid installments and the manner of apportioning and assessing such cost, shall be as prescribed in the Resolution adopted for said District on the 21st day of April, 1971, and in accordance with the published Notice of Intention to Create said District.

5. That after the construction of the sanitary sewer has been let, the Council shall, by resolution, provide for the issuance of public improvement bonds for said Sanitary Sewer District No. 29-71 for the purpose of paying the cost and expenses of construction of said District.

PASSED and ADOPTED this 2nd day of June, 1971.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the Resolution for the creation of Sanitary Sewer District No. 29-71 be passed and adopted as read. Roll was called upon the motion with the following result:

Councilmen voting AYE:

Raymond Paruch
Harry Colescott
Lawrence Kozisek
Theodore Naff
Richard Youngerman
Silas Grantham

President of the Council:

Stanley Anderson

Councilmen voting NAY:

None

The seven members of the Council having voted AYE, President Anderson declared the motion carried and the Resolution duly passed and adopted, .

LIQUOR LICENSE - CHANGE OF LOCATION FOR EMIL F. TONOZZI, JR., TO
215 COLORADO AVENUE

City Attorney Gerald Ashby said that at the April 21st City Council meeting, with two other members who are no longer Councilmen, the considerations given for the denial of the transfer of the liquor license held by Emil F. Tonozzi, Jr., from 209 Colorado Avenue to 215 Colorado Avenue, appear to be that the needs of the neighborhood were being met by other outlets, by statements made to Mr. Tonozzi by previous Councils regarding the conduct of his business, coupled with a violation earlier this year which was explained by the Chief of Police and Mr. Farina, Mr. Ashby said that Mr. Farina, representing Mr. Tonozzi, comes before the Council at this meeting to request the Council to reconsider its decision as Mr. Farina feels the evidence was misinterpreted. Mr. Ashby said the Council may reconsider the evidence and if they feel the evidence had been misinterpreted, they may now grant the transfer of the liquor license. This is permitted any administrative body or the Council may wish to stand by its earlier decision. Councilman Kozisek and Councilman Grantham were present at the April 21 meeting and heard the evidence presented at that time.

Mr. Farina requested the Council to re-canvass the evidence they heard on April 21. At that particular time, two main issues were discussed. The needs and desires of the community and the eligibility of Mr. Tonozzi. Mr. Farina said that with respect to the evidence or statements made at that hearing, the Council minutes reflect that only two people testified, Chief Johnson and himself. Mr. Farina said that as was represented to the Council, this outlet is one of the oldest within the City. All Mr. Tonozzi requested was permission to move his license next door. With this being one of the oldest outlets, Mr. Farina felt it would be difficult to take a position that suddenly it is not fulfilling the needs of that particular community. Mr. Farina granted that every year as the license comes up for renewal, the Council has the power to reconsider the applicant and the desires

of the community. But on an interim basis, Mr. Farina submitted that the statements made by he and Chief Johnson would in no way indicate the needs of the neighborhood were not being met. Mr. Farina said that although it might not have been articulated as clearly as it could have been, perhaps the manner in which the bar--had been run or something about Mr. Tonozzi cast a pale on the proceedings April 21 which resulted in the vote that came about. Mr. Farina said he had tried not to exclude anything Mr. Tonozzi had done, but at that time he had represented to the Council that following the trouble Mr. Tonozzi had been in Mr. Farina had indicated to Chief Johnson they were going to make all reasonable efforts to sell the business. At the April 21 meeting. Mr. Farina had indicated there was a buyer present for the hearing. Mr. Farina presented a contract and said the buyer, Mr. Waller, was present. He said that Mr. Hayashi, owner of the building at 209 Colorado, has served a notice of termination of the lease since the April 21 meeting Mr. Farina said there is no way Mr. Tonozzi can sell his business unless he can move to 215 Colorado, and if Mr. Tonozzi cannot sell his business, he will lose his investment and cause a hardship on the family.

