

Grand Junction, Colorado

January 3, 1973

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M. January 3, 1973, 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, and Richard Youngerman. Councilmen Theodore Naff and Raymond Paruch were absent. Also present were City Attorney Gerald Ashby, City Manager Harvey Rose and City Clerk Neva Lockhart.

MINUTES

It was moved by Councilman Colescott and seconded by Councilman Youngerman that the minutes of the regular Council meeting held on December 20, 1972, be approved as written. Motion carried.

3.2 BEER LICENSE - HEARING - MY PLACE, 1603 HIGHWAY 50 - TABLED

Advertised for hearing on this date was the application for a 3.2 beer license to serve on the premises at "My Place," 1603 Highway 50, made by Paul Hutsell. A petition containing 45 signatures for the issuance of the license was presented for consideration. Mr. Hutsell was present and indicated that he operates the recreation center which is next door. He stated that he would like to have permission to remove the wall separating the two businesses as he would like to combine them. He intends to serve sandwiches, steaks, and pizza. A letter from Chief of Police Karl Johnson advised that his investigation of the applicant disclosed no derogatory information. Chief Johnson noted that the recreation center known as the Arcade is adjacent to the location for the beer license. Chief Johnson said the parking in this area is very limited with an estimated ten to twelve spaces to serve the two businesses. Councilman Youngerman and Councilman Kozisek were concerned about the parking situation and asked Mr. Hutsell if it would be possible to expand the parking spaces. Mr. Hutsell indicated that he thought it would be possible to park approximately 25 cars to the rear of the building and along the front. There were no others in the audience who spoke for or against the issuance of a license for this location, and there had been no correspondence filed. The President closed the hearing.

It was moved by Councilman Grantham and seconded by Councilman Kozisek that the application be tabled until the January 17 City Council meeting so the applicant can determine whether the two businesses can be combined and also check to see if more parking spaces can be provided. Motion carried.

LIQUOR LICENSE - THE WINERY, 644 MAIN STREET - APPROVED

Advertised for hearing on this date was the application by Vintage Investment Corporation for a hotel-restaurant liquor license at The Winery, 644 Main Street. Officers of the Corporation are: President, Donald P. Krumm; Vice-President, Frank W. Bering; and Secretary, Gretchen S. Bering, residents of Aspen, Colorado. Mr. Jim Dufford, Attorney, was present with Mr. Krumm and Mr. Bering. A petition for the issuance of the license containing 78 signatures was presented for consideration. A report from Chief of Police Karl Johnson was read in which he indicated that his investigation of the applicants disclosed no derogatory information. He noted that the application does not indicate whether the applicants intend to personally operate the business or whether, they plan to employ a manager. Mr. Bering stated that he will provide the day-to-day management. He noted that he has a good bit of experience in the restaurant business. There being no others present who indicated they would speak for or against the applicants and there having been no correspondence filed, the President closed the hearing.

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the application be approved and the license issued when the State license has been received. Motion carried.

BUILDING CODE VOLUME IV - DANGEROUS BUILDINGS - HEARING - ACTION DEFERRED

Advertised for hearing on this date was the adoption by reference of a portion of the uniform Building Code, Volume IV, Dangerous Buildings. The Clerk was authorized to enter the following memorandum from Councilman Paruch into the permanent record and a letter from Mr. W. D. Enger, President of the Association of Voters of Colorado. Battalion Chief R. T. Mantlo presented slides showing the condition of the 73 abandoned houses around the City. Mr.

Mantlo noted the weeds, junk, abandoned cars, etc., that seems to accumulate when houses are abandoned. He noted that sixty to seventy per cent of the houses could be made liveable for approximately \$3,000 to \$4,000. He said that most of the owners are just holding them as a property investment.

Councilman Youngerman and Councilman Kozisek felt the Staff should do everything possible to work with the ordinances we now have rather than adopting something more. Council agree that further consideration should be dropped. Mr. Bernard Dangler, Mr. O. R. Dowdell, and Mr. Howard Caudle spoke against the adoption by reference of the Dangerous Building as it is now worded.

