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Grand Junction, Colorado

October 18, 1972

### ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M. October 18, 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 Gray, and City Clerk Neva Lockhart.

### MINUTES

It was moved by Councilman Paruch and seconded by Councilman Youngerman that the minutes of the regular Council meeting held on October 4, 1972, be approved as written. Motion carried.

### 3.2 BEER LICENSE

Hearing-change to corporation Cook's Warehouse Mtk Ltd

This was the date advertised for hearing upon the application of Cook's Warehouse Market, LTD, for a corporation 3.2 beer license. President and manager of the corporation is Alvin F. Cook; Vice-President Boyd A. Cook; and Secretary-Treasurer Audrey Cook. Mr. and Mrs. Cook were present for the hearing. A letter from Chief of Police Karl Johnson advised that the applicants are qualified to be corporate officers and entitled to hold the license for which they have applied. There being no others present to speak for or against the application and no other letters having been filed, the President closed the hearing.

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

### ZONING HEARING

Lot 14 & S 46.05' of Lot 15, Arcadia Village Sub to C-1

Prop. Ord.

Recommended from the City Planning Commission by a 3 to 2 vote was the rezoning of Lot 14 and the South 46.05 feet of Lot 15, Arcadia Village Sub from R-2 to C-1. This property is on the west side of 23rd Street, north of North Avenue. Mr. Gary Cowan, representing Mrs. Michelle Garcia who has applied for the transfer of her liquor license to 1215 North 23d Street, said that Mr. Lloyd

Files, present owner of the property involved, is in favor of the rezoning. This area lies behind the Ipswich Inn and behind Ed Eisenhauer Motor Company.

Council Paruch said that his vote was a NO vote on the zoning. He feels that the rezoning is proper, but because the liquor license approval is contingent upon the rezoning, he would have to vote NO.

There being no others to appear for or against the request for rezoning, and no letters having been filed, the President closed the hearing.

The following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the proposed ordinance be passed for publication. Motion carried with Councilman Paruch voting NO.

#### ZONING HEARING

Beg at a pt. on W li Lot 15 Blk 1 Arcadia Village Sub fr C1 to R-2

The hearing on the proposed rezoning of this property was included with the property listed above. It was noted that this property was zoned C-1 some time in the past for an overnight trailer park which did not materialize. The rezoning to R-2 was recommended unanimously from the Planning Commission.

PROP. ORD.

The following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the proposed ordinance be passed for publication. Motion carried unanimously.

#### LIQUOR LICENSE

EL CHARRO CAFE-apprv trsf to 1215 No. 23d

At the City Council meeting on September 20, 1972, the decision on the application of Michelle Garcia to transfer her liquor license from 2813 North Avenue to 1215 North 23d was tabled until the rezoning of Lot 14 and the South 46.05 feet of Lot 15, Arcadia Village Sub had been determined.

It was moved by Councilman Youngerman and seconded by Councilman Grantham that the application of Michelle Garcia to transfer her liquor license for the El Charro Cafe to 1215 North 23d be

approved. Motion carried with Councilman Paruch voting NO.

#### ZONING HEARING

E si of 7th St at Wellington to B-1

Recommended unanimously from the Planning Commission and advertised for hearing on this date was the request for rezoning of the West 150 feet of Lot 1, and the West 150 feet except the South 12 feet 8 inches of Lot 2, all in Yocum Subdivision (East side of 7th Street at Wellington Avenue) from R-1-C to B-1. Mr. Frank Hockensmith was present representing Darnell Optical. The building that is proposed for this property will be primarily doctors' offices and to house Darnell Optical. There were no others present who appeared for or against the rezoning and there had been no letters filed regarding this request. The President closed the hearing.

PROP. ORD.

The following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the proposed ordinance be passed for publication. Motion carried unanimously.

