

Grand Junction, Colorado

July 7, 1971

ROLL CALL

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

MINUTES

It was moved by Councilman Youngerman and seconded by Councilman Grantham that the minutes of the regular meeting held on June 16, 1971 and the minutes of the special meeting held on June 28, 1971, be approved as written. Motion carried.

HEARING - LIQUOR LICENSE - LA COQUILLE CONTINENTAL RESTAURANT,
1320 NORTH AVENUE - APPROVED

This was the advertised date for a hearing upon the application of Gertrude Ramsey and James F. Ramsey for a liquor license for the La Coquille Continental Restaurant located at 1320 North Avenue. Attorney George Graham, representing Gertrude Ramsey and James F. Ramsey, commented that this is a mother-son partnership. Mrs. Gertrude Ramsey appeared before the Council. At her request, a letter from Mrs. Ramsey and her son James outlining their plans for the restaurant was read at this time.

Grand Junction, Colorado
June 11, 1971

Mr. Richard Gray
City Manager
Grand Junction, Colorado

Dear Mr. Gray:

As you know, we are contemplating opening a continental type restaurant at 1320 North Avenue, Grand Junction, Colorado.

In asking the City Council for a permit to sell alcoholic beverages at this address, we feel sure that it will save the Council some of their time if we tell you beforehand some of the facts they may wish to know about this operation.

First, this is not a hurried decision. We have been planning for

over a year, and have been encouraged by many of our customers at our present location at 326 Main Street. We and they feel a town the size of Grand Junction needs this type of restaurant.

The location was purchased in December, 1970 after looking at many other locations. Making restaurants from older homes has proven successful in other towns and cities. There is ample parking on the lot we own, there will be parking space for 13 cars. There is a vacant lot next door that we can obtain the use of. In addition Mr. Steve Johnson, our next door neighbor has agreed to let us use his parking lot in the evening after his business hours.

The restaurant will be kept small with a seating capacity of 40 people.

We have taken a Petition to our neighbors on either side for several blocks each way, and also the ones in back of us. They have all approved.

Primarily, we are in the business of service fine food. Our bar will have a seating capacity for 2 people. This being mostly for looks and decor. We are convinced when people go out for a fine dinner with French service, many of them enjoy a cocktail or a bottle of wine with dinner. Also in the preparation of your metropolitan food, it takes certain types of wine or liquor.

We expect our clientele to be mostly business or professional people or tourists who look for this type of place when traveling.

Our prices will be in line with other restaurants in this area but will not encourage a high school or college crowd.

We plan to open the following hours: Monday through Friday from 11:00 o'clock until 2:00 o'clock serving lunch, and from 5:00 o'clock until 10:00 o'clock for dinner. Saturday we will serve dinner only from 5:00 o'clock until 11:00 o'clock, and will close on Sunday.

We have applied for, and have been approved, for a loan through S.B.A. on the condition we obtain a liquor permit from the City Council.

There is not another restaurant of this type on the Western slope except in Aspen.

We will be most happy to answer any further questions the City Council might have.

Thank you for your consideration.

Sincerely,

s/Gertrude Ramsey
s/James F. Ramsey

Mrs. Ramsey said that she and her son have operated the Chef's Hut for approximately two and one-half years. A letter from Chief of Police Karl Johnson was read. Chief Johnson noted that the applicants have operated the Chef's Hut at 326 Main Street and they have established a good business and personal reputation in this community. He said there is no reason known to him why the applicants would not meet all of the eligibility requirements for this type of license. Chief Johnson indicated the determination should be made on the basis of the desires and needs of the neighborhood and the approval of the premises by the Health Department. The City Council reviewed the signed petitions that had been circulated on behalf of the application. City Attorney Ashby explained that as a result of the hearing that was had in court, and after discussion with the Clerk of the Court, and discussion with others who were involved in this type of a proceeding, it was determined that the City's practice of trying to get its own petitions out just was not feasible any more. Mr. Ashby said this was one of the points the Judge looked at long and hard. Therefore, at the time when this application came in, it was suggested to the Ramseys through their attorney that it was their responsibility to sell to the City Council this license, and they were to come up with the petition. He noted that the City Council would accept any petitions opposed to it, but those opposition petitions would come about only through the fact that it had been advertised for a hearing. There were no petitions in opposition, and there was no one in the audience to oppose the application. President Anderson closed the hearing.

Councilman Youngerman commented that he has had occasion to observe how the applicants operate at the Chef's Hut and that if this is an indication of the type of operation they are planning at the new location, it will be a fine thing for the community. It was moved by Councilman Youngerman and seconded by Councilman Grantham that the application be approved and the license issued when the State license has been received. Councilman Paruch commented that based on many factors his vote would be a no vote; however, he noted that the food served at the Chef's Hut is remarkable. Motion carried with Councilman Paruch voting NAY.

