

Grand Junction, Colorado

July 18, 1973

ROLL CALL

The City Council of the City of Grand Junction, Colorado met in regular session at 7:30 p.m. July 18, 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, Jane Quimby, Elvin Tufly, and Robert Van Houten. Also present were City Attorney Gerald J. Ashby, City Manager Harvey Rose, and City Clerk Neva Lockhart.

MINUTES

There being no corrections or additions to the Regular Council Minutes of July 5, 1973, Councilman Tufly moved that the Minutes be approved as written, which motion was seconded by Councilman Grantham and said Motion carried unanimously.

NEW CITY EMPLOYEES - INTRODUCED TO COUNCIL

The following new City employees were introduced to Council:

Harold Curry, Equipment
Thomas Groves, Computer Operator
LaDonna Lancaster, Utility Billing Clerk
Paul W. Lowell, Crewman II, Water Pollution Control Plant

President Anderson welcomed them to the meeting.

I.D. ST-73 - HEARING - RESOLUTION CREATING DISTRICT

This was the advertised date for hearing on Street Improvement District - 73. There were no letters filed regarding this project and no one in the audience indicated a desire to speak. The President closed the hearing.

The following Resolution was presented and read:

R E S O L U T I O N

CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-73 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF CURBS AND GUTTERS, SIDEWALKS AND PAVING OF STREETS AND ALLEYS THEREIN, AND PROVIDING FOR THE PAYMENT THEREFOR.

WHEREAS, on June 6, 1973, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Improvement District No. ST-73 and

authorizing Notice of Intention to Create said District; and
WHEREAS, Notice of Intention to Create said District was duly
published; and

WHEREAS, no written complaints or objections have been made
concerning the proposed improvements;

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

1. That said Improvement District No. ST-73 be, and the same is hereby, created and established; and that construction of curbs and gutters, sidewalks and paving of streets and alleys therein be, and the same is hereby, authorized and directed, in accordance with the Resolution Adopting Details, Plans and Specifications prepared and filed therefor.

2. That the construction of curbs and gutters, sidewalks and paving of streets and alleys shall be made by contract let to the lowest, reliable and responsible bidder after public advertisement, except that if it be determined by the City Council that the bids are too high, and that the proposed improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary material, supplies and equipment.

3. That the improvements in said District were duly ordered, after notice duly given; that no remonstrance, protest or objection was filed against the creation or establishment of said District, or any of the proceedings adopted therefor, and that all conditions precedent and all requirements of the laws of the State of Colorado, the Charter of said City, and Ordinance No. 178, as amended, being Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, have been strictly complied with.

4. That the description of the curbs and gutters, sidewalks and paving of streets and alleys to be constructed, the boundaries of said Improvement District, the amounts to be assessed, the number of installments and assessments, the time in which the cost shall be payable, the rate of interest on unpaid installments, and the manner of apportioning and assessing such cost, shall be as prescribed in the Resolution adopted for said District on the 6th day of June, 1973, and in accordance with the published Notice of Intention to Create said district.

5. That after the construction of said improvements in said District has been let, the Council shall, by resolution, provide for the issuance of public improvement bonds for said Improvement District No. ST-73 for the purpose of paying the cost and expenses of construction of said District.

PASSED And ADOPTED this 18th day of July, 1973.

Stanley R. Anderson
President of the Council

ATTEST:

City Clerk

It was moved by Councilman Kozisek and seconded by Councilman Grantham that the Resolution be passed and adopted as read. Roll was called upon the motion with the following result:

Councilmen voting AYE:

President of the Council: Stanley Anderson
Councilmen: Harry Colescott
Silas Grantham
Lawrence Kozisek
Jane Quimby
Elvin Tufly
Robert Van Houten

Councilmen voting NO:

None

Councilmen absent:

None

All members of the Council having voted in favor of the motion, the President declared the motion carried and the Resolution duly passed and adopted.

