

Grand Junction, Colorado
September 21, 1955

The City Council of the City of Grand Junction met in regular session at 7:30 P. M. Councilmen present and answering roll call were Shults, Harper, Colescott, Lowe, Orr, Emerson and President Wright. Also present were City Manager Toyne, City Attorney Groves and City Clerk Tomlinson.

It was moved by Councilman Harper and seconded by Councilman Orr that the minutes of the regular meeting held September 7th be approved as written. Motion carried.

ORD. 2 AM CLOSING FOR BARS NOT PASSED. The Proof of Publication to the proposed ordinance entitled AN ORDINANCE AMENDING SECTION 6, CHAPTER 34 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, RELATING TO THE DAYS AND HOURS FOR THE SALE OF LIQUOR was presented and read. It was moved by Councilman Colescott and seconded by Councilman Orr that the Proof of Publication be accepted and filed. Motion carried.

It was then moved by Councilman Colescott and seconded by Councilman Orr that the proposed ordinance be called up for final passage. Motion carried.

Messrs. Buthorn, Santy and Culley were present and protested changing the ordinance which provides for a 12 o'clock midnight closing hour for bars. The State law has been changed allowing bars in the State of Colorado to remain open until 2 A.M. and Mr. Vogel had requested that the Grand Junction ordinance be changed in accordance therewith. The ordinance was read and upon motion of Councilman Orr and seconded by Councilman Colescott was passed, adopted, numbered 930 and ordered published. Roll was called on the motion with the following result:

Councilmen voting "AYE:" Orr, Colescott, and Pres. Wright
Councilmen voting "NAY:" Shults, Harper, Emerson and Lowe.

A majority of Councilmen voting "NAY," the motion was declared lost and the ordinance not passed. Mr. Vogel then stated that he planned to bring suit to try the validity of the ordinance and stated that he hoped there would be no hard feelings on the part of the Council should he bring this suit. The Council assured him that there would not be any animosity whatever and that they would be glad to know whether or not the ordinance was legal.

City Attorney Groves asked what his position should be in this suit - in the following particulars - whether the defense of the action should contain technical objections such as the form of the action, or whether he should appear for the City and forthrightly join with Mr. Vogel in asking for a decision as to the law involved without raising technical objections. He was advised to proceed without technical objections to the end that a decision could be reached in the action as to whether a Home Rule City

has regulatory powers and of course to urge upon the courts any reason why the City should have such powers.

ORD. 930 - PROHIBITING PARKING OF TRAILERS. The following entitled emergency ordinance was introduced and read: AN ORDINANCE PROHIBITING THE PARKING OF UNATTACHED TRAILERS HAVING AN OVER ALL LENGTH OF 18 FEET OR MORE ON THE STREETS OF THE CITY OF GRAND JUNCTION. It was moved by Councilman Colescott and seconded by Councilman Lowe that the ordinance be passed, adopted, as an emergency ordinance, numbered 930 and ordered published. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

NEW SWIMMING POOL. Mr. M. R. Douglas and Mrs. Frieda Harris, the contact committee for the new swimming pool, were present and stated that the project of a new swimming pool was meeting with a great deal of enthusiasm among the members of the various service clubs and that they would need a definite commitment from the Council very soon on the amount of money that the City would make available for the pool.

HOULTON REPLAT SUB. ANNEX. CONTINUED. This was the date set for hearing on the annexation of the Houlton Replat Subdivision. Messrs. Files, Grant and Hobbs appeared before the Council and protested the annexation of this subdivision. The way it is presently platted gives them no access roads whatever for their property which is located to the north and east of the proposed Houlton Subdivision.

No proper maps had been filed showing the final lay-out of streets and alleys. It was moved by Councilman Orr and seconded by Councilman Emerson that the hearing on the Houlton Subdivision Replat annexation be continued to the next meeting of the Council. Motion carried.