"December 20, 1972

"To: MEMBERS OF THE CITY COUNCIL OF GRAND JUNCTION, COLORADO

"SUBJECT: DANGEROUS BUILDING CODE ORDINANCE ADOPTION

"GENTLEMEN:

"Because of business commitments, I will not be able to attend the January 3rd meeting in 1973 but wish to have this letter read and recorded in the minutes of the hearing regarding Dangerous Building Code.

"At this time I wish to express my evaluations and recommendations to the Council and to the Citizens of Grand Junction, Colorado.

"By way of review, the Council is aware of the Citizens decision cast in the Special Housing Code Election of November 1970. At that time the people overwhelmingly cast their disapproval of adopting the Uniform Housing Code by a majority of almost six to one.

"In the last 1-1/2 years Mr. Richard Gray, the former City Manager, had discussed the need of adopting and implementing some form of Dangerous Building Code ordinance to regulate the removal or restoration of several uninhabited or abandoned buildings throughout the city. The issue was explored in a number of city planning meetings with the emphasis placed on uninhabited, unoccupied and unsanitary buildings. (Note - The length of time that a building was left unoccupied or abandoned to declare it unsafe was never decided before the building would be placed into a condemnation category.)

"The adoption of UNIFORM BUILDING CODE VOLUME IV DANGEROUS BUILDINGS in its present form and with the amended paragraph of Section 102 (b) Scope of Chapter I on page 7 in my opinion DOES open the back door to the adoption of the UNIFORM BUILDING CODE. A closer study of the Dangerous Building Code and I specifically refer to page 7 Chapter I Section 102 (Purpose)" to be cumulative with and in addition to, any other remedy provided by the Uniform Building Code, Volume I, 1970 Edition or Uniform Building Code, Volume III, Housing, 1970 Edition, or otherwise available at law..."

The DANGEROUS BUILDING CODE THEN BY REFERENCE is incorporated and is then the legal device to implement all of the ramifications of the Uniform Housing Code. A further study of the amended paragraph of Section 102 (b) Scope further substantiates implementation of the uniform Housing Code which was bitterly contested and defeated by the Voice of the Citizens.

Therefore by personal conviction and Constituent support I cannot and will not support or endorse the adoption of the proposed ordinance in its present form. I would recommend the following for the Council Members to consider:

"#1. Deletion of the paragraph on page 7 Chapter I Sec. 102 (a)

Purpose that paragraph which reads "111 to be cumulative with and in addition to, any other remedy provided by the Uniform Building Code Volume I, 1970 Edition or Uniform Building Code, Volume III, Housing, 1970 Edition, or otherwise available at law..."

"#2. Change of Section 102 (b) Scope as follows:  
(a) addition of "for a period of ninety (90) days". In other words the paragraph would read. . . which unoccupied for a period of ninety (90) days.  
(b) complete deletion of amended paragraph of Section 102 (b) Scope which reads (or if occupied to which the application of this code has been requested by the owner or occupants of such building.)

"#3. Finally that the Dangerous Building Code with the revised amendments be placed on the ballot in the Council Election to be held in April 1973 for approval or disapproval by the voters of the City of Grand Junction, Colorado.

"Respectfully submitted for your consideration.

/s/Raymond Paruch Councilman at large"

"Association of Voters of Colorado  
P.O. Box 1822  
Grand Junction, Colorado 81501

Government by, of, and For the People".

January 3, 1973

"City Council  
Grand Junction, Colorado

SUBJECT: BUILDING CODE

Gentlemen:

What happens in Grand Junction, affects all the citizens living in Mesa County. Consequently, this letter is expressing the feeling of our entire membership regardless of residential address.

Since the trend in local government is rapidly depriving the citizens of having any voice ' in making important decisions, The Association of Voters of Colorado commends Mr. Naff, Mr. Paruch, and Mr, Colescott for their stand in regard to the Building Code.

Our organization agrees with these three council members that the issue should be voted upon by the citizens of Grand Junction in the next municipal election in 1973 or dropped.

"In the meantime, if you are really serious about the welfare of

the people, we suggest that a series of articles be printed in the local press explaining the material written in Volume 4 of the Building Code.

