

Grand Junction, Colorado

September 1, 1976

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m., September 1, 1976, in the Council Chambers at City Hall. Members present and answering roll call: Larry Brown, Harry Colescott, Karl Johnson, Jane Quimby, Elvin Tufly, and President of the Council Lawrence Kozisek. Councilman Robert Van Houten was absent. Also present: City Manager James Wysocki and City Clerk Neva Lockhart. City Attorney Ashby was absent.

MINUTES

Corrections to the minutes of August 18, 1976, were: Under the topic COLORADO RIVER PARK, Mr. Bill Jarvis "Jr." Under the topic CONDITIONAL USE FOR DRIVE-IN RESTAURANT, 1051 AND 1061 NORTH AVENUE, Steve Johnson "Sr." It was moved by Councilman Johnson and seconded by Councilwoman Quimby that the minutes of the regular meeting August 18, 1976, be approved as corrected, and the minutes of the recessed meeting August 24, 1976, be approved as written. Motion carried unanimously.

REQUEST FOR CLOSING OF STREETS - GRANTED

C/BC Director Mark Williams appeared before Council to request the closing of Main Street from 1st to 2nd from 2:00 p.m. to 11:00 p.m., Saturday, September 18, 1976, for the Mining and Petroleum Days Festival. Also, he requested the closing of 3rd Street, between Main and Rood, from 9:00 p.m. on Thursday, September 16, to 9:00 p.m. on Saturday, September 18, to house the Armed Forces Centennial-Bicentennial Caravans.

It was moved by Councilman Brown and seconded by Councilman Colescott to approve the closing of the streets as outlined. Motion carried.

MAIN STREET ART FESTIVAL FOOD SALES

Mr. Joe Sinclair appeared before Council to request permission to sell food stuffs from the sidewalks on Main Street, September 17 and 18, during the Art Festival. He also discussed how to keep "poachers" from selling their art work from the sidewalk. It was noted that the committee will issue certificates to those people who have registered. Consensus of Council was that those who do not have a certificate can be cited by Police for selling from public right-of-way without permission.

It was moved by Councilman Tufly and seconded by Councilman Johnson that permission be granted the Art Festival to serve food items from the sidewalk provided enough receptacles are in the

area for the pick-up of rubbish. Mr. Earl Land, representing the AIME Petroleum Mining Festival Committee, opposed this request, as he felt it would be in conflict with the barbecue plan by the Mining and Petroleum Days Festival and their contract with City Market. Motion carried unanimously.

REGISTRATION OF MANAGER - TIMBERS RESTAURANT & LOUNGE, 1810 NORTH AVENUE

Submitted for consideration was the Registration of its manager, David Kenneth Legozzie, for the Timbers Restaurant & Lounge, 1810 North Avenue. A report from the Police Department advised that a records check and background investigation was made concerning Mr. Legozzie, and that the investigation disclosed nothing of a derogatory nature.

It was moved by Councilman Tuflly and seconded by Councilman Johnson that the Registration of David Kenneth Legozzie be approved. Motion carried unanimously.

ID ST-76 - HEARING - RESOLUTION CREATING DISTRICT

A hearing was duly conducted on this item after proper notice. No letters were filed opposing the District, and there was no one in the audience who opposed the creation of this District.

The following Resolution was introduced and read:

RESOLUTION

CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-76 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF CURBS AND GUTTERS, SIDEWALKS AND PAVING ON STREETS THEREIN, AND PROVIDING FOR THE PAYMENT THEREFOR.

WHEREAS, on July 21, 1976, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Improvement District No. ST-76, 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, COLORADO:

1. That said Improvement District No. ST-76 be, and the same is hereby, created and established; and that construction of curbs and gutters, sidewalks and paving of streets 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 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; 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 to be constructed, the boundaries of said Improvement District No. ST-76, 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 21st day of July, 1976, 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-76 for the purpose of paying the cost and expenses of construction of said District.

PASSED and ADOPTED this 1st day of September, 1976.

