

Grand Junction, Colorado

September 19, 1973

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. September 19, 1973, in the Civic Auditorium at City Hall. Present for roll call were President of the Council Stanley Anderson, and Council members Harry Colescott, Silas Grantham, Lawrence Kozisek, Jane Quimby, Elvin Tufly, and Robert Van Houten. Also present were City Attorney Gerald Ashby, City Manager Harvey Rose, and City Clerk Neva Lockhart.

MINUTES

There being no corrections or additions to the Minutes of the Regular Council meeting held on September 5, 1973, Councilman Kozisek moved they be approved as written which motion was duly seconded by Councilwoman Quimby and said motion carried unanimously.

NEW CITY EMPLOYEES INTRODUCED

The following are new City employees:

Cris Ransier, Crewman II, Parks and Recreation Dept.
Vicente Gonzales, Crewman II, Parks and Recreation Dept.
Mary Kay Sprigg, Clerk Typist, Finance Dept.
Raymond Lee Hays, Computer Operator, Data Processing
Lyle W. Rush, Crewman I, Traffic Department

Although the new employees attended the orientation program during the day, Mr. Hays and Mr. Rush could not be present for the Council meeting. Mr. Hays is attending an NCR training school and Mr. Rush is taking some night courses at Mesa College.

ALLEY RECONSTRUCTION - BIDS - AWARD OF CONTRACT TO ELAM CONSTRUCTION - \$22,885.80

One bid was received and opened at 2:00 P.M. Tuesday, September 18, for the reconstruction and repaving of five alleys.

Elam Construction,	\$22,885.80
Engineer's Estimate	20,993.30

Completion date is scheduled on or before November 9, 1973.

City Manager Rose and Public Works Director Gus Byrom recommended that Council accept the bid from Elam Construction, Inc. Funds for this project will come from the following accounts:

		<u>Funds Budgeted</u>
042.35-901	Special Projects	
	Alley Reconstruction	\$10,000
042.36-901	Special Projects	
	City Share of Street	
	Improvement District	50,000

It was noted that the 1973 Street Improvement District will require an expenditure of approximately \$25,000 from Budget Account No. 042.36-901 and the alley project approximately \$13,000 from this account, leaving a balance of \$12,000.

It was moved by Councilman Colescott and seconded by Councilman Grantham that the contract for the reconstruction of alleys, 1973, be awarded to Elam Construction, Inc., for its bid of \$22,885.80. Motion carried unanimously.

OLDER AMERICAN CENTER - BIDS - AWARD CONTRACT TO PHIPPS CONSTRUCTION - \$93,334

City Manager Rose reported that bids were opened for the older American Center Building which is to be constructed at the corner of 6th Street and Ouray Avenue. There were two bids:

Henry Blaylock	\$103,550
Phipps Construction	98,900

Four alternates to the bids were:

	Site Landscaping <u>Alt. 1-Add</u>	Wall Covering & internal Cabinetry <u>Alt. 2 - Add</u>	Air Con- dition Alt. <u>Alt.3-Add</u>	Outside Stucco 4-Alt.
<u>Deduct</u>				
Blaylock	\$6,950	\$6,000	\$4,240	\$650
Phipps	6,800	6,200	4,200	600

Mr. Rose said that based on the low bid of Phipps Construction, Parks and Recreation Director Jim Wysocki and Architect Blake Chambliss met with the contractor and negotiated deductions totaling \$5,566 for a total negotiated bid of \$93,334. An estimated sales tax refund of \$1,892 would bring the approximate cost to the City of \$91,442.

Pledges of \$2,000 from the Kiwanis Club and \$5,000 from the older American Group brings the balance available for the project to \$97,578. The project cost is \$101,578 (which includes the Architect's fee and contingency fee), leaving a building fund deficit of \$4,000. Parks and Recreation Director Jim Wysocki recommended acceptance of the negotiated low bid on the basis that he can get pledges for the balance needed.

It was moved by Councilman Colescott and seconded by Councilman Kozisek that the negotiated low bid be accepted and the contract for the Older American Center building be awarded to Phipps Construction. Motion carried unanimously.

