

Grand Junction, Colorado

April 4, 1973

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 P.M. April 4, 1973, in the Civic Auditorium at City Hall. Present for roll call were President of the Council Stanley Anderson, Councilmen Harry Colescott, Silas Grantham, Lawrence Kozisek, Theodore Naff, Raymond Paruch, and Richard Youngerman. Also present were City Attorney Gerald Ashby, City Manager Harvey Rose, and City Clerk Neva Lockhart.

There being no corrections or additions to the regular council minutes of March 21, 1973, Councilman Kozisek moved that they be approved as written, which motion was duly seconded by Councilman Grantham and said motion carried unanimously.

MINUTES

The April 3, 1973, election returns were canvassed by President Stanley Anderson, Councilman Lawrence Kozisek and Silas Grantham, and Notaries Public Harvey M. Rose, Gerald J. Ashby, and Neva B. Lockhart. The following report was presented:

CERTIFICATE OF CANVASSING BOARD
April 4, 1973

We, the undersigned, acting as canvassing board, hereby certify that we have canvassed the returns of the General Municipal Election held in the City of Grand Junction, Colorado, on April 3, 1973, and from the said canvass find the results to be as follows:

Total votes cast in District "A"	591
Total votes cast in District "B"	903
Total votes cast in District "C"	797
Total votes cast in District "D"	759
Total votes cast in District "E"	612
Total Absentee Ballots cast	100
Total votes cast	3,762

FOR COUNCILMAN FROM DISTRICT "A"

Total	Dist. "A"	Dist. "B"	Dist. "C"	Dist. "D"	Dist. "E"	Absen- tee
<u>Candidates</u>						
Harry Colescott	442	673	590	565	455	72
2797 Agustin Reyes		125	180	170	114	118
731						24

FOR COUNCILMAN FROM DISTRICT "D"

Candidates

Newell Henry 1251	175	333	243	263	199	38
Theodore Naff 942	180	199	175	183	167	38
Elvin Tufly 1334	183	311	328	287	202	23

FOR COUNCILMAN FROM DISTRICT "E"

Candidates

David Hoyt, Jr. 844	138	210	191	134	158	13
W.A. Oak Schultz 1197	196	244	271	259	172	55
Robert Van Houten 1431	200	382	294	273	254	28

FOR COUNCILMAN FROM CITY AT LARGE

Candidates

Ray R Paruch 379	231	316	275	272	246	39
Jane S. Quimby 1890	257	507	410	390	273	53
Althea L. Williams 334	61	52	89	56	68	8

TOTAL OF ALL VOTES FOR COUNCILMEN

Candidates

Harry Colescott	2797	District"A"
Agustin Reyes	731	District"A"
Newell Henry	1251	District"D"
Theodore Naff	942	District"D"
Elvin Tufly	1334	District"D"
David Hoyt, Jr.	844	District"E"
W. A. Oak Schultz	1197	District"E"
Robert Van Houten	1431	District"E"
Raymond R. Paruch	1379	City at Large
Jane S. Quimby	1890	City at Large
Althea L. Williams	334	City at Large

MUNICIPAL COMMUNITY CENTER BONDS

"Shall the City of Grand Junction, Colorado, be authorized to issue its interest bearing General obligation Bonds in an aggregate principal amount not to exceed \$600,000 for the purpose of defraying, in whole or in part, the cost of acquiring,

constructing and equipping a Municipal Community Center and site therefor to provide facilities in the City for meeting, and artistic, cultural, and educational uses, such Bonds to bear interest at a maximum net effective interest rate not exceeding 8% per annum, and to mature serially during a period of not more than 15 years from the date of the bonds, said bonds to be sold and issued in such manner, upon such terms and conditions, and with such other detail as the Grand Junction City Council may determine?"

