

Grand Junction, Colorado
June 4, 1958

ROLL CALL.

The City Council of the City of Grand Junction met in regular session on June 4, 1958. Councilmen present and answering roll call were Emerson, Orr, Harper, Strnad, Wright and President Shults. Councilman Colescott was absent. Also present were City Manager Cheever, City Attorney Ashby and City Clerk Tomlinson.

MINUTES.

It was moved by Councilman Wright and seconded by Councilman Strnad that the minutes of the regular meeting held May 21st be approved as written. Motion carried.

ORD. 1046 - MUN. COURT COSTS.

The Proof of Publication to the proposed ordinance entitled AN ORDINANCE AMENDING CHAPTER 42 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION BY ADDING THERETO A SECTION 21 CONCERNING THE LEVYING OF COSTS IN THE MUNICIPAL COURT was presented and read. It was moved by Councilman Harper and seconded by Councilman Wright that the Proof of Publication be accepted and filed. Motion carried.

It was then moved by Councilman Wright and seconded by Councilman Strnad that the ordinance be called up for final passage. Motion carried. The Ordinance was then read and upon motion of Councilman Harper and seconded by Councilman Strnad was passed, adopted, numbered 1046 and ordered published. Roll was called on the motion with all members of the Council present voting "AYE". The President declared the motion carried.

ZONING CHANGE JAROS PROPERTY (OVERHILL CORP.)

This was the date set for hearing on the change of zoning to Business "A" district on the tract of ground between Orchard and Mesa and 12th and 13th. President Shults read a report from the Planning Commission in which they recommended that the change of zoning be not made. The Overhill Corporation had requested that the matter be deferred until the next meeting of the Council in order