

Grand Junction, Colorado

January 7, 1976

ROLL CALL

The City Council of Grand Junction, Colorado, met in regular session at 7:30 p.m. January 7, 1976, in the Council Chambers at City Hall. Members present and answering roll call: Larry Brown, Harry Colescott, Karl Johnson, Jane Quimby, Robert Van Houten, and President of the Council Lawrence Kozisek. Councilman Elvin Tufly was absent. Also present: City Manager Harvey Rose, City Attorney Gerald Ashby and City Clerk Neva Lockhart.

MINUTES

It was moved by Councilman Johnson that the Minutes of December 17 be corrected as follows: Under the title "Hearing - Proposed Rezoning of the N.E. Corner 1st Street and Walnut" the driveway going on to "Hillcrest" Drive and Mrs. Hazel "Worsham" under title "Resolution to Authorize City Manager to Deed Certain Property to Jesse Boyce," the last sentence should reflect money going into "Land" Fund. Under tile "Stamp Club" - "It was moved by Councilman Van Houten and seconded by Councilwoman Quimby that the City act as fiscal agent for the Stamp Club of Grand Junction provided the Bicentennial Commission approves the Stamp Club's grant request. Motion carried." The motion to correct the minutes was seconded by Councilwoman Quimby. Said motion carried unanimously.

It was moved by Councilman Colescott and seconded by Councilwoman Quimby that the Minutes of December 17, 1975, be approved as corrected. Motion carried.

INTRODUCTION OF NEW CITY EMPLOYEES

The following City employees were present and introduced to Council:

Police Department: Douglas Jackson, Donna Smalley

Fire Department: James Berkley, Eldon Lemons

Data Processing: Diane Hall

PROPOSED NEW ARTERIAL HIGHWAY TO REDLANDS

This item was tabled December 17, 1975, so Council could review the information. Mr Gene Allen, Development Director, was present to answer any questions.

It was moved by Councilman Brown and seconded by Councilman Van Houten that the City go on record in support of the project and directed that a letter be sent to the State Highway Commission noting Council's support. Motion carries unanimously.

RENEWAL OF 3.2 BEER LICENSE, 7-2-11 FOOD STORE #17 1117 NORTH 1ST ST

Submitted for consideration was the application by Hobby Frazer, 7-2-11 Food Store No. 17, 1117 North First Street, for the renewal of the 3.2 Beer License. A report from the Police Department indicated that during the past licensing period there have been no known violations or complaints filed in connection with the sale of 3.2% fermented malt beverage by this establishment. Management appears to operate well within the confines of the law in regard to their 3.2 beer permit.

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

COUNCILMAN HARRY COLESCOTT APPOINTED TO REGION XI COMPREHENSIVE HEALTH PLANNING COUNCIL

It was moved by Councilwoman Quimby and seconded by Councilman Johnson that the appointment of Councilman Colescott to the Region XI Comprehensive Health Planning Council be ratified. Motion carried unanimously with Councilman Colescott abstaining.

Councilman Colescott directed the City Clerk to advise Region XI Comprehensive Health Planning Council of his appointment so mail items can be directed to him.

SPECIAL EVENTS PERMIT 3.2 BEER, LINCOLN PARK, SATURDAY, JANUARY 24, 1976, 8:00 P.M. TO MIDNIGHT AMERICAN LEGION POST #200

Submitted for consideration was the application by American Legion Post #200 for a Special Events Permit to sell fermented malt beverages 3.2% Beer by the drink at Lincoln Park, one day only, Saturday, January 24, 1976, 8:00 p.m. to midnight. Mr. Tom Hogge was present in behalf of American Legion Post #200. Hearing on this item was advertised as required by State Liquor Code. A memorandum from the Police Department advised this group has sponsored similar events in the past and has endeavored to operate within the guidelines provided by a Special Events Permit. No other letters having been filed and no one in the audience indicating a desire to speak on this matter the President closed the hearing.

It was moved by Councilman Van Houten and seconded by Councilwoman Quimby that the Special Events Permit be granted subject to the applicant providing a \$200 cleaning fee and providing for off-duty police officers patrolling the building. Motion carried unanimously.