I.D.ST-73 - AWARD OF CONTRACT - UNITED SAND & GRAVEL - \$53,701.65

Bids were opened at 2:00 p.m. Tuesday, July 17, 1973, for the construction of I.D. ST-73. Two bids were received:

Elam Construction, Inc.	\$58,449.70
United Sand & Gravel Company	53,701.65
Engineer's Estimate	55,232.80

Acting Public Works Director Emery White recommended award of contract to United Sand & Gravel Company subject to the asphalt material used for the project being supplied by Asphalt, Inc., which is operated by Mr. O'Dell and Mr. Bradford. Mr. White noted that the asphalt material produced by United Sand & Gravel Company's plant is unacceptable to the City. Mr. Howard Nesbitt, President of United Sand & Gravel Company, has agreed to this condition. Mr. Clifford Mays will do the concrete work.

It was moved by Councilman Kozisek and seconded by Councilman Tufly that the construction contract for I.D. ST-73 be awarded to United Sand & Gravel Company in the amount of \$53,701.65 with the provision that all asphalt be supplied by Asphalt, Inc. Motion carried unanimously.

LIQUOR LICENSE - HEARING - CHANGE OF OWNERSHIP - CITY LIQUOR
DRIVE-IN RALPH L. QUARLES - APPROVED

Advertised for hearing on this date was the application by Ralph L. Quarles for a liquor license to sell at retail at the City Liquor Drive-In located at 901 North First Street. This store was formerly owned and operated by Gus Morris. Mr. Quarles was present for the hearing.

A letter from Chief of Police Karl Johnson advised that Mr. Quarles has resided and worked in Grand Junction for more than twenty years during which time he has earned a good personal and business reputation. The President closed the hearing.

It was moved by Councilman Colescott and seconded by Councilman Grantham that the application for change of ownership be approved and the license issued when the State license has been received. Motion carried unanimously.

FLOOD PLAIN - REPORT ON DEVELOPMENT OF MAP AND ZONING -
RESOLUTION TABLED

Regional Planning Director Bob Engelke reported on the development of the 100-year Flood Plain Area and Zoning. He presented a map which outlined the Flood Plain. Mr. Engelke said the Regional Planning Commission had accepted the report at its July 17 meeting. He noted the Council and the Planning Commission can modify at any time. The Flood Plain Zoning would serve a two-fold purpose by (1) Protecting people from investing in the Flood Plain Area, and (2) Protect the balance of the community from having to bail out those who live in the Flood Plain Area in the event of a flood. Councilman Colescott stated that he has lived in the designated Flood Plain for a number of years, and he has no recollection of any floods in that area. He felt the restrictions placed on the homeowner as far as remodeling, would be unfair. President Anderson asked what effect the regulation would have if a building in the Flood Plain Zone were destroyed by fire. Mr. Engelke quoted from the City Zoning Ordinance, Section 6 SUPPLEMENTARY REGULATIONS e. Potential Flood Areas: "If proposed building construction may be damaged by flooding, the issuance of permit for such structures must have the written approval of the City Engineer. If the City Engineer will not approve such location because of its flooding potential, he must state the reasons to the applicant in writing. The applicant may have recourse to the City Council to grant such permit but only after consideration by the City Planning and Zoning Commission." Mr. Engelke said the Flood Plain zone establishes the area involved. President Anderson recommended that this matter be referred to the Planning Commission for its approval before the adoption of the Resolution. It was noted the County has adopted both Resolutions.

DAYS - SIDEWALK SALE AUGUST 4 DOWNTOWN SHOPPING PARK

Mr. Al Mayernick, representing the Downtown Retail Committee, appeared before the Council to request the closure of Main Street between Third Street and Seventh Street on Saturday, August 4, 1973, for the annual sidewalk sale. It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that permission be granted for the closing of Main Street on Saturday, August 4, 1973. Motion carried unanimously.