PLAT ACCEPTED - ROTHHAUPT SUBDIVISION, SECOND ADDITION - HEARING

Recommended from the City Planning Commission and scheduled for hearing on this date was the final plat of the Rothhaupt Subdivision, Second Addition, which will be located at the northeast side of the City, bounded by Orchard Avenue to the south of the property, 28 Road to the west, Grand Valley Canal to the north, and Indian Wash to the east. Mountain Bell Telephone Co. and Public Service placed restrictions for utility easements, and the Planning Commission is requiring an additional 5-foot right of way easement on 28-1/2 Road. The developers of the Subdivision were present. Mr. Rick Cisar, Assistant Planning Director, stated there will be approximately 35 one-family lots. It is proposed the lots will run from 12,000 square feet up to 16,000 square feet. No letters were filed and there were no others present who indicated a desire to speak. The President closed the hearing.

Councilwoman Quimby moved that the plat of the Rothhaupt Subdivision, Second Addition, be accepted and signed by the President of the City Council and the City Manager; that it be approved and filed with the Mesa County Clerk and Recorder; and that a copy thereof be placed on file in the office of the County Assessor and the office of the City Engineer. The said motion was seconded by Councilman Grantham and carried unanimously.

FLOOD PLAIN - HEARING - TABLED

Advertised for hearing on this date was the Flood Plain Regulations and Flood Plain Map. No letters had been filed and there was no one in the audience who wished to speak on this matter. The President closed the hearing. Assistant Planning Director Rick Cisar said there would be a joint meeting with the Mesa County Commissioners at 7:30 p.m. September 27, in Room 206A at the Court House. It was moved by Councilman Van Houten and seconded by Councilman Tufly that this matter be tabled. Motion carried unanimously.

ZONING ORDINANCE TEXT CHANGES - PROPOSED ORDINANCE - INDUSTRIAL STORAGE, OFF-STREET PARKING IN RESIDENTIAL, MEMBERSHIP BOARD OF ADJUSTMENT & APPEALS

Recommended from the Planning Commission and advertised for hearing on this date were the proposed changes to the Zoning Ordinance. The following entitled propose ordinance was introduced and read: AN ORDINANCE AMENDING SECTIONS OF THE ZONING ORDINANCE OF THE CITY OF GRAND JUNCTION, CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, AND CONCERNING INDUSTRIAL STORAGE, OFF-STREET PARKING IN RESIDENTIAL AREAS, AND

THE MEMBERSHIP OF THE BOARD OF ADJUSTMENT AND APPEALS. No letters had been filed regarding the proposed changes, and there was no one in the audience who indicated a desire to speak. The President closed the hearing.

It was moved by Councilman Van Houten, seconded by Councilwoman Quimby that the proposed ordinance be passed for publication. Motion carried unanimously.

REVOCABLE PERMIT - CASTINGS, INC. - TO USE S1/2 OF N/S ALLEY IN BLOCK 20 OF MILLDALE SUBDIVISION - RESOLUTION

Mr. Rick Cisar, Assistant Planning Director, said that at the August 29 meeting of the Planning Commission, Castings, Inc., petitioned for vacation of the South one-half of the North-South Alley in Block 20, Milldale Subdivision, between Lot 28 and Lots 1 through 5, inclusive. Mr. Cisar said that only Public Service had requested an easement be retained for existing facilities. Mr. Cisar continued that the Planning Commission has requested that a long, hard look be taken before vacating alleys and that the request to vacate this particular alley at this time was denied. Mr. Cisar said the Planning staff has initiated a study on the alleys in the area and indicated the study could be completed in a month to six weeks. Mr. Tom Harshman, Attorney, was present in behalf of the petitioners. He stated that the alley has not been used for twenty years. His clients wish to use the alley for storage purposes, primarily for finished aluminum products.