CONSIDERATION OF BIDS CONCESSIONAIRE FOR TWO RIVERS PLAZA - CONCESSIONAIRE FOR LINCOLN PARK - CONCESSIONAIRE FOR COLUMBINE PARK

Consideration of the three items was postponed until contract copies of the agreements could be prepared for Council. These items were considered at the end of the agenda.

I.D. ST-75 BOND AID AWARD RESOLUTION PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS

Four bids were received for Street Improvement No. ST-75 bonds to be dated March 1, 1976. Bids were as follows:

<u>Average InterestNet Cost</u>		
E. F. Hutton & Co., Inc. 6.70659\$30,515.0 0		
Kirchner, Moore & Co. 7.144232,506.25		
Boettcher & Co. 7.6950535,012.50		
Hanifen, Imhoff & Sanford, 7.9991836,39 6.25		

A memorandum from the Finance Department recommended award of the bid to E. F. Hutton & Co., Inc.

It was moved by Councilman Van Houten and seconded by Councilman Johnson that the sale of the bond to E. F. Hutton & Co., Inc., be authorized by the Council. The motion carried unanimously.

The following Resolution was presented and read:

RESOLUTION

PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT DISTRICT NO. ST-

75.

WHEREAS, on this 3rd day of November, 1975, the City Council of Grand Junction, Colorado, adopted a resolution creating Improvement District No. ST-75 within said City:

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

1. That for the purpose of paying the cost and expenses of constructing the improvements in said Improvement District No. ST-75, including engineering, inspection and other incidental expense, the City shall issue public improvement bonds of said Improvement District No. ST-75 dated the first day of March, 1976, in the denomination of \$1,000 each, numbered 1 to 95 inclusive, due and payable on the first day of March, 1986, subject to call and payment, however, at any time prior to the maturity of said bonds, said bonds shall bear interest, payable semi-annually, on the first day of March, and the first day of September of each year, as evidenced by coupons to be attached to said bonds, as follows:

<u>Year</u> <u>Amount</u> <u>Bond</u> <u>Numbers</u> "A" <u>"Coupon</u> <u>Interest</u> <u>Rate</u> "B"					
1977\$25,000 thru 25 incl.5.00% from 3-1-76 to 3-1-77					
197810,000 thru 35 incl.5.25% from 3-					

1-76 2% to 3-1- 77from 3- 1-77 2% to 3-1-78					
197910,00 036 thru 45 incl.5.50 %from 3- 1-76 2% to 3-1- 77from 3- 1-77 2% to 3-1-78					
19805,000 46 thru 50 incl.5.75 %from 3- 1-76 2% to 3-1- 77from 3- 1-77 2% to 3-1-78					
19815,000 51 thru 55 incl.6.00 %from 3- 1-76 2% to 3-1- 77from 3- 1-76 2% to 3-1-78					
19825,000 56 thru 60 incl.6.20					

%from 3- 1-76 1 1/2% to 3-1-77					
198310,00 061 thru 70 incl.6.40 %from 3- 1-76 1 1/2% to 3-1-77					
19845,000 71 thru 75 incl.6.50 %from 3- 1-76 1 1/2% to 3-1-77					
19855,000 76 thru 80 incl.6.50 %from 3- 1-77 1 1/2% to 3-1-77					
198615,00 081 thru 95 incl.6.50 %from 3- 1-76 1 1/2% to 3-1-77					

The principal of, and interest on, said bonds shall be payable at the office of the City Treasurer of the City of Grand Junction, Colorado, the said bonds shall be signed by the President of the City Council, sealed with the seal of the City and attested by the City Clerk, the coupons shall be signed with the original or facsimile signature of the City Treasurer, and when so executed, said bonds shall be registered by the City Treasurer.

2. Said bonds shall be payable out of the proceeds of a special assessment to be levied upon the real estate situate in the City of Grand Junction, in said improvement district, especially benefited by said improvements, and shall also be payable out of available proceeds of an annual one mill tax to be levied on the taxable property in said City, pursuant to People's Ordinance No. 27 of the said City, which tax was voted and authorized to make up deficits in special improvement district funds.

