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Grand Junction, Colorado

October 16, 1974

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. October 16, 1974, in the Civic Auditorium at City Hall. Present and answering roll call were President of the Council Lawrence Kozisek, Council Members Stanley Anderson, Harry Colescott, Silas Grantham, 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

Councilman Grantham moved that the Minutes of the regular Council meeting October 2, 1974, be approved with the address correction of Housing Authority Commissioner David Humphries to reflect "824 Bunting Avenue." Motion was seconded by Councilman Anderson and said motion carried.

1st NATL BANK DRIVE-IN ENTRANCE & EXIT

(SW Cor 4th & Grand) Plan Approved

Councilwoman Quimby excused herself from discussion and voting on this item.

Senior Planner Don Warner said the Planning Commission approved the revised plan for the First National Bank Drive-In entrance and exit with the stipulation that a letter from the engineering Department be obtained noting its acceptance. He noted that the deceleration lane to be constructed by the Bank on Grand Avenue about 50 feet east of 3rd Street is acceptable to the Engineering Department. An objection by Saint Joseph's School to the original plan has now been withdrawn.

It was moved by Councilman Anderson and seconded by Councilman Colescott that the revised plan for the First National Bank Drive-In entrance and exit for the southwest corner of 4th and Grand be approved. Motion carried.

PLAT APPROVED

Wellington Medical bet 7th/8th Wellington/Patterson Rd.

Considered by the Planning Commission and recommended for approval was the final plat of the Wellington Medical Subdivision to be located between 7th and 8th Streets, Wellington and Patterson Road. Senior Planner Don Warner indicated that the plat is exactly

the same as the preliminary plat. Public Works Director Gus Byrom had asked for a road going north connecting Wellington to Patterson which is agreeable; deeds have been obtained from adjoining owners on the east side; and an agreement has been obtained putting Wellington Avenue into an improvement district.

It was moved by Councilman Grantham and seconded by Councilman Tufly that the Plat of Wellington Medical Subdivision 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 copies thereof be placed on file in the offices of the County Assessor and the City Engineer. Motion carried unanimously.

LIQUOR LICENSE

Tony's Bar & Grill Disturbances

Mr. Rick Medina, owner and operator of Tony's Bar & Grill, 215 Colorado Avenue, appeared before Council to respond to certain articles that have recently appeared in The Daily Sentinel regarding Mr. Medina's operation of the Bar. Mr. Medina said that he has tried to change the image of Tony's but that is very hard to do. In discussions with Mr. Farina, he understood that he should call the Police Department regarding incidents that occur. He noted that contacts with Ron Smith of the Police Department have always been on his own volition. The recent so-called stabbing was reported by the newspaper as occurring inside Tony's when in fact it was outside. Tony's has never been closed by the Police as was reported in Tuesday's article. Mr. Medina felt it totally unfair to have this type publicity.

He noted a recent statement "that's all she wrote" in connection with renewal of his license. He noted that most of the customers at Tony's are Chicanos, and he doesn't feel he can refuse serving a known troublemaker as he might be faced with a civil rights suit. Additionally, he did not feel he should be held responsible for incidents which occur outside his bar.

City Attorney Ashby said Council discussion came about recently because of the stabbing incident reported in the Daily Sentinel. He advised Mr. Medina that he can and should refuse serving a known troublemaker; also serving someone inside who becomes intoxicated and goes outside and an incident occurs, some of the responsibility for that incident does reflect upon the owner of the bar.

Councilman Van Houten concluded the discussion by remarking that at the time of approving Mr. Medina's application for the license, Mr. Medina was informed that he and he alone was responsible for the operation of the business and that a close watch would be kept on Tony's, yet Mr. Medina has been out of the country with a manager left in charge. He felt Mr. Medina did not do what he said he would do when the license was granted. A review of all liquor

licenses for 1975 is scheduled for November 6.