The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, CASTINGS, INCORPORATED, has petitioned the City Council of the City of Grand Junction for a revocable permit to use the following described alley for additional storage of inventory and finished products used in and for manufacturing by its foundry;

The South one-half of the North-South alley in Block 20 of Milldale Subdivision, which is that portion of said alley between Lot 28 and Lots 1 through 5, inclusive, of said Block 20, Milldale Subdivision; and

WHEREAS, such action has been heretofore approved by the City Planning Commission and would not be detrimental to the use of the right of way or to the interest of the inhabitants of the City:

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

That the City Manager, on behalf of the City and as an act of the City, be, and he is hereby, authorized to grant such revocable permit to the above corporation for the purpose described upon the execution by the corporation of an agreement to save and hold the

City harmless from any claims arising out of the use granted and agreement that upon the revocation of such permit, it will restore the right of way to its original condition required in that area.

PASSED AND ADOPTED this 19th day of September, 1973.

President of the Council

ATTEST:

City Clerk

REVOCABLE PERMIT

WHEREAS, CASTINGS, INCORPORATED, has petitioned the City Council of the City of Grand Junction for a revocable permit to use the following described alley for additional storage of inventory and finished products used in and for manufacturing by its foundry:

The South one-half of the North-South Alley in Block 20 of Milldale Subdivision, which is that portion of said alley between Lot 28 and Lots 1 through 5, inclusive, of said Block 20, Milldale Subdivision; and

WHEREAS, the City Planning Commission and City Engineer have approved such action, and the City Council is of the opinion that such would not be detrimental to the City or to any of the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to the above-named corporation a revocable permit for the purposes above stated; provided, however, that said permit may be revoked by the City Council at its pleasure at any time; provided further that the above-named corporation shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from, the permitted use; provided, further that said corporation shall agree to restore the right of way to its original condition upon the revocation of such permit.

Dated this _____ day of September, 1973.

City Manager

(No recording information)

ATTEST:

City Clerk

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

Dated at Grand Junction, Colorado, this _____ day of September, 1973.

CASTINGS, INCORPORATED

By
President

ATTEST:

Secretary

STATE OF COLORADO)
) Ss
COUNTY OF MESA)

The foregoing was acknowledged before me this _____ day of _____, 1973, by _____ as President, and as Secretary, of CASTINGS, INCORPORATED, a corporation.

Notary Public

My Commission Expires:

It was moved by Councilman Van Houten and seconded by Councilman Grantham 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.

3.2 BEER LICENSE - PRETZEL FACTORY, 1230 N. 12TH, BY LAWRENCE & ARYLLS INDERGARD - APPROVED

City Attorney Ashby advised Council that the applicants Lawrence and Arylls Indergard, were buying out the half interest of Delbert Hahn, Die Bierstube, 1230 North Street, and have made application for a 3.2 beer license in their own name which has been advertised for hearing in October. At Monday's pre-Council meeting, the agenda listed a license renewal for Delbert Hahn with Indergard operating the business under a management agreement. On Tuesday, the Chief Liquor Enforcement Officer from Denver was in Grand Junction and said that advertising for hearing on a change of ownership was not necessary. Mr. Ashby concluded that if Council wished it could now proceed with the consideration of issuing a license to the Indergards. The Indergards were present with their attorney, Mr. Walter Phillips.

A letter from Chief of Police Karl Johnson was read which indicated that the applicants have established a good business

and personal reputation in the community. Mr. Phillips stated that Mr. Indergard has most recently been managing Doxal Gas. He indicated that Mr. Indergard will be hiring new personnel and a manager for the Pretzel Factory. The granting of a new license to the Indergards will consummate the sale, and Mr. Hahn will no longer be involved at 1230 North 12th Street.

It was moved by Councilman Tufly 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.

3.2 BEER RENEWALS COOK'S WAREHOUSE MARKET & ALBERTSON'S FOOD CENTER - APPROVED

Presented for consideration were the applications by Cook's Warehouse Market, LTD., 1235 North 4th, and Albertson's Food Center #826, 1838 North 12th Street, for the renewal of their 3.2.beer licenses. Chief Johnson advised there have been no complaints or violations concerning the sale of beer at either of these establishments.