3. Said bonds, the coupons to be attached and the registration certificate to be endorsed thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF COLORADO      COUNTY OF MESA

CITY OF GRAND JUNCTION

PUBLIC IMPROVEMENT BOND  
IMPROVEMENT DISTRICT NO. ST-75

No. \_\_\_\_\_ \$1,000.00

The City of Grand Junction, County of Mesa, State of Colorado, for value received, acknowledges itself indebted and hereby promises to pay to the bearer hereof, the sum of

ONE THOUSAND DOLLARS

in lawful money of the United States of America, on the 1st day of March, 1986, subject to call and payment, however, at any time prior thereto with interest thereon from date until payment according to the interest coupons hereto attached, payable semi-annually on the 1st day of March and the 1st day of September each year, both principal and interest being payable at the office of the City Treasurer in Grand Junction, Colorado, upon surrender of the attached coupons and this bond as they severally come due, or are called for payment.

This bond is issued for the purpose of paying the cost of local improvements in Improvement District ST-75 in the City of Grand Junction, by virtue of, and full conformity with, the Constitution and laws of the State of Colorado, the Charter of the City of Grand Junction, and requisite resolutions and ordinances of the

said City, duly adopted, approved, published and made laws of said City prior to the issue hereof.

This bond is payable out of the proceeds of a special assessment to be levied upon real estate situate in the City of Grand Junction in said Improvement District No. ST-75 especially benefited by said improvements, and is also payable out of available proceeds of an annual one mill tax to be levied on the taxable property in said City, pursuant to People's Ordinance No. 27 of said City, which tax was voted and authorized to make up deficits in special improvement district funds, and the amount of the assessments upon real estate in said District for the payment hereof, with the accrued interest, shall be a lien upon said real estate in the respective amounts to be apportioned to said real estate, and assessed under the Charter and ordinances of said City.

It is hereby certified and recited that the total issue of bonds of said City for said District including this bond, does not exceed the estimate of the City Engineer of the cost of said improvements, nor the amount authorized by law, and it is further hereby certified and recited that every requirement of law relating to the creation of said Improvement District No. ST-75 and the making of said improvements and the issuance of this bonds has been fully complied with by proper officers of said City, and that all conditions required to exist and to be done precedent to and in the issuance of this bond, to render the same lawful and valid, have happened, been properly done and performed, and did exist in regular and due time, form and manner, as required by law.

IN TESTIMONY WHEREOF, the City of Grand Junction has caused this bond to be subscribed by the President of the Council, attested by the City Clerk under the seal of the City, and the interest coupons hereto attached to be attested by the facsimile signature of the City Treasurer, as of the 1st day of March, 1976.

\_\_\_\_\_  
President of the City Council

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

(Form of Coupon)

No. \_\_\_\_\_ \$ \_\_\_\_\_

On the 1st day of September, A.D. 19\_\_\_\_\_, the City of Grand

Junction, Colorado, will pay the bearer

\_\_\_\_\_ DOLLARS

in lawful money of the United States of America, at the office of the City Treasurer in Grand Junction, Colorado, being six months' interest on its local public improvement bond of Improvement District No. ST-75 provided the bond to which this coupon is attached has not been called for prior payment.

Attached to bond dated March 1st, A.D. 1976.

No. \_\_\_\_\_

(Facsimile Signature)

\_\_\_\_\_  
City Treasurer

(Registration Certificate)

It is hereby certified that the within and foregoing bond has been registered in a suitable book kept for that purpose in the office of the City Treasurer of the City of Grand Junction, Colorado, in accordance with the laws and ordinances under which the same is issued.

Dated at Grand Junction, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 1976.

\_\_\_\_\_  
City Treasurer

The City Clerk is hereby authorized and directed to have printed the bonds authorized by this Resolution and when the same have been executed, to deposit the same with the City Treasurer, who shall deliver them to the lawful purchaser thereof, on receipt of the purchase price.

ADOPTED and APPROVED the 7th day of January, 1976.

\_\_\_\_\_  
President of the City Council

Attest:

\_\_\_\_\_  
City Clerk

It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the Resolution be passed and adopted as read. Roll was called upon the motion with the following results: Council members

voting AYE: Larry Brown, Harry Colescott, Karl Johnson, Jane Quimby, Robert Van Houten and President of the Council Lawrence Kozisek. Council members voting NO: None. Council members absent: Elvin Tufly. All Council members present having voted in favor of the motion, the President declared the motion carried and the Resolution duly passed and adopted.