HEARING - CHANGE OF OWNERSHIP OF 3.2 BEER LICENSE - ROBERT J. STACK, FREEWAY BOWLING LANES, 1900 MAIN - APPROVED

This was the date scheduled for a hearing upon the application of Robert J. Stack for a 3.2 beer license for the Freeway Bowling Lanes, 1900 Main Street. Mr. Robert J. Stack appeared before the Council and stated that he has recently purchased the business from the Oberholtzers. The building and the land will be retained by Mr. Oberholtzer. A letter was read from Chief of Police Karl Johnson in which he states that the applicant has

been a teacher in schools in Illinois and in Colorado for the past several years. Chief Johnson said that an inquiry in these two states indicates that Mr. Stack has no record of arrest by any law enforcement agency. Therefore, Chief Johnson said that it appears that Mr. Stack meets the necessary qualifications for this type of license. There being no written protests and no one in the audience to protest, President Anderson closed the hearing.

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

HEARING - PROPOSED CHANGE IN THE ZONING TEXT TO ADD R-2-A (TWO-FAMILY RESIDENCE) - PROPOSED ORDINANCE

This was the advertised date for a hearing upon the proposed change in the zoning text to add R-2-A (Two-Family Residence). The following entitled proposed ordinance was introduced and read: AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF GRAND JUNCTION BY ADDING THERETO A ZONING DISTRICT ENTITLED R-2-A - TWO FAMILY RESIDENTIAL.

President of the Council Anderson said this came up because of a particular situation where the zoning was R-1-D. In an annexation which is proposed, the area had been an R-4 area in the County. This particular zoning classification (R-2-A) will be half the density of an R-2 Zone. This gives an additional category.

There being no written protests and no one in the audience to protest, President Anderson closed the hearing.

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

HEARING - REQUEST FOR REZONING FROM R-3 (MULTI-FAMILY RESIDENCE) TO B-2 (NEIGHBORHOOD BUSINESS) 2621 NORTH 12TH STREET

This was the advertised date for a hearing upon the request for rezoning of property owned by Martin Mason, 2612 North 12th Street from R-3 (Multi-Family Residence) to B-2 (Neighborhood Business). That portion of the April 28, 1971, Planning Commission Minutes denying the request for rezoning was read.

Grand Junction Planning Commission - 3
April 28, 1971

III. PUBLIC HEARING - REQUEST FOR REZONING DENIED - SOUTHWEST CORNER 12TH AND PATTERSON

Don Warner explained the request of Martin Mason for rezoning from R-3 to B-2 at 2621 North 12th Street. Martin Mason stated that he planned to develop a small shopping center with three doctors offices.

Frank Brodak, 2618 North 12th Street, opposed the rezoning. Mrs. Delmer Born, 2628 1/2 North 12th Street, asked what other development could go into this area if rezoned and if Mr. Mason did not develop it as he has planned. Don Warner explained that it could be the same development as the downtown area. Mrs. Born then stated that she was against the rezoning rather than against Mr. Mason's proposal.

Blake Chambliss made a motion that the request for rezoning from R-3 (Multi-Family Residence) to B-2 (Neighborhood Business) of the following described property be denied for these reasons: The present B-2 seems adequate for the area at this time, as there is B-2 on the opposite side of the street that has not been used; and there is no need shown for rezoning and no change to neighborhood to indicate present zoning is improper or in error.

Beginning at Northeast Corner Section 11 Township One South Range One West South 00°12' East 203.5 feet
North 89°50' West 210.1 feet 00°27' East 202.1 feet
North 89°48' East 206.3 feet to beginning.
All in Mesa County, Colorado. (2621 North 12th Street).

Betty Russell seconded the motion and it passed.

A petition signed by property owners in the vicinity of 12th Street and Patterson Road opposing the rezoning was read.

Grand Junction, Colo.
July 6, 1971

To Whom it may concern.

We property owners in the vicinity of 12th and Patterson Ave. are not in favor of rezoning property at the southwest corner of 12th and Patterson, or in other,, words 2621 No. 12th street, from R-3 multi-residence to B-2 neighborhood business.

Signed.

s/Frank C. Brodak, 2618 N. 12th
s/A. H. Storm, 2541 N. 12th
s/Mr. & Mrs. Bill Blakeslee, 2705 F Road
s/Gene Pearman by Lloyd Melr, agent, 2600 North 12th
s/Grace and Delmer Born, 2628 1/2 N. 12th, Grand Junction, CO
s/Oscar J. Golden, 2519 North 12th

Mr. Frank C. Brodak, 2618 North 12th Street, one of the signers of the petition, had given the petition to Councilman Colescott

to bring to this meeting.

