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Grand Junction, Colorado

May 3, 1972

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M. May 3, 1972, in the Civic Auditorium at City Hall. Present for roll call were President Stanley Anderson, Councilman Harry Colescott, Silas Grantham, Lawrence Kozisek, Theodore Naff, Raymond Paruch, and Richard Youngerman. Also present were City Manager Richard Gray and City Clerk Neva Lockhart. City Attorney Gerald Ashby was absent.

MINUTES

It was moved by Councilman Colescott and seconded by Councilman Kozisek that the minutes of the regular Council meeting held on April 19, 1972, be approved as written. Motion carried.

LIQUOR LICENSE

Petitions presented requesting the closing of Tony's Bar & Grill

Mr. Winston Rocha of 125 1/2 North First Street appeared before the Council to present petitions requesting that Tony's Bar & Grill, 215 Colorado Avenue be closed to the public for the following reasons:

1. Far too many people have been rolled, robbed, and beaten.
2. Customer's eyes have been sprayed with mace, by the owner, without consulting police authorities. After their money has been spent.
3. Many cars have been broken into, tapedecks and other things taken, car windows have been broken, tires have been slashed, etc.
4. Women have been beaten by the owner after his wife starts a fight with them.

Mr. Rocha explained that Mr. Carl Montoya was unable to attend the Council meeting to present the petitions. Mr. Rocha said he personally feels the bar itself is in a good location and serves a lot of people. He personally felt the owner himself is not able to cope and is not capable of handling the problems that come up in the establishment. He said there are close to 400 signatures on the petitions. Council accepted the petitions for consideration.

City Manager Gray recommended that the Police Department make an investigation as to the allegations and prepare a report as to the incidents they have observed and what action the Council should

take. The report could be presented at the next City Council meeting. After reviewing this report and under the laws of the State Liquor Code, the Council could then call a public hearing if it feels there are sufficient grounds to do so. The owner can then show cause why his license should not be revoked.

Councilman Kozisek recommended this course of action. He said he would like to see how many charges have been filed with the Police Department as the allegations seem quite serious.

Mr. Rocha said that this bar serves low income people, and low income people do not usually report to the Police.

Councilman Colescott recommended advertising for a public hearing for the next City Council meeting. City Manager Gray said he felt City Attorney Ashby would advise that a public hearing for the next Council meeting would be a little premature as this would mean a hearing to revoke the license. Councilman Grantham agreed and said he felt the Council should have a police report before scheduling a public hearing.

Mr. Rocha said the petitioners are not seeking the revocation of this license; what they are seeking is a change of management or proprietor. President Anderson said that the City cannot demand that the operator sell. The only control the City would have is through the license or the renewal of the license.

Mr. Eugene Gonzales of 723 White Avenue asked what sufficient grounds would be for revoking the license. President Anderson replied that at the moment he was not sure what the law requires.

President Anderson directed that the Police Department prepare a report for the May 17 City Council meeting. He also instructed that the owner of the bar be notified of the informal hearing and invited the petitioners to return for the May 17 council meeting.

BEER LICENSE RENEWAL

7-2-11 Food Store, 2231 No. 7th - apprvd

An application for the renewal of a 3.2 beer license for the 7-2-11 Food Store located at 2231 North Seventh Street was presented. A letter from Police Chief Karl Johnson advised that he knew of no reason why the application for renewal should not be approved as there have been no unfavorable complaints nor reports during the term of the present license.

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

EAST-END MULTI-PURPOSE BLDG SITE

Evaluation report

Development Director Don Warner reported that he would not make any recommendations on the east-end Multi-Purpose building site until he can compare this site with another one. The Committee is to meet on May 10 to view the super-block concept.

LICENSES

Food handler's permit Recommend licensing clause be deleted from code

A letter from Mr. John Emerson, Manager of the Quality Meat & Locker Company, Inc., 340 North Avenue, was read. Mr. Emerson stated that his Company had received a notice to purchase a Food Handler's Permit and a request for payment of \$2.50 Mr. Emerson noted that the Ordinance includes his business, but that it has not been enforced during the twenty-five years Quality Meat has been in business. Mr. Emerson said this was a nuisance tax to the Company as it served no useful purpose to the people of Grand Junction. He reported they are under almost full-time inspection by the State and Federal governments. He requested that his firm be exempted from this permit since a higher authority is providing the inspections. He noted that the \$2.50 would not break the firm, but there was a principle involved.

City Manager Gray read a memorandum from Assistant City Manager Harvey Rose. Mr. Rose reported that out of the \$500 authorized by the City Council for a part-time business license inspector, \$107.52 as been expended to date with fifty percent of the businesses inspected. Since March 9, 1972, over \$1,000 in delinquent and new business licenses has been collected along with sales tax licenses valued at an estimated \$2,000 in additional sales tax revenue for 1972.

Mr. Rose continued that in researching this particular ordinance, it was found that the County Health Department now charges a fee for the inspection of this type of business and the State issues a \$10 license to cover the operation. In this respect, the City is duplicating the licensing procedure without actually making field inspections. It was noted that the Mesa County Health Department is empowered to inspect certain businesses that prepare and bag pop corn and candy but have failed to do so. Mr. Rose suggested that if they can be encouraged to cover these businesses, the City could remove the licensing clause of Chapter 13 of the Code of Ordinances, but still retain the body of the Ordinance as a basis for City staff to handle individual complaints.

City Manager Gray said one of the main benefits the part-time business license inspector has accomplished is that those businesses who have regularly paid their business license fees punctually each year deserve to know that all businesses are being licensed, and that those businesses who have ignored the licensing in the past, and there have been some, would not necessarily

escape licensing. Therefore, Mr. Gray felt there were other values of the part-time inspector in addition to the actual money that he has raised.

Mr. Gray said that Mr. Emerson ha brought up a valid point. The Staff would like, subject to Council's approval, to prepare a draft of the revised ordinance.

It was moved by Councilman Paruch and seconded by Councilman Youngerman that a new draft be prepared to amend the ordinance deleting the Food Handler's Permit Fee. Motion carried unanimously.

DAYS

Pancake sale June 23 by Kiwanis Club

A letter from Karl Johnson, Arrangements Committee of the Kiwanis Club, was read requesting permission to use the north side of the 500 block of Main Street for the annual Kiwanis Pancake Sale on Friday, June 23, from 6:00 a.m. to 3:00 p.m. They plan to use a portion of the sidewalk area and the parking bay on the north side of the street with no interruption of traffic. Proceeds will be used to support the club's community projects.

It was moved by Councilman Kozisek and seconded by Councilman Colecott that permission be granted. Motion carried unanimously.

BACKWASH WATER LAGOONS

Resolution of Completion

The following Resolution was introduced and read:

RESOLUTION

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

THAT, on the recommendations of Henningson, Durham & Richardson, Incorporated of Colorado, the construction of BACKWASH WATER TREATMENT FACILITIES E.P.A. PROJECT #269 be, and the same hereby is, accepted from the contractor thereon.

PASSED and ADOPTED this 3rd day of May, 1972.

President of the Council

ATTEST:

\City Clerk

It was moved by Councilman Youngerman and seconded by Councilman Naff 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.

WATER POLLUTION CONTROL PLANT

Resolution on completion

The following Resolution was introduced and read:

RESOLUTION

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

That, on the recommendations of Henningson, Durham & Richardson, Incorporated of Colorado, the construction of WATER POLLUTION CONTROL PLANT ENLARGEMENT E.P.A. Project \$186 be, and the same hereby is, accepted from the contractor thereon.

PASSED and ADOPTED this 3rd day of May, 1972.

Stanley R. Anderson\President of the Council

ATTEST:

\City Clerk

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 Councilmen voting AYE. The President declared the motion carried and the Resolution duly passed and adopted.

PROP. ORD.

Vacation of alley between Lots 3 & 4, Block 12 Sherwood Park

Recommended from the City Planning Commission was the request to vacate the north-south alley between Lots 3 and 4, Block 12, Sherwood Park. This alley has never been opened up to traffic. There is a sewer line in the 20 foot easement to be retained by the City. Development Director Don Warner explained that an apartment complex is being built and the area will be planted with grass.

The following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING AN ALLEY IN THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Naff and seconded by Councilman Kozisek that the proposed ordinance be passed for publication. Motion carried unanimously.

PROP. ORD.

Vacation of Street 1300 Blk Bookcliff

The following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING A PORTION OF STREET RIGHT OF WAY IN THE CITY OF GRAND JUNCTION, COLORADO. Development Director Don Warner explained that about a month and a half ago the 1400 block of Bookcliff was vacated because of a house sitting in the middle of the block. The vacation of the 1300 block Bookcliff is a continuation of that vacation. The City Planning Commission recommended this vacation to the City Council.

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

REVOCABLE PERMIT

To fence 28 Rd ROW at North edge of Bookcliff R/W and at South side G.V. Canal bank road Resolution Instr No. _____

The following Resolution was presented and read:

RESOLUTION

WHEREAS, Mr. JAMES SIMPSON, 2630 Bookcliff Avenue, Grand Junction, Colorado, has petitioned the City Council of the City of Grand Junction for a revocable permit to fence 28 Road right of way at a point on the north right of way line of Bookcliff Avenue and the south edge of the Grand Valley Irrigation Company canal bank road; and

WHEREAS, such action has been heretofore approved by the City Planning Commission 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 individual for the purpose described upon the execution by Mr. Simpson 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, he will remove said fence or other impediments at his own expense and will restore the right of way to its original condition required

in that area.

PASSED and ADOPTED this 3rd day of May, 1972.

Stanley R. Anderson\President of the Council

ATTEST: (no information recorded)

\City Clerk

REVOCABLE PERMIT

WHEREAS, MR. JAMES SIMPSON, 2630 Bookcliff Avenue, Grand Junction, Colorado, has petitioned the City Council of the City of Grand Junction for a revocable permit to fence 28 Road right of way at a point on the north right of way line of Bookcliff Avenue and the south edge of the Grand Valley Irrigation Company canal bank road; and

WHEREAS, the City Planning Commission and City Engineer have approved such action, 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 Mr. James Simpson a revocable permit for the purpose 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 individual 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 Mr. James Simpson shall agree to restore the right of way to a proper and usable condition after the construction and provided further that he shall agree to restore the right of way to its original condition upon the revocation of this permit.

Dated this _____ day of May, 1972.

R. N. Gray\City Manager

ATTEST:

\City Clerk

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

Dated at Grand Junction, Colorado, this _____ day of May, 1972.

\2630 Bookcliff Avenue
Grand Junction, Colorado

STATE OF COLORADO)		
) ss		
COUNTY OF MESA)		

The foregoing was acknowledged before me this _____ day of May, 1972.

\Notary Public

My Commission expires:

It was moved by Councilman Youngerman and seconded by Councilman Kozisek 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.

EMPLOYEE RULES & REGULATIONS

Changes adopted

Assistant City Manager Harvey Rose reviewed the changes to the Employee Rules and Regulations. It was moved by Councilman Kozisek

and seconded by Councilman Naff that the changes be adopted. Motion carried.

DOWNTOWN SHOPPING PARK

Bicycle racks installed

At the request of Councilman Youngerman, City Manager Gray reported the cost of the bicycle racks for the Downtown Shopping Park. He read a memorandum from Parks and Recreation Director Jim Wysocki which stated that these racks are made of Portland cement blocks with three slots and weight 250 pounds. The three-unit bicycle rack with the red pigment coloring costs \$15 per rack. It is proposed to purchase eight of these three-unit racks at a total cost of \$120. These racks are available at the Grand Junction Concrete Pipe Company. City Manager Gray said that for \$120, this would be a nice addition to the Shopping Park and it would be nice for the bicyclist. Mr. Gray said that when the new bicycle racks are placed, it should be suggested to Penney's that the old metal bicycle rack be moved to another location. Councilman Colescott suggested also that the paint on the sidewalk in this vicinity should be removed.

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the City Manager be authorized to purchase 8 three-unit bicycle racks for the Downtown Shopping Park. Motion carried unanimously.

RADIOACTIVE URANIUM MILL TAILINGS

Discussion of the removal & disposal of

City Manager Gray commented about certain news media items regarding the fact that there has been some problem lately with the proper removal and disposal of uranium mill tailings. He felt that part of the problem is that it is not quite clear who has jurisdiction. In early March, Mr. Gray met with a Mr. Siek of the State Health Department at which time it was suggested that it would be a good idea for the City to take over the enforcement of the uranium mill tailings problem. At that time, it was the City Manager's attitude that this was an area that had clearly been preempted by the State. The state has the technology and the expertise which they have demonstrated with their local staff. They have set up the rules and regulations as to how the contractors were to handle the situation. It is State law that covers this, and not city ordinances. In essence, it was the feeling of Mr. Gray and of Development Director Don Warner that the State of Colorado was the proper authority to set up these rules and regulations. It has been this agency that has been doing all the surveying and determining as to where uranium mill tailings are deposited and whether or not it is hazardous. Therefore, Mr. Gray and Mr. Warner feel that this agency should follow through with the enforcement of these procedures. Mr. Gray said he later received a letter from Mr. Siek in which Mr. Siek

again suggested that the City consider taking over the enforcement of this program. Mr. Gray sent a copy of this letter to Mr. Warner and to Mr. Bud Franz, the leader of the local radiological program. Mr. Gray invited Mr. Franz to be present for this meeting to give some input to the discussion. Mr. Gray remarked about the excellent cooperation from Mr. Franz and his staff in handling the survey of building site within the three days agreed upon. Mr. Gray continued that apparently just recently there was a dispute involving one contractor who was having trouble removing and depositing the tailings, according to the news media, and the City was brought into the problem again because it had not answered a letter. Mr. Gray said that he and Mr. Warner are of the opinion that possibly it is time for the City Council to enunciate very clearly to the State Health Department what the City feels is the State Health Department's authority and responsibility--that the City intends to cooperate in every way, but that the City does not have the authority or the responsibility to take over the enforcement of the monitoring of this program.

Mr. Bud Franz said that in this particular program, primarily the building program and the resulting tailings removal program, they felt it would be a good idea for the people in the Planning Commission Office, those people who are issuing the building permits, to aid the survey team by contacting them when people wishing to have a building constructed on a site came to the City and County Government to take out a permit. At that time, the survey team could go to the property and look it over to see if there were any tailings deposits present in the area over which the building was to be constructed. The purpose of this was to prevent any new structure being built over potentially hazardous material. By routing this whole thing through the Planning Commission Office, it was hoped this would eliminate any unnecessary problems to the people who would be constructing the structure. It was the Health Department's best way of finding out when a structure was being proposed and in this way check out the site. Mr. Franz continued that they still feel this is the best way and that since this is a local matter, it could best be handled by people locally. They would like to see people who are working in the City and County Government trained in the use of the instruments so they can perform these radiation surveys.

Mr. Franz noted that the texture of the soil in this area is proving to be a problem with the removal of tailings materials. The sand, when mixed with mica shale clays, is very difficult to distinguish from just native soil. He said it is almost impossible if there are any involved mixings to tell the soil from the tailings contaminated material without the aid of an instrument. One way they have found to cut down the time involved in removing tailings is to have a person on the site with an instrument directing the operation so the least amount of material can be removed and still get all the tailings. This has proven to be a very time-consuming job for the survey team and requires more personnel.

Mr. Franz said the request directed to Mr. Gray some time back was that a meeting be called including the contractors, haulers, people who run the equipment, and anyone who would be involved in the tailings removal program so that the different aspects of locating tailings deposits and the best way of removing them without contaminating more areas can be fully explained. He felt that the Planning Commission Office should set up the meeting.

The Council and City Manager Gray indicated that the City would be happy to participate in the meeting, but they did not feel the City should call the meeting. The feeling was that the initiation for the meeting should come from the State Health Department. City Manager Gray recommended that the City Council and the County Commissioners arrange a meeting to discuss the problem further. Mr. Gray told Mr. Franc that the City would do everything possible to assist by providing a contractor's mailing list and by providing the Civic Auditorium if necessary.

There was discussion about extending the three-day limit for the building site inspection by the State. Mr. Franz said they have tried to keep within this three-day limit to the best of their capability. They have been keeping up with the deadline because of some EPA people helping out; however, these people will be leaving the area within two weeks. He noted that when the program was initiated, it was estimated there would be approximately 200 inspections a year. He feels there have been many more than this amount so far this year.

PARKING LOT

Lease-AVCO Colo Industrial Bank Instr No. 4338

City Manager Gray presented a lease between the City of Grand Junction and AVCO Colorado Industrial Bank for the off-street parking lot at Fourth and Rood. This lease is a 50-50 partnership and has been in operation since the first of January.

It was moved by Councilman Colescott and seconded by Councilman Grantham that the lease be approved and that the City Manager be authorized to sign the lease. Motion carried with Councilman Paruch voting NO.

PAVING

Completion of 12th St. reconstruction, Gunnison to Grand

City Manager Gray read a memorandum from City Engineer Davis Hickman advising the reopening of the reconstructed section of 12th Street on Friday, May 5. It was noted that Elam Construction has completed the job ahead of schedule.

ADJOURNMENT

It was moved by Councilman Colescott and seconded by Councilman

Grantham that the meeting be adjourned. Motion carried.

Neva B. Lockhart\City Clerk