HEARING - TO CONSIDER SUSPENSION OR REVOCATION OF HOTEL-RESTAURANT LICENSE AT THE SIR LOYNE, 2579 NORTH AVENUE

City Attorney Ashby advised that again he was unable to have served one of the juveniles involved in the incident. The other juvenile lives in Denver. As previously indicated, Liquor Enforcement Officer Jim Gilliam did not prosecute this incident as he felt the case was weak. As a result and since the owner and two waitresses have been subpoenaed and have appeared twice before Council, Mr. Ashby recommended dropping this matter. If there are any further violations this incident will be considered in the establishment of any punishment that might be meted out by Council.

This Incident Dropped Pending no Further Violations.

It was moved by Councilwoman Quimby and seconded by Councilman Johnson that the recommendation of the City Attorney be accepted. Motion carried unanimously.

HEARING - PROPOSED ZONING ORDINANCE AMENDMENT TO MAKE RESTAURANTS WITH LIQUOR OR BEER LICENSE CONDITIONAL USES

Recommended from the Planning Commission and a hearing having been held City Attorney Ashby advised this is a somewhat different approach as was suggested by members of Council to try and tie in the impact of the neighborhood of certain liquor and beer licenses to the zoning section of the ordinances rather than entirely through the Liquor Code.

The following proposed ordinance was read: AN ORDINANCE AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION TO PROVIDE A NEW CATEGORY FOR ON-PREMISES CONSUMPTION OF LIQUOR OR FERMENTED BEVERAGE LICENSE PREMISES AND RESTRICTING THEIR LOCATION.

It was moved by Councilman Johnson and seconded by Councilman Brown that the proposed ordinance be passed for publication. Motion carried unanimously.

DECISION REGARDING PROPOSED REZONING AT FIRST AND WALNUT FROM R-1-B TO P-D-B - PROPOSED ORDINANCE

Councilman Van Houten moved the adoption of the following decision regarding the proposed rezoning at First and Walnut from R-1-B to P-D-B:

This matter came on for hearing on the 17th day of December, 1975, upon the request that the following described property be zoned Planned Development Business from Residential use R-1-B, to wit:

All of Lots 29 and 44 and a part of Lot 28 of Hillcrest Manor subdivision, described as:

Beginning at the Southwest Corner of said Lot 44; then North 00°00'00" East along the West line of said Lot 44, a distance of 47.44 feet; thence North 39°20'00" East 106.50 feet; thence South 65°50'18" East 76.76 feet; thence North 74°06'54" East 143.96 feet to the Northeast Corner of said Lot 29; thence South 00°00'00" East 137.80 feet to the Southeast Corner of said Lot 29; thence North 90°00'00" West 276.00 feet to the Point of Beginning, in Mesa County, Colorado.

The proponents stated their intention to build to provide dental offices at the location. The land is located at the northeast corner of the intersection of Walnut Avenue and First Street in the City of Grand Junction, and is unoccupied. On the southeast corner of the intersection is a neighborhood business complex extending along First Street to Orchard Avenue. The subject property faces the rear of a portion of this complex. The northwest corner of the intersection is occupied by a single family residence considerably removed from either Lorey Drive or First Street. The southwest corner of the intersection is occupied by a filling station and behind it, a supermarket, again from Lorey Drive to Orchard Avenue. To the north and east of the subject property are residences.

The objection to the change in zoning was centered upon possible increase in the traffic along Walnut to the east, as that street is a residential street and is narrow. There was also the objection that the proposed rezoning was a further encroachment into the residential area existing.

The Council having considered the evidence at the hearing, finds:

1. That the proposed zoning category of Planned Development Business permits a control of the area to minimize its impact on any residential properties near it; and, such control would restrict access and would require dedication of a full right of way, alleviating an existing problem.
2. That the evidence that while other properties in the area have been developing the subject property has not under its present zoning, does not indicate that the highest and best use of the property is residential but that it is business to conform to the business areas near it.
3. That the proposed controlled plan will benefit abutting properties by providing a buffer against further advances of the

types of business already in the area.

4. That the physical location of the property in relation to its surrounding developed properties will provide little impact on them.

5. That the proposed use will not generate sufficient traffic to change the character of Walnut as essentially a residential street, and it is felt that most of the traffic will use the more traveled streets of Orchard Avenue and First Street to get to the facility. Further, that the widening of Walnut along the premises will benefit Walnut and the intersection at Walnut and First Streets.