3.2 BEER LICENSE - TEDDY'S CAFE, 1648 HIGHWAY 50 - RENEWED

Presented for consideration was the application by John E. and Ruth D. Murray for 3.2 beer license renewal at Teddy's Cafe, 1648 Highway 50. A letter from Chief of Police Karl Johnson advised there have been no complaints or violations concerning the sale of 3.2 beer at this establishment. Councilman Van Houten stated that he felt the City should circulate a petition in the neighborhood to see if the needs of the community has changed with regard to the reissuance of this license. City Attorney Ashby advised that a license can only be revoked for cause.

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

DAYS - ICE CREAM SOCIAL - BAKE SALE - WHITMAN PARK, SATURDAY, JULY 21

A letter from Mrs. John Rodriguez, President of the Mesa County Association for Retarded Children, was read in which she requested permission for the Association for Retarded Children and Special Training at Riverside School to use Whitman Park on Saturday, July 21, for an ice cream social and bake sale to raise funds for special training at Riverside School and for the Easter Seal Camp. Plans are to use the Park for the sale between the hours of 1:00 P.M. to 5:00 P.M.

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

RESOLUTION CONVEYING PROPERTY TO AMAX URANIUM CORP. (EXCHANGE LANDS FOR SEWER R/W)

City Attorney Ashby explained that some time ago, AMAX Uranium Corporation conveyed certain property to the City to use as an easement for a sewer line in the I.D.I. area. In exchange the City is now conveying certain property located at the old Southside Sewage Disposal Plant to AMAX Uranium Corporation.

The following Resolution was read:

R E S O L U T I O N

WHEREAS, AMAX URANIUM CORPORATION, a Delaware Corporation, has agreed to exchange a right of way for sewer over certain lands in return for the property hereinafter described to be deeded from the City of Grand Junction, a Municipal Corporation; and

WHEREAS, said property is not used or held for park or governmental purposes, and the exchange of said property for the purpose stated would be in the best interest of the City and its inhabitants;

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

That the City Manager, as the act of the City and on behalf of the City, be, and he is hereby, authorized to convey by Warranty Deed to AMAX URANIUM CORPORATION the following real property owned by the City of Grand Junction and described as follows:

That part of the Southeast quarter of the Southwest quarter of the Northwest quarter of Section 24 of Township 1 South Range 1 West of the Ute Meridian which lies south of a line described as follows:

Beginning at a point on the West line of said Southeast quarter Southwest quarter Northwest quarter which point is 263 feet south of the Northwest corner of said Southeast quarter Southwest quarter Northwest quarter; thence East 253 feet; thence South 144 feet; thence East to the East line said Southeast quarter Southwest quarter Northwest quarter, all in Mesa County, Colorado.

PASSED and ADOPTED this 18th day of July, 1973.

Stanley R. Anderson
President of the Council

ATTEST:

City Clerk

It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that the Resolution be passed and adopted as read. 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.

LIQUOR LICENSE - APPLICATION BY ROBERT C. MILLER FOR 5TH STREET
MERCANTILE, 1630 HIGHWAY 50 - FINDINGS & DECISION

The following was presented and read:

FINDINGS AND DECISION OF THE GRAND JUNCTION CITY COUNCIL ON THE APPLICATION FOR A HOTEL AND RESTAURANT LIQUOR LICENSE BY ROBERT C. MILLER FOR FIFTH STREET MERCANTILE, 1630 HIGHWAY 50.

THIS MATTER came on for hearing on the 6th day of June, 1973, and for further consideration on July 6, 1973, upon the request of the applicant for reconsideration by the Council because of certain irregularities in the petition opposing the granting of the license, and the Council having considered the evidence given at the hearing including the petitions both for and against the granting of the license.

FINDS:

1. That, although there was a dispute as to the manner of the circulation of the petition in opposition to the granting of the license as well as to some of the signatures thereon, an analysis of the petition would indicate that in the immediate territory of the proposed license those opposed outnumbered those in favor by about 73 to 69, which, while not overwhelming, indicated the desires of the inhabitants of the neighborhood to be opposed to the granting of the license.