President of the Council

Attest:

City Clerk

It was moved by Councilman Tufly and seconded by Councilman Johnson that the Resolution be passed and adopted as read. Upon roll call all members of Council present voted AYE. The President declared the motion carried and the Resolution duly passed and adopted.

ID ST-76 - CONSIDERATION OF BIDS - AWARD OF CONTRACT - ELAM

CONSTRUCTION, \$261,932.55

Two bids were received and opened at 2:00 p.m. on August 30, 1976. Bids were as follows:

Corn Construction Company \$265,581.00
Elam Construction, Inc. 261,932.55

Engineer's Estimate 243,624.00

Public Works Director Jim Patterson and City Manager James Wysocki recommended the acceptance of the low bid and award of contract to Elam Construction.

It was moved by Councilman Tufly and seconded by Councilman Brown that the low bid of Elam Construction be accepted and the contract awarded in the amount of \$261,932.55. Motion carried unanimously.

ID ST-76 - BOND BID AWARD - RESOLUTION AUTHORIZING PRINTING OF BONDS

Bids for Improvement District ST-76 were received and opened at 3:00 p.m. August 30, 1976, for the sale of \$138,000 Improvement District Bonds. Four bids were received:

<u>Company</u> <u>Average</u> <u>Interest</u> <u>Rate</u> <u>Interest</u>		
Boettcher & Company 5.3476 \$31,552 .92		
Kirchner, Moore & Company 5.7811 \$34,108. 50		
Coughlin & Company, Inc. 6.1341 \$36,191. 30		
Hanifen, Imhoff & Samford,		

Inc.6.328737,339.12		
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Finance Director Vic Vance and City Manager Jim Wysocki recommended the award of the bid to Boettcher & Company.

It was moved by Councilwoman Quimby and seconded by Councilman Johnson that the bond bid be awarded Boettcher & Company for its average interest rate of 5.3476.

The following Resolution was introduced and read:

RESOLUTION

PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS OF IMPROVEMENT DISTRICT NO. ST-76

WHEREAS, on the 1st day of September, 1976, the City Council of the City of Grand Junction, Colorado, adopted a Resolution creating Improvement District No. ST-76 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-76, including engineering, inspection and other incidental expenses, the City shall issue public improvement bonds of said Improvement District No. ST-76 dated the 1st day of October, 1976, in the denomination of \$1,000 each, numbered 1 to 138, inclusive, due and payable on the 1st day of October, 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 April and the first day of October of each year, as evidence by coupons to be attached to said bonds, as follows:

<u>Bond</u> <u>No.</u> <u>Maturity</u> <u>Amo</u> <u>unt</u> <u>Interest</u> <u>Rate</u>			
1 - 251977\$25,0004 .00%			

26 - 551978\$30,000 .25%			
56 - 701979\$15,000 .50%			
71 - 801980\$10,000 .70%			
81 - 951981\$15,000 .85%			
96 - 1051982\$10,000 5.00%			
106 - 1101983\$ 5,0005.25%			
111 - 1201984\$10,000 5.50%			
121 - 1301985\$10,000 5.75%			
131 - 1381986\$ 8,0005.75%			

In addition to the above interest rates, bonds will bear Supplemental Coupons in the following manner:

Bonds Nos. 1 to 25 bear 4.00% Supplemental Interest Coupons
Bonds Nos. 26 to 40 bear 3.75% Supplemental Interest Coupons

Supplemental Coupons will accrue interest on November 1, 1976, and continue until October 1, 1977.

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-76

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 October, 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 April and the first day of October 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-76 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-76 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 improvement, 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-76 and the making of said improvements and the issuance of this bond 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 City 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 first day of October, 1976.

President of the City Council

ATTEST:

City Clerk

(SEAL)

(Form of Coupon)

No. _____

\$ _____

(April)

On the first day of October, 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-76 provided the bond to which this coupon is attached has not been called for prior payment.

Attached to bond dated October 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 this 1st day of September, 1976

President of the City Council

Attest:

City Clerk

It was moved by Councilman Tufly and seconded by Councilman Johnson that the Resolution be passed and adopted as read. Upon roll call all Council members present voted AYE. The President declared the motion carried and the Resolution duly passed and adopted.