MUSEUM

Resol supporting as County function with mill levy

Councilman Grantham moved the adoption of the following Resolution:

RESOLUTION

WHEREAS, The City Council of the City of Grand Junction recognizes the many services of the Historical Museum and Institute of Western Colorado to the residents of Mesa County, and recognizes the benefits to such residents to be derived from Mesa County support for such museum;

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

1. That the City Council of the City of Grand Junction, Colorado, record itself as supporting the Historical Museum and Institute of Western Colorado in its efforts to become a county museum;

2. That the citizens of Grand Junction be urged to vote YES on November 5, 1974 on the proposition that the Historical Museum and Institute of Western Colorado become a county-supported museum.

PASSED and ADOPTED this 16th day of October, 1974.

Lawrence L. Kozisek

President of the Council

ATTEST:

City Clerk

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

3.2 BEER LICENSES

Renewals

Applications were submitted by the following businesses for renewal of 3.2 beer licenses:

Skaggs Drug Center, , 1834 North 12th Street
Circle K Corporation, Store No. 560, 2685 Unaweeep Ave.
Safeway Stores, Inc. Store No. 603, 2686 U.S. Hwy 50

Investigations by the Police Department revealed nothing which would preclude the renewal of the licenses.

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

FIREWORKS DISPLAY

At Lincoln Park Nov 1 Authorized

A request from Ms Donna Gunsaulus, Band Director, Central High School, for permission to have a short fireworks display during the half-time of Grand Junction High School-Central High School Football Game November 1 at Lincoln Park was submitted for consideration. The Central High School band will be performing the "1812 Overture" and Ms Gunsaulus plans to present it in a patriotic manner and thought it would be appropriate to have a short fireworks display at its conclusion. Bill Bennetts, Chief of the Fruita Volunteer Firemen, is to help with the fireworks display. A letter from Fire Chief R. T. Mantlo recommended approval of the request.

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

ORD. NO. 1530

Vacate 10 ft. on Margie Street

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

It was moved by Councilman Colescott and seconded by Councilwoman Quimby 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 Councilman Tufly that the Ordinance be passed, adopted numbered 1530, and ordered published. Roll was called upon the motion with all Council members voting AYE. The President declared the motion carried.

ORD. No. 1531

Etter Annexation (SW Cor 27 1/2 Rd & G)

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Van

Houten and seconded by Councilman Tufly that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Colescott and seconded by Councilman Anderson 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 Van Houten and seconded by Councilman Tufly that the Ordinance be passed, adopted, numbered 1531, and ordered published. Roll was called upon the motion with all Council members voting AYE. The President declared the motion carried.

TRUST AGREEMENT

With U. S. Bank of G.J. for payt of Spec ID bonds & coupons

Councilman Tufly moved the adoption of the following Resolution:

RESOLUTION

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

THAT the trust agreement attached hereto and made a part hereof is hereby approved and the President of the Council and ex officio Mayor and City Clerk are directed to execute same.

PASSED and ADOPTED this 16th day of October, 1974.

Lawrence L. Kozisek

President of the Council

ATTEST:

City Clerk

TRUST AGREEMENT

THE CITY OF GRAND JUNCTION HEREBY DEPOSITS funds herewith in the Trust Department of your bank to meet the payment of bond obligations of its Special Improvement Districts as said payments become due, and the payment of interest of all such bond obligations as such interest becomes due and payable.

THE CITY OF GRAND JUNCTION will hereafter make further deposits from time to time, as it may collect the money, for the express purpose of paying the said bond and/or interest obligations.

All of said moneys are to be kept in a special account by you, designated as "City of Grand Junction Special Improvement Bond and

Interest Fund" out of which shall be paid said special improvement bonds, which may be called for payment, and the interest on said bond obligations as interest coupons therefor shall become due from time to time, and the money now and hereafter deposited in said special fund shall not be subject to the direction or control of the City of Grand Junction otherwise than for the payment of said special improvement bonds which may hereafter become due, or the interest thereon, in the following manner, to wit:

The Finance Director, ex officio City Treasurer, of the City of Grand Junction, or the Assistant Finance Director, shall issue to the holder of said bonds and coupons as they become due or are called for payment, a Trust Receipt and Order, a copy of which is hereto attached; in each such Trust Receipt and Order shall be inserted a substantial description of the bonds and/or coupons to be retired; and each Trust Receipt and Order, when properly endorsed by the payee named therein, shall constitute your authority to withdraw from said money a sufficient amount to pay said order. The Bank will not be held liable for refusal to pay funds upon such receipt and order for good and sufficient reasons.