WESTERN STATES CONSTR. TO DEDICATE FOR 21ST STREET. Mr. Saltz of the Western States Construction Co. appeared before the Council and stated that they would be willing to dedicate 30 feet on 21st Street for their share of the street from North Avenue along the property which they have recently purchased and upon which they expect to build a motel. They asked, however, that they be allowed to use the east 12 feet of this property for parking purposes. This would allow a 36 foot paved street and parking along the edge of the street to be used in connection with the motel. Mr. Saltz also agreed that there would be no buildings constructed along this 12 foot property.

It was moved by Councilman Harper and seconded by Councilman Lowe that the City Council would agree that when Mr. Saltz dedicates the 30 ft. strip of land along his property at 21st Street and North Avenue for 21st Street that he be allowed to use the east 12 feet for parking purposes. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

ORD. 931 SPECIAL APPROPRIATIONS. The following entitled emergency ordinance was presented and read: AN ORDINANCE PROVIDING FOR SPECIAL APPROPRIATIONS AND DECLARING AN EMERGENCY. It was moved by Councilman Lowe and seconded by Councilman Harper that the proposed ordinance be passed and adopted as an emergency ordinance, numbered 931 and ordered published. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

GRANT 2 WATER TAPS TO GUY WALLACE. Mr. Guy Wallace presented an application for water taps to serve two houses at Walnut and Linda Lane; these taps to be on the Jaros line. Sometime previously, Mr. Reeser applied for water for homes in this location and was denied a city water tap because he did not care to comply with city regulations and annex his property to the City.

It was moved by Councilman Colescott and seconded by Councilman Lowe that the request of Mr. Wallace be granted on the condition that Mr. Wallace dedicate to public use in a manner acceptable to the City Attorney 30 feet on Walnut Ave. and 25 feet on Linda Lane for street purposes. Motion carried.

FLOWLINE & SERVICE CENTER. City Manager Toyne reported that the construction of the pipeline was progressing very rapidly; that the City building program is progressing and as soon as labor is available they will start to lay the cinder blocks.

SEWER SURVEY. City Manager Toyne also stated that Mr. Turney would like to meet with the Council to present his plans for development of the sewer system and would like to discuss it with them personally. Thursday, Sept. 29th, at 6:30 P. M. was set tentatively as the date for this meeting if Mr. Turney could be here at that time.

TO PAY PHELPS \$900 MO. ON GARBAGE CONTRACT. Mr. Rex Phelps was present and stated that on account of the increased demands for service and the cost of preparing garbage for feeding to his hogs, he would no longer be able to carry on with the garbage contract unless the City could pay him \$900 per month from June 1st, or he would pay the City \$50 per month for the garbage which the City would pick up or he desired to serve notice that he would cancel his contract.

His representative from the U. S. Bank had inquired of several other cities in the state and had found that in all places more money was allowed for garbage collection than he was being paid and that in order to put the whole project on a paying basis Mr. Phelps would have to have more financial support from the City.

Councilman Harper asked if he would work until January 1st on a temporary contract at \$700 per month basis. Councilman Shults stated that he felt that if it took \$900 per month to put his business on a paying basis that the City should not try to decrease the amount which Mr. Phelps felt was necessary.

It was moved by Councilman Lowe and seconded by Councilman Colescott that Mr. Phelps be granted the sum of \$900 per month on his contract retroactive to June 1st and expiring on January 1st; a new contract to be negotiated on the basis of a financial statement furnished to the City by Mr. Phelps on January 1st. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

ORD. 931 SPECIAL APPROPRIATIONS. It was moved by Councilman Harper and seconded by Councilman Lowe that Ord. 931 as passed this evening be withdrawn. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried. It was then moved by Councilman Shults and seconded by Councilman Lowe that Ordinance 931 be amended as follows: that the first paragraph be amended by adding "for additional expense of garbage collection" and that Section 1 e. be added to provide as follows: "To the Public Health fund the sum of \$900" and that the ordinance as amended be passed and adopted as an emergency measure and duly published according to the Charter of the City of Grand Junction. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

WATER BILL ADJUSTMENT. Mr. J. F. Brenton, 1622 No. 8th Street, requested a water bill adjustment due to an underground service line break. His Sept. 1, 1955 bill amounted to 128,300 gallons of water or \$26.60. A year ago for the same quarter, 82,600 gallons of water amounting to \$18.74 were used. It was moved by Councilman Colescott and seconded by Councilman Lowe that the request be granted and Mr. Brenton's water bill be adjusted at \$18.74. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