#### FIREMEN'S PENSION FUND

Discussion

In introducing Mr. Charles Traylor to Council for a discussion of the Firemen's Pension Fund, City Attorney Gerald Ashby said that he did not know at which point in time the escalator clause to the Firemen's Pension Fund first came up, but some time ago the Legislature provided by legislative enactment that Council could, if it chose, provide that firemen who retired could receive extra pension compensation. Mr. Ashby noted that over the period of time with the City the Firemen's compensation has been increasing in all the ranks of the Department. Mr. Ashby continued that when the matter first came up, it was the general consensus of city attorneys in Colorado that as to those Firemen who had retired prior to the enactment of the legislation, it was a gratuity to permit them this increase and Mr. Ashby so advised Council at that time. No more was heard about it except from attorneys from time to time. Mr. Ashby said that Mr. Traylor became serious about it and bothered to look up the law.

Mr. Ashby stated that the consensus of the city attorneys in Colorado is in error--it is not a gratuity, for it has been so ruled by the Supreme Court of the State of Colorado. He concluded that Council was erroneously advised that they could not grant this clause to the Firemen who had retired prior to that time.

Council did grant this to every Fireman who came up for retirement after the date the Council took its particular action (September 3, 1969).

Mr. Charles Traylor said his position is now rather discretionary. He said that the law seems to be clear that the City Council can grant the escalator clause both to the Firemen prior to the '69 law and to those subsequent to the '69 law. His approach to Council this evening was not based on a particularly legal matter, but on a somewhat equitable or moral approach, in that he really felt that had Council known in 1969 it could grant the escalation clause to all concerned, it would have been granted by that Council.

Mr. Traylor noted Administrative Services Director William Manchester's memorandum to Mr. Ashby which shows the present retirement salaries of his petitioners and the salaries they would be receiving in 1972 if they were under the escalation clause. Mr. Traylor stated that he has not been contacted by the two widows or by another gentleman who is presently in the VA Hospital and is 81 years of age. He pointed out that the two widows involved are approximately 80 years old. He indicated that the escalator clause would affect only 5 or 6 people in the foreseeable future. He noted that Mr. Brady is one of the petitioners and his age is 71. There are two others who are under disability retirement and Mr. Traylor said that his reading of the law indicates there is no difference between disability and retirement for age. Presently, the City has two men who are retired due to disability and two who are retired due to age. Mr. Traylor said he felt there is no difference in the people he represents and the people that have already received this accelerated clause.

He asked Council to study his memorandum and hopefully it might concluded from what had been said that the escalator clause should apply to the persons who retired or were disabled before 1969. Councilman Colescott asked Mr. Traylor if he was requesting this retroactive to 1969. Mr. Traylor replied that if the matter could be settled in an equitable fashion, he would strongly recommend to his clients that they accept the starting of the acceleration as of January, 1973.

Councilman Naff said he felt this should be studied and taken up by the Firemen's Pension Board because it does upset the financial structure somewhat, and at a later date Council should consider the matter again. Jack Campbell, Firemen's Pension Board, indicated they could study this and give their recommendation by the second Council meeting in November.

Councilman Colescott moved that the City Attorney be instructed to draw up an ordinance for Council's consideration to be presented at the regular meeting on November 15, 1972, and that said ordinance provide that the escalator clause to pick up the men who were retired by disability or due to age prior to 1969 would begin on January 1, 1973, which motion was duly seconded by Councilman

Youngerman and said motion carried unanimously.

MULTI-PURPOSE BLDG

Report by Bldg Study Comm - To advertise for architect

Mr. Ray Meacham, Chairman of the Multi-Purpose Building Study Committee, appeared before the Council. Mr. Meacham said that at the meeting on September 25 with the City Council, the Lions Club, and the Site Selection Committee it was decided the Site Selection Committee should make a capsule report along with its recommendations which were deemed most important in the planning of the new Multi-Purpose Building. Council indicated it had received and studied a copy of the report.

The consensus of Council was that the point has been reached whereby it is ready to advertise to the architects that it is ready to consider the appointment of an architect. Councilman Kozisek said he was sure that the architect would appreciate a meeting with the Site Selection Committee to get a few more ideas that might not show up in a report such as this. Mr. Meacham said the Committee would be happy to meet at any time as he realized this report was in a very capsule form. He felt sure much more discussion would be required.