	Dist. "A"	Dist. "B"	Dist. "C"	Dist. "D"	Dist. "E"	Absen- tee	Total
FOR THE BONDS 2,035	322	529	390	421	311		62
AGAINST THE BONDS 1,651	252	354	401	317	289		38
MAJORITY FOR THE BONDS:		384					
TOTAL OF ALL VOTES CAST:		3,685					

SALE OF PARK LAND TO BOYS' CLUB

FOR THE SALE 2,171	381	480	463	441	340		66
AGAINST THE SALE 1,445	186	387	310	277	251		34
TOTAL OF ALL VOTES CAST-		SALE	OF	PARK	LAND	TO	BOY'S CLUB
3,615							

/S/Stanley R. Anderson
Councilman, District "C"

/s/ Silas Grantham
Councilman, City at Large

/s/ Lawrence Kozisek
Councilman, District "B"

/s/ Gerald J. Ashby
Notary Public
My Commission expires:
August 9, 1975

/s/ Harvey M. Rose
Notary Public
My Commission expires:
January 12, 1975

/s/ Neva B. Lockhart
Notary Public
My Commission expires:
July 14, 1974

It was moved by Councilman Naff and seconded by Councilman Kozisek that Council ratify the report and accept the report of the Canvassing Board. Motion carried unanimously.

The following Certificate of Election was presented:

CERTIFICATE OF ELECTION
April 4, 1973

WE, THE UNDERSIGNED, HEREBY CERTIFY that the results of the General Municipal Election held in the City of Grand Junction, Colorado, on Tuesday, April 3, 1973, were as follows:

Total votes cast in District "A"	591
Total votes cast in District "B"	903
Total votes cast in District "C"	797
Total votes cast in District "D"	759
Total votes cast in District "E"	612
Total Absentee Ballots Cast	100
Total votes Cast	3,762

FOR COUNCILMAN FROM DISTRICT "A"

<u>Candidates</u>	Dist. "A"	Dist. "B"	Dist. "C"	Dist. "D"	Dist. "E"	Absen- tee	Total
Harry Colescott	442	673	590	565	455	72	
2,797							
Agustin Reyes	125	180	170	114	118	24	
731							

FOR COUNCILMAN FROM DISTRICT "D"

Candidates

Newell Henry	175	333	243	263	199	38	1,251
Theodore Naff	180	199	175	183	167	38	942
Elvin Tufly	183	311	328	287	202	23	1,334

FOR COUNCILMAN FROM DISTRICT "E"

Candidates

David Hoyt, Jr.	138	210	191	134	158	13	844
W .A. Oak Schultz	196	244	271	259	172	55	1,197
Robert Van Houten	200	382	294	273	254	28	1,431

FOR COUNCILMAN FROM CITY AT LARGE

Candidates

Raymond R. Paruch	231	316	275	272	246	39	1,379
Jane S. Quimby	257	507	410	390	273	53	1,890
Althea L. Williams	61	52	89	56	68	8	334

TOTAL OF ALL VOTES FOR COUNCILMEN

Harry Colescott	District "A"	2,797
Agustin Reyes	District "A"	731
Newell Henry	District "D"	1,251
Theodore Naff	District "D"	942
Elvin Tufly	District "D"	1,334

David Hoyt, Jr.	District "E"	844
W. A. Oak Schultz	District "E"	1,197
Robert Van Houten	District "E"	1,431
Raymond R. Paruch	City at Large	1,379
Jane S. Quimby	City at Large	1,890
Althea L. Williams	City at Large	334

THAT HARRY O. COLESCOTT has been duly elected as Councilman from District "A" by the greatest number of votes:

THAT ELVIN G. TUFLY has been duly elected as Councilman for District "D" by the greatest number of votes;

THAT ROBERT VAN HOUTEN has been duly elected as Councilman for District "E" by the greatest number of votes;

THAT JANE S. QUIMBY has been duly elected as Councilwoman from the City at Large by the greatest number of votes.

