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February 2, 1972

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M. February 2, 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 Youngerman and seconded by Councilman Kozisek that the minutes of the regular Council meeting held on January 19, 1972 be approved as written. Councilman Kozisek seconded and the motion carried unanimously.

DAYS

Multiple Sclerosis Fund Drive on Shopping Park February 12

Mr. Tom Peeso representing the Circle K Club at Mesa College appeared before the Council to request permission to use the two mushrooms on Main Street Between 5th and 6th Streets during the Multiple Sclerosis fund drive. Mr. Peeso explained that the Club plans to have two men camp out on the mushrooms February 11 and 12. Mr. Peeso said the Club is willing to put forth a little effort for the donations.

President Anderson stated that it has been Council policy to limit the use of the Shopping Park for service club fund drives to a one-day period of time. Council also felt the use of the mushrooms would be a departure from Council policy.

It was moved by Councilman Grantham and seconded by Councilman Colescott that the Circle K Club of Mesa College be granted permission to use the Shopping Park on the street level between 4th and 5th Streets and 5th and 6th Streets for the Multiple Sclerosis fund drive on Saturday, February 12, 1972. Motion carried.

HEARING

SS 28-71 Proposed Ordinance

This was the date scheduled for hearing on Sanitary Sewer District No. 28-71. Letters of protest from Mr. and Mrs. John C. Miller,

581 - 29 1/2 Road, Ms. Charlotte Claar and Mr. Howell Culbertson, 606 - 27 1/4 Road and 606 1/2 - 27 1/4 Road, were read. They protested the \$873.50 assessment. At the time the six areas were annexed to the City, they were told that the tap fee would be \$800.00.

Mr. Henry Lipes, 1815 Walnut Court, was present for the hearing and stated that he, too, was under the impression that the tap fee would be \$800.00, as was Mr. Orville Boge of 349 Lilac Lane.

Assistant to the City Manager Harvey Rose and Administrative Services Director William Manchester presented charts showing the charges for the construction of Sanitary Sewer District No. 28-71. They explained that at the time of annexation the tap fee was all that was known. There was no way to determine how much the cost of the bonds would be during construction nor the incidental costs. The procedure used for this sanitary sewer district is the same procedure used in other sanitary sewer district. It was noted that after the assessing ordinance is passed, property owners will be notified that they have 30 days in which to make cash payment. The cash payment is the \$800.00 tap fee plus the cost of the bonds during construction. Councilman Youngerman said that maybe the City is remiss in not quoting a firm figure. Councilman Kozisek and Councilman Naff agreed that the contingency fees need to be mentioned along with the tap fee. The President closed the hearing.

It was moved by Councilman Kozisek, seconded by Councilman Grantham that the people who wrote in their protests be notified by letter that their protests were reviewed and rejected. Motion carried.

The following entitled proposed ordinance was presented and read: AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 28-71, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS.

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

Councilman Colescott commented that in the future the form letters notifying the property owner of assessments should try to explain the procedure so that it will be clear.

HEARING

Sanitary Sewer 29-71 Proposed Ordinance

This was the date advertised for hearing on Sanitary Sewer District No. 29-71. There were no written protests and no one in the audience to protest. The President closed the hearing.

The following entitled proposed ordinance was presented and read: AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENT MADE IN AND FOR SANITARY SEWER DISTRICT NO. 29-71, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS.

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

HEARING

Proposed subdivision Plat, W. H. Buttolph

The proposed subdivision plat of W. H. Buttolph, southeast corner of 28 1/2 Road and Elm Avenue, was returned from the Planning Commission. The irrigation ditch is being covered, and the set up now is that prior to the time that any construction would be started, the streets improvements would either be in or be put in at no cost to the City by agreement with the developer.

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the plat of W. H. Buttolph be accepted and signed by the President of the City Council and attested by the City Clerk; that it be approved and filed with the Mesa County Clerk and Recorder; and that a copy thereof be placed on file in the Office of the County Assessor and in the Office of the City Engineer. Motion carried.

DISCUSSION OF RESIDENTIAL AND COMMERCIAL UTILITY RATES

Mr. Marion Crenshaw appeared before the Council to discuss the residential and commercial utility rates. Mr. Crenshaw contended that the multi-family unit owners should have a break some way as he feels there is some discrimination against them. He presented charts for the Council's consideration.

Councilman Youngerman commented that there had been a lot of work in preparing the charts and the presentation. He asked Mr. Crenshaw to make the charts available to the City for further

study. Mr. Crenshaw agreed to do this.

Mr. Marshall Brown was present and discussed his sewer charge on his apartment unit. President Anderson suggested that some way could be found to work out the problem.

APPLICATION FOR RENEWAL OF 3.2 BEER LICENSE

Williams Seven Eleven, 805 North First Street - Approved

An application for the renewal of the 3.2 beer license for Dan Williams, Williams Seven Eleven Market, 805 North First Street, was presented. A letter from Chief of Police Karl Johnson advised that there have been no complaints nor violations concerning the sale of 3.2 beer at this establishment and that there would appear to be no reason why the application for renewal should not be approved.

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 NO.

EXEMPTION TO REDUCE FIREMEN'S WORK WEEK

City Manager Gray read the Decision and Order on the application for exception to reduce the Firemen's work week from Mr. Robert P. Tiernan, Executive Office of the President, Pay Board, Washington, D. C. Mr. Gray said that with the approval from the Pay Board, the City would hire four additional firemen and go to the reduced work week. Funds were budgeted to accomplish this.

CORRECTED RESOLUTION ON ANNEXATION OF FILES PROPERTY

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, situated in Mesa County, Colorado, to wit:

Lot 24 of Block 11 and all of Block 12, Mesa Gardens Subdivision;
and,

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 15th day of March, 1972, at 7:30 o'clock P.M. in the Civic 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 2nd day of February, 1972.

\President of the Council

ATTEST:

\City Clerk

NOTICE

Notice is hereby given that at a regular meeting of the City Council of the City of Grand Junction held on February 2, 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:

Lot 24 of Block 11 and all of Block 12, Mesa Gardens Subdivision;

and,

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 15th day of March, 1972, at 7:30 o'clock P. M. in the Civic 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 Civic Auditorium of the City of Grand Junction at 7:30 o'clock P.M. on the 15th day of March, 1972, to determine those matters stated in the Resolution.

\City Clerk

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

Councilman Colescott asked how one can be fair in collecting sewer assessments. Councilman Youngerman commented that with so many people, there are going to be inequities. He said that he wished more people shared Mr. Crenshaw's thoughts that "if we need it, add it on."

Councilman Naff's contention this evening on the sewer assessment of \$873.00 is the misunderstanding these people had from the beginning; the misunderstanding of the "filthy 53"; and before that the misunderstanding out on East Wellington and the \$2000.00. He felt that someone should be called on the carpet and see to it that the explanations are correct on the proposed annexations.

City Attorney Ashby explained that so many times there is a

proper explanation at the time the explanation is made; then five years later something happens, and they go back to five years before and say "this is what you promised."

ADJOURNMENT

It was moved by Councilman Youngerman and seconded by Councilman Grantham that the meeting be adjourned. Motion carried unanimously.

Neva B. Lockhart
Neva Lockhart
City Clerk