

Grand Junction, Colorado
July 3, 1956

The City Council met in special session to take care of any and all business which might come before it in lieu of the regular meeting supposed to be held July 4th. Councilmen answering roll call were Shults, Orr, Harper, Colescott, Wright and Pres. Lowe. Councilman Emerson was absent. Also present were City Manager Cheever, City Attorney Groves and City Clerk Tomlinson.

It was moved by Councilman Orr and seconded by Councilman Shults that the minutes of the regular meeting held June 20th and the adjourned meeting held June 27th be approved as written. Motion carried.

RETOLAZA LIQUOR LICENSE CHANGE OF ADDRESS. This was the date set for hearing on the application of Johnnie Retolaza to move his retail liquor store license from 115 So. 5th to 1000 No. 5th Street. A petition signed by a large number of residents in the area was presented. The building which Mr. Retolaza has leased has not yet been constructed; in fact, it is just about to be started, and under the state law a liquor license cannot be granted before the premises are inspected.

It was moved by Councilman Colescott and seconded by Councilman Shults that this matter be continued until such time as the Council can inspect the building prior to the regular meeting on August 1st at which time it will again be considered. Motion carried.

PROP. ORD. ZONING 12TH & NORTH. This date was set for hearing on the change of zoning on 12th and North and the following proposed ordinance was presented and read: AN ORDINANCE AMENDING CHAPTER 83 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, AND THE ZONING MAP INCORPORATED THEREIN. It was moved by Councilman Shults and seconded by Councilman Colescott that the proposed ordinance be passed for publication. Motion carried.

EPISCOPAL CHURCH BLDG. REQUEST. Thorson and Day, Architects, for St. Matthews Episcopal Church, presented a letter requesting that the City Council allow a deviation from the Pacific Coast Building Code requirements for their construction of a new addition to St. Matthews Episcopal Church. Considerable discussion was had on this subject with the Council deciding that they could not very well grant a deviation from the code provisions. It was moved by Councilman Shults and seconded by Councilman Colescott that the request be denied. Motion carried.

Further discussion was then had concerning the construction of a fire wall or requiring that no windows be allowed in the outside wall. Mr. Thorson stated that he would take up with the Church Vestry the matter of building a fire wall, in case a building should be built on the west side, and thought that the Church officials would go along with this arrangement. It was moved by Councilman Shults and seconded by

Councilman Wright that the City Attorney and Building Department draw up a contract with the Church allowing them to build a fire resistant wall as stated by the architect, to meet the building code requirements, if improvements are constructed on the adjoining property; the City Manager and Church Officials to be authorized to sign this agreement. Motion carried.

MULVIHILL LIQUOR LICENSE HEARING AUG. 1. Thomas N. Mulvihill & Marguerite A. Mulvihill presented an application for a retail liquor store license to be known as the Federal Liquor Store at 220 West Grand Ave. It was moved by Councilman Wright and seconded by Councilman Colescott that this application be advertised for hearing on August 1st. Motion carried.

CANCEL TAX CERT. 26910. Mr. J. P. Helman, Attorney, requested that a Tax Sale Certificate for sewer assessment amounting to \$7.33 on a ten foot strip of ground owned by Earl Van Gundy in So. 5th St. Subdivision be cancelled. In replatting this area in 1947, an overlap was made from the original metes and bounds description. It was moved by Councilman Wright and seconded by Councilman Shults that the City Treasurer be authorized to cancel Tax Sale Certificate No. 26910. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

LINDA LANE ANNEXATION. Mr. Harvey Webster was present and stated that he had the petition signed for annexation of property located on Linda Lane. He was advised to have a plat drawn up on this property and to take it to the Planning Commission for approval.

LINCOLN PARK SWIM POOL RATES. Discussion was had concerning charges to be made on the new Lincoln Park Swimming Pool. A recommendation was made by Park Superintendent Stocker and City Manager Cheever setting the price at \$10.00 for an adult season ticket and \$5.00 for a child's season ticket, 75¢ for an adult single admission, 50¢ for child's single admission, suit rental, 50¢ for adults, child's suit rental, 25¢ and towel rental at 10¢. The hours at the pool to be the same as Moyer Pool; from 9:00 am to 12 noon and from 2:00 to 9:00 pm and Sundays from 1:00 to 9:00 pm.

It was also recommended that all free swimming be in the Moyer Pool. It was suggested that no season tickets be sold this year. Councilman Harper suggested that if anyone desired to purchase a season ticket at the full season price that they should be allowed to purchase same. Councilman Wright stated that he hoped to eliminate any possibility of class distinction in the pools and suggested that it might be wise to set aside Moyer Pool for younger children.