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

LINCOLN PARK GOLF COURSE - WAIVE GREEN FEES SEPTEMBER 30 FOR MESA COLLEGE MEXICAN AMERICAN SCHOLARSHIP FUND

A letter from Mr. Fred R. Lopez, Board Member of the Mesa College Mexican American Scholarship Fund, was read in which he requested that Council waive the green fees for the Mesa College Mexican American Scholarship Fund Invitational Golf Tournament to be held at Lincoln Park on September 30. A \$10 donation will be the entry fee. The Scholarship Fund, a non-profit corporation, hopes to raise funds so that Western Slope Chicanos will have the financial aid needed to attend Mesa College. It is projected that \$300 to \$400 may be raised during the Tournament. Parks and Recreation Director Jim Wysocki and City Manager Rose recommended waiver of the green fees.

It was moved by Councilman Kozisek and seconded by Councilman Van Houten that the green fees at Lincoln Park be waived for the Mesa College Mexican American Scholarship Fund Invitational Golf Tournament September 30. Motion carried unanimously.

DAYS - BAND & ORCHESTRA STUDENTS TO SELL TICKETS ON MAIN STREET ON SEPTEMBER 22

A letter from Mr. Ted Ford, representing the Grand Junction High School Band and Orchestra Parents, was read. Mr. Ford requested permission for Band and Orchestra students to sell tickets on Main Street Saturday, September 22. The tickets are for the

scheduled appearance of the A.B.A. Basketball teams at the Mesa College Gym September 23.

Councilman Colescott moved that permission be granted. The motion was seconded by Councilman Kozisek and said motion carried unanimously.

ORDINANCE NO. 1463 - AMEND ZONING ORDINANCE TEXT - SURVEY, FEES, FILING PROCEDURE, CONDITIONAL USE, RESIDENTIAL BULK DEVELOPMENT

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING CHAPTER 32, THE ZONING ORDINANCE, OR THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, SETTING STANDARDS FOR CERTAIN PROCEDURES AND ESTABLISHING FEES FOR CERTAIN ACTIVITIES UNDER THE ZONING ORDINANCE. It was moved by Councilman Colescott and seconded by Councilman Grantham that the Proof of Publication be accepted and filed. Motion carried.

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

The Ordinance was read. Mr. Rick Cisar stated there had been no telephone calls or letters from any of the developers regarding these changes. It was moved by Councilman Kozisek and seconded by Councilman Grantham that the ordinance be passed, adopted, numbered 1463, and ordered published. Roll was called upon the motion with all Council members voting AYE. The President declared the motion carried.

ORDINANCE NO. 1464 - AMEND ZONING ORDINANCE TEXT SECTION 11 b. DEFINITION & LIMITATIONS - LOT

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING SECTION 11 b., CHAPTER 32, THE ZONING ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION PERTAINING TO DEFINITION OF LOT. It was moved by Councilman Colescott and seconded by Councilman Grantham that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Grantham and seconded by Councilman Tufly 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 Councilwoman Quimby that the ordinance be passed, adopted, numbered 1464, and ordered published. Roll was called upon the motion with all members of the Council voting AYE. The President declared the motion carried.

ORDINANCE NO. 1465 - AMEND SUBDIVISION ORDINANCE FILING OF PLATS & FEES

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION CONCERNING PLATS OF SUBDIVISIONS. It was moved by Councilman Grantham and seconded by Councilwoman Quimby that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Colescott and seconded by Councilman Tufly 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 Tufly that the ordinance be passed, adopted, numbered 1465, and ordered published. Roll was called upon the motion with all Council members voting AYE. The President declared the motion carried.

ORDINANCE NO. 1466 - REZONE 3.67 ACRES FROM R-1-B TO PD-8, LANDING HEIGHTS NURSING HOME, SOUTH OF PATTERSON ROAD, WEST OF MANTEY HEIGHTS WATER TANK

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 OF CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Colescott and seconded by Councilwoman Quimby that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Tufly and seconded by Councilman Grantham 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 Grantham and seconded by Councilwoman Quimby that the ordinance be passed, adopted, numbered 1466, and ordered published. Roll was called upon the motion with all Council members voting AYE. The President declared the motion carried.