2. That the belief by the owner of Teddy's, a 3.2 beer outlet in near proximity to the proposed outlet, that the fact of two 3.2 beer outlets in the immediate vicinity catering primarily to those between 18 and 21 years of age, would create problems as to use of parking area, as to traffic congestion and as to difficulties which might arise between the divergent groups has merit as an indication that the outlet is not needed in this neighborhood even though the law generally requires that only like outlets be considered in determining needs of a neighborhood.

3. Because of the nature of the area, that is, on a major highway and in a business, rather than a heavily residential area, the needs of the neighborhood seem met, at this time, by the county outlet located about one quarter mile south of the proposed outlet.

For the foregoing reasons the license is denied.

It was moved by Councilman Van Houten and seconded by Councilman Kozisek that the Council adopt the findings and decision. Motion carried unanimously.

V.A. HOSPITAL PROPERTY - CONVEY SMALL PIECE OF LAND TO HOSPITAL IN EXCHANGE FOR LAND

The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, THE UNITED STATES OF AMERICA acting through the Administrator of Veterans Affairs has requested an exchange of land between the UNITED STATES and the CITY OF GRAND JUNCTION to effect a boundary change between lands owned by the entities; and

WHEREAS, such exchange of land would not be detrimental to the citizens of the City of Grand Junction and would aid the Veterans' Administration in its proposed construction, the land not being held or used for park or governmental purposes;

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

That the City Manager be, and he hereby is, authorized to convey to the United States of America, as the act of the City, the land situated in Mesa County, Colorado and described as:

Beginning at a point whence North Quarter Corner Section 13 Township 1 South, Range 1 West bears North 53° 46' West 1015.3 feet; thence running North 58° 33' East a distance 722.2 feet; thence running North 89° 55' 30" West a distance of 149.4 feet: thence running South 51° 04' 30" West 600.0 feet to Point of Beginning,

such deed to be delivered upon receipt of a deed from the United States conveying to the City of Grand Junction the land necessary to effect the boundary changes.

PASSED and ADOPTED this 18th day of July, 1973.

Stanley R. Anderson
President of the Council

ATTEST:

City Clerk

It was moved by Councilman Grantham and seconded by Councilman Kozisek that the Resolution be passed and adopted as read. 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.

GUNNISON RIVER - LEASE AGREEMENT WITH REDLANDS WATER & POWER CO.

Presented for consideration was the Lease Agreement between the City and the Redlands Water & Power Company for .09 acres of land for the Gunnison River Pumping Station and prime easement through the power dam. The term of the lease is 99 years commencing March 15, 1973, and ending March 14, 2072. There is an initial payment of \$10,000 and the annual rental of \$150 commencing May

1, 1973, with like installment payments on the first day of May of each year during the term of the lease. On or before February 15, 1993, and on or before the 15th day of February of each 20 years thereafter during the term of this Lease, the Parties will negotiate with each other to determine whether or not the payment of rental then in effect is reasonable under all circumstances. If either of the parties conclude that such rental should be increased or decreased depending on circumstances at the time, the rental will be adjusted by mutual agreement. There is a provision for arbitration should the parties not agree. City Manager Rose said the consulting engineers for the Gunnison River Pumping Station project should have negotiated this for the City. However, since they did not do so, the City Staff had to take over the negotiations.

It was moved by Councilman Colescott and seconded by Councilman Kozisek that the Lease Agreement with the Redlands Water & Power Company be approved and that the City Manager be authorized to sign said Lease Agreement. Motion carried unanimously.

WATER - PROPERTY - JACK PAYNE OFFER FOR THE PURCHASE OF LAND AT WHITEWATER - REFUSED

City Manager Rose read a letter from Mr. Jack L. Payne who offered \$41,150 to purchase approximately 470 acres of land from the City located in the Whitewater area. His offer averaged \$40 per acre plus \$20,000 for the water rights. Mr. Rose indicated that a couple of years ago, the land was appraised at \$50 an acre. Mr. Rose said that Water Supply Superintendent Al Wing feels these water rights are not usable by the City, but the Staff recommends that this not be construed as encouraging a sale at this time. The Staff members recommended that if Council decides to sell this land, it should at least be sold at the appraised value. Councilman Colescott said this property was originally bought from Hallenbeck for the City's protection. He stated he would like a recommendation from Mr. Jex and Mr. Jim Dufford. Mr. Rose stated that Mr. Dufford concurs as far as selling the water rights. President Anderson said that since the offer is \$10 less per acre than the appraised value, the offer should be turned down. It was moved by Councilman Van Houten and seconded by Councilman Tufly that the offer by Mr. Jack Payne to purchase this 470 acres be refused. Motion carried unanimously.

