

Grand Junction, Colorado
February 1, 1956

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, Emerson, Lowe, and President Wright. Councilmen absent, Orr and Colescott. Also present were City Manager Toyne, City Attorney Groves and City Clerk Tomlinson.

It was moved by Councilman Lowe and seconded by Councilman Emerson that the minutes of the regular meeting held January 18th be approved as written.

CATHOLIC CHURCH ANNEXATION. This was the date set for hearing on the annexation of a tract of land at 7th and Bookcliff known as the Immaculate Heart of Mary Church addition. Councilman Shults stated that he was not in favor of taking in such a small tract of land, and he expressed his opinion that the west side of 7th Street which is not now in the City limits should be forced to come into the City and also the balance of the tract of land which was purchased by the Catholic Church on the east side of 7th Street.

Mr. Andy Williams, Attorney, stated that originally the Church had expected to cover the ditch which goes through and along the tract of land which they purchased and also to put in curb, guttering and paving but at the present time they find their finances are such that it will be impossible for them to cover the entire ditch.

Councilman Harper stated that the ditch should be covered whether or not any paving is done at the present time and suggested that paving be done later in an improvement district.

It was moved by Councilman Harper and seconded by Councilman Lowe that the contract be drawn up with the Immaculate Heart of Mary Church officials requiring that the ditch be covered and if the church officials desire the curb and gutter construction may be postponed until some future improvement district is formed so that the costs can be apportioned over a period of years. Motion carried.

It was also moved by Councilman Harper and seconded by Councilman Lowe that the church officials do all possible toward bringing in the balance of the area which they own and also the area on the west side of 7th Street. Motion carried.

It was moved by Councilman Shults and seconded by Councilman Harper that a condition of the contract provide that the church officials pay 5% of the cash value of their land on the property east of 7th unless the property on the west side of 7th Street can be annexed, then if all of both tracts of ground are annexed the Council would waive the 5% on all of it. Motion carried.

It was moved by Councilman Shults and seconded by Councilman Lowe that if the property on the east side of 7th Street ceases to be used for church property that it be subdivided in accordance with planning commission requirements. Motion carried.

The following proposed ordinance was presented and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION. It was moved by Councilman Harper and seconded by Councilman Lowe that the proposed ordinance be passed for publication. Motion carried.

GRANT 3.2 BEER LICENSE ARAGONS. This was the date set for hearing on the application of Richard and Mary B. Aragon dba Circle Cafe at 319 So. 2nd St. for a 3.2 beer license. A letter to the Council from Chief Karl Johnson stated that Mrs. Mary Valdez Baiza, also known as Mary B. Aragon, had been arrested on two different occasions; April 20, 1946, she was arrested on a charge of disorderly conduct and creating a disturbance; she was found guilty of this offense in municipal court and fined \$10.00. On April 23, 1953, she was arrested along with a man not her husband for stealing some articles from a hotel room and for leaving the room in an extremely soiled condition. On this occasion she paid for the damage and was released without prosecution.

Richard Aragon was arrested on November 4, 1954 for driving while his license was suspended by the State Motor Vehicle Department. He was fined \$50 for this offense.

It was moved by Councilman Shults and seconded by Councilman Emerson that a 3.2 beer license be granted to Richard and Mary Aragon for the Circle Cafe at 319 So. 2nd. Motion carried.

It was suggested that the Police Department make clear to the Aragons that even though problems develop outside of their restaurant as well as inside stricter enforcement in this particular location should be in order.

RENEW BEER LICENSES. Applications for renewal of beer licenses for Safeway Stores, Inc., 217 No. 7th and Mrs. Claude Basquette dba Longo's Grocery, 322 So. 2nd were presented. It was moved by Councilman Lowe and seconded by Councilman Shults that these licenses be renewed. Motion carried.