6. Planning Commission approved.

It is therefore the decision of the City Council that the application for the change in zoning be granted and an Ordinance be adopted providing for such change.

Dated this 7th day of January, 1976.

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk

which motion was seconded by Councilwoman Quimby. Motion carried unanimously.

The following entitled proposed ordinance was 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 Johnson and seconded by Councilman Brown that the proposed ordinance be passed for publication. Motion carried unanimously.

DECISION REGARDING PROPOSED REZONING FROM R-1-C TO P-D-12 THE HOUSING AUTHORITY PROPERTY LOCATED BETWEEN WALNUT TO BOOKCLIFF, 17TH TO 19TH STREETS PROPOSED ORDINANCE

It was moved by Councilman Johnson that the following decision regarding the proposed rezoning from R-1-C to P-D-12, the Housing Authority property located between Walnut to Bookcliff, 17th to 19th Streets, be adopted:

This matter having come on for hearing on the 17th day of December, 1975, on the application for a change of zoning from Residential use R-1-C to Planned Development-12 on the following

described tract of land:

A part of Lot 25 and all of Lot 28, Block 8 Fairmount Subdivision, as recorded in the office of the Clerk and Recorder, Mesa County, Colorado, and that part of Walnut Avenue vacated in Book 6, Page 258 of the Mesa County Records, and described as:

Beginning at the Northwest Corner of Lot 25; thence South 89°42'10" East 595.61 feet to the Northeast corner of Lot 28; thence South 00°00'00" East 357.41 feet to the Northeast corner Block 4 of said Fairmount Subdivision, thence North 89°47'45" West 597.34 feet to the Northwest corner of said Block 4, thence North 00°16'42" East 60.00 feet to the Southwest corner of said Block 8, thence South 89°47'45" East 100.00 feet, thence North 00°16'42" East 145.00 feet, thence North 89°47'45" West 100.00 feet, thence North 00°16'42" East 153.38 feet to the point of Beginning.

The above described tract contains 4.568 acres.

A part of Lot 26 and all of Lot 27, Block 8, Fairmount Subdivision as recorded in the office of the Clerk and Recorder, Mesa County, Colorado, being more particularly described as follows:

Beginning at the Northeast corner of said Block 8, thence South 00°00'00" East 297.41 feet to the Southeast corner of Lot 27, thence North 89°42'10" West 448.61 feet, thence North 00°16'42" East 223.14 feet, thence South 89°36'33" East 63.00 feet, thence North 00°16'42" East 75.00 feet, thence South 89°36'33" East 384.17 feet to the Point of Beginning.

The proponents plan a development for housing for the elderly and for low income housing. Principal objections were an increased impact on the neighborhood under the belief that a greater density would be permitted under the rezoning and objection to housing for low-income families in this area. There was also concern as to the general development plan and its impact on streets and traffic patterns in a presently enclosed area.

After a consideration of the evidence, the Council finds:

1. That the property is principally within an R-1-C area. That the property does not have presently extended into it a road network linking it with or integrating it with the surrounding developed area.

2. That the change in zoning category from R-1-C to PD-12 is in effect a subdividing question as the permitted density remains essentially the same. Additionally, the planned development permits a planning to minimize the impact on surrounding areas to less than would be achieved under R-1-C and provides the possibility for better planning of road usage to fit into a

difficult area in this regard.

3. That the Council is not permitted to discriminate in determining locations for low income housing projects.

It is therefore the decision of the Council that the rezoning should be granted and an Ordinance adopted to accomplish such rezoning.

Dated this 7th day of January, 1976.

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk

which motion was seconded by Councilman Brown. Motion carried unanimously.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY GRAND JUNCTION, BY CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Johnson and seconded by Councilman Colescott that the proposed ordinance be passed for publication. Motion carried unanimously.

Councilwoman Quimby reported that this week the Housing Authority had the closing on the property and it has also appointed Mr. Clyde Granere, the Executive Director/Manager of the project. Mayor Kozisek reported that last night the Council of Governments approved the A-95 on the 20 low-income housing units.

Discussion then followed regarding the property at 8th and Rood. Councilman Van Houten moved that if this property cannot be developed as low-income housing, the Housing Authority be directed to get City Council approval before any contemplated sale. The motion was seconded by Councilman Brown. Motion carried unanimously.