Mr. Ray Meacham, former Councilman, appeared before the Council to request that Mr. Tonozzi be allowed to move his license next door. Mr. Meacham said that after the April 21 Council meeting, Mrs. Tonozzi had written him a letter, not to berate him for his stand, but to point out to him the hardship the family would bear if Mr. Tonozzi could not sell the business. Mr. Meacham recommended that the Council allow Mr. Tonozzi to transfer his liquor license from 209 Colorado to 215 Colorado Avenue on the basis that Mr. Tonozzi sell the business by the time his license comes up for renewal.

Mr. Oliver Hayashi appeared before the Council to state that he is planning to apply for a liquor license for the business at 209 Colorado.

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that in view of the fact that Mr. Tonozzi is going to be evicted from the building at 209 Colorado Avenue and suffer loss, he be granted the transfer of his liquor license to the building next door at 215 Colorado Avenue. Motion carried, with Councilman Paruch voting NAY.

SEWER LINE EXTENSION - I.D.I. & CITY PARTICIPATION IN EXTENSION OF INDUSTRIAL PARK, 25 AND F ROADS

Mr. M. A. Cornelison, President of Industrial Developments Incorporated, appeared before the Council to present a proposal for a new sewer line extension to Foresight Industrial Park located at 25 and F Roads. Mr. George McKinley, Vice President of I.D.I., Mr. Dale Hollingsworth, Secretary to I.D.I., Mr. Miles Kara, President of the Chamber of Commerce, and Eugene Brauer of Nelson, Haley, Patterson and Quirk, Consulting Engineers, were

also present.

Mr. Cornelison reported that I.D.I. was formed in 1961 by the Grand Junction Chamber of Commerce for the purpose, among other things, of industrial development, getting new businesses, and providing new jobs. In 1968, I.D.I. started development of Foresight Industrial Park to provide a place for a first-class building area. I.D.I. is financed by donations from business, industry, and interested citizens. Mr. Cornelison stated that I.D.I. has signed a contract with a new industry, Capco, Inc., I.D.I. is to construct a building for them in Foresight Park and there is now the need of putting the utilities in for Capco, Inc.

Mr. George McKinley presented the details of their request to the Council. Capco is to be located on a five-acre site, two and one-half acres on which the building is to be constructed, parking, and other facilities, with the option to purchase the additional two and one-half acres. The utility plant in regard to sewer involves the potential drainage of the entire Industrial Park into a collecting system into a pumping station that would be located in the median as suggested by the Engineers. They would then propose a force main that will traverse along the north edge of F Road to 25 1/2 Road. It will cross over to the south side at the intersection of 25 1/2 Road and traverse the south edge of the road until it connects to the existing Horizon Drive sewer. At that point it will be terminate by the manhole and dump into the existing Horizon Drive Sewer. Mr. McKinley summarized the proposal with the following letter:

"INDUSTRIAL DEVELOPMENTS INCORPORATED
Post Office Box 1330
Grand Junction, Colorado 81501

June 2, 1971

Mr. Richard Gray
City Manager
City of Grand Junction,
Grand Junction, Colorado 81501

Dear Mr. Gray:

Industrial Developments, Inc., in consultation with Eugene Brauer, Nelson, Haley, Patterson and Quirk, Inc., our site engineer, has developed the following sewer proposal for City Council consideration:

1. Total estimated construction cost for the force main and lift station would be approximately \$30,000. Adding the cost of engineering and contingency in the amount of 15%, which would be \$4,500, or a total estimated project cost of \$34,500. It is proposed that this cost be shared fifty-fifty with the City. IDI will pay 100% of the cost of the collection system within the IDI

property.

Any buildings erected on the IDI property will be charged the appropriate sewer tap fee based on the then existing tap fee schedule of the City of Grand Junction. IDI's sewage would be transmitted to the City and tapped to the Horizon Drive sewer at the location on "F" Road, approximately 640 feet East of 25 1/2 Road at the manhole location.

3. The City of Grand Junction would operate and maintain the lift station, force main and collection facility within the IDI property.