ORDINANCE NO. 1467 - VACATE PORTION OF ALLEY BETWEEN 5TH AND 6TH STREETS, GRAND AND OURAY, FOR NEW COUNTY LIBRARY

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING A PORTION OF ALLEY WITHIN THE CITY OF GRAND JUNCTION. It was moved by Councilman Colescott and seconded by Councilman Tufly that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Grantham and seconded by Councilman Tufly that the proposed ordinance be called up for final passage

and read. Motion carried.

The ordinance was read. Mr. Rick Cisar stated that the electric lines are underground and cast iron sewer lines are to run under the building. The County is in turn giving back to the City some alley. It was moved by Councilman Grantham and seconded by Councilwoman Quimby that the ordinance be passed, adopted, numbered 1467, and ordered published. Roll was called upon the motion with all Council members voting AYE. The President declared the motion carried.

SELL SOUTH SIDE SEWER PLANT TRACT TO I.D.I. FOR \$5.33 -
RESOLUTION

The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, INDUSTRIAL DEVELOPMENT, INCORPORATED, of Grand Junction, Colorado, has offered to purchase the South Side Sewer Plant acreage for the amount of one Dollar; and

WHEREAS, said land is not used or held for park or governmental purpose, and the sale of said land for the price 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 Industrial Development, Incorporated, upon the receipt of the purchase price, the following real property owned by the City of Grand Junction and described as follows:

The Southeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 24 of Township 1 South of Range 1 West of the Ute Meridian EXCEPT the tract 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;

subject to all easements necessary for the South Side Interceptor Sewer line and subject to salvage rights in the City for materials on the premises.

PASSED and ADOPTED this 19th day of September, 1973.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Colescott and seconded by Councilman Grantham that the Resolution be passed and adopted as read. Roll was called upon the motion with all members of the Council voting AYE.

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

WATER - EXCHANGE WATER RIGHTS WITH SIDNEY OSTRAGER GROUP -
RESOLUTION

The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, THE CITY OF GRAND JUNCTION, COLORADO, is the owner of the water right hereinafter described; and

WHEREAS, S. HERMAN KLARSFELD, LOUIS D. LEEDS, SIDNEY OSTRAGER, S. MARCUS FINKLE AND KANNAH CREEK LAND AND CATTLE COMPANY (the "Ostrager Group") are desirous of trading that water right for rights which they hold; and

WHEREAS, the trade would be advantageous to both parties permitting better usage of water in the area by all;

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

That the City Manager, as the act of the City and on behalf of the City be authorized to execute such documents as may be necessary to convey to the named persons, or their designates, the water right owned by the City located in Water Division No. 5 of the State of Colorado and described as follows:

The right to divert 2.395 cubic feet of water per second of time out of Kannah Creek through the headgate of the Kannah Creek Extension Ditch under Stream Priority No. 2, which priority was awarded to the Kannah Creek Extension Ditch in Civil Proceeding No. 216, by the District Court of Mesa County, Colorado, on July 25, 1888, with an appropriation date or priority date of November 11, 1885.

PASSED and ADOPTED this 19th day of September, 1973

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Grantham and seconded by Councilman Colescott 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.

D&RGW RAILROAD CROSSING AGREEMENT FOR HORIZON DRIVE SEWER EXTENSION

Presented for consideration was the Pipe Line Crossing agreement between the City and the Denver and Rio Grande Western Railroad to permit a 15-inch diameter sewage pipe line crossing the right of way and under trackage of the Railroad Company at Mile Post 450 + 221 feet in Grand Junction, Colorado. This is for the proposed Horizon Drive Sewer Extension. It was moved by Councilman Kozisek and seconded by Councilman Grantham that the Agreement be approved and authorized the Mayor to sign said Agreement. Motion carried unanimously.

SEWER PLANT - PROTEST OBNOXIOUS ODORS

Councilman Colescott presented a letter from Mr. Robert Ausmus which noted the sewer plant odors for the past three days. Mr. Ausmus stated that as a resident, a voter, and a taxpayer of the City of Grand Junction he "vociferously opposes ANY new addition of sewer taps not in the City limits, unless and until the present sewer plant is capable of processing the flow which is now being so haphazardly and ineffectively run through its facility."

ADJOURNMENT

The President adjourned the meeting.

/s/ Neva B. Lockhart
City Clerk