Mr. John Lafferty, attorney for Mr. and Mrs. Martin Mason, appeared before the Council to speak for the applicants and their request for rezoning. Mr. Lafferty indicated there would be some new evidence in support of the application for rezoning. Mr. Lafferty said that 261 North 12th Street had been the Mason's residence for some thirty years, and they are asking for a neighborhood business zoning on their property. Mr. Lafferty said that in the last few years, the nature of the neighborhood in that area has undergone some changes. A plat prepared by Don Warner, Development Director, points out that this is a four corner situation on North 12th Street and Patterson Road. On the East side of the road, it is clearly R-1-C (Residential). Mr. Lafferty said, however, the Northwest corner is zoned B-2 (Neighborhood Business). Mr. Lafferty said there are three neighborhood-type businesses in an R-1-C area that were operating when the zoning ordinance was passed and so are allowed to continue to operate. Mr. Lafferty said there has been no opposition to the operation of these businesses. The Masons are requesting the zoning change so that they can operate a small book store and crafts shop.

Mr. Lafferty asked that this matter be sent back to the Planning Commission in order to give Mr. and Mrs. Mason and Mr. Lafferty time to get the letters and telegrams from the residents in the area who support this request for rezoning.

City Attorney Ashby said that for the purpose of the hearing those things that are permitted in this B-2 use are:

4.1 Service business, limited, inside ... consists of building for serving needs of persons where all services are rendered and all business is conducted within an enclosed building and where people are served on an individual basis or in small groups but not entertained, including bank, professional office, dental and medical clinic, governmental office, and office for handling paper work. Any retail sales made in connection with this use shall be clearly incidental to the primary service use from which the major part of the income is derived. (Ordinance No. 1218, adopted September 15, 1965)

4.2 Parking Lot

4.3 Service business, personal, inside ... consists of building for serving the personal needs of persons, including barber shop, beauty shop, self-service laundry and pharmacy, but not entertainment. (Ordinance No. 1218, adopted September 15, 1965)

4.4 Retail business, limited, inside ... consists of completely enclosed buildings or stores for displaying, storing, selling new goods, wares, equipment and merchandise of all descriptions but

excluding lumber yards and auction houses.

City Attorney Ashby said that when the Planning Commission determines to deny a request for rezoning, and in order for the City Council to pass the rezoning over that denial, it is necessary for five of the seven Councilmen to approve the rezoning. City Attorney Ashby continued that in line with what Mr. Lafferty had requested of the Council, it is within the Council's authority, if it feels that substantial justice can be achieved to return this to the Planning Commission for further consideration by the Planning Commission. Mr. Ashby said that Mr. Lafferty apparently feels that he has further evidence to present to the Planning Commission to support the request for rezoning and to clarify some misunderstanding of people opposing the request as to the type things that could go into this area if the rezoning were granted.

President Anderson asked Mr. Lafferty if there were any neighbors residing in the area who support this request for rezoning. Mr. Lafferty indicated there are, and with additional time he can present this evidence.

Councilman Paruch said that this request for rezoning has been brought to the Planning Commission two years in a row and has been denied both times. At the first meeting, Councilman Paruch indicated there were no residents of the area who appeared either for or against the request. At the last meeting, however, Councilman Paruch said that there were people from the area who opposed the request for rezoning. Councilman Paruch said that again it was the intent of the City Planning Board as it reviewed the entire area that it should be developed primarily for medical offices, medical services, and perhaps future multi-family development-apartment complexes. Councilman Paruch said the issue was brought out that the area is well provided for the B-2 type business structure. He said there are numerous areas nearby. Councilman Paruch indicated that his primary feeling regarding the issue is based on the residents who are opposed to the change.

President Anderson closed the hearing.

It was moved by Councilman Youngerman and seconded by Councilman Grantham that this request for rezoning of 2621 North 12th Street be returned to the Planning Commission as requested by Mr. Lafferty and Mr. Mason for further consideration. Motion carried with President Anderson voting NAY.

City Attorney Ashby noted that the City Planning Commission meets the last Wednesday of the month so that Mr. Lafferty can be prepared to present his evidence at that time.

It was moved by Councilman Colescott and seconded by Councilman Naff that the petition of the residents opposing the rezoning

which Councilman Colescott brought to this meeting should be given to the City Planning Commission. Motion carried.

DAYS - JAYCEES REQUEST SALE OF TICKETS IN SHOPPING PARK ON SATURDAY, JULY 10, 1971 - GRANTED

Mr. Harvey M. Rose, representing the Grand Junction Jaycees, appeared before the Council. A letter from Mr. Rose was read in which he stated that the Grand Junction Jaycees have offered to assist the staff of the Historical Museum and Institute of Western Colorado by selling tickets to a museum-sponsored Western Dance that is to be held at the Ramada Inn Convention Center on July 16, 1971. The Jaycees request permission to sell tickets to this dance on the Shopping Park Saturday, July 10, 1971. Mr. Rose then introduced Mr. Bill Price, the assistant Director of the Historical Museum and Institute of Western Colorado. Mr. Price then came forward and explained that the volunteer museum has initiated a fund-raising activity, the proceeds of which will go to the Museum to help meet expenses. The use of the Convention Center has been donated for the evening of July 16. The Jaycees have consented to sell the tickets on Main Street.