4. IDI will give the ownership of the entire sewage facility including the collection system, lift station, and force main, to the City.

5. IDI and 1480 Welton, Inc., will annex the property to the City when such opportunity is presented.

6. IDI will design a sewage facility to comply with the State Water Pollution Control Commission requirements and also to the specifications of the City of Grand Junction.

7. IDI agrees to guarantee payment to the City of a service charge for operating and maintaining the sewerage system on IDI property so long as it remains outside the City limits. The service charge for operation and maintenance of the sewage system within IDI property, processing the sewage, and billing and collection of service charges from the tenants of IDI, should be in the same proportion and should be in a like class of rates as provided by City Ordinance for individual commercial customers outside the City limits. In the event that the City alters its sewer rates as now established by Ordinance for inside City service, and Foresight Park for Industry still remains outside the City limits, then the service charges to IDI tenants shall be increased by the same percentage for outside City customers.

8. IDI would pay to have the sewer facility designed and inspected in accordance with the City of Grand Junction.

Very truly yours,

(signed) M. A. Cornelison
President"

City Manager Gray clarified Item 2 of the letter by stating that any buildings erected on the I.D.I. property will be charged the appropriate tap fee based on the then existing tap fee schedule of the City of Grand Junction.

Councilman Youngerman moved and Councilman Naff seconded the authorization of an allocation for 50% of the construction cost

of the Force Main and Lift Station estimated at \$34,500 from the Water-Sewer Contingency Fund to pay the City's portion on this project and that details be worked out in general guidelines as asked in the letter from I.D.I. Motion carried.

ORDINANCE NO. 1397 - AMEND ZONING FROM C-2 TO B-1 LOTS 23-24
BLOCK 132, NORTH SIDE OF UTE AVENUE FROM 11TH TO 12TH STREET

The Proof of Publication to 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 LAND WITHIN THE CITY. 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-Youngerman, seconded by Councilman Naff 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 Youngerman, seconded by Councilman Paruch that the Ordinance be passed, adopted, numbered 1397, and ordered published. Roll was called upon the motion with all members of the Council voting AYE. The President declared the motion carried.

SANITARY SEWER 28-71 - RESOLUTION - SET INTEREST RATES ON BONDS

The following Resolution was presented and read:

R E S O L U T I O N

PROVIDING FOR THE INTEREST RATE ON BONDS OF THE CITY OF GRAND JUNCTION, COLORADO FOR SANITARY SEWER DISTRICT NO. 28-71, IN THE PRINCIPAL AMOUNT OF \$232,000, AND OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, by a Resolution duly passed and adopted on the 17th day of March, 1971, the City Council has created Sanitary Sewer District No. 28-71 for the purpose of constructing and installing sanitary sewer improvements within the City; and

WHEREAS, by a Resolution duly passed and adopted on the 5th day of May, 1971, the City Council has authorized the issuance of Public Improvement Bonds of the City for Sanitary Sewer District No. 28-71, in the total amount of \$232,000, bearing interest at an average rate of 5.15549%, for the purpose of paying the cost and expenses of constructing the improvements within said District; and

WHEREAS, it is necessary to set forth by resolution the rates of interest on said bonds, together with other details concerning their issuance;

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

1. That bonds of the City Of Grand Junction, Colorado, for Sanitary Sewer District No. 28-71, in the principal amount of \$232,000, shall bear interest as evidenced by interest coupons designated "A", as follows:

Amount	Bond Numbers	"A" Coupon Interest Rate
\$47,000	1 to 47, incl.	4%
37,000	48 to 84, incl.	4-1/4%
28,000	85 to 112, incl.	4-3/8%
26,000	113 to 138, incl.	4-1/2%
25,000	139 to 163, incl.	4-5/8%
23,000	164 to 186, incl.	4-3/4%
18,000	187 to 204, incl.	4-7/8%
14,000	205 to 218, incl.	5%
8,000	219 to 226, incl.	5-1/4%
6,000	227 to 232, incl.	5-1/4%

In addition to the "A" interest rate set forth above, all bonds shall bear additional interest as evidenced by interest coupons designated "B", for the period from August 1, 1971 to June 1, 1972, payable on December 1, 1971 in the amount of \$9.00 and on June 1, 1972 in the amount of \$9.00.