MUNICIPAL COMMUNITY CENTER BONDS

"Shall the City of Grand Junction, Colorado, be authorized to issue its interest bearing General Obligation Bonds in an aggregate principal amount not to exceed \$600,000 for the purpose of defraying, in whole or in part, the cost of acquiring, constructing and equipping a Municipal Community Center and site therefor to provide facilities in the City for meetings, and artistic, cultural, and educational uses, such Bonds to bear interest at a maximum net effective interest rate not exceeding 8% per annum, and to mature serially during a period of not more than 15 years from the date of the Bonds, said Bonds to be sold and issued in such a manner, upon such terms and conditions, and with such other detail as the Grand Junction City Council may determine?"

	Dist. "A"	Dist. "B"	Dist. "C"	Dist. "D"	Dist. "E"	Absen- tee	Total
FOR THE BONDS		322	529	390	421	311	62
2,035							
AGAINST THE BONDS		252	354	401	317	289	38
1,651							
MAJORITY FOR THE BONDS:			384				
TOTAL VOTES CAST:			3,686				

We, the undersigned, do hereby determine that the "Municipal Community Center Bonds" carried by the greatest number of votes.

SALE-OF PARK LAND TO BOYS' CLUB

FOR THE SALE	381	480	463	441	340	66	2,171
AGAINST THE SALE	186	387	310	277	251	34	1,445

MAJORITY FOR THE SALE: 726
TOTAL VOTES CAST: 3,616

We, the undersigned, do hereby determine that the "Sale of Park Land to Boys' Club" carried by the greatest number of votes.

Certified by:

Neva B. Lockhart
City Clerk

Stanley R. Anderson
President, City Council

Edward A. White
Deputy City Clerk

LIQUOR LICENSE - HEARING - BRASS RAIL, 476 28 ROAD - APPROVED

Advertised for hearing on this date was the application by Dennis L. Kirkhart and Jean Mizelle for a hotel-restaurant liquor license for The Brass Rail, 476 28 Road (formerly Club 3981). Mr. Kirkhart was present for the hearing. A letter from Chief of Police Karl Johnson advised that Mr. Kirkhart has lived in the Grand Junction area for more than ten years and has been working as a carpenter in the construction business. The files of the Police Department show that Mr. Kirkhart was convicted of furnishing an acholic beverage to minors in 1962 for which he was fined \$50 with \$40 suspended. Jean Mizelle has been employed for several years with the Watson Floral Company and has no record in the files of the Police Department. City Attorney Ashby noted that during conversation with Mr. Kirkhart it was learned this incident happened some ten years ago, and there have been no other incidents since that time. Mr. Kirkhart indicated he plans to do some remodeling before opening. He plans to open at 11:00 a.m. and close at midnight. No other letters having been filed and no one in the audience indicating a desire to speak, the President closed the hearing.

It was moved by Councilman Grantham 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.

WATER - CONTRACT TO CONSTRUCT RAW WATER PUMP STATION ADDITIONS - SMITH WELDING - \$13,300

Bids were opened at 2:00 p.m. March 27 for the Raw Water Pump Station Addition. Bids were as follows:

Industrial Company of Grand Junction	\$17,705
Smith Welding & Construction Company	13,300

A letter from Mr. Edward F. Roth, Project Engineer with Henningson, Durham & Richardson, Inc., recommended that the City accept the low bid by Smith Welding & Construction Company and make the award of the contract.

Councilman Colescott moved that the contract be awarded to Smith Welding and Construction Company for its low bid of \$13,300, which motion was seconded by Councilman Youngerman and said motion carried unanimously.

STREETS - AWARD CONTRACT TO ELAM CONSTRUCTION TO RECONSTRUCT & WIDEN 12TH STREET FROM GRAND AVENUE TO PITKIN AVENUE - \$58,508.35

Bids were opened at 2:00 p.m. Tuesday, April 3, 1973, for the reconstruction of 12th Street from Grand Avenue to Pitkin Avenue. Bids were as follows:

Elam Construction, Inc.	\$58,508.35
Peter Kiewit Sons Company	58,653.00
Engineer's estimate	59,398.25

Completion date for-this contract is on or before May 25, 1973. Acting City Engineer Emery White and City Manager Rose recommended award of the contract to Elam Construction, Inc.