It was moved by Councilman Youngerman and seconded by Councilman Naff that the Jaycees be granted permission to sell tickets to this dance on the Shopping Park on Saturday, July 10, 1971. Motion carried.

MONITORING OF BUILDING SITES PRIOR TO CONSTRUCTION

Mr. Wayne Bain, Business Manager of the Mesa County Health Department, appeared before the Council in support of the request of the Mesa County Medical Society and of the Board of Health of Mesa County that all vacant lots in Mesa County be monitored for the possible presence of tailings prior to any construction on the property.

The Mesa County Medical Society believes that all vacant lots in Mesa County should be monitored for the presence of tailings prior to any construction on the property. In fact, the Society recommended to the Mesa County Health Department and to the City-County Planning Commission that permits to build be granted with the proviso that if tailings are present that they be removed prior to erection of buildings.

s/ Robert M. Ross, Jr. M. D., President
Mesa County Medical Society

The Board of Health of Mesa County concurs.

s/ Robert Orr, M. D., Chairman
s/ Grace Smith
s/ Frank Pond
s/ Bill L. Beckwith

s/ Si Grantham

Mr. Bain explained that the Mesa County Health Department feels that this request is necessary in view of the past where homes are already built on property that have uranium mill tailings.

City Attorney Ashby said he had talked previously with Doctor Wilson and Mr. Bain and had indicated that as far as the enforcement of this goes, the Health Department would, after its evaluation of these sites, issue a statement that there is a level there or there are tailings that would present a problem. The building permits then could be held up on these lots. Mr. Ashby said that from a practical standpoint, it can be done so long as the City or County knows that a condition exists. City Attorney Ashby indicated that the Building Code is broad enough to cover this request.

Mr. Bain said the feeling was that it would be better to monitor the building site at the time the building permit is requested. The State Health Department will do the monitoring. Mr. Bain indicated that barring any unusual weather conditions, the monitoring of the site should be done on the day that the permit is requested. He said there should not be any appreciable time lag. He also indicated in answer to a question by Councilman Youngerman regarding a very low reading that at this point the State Health Department has more sophisticated equipment to measure the units of radiation and they are reevaluating some assessments already made by older equipment. He said that at this point the Surgeon General has not determined precisely what is a danger point and what isn't. At this time they have a category that gives three ranges -- one that demands attention, one where attention is an alternative, and one where no attention is required. Mr. Bain said it would be his personal feeling that if it were a very low reading, they would probably recommend the issuance of the permit.

Councilman Colescott asked if this would also be used in a request for remodeling or if this would be only for new sites.

Mr. Bain answered that its purpose would be on new property.

City Manager Gray asked if this request means that all new construction permits not be issued until there is a clearance from the Health Department. Mr. Bain answered in the affirmative. Mr. Bain indicated that the monitoring device is here at the State Health Department Office.

Mr. Barclay Jameson said he was puzzled about the request. He said the problem, of course, comes from uranium tailings that have been hauled onto the site and not one of naturally occurring radiation.

He said this practice of hauling onto the site has been halted

for a number of years, and he feels that this request is a useless thing and he cannot understand why they are asking for it.

City Manager Gray also said he wondered why some of these sites have not been pinpointed during some of the earlier monitoring by the State Health Department. He asked why uranium mill tailings have been hauled and dumped on raw land. He said he thought these mill tailings were used as a fill in some type of a construction excavation.

Mr. Bain said there may be relatively few of these; he said he was not familiar with the details of the State's work thus far pertaining to their monitoring of open areas. However, he said there must be something in their reports to build suspicion to this point as this idea actually emanated from the State Health Department in Denver.

City Manager Gray said the City is setting up a procedure here, and that what bothers him is this procedure would be impeding every new construction job. He asked what prevalence of this in open raw land would necessitate this. City Manager Gray said he wanted to make sure that a situation of waiting a week, ten days, or two weeks before a permit can be issued to a contractor does not occur while waiting for a statement clearance of the building site. Councilman Naff commented there might be two possible places to find tailings in this condition; that is, places where it has been accidentally spilled, and other places where they have filled up low places.

Councilman Colescott asked if there is any law against the use of these tailings now. He asked if they might not be used after a permit is issued. Mr. Bain said there was none to his knowledge, but no reasonable person would haul the tailings in to the site now.

Mr. Bain said that if this request does not work without being cumbersome to the City, he could see no reason why the City could not rescind this action. Secondly, he felt that the people he represents would go along with him in stating that if an answer was not given the City within a designated period of time, the City could use its own discretion in issuing the permit. City Attorney Ashby indicated that the City and County Building Department have agreed that they can go along with the request of the Health Department.

It was moved by Councilman Colescott And seconded by Councilman Youngerman that the City Building Department be instructed not to issue a building permit for any new building sited for a period of three working days until such time as a radioactive report can be received from the State. After the three working days have passed, they can issue the permit. Motion carried with President Anderson voting NAY.