PINYON BUILDERS TO PROVIDE EXTENSION TO SHED AT CITY SHOPS

Submitted for consideration was the proposal by Pinyon Builders to provide extensions to the shed at the City Shops for \$8,399.00 less Sales Tax. It was moved by Councilman Colescott and seconded by Councilman Johnson that the contract be awarded to Pinyon Builders. Motion carried unanimously.

PROPOSED BULK DEVELOPMENT IN R-2-A ZONE, NE CORNER 28 1/4 ROAD AND ORCHARD AVENUE

The hearing on this item was continued from August 18, 1976. Senior Planner Don Warner outlined the area in question. Mr. Warner noted that the Planning Commission approved the bulk development on the northeast corner of 28 1/4 Road and Orchard Avenue, subject to working out the problem of grades with the City Engineering Department, power of attorney for a portion of Orchard Avenue and completion of 28 1/4 Road to be placed in an Improvement District, obtaining right-of-way deeds for Brittany Drive, 28 1/4 Road, and Orchard Avenue, and complete paving of Brittany Drive. Also, a contingency imposed by the Planning Commission was that if construction has not started within 9 months, then an extension must be requested at that time.

Mr. Ron Mesec was present to speak for the project.

It was moved by Councilman Tufly and seconded by Councilwoman Quimby that the bulk development be approved subject to the developers meeting the conditions imposed by the Planning Commission. Motion carried unanimously.

Councilman Johnson commented that this is another large development along a street that is at maximum capacity. He said that he would hope the City is far enough along in its planning

for this street that it has come up with a viable proposal for its future expansion.

ORDINANCE NO. 1625 - AMENDING DEFINITION OF DRIVE-IN BUSINESS IN THE ZONING ORDINANCE

The Proof of Publication to the following entitled Ordinance was presented: AN ORDINANCE AMENDING DEFINITION OF DRIVE-IN BUSINESS IN THE ZONING ORDINANCE. It was moved by Councilman Tufly and seconded by Councilman Johnson that the Proof of Publication be accepted for filing. Motion carried unanimously.

It was moved by Councilman Tufly 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 Tufly and seconded by Councilman Brown that the Ordinance be passed, adopted, numbered 1625, and ordered published. The President declared the motion carried.

COMMUNITY SOCIAL SERVICES REQUEST CITY TO ENTER INTO AN AGREEMENT TO REQUEST A PUC LICENSE TO OPERATE BUS SYSTEM

City Manager Wysocki advised Council that the Community Social Services has suggested that the City enter into an Agreement to petition PUC for a license to provide a bus system for the Valley. Consensus of Council was that it does not feel that it can provide free rides for one segment of the Community without providing for the other segment. They were not interested in entering into this type of an Agreement. They felt that free enterprise should be given the opportunity to develop a mass transit system.

CML FINANCE COMMITTEE MEETING

Councilwoman Quimby commented that she had spent today in Denver at a meeting of the Colorado Municipal League Finance Committee.

CML REGION XI MEETING SEPTEMBER 24, TWO RIVERS PLAZA

Councilman Johnson reminded Council members of the Region XI Colorado Municipal League Meeting in Grand Junction at Two Rivers Plaza on Friday, September 24.

He reported that the Housing Authority has received the go-ahead for the development of Walnut Park, and that the contractor has reaffirmed his bid price.

He note that a member of the Recreation Board, Don Service, died recently. He suggested that a letter of appreciation be directed to the family.

NAMES REQUESTED FOR PLANNING COMMISSION VACANCY

President Kozisek noted that two names have been submitted to fill the vacancy on the Planning Commission. He will be appointing to the Planning Commission on September 15, and requested additional names for consideration.

RECESS

It was moved by Councilman Brown and seconded by Councilwoman Quimby that the meeting be recessed until 7:30 p.m. Wednesday, September 8, 1976. Motion carried.

Neva B. Lockhart

Neva B. Lockhart
City Clerk