2. The provisions of the Resolution passed and adopted by the City Council on May 5, 1971, relating to the creation of Sanitary Sewer District No. 28-71 and the issuance of bonds, including, but not limited to, the manner of prior redemption, designation of the paying agent, and the form of the bond and interest coupon, are hereby ratified and confirmed.

3. The officers of the City are hereby authorized directed to take all action necessary or appropriate relating to the issuance and delivery of the bonds, including the execution of such certificates as may be required by the purchaser, thereof relating to the signing of the bonds, the tenure and identity of the municipal officials, the receipt of the bond purchase price, the absence of litigation, pending or threatened, if in accordance with the facts, affecting the validity of said bonds.

4. After the bonds authorized by the Resolution of the City Council referred to above, have been issued and sold and are outstanding, this Resolution shall be irrevocable, until said bonds and the interest thereon, have been fully paid, satisfied and discharged.

5. That if any one or more sections or parts of this Resolution shall be adjudged unenforceable or invalid, such judgment shall

not affect, impair or invalidate the remaining provisions hereof, it being the intention that the various provisions hereof are severable.

RESOLUTION ADOPTED AND APPROVED This 2nd day of June, 1971.

S E A L

(Signed) Stanley R. Anderson
President of the City Council

ATTEST:

/s/ Neva B. Lockhart
City Clerk

It was moved by Councilman Youngerman and seconded by Councilman Naff that the foregoing Resolution be passed and adopted as read. Roll was called with the following result:

Those voting AYE:

President of the Council:	Stanley R. Anderson
Councilmen:	Harry O. Colescott
	Silas Grantham
	Lawrence L. Kozisek
	Theodore N. Naff
	Raymond R. Paruch
	Richard G. Youngerman

Those voting NAY: None

Seven Council members having voted in favor of the motion, the President declared the motion carried and the Resolution duly passed and adopted.

AIRPORT - RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT AGREEMENT FROM U.S. (F.A.A.)

The following Resolution was presented and read:

R E S O L U T I O N

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT AGREEMENT FROM THE UNITED STATES RELATING TO THE DEVELOPMENT OF THE WALKER FIELD AIRPORT

BE IT RESOLVED by the Mayor and Council of the City of Grand Junction, Colorado:

Section 1. That the City of Grand Junction, Colorado, shall as Co-sponsor with the County of Mesa, Colorado, accept the Grant Agreement from the Federal Aviation Administration, dated

_____ for the purpose of obtaining Federal Aid in the development of the Walker Field Airport, and that such Grant Agreement shall be as set forth herein below.

Section 2. That the City of Grand Junction, Colorado, does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the Project Application, which is incorporated by reference in the said Grant Agreement.

Section 3. That the Mayor is hereby authorized and directed to execute said Grant Agreement on behalf of the City of Grand Junction, Colorado, and the City Clerk is hereby authorized and directed to impress thereon the official Seal of the City of Grand Junction, Colorado, and to attest said execution.

Section 4. That the Grant Agreement referred to hereinabove shall be as follows:

ADOPTED this 2nd day of June, 1971, for the City of Grand Junction, Colorado.

By (signed) Stanley R. Anderson
Title: President of the Council

ATTEST:

By s/ Neva B. Lockhart
Title: City Clerk
City of Grand Junction, Colorado

CERTIFICATE OF CITY CLERK

I, Neva B. Lockhart, the duly qualified and acting City Clerk of the City of Grand Junction, Colorado, do hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 2nd day of June, 1971, and that said Resolution has been compared by me with the original thereof on file in my office and is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the City of Grand Junction, Colorado, this 8th day of June, 1971.