It was moved by Councilman Wright and seconded by Councilman Colescott that as the recommended prices appear to be fair, the City Attorney be authorized to draw up an ordinance setting the prices as recommended by Mr. Stocker and City Manager Cheever and defer until a later date any action on an age limit; that season tickets be sold at the regular prices for the balance of the year; that all free swimming be in Moyer

Pool; that all Red Cross swimming instruction be in Moyer Pool; that those holding season tickets in the Lincoln Park Pool be allowed to swim in Moyer Pool; also that the Moyer Pool ordinance be revised and modernized and include making a charge of 5¢ for the use of towels. Motion carried.

PROP. ORD.-VACATING KENNEDY LANE. The following proposed ordinance was introduced and read: AN ORDINANCE VACATING THE ALLEY KNOWN AS KENNEDY LANE. It was moved by Councilman Harper and seconded by Councilman Orr that the ordinance be passed for publication. Motion carried.

WATER BILL ADJUSTMENT. Mr. Raymond H. DeRose, 124 W. Colo., requested a water bill adjustment due to an underground leak in the water line around the outside faucet which resulted in the use of 113,600 gallons of water during the quarter ended July 1, 1956. Last year in the corresponding quarter only 20,700 gallons of water were used. The adjustment for the difference in water use would be \$16.03 or the difference between \$24.09 and \$8.06. It was moved by Councilman Colescott and seconded by Councilman Orr that the request be granted. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

1955 AUDIT. The audit for the year 1955 of James E. Ragan was referred to the Finance Committee: Councilmen Harper, Emerson and Wright. Councilman Harper stated that Mr. Ragan had been instructed to bring the audit up to June 30th, 1956, on account of Mr. Toyne's leaving the employ of the City.

PETITION & RESOL. REGENT SUBDIV. The following petition and resolution for annexation of property were presented and read:

PETITION FOR ANNEXATION

TO THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

We, the undersigned, do hereby petition the City Council of the City of Grand Junction, Colorado, to annex the following described property to said City, to-wit:

The Northwest Quarter of the Northeast Quarter of the Southeast Quarter and the East Half of the Northeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 12, Township 1 South, Range 1 West of the Ute Meridian;

As grounds for this petition we respectfully show to the Council that the said territory is eligible for annexation in that it is not embraced within any City or Town, that it abuts upon or is contiguous to the City of Grand Junction in a manner which will afford reasonable ingress and egress thereto, that more than one-sixth of the aggregate external boundaries of the territory proposed to be annexed coincide with existing boundaries of the City, and that the non-contiguous boundaries of the said territory coincide with existing block lines, street lines, or governmental subdivision lines.

This petition is accompanied by four copies of a map or plat of such territory showing its boundaries and its relation to established city limit lines, which said map is prepared upon a material suitable for filing.

Your petitioners further state that they are the owners of more than fifty per cent (50%) of the area sought to be annexed and comprise a majority of landowners residing in the territory sought to be annexed and that they own said property as joint tenants, EXCEPTING the property owned by Gladys C. Van Deren, as Executrix of the Estate of Coe Van Deren, deceased, Lee B. Ford and Blaine D. Ford is owned as tenants in common, and the property owned by Orville R. Barbour is owned individually; that all of the undersigned are residents of said territory excepting Gladys C. Van Deren, as Executrix of the Estate of Coe Van Deren, deceased, Lee B. Ford, Blaine D. Ford and Orville R. Barbour; that a description of the land owned by each signer together with his residence address and other descriptive facts are set forth hereunder opposite the name of each signer.

WHEREFORE, these petitioners pray that this petition be accepted and that the said annexation be approved by said ordinance.

<u>DATE SIGNED</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>ARE YOU A LAND OWNER</u>	<u>DESCRIPTION OF PROPERTY</u>
5-1-56	Lee B. Ford	Grand Jct.	Yes	Lots 1 to 6 both inclusive in Block 1, Bailey's Subdiv.
5-1-56	Blaine D. Ford	Grand Jct.	Yes	
5-1-56	Gladys C. VanDeren as executrix of the estate of Coe VanDeren, deceased	Grand Jct.	Yes	The S 72' of L 7 Bl 1 Bailey's
4-17-56	James W. Colliton Margaret E. Colliton	Grand Jct.	Yes	The N 68' Lot 7 and all of L 8 Bl 1 Bailey's Sub Lot 9 in Block 1 of Bailey's Subdivision