TABLE FILES REQUEST. Mr. Gene Files requested that the City condemn the north 20.15 feet of Lot 15 in Block 1 of Arcadia Subdivision to provide a roadway for the extension of Bunting Avenue. The following letter from Mr. Burton, City Engineer, to Mr. Toyne, City Manager was read:

"December 5, 1955

MEMO TO: Mr. W. D. Toyne, City Manager

FROM: J. A. Burton, City Engineer

SUBJECT: Files Brothers property - North Avenue

In May of 1954 Mr. Carter applied for a permit to construct a tourist court on property acquired from Mr. Gene Files, said property being located on the North side of North Avenue in the 2200 block.

Issuance of this permit was held up because no provision had been made to provide street right-of-ways which we felt would be required to properly develop the adjoining property--namely, 20 ft. from south side of property to make North Avenue 100 ft., as required by the State Highway, and approximately 31 ft. along the west side of the property to allow for the extension of 22nd Street from Arcadia Village south to North Avenue.

On Thursday, May 27, 1954, Mr. Carter, Attorney Hotchkiss, C. A. Walt, John Harper, Attorney Turner and myself met at City Hall to work out this problem.

Mr. Carter agreed to give the 20 ft. of R.O.W. desired for North Avenue, but did not feel should give any property for street purposes on the West side of his property.

After considerable discussion, a compromise was reached as follows: The 20 ft. additional R.O.W. for North Avenue was accepted. The plan to extend 22nd Street to North Avenue was abandoned with the understanding that eventually Bunting Avenue would be extended from 23rd Street, west, and 22nd Street would be extended south from Arcadia Village to connect with Bunting Avenue.

With the above plan in mind a deed to the S 23.85 ft. of Lot 16, Block 1, Arcadia Village was accepted, and since the balance of R.O.W. required to extend Bunting west from 23rd Street was in other ownership than parties involved, a check for \$193.05 was accepted toward obtaining the north 26.15 ft. of Lot 15, Block 1, Arcadia Village.

At the time of this meeting it was felt that since the balance of R.O.W. for Bunting Avenue was in possession of the Files Brothers it could be obtained before development of the adjoining unsubdivided ground would be allowed.

I do not feel that the City is obligated to obtain the N 26.15 ft of Lot 15, Block 1, Arcadia Village for street R.O.W. unless Bunting Avenue extends from 23rd Street to 21st Street, as planned, or is at least connected to 22nd Street and 22nd Street is opened from Bunting Avenue to Arcadia Village.

Yours very truly,

J. A. Burton
City Engineer"

cc: James K. Groves
John Harper

It was moved by Councilman Harper and seconded by Councilman Shults that this matter be tabled until Mr. Files submits a plan for the development of his property. Motion carried.

DR. HALL SEWER STOPPAGE. City Manager Toyne reported that as far as he could learn, no city employee had been called out at the time of the sewer trouble at the Dr. Hall residence at 1645 West Sherwood Drive. He stated that most of the plumbers in the City notify City employees whenever they discover any difficulty in the city sewer system but that the Clifton Electric and Supply Company who was called to un-stop the sewer, did not notify the City that there had been any trouble in this location.

It was moved by Councilman Harper and seconded by Councilman Lowe that the City Manager be authorized to take care of this matter and make such settlement as he feels equitable. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

DOWDELL REQUEST REFERRED TO CM, CE C of P. Mr. O. R. Dowdell has requested permission to construct a layback curb along the west side of No. 8th Street at North Avenue. He withdrew his request for a layback curb stating that he had talked with Chief of Police Johnson who was not in favor of granting permission for a layback curb and instead asked for an extension of his driveway at the south side of his lot. He stated that his driveway was 29 feet back from North Avenue and that he would like to have it widened approximately 10 feet.

It was moved by Councilman Harper and seconded by Councilman Shults that this matter be referred to the City Manager, City Engineer and Chief of Police with the authority to grant this request within the province of good management. Motion carried.