ORD. 932 SALE OF 3.2 BEER. The following entitled emergency ordinance was presented and read: AN ORDINANCE RELATING TO THE SALE OF 3.2% BEER, PROHIBITING THE SALE TO OR PURCHASE OF BEER BY MINORS, PROVIDING PENALTIES FOR VIOLATIONS AND PROVIDING FOR THE REVOCATION OR SUSPENSION OF BEER LICENSES FOR THE VIOLATION OF STATE LAWS OR CITY ORDINANCES REGULATING THE SALE OF BEER. It was moved by Councilman Orr and seconded by Councilman Lowe that the Ordinance be passed and adopted as an emergency ordinance, numbered 932 and ordered published. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

ORD. 933 SPEED LIMITS. The following entitled emergency ordinance was presented and read: AN ORDINANCE AMENDING SECTION 14 (a), ARTICLE IV, CHAPTER 47 OF THE 1953 COMPILED ORDINANCES. It was moved by Councilman Lowe and seconded by Councilman Shults that the ordinance be passed and adopted as an emergency ordinance, numbered 933 and ordered published. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

RESTAURANT LEASE AT AIRPORT. City Attorney Groves presented a tentative lease which he had drawn up for a restaurant at the Airport and read the various provisions to the Council. Mrs. Felmlee had not been presented with this lease. Several changes were authorized by the Council, and it was moved by Councilman Lowe and seconded by Councilman Orr that the City Manager be authorized to enter into a lease and agreement with Mrs. Felmlee for the operation of a restaurant at Walker Field along the lines submitted by Mr. Groves. Motion carried.

ELECTRICAL CODE. City Attorney Groves also stated that he had studied the electrical code which was proposed at the last Council meeting and had received reports from various officials including Mr. Snyder, the Electrical Inspector, and that there were a number of good points in the code and he felt that rather than adopt a whole new code, amendments could be made to our present electrical ordinance. It was suggested that Mr. Toyne, Mr. Groves, Mr. Snyder, a representative of the Union, Mr. Dee, a member of the City Council and a member of the electrical contractors go over the code and decide upon the changes and amendments to be made and submit them to the Council. It was moved by Councilman Shults and seconded by Councilman Orr that this matter be turned over to Mr. Lowe as the Council's representative on this committee. Motion carried.

TRAFFIC - PEDESTRIAN R/W. Councilman Orr asked what ordinances in the City's code accords the pedestrian the courtesy which should be his and which they do not have especially in the downtown district and on North Avenue at the present time. City Attorney Groves cited the parts of the ordinances giving the pedestrian right of way and Mr. Johnson, Chief of Police, spoke to the Council outlining what the Police Department actually does with their man power.

NATL. GUARD ARMORY. Councilman Emerson made a report for his committee which is trying to secure ground for the National Guard building. To date they have not found a suitable place for the building but expect to keep on trying.

GASOLINE TRANSPORTS TO USE FREEWAY. Councilman Harper suggested that the time was about here when the City should require that gasoline transports use the new freeway and not 5th Street for a highway through the City.

CONSTITUTION WEEK. President Wright presented a proclamation which had been sent to him in which President Eisenhower had set Sept. 17th through the 23rd as "Constitution Week." The Mount Garfield Chapter of the D.A.R. also requested that the City provide an official proclamation concerning "Constitution Week."

1ST & GRAND INTERSECTION NOT ADEQUATE. President Wright also stated that it was his opinion, and that of several people who had called him, that the proposed intersection at 1st and Grand Avenue which the State Highway Department has designed in their plans for the west end of the freeway will not adequately serve the traffic which will be using this intersection, and it was his opinion that Mr. McCoy should be contacted and asked to come before the Council so that the Council might further

study the plans for this intersection. City Manager Toyne was instructed to invite Mr. McCoy to present this plan to the City Council.

It was moved by Councilman Orr and seconded by Councilman Lowe that the meeting adjourn.

/s/ Helen C. Tomlinson
City Clerk