4-10-56	Curtis J. Kramer Rose M. Kramer	Grand Jct.	Yes	Lot 10 BI 1 Bailey's Subdiv.
4-10-56	Wilbur M. Class Pauline E. Class	Grand Jct.	Yes	Lot 11 BI 1 Bailey's Subdiv
4-10-56	Israel Henry Lucas Lois Adeline Lucas	Grand Jct.	Yes	Lot 12 in BI 1 Bailey's Subdiv
4-11-56	Idell E. Chaparro Orlando M. Chaparro	Grand Jct.	Yes	Lot 13 BI 1 Bailey's Subdiv
5-24-56	Leonard N. Sawtelle Rose Emma Sawtelle	Grand Jct.	Yes	Lot 14 BI 1 Bailey's
5-1-56	Lee B. Ford Blaine D. Ford	Grand Jct.	Yes	Lots 1, 2 S1/2 L 3 all Lots 5 to 9 both inclusive in BI 2 Bailey's
5-1-56	Gladys C. VanDeren as executrix of estate Coe VanDeren, deceased	Grand Jct.	Yes	N1/2 L 3 BI 2 Bailey's
4-15-56	Harold A. Bailey Ree Gene Bailey	Grand Jct.	Yes	S1/2 Lot 4 BI 2 Bailey's
5-1-56	Orville R. Barbour	Grand Jct.	Yes	N1/2 Lot 4 BI 2 Bailey's
4-17-56	Russell E. Whiteman Opal E. Whiteman	Grand Jct.	Yes	N 190' BI 3 Bailey's
5-1-56	Lee B. Ford Blaine D. Ford	Grand Jct.	Yes	S 170' BI 3 Bailey's

5-1-56	Gladys C. VanDeren as executrix of the estate of Coe VanDeren, deceased	Grand Jct.	Yes	<p>Beginning 170' W of the NE cor of E1/2 NE1/4 NW1/4 SE1/4 Sec 12, T1S, R1W, UM thence S 336' E 170' S 324' more or less to the SE Cor of said tract, thence W 330' thence N 660', thence E 160' to the point of beginning, EXCEPT beginning at the NW Cor of E1/2 NE1/4 NW1/4 SE1/4 said Sec 12, thence E 80', S 180' to the point of beginning, thence S 320', thence W 80', thence N 320', thence E 80' to the point of beginning also except beginning at the NW Cor of the E1/2 NE1/4 NW1/4 SE1/4 said Sec 12, thence E 80', thence S 180', thence W 80', thence N 180' to the point of beginning, and also except beginning at a point 80' E of the NW cor of E1/2 NE1/4 NW1/4 SE1/4 said Sec 12</p>
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4-14-56	William Cernell Barbara L. Cernell	Grand Jct.	Yes	Beginning at the NE cor of the E1/2 NE1/4 NW1/4 SE1/4 Sec 12, T1S, R1W, UPM, thence W 170', thence S 336' thence E 170' to the E line of said tract, thence N 336' to the point of beginning, EXCEPT beginning at a point 236' S of the NE cor of the NW1/4 SE1/4 said Sec 12, thence W 170', thence S 90', thence E 170', thence N 90' to the point of beg and except beg at the NE cor of the E1/2 NE1/4 NW1/4 SE1/4 Said Sec 12, thence 170' W and 166' S for a point of beginning, thence S 70', thence E 170', thence N 70', thence W 170' to the point of beginning.
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		Grand Jct.	Yes	Beginning at the NW cor of the E1/2 NE1/4 NW1/4 SE1/4, Sec 12, T1S, R1W, UM, thence E 80', thence S 180', thence W 80', thence N 180' to the point of beginning, subject to an easement for domestic pipe line along the W side of said property together with the right to maintain and repair such pipe line, which said easement has previously been granted for the benefit of the property adjoining the property herein conveyed on the S thereof
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4-14-56	Fred B. Oliver Olga P. Oliver	Grand Jct.	Yes	Beginning at a point 80' E of the NW Cor of the E1/2 NE1/4 NW1/4 SE1/4, Sec 12, T1S, R1W, UM thence E 65' thence S 336' thence W 65' thence N 336' to the point of beginning
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		Grand Jct.	Yes	Beginning at a point 236' S of the NE Cor of the NW1/4 SE1/4 Sec 12 T1S, R1W UM thence W 170' thence S 90' thence E 170' thence N 90' to the point of beginning with an easement for road purposes over, along and across the following described tract of land: Beginning at a point 336' S and 170' W of said NE cor of the NW1/4 SE1/4 of Sec 12 for a place of beg thence W 15', thence N 336' thence E 15', thence S 336' to point of beg
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5-15-56	Alice J. Sperber Fred W. Sperber	Grand Jct.	Yes	Beginning at the NE Cor of the E1/2 NE1/4 NW1/4 SE1/4 of Sec 12 T1S, R1W, UM thence 170' W and 166' S for a point of beg thence S 70' thence E 170' thence N 70', thence W 170' to the point of beg
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		Grand Jct.	Yes	Beginning at the NW Cor of the E1/2 NE1/4 NW1/4 SE1/4 Sec 12 T1S, R1W, UM thence E 80', thence S 180' for a point of beg thence S 320' thence W 80' thence N 320' thence E 80' to the point of beg with domestic water line easement along the entire W side of Roy M. Hightower and Ola F. Hightower land adjoining on the N for a distance of 180' and the right to maintain, repair and replace.
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STATE OF COLORADO)	
)	ss
COUNTY OF MESA)	