REVENUE SHARING - AUTHORIZE PURCHASE OF MOWER AND SECOND STORY POLICE BUILDING

City Manager Rose requested authorization to spend \$3,000 of the \$4,000 in Revenue Sharing Funds for the mower at the Golf Course. Mr. Rose said the City received a good bid for the mower. He also requested authorization to spend \$56,400 of Revenue Sharing Funds for the second story to the Police Building. Bids are to be opened July 24 for the construction contract.

It was moved by Councilman Colescott and seconded by Councilman Tufly that the expenditure of \$59,400 from the Revenue Sharing Funds be authorized. Motion carried unanimously.

BIG COUNTRY RESOURCE, CONSERVATION & DEVELOPMENT & COLORADO RIVER VALLEY RESOURCE CONSERVATION & DEVELOPMENT - CITY MANAGER TO SIGN FOR CITY FOR CONSOLIDATION OF

Presented for consideration was the proposed consolidation of the Big Country Resource, Conservation, and Development with the Colorado River Valley Resource, Conservation, and Development and the request that some member of the City be designated as the authorized person to sign approving the consolidation.

It was moved by Councilman Kozisek that the merger be approved and the City Manager designated to sign, which motion was seconded by Councilman Grantham and said motion carried unanimously.

1973 CURB, GUTTER, SIDEWALK REPAIR

City Manager Rose reported that since the City did not receive any bids on the proposed 1973 Curb, Gutter and Sidewalk Repair project, the Staff members felt free to go to a contractor and negotiate the job. Mr. Emery White, Acting Public Works Director, had contacted Mr. Clifford Mays, a licensed Cement Contractor and had reviewed the job. Mr. Mays offered to do the job for \$8,000. Mr. Rose reviewed the alternatives (i.e. cutback the project to the original \$6,000 budgeted; advertise for bids again in September; or hold until next year and combine with next year's project). Mr. Rose stated that Council could authorize the additional \$2,000 from the City's share of I.D. ST-73. He noted that Mr. White felt this offer at \$8,000 was about as good an offer as the City would be likely to get. It was moved by Councilman Colescott and seconded by Councilman Van Houten that the City award the bid to Mr. Clifford Mays in the amount of \$8,000, and authorized the additional \$2,000 from Budget Account No. 042.36-901 to pay the difference. Motion carried unanimously.

MISCELLANEOUS DISCUSSION

Mr. Charles Dahlin commented about Grand Junction's beautiful Shopping Mall. He also commended the Purchasing Agent, Equipment Supervisor, and Police Chief for the upkeep on the City's automobiles.

Mrs. Jill Grubbs offered to work in any way she can to help to plan for a Bicycle Way in the City of Grand Junction.

Councilman Colescott said he had received a letter from Mr. Dick Pond (directed to him as Chairman of the Airport Authority) regarding the Lease Agreement for the Airport. He requested that

Mr. Byrom place this on the Airport Agenda.

Councilman Tufly noted that the rocks on North Avenue are bad. He wondered if the resurfacing of North Avenue was worth it.

Councilman Van Houten requested that a big hole in the street in front of his house be repaired. He said that every time a truck hit it, all the houses in the vicinity vibrated.

President Anderson read the invitational letter for the City Council members to attend the World Premier of "Running Wild" at the Mesa Theatre on July 31.

ADJOURNMENT

The President adjourned the meeting.

/s/ Neva B. Lockhart
City Clerk