"Many of the people cannot leave work between 8 a.m. and 5 p.m. to read and examine the contents dealing with the Building Code and would appreciate this information.

Sincerely yours,

/s/W. D. Enger, President"

The President closed the hearing.

It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the Staff be directed to work under the ordinances now on record and make all effort to have these houses cleared. Motion carried."

Battalion Chief R. T. Mantlo was directed to make available the 73 addresses and have a report at a later date on what has been done.

PROPOSED ORDINANCE - NURSERY SCHOOLS AND DAY NURSERIES - HEARING

Advertised for hearing on this date and recommended from the City Planning Commission was the following entitled proposed ordinance: AN ORDINANCE AMENDING THE DEFINITION OF THE USE GROUP CATEGORY OF THE ZONING ORDINANCE OF THE CITY OF GRAND JUNCTION ENTITLED NURSERY SCHOOLS AND DAY NURSERIES.

No letters had been filed and there was no one in the audience who indicated a desire to speak regarding the proposed change. The President closed the hearing.

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

3.2 BEER RENEWALS - 7-2-11 FOOD STORE #17, 1117 N. 1ST STREET, AND 7-2-11 FOOD STORE #18, 2355 BELFORD AVENUE

Presented for consideration were the applications for renewal of 3.2 beer licenses for the following: Hobby Frazer 7-2-11 Food Store #1, 1117 North First St., and Hobby Frazer, 7-2-11 Food Store #18, 2355 Belford Avenue. A letter from Chief of Police Karl Johnson advised there have been no complaints or violations concerning the sale of 3.2 beer at these establishments.

It was moved by Councilman Kozisek and seconded by Councilman Grantham that the applications be approved and the licenses issued when the State licenses have been received. Motion carried.

ORDINANCE NO. 1448 - VACATE E/W ALLEY BLOCK 4 (8TH/9TH BETWEEN NORTH AND BELFORD) CITY MARKET

The Proof of Publication to 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 Youngerman and seconded by Councilman Grantham that the Proof of Publication be accepted and filed. Motion carried.

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

The Ordinance was read. It was moved by Councilman Grantham and seconded by Councilman Kozisek that the ordinance be passed, adopted, numbered 1448, and ordered published. Roll was called upon the motion with all Councilmen present voting AYE. The President declared the motion carried.

ORDINANCE NO. 1449 - APPROPRIATIONS WITHIN SANITATION FUND

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE APPROPRIATING MONIES WITHIN THE SANITATION FUND. It was moved by Councilman Kozisek that the Proof of Publication be accepted and filed. Motion carried.

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

The ordinance was read and there being no comments, it was moved by Councilman Colescott and seconded by Councilman Youngerman that the ordinance be passed, adopted, numbered 1449, and ordered published. Roll was called upon the motion with all Councilmen present voting AYE. The President declared the motion carried.

ORDINANCE NO. 1450 - SETTING CITY MANAGER'S SALARY FOR 1973

The Proof of Publication to the following entitled ordinance was presented and read: AN ORDINANCE FIXING THE SALARY OF THE CITY MANAGER. It was moved by Councilman Youngerman and seconded by Councilman Grantham that the Proof of Publication be accepted and filed. Motion carried.

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

The ordinance was read. There being no comments, it was moved by Councilman Youngerman and seconded by Councilman Grantham that the ordinance be passed, adopted numbered 1450, and ordered

published. Roll was called upon the motion with all Councilmen present voting AYE. The President declared the motion carried.