ZONING. City Manager Toyne made a report of a recent meeting of the Planning Commission. The Commission recommended the approval of a change of zoning on the west side of 7th Street south of Grand Avenue for one and one-half blocks. This includes lots 11 through 21 in Block 83 and lots 11 through 15 in Block 94 to be changed from Business "A" to Business "B" District. This area is now being used for business purposes and is an extension of Business "B" district to the south. It was moved by Councilman Harper and seconded by Councilman Lowe that the Council set March 7th as the date of hearing for the change of zoning in this District. Motion carried.

The Planning Commission also reported that they had received applications for a change of zoning on the south side of Belford from 7th to 9th Streets from Residence "B" to Business "AR" District. The Commission did not recommend the change in this zoning. It was moved by Councilman Shults and seconded by Councilman Harper that

a hearing be set for the first meeting in March on the change of zoning in this area. Motion carried.

Consideration was given to the changing of Lots 22 through 30 in Block 5 from Residence "B" to Business "AR." This property is located on the north side of Belford from 8th Street west to the north-south alley. The Commission did not recommend this change. It was moved by Councilman Shults and seconded by Councilman Lowe that a hearing be set for the first meeting in March to consider this change of zoning. Motion carried.

AIR FAIR. The Grand Junction Junior Chamber of Commerce is planning for an Air Week Observance of the tenth anniversary of commercial airline service to this community. They propose a program from April 23rd to 29th with the climax at Walker Field on the 29th. This would be a cooperative affair with the commercial airlines, fixed base operator, private pilots and military air branches participating. They would like to have the Council approve the following:

1. Approval of the entire plan.
2. Approval to proclaim Apr. 23 to 29 Air Week.
3. Approval to use Walker Field for an Air Fair on April 29th.
4. Approval to operate food and drink concessions at the Airport during the Air Fair with the proceeds from this concession helping to cover the cost of the project.
5. Approval to operate sight-seeing flights in commercial airplanes on April 29th.

It was moved by Councilman Shults and seconded by Councilman Harper that the request be granted and that the Chief of Police be asked to see that the policing problem is taken care of. Motion carried.

DRUNKOMETER DEMONSTRATION. Chief of Police Johnson reported that the Drunkometer demonstration would be held in the district court room on February 7th at 2:00 P.M.

BID AND CONTRACT TO C. E. MILLER. The following bids for the construction of the by-pass line from Hallenbeck Reservoir were received:

C. V. Miller, Denver, Colo.	\$26,945.22
-----------------------------	-------------

C. E. Mills, Montrose, Colo.	28,555.92
Foutz & Bursum, Farmington, New Mex.	28,579.00
Corn Construction Co., Grand Junction	30,000.00
Gardner Construction Co., Glenwood Springs	31,127.00
George Tilton, Grand Junction	32,043.06

It was moved by Councilman Shults and seconded by Councilman Lowe that the bid of C. E. Miller of Denver, Colorado, for the sum of \$26,945.22 be accepted as the low bid and that the contract be executed and awarded to Mr. Miller. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

TO PROCEED WITH BOND ELECTION. City Manager Toyne reported that he would be ready whenever the legislation had been passed to proceed with the bond issue for the construction of the swimming pool, police building and sewer improvements.

REVOCABLE PERMIT TO D & R G W. City Attorney Groves stated that in October of 1954, a revocable permit had been granted to the Grand Junction Building Materials Company to construct a spur track. It now seems that this permit should have been granted directly to the D. & R. G. Railroad Co. The following Resolution was presented and read.

RESOLUTION

WHEREAS, on October 20, 1954 the City of Grand Junction granted unto Grand Junction Building Materials Company a revocable permit for a railroad spur track and it now appearing that such permit more properly should have been issued to the Denver and Rio Grande Western Railroad Company;

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

1. A revocable permit is hereby granted to the Denver and Rio Grande Western Railroad Company hereinafter referred to as the grantee, to operate such standard gauge railroad spur track along Fourth Avenue, said point being approximately 150 feet West of the West line of the intersection of Fourth Avenue and Tenth Street, thence running Southeasterly along Fourth Avenue and across the intersection at Tenth Street and Fourth Avenue to the property of Grand Junction Building Materials Company situate on the south side of said Fourth Avenue.