ORDINANCE NO. 1600 - S.S 31-74 PHASE 2, ORCHARD MESA SEWER ASSESSMENTS

The Proof of Publication to the following entitled ordinance was presented: AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENT MADE IN AND FOR SANITARY SEWER DISTRICT NO. 31-74, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF

SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS. It was moved by Councilman Colescott and seconded by Councilman Brown that the Proof of Publication be accepted for filing. Motion carried unanimously.

It was moved by Councilman Van Houten and seconded by Councilwoman Quimby that the proposed ordinance be called up for final passage and read. Motion carried unanimously. The Ordinance was read. City Attorney Ashby stated this is the Sewer District that Mr. Jim Martin of the Colorado Rural Legal Services has approached Council on forgiveness or some arrangement for a client of his. To date, nothing has been worked out; however, Mr. Ashby advised Mr. Martin that even though final adoption of the Ordinance is made and initial assessment made, Council would still consider this particular instance as it shows. Mr. Martin accepted this proviso. It was moved by Councilman Van Houten and seconded by Councilman Johnson that the Ordinance be passed, adopted, numbered 1600 and ordered published. Roll was called upon the motion with all Council members voting AYE. The President declared the motion carried.

ORDINANCE NO. 1601 - HIGHWAY ORIENTED ZONING FOR TECH DEL SOL ANNEXATION NO. 2

The Proof of Publication to the following entitled ordinance was presented: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Van Houten and seconded by Councilman Brown that the Proof of Publication be accepted for filing. Motion carried unanimously.

It was moved by Councilman Brown and seconded by Councilwoman Quimby that the proposed ordinance be called up for final passage and read. Motion carried unanimously. The Ordinance was read. There being no comments, it was moved by Councilman Johnson and seconded by Councilman Colescott that the Ordinance be passed, adopted, numbered 1601 and ordered published. Roll was called upon the motion with all Council members voting AYE. The President declared the motion carried.

ORDINANCE NO. 1602 - STREET VACATION SECOND AVENUE BETWEEN 9TH AND 10TH STREETS

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE VACATING A PORTION OF SECOND AVENUE BETWEEN 9TH AND 10TH STREET IN THE CITY OF GRAND JUNCTION. It was moved by Councilman Brown and seconded by Councilman Van Houten that the Proof of Publication be accepted for filing. Motion carried unanimously.

It was moved by Councilman Johnson and seconded by Councilman

Brown that the proposed ordinance be called up for final passage and read. Motion carried unanimously. The Ordinance was read. There being no comments, it was moved by Councilman Colescott and seconded by Councilman Brown that the ordinance be passed, adopted, numbered 1602 and ordered published. Roll was called upon the motion with all Council members present voting AYE. The President declared the motion carried.

ORDINANCE NO. 1603 - PROVIDING FOR APPLICATION FEE ON FERMENTED MALT BEVERAGE LICENSE

The Proof of Publication to the following entitled ordinance was presented: AN ORDINANCE PROVIDING FOR AN APPLICATION FEE ON FERMENTED MALT BEVERAGE LICENSE. It was moved by Councilman Brown and seconded by Councilman Van Houten that the Proof of Publication be accepted for filing. Motion carried unanimously.

The Ordinance was read. There being no comments, it was moved by Councilman Johnson and seconded by Councilwoman Quimby that the ordinance be passed, adopted, numbered 1603 and ordered published. Roll was called upon the motion with all members of Council present voting AYE. The President declared the motion carried.

ORDINANCE NO. 1604 - APPROPRIATIONS - SANITATION, SWIMMING POOLS, PARKING AUTHORITY

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE APPROPRIATING MONIES TO MEET CONTINGENCY EXPENDITURES OF THE CITY OF GRAND JUNCTION. It was moved by Councilman Brown and seconded by Councilman Johnson that the Proof of Publication be accepted for filing. Motion carried.

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

The Ordinance was read, with paragraph 2 of the proposed ordinance being amended to read that there be appropriated from unappropriated funded within the Sanitation Fund to the Sanitation Fund the sum of \$12,209.25 to be expended therefrom. It was moved by Councilman Colescott and seconded by Councilman Van Houten that the ordinance be passed and adopted as amended, numbered 1604 and ordered published. Roll was called upon the motion with all Council members present voting AYE. The President declared the motion carried.