It was noted that a procedure would be worked out between the Building Department and the Health Department on Thursday morning, July 8, 1971.

RAY MEACHAM - DISCUSSION OF CITY FINANCIAL SUPPORT OF COUNTY LIBRARY

Mr. Ray Meacham appeared before the Council to discuss the City financial support of the County Library. He said that he had read an article in a recent publication of The Daily Sentinel promoting the idea that the City taxpayer should contribute toward the acquisition of the land for the County Library. Mr. Meacham reviewed some of the things that have happened in the past that has brought about the idea that the City of Grand Junction had agreed to contribute money for new land. Mr. Meacham said that if the City of Grand Junction has some money which it can afford to put in this category, he is not opposed, because it is a worthwhile project. However, he felt things should be placed in their proper context. He personally, does not feel that any past City Council ever committed itself to an arrangement of providing funds for a building site for the Library. He pointed out that the City taxpayer had underwritten the cost of operating the City Library, which was approximately \$64,000 over and above any Federal grants prior to its being turned over to the County in 1966, and no one was denied the use of the Library. He remarked that because of the fact the City of Grand Junction is a Home-Rule City and can raise taxes with hardly any restrictions whatsoever, it should not be called upon every time someone needs some money to do something with. He pointed out that the City resident pays his fair share of the County Government.

Mr. Meacham said that the cemeteries are operated by the City Government and that although they are perpetual care cemeteries and should pay for themselves, everyone has a right to their use. However, if there is any deficit, the City taxpayer has to pay this deficit. He also noted the Recreation Department, Golf Course, Swimming Pools as facilities that anyone can use and where everyone is charged the same fee. He feels the City is generous with its facilities and it should be, as it benefits the entire area. He pointed out that the City taxpayer will pick up during 1971 for the entire Parks and Recreation program \$463,306. He remarked that the City of Grand Junction has some of the best recreation facilities of any town around, but there is one eyesore, and that is the Lincoln Park Auditorium. He asked if it wouldn't be reasonable, if there is money enough to consider contributing toward the acquisition of land for a new Library, to finally do something about getting a new auditorium.

Mr. Meacham indicated there is a move on now through clubs and private donations to contribute on the outset something like \$40,000 with guarantees of perhaps as much as \$14,000 or \$15,000

a year for the next two to three years toward acquiring or building a new City Auditorium.

Mr. Meacham wanted the Council to consider that the City taxpayer is and should be generous with the facilities it offers.

However, Mr. Meacham believed that When the Library concept was set up initially when the County took it over, it broadened the tax-use so that everyone would have an opportunity to contribute equally to it and the Library would be supported in this manner.

Mr. Meacham said that if there is money, it should be used to finish the Park and Recreation facility by getting the Auditorium underway.

3.2 BEER LICENSE RENEWALS GRANTED

The following applications for the renewal of 3.2 beer licenses were presented:

City Market Store No. 9, 1909 North 1st Street

City Market Store No. 2, 865 North Avenue

Roy L. Reynolds, Sr., dba Lincoln Park Golf Club, Lincoln Park

A letter from Chief of Police Karl Johnson was read. Chief Johnson said there have been no complaints nor violations concerning the sale of 3.2 beer at the above establishments.

It was moved by Councilman Youngerman and seconded by Councilman Grantham that the applications be approved and licenses issued when the State licenses have been received. Motion carried with Councilman Paruch voting NAY.

AMENDING UNIFORM BUILDING CODE - PROPOSED ORDINANCE

The following entitled proposed ordinance was introduced and read: AN ORDINANCE AMENDING TABLE NO. 3-A BUILDING PERMIT FEES, A PART OF SECTION 303 (a) OF THE UNIFORM BUILDING CODE, 1970 EDITION, VOLUME I, A PART OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION.

City Attorney Ashby explained that the amendment was in the initial category that used to be \$5.00 for a valuation from \$100 to \$500. The fee is changed to \$1.00 per \$100.00 or fraction thereof. This is for the smaller jobs that are done and is in line with what has been done with previous Building Codes.

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

ORDINANCE NO. 1398 - REZONING NW CORNER FIRST STREET AND ORCHARD AVENUE

The Proof of Publication to the following 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 Colescott that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Youngerman and seconded by Councilman Paruch 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 and seconded by Councilman Naff that the Ordinance be passed, adopted, numbered 1398, 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 LEASE AGREEMENT EXTENSION BY 4 C COMMITTEE ON BUILDING AT 134 WEST AVENUE - GRANTED

Tabled at the June 16, 1971, City Council meeting was the request from Irene Wubben, Board member of the 4 C Committee, for an extension of the lease agreement between the 4 C Committee and the City of Grand Junction on the building at 134 West Avenue. The 4 C Committee is using this building as a Day Care Center. A letter from Mrs. Wubben giving a partial list of improvements the 4 C Committee has made to the building was read. These improvements are: painted inside of building; new screens on windows; exit doors changed to meet safety rules; shelves and cupboards, fence around grounds; and fire-proof door between kitchen and other rooms (this follows City Fire Department Regulations). Mrs. Wubben noted that the amount of money expended on the improvements is approximately \$1,000 according to the statement given her by Mrs. Hollis Dunn, Chairman of the Child Care Center Board.