2. During the term of this revocable permit the grantee shall be subject to the following conditions:

- a. If the grade of the track is afterwards changed by the City, the grantee shall, at its own expense, change the elevation of the tracks so as to conform with the same.
- b. Said tracks shall be laid and the road operated so as to cause no unnecessary impediment to the common and ordinary use of said street upon which it is laid.
- c. The City reserves the right to regulate and control the speed of all trains, engines and cars operated by the grantee, its successors and assigns, upon said track.
- d. Grantee shall put in and maintain such crossings of said track as shall from time to time be required by the City Council.
- e. Good and sufficient conduits to convey water shall be laid and maintained in good condition at the expense of said grantee in all water ditches crossed by said track so as to admit a free passage of water.

3. Nothing in this permit shall be so construed as to prevent the City of Grand Junction or its authorized agents, or contractors, or persons or corporations to whom a franchise or revocable permit may have been or may hereafter be granted, from paving, constructing sewers, laying gas or water mains, pipes or conduits, altering, repairing or in any manner improving said street.

4. Said grantee herein, its successors and assigns, shall and by the acceptance of the privileges and revocable permit herein granted, and in consideration of the same, does hereby bind itself, its successors and assigns, upon its acceptance of the permit, to save said City harmless from all suits, claims, demand and judgments whatsoever whether in law or in equity which shall be asserted, found or rendered in any manner whatsoever against said City for injury or damage to abutting property, or personal injury or otherwise, by reason of the granting of this permit, or by reason of the construction or operation of and upon said tract, and that the grantee herein, its successors and assigns, will pay the amount of any judgment, determination or adjudication which in any suit or proceeding may or shall be found against the City of Grand Junction, and said grantee, its successors and assigns, shall appear in and defend all actions brought against the City of Grand Junction for any injury or damage by reason of the construction, operation or maintenance of and upon said tract.

5. Unless this grant and permit and the terms and conditions thereof shall be accepted in writing by the grantee herein within 60 days after the adoption of this Resolution, then this Resolution shall be null and void. Upon such acceptance in writing

within such 60 day period, such permit granted to Grand Junction Building Materials Company shall be revoked.

PASSED AND ADOPTED THIS 1st day of February, 1956.

(Signed) Herbert M. Wright
President of the City Council

ATTEST:

No. 3689

Helen C. Tomlinson
City Clerk

The terms, conditions and obligations set forth above for revocable permit are accepted by the grantee, Denver and Rio Grande Western Railroad Company, this 1st day of February, 1956.

DENVER & RIO GRANDE WESTERN RAILROAD COMPANY

BY L. B. Coleman

It was moved by Councilman Harper and seconded by Councilman Lowe that the Resolution be passed and adopted as read. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

TO GET LAND BACK FROM VETERANS ADMINISTRATION. The Veterans Administration has been instructed to dispose of any spare real estate they may have so they propose to deed back to the City a portion of the ground of approximately 16.72 acres donated to them by the City of Grand Junction at the time the Veterans Hospital was built here with the following instructions:

1. The ground is to be used for park or municipal purposes only.
2. It is requested as a condition of the granting back to the City of this ground that the Veterans Administration be permitted to maintain and keep and have sole control over the lake so long as they maintain such lake; if at any time the lake is abandoned that the property would revert back to the City.

Representative Aspinall should be contacted and asked to get in touch with the Veteran's Administration real estate officer to indicate the City is willing to accept the property under these conditions and to ask him to support an Act of Congress to approve the transfer.

It was moved by Councilman Harper and seconded by Councilman Shults that the City of Grand Junction accept this property with the conditions as imposed upon by the Veterans' Administration, and request Rep. Aspinall to take the necessary action to get an Act of Congress approval. Motion carried.

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

/s/ Helen C. Tomlinson
City Clerk