PROPOSED ORDINANCE TO PROVIDE FOR LICENSING OF CONTRACTORS WORKING ON RIGHTS OF WAY

The following entitled proposed ordinance: AN ORDINANCE PROVIDING FOR THE LICENSING OF CONTRACTORS WHO WORK IN THE PUBLIC RIGHT OF WAY, REQUIRING PERMITS FOR SUCH WORK AND SETTING FEES THEREFORE, AND PROVIDING SPECIFICATIONS FOR SUCH WORK, was submitted for consideration.

## Tabled

After discussion it was moved by Councilman Van Houten and seconded by Councilman Brown that this proposed ordinance be tabled until the next meeting of Council with the request that some member of the Public Works Department be present to answer questions and that those contractors who might be affected by this ordinance be notified so they may sit in on this meeting. Motion carried unanimously.

## APPOINTMENT OF COUNCIL REPRESENTATIVES TO THE VALLEY SEWER COMMITTEE

It was moved by Councilman Brown and seconded by Councilwoman Quimby that Harvey M. Rose, City Manager, James E. Patterson, Utilities Director and Councilman Robert Van Houten be appointed as Council Representatives to the Valley Sewer Committee. Motion carried with Councilman Van Houten abstaining.

## WATER RIGHTS

City Manager Rose reported that the City has been working on a three-way proposition to trade water rights from Gunnison to Grand Junction to Rifle. Negotiations are now to the point where the transaction will be formalized in the near future. Council approval will be requested when the approval of a deed of the City of Grand Junction's Water Rights in the Colorado River is requested. Essentially the City will trade off forty-five CFS of conditional right water (we have now 125 CFS Colorado River), and the City would receive in return 15 CFS of permanent Right with a priority date of 1894. Mr. Rose continued that even though the City is trading 3 to 1, the one right the City will be getting is a much earlier right and is a permanent right, therefore, will be of greater benefit to the City. He noted that if in some transaction the City is not able to transfer the point of diversion so that the City acquires at least fifty percent of the water that it is obtaining in this transaction, the deal is off.

## RECESS

The President declared a five-minute recess so that the Council could review the concession agreements. Upon reconvening the six members of Council noted above were present.

## CONCESSIONAIRE - LINCOLN PARK - BILL ASHCRAFT DBA WORLD OF FUN CONCESSION

It was moved by Councilman Colescott and seconded by Councilman Brown that the Concession Agreement for Lincoln Park be awarded Bill Ashcraft dba World of Fun Concessions. Motion carried unanimously.

## CONCESSIONAIRE - COLUMBINE PARK - MESA COUNTY SOFTBALL

ASSOCIATION, INC.

It was moved by Councilman Colescott and seconded by Councilman Brown that the Concession Agreement for Columbine Park be awarded to the Mesa County Softball Association, Inc. Motion carried unanimously.

CONCESSION AGREEMENT FOR TWO RIVERS PLAZA

It was moved by Councilman Colescott and seconded by Councilman Van Houten that the Concession Agreement for Two Rivers Plaza be awarded Galley Restaurant, Inc. and authorized the City Manager to sign.

Discussion then followed regarding paragraph six of the contract. Councilman Brown felt that paragraph six was too restrictive with respect to any group or non-profit organization having the ability to use the building more than once during a calendar year. He felt it was incumbent on Council to provide for this contingency because of the fact that during the campaign to sell the bond issue on this building the people were told they would be able to go into the building, cook their meals, and do their thing.

It was moved by Councilman Colescott and seconded by Councilman Johnson that the Concession Agreement be amended to provide "concessionaire's approval as to the use of his equipment and to protect him in the use of his equipment with the City also approving the use of its equipment." Also adding the provision that any group or non-profit organization may prepare food or beverage at the facility as described above only once during a calendar year "except as it may be approved jointly by the City Manager and the Concessionaire." Also providing that covered dish dinners which are prepared within the group, and not by another outside caterer, may be permitted. Motion was carried unanimously.

KITCHEN EQUIPMENT - TWO RIVERS PLAZA - \$50,000 AUTHORIZED FROM COUNCIL CONTINGENCY FUND

Assistant City Manager/Parks & Recreation Director Jim Wysocki presented a request to Council to authorize \$50,000 for the kitchen at Two Rivers Plaza; \$40,000 to purchase equipment, and \$10,000 to make the adjustments in the building.