Councilman Colescott commented that there are a number of girls asking for this type of work, taking care of these children, and they would probably do it for half of what it is costing the taxpayer at the Center. He said, however, the motion would probably go through; therefore, Councilman Colescott moved that an extension to the lease agreement be granted for a period of one year (from September 1, 1971, to August 31, 1972) and that the City Manager be authorized to sign the lease agreement extension. The motion was seconded by Councilman Youngerman. Motion carried.

RESOLUTION - AUTHORIZING THE SALE OF LOTS 13-16, BLOCK 13, MILLEDALE SUBDIVISION TO MABEL B. SON, WILMA B. BACON AND LEROY BACON - \$3000

The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, MABEL B. SON, WILMA B. BACON AND LE ROY BACON have offered to purchase the lots hereinafter described from the City of Grand Junction for the sum of Three Thousand Dollars (\$3,000); and

WHEREAS, said lots are not used or held for park or governmental purpose, and the sale of said lots for the price stated would be in the best interest of the City and its inhabitants;

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

That the City Manager, as the act of the City and on behalf of the City, be, and he is hereby, Authorized to convey by Warranty Deed to Mabel B. Son, Wilma B. Bacon and LeRoy Bacon upon receipt of the purchase price, the following real property owned by the City of Grand Junction and described as follows:

Lots 13, 14, 15, 16, Block 13, Milldale Subdivision, City of Grand Junction, Mesa County, Colorado.

PASSED and ADOPTED this 7th day of July, 1971.

s/ Stanley R. Anderson
President of the Council

ATTEST;

s/ Neva B. Lockhart
City Clerk

A letter was read from a resident in the area of 10th Street and 2nd Avenue. The writer asked the Council to consider other old-time taxpayers before selling this property. The writer said that every "Junk pile" in the area does not even clean off the weeds. The letter noted the area is zoned for industry.

City Manager Gray said that as a result of this letter; Development Director Don Warner contacted Mr. Son as to the intended use of the property. Mr. Son indicated that plans are to use these lots for storage of new rental equipment. They plan to put a new chain-link fence around the property and use slats inserted in the chain-link fence. Since this is new equipment that is to be stored, Mr. Gray said it would not be an unsightly view situation.

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

WATER BILL ADJUSTMENT - CARL WARMAN, 418 WEST GRAND - \$61.20

Based on Council's new policy of water bill adjustments over \$50, City Manager Gray presented a request from Mr. Carl Warman of 418 West Grand Avenue for his May billing. Usage was 207,000 gallons due to a service line leak. The water breaks were discovered on April 12. The water was cut off on that date. Repairs were made to the line and the water turned back on the 23rd of April. Mr. Warman was billed \$63.95. There was no water consumption during April. The minimum billing would have been for 3,000 gallons at \$2.75. Utilities Director Plowman and City Manager Gray recommended an adjustment of \$61.20.

It was moved by Councilman Youngerman and seconded by Councilman Colescott that the account of Mr. Carl Warman, 418 West Grand Avenue be credited in the amount of \$61.20. Motion carried.

MR. JOE SALTZER - UNIFORM BUILDING CODE

Mr. Joe Saltzer appeared before the Council for an explanation about the Uniform Building Code. He said he was not too familiar with it and wanted to know its purpose.

City Manager Gray explained that the City of Grand Junction adopted the Uniform Building Code for new construction in 1952. Up to that time, since about 1930, the city had a local version of a new construction Building Code. The Uniform Building Code, which is a model code, is put out by the Los Angeles Conference of Building Officials. City Manager Gray said it is the one used predominantly throughout most of the Western States. Mr. Gray said that the Code sets minimum standards for new construction and has to do with the basic structural requirements such as heating, plumbing, ventilating, electrical, and so forth.

DISCUSSION OF NOISE ABATEMENT IN GRAND JUNCTION

President Anderson explained that this came up at the last Council meeting because of the situation of some rather loud concerts in Lincoln Park and complaints from some of the residents in the neighborhood.

City Manager Gray read a statement from Mr. Bob Collins of KSTR Radio. Mr. Collins said in his industry the controversy regarding loudness has been going on for years. For some time, there has been much argument over the loudness of the commercials in comparison to the program both on Radio and Television. However, when the measuring device was put to work it could detect no difference. The modern recording techniques merely compress the audible sound into the frequency range most easily detected and heard by the human ear.

Mr. Collins continued by saying he was amused when the "musicians" at the June 16 Council meeting stated the fact that

the amplification at the Lincoln Park football field was much, much greater than their much newer type musical amplifiers. Mr. Collins said this is like comparing the Model A with a Porsche. The new ones have more Per Each Channel than the entire Stadium.