OIL & GAS LEASE - 69.47 A TRACT ON KANNAH CREEK W/CRAIG C. RAMSEY

Approved at the December 6, 1972, City Council meeting was a resolution authorizing the City of Grand Junction to lease to Craig C. Ramsey its oil and gas rights underlying certain land in Township 12 South, Ranges 97 and 98 West. Included in the lease was the NE 1/4 NW 1/4, E 1/2 Section 36, Township 12 South, Range 98 West, except the Hallenbeck (Purdy Mesa) Reservoir containing 59.00 acres, more or less, and a 69.47 acre tract of land. The exceptions were made for the reason it was believed the land concerned was owned by Thomas W. Woodward with respect to the oil and gas leasing rights at the time the lease was prepared. Since that time, it has been determined that Mr. Woodward does not own the oil and gas leasing rights. Mr. Ramsey wished to acquire a lease from the City covering these exceptions. The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, The City of Grand Junction, Colorado, a Municipal Corporation, has received from Craig C. Ramsey, 316 Patterson Building, Denver, Colorado, an offer to purchase an oil and gas lease in the form attached hereto as Exhibit "A" and hereby made a part hereof, covering the interest of The City of Grand Junction in the land described therein situate in the County of Mesa, State of Colorado, for a primary term of ten (10) years, annual delay drilling rentals amounting to \$69.47, and the customary royalty of one-eighth (1/8th) of all production of oil and gas from the leased premises (annual delay drilling rentals and royalties to be payable to The City of Grand Junction as lessor in proportion to its undivided interest in said land).

WHEREAS, the said Craig C. Ramsey requests and desires a formal and specific authorization and approval of said lease by the City Council of The City of Grand Junction.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, a Municipal Corporation, the above described offer of Craig C. Ramsey to lease the interest of The City of Grand Junction in the oil, gas and other hydrocarbon substances in and under the land described in Exhibit "A" is hereby accepted and approved, and Harvey M. Rose, as City Manager, and Neva B. Lockhart, as City Clerk, are hereby authorized empowered and directed to execute said oil and gas lease to Craig C. Ramsey, upon receipt of a draft in payment therefor, which draft shall be conditioned only upon approval of the title of The City of Grand Junction in and to the mineral interest held by The City of Grand Junction in the land described in Exhibit "A"

PASSED and adopted this 3rd day of January, 1973.

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

ATTEST:

City Clerk

ATTACHED TO AND MADE A PART OF THAT CERTAIN OIL AND GAS LEASE DATED DECEMBER 29, 1972, BY AND BETWEEN THE CITY OF GRAND JUNCTION AS LESSOR AND CRAIG C. RAMSEY AS LESSEE.

APPENDIX B

IT IS UNDERSTOOD AND AGREED that in the exercise of the rights granted under the within lease, the Lessee his successors and assigns, will exercise rights so as to not interfere with any of the water rights or water installations of the Lessor with particular reference to the Hallenbeck Reservoir.

Initialed for Identification and Approval:

Lessor

Lessee

Councilman Colescott requested that an appendix be attached to the lease whereby the Lessee, will exercise rights so as not to interfere with any of the water rights or water installations of the Lessor with particular reference to the Hallenbeck Reservoir.

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

DEPUTY CITY ATTORNEYS - DESIGNATION OF - TABLED

City Attorney Gerald Ashby asked Council to approve the designation of Clayton D. Tipping, Clay Hanlon, Designation of tabled and Terrance Farina as Deputy City Attorneys for the purpose of trials in Municipal Court. The trials involved would be traffic cases and criminal cases in Municipal Court.

Mr. Ashby noted that the City of Grand Junction is one of the few cities in the State where a public defender may appear in Municipal Court. It was decided that since Council had not discussed this matter thoroughly during the Budget sessions, action would be deferred to a later Council meeting.



SEWER - CITY MANAGER AUTHORIZED TO SIGN CONTRACT TO ACCEPT  
WESTERN MEAT PACKERS LIFT STATION ON REDLANDS SEWER WHEN READY

City Manager Harvey Rose reported that the Western Colorado Meat Packers Board would be meeting to approve the contract whereby the City for the payment of \$1.00 would accept the ownership of the Lift Station. Mr. Rose said that it is estimated that for one year expenditures of \$1,000 will be made for electricity and of \$1,000 (liberal estimate) for maintenance of the line will be made. He said the City could expect within one to two years an expenditure of \$30,000 to renovate the lift station and within five years an, expenditure of \$20,000 to renovate or rebuild the line across the Colorado River.

It was moved by Councilman Grantham and seconded by Councilman Kozisek that the City Manager be authorized to sign the Contract with Western Colorado Meat Packers accepting the Lift Station when it is ready. Motion carried.

ADJOURNMENT

The President adjourned the meeting.

/s/ Neva B. Lockhart  
City Clerk