It was moved by Councilman Paruch and seconded by Councilman Grantham that the contract for the reconstruction of 12th Street from Grand Avenue to Pitkin Avenue be awarded to Elam Construction, Inc., for the low bid of \$58,506.35. Motion carried unanimously.

3.2% BEER LICENSE - RENEW AUGIE REYES, DBA LOS REYES RESTAURANT, 811 S. 7TH STREET

Presented for consideration was the application by Augie Reyes, Los Reyes Restaurant, 811 South 7th Street, for the renewal of 3.2 beer license. Chief of Police Karl Johnson advised that there have been no complaints or violations at this establishment.

It was moved by Councilman Colescott 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.

CARNIVAL-RIDES - TO USE AREA BEHIND SAFEWAY BUILDING, 5TH & GRAND, FOR KASTLE RIDES ON 4-23 THRU 4-29, 1973

A letter from Mr. Neil Hammond, President of the Grand Junction Band and orchestra Parents, noted that approval been given by the Mesa County Commissioners for the Grand Junction Band and Orchestra Parents to use the area behind the old Safeway building

on Grand Avenue. The area is to be used by the Kastle Rides during the Colorado West Musical Invitational from April 23 through April 29, 1973. Mr. Hammond requested permission for the use of the alley between 5th Street, and 6th Street directly behind the Safeway building for the carnival site. A representative of Kastle Rides, Mr. Bill Ashcraft, was present.

Councilman Colescott moved that permission be granted for the use of the alley provided Kastle Rides enter into an agreement to hold the City harmless from any injuries and that the Certificate of Insurance be issued on A-3A's Best Insurance Guide, which motion was seconded by Councilman Kozisek and said motion carried unanimously.

ORDINANCE NO. 1457 - AMENDMENTS TO ZONING TEXT - ADD ASSEMBLY USE & MAKE DRIVE-IN BUSINESS USE CONDITIONAL

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF GRAND JUNCTION BY ADDING THERETO AN.ASSEMBLY USE AND BY MAKING A DRIVE-IN BUSINESS USE CONDITIONAL WITHIN CERTAIN ZONING DISTRICTS IN THE CITY OF GRAND JUNCTION. It was moved by Councilman Youngerman and seconded by Councilman Kozisek that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Youngerman and seconded by Councilman Kozisek 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 Youngerman and seconded by Councilman Kozisek that the ordinance be passed, adopted, numbered 1457, and ordered published. Roll was called upon the motion with all Councilmen voting AYE. The President declared the motion carried.

ORDINANCE NO. 1458 - AMENDING SECTION 18-12, SIDEWALK IMPROVEMENTS - ASSESSMENTS - WILL OF COUNCIL

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING SECTION 18-12 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION CONCERNING THE CONSTRUCTION AND RECONSTRUCTION OF SIDEWALKS IN THE CITY OF GRAND JUNCTION. It was moved by Councilman Kozisek and seconded by Councilman Youngerman that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Kozisek and seconded by Councilman Naff 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 Kozisek and seconded by Councilman Grantham that the

Ordinance be passed, adopted, numbered 1458 and ordered published. Roll was called upon the motion with all Councilmen voting AYE. The President declared the motion carried.

PROPERTY - REQUEST OIL & GAS LEASE BY CARL L. BURLEY FOR 120 ACRES NORTH CLIFTON AREA - TABLED

City Attorney Ashby reported that he had reviewed the Oil & Gas Lease requested by Mr. Carl Burley for 120 acres of land in the North Clifton area. The land is located north of the East-West extension of the Walker Field runway. Mr. Ashby said he could see no reason why the City should not enter into this Oil and Gas Lease with Mr. Burley provided that the Lease be made subservient to any use by the Airport. He noted this could be entered as a condition on the Appendix. President Anderson requested that a map be prepared to show how this property lies in relationship to the Airport runway. This matter was tabled until the next meeting of Council so that Mr. Ashby can have a map prepared.