It was moved by Councilman Brown and seconded by Councilman Johnson that up to \$50,000 be authorized from the Council Contingency Fund to provide equipment and to make adjustments to the Two Rivers Plaza building. Motion carried unanimously.

Councilman Van Houten requested that Council be advised with a running total as time goes on.

NOMINATIONS FOR APPOINTMENT TO THE PLANNING COMMISSION AND THE HOUSING AUTHORITY

President Kozisek advised that Council is receiving nominations of people who live in the City Limits who would like to serve on the Planning Commission and the Housing Authority.

COMBINED PLANNING COMMISSION - CITY COUNCIL MEETING JANUARY 31, 1976

Councilwoman Quimby advised that there will be a combined Planning Commission/City Council Meeting January 31st. She suggested that written comments be addressed to President Kozisek by January 15th so an agenda can be prepared.

She advised that an organ has been delivered to Two Rivers Plaza donated by Mary Coleman, 1530 Hall Avenue. She directed that a letter of thanks be sent to Mrs. Coleman.

COLORADO EMERGENCY MEDICAL SERVICES ACT OF 1976

It was moved by Councilman Johnson and seconded by Councilman Brown that a letter be directed to the Governor of the State of Colorado, to the State Representatives, and to Susan Griffiths, legal counsel of Colorado Municipal League, expressing Council's opposition to the proposed Colorado Medical Services Act of 1976 because this piece of legislation would be setting up another level of bureaucracy that has the power to mandate to the local authorities what they must do about emergency service. Motion carried unanimously.

COUNCIL SUPPORT OF THOSE ITEMS IN THE COLORADO MUNICIPAL LEAGUE NEWSLETTER WHICH LEAGUE FELT SHOULD BE PLACED ON GOVERNOR'S CALL

It was moved by Councilman Van Houten and seconded by Councilman Johnson that a letter be directed to the Governor, the Legislators, and Colorado Municipal League supporting those items in the Colorado Municipal League Newsletter which the League felt should be placed on the Governor's Call. Motion carried unanimously.

WRECKER SERVICE

Discussion was had regarding the rotation system by the Police Department in calling for wrecker service at accidents. Councilman Brown stated that it has come to his attention that there are some wrecker systems in town who are using police monitors and are chasing and picking up the wrecker business with alleged reports of price gouging. Councilman Brown directed the City Attorney to draft legislation for Council consideration at its first meeting in February which would provide an equitable rotation system with no deviation: removal from the rotation system file from any wrecker service who has been the source of complaints on rates or service: and the requirement that the wrecker service must sweep an accident scene clean.

HEATING SYSTEM - TWO RIVERS PLAZA

Councilman Van Houten expressed concern that, to date, the heating system at Two River Plaza has not been tested. He stated he would not accept the building until it has been proven that the building can be heated. It was noted the City is withholding \$100,000 from the final estimate.

PROCLAMATION - FIVE DOLLAR ASSESSMENT PER MONTH OF CITY DEPARTMENT HEADS AND ELECTED OFFICIALS FOR NOT WEARING BUSTLE, BEARD, MUSTACHE, OR MUTTON CHOPS IN CONJUNCTION WITH CENTENNIAL-BICENTENNIAL ACTIVITIES

The following proclamation was read by Mayor Larry Kozisek:

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, this is the 200th anniversary of our Country; and

WHEREAS, this is the 100th birthday of our State of Colorado; and

WHEREAS, these events are of such significance that they should be noted and celebrated throughout the year by the community and its leaders; and

WHEREAS, it is the duty of civic leaders to set an example of the community:

NOW, THEREFORE, I, LAWRENCE L. KOZISEK, as Mayor of the City of Grand Junction, proclaim that the City Manager, City Attorney, all city department heads and all elected official shall have their salaries assessed \$5.00 per month for each month of the year in which they do not fulfill their civic duties and responsibilities bedecked in bustle, beard, mustache or muttonchops.

DATED this 7th day of January, 1976.

Lawrence L. Kozisek, Mayor

ADJOURNMENT

It was moved by Councilman Brown and duly seconded that the meeting be adjourned.

Neva B. Lockhart

Neva B. Lockhart  
City Clerk