It shall be the duty of the Finance Director to substantially describe in each trust receipt the bond and/or coupons so retired, but the Bank will not be held liable for payments of funds upon order of the Finance Director in which an adequate description is not given, nor shall it be under any duty to investigate the correctness thereof.

It is further stipulated that the Bank will not be held liable for the validity of any bond or coupon so paid, nor for the wrongful, fraudulent, negligent, erroneous, improper or unlawful act of the Finance Director or his assistants. Concisely, the said bonds and coupons are not to be delivered or exhibited to the Bank or investigated by it in any manner, nor shall the Bank be under any obligation or duty in connection with the presentation or cancellation of the same, but can conclusively rely on the trust receipt and order in the withdrawal of funds under said deposit.

It shall be the duty of the President of the City Council and the City Clerk to notify the Bank in writing of the name of the person who is duly qualified and acting City Finance Director as of this date, and to furnish the Bank with a genuine signature of said Finance Director, and they shall notify the Bank in writing immediately upon his removal, and shall furnish the Bank with the name and signature of the person designated to sign in his stead.

IT IS UNDERSTOOD AND AGREED:

That said fund shall be entitled to any and all preferences attributable to trust funds. This trust agreement shall remain in full force and effect until terminated upon sixty (60) days notice in writing by one party to the other. Upon termination, any trust funds with the bank and not expended at such termination date in the payment of bond obligations and/or interest on Special

Improvement District Bonds as herein required shall be repaid by the Bank to the City on or before five (5) working days after the effective date of termination of this agreement.

Dated this _____ day of October, 1974.

CITY OF GRAND JUNCTION, COLORADO

By Lawrence L. Kozisek

President of the Council,
ex officio Mayor

ATTEST:

City Clerk

UNITED STATES BANK OF GRAND JUNCTION, COLORADO

By\President

ATTEST:

Secretary

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.

GEN ELECTION 11/5

Resol endorsing Amendment No. 4 on ballot

Councilman Van Houten moved the adoption of the following Resolution:

RESOLUTION

WHEREAS, the Colorado General Assembly has submitted to the qualified electors of Colorado a proposed Constitutional Amendment, currently designated as Amendment No. 4 on the ballot for the November, 1974, General Election, which would permit Colorado's municipalities to participate with other private or public entities in the development, production, transportation and transmission of energy resources; and

WHEREAS, increasing supplies of energy are necessary to meet the needs of Colorado's Citizens; and

WHEREAS, joint ownership of energy-related facilities would permit

Colorado's municipalities to realize the economies of scale available through larger energy-related facilities and thereby result in savings to consumers; and

WHEREAS, joint ownership of energy-related facilities would allow a reduction in the number of facilities necessary to provide adequate energy supplies and thereby minimize detrimental environmental impacts;

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

1. That the proposed Amendment No. 4 would enable Colorado's municipalities to more adequately provide necessary energy supplies, minimize adverse environmental impacts, and minimize the cost of providing for the energy needs of Colorado's citizens;

2. That it is in the interest of all Colorado citizens that Amendment No. 4 be passed favorably in the November election; and

3. That the City Council of the City of Grand Junction, Colorado, does hereby endorse the passage of Amendment No. 4 and does hereby encourage its citizens to vote in favor of Amendment No. 4 at the General Election on November 5, 1974.

PASSED and ADOPTED this 16th day of October, 1974.

Lawrence L. Kozisek

President of the Council

ATTEST;

City Clerk

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.

