

Grand Junction, Colorado  
March 21, 1956

The City Council of the City of Grand Junction met in regular session at 7:30 P. M. Councilmen answering roll call were Shults, Harper, Colescott and Emerson. Pres. Wright, Councilmen Orr and Lowe were absent. It was moved by Councilman Emerson and seconded by Councilman Harper that Councilman Colescott act as President Pro Tem of the Council and Councilman Colescott took the chair. Also present were City Manager Toyne, City Attorney Groves and Blanche Stringer. City Clerk Tomlinson was absent.

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

RENEW BEER LICENSES. Applications for the renewal of 3.2 beer licenses were presented for A. S. & Lena Alexander dba Black & White Grocery, 904 No. 7th Street, and City Market, Inc., 124 No. 4th Street. It was moved by Councilman Harper and seconded by Councilman Shults that these licenses be granted. Motion carried.

ORD. 950 ZONING. The Proof of Publication to the proposed ordinance entitled AN ORDINANCE AMENDING CHAPTER 83 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, AND THE ZONING MAP INCORPORATED THEREIN (West side of No. 7th St. from Grand Ave. south for 1 1/2 blocks to be changed from Business "A" to Business "B") was presented and read. It was moved by Councilman Shults and seconded by Councilman Harper that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Harper and seconded by Councilman Shults that the proposed ordinance be called up for final passage. Motion carried. The Ordinance was then read and upon motion of Councilman Emerson and seconded by Councilman Shults was passed, adopted, numbered 950 and ordered published. Roll was called on the motion with all members of the Council present voting "AYE." The President Pro Tem declared the motion carried.

ORD. 951 REPEALING SEC. 1 & 2 ORD. 929 DOGS. The Proof of Publication to the proposed ordinance entitled AN ORDINANCE REPEALING SECTIONS 1 AND 2 OF ORDINANCE NO. 929 RELATING TO DOGS RUNNING AT LARGE was presented and read. It was moved by Councilman Shults and seconded by Councilman Harper that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Harper and seconded by Councilman Shults that the proposed ordinance be called up for final passage. Motion carried. The Ordinance was then read and upon motion of Councilman Shults and seconded by Councilman Emerson was passed, adopted, numbered 951 and ordered published. Roll was called

on the motion with all members of the Council present voting "AYE." The President Pro Tem declared the motion carried.

PROP. ORD. DEFINING USES IN RESIDENCE DISTRICTS. The following proposed ordinance was introduced and read: AN ORDINANCE AMENDING THAT PART OF SECTION 2 OF CHAPTER 83 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, PERTAINING TO THE USES PERMITTED IN RESIDENCE "C", "D", AND "E" DISTRICT, AND AMENDING SECTION 3 OF SAID CHAPTER 83 PERTAINING TO ACCESSORY USES IN RESIDENCE DISTRICTS.

Mr. E. O. Moyer was present in the audience and stated that he had asked for permission to have a real estate office in his home at 5th and Gunnison in a Residence "C" District and he could not see why a real estate office in his home was any different from a physician or dentist. City Manager Toyne explained that the line had to be drawn somewhere and a real estate office was considered commercial, that his request had been before the zoning board and his notice was in the mail.

It was moved by Councilman Shults and seconded by Councilman Emerson that the proposed ordinance be passed for publication. Motion carried.

LILY DAY MAR. 24, 1956. A request was presented from the Future Homemakers of America sponsored by Miss Gladys Glendenning to sell lilies on the streets on March 24, 1956. It was moved by Councilman Harper and seconded by Councilman Emerson that this request be granted. Motion carried.

REVOCABLE PERMIT TO STERLING CO. A letter and map from Mr. Laird Smith were presented. Mr. Smith, acting as agent for the Sterling Co., has a prospective buyer for Lots 1 through 4 Block 162, City of Grand Junction (between 4th and 5th on South Ave.) if the City of Grand Junction will vacate or allow them to use the alley so they can build up to the spur track. City Engineer Burton stated this alley is not being used as such but the City has a sewer line in this alley and should have access to it.

It was moved by Councilman Shults and seconded by Councilman Emerson that the following Revocable Permit be granted to the Sterling Company for the use of this alley adjoining their property but only on the condition that it can be revoked at any time and at all times while in existence, the City has the full right without being liable to them or to persons acting under them to maintain, repair and service any utilities including the sewer line in the alley area. Roll was called on the motion with all councilmen present voting "AYE." President Pro Tem Colescott declared the motion carried.