WATER - HALLENBECK - TO NEGOTIATE WITH ESTATE FOR EARLY PAYOFF OF PURCHASE AGREEMENT

City Manager Rose reported that in 1971 the City came to an agreement with the Hallenbeck Estate to Purchase certain water rights along the Kannah Creek watershed which included a great deal of land. Total purchase price was \$350,000 and at that time it was requested that this amount be paid over a five-year period of time. The City did, however, retain the right for a pre-payoff without penalty. Mr. Rose continued that, unfortunately, one of the items in the Agreement states that the Hallenbeck Estate can veto any change the City may wish to make on this property. The City wishes to make several changes with regard to point-of-diversion of water rights and the City does not seem to be heading towards an agreement with the Estate on these changes.

Meanwhile the Hallenbeck Estate has indicated it would be interested in an early payoff. The balance still owing on the principal is \$187,500 with an interest payment of \$8,437.50 if paid by April 15, 1973. The City has budgeted for the April 15, 1973 payment the amount of \$73,750. Mr. Rose proposed that he and Mr. Jim Dufford, the City's water counselor, continue negotiations with the Hallenbeck Estate to make an early payoff; to use the budgeted funds we have; and to tap the \$200,000 Utility Accrual Fund for \$122,187.50 to complete the payoff. Payment by April 15, 1973, would save the City \$14,063 in interest and would give the City complete control of this land.

It was moved by Councilman Kozisek and seconded by Councilman Youngerman that the City Manager and Mr. Jim Dufford be authorized to continue the negotiations with the Hallenbeck Estate and that the payment be authorized to exercise the lease and option provided it is to the benefit of the City. Motion carried unanimously.

COUNCIL MEETING - STUDY SESSION WEDNESDAY, APRIL 11, 1973

City Manager Rose noted that the Staff has been quite busy with the Election over the past few weeks. He stated there is some need for guidance from Council and suggested a study session for Wednesday, April 11, at 7:00 p.m. at City Hall. He invited the new Councilmen elect to attend this meeting.

Mrs. Jane Quimby, Councilwoman for the City at Large, Mr. Elvin Tufly, Councilman from District "D", and Mr. Robert Van Houten, Councilman for District "E", were introduced.

NOISE ORDINANCE - REQUEST FOR

Mr. Leo Green, 125 North Avenue, asked Council to consider passing a noise ordinance. City Attorney Ashby was instructed to contact Boulder and Colorado Springs for additional information on their noise ordinances.

I-70 - RESOLUTION - REAFFIRM GLENWOOD CANYON ROUTE

The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, on September 2, 1970, the City Council of the City of Grand Junction, Colorado, adopted a Resolution urging Glenwood Canyon as the route for construction of Interstate 70 between Eagle, Colorado, and Glenwood Springs, Colorado; and

WHEREAS, a further delay in the selection of the route has been proposed, such delay appearing to be unnecessary and to be harmful to the interest of western Colorado and the City of Grand Junction;

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

That the City again record itself as favoring the immediate start toward construction of Interstate 70 through Glenwood Canyon as the best route for such project.

PASSED and ADOPTED this 4th day of April, 1973.

Stanley R. Anderson
President of the Council

ATTEST:

Neva B. Lockhart
City Clerk

It was moved by Councilman Paruch 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.

The President directed the Clerk to send copies of the Resolution to the Governor of the State of Colorado, the Federal Highway Administration, the State Highway Administration, and the State Highway Commission.

ADJOURNMENT

Councilman Colescott moved that the meeting be adjourned which Motion was duly seconded and carried.

/s/ Neva B. Lockhart
City Clerk