He continued that by using the built-in Re-Verb circuits in their new electronic marvels, they simply compress this frequency range until it can fill an entire room and not do too badly for several City blocks, and he meant a BIG ROOM.

City Manager Gray said Mr. Collins also sent a very interesting article from a technical journal that radio engineers receive. Mr. Gray said the article does give some inkling as to the problem we are facing. One quote he gleaned from the article - "Since sound intensity is not directly measurable, we must think about sound pressure level which is measurable. Also, outside in a perfectly open area with no reflection, sound pressure is almost always measured in db with respect to .00002 microbar. The sound pressure level will drop by six decibels for doubling of the distance. Sound pressure follows the voltage db rule. Sound is absorbed by grass and snow, but is reflected quite well from concrete or asphalt roads."

City Manager Gray said we have this problem at Lincoln Park in that we have the asphalt roads.

Councilman Colescott said he thinks countrywide we are becoming more cognizant of pollution, and he feels this is polluting the air with noise. He said he believed that any ordinance adopted should not only include the noise from music, but also the noise from other sources as well.

President Anderson agreed and stated this was recognized by the State Legislature in their last session. They provided an act which was adopted and signed and went into effect on July 1. President Anderson said that in an industrial zone from 1 A.M. to 7 P.M., they allow a maximum of 80 decibels. In the evening hours, from 7 P.M. to 7 A.M., they allow a maximum of 75.

President Anderson reported there has been one committee meeting concerning this noise pollution. He said they do not know whether this is the proper maximum that should be adopted as a standard in the City of Grand Junction. There is only one way to find out, and that way is to take tests with the decibel meter and to determine from the information what is an acceptable or unacceptable noise level as far as the residents are concerned.

President Anderson said the act which was passed by the State of Colorado provides for an abatement by Civil action in a District Court. If the City adopts an ordinance, it could be abated by a trip to the Municipal Court. It could be considered a nuisance, depending upon how the ordinance were worded and adopted by the Council. President Anderson said he feels more time is needed to prepare an ordinance what decibel levels should be maximums and

how the ordinance should be written for the best interests of the residents of the City of Grand Junction.

Councilman Grantham asked if the City would have to go by what the State passed. President Anderson said that in the meantime it is the only thing there is to go by. City Attorney Ashby said also that no matter what the City decides to do, it must be more restrictive than the State; it cannot be any less restrictive.

It was noted that the City has access for the use of a decibel measuring device from Union Carbide in the event a rock concert is scheduled in Lincoln Park.

Councilman Grantham asked if the City could purchase its own decibel meter. He felt one would be needed if the City is going into the business of noise abatement.

City Manager Gray wanted clarified what the procedure for the City should be during this interim time before an ordinance is prepared.

City Attorney Ashby explained that during the meeting of the committee with representatives of all groups, it was understood that this test in the Park is not designed to blast everyone out of his home. If it becomes apparent that complaints are coming in, the sound will be turned down; that is, if the testing is started at the high level. Mr. Ashby said that this is just an experiment and he would hope that the people would understand. Too, he said it might come to the point where there would be no way to hold a rock concert under the State's standards in the Park, and if this were so, he wasn't sure if the City would not be, at the very minimum, remiss in permitting what it knows would be a violation of the State Noise Pollution Act. This is what the City needs to determine.

It was moved by Councilman Youngerman and seconded by Councilman Grantham that a permit may be issued for any concert on a monitored basis in Lincoln Park. Motion carried.

DISCUSSION OF COUNTY LIBRARY SYSTEM

Councilman Colescott said that in looking back at past records and to the best of his knowledge, he could not see where the City of Grand Junction was ever committed in any way to put up any money for a Library.

President Anderson said that during his four years on the Council, he could not recall any commitment. He said that several were invited to a meeting at the School District 51 offices about a week ago and though they didn't say that was the purpose of the meeting, nevertheless the purpose of the meeting was to put the "bee" on the City for some money to help pay for a site for the Library.

Councilman Naff commented that the City resident is paying one and one half mills toward the County Library. President Anderson said the City resident is also contributing to the Capital Improvement Fund which the County levies. He said that if the City takes some funds to donate to the Library for a building site, then something else goes by the board.

City Manager Gray said the County took over the operation of the Library on July 1, 1967, subject to the City continuing to pay the salaries and all expenses until January 1, 1968, when they would have some money from the new one and one-half mill levy for the operating expenses. Approximately \$75,000 of the operating budget was turned to the County along with the books and supplies -- everything except the building. As of January 1, 1968, the City dropped one mill from its levy.

Mr. Gene Files appeared before the Council to ask why the property that his brother has offered to give to the County for a Library site has been turned down.

President Anderson said the City would have no idea as it is not the governing board of the Library. He said the Library Board meetings and County Commissioners' meetings would no doubt have discussed it if the property was turned down for some reason.

Councilman Paruch said that a problem he feels is more vital, if the City is going to contribute funds, would be the El Poso area. He suggested that funds be allocated to construct for that block of residents a public rest room and bathing facility. Councilman Paruch said he does not feel the City should donate funds toward the purchase of land or the construction of a new Library.

Mr. Barclay Jameson, Managing Editor of The Daily Sentinel, appeared before the Council and stated that he has been observing the Library situation for eight years, part of the time as a reporter, and part of the time just sitting in on the unofficial Council sessions of six and seven years ago.

He remarked that at the recent meeting with the School Board, Miles Kara, who in 1964 was the chairman of a Library Committee, quoted from some minutes of that time in which the City Manager put forth this proposal. If they would put the Library District together, take the operational burden off the City and put it on a County-wide level, the City would have some obligation of providing a site, and the County would have the obligation of building a new Library. The Library District would pay for its own functioning. He said this did not come about, as no money was ever put in the budget for this purpose. He said there is a definite feeling and there was talk at the time that in order to liberate its own building, which is the City's present position, it will need to do something to provide some other place for the Library to go. He said he would point out that there were some

comments at the School Board meeting that the square block at 7th and Grand is a public asset. He said the School District does not feel that it can afford to let it go to the County at the price the County has offered to pay, and it would like to have some assistance from the City in order to set this thing up. He remarked that he is not a member of the Library Board.

City Manager Gray said that the City Council did follow through on the City Administration's recommendations. In the official adopted budget of 1966 there is under Debt Retirement from the Library Division the amount of \$52,000 labeled "1966 Library Bonds" with a footnote that says "contingent upon a cooperative agreement and favorable bond issue." Mr. Gray said that in the Capital Improvement Plan, which is presented by the City Administration to the City Council, there was contemplated the continued payment of that \$52,000 for the ensuing five years following 1966. Mr. Gray said that when he arrived in the City of Grand Junction in September of 1966, the Acting City Manager, Helen Tomlinson, was in the final preparation of the 1967 proposed budget, and in that document the amount had been reduced to \$7,500 and labeled architectural fees or relocation fees. That money was not used in 1967 and as a result then by 1968, there was no Library Budget as the County had taken over.

Mr. Jameson urged the City Council to meet with the School Board and the County Commissioners for the purpose of putting something in the budget next year for the Library itself.

Councilman Paruch suggested that perhaps the recommendation should be the previous idea of putting it on a bond issue. He commented about the School Board's Budget in the master plan for the next ten years and their contemplated construction and remodeling with the exorbitant figures and each year the tax structure not diminishing. He wondered if the City should begin to tighten the budget schoolwise and look for funds from these people. He said that at the meeting, their suggestion was that there were several things in their program that they could not proceed with due to a lack of finances, so they are looking for more finances. He said he is anticipating a property tax increase with the school levy which is unlimited. He suggested that perhaps the City should approach this from another angle altogether.

Mr. Jameson said he thinks the School Board is looking at the Lowell site transaction very much the way in which Councilman Paruch views it, and that they are contributing the difference between what the County will pay and what the City will pay, if it will, which would be - something in the area of \$70,000, to the Library and other County functions. Mr. Jameson said he felt the School Board would be happy if they could get somewhere between \$30,000 to \$50,000 from the City.

Councilman Youngerman commented that he could see nothing wrong

in having a meeting and getting some definite figures because the Library is an asset to the City. He felt that a spirit of cooperation with all government entities is needed.

City Manager Gray commented that there was an indication by the Council in 1965 when they adopted the 1966 Budget that they felt some commitment, through an election by the people, of a General Obligation Bond issue of around \$250,000 that would be used for building a new Library. City Manager Gray said he feels that the other consideration is, and he feels this is what former Councilman Meacham was trying to bring out that there is in the 1971 budget \$96,000 in an accrual fund for a new Lincoln Park Auditorium replacement. Mr. Gray said this was the only place he knows where the City has accumulated funds which could be re-appropriated for this type of use. City Manager Gray said the point is that the City is not in a position where it has unappropriated money. He said the City goes through the same problem every year of trying to get enough money to do all the things the citizens want done and keep the taxes down. City Manager Gray said this is one of the things this Council has to weigh that perhaps the 1965 Council did not have to weigh. Mr. Gray agreed with Mr. Jameson that this matter should be given full consideration. President Anderson closed the discussion.

Mr. Jameson noted that the School Board and County Commissioners would meet again on July 28 and felt sure they would like to have the City Council meet with them.

COUNCILMAN PARUCH

Councilman Paruch commented on an article in The Daily Sentinel written by Gaylord Kirkham regarding the eulogizing of one of the rock leaders. He recommended to the news media that the group who came in asking for a drinking fountain should be given the challenge of raising \$1000 for that fountain.

ADJOURNMENT

The President declared the meeting adjourned.

s/ Neva B. Lockhart
City Clerk