MILL LEVY

1975 Budget - 14 mills - Resol.

Councilman Colescott moved the adoption of the following Resolution:

RESOLUTION

LEVYING TAXES FOR THE YEAR 1974 IN THE CITY OF GRAND JUNCTION

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 1974 according to the assessed valuation of said property, a tax of fourteen (14) mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado, for the purpose of paying the expenses of the municipal government of said City, and certain indebtedness, including interest upon indebtedness of the City, for the fiscal year ending December 31, 1975.

PASSED and ADOPTED this 16th day of October, 1974.

Lawrence L. Kozisek

President of the council

ATTEST:

City Clerk

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

RETIREMENT PLAN EMPLOYEES' SUPPLEMENTAL

Clarification amendment - tabled

The following amendment to the City's Supplemental Retirement Plan was submitted for consideration: "That the City's Supplemental Retirement Plan be amended by the addition to the last sentence of Article VI Section 6.2 of the following:

"Provided, however, that a person so disabled that he can no longer perform the duties required of him within his department shall be considered totally and permanently disabled and entitled to the benefits herein stated, but, provided further that, if he transfers to other employment with the City, he shall continue under the plan."

Mr. Ashby said the clarification was recommended by a majority of the Employees' Supplemental Retirement Board. Councilman Tufly disagreed with the concept of the clarifying amendment, as he felt a person disably retired from one department with the City could draw his supplemental retirement and yet be rehired by the City to work in some other department and enroll in the Plan again.

It was moved by Councilman Anderson and seconded by Councilman Colescott that this matter be tabled until November 6 and directed that the Supplemental Retirement Board provide the members of Council with some information. Motion carried unanimously.

ATTEST:

City Clerk

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.

MESA GARDENS

Req GJ Drainage Dist pay pump expense To meet with GJ Drainage Dist, City & residents

On February 6, 1974, Mr. William Hill, a resident of the Mesa Gardens area, requested that the City apply to the Grand Junction Drainage District for assistance in paying expenses for the pump to remain in operation in Mesa Gardens.

City Manager Rose indicated that contact was made with the attorney of the Grand Junction Drainage District, & staff had received word that the G.J. Drainage District would not participate with any funds. Staff's question was "where do we go from here?"

Mr. Chuck Tilton, Superintendent of the Grand Junction Drainage District, was present and stated that to his knowledge no one has yet contacted the Board. All they have learned of the situation is what they have read in the newspaper. He suggested a meeting be set up to accommodate the citizens of the area, the City Council, and the Grand Junction Drainage District Board members so that hopefully the situation can be resolved.

Council directed the City Manager to set up the meeting.

UTILITY RATE INCREASES

Discussed

City Manager Rose submitted proposed utility rate increases of approximately 45 per cent over the present rates. It has been three years since the last rate increase, and Staff feels this rate increase is necessary. Councilman Colescott suggested that instead of the 45 per cent that is proposed, it be raised by 25 per cent. Councilman Anderson noted the loss of \$283,000 in 1973, and said the loss absorbed for 1974 will not be known until after the audit. Councilwoman Quimby stated that this Council has made a commitment that the rates be increased so the utilities would be self-sufficient. City Manager Rose suggested a hearing and study session on the proposed utility rate increase, and that following the hearing if Council approves, an ordinance be drafted to be adopted as an emergency ordinance so that the ordinance would be

in effect prior to December 1 at which time the billing for January 1 is prepared. Council set Wednesday, October 23, as the hearing date on this matter.

RALPH STERRY

Water Pollution Control Plant Operator presented award

Deputy Public Works Director James Patterson presented to Ralph Sterry a Plan Operational Merit Award which was voted at a recent Water Pollution Control Federation, Rocky Mountain Regional, meeting. The Rocky Mountain Region is composed of Wyoming, Colorado, and New Mexico. Each year, one man is voted this merit award. In addition, the City of Grand Junction received an award of merit for its safety record at the Plant.

RECESS

Councilman Van Houtan moved to recess the meeting, and set the time to reconvene at 7:30 p.m. Wednesday, October 23, which motion was seconded by Councilman Grantham and motion carried.

Neva B. Lockhart

City Clerk