By

Title: City Clerk

Mr. W. D. Enger, 3042 F 3/4 Road, appeared before the Council and said that according to the Statutes creating this Airport Authority, it reads that no tax money can go into the payment of the bonds. He asked if this Resolution which is to be signed by the City and by the County includes that in case they defaulted

on the bonds that they would be responsible for the bonds. City Attorney Ashby said this would not have any effect at all on the bond issue. This is the same indication to the Federal Government, which the Federal Government has requested, as was made to the bondholders that Boettcher and Company requested in that the two entities will continue to run the Airport, but this does not obligate them to pay one dime of tax money on those bonds. Mr. Enger asked who is going to,run the Airport, the citizens of Mesa County or the Airport Authority. City Attorney Ashby replied that the elected members of the City Council and of the County Commissioners who are on the Airport Authority will run the Airport. They were elected by the citizens of the City and of the County.

It was moved by Councilman Colescott and seconded by Councilman Youngerman that the Resolution be passed and adopted as read. The roll was called with the following result:

Those voting AYE:	Raymond Paruch Harry Colescott Lawrence Kozisek Richard Youngerman Silas Grantham
President of the Council:	Stanley Anderson

Those voting NAY:	Theodore Naff
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Six members of the Council having voted in favor of the motion, the President of the Council declared the motion carried and the Resolution duly passed and adopted.

PARKING LOTS - LEASE DTPC VORBECK, COLORADO, PRTG, GOLDEN
PROPERTY - ADDENDUM TO AGREEMENT 12-3-64

City Manager Gray read a letter from Mr. Amos L. Raso, Secretary-Treasurer of the Downtown Parking Corporation. This Corporation has been working with the City since 1964 to develop off-street parking on the back side of Main Street. The Downtown Parking Corporation has acquired additional property on the north side of Colorado Avenue; namely, the Vorbeck property, Lots 31 and 32, Block 118; the Colorado Printing property, Lot 30, Block 118; and the Golden property, Lot 29, Block 118, for a total of \$86,500. The Downtown Parking Corporation asks that the City Council add these to the existing Agreement dated December 3, 1964, by Addendum and include under the same terms that these lots will be developed for off-street metered parking and the meter receipts will go to the payoff of these lots once they are paid off, they will revert to City ownership. City Manager Gray said this is the most significant purchase the Downtown Parking Corporation has made as this gives a solid block of parking on the north side of Colorado Avenue in a key location between the 5th and 4th one-way streets. He recommended Council approval of this Addendum.

It was moved by Councilman Youngerman and seconded by Councilman Grantham that the President of the Council be authorized to sign this Addendum to the Agreement with the Downtown Parking Corporation. Motion carried.

LINCOLN PARK - APPROVE HIRING SPECIAL PARK PATROLMAN TEMPORARILY

City Manager Gray referred to a memorandum from Chief of Police Karl Johnson which had been mailed to the Councilmen regarding the policing of Lincoln Park.

Chief Johnson recommended the hiring of a temporary employee to police Lincoln Park. For some time the Department has assigned an officer for at least eight hours of duty in the Park. The Police Department is entering the peak period when the manpower use is critical, so the hiring of a temporary patrolman would alleviate the problem for a while. City Manager Gray said the position would not pay as much as a police officer. The temporary employee would have limited duties as a foot patrolman in Lincoln Park. He would be available to police the rest rooms; he would be on duty from 4:30 in the afternoon until about 12:30 A.M. City Manager recommended the City Council to authorize the allocation of approximately \$1400 from the General Government operating Capital Account in order to employ a Special Park Patrolman.

Councilman Colescott asked if this patrolman could also help the Parks Director with badly needed maintenance work. Chief Johnson said he did not feel this arrangement would be feasible. The patrolman would be working under the direction of the Chief of Police, not the Parks Director.

It was moved by Councilman Naff and seconded by Councilman Youngerman that the Administration be authorized to allocate approximately \$1,400 from the General Government Operating Capital Account to employ a Special Park Patrolman for Lincoln Park. Motion carried unanimously.

ADJOURNMENT

President Anderson declared the meeting adjourned.

/s/ Neva B. Lockhart
City Clerk