Councilman Paruch moved that the Council accept the report of the Site Selection Committee and that the Administration be instructed to proceed with the advertising bids for the selection of the architect, which motion was duly seconded by Councilman Grantham and said motion carried unanimously.

G.J., COLO. PARKING AUTHORITY

Resolution

Instr No. \_\_\_\_\_

Mr. Dan Herrington, Boettcher & Company, appeared before the Council. He said that a number of months ago, Boettcher & Company, as the financial consultant for the City of Grand Junction, was asked to explore a fashion in which the existing Downtown Parking Corporation could move to find a fashion more flexible and more economical to handle the existing parking facilities. In this endeavor, Boettcher & Company has come up with a recommendation that a non-profit corporation be formed to effectuate these aims. Mr. Herrington said it was his understanding that study sessions have been held with various members of the City Council and that they are familiar with the non-profit corporation and the fashion in which it would function.

Mr. Herrington introduced and read a Resolution appointing the members of the initial Board of Directors of the Grand Junction, Colorado, Parking Authority.

Mr. Herrington said that certain preliminary information was submitted to the I.R.S. with an eye toward gaining tax exemption status for this non-profit corporation. He noted that the Resolution correctly embodies a number of those requirements that the I.R.S. has imposed, and he feels this would be a first step in the creation of such a non-profit corporation which later may provide the type of flexibility in assuming the obligations of the existing Downtown Parking Corporation.

The initial members appointed will serve for a concurrent three-year period of time. At that time a slate of five Board of Directors will again be appointed. Three of these members will come from the City Council and two from the community. Mr. Herrington said they patterned themselves after an I.R.S. ruling in which such a membership was required. He noted that in accordance with the By-Laws, it has been provided for amendment to the terms of membership. It would require at that time approval of the I.R.S. Mr. Herrington said he feels this three-year period of time does assure continuity for the initial formation. There is nothing prohibiting the City Council from reappointing the initial Board members provided three are from the Council. He noted that the initial membership for the three-year period will continue to serve irrespective of whether they are later upon the City Council or not, assuming they have not resigned from the Board or moved outside the City. Council may not remove anyone from the Board after they have been appointed.

President Anderson proposed the following names for appointment to the Board:

Silas Grantham  
Lawrence Kozisek  
Stanley Anderson  
Leland Schmidt  
Amos Raso

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the following resolution be passed and adopted as read:

#### RESOLUTION

OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO  
APPOINTING THE MEMBERS OF THE INITIAL BOARD OF DIRECTORS OF THE  
GRAND JUNCTION, COLORADO PARKING AUTHORITY

WHEREAS, this City Council does hereby determine that public parking facilities, together with all necessary incidentals and appurtenances, should be made available for the use of the public of this City; and

WHEREAS, it is proposed that a part of such public parking facilities be implemented by a Colorado non-profit corporation to be formed solely for such purpose, such non-profit corporation to

be called the Grand Junction, Colorado Parking Authority (herein called the "Corporation"); and

WHEREAS, the proposed Articles and By-Laws of said Corporation provide for a Board of Directors of five persons who shall be residents of the City of Grand Junction, Colorado, and who shall be appointed by this City Council, with no fewer than three of said Directors being members of this City Council at the time of their appointment; and

WHEREAS, this City Council has determined that it is in the best interests of the City, and necessary and proper for municipal purposes, to have the incorporators of said Corporation proceed with its formation so that ultimately this City might obtain some of its public parking facilities from the Corporation; and

WHEREAS, in order to encourage the formation of the Corporation for said purpose, this City Council determines that it is in the best interests of the City, and necessary and proper for municipal purposes, to appoint the initial Board of Directors of the Corporation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Grand Junction, Colorado:

1. That the following named five persons who are residents of the City of Grand Junction are hereby appointed by this City Council to serve as Directors on the initial Board of Directors of the Grand Junction, Colorado Parking Authority upon the proper formation of the Corporation under Colorado law:

Silas Grantham, Councilman  
Lawrence Kozisek, Councilman  
Stanley Anderson, Councilman  
Leland Schmit  
Amos Raso