Lee B. Ford, being first duly sworn, upon his oath deposes and says: That he is the person who circulated the foregoing petition for annexation; that each signature thereon was signed in his presence; and that each signature thereon is the signature of the person whose name it purports to be.

(Signed) Lee B. Ford

Subscribed and sworn to before me this 6th day of June, 1956.

Witness my hand and official seal.

(Signed) Norman Hotchkiss
Notary Public

SEAL

My commission expires September 16, 1958

RESOLUTION

WHEREAS, a Petition to annex the following described property, to wit:

The NW1/4 NE1/4 SE1/4 and the E1/2 NE1/4 NW1/4 SE1/4 of Section 12,
Township 1 South, Range 1 West of the Ute Meridian;

has been filed with the City Clerk and is now presented to the City Council; and

WHEREAS, upon examination of the said Petition and hearing the testimony presented, the City Council does hereby find: That the said territory is eligible for annexation to the City of Grand Junction; that the Petition is signed by more than 50% of the owners of such territory to be annexed and that the Petition is signed by a majority of the land owners residing in such territory; that there is attached to the said Petition four copies of a map or plat of such territory which is suitable for filing; that the said Petition and maps are sufficient and substantially meet the requirements of Section 2, of Chapter 314, Session Laws of Colorado, 1947;

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

That the said Petition for annexation shall be and the same is hereby accepted and approved, and that notice of the filing of the said Petition shall be published once each week for four publications in The Daily Sentinel, the official newspaper of the said City of Grand Junction.

It was moved by Councilman Wright and seconded by Councilman Orr 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.

5% OF LAND VALUE REGENT SUBDIVISION. It was moved by Councilman Harper and seconded by Councilman Shults that the Council accept 5% of the land value of Regent Subdivision instead of the land and that the City Manager determine

the value of this land value and report back to the Council at the next meeting. Motion carried.

City Attorney Groves asked if the provision for utilities should be included in this contract on the same basis as in previous contracts and was advised to make them the same.

PROP. ORD. - RE ZONING CHANGES. The following proposed ordinance was presented and read: AN ORDINANCE AMENDING SECTION 12 OF CHAPTER 83 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, PERTAINING TO AMENDMENTS AND CHANGES IN ZONING. It was moved by Councilman Harper and seconded by Councilman Orr that the proposed ordinance be passed for publication. Motion carried.

TO DRAFT ORD. RE SIGNING PETITIONS. It was moved by Councilman Orr and seconded by Councilman Shults that the City Attorney be authorized to draw up an ordinance in compliance with state law in the matter of signing petitions. Motion carried.

PROSPECTUS ON BOND ISSUE MAILED OUT. City Manager Cheever reported that the prospectus on \$240,000 Public Building Bonds and \$160,000 Sewer Improvements had been mailed out to prospective bond buyers.

CLEAN UP CAMPAIGN. City Manager Cheever also reported that a campaign to clean up the alleys was going ahead with the annual weed cutting program.

ACCEPT RESIGNATION C. A. GROVES. The resignations of City Attorney Groves and Deputies Warren Turner, W. J. Dufford and Wm. Nelson were presented and read. Councilman Wright stated that no one could deny that City Attorney Groves and Associates had done anything less than an excellent job for the City of Grand Junction. The Water Committee was an attest to the time he had spent and the thoroughness of the job which he did, not only as an attorney, but as a citizen of Grand Junction. Mr. Groves stated that a lot of time was spent by his office on the City Attorney's work.

It was moved by Councilman Wright and seconded by Councilman Orr that they accept the resignation of City Attorney Groves and his Associates with regret effective on August 31st and that applications be accepted between now and the next Council meeting and if a qualified and capable applicant is found he will be appointed at the next Council meeting. Motion carried.

FIREWORKS ORD. City Attorney Groves stated that the Police Department and his office had been plagued with calls about the conflicts between the City ordinance and the State Statute on fireworks sales in the provision that the City ordinance is to be enforced within one mile of the City limits. It was moved by Councilman Orr and seconded by Councilman Shults that the City Manager, Chief of Police and Fire Chief

submit a report of their observations concerning this ordinance, to the Council. Motion carried.

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

/s/ Helen C. Tomlinson
City Clerk