WHEREAS, W. P. FULLER & CO., a California Corporation, with principal offices in Salt Lake City, Utah and San Francisco, California, is the owner of Lots No. 1, 2, 3 and 4 of Block 162, City of Grand Junction, and

WHEREAS, said Company, hereinafter referred to as "Owners" have requested permission to occupy the surface of an alley located between the South end of such Lots and the property of Denver & Rio Grande Western Railroad Company, and

WHEREAS, the City Council has determined that such use of the surface by the Owners will not be detrimental to the best interests of the City of Grand Junction,

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

1. The owners of the above described property are hereby granted a revocable permit to occupy the surface of such alley and erect structures thereon.

2. So long as this revocable permit is in effect, the Owners' use of the surface of such alley shall be subject to the following conditions:

- (a) Before any improvements are constructed upon such alley, the plans and construction thereof shall be approved by the City Engineer.
- (b) The Owners shall not interfere with the sewer line presently existing in said alley.
- (c) The City shall have the right at reasonable times to enter upon said alley for the installation of additional sewer line or lines, water or other underground utility lines, and maintaining, replacing and removing the same.
- (d) The Owners shall pay to the City the additional costs to the City to maintain, remove or install said lines referred to in Paragraph 2(c) above, caused by the Owners' use or structures upon said surface. This condition shall be effective irrespective of any approval of improvements of Owners by the City Engineer under Subparagraph 2(a) above.

3. Said Owners herein, their successors and assigns, shall and by the acceptance of the privileges and revocable permit herein granted and in consideration of the same, do hereby bind themselves, their successors and assigns, upon their acceptance of the permit, to save said City harmless from all suits, claims, demands 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 any construction or operation by Owners upon said alley, and that the Owners herein, their 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 Owners' construction, operation or maintenance of and upon said alley, and the Owners herein, their successors and assigns, shall pay the amount of any judgment,

determination or adjudication which in any such suit or proceeding may or shall be found against the City of Grand Junction.

4. Unless this grant and permit and the terms and conditions thereof shall be accepted in writing by the Owners within 60 days after the adoption of this Resolution, then this Resolution shall be null and void.

Passed and adopted this 21st day of March, 1956.

Herbert C. Wright  
President of the City Council

ATTEST:

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

ASK COUNCILMEN TO PUSH BOND ELECTION. City Manager Toyne reminded the Council that the City is having a bond election the 17th of April to raise money for the jail-police building and the improvement of the sewer system and asked for their help and cooperation in presenting the facts to the public as interest seems to be lagging. He stated that he could secure a film which could be used in this connection but he felt it would be more effective if members of the Council would talk to service clubs, organizations, etc. and publicize the need for these projects.

It was moved by Councilman Emerson that a committee be set up to draw up an educational program. There was no second to this motion so Councilman Emerson withdrew his motion. It was moved by Councilman Harper and seconded by Councilman Shults that the City Manager be authorized to run educational facts through all of the various mediums of Grand Junction. Roll was called on the motion with all members of the Council present voting "AYE." President Pro Tem declared the motion carried.

President Pro Tem Colescott appointed the following committee to work with City Manager Toyne on an educational advertising campaign on these bond issues: Councilman Harper, Chairman, with Councilmen Shults and Emerson as members.

PROP. ORD. PARKING METER HOLIDAYS. The following proposed ordinance was introduced and read: AN ORDINANCE AMENDING THE PARKING METER ORDINANCE WITH RESPECT TO "HOLIDAYS." It was moved by Councilman Shults and seconded by Councilman Harper that the proposed ordinance be passed for publication. Motion carried.

SELLING GASOLINE AT AIRPORT. Councilman Shults stated that he had talked to Mr. Davis of Monarch Aviation regarding the selling of gasoline at the Airport and that Mr. Davis would be willing to put up a \$2,000 cash bond until a bond can be arranged to assure payment of all gasoline accounts. Considerable discussion was had

on this matter and City Attorney Groves felt there were legal aspects which should be checked further. It was moved by Councilman Shults and seconded by Councilman Emerson that the City Attorney be instructed to draw up an agreement between Mr. Davis of Monarch Aviation acting as an Agent for the City and the City for the sale of gasoline at the airport to be used only in airplanes. Motion carried. Councilman Shults is to take this agreement to Mr. Davis for his consideration and to bring it back to the Council.

TRAFFIC SURVEY REPORT. Chief of Police Karl Johnson reported that Mr. Koert will not be able to be here on the 28th as he had promised to answer questions and explain the traffic survey; that he would be able to come April 1st or 2nd and felt that the Council should be free to devote a full meeting to this hearing and that it should be open to the public. It was moved by Councilman Emerson and seconded by Councilman Shults that Mr. Johnson send Mr. Koert a telegram advising him that on April 2nd at 7:30 P.M. a special meeting will be held to hear the traffic survey report. Motion carried.

It was moved by Councilman Harper and seconded by Councilman Shults that the meeting adjourn. Motion carried.

Helen C. Tomlinson, City Clerk  
By /s/ Blanche Stringer