2. That this City Council approves the name, "Grand Junction, Colorado Parking Authority", for said Corporation.

3. That this Resolution shall take effect upon its adoption.

Introduced By:

\_\_\_\_\_  
\Stanley Anderson  
Councilman

Councilman Voting in Favor of the above Resolution:

Raymond Paruch  
Harry Colescott  
Lawrence Kozisek

Stanley Anderson  
Theodore Naff  
Richard Youngerman  
Silas Grantham

Councilmen Voting Against the above Resolution:

None

We hereby certify that Resolution was adopted by the City Council of the City of Grand Junction, Colorado on the 18th day of October, 1972.

\_\_\_\_\_  
\President of the City of Grand Junction, Colorado

ATTEST:

\_\_\_\_\_  
\City Clerk

Councilman Naff asked if the Authority would own the lots that are now owned by the Downtown Parking Corporation. Mr. Herrington said the I.R.S. requires that this non-profit corporation be formed to act solely in behalf of the City of Grand Junction. It is only in this regard that it is granted certain tax exemptions by the I.R.S. He felt that by the City Council establishing this non-profit corporation, they will more effectively implement the current arrangement with the Downtown Parking Corporation. Certain benefits will inure to the City Council and the public by reason of the formation of this non-profit corporation. He said advantage is being taken by this formation of certain exemptions provided by the I.R.S. which the City has not been able to take before this time. In all other respects, the City of Grand Junction's control over these parking facilities will remain the same or be enhanced.

Councilman Paruch asked what initially would be issued in the way of revenue bonds for this. Mr. Herrington replied that the formation of the Parking Authority is the first step in an endeavor to gain a favorable ruling from the I.R.S. It is hoped to obtain this within the matter of 90 to 120 days. At that time, and assuming the I.R.S. has granted the tax-exempt status, it is envisioned that this non-profit corporation will issue its bonds to permit the acquisition of all the existing parking facilities now owned by the Downtown Parking Corporation (approximately \$483,000).

Roll was called upon the motion with all Council members voting AYE. The president declared the motion carried and the Resolution duly passed and adopted.

PROPERTY-WATER



Monastery of the Visitation, Inc.

Option to purchase property in Kannah Creek area

Instr No. 4318 Water Click

City Manager Gray reported to Council that approximately a year ago, three Catholic Sisters came to his office and informed him that they were seeking a location for a monastery which their Order wished to operate and serve the communities in Western Colorado as visitation or retreat type of monastery. After looking over much of the country, they had found a location in the Kannah Creek area. As a result of conversations with Mr. Gray, former Utilities Director Bud Plowman, and Mr. Al Wing a suitable location was found for their monastery. The Sisters proceeded to purchase a property (referred to as the Gill property) that adjoins the City-owned utility property. The Sisters have been occupying this property since this last spring. During this time they were working to secure a survey so they could come to the Council with an exact description of the City-owed property. The survey was completed last week by registered Land Surveyor Gerard Pesman.

Two parcels of property are involved. Parcel One is located on the southern part of the Click property which the City acquired some years ago for the water rights, and immediately joins the Gill property to the west. Parcel One contains 38 acres and Parcel Two contains 14 acres for a total of 52 acres. Mr. Gray reported that approximately one year ago the City retained Mr. Henry Galley to submit an appraisal of this property. Mr. Galley gave the City a three-page report in which he took comparable sales of this type non-irrigated land, and at that time he put a value on this land of approximately \$30 an acre. Mr. Gray introduced Sister Kathleen who stated that their Order was founded in 1610 in France. Plans are to bring a house of prayer and study to Western Colorado and that it is ecumenical in nature.

The total price for this property is \$1,597. The Monastery of the Visitation, Inc., proposes to pay \$160 down and the balance within a two-year period. If they do not exercise the option within the two-year period, they would then forfeit the \$160. There is a provision in the option that the City will retain a 40-foot total (20 feet each side) right of way where the City's transmission line crosses the far northeast point of the land. No water rights will be conveyed with this property, although the Sisters would like to tap the line for potable water after the monastery is built.

