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January 19, 1972

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M. January 19, 1972, in the Civic Auditorium at City Hall. Present for roll call were President of the Council Stanley Anderson and Councilmen Harry Colescott, Silas Grantham, Lawrence Kozisek, Theodore Naff, Raymond Paruch, and Richard Youngerman. Also present were City Attorney Gerald Ashby, City Manager Richard N. Gray, and City Clerk Neva Lockhart.

MINUTES

It was moved by Councilman Kozisek and seconded by Councilman Youngerman that the minutes of the regular Council meeting held on January 5, 1972, be approved as written. Motion carried.

APPOINTMENT OF COMMITTEE TO PLAN MULTI-PURPOSE EXHIBITION BUILDING

Council President Stanley Anderson presented the following names for appointment to the committee to plan the new multi-purpose exhibition building to replace Lincoln Park Auditorium. They are:

Councilman Raymond Paruch

Councilman Lawrence Kozisek

Mr. Mancel Page

Former Councilman Ray Meacham

Mr. Lyle Shriver

Mrs. George (Kay) Setter

Mrs. Sid (Barbara) Campbell

It was moved by Councilman Youngerman and seconded by Councilman Grantham that the appointment of these seven members forming the committee to serve at the pleasure of the Council for the planning of the new multi-purpose exhibition building be ratified. Motion carried.

BOARD OF ADJUSTMENT AND APPEALS

Reappointment of Members to Three-Year Terms.

President Anderson presented the following names for reappointment to three-year terms on the Board of Adjustment and Appeals:

Mr. Warren Turner

Mr. George Randolph

Mr. Randolph Susman

Mr. Cecil Hobbs

It was moved by Councilman Colescott and seconded by Councilman Grantham that the reappointment of these four members for three-year terms on the Board of Adjustment and Appeals be ratified. Motion carried.

CONTRACTORS' LICENSING BOARD

Reappointment of Four Members

The following names were presented by President Anderson for reappointment to the Contractors' Licensing Board for two-year terms.

Mr. Blake Chambliss

Mr. Ray Phipps

Mr. Lyall Coulter

Mr. Frank Mueller

It was moved by Councilman Youngerman, seconded by Councilman Paruch that the reappointment of these four members to serve two-year terms on the Contractors' Licensing Board be approved. Motion carried.

HEARING

Proposed Subdivision Plat for W. H. Buttolph, 28 1/2 Road & Elm

This was the advertised date for a public hearing on the proposed subdivision plat for W. H. Buttolph for the area located on the Southeast corner of 28 1/2 Road and Elm Avenue. The proposed subdivision plat was recommended by the City Planning Commission. Councilman Youngerman commented that the Planning commission agreed that this proposed subdivision would be a fine thing for the City.

Councilman Colescott asked what arrangements had been made with the owner regarding the covering or the piping of the irrigation ditches. He stated that he does not feel the City should have to bear the

expense of piping these ditches. He felt the City should get an agreement that the irrigation ditches be covered or get a covenant to make it a charge against the land in the event the irrigation ditches have to be covered or piped. City Manager Gray said that perhaps this could also include the sidewalks, curbs, gutters, and street improvements in these subdivisions. City Attorney Ashby said this is something the City Planning Commission should discuss.

The President closed the hearing.

It was moved by Councilman Paruch, seconded by Councilman Naff that the proposed subdivision plat of W. H. Buttolph be referred back to the City Planning commission so that the street improvements and the piping of the irrigation ditches can be discussed. Motion carried.

HEARING

Special Events Liquor Permit for Saturday, January 22, Elks Lodge

An application from the Elks Lodge, 249 South 4th Street, for a Special Events Liquor Permit for Saturday, January 22, 1972, was presented. Mr. James Dyer, Manager of Elks Lodge, was present.

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the application of Elks Lodge for a Special Events Liquor Permit to be used on January 22, 1972, be approved. Motion carried with Councilman Paruch voting NO.

RESOLUTION - REVOCABLE PERMIT

Electrical Conduit Under East-West Alley South of City Market Building, 800 Block North Avenue

Mr. Warren Lowe of Wesco Electric appeared before the Council to request a revocable permit to place an underground electrical conduit across the east-west alley in Block 7 from the southwest corner of Lot 16 to the northwest corner of Lot 17. He explained that this is so the City Market store can put a freezer unit on their lot south of their store. He stated that this would be for a matter of two to three years, or until City Market can build their new store.

City Manager Gray commented that revocable permits normally go to the City Planning Commission for its recommendation to the City Council. However, Mr. Lowe called on this date and said they are anxious to get the work done. City Manager Gray said that since it is a routine matter, and also that he and the City Engineer had checked the area, it was felt that rather than delay Mr. Lowe and City Market another two weeks, this item could be placed on the agenda for Council's consideration. The following Resolution was presented:

RESOLUTION

WHEREAS, CITY MARKET, INCORPORATED, a wholly owned subsidiary of Dillon Companies, Incorporated, has petitioned the City Council of the City of Grand Junction for a revocable permit to encroach upon the right of way by placing an underground electrical conduit across the east-west alley in Block 7 City of Grand Junction from the southwest corner of Lot 16 to the northwest corner of Lot

17 in said Block 7; and

WHEREAS, such action has been heretofore approved by the City Engineering Dept. and would not be detrimental to the use of the right of way or to the interest of the inhabitants of the City;

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

That the City Manager, on behalf of the City and as an act of the City, be, and he is hereby, authorized to grant such revocable permit to the above corporation for the purpose described upon the execution by the corporation of an agreement to save and hold the City harmless from any claims arising out of the construction and use granted and agreement that upon the revocation of such permit, it will remove said underground electrical conduit at its own expense and will restore the right of way to its original condition required in that area.

PASSED and ADOPTED this 19th day of January, 1972.

(No recording information available)

/s/Stanley R. Anderson\Stanley R. Anderson
President of the Council

(SEAL)

ATTEST:

/S/Neva B. Lockhart\City Clerk

It was moved by Councilman Colescott and seconded by Councilman Youngerman that the Resolution be passed and adopted. Roll was called upon the motion with all Councilmen voting AYE. The President declared the motion carried and the Resolution duly passed and adopted.

REVOCABLE PERMIT

Instr. No. _____

WHEREAS, CITY MARKET, INCORPORATED, a wholly owned subsidiary of Dillon Companies, Incorporated, has petitioned the City Council of the City of Grand Junction for a revocable permit to encroach upon the right of way by placing an underground electrical conduit across the east-west alley in Block 7 City of Grand Junction from the southwest corner of Lot 16 to the northwest corner of Lot 17 in said Block 7; and

WHEREAS, such action has been heretofore approved by the City Engineering Department and the City Council is of the opinion that such would not be detrimental to the City or to any of the

inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to the above-named corporation a revocable permit for the purposes above stated; provided, however, that said permit may be revoked by the City Council at its pleasure at any time; provided further that the above-named corporation shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from the permitted use; provided, further that said Corporation shall agree to restore the right of way to a proper and usable condition after the completion of construction on said alley, and provided further that said corporation shall agree to restore the right of way to its original condition upon the revocation of such permit.

Dated this 21st day of January, 1972.

/s/ R. N. Gray\City Manager

(SEAL)

ATTEST:

/s/ Neva B. Lockhart\

The undersigned, for itself, its successors and assigns, hereby agrees that it will abide by the conditions contained in the foregoing permit; that it will indemnify the City of Grand Junction and hold it harmless from all claims and demands as stated therein; that after construction, it will restore the right of way to a proper and usable condition; and, that, upon revocation of the permit, it will restore the right of way to its original condition.

Dated at Grand Junction, Colorado, this 24th day of January, 1972.

CITY MARKET, INCORPORATED, a wholly owned subsidiary of Dillon Companies, Inc.

By /s/ Frank Prinster, Jr.\Title President\

ATTEST:

/s/ Gene Haggerty\

STATE OF COLORADO)	
)	ss
COUNTY OF MESA		

The foregoing was acknowledged before me this 24th day of January, 1972, by /s/ Frank Prinster, Jr. as President, and /s/ Gene Haggerty, as Treasurer of City Market, Incorporated, a wholly owned subsidiary of Dillon Companies, Incorporated, a corporation.

/s/ Donald J. Vogel\Notary Public

My Commission expires: January 25, 1973

MESA COUNTY CHAPTER MARCH OF DIMES REQUEST PERMISSION TO USE
SIDEWALK SPACE ON MAIN STREET SATURDAY, JANUARY 22 - GRANTED

A letter from Mr. Wayne Grogan, Publicity Chairman of the Mesa County Chapter March of Dimes, requesting permission to use sidewalk space on Main Street in front of the First National Bank Building on Saturday, January 22, to kick off the March of Dimes campaign was read.

It was moved by Councilman Youngerman, seconded by Councilman Naff that permission be granted the Mesa County Chapter March of Dimes to use the sidewalk space on Main Street Saturday, January 22. Motion carried.

LETTER OF APPRECIATION FROM MARY BROWN, CHAIRMAN OF LIBRARY STUDY
GROUP

A letter from Mary Brown, Chairman of the Library Study Group, was read. Ms. Brown expressed appreciation for the action the City Council had taken by approving funds toward the purchase of the Lowell School site as the future location of the Mesa County Library.

3.2 BEER LICENSE RENEWAL

Hobby Frazer, 7-2-11 Food Store No. 18, 2355 Belford

An application for the renewal of 3.2 beer license for Hobby Frazer, 7-2-11 Food Store No. 18, 2355 Belford Avenue, was presented. A letter from Chief of Police Karl Johnson advised that there have been no complaints or violations concerning the sale of 3.2 beer at this location, and that there appears to be no reason why the application for renewal should not be approved.

It was moved by Councilman Youngerman and seconded by Councilman Grantham that the application for renewal be approved and the license issued when the State license has been received. Motion carried with Councilman Paruch voting NO.

ORDINANCE NO. 1416

Amending Section 20-28 (Use of Lincoln Park Stadia)

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE MAKING AN ALTERNATE CHARGE FOR CERTAIN ACTIVITIES WITHIN LINCOLN PARK. It was moved by Councilman Colescott and seconded by Councilman Youngerman that the Proof of Publication be accepted and filed. Motion carried.

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

The Ordinance was read. City Manager Gray noted that a minor word insertion should be made: National Junior College "Athletic" Association. There being no other comments, it was moved by Councilman Colescott and seconded by Councilman Youngerman that the Ordinance be passed, adopted as amended, numbered 1416, and ordered published. Roll was called upon the motion with all councilmen voting AYE. The President declared the motion carried.

RESOLUTION TO ANNEX FILES PROPERTY

City Manager Gray explained that the Files property consists of approximately eighty acres south of North Avenue, north of Grand Avenue between 28 Road and 28 1/4 Road. Mr. Gray said this annexation is initiated by the Planning Director and the City Manager. He explained that this area has been surrounded by the City for a number of years; however, because of the fact that there was limited development in this area and the owner has not desired annexation, the City has not encouraged the annexation up to the present time. City Manager Gray noted some problems the City has had as a result of this area being outside the City. One is that the eastbound traffic lane on North Avenue from 28 Road to 28 1/4 Road is outside the City, which means that a City Police officer cannot make a traffic arrest for that quarter of a mile. Secondly, approximately two-thirds of the intersection at 28 Road is outside the City Limits, which makes jurisdiction somewhat confusing. City Manager Gray said that for these reasons it seems timely for the City Council to exercise its unilateral annexation powers granted by State Statute to annex this area as outlined, City Manager Gray noted that the Resolution to annex calls for a public hearing on March 1, 1972.

The following Resolution was presented and read:

RESOLUTION

DECLARING INTENT OF CITY COUNCIL OF CITY OF GRAND JUNCTION TO ANNEX CERTAIN LANDS TO THE CITY.

WHEREAS, the following described land, situate in Mesa County, Colorado, to wit:

The West one half of the Northwest quarter of Section 18 of Township One South of Range One East of the Ute Meridian EXCEPT that part of said tracts which lies in the road right of way for Highway 6 and 24 and road right of way for Grand Avenue

has had a two-third boundary contiguity with the City of Grand Junction for over three years; and

WHEREAS, it is desirable that said land be annexed to the City:

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

1. That it is the intent of the City to annex said territory to the City of Grand Junction
2. That a hearing be set for the first day of March, 1972, at 7:30 o'clock P.M. in the City Auditorium before the Council to determine whether or not land in identical ownership has been divided by the proposed annexation; whether or not any land in identical ownership in the territory proposed to be annexed comprises twenty acres or more and has an assessed valuation in excess of Two Hundred Thousand Dollars; and whether or not said territory is subject to a petition for annexation to another municipality.

PASSED and ADOPTED this 19th day of January, 1972.

/s/Stanley R. Anderson\President of the Council

ATTEST:

Neva B. Lockhart\City Clerk

NOTICE

Notice is hereby given that at a regular meeting of the City Council of the City of Grand Junction held on January 19, 1972, the following Resolution was adopted by the Council:

RESOLUTION

DECLARING INTENT OF CITY COUNCIL OF CITY OF GRAND JUNCTION TO ANNEX CERTAIN LANDS TO THE CITY.

WHEREAS, the following described land, situate in Mesa County, Colorado, to wit:

The West one half of the Northwest quarter of Section 18 of Township One South of Range One East of the Ute Meridian EXCEPT that part of said tracts which lies in the road right of way for Highway 6 and 24 and road right of way for Grand Avenue

has had a two-third boundary contiguity with the City of Grand Junction for over three years; and

WHEREAS, it is desirable that said land be annexed to the City;

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

1. That it is the intent of the City to annex said territory to the City of Grand Junction.
2. That a hearing be set for the first day of March, 1972, at 7:30 o'clock P.M. in the City Auditorium before the Council to determine whether or not land in identical ownership has been divided by the proposed annexation; whether or not any land in identical ownership in the territory proposed to be annexed comprises twenty acres or more and has an assessed valuation in excess of Two Hundred Thousand Dollars; and whether or not said territory is subject to a petition for annexation to another municipality.

Notice is further given that, pursuant to said Resolution, a hearing will be held on said proposed annexation in the City Auditorium of the City of Grand Junction at 7:30 o'clock P.M. on the first day of March, 1972, to determine those matters stated in the Resolution.

/s/ Neva B. Lockhart\City Clerk

It was moved by Councilman Naff and seconded by Councilman Grantham that the Resolution be passed and adopted as read. Councilman Paruch noted the presence of the Files and asked what the potential development of this area would be. Mr. Files said there is a lot of talk and no action. Councilman Naff asked if they desired annexation and the answer was no. There being no other comments, roll was called on the motion with all Councilmen voting AYE. The President declared the motion carried and the Resolution duly passed and adopted setting a public hearing date for March 1, 1972.

RENEWAL OF LEASE WITH JESSE AND ELIZABETH BOYCE

Lots 7-12, Lot 25, Block P, Keith's Addition

Instr. No. _____

City Attorney Ashby related that over a considerable period of time, there have been several transactions with Mr. and Mrs. Jesse Boyce in the area where their business is located at 12th and Ute. The more recent lease has concerned Lots 7, 8, 9, 10, 11, and 12, and Lot 25, Block P, Keith's Addition which abut the premises in which Mr. Boyce has ownership. Previously, as a part of that lease, payment was \$13.33 per month per lot, and at the same time Mr. Boyce had the option to purchase these lots at \$2,300 per lot.

Mr. Dufford, attorney for Mr. & Mrs. Boyce, brought a proposal to lease again for five years, with two renewable options for five years, Lots, 7, 8, 9, 10, 11, and 12, and Lot 25, Block P, Keith's Addition, containing the same rental and the same option to purchase at the same amount of money. Mr. Ashby said that City Manager Gray looked at the proposal and very wisely suggested that the City should go to \$15 per month per lot, a total of \$105 per month; that for the base period of five years, the option amount be \$2,300 which would encourage Mr. Boyce to exercise this option to purchase within that period if he is going to do so. At the end of the five-year period in the event he chooses to renew both the rental and the option to purchase, the price would be either agreed upon between the parties, or if no agreement can be reached, it would go to arbitration. The lease presented to Council incorporated these terms and City Attorney Ashby said that if Council approves the lease, it should authorize the City Manager to sign the lease.

Councilman Colescott suggested that perhaps these lots could be sold in one chunk to someone else, and he wondered if it was wise to have it tied up for fifteen years.

City Manager Gray explained that the renewal lease as presented is for five years and that both the rental and sale price can be renegotiated at the end of five years. It was noted that since 1964 Mr. Boyce has been the only one interested in these lots.

It was moved by Councilman Grantham and seconded by Councilman Youngerman that the lease between the City of Grand Junction and Jesse and Elizabeth Boyce for Lots 7 through 12 and Lot 25, Block P, Keith's Addition be approved and that the City Manager be authorized to sign the lease.

Councilman Colescott moved that the lease agreement be amended to limit the lease to five years. Councilman Naff seconded the motion. Roll was called on the motion to amend with the following result:

Councilmen voting to limit the lease to a five-year period: Raymond Paruch, Harry Colescott, Theodore Naff

Councilmen voting against limiting the lease to a five-year period: Lawrence Kozisek, Richard Youngerman, Silas Grantham, President Stanley Anderson

The President declared the motion to amend the lease agreement to five years defeated.

The main motion approving the lease agreement and authorizing the City Manager to sign the lease agreement was carried with Councilman Naff voting NO.

LEASE AGREEMENT

Hallenbeck Property

City Manager Gray reviewed briefly the status of the Hallenbeck property with regard to leasing it. He noted that the City retained Mrs. Winifred Raber of the McAllister Real Estate firm to make a appraisal of the property and to give her recommendations as to its lease value to the City. Her recommendation was a five-year lease at \$4,000 per year, renewable at the end of five years. City Manager Gray said that the City then solicited bids from the adjoining ranchers in the Kannah Creek area who would have the most beneficial use of this property. Two bids were received.

Kenneth Johnson, Elk Glen Ranch - \$4,300

Whiting Brothers Ranch - Bid was below \$4,000

City Manager Gray said that at the time this lease agreement was to come to the Council for approval, it was discovered that inadvertently a water right which the City did not have for the leasee to use had been included in the invitation to bid. Mr. Johnson was advised that the City did not purchase this water right and that it would affect the amount of water he would have to use during the runoff period. Mr. Johnson indicated he wanted a while to think about it. Since that time, City Manager Gray said that a compromise figure of \$4,000 per year has been agreed upon between the City and Mr. Johnson and that Mr. Johnson has authorized Mr. Ed Ruland to sign the lease in his absence.

It was noted that Mr. Johnson may not sub-lease any part of this property without first getting the written approval of the City.

It was moved by Councilman Youngerman and seconded by Councilman Paruch that the lease agreement between the City and Kenneth Johnson for the Hallenbeck property be approved and that the City Manager be authorized to sign the lease agreement. Motion carried.

PEDESTRIAN RIGHT-OF-WAY IN CROSSWALKS

Councilman Paruch commented that he has seen violations of the pedestrian right-of-way in crosswalks, particularly at the Post Office and at First Street and Gunnison Avenue. He suggested that the Traffic Engineer should put up a larger sign, or perhaps a flashing signal, to alert the motorist that pedestrians do have the right-of-way. City Manager Gray suggested that, instead of more and more signs, the Council urge the Police Department to give these particular crosswalks more surveillance and to cite the motorist who does not give the right-of-way to the pedestrians. Councilman Colescott suggested also that tickets should be issued to motorists who double park in front of the Post Office. City Manager Gray said the Police Department would be encouraged to step up enforcement, and the Administration would take a look at the size of the signs warning motorists of pedestrian crosswalks.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart
Neva B. Lockhart
City Clerk