Councilman Paruch said the Council should consider reserving the mineral rights on this property. Councilman Colescott agreed, and he felt the option should be amended so that no water wells be drilled and also amended to reserve the mineral rights to the City.

City Attorney Ashby read the amended option. Councilman Naff moved that the City Manager be authorized to sign the amended option, which motion was seconded by Councilman Youngerman and the said motion carried unanimously.

#### PROPERTY-WATER

Gene Alexander req to buy 10 A in Kannah Creek area

Appraisal authorized

Mr. Gene Alexander appeared before the Council to request that Council consider the sale of 10 acres of land located west of the Girl Scout Camp and south of the Highline Ditch bordering the Kannah Creek Intake Road. On the question of a water tap to the City flow line, the Alexanders are interested although not for a permanent-use tap. He said that at times the water is not of the best quality, so they would like a tap so they can fill a cistern at the time of good, clear water.

Council directed the City Manager to authorize an appraisal of this property. At that point in time if the Alexanders are still interested in the property, they can hire a registered land surveyor to provide the metes and bounds of the property.

#### DAYS

Mesa Co Democratic Central Comm for political rally on Main 10-21 apprvd

A letter from Mr. James Golden, Mesa County Democratic Central Committee, was read requesting the closure of Main Street between 4th and 5th Streets on Saturday, October 21, between the hours of 10 A.M. and 1 P.M. for a political rally.

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

It was moved by Councilman Youngerman and seconded by Councilman Paruch that should the Mesa County Republican Central Committee make the same request, the Administration be authorized to grant them the same permission. Motion carried unanimously.

#### 1971 AUDIT

Presented

The transmittal letter accompanying the 1971 audited Financial Statements from Dalby, Wendland & Jensen was read. Mr. Jensen was present and said that a letter of recommendations on control and projections will be submitted prior to the next City Council meeting.

## HISTORICAL MUSEUM

### Discuss financing

Mr. Mike Mayfield, Director of the Historical Museum & Institute of Western Colorado, and Doctor Young presented slides and a petition signed by approximately 2000 people in support of future financing of the Museum. Councilman Grantham reported that too many Directors of the Board are resigning because they have to spend so much time trying to raise funds. President Anderson read a letter from the Thrailkills regarding the gun collection they have at the Museum. It was noted that any time the community cannot support the Museum, the gun collection will be sold either as a unit or it will be broken up. Their contract with the Museum gives its Board of Trustees the first right of refusal to purchase the collection if and when it is sold. Mr. Mayfield said that a cost estimate for a separate room or wing to house the Thrailkill gun collection was \$125,000. Mr. Mayfield requested that the City and the County each appropriate \$25,000 on an annual sustaining basis beginning January 1, 1972, when and if funds are received under the Revenue Sharing bill. Until such time, he requested that the City and the County appropriate \$10,000 each.

City Manager Gray said that Council would be meeting during the next few days with regard to the revenue sharing funds; therefore, he thought it would be premature to act on the request at this time. He did feel the City and the County should consider this carefully, and if they decide to assist, then the Museum should become a department or a division of the Government of the City or the County. If it is going to be taxpayers' money supporting this, then it should be run as any other department of Government.

Mr. Mayfield thanked Council for its consideration and City Manager Gray for his interest and service to the Board during his tenure in Grand Junction.

## PROPERTY-WATER

Req for Oil & gas lease by Carl Burley on Kannah Creek Land

The following letter from Mr. Carl Burley written on behalf of Craig C. Ramsey, and independent oil operator of Denver, was read:

``P.O. Box 1941  
Phone 303 243-7572

CARL L. BURLEY  
Grand Junction, Colorado 81501  
October 14, 1972

Re: Kannah Creek Area Mesa County, Colorado

City of Grand Junction  
c/o Gerald J. Ashby

Attorney at Law  
5th and Rood Avenue  
Grand Junction, Colorado 81501

Gentlemen:

On behalf of Craig C. Ramsey, an independent oil operator of Denver, Colorado, we propose to acquire an oil and gas lease covering the mineral interest acquired by the City of Grand Junction through the purchase of certain realty in the captioned area. A preliminary check of the county records reflects that the City owns all or a portion of the mineral estate in the following described tracts:

Township 12 South, Range 97 West

Sections 29, 30, 31 and 32 (Tracts 38, 42 and a portion of Tract 41)

Sections 31: Lots 15, 16, 17 and 18 (Tract 40) except part of Lot 17

Section 32: Lots 6, 9 and 15

Township 13 South, Range 97 West

Section 5: Lot 2

Township 12 South, Range 98 West

Section 25: S1/2, SWNW, except the SESE and that portion of SW and NWSE presently owned by Roy Anderson and also except that portion of the City Reservoir lying in S1/2 SE

Section 26: Lots 3, 4

Section 35: Lots 1, 2, 3, 4

Section 36: E1/2, NE1/4NW1/4 except the Hallenbeck Reservoir site, SW1/2

``According to our calculations, these tracts total almost 1500 acres with the City's mineral interest consisting of approximately 1000 acres. Note that these figures are only approximations, but should be within tolerance of 10%.

``Mr. Ramsey's proposal is to acquire a lease from the City on a standard Producers "88" form calling for annual delay drilling payments and a 12 1/2% basic royalty. The initial consideration and annual payments would be based on \$1.00 per net mineral acre and the lease would be for a 10 year term and so long thereafter as it is maintained by production.

``We are requesting that you consider this proposal at your next

formal meeting on October 18, 1972. Personnel from this office will anticipate being present at such meeting and will assist in the preparation of a proper resolution and the lease should you reach an affirmative decision.

Very truly yours,

/s/ Carl L. Burley''

Council agreed that it should study the proposal. There was some question as to who would bear the abstract expenses. Mr. Burley was unable to attend the meeting this evening.

ORD. NO. 1437

Rezone Blk 5 E Main Addn to R-2

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Grantham and seconded by Councilman Kozisek that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Paruch and seconded by Councilman Youngerman 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 Colescott and seconded by Councilman Grantham that the Ordinance be passed, adopted, numbered 1437, and ordered published. Roll was called on the motion with all Council members voting AYE. The President declared the motion carried.

MILL LEVY - 1973

14 Mills - Resol

The following Resolution was presented and read:

RESOLUTION

LEVYING TAXES FOR YEAR 1972

In the City of Grand Junction, Colorado

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

That there shall be and hereby is levied upon all taxable property within the limits of the City of Grand Junction, Colorado, for the year 1972 according to the assessed valuation of said property, a



On-off ramps S 5th & 4th Ave r/w w Dean Van Gundy

Mr. Dean Van Gundy appeared before the Council to discuss recent actions he has taken with regard to his placing his steam roller on his property at the 4th Avenue and South 5th Street approach where construction is presently going on. Mr. Van Gundy referred to a gentlemen's agreement which he seemed to feel was made with his late father, Earl Van Gundy, whereby a portion of a spur was promised adjacent to the Van Gundy property and the C. D. Smith property. City Attorney Ashby said that a search of the records had not revealed such an agreement. He advised Council it could not acknowledge such an agreement until some record of it is found. Mr. Ashby noted that he had met with Mr. Van Gundy within the past week regarding the appraisal for this property, and he thought the problem had been worked out. Council suggested Mr. Van Gundy put his offer in writing and bring it to the Administration so this matter can be resolved.

#### HUMANE SOCIETY OF WESTERN COLO.

Revenue sharing-to be considered

President Anderson read a letter from the Mesa County Humane Society in which they said the passage of the federal revenue sharing bill is providing the City with funds to augment services to the community, and that after a review of the necessary qualifications to participate in the use of these funds, the Humane Society felt it was eligible. Council will consider this during the hearings in the next few weeks.

#### COLO. WEST AREA COUNCIL OF GOVTS

Dissatisfied with formation of

President Anderson read a letter from the County Commissioners regarding a meeting in Rifle on Thursday, Oct. 19, for the formation of the Colorado West Area Council of Governments. He also noted a letter he had received from the City of Cortez noting that City's dissatisfaction with the formation. It was noted that of the five incorporated cities in Mesa County only one Mayor can be elected to represent them. There is no concept of one man one vote. Council agreed that a letter expressing the City's dissatisfaction with the formation of the Area Council of Governments be written for the Mayor's signature and handed to the County Commissioners so it can be read at the meeting in Rifle.

#### ELECTION 11-7

Oppose constitutional tax amendments No. 7 & 12 - Resol

President Anderson reported that there is considerable discussion concerning the amendments to the Colorado Constitution in this election. Two of those amendments that concern the cities very directly are Constitutional Tax Amendments No. 7 and 12. The

Colorado Municipal League and a number of other organizations have joined together to oppose these amendments. He noted this is one place where the County Commissioners and the cities agree, as it is felt these amendments would be detrimental to the operation of government. He said the fact is that in some of the items of the Constitutional Amendments they limit the processes of taxing, but they do not say how the balance shall be prorated and what services shall be cut.

President Anderson proposed a Resolution to go on record in opposition to the Constitutional Tax Amendments No. 7 and 12.

Councilman Colescott said he did not feel he would care to go on record one way or the other. He felt Council was getting out of line. He said there was some basis for putting these amendments on the ballot. He said that Council could not know from where the signers came. Councilman Paruch said that he would abstain also. Councilman Colescott restated that he would not vote one way or another as there seems to be some ground for every one of the amendments being on the ballot. He felt there were certain conditions which came up that caused these people to put the amendments on the ballot and he would be the last one to go on record one way or another.

Councilman Kozisek said that at this point he does not agree with the proposals principally because of the limitations that would be imposed upon the governmental entities, and there is no substitute offered. Councilman Youngerman said it surely isn't going to help the cities any. He suggested that the Resolution be passed by a 4 to 3 vote. President Anderson said the amendments say they limit the sources of revenue, and then what they are doing is switching--switching to income tax, switching to sales tax--and there are going to be ramifications not only to the cities but to all governments.

Councilman Colescott said that the time has come when there will have to be other ways of trying to aid schools besides taxpayers' money, and he felt that is what one of these amendments is proposing to do. Councilman Youngerman commented that if they take the mill levy off, they are going to have to get money back from some other source.

Councilman Colescott stated that he is for a democratic form of government, and part of it is putting the amendments on the ballot and letting people vote for it. Councilman Paruch again noted his intention to abstain from voting on the Resolution.

President Anderson read the following Resolution:

RESOLUTION

OPPOSING PASSAGE OF CONSTITUTIONAL TAX AMENDMENTS 7 AND 12

WHEREAS, there will appear on the November 7, 1972, general



election ballot proposed Constitutional Amendments 7 and 12; and

WHEREAS, local officials have long supported and worked for constitutional revision and modernization to enable local governments to meet community needs and 20th Century problems; and

WHEREAS, local government was modernized and home rule self-determination for municipalities was strengthened by passage in 1970 of Constitutional Amendment Three; and

WHEREAS, adoption of either Amendment 7 or 12 would:

1. Impair local authority to raise necessary revenues to finance local services and programs.
2. Limit cherished municipal home rule powers granted by Article XX of the Colorado Constitution.
3. Encourage encroachment by the General Assembly and State of Colorado on revenue sources relied upon by local governments.
4. Risk fiscal or legislative chaos in the allocation of restricted property tax revenues among counties, municipalities and special districts.
5. Impose inflexible tax formulas in the Colorado Constitution.
6. Inadequately provide for revenues to replace those eliminated by the Amendments, and
7. Result in major tax shifts and altered tax burdens for Colorado taxpayers.

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

1. That the City of Grand Junction, Colorado, goes on public record as opposing adoption of Constitutional Amendments 7 and 12;
2. That the City of Grand Junction, Colorado, urges its citizens to become acquainted with and vote NO on Amendments 7 and 12;
3. That a copy of this Resolution be mailed to the Colorado Municipal League office.

PASSED and ADOPTED this 18th day of October, 1972.

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/s/ Stanley R. Anderson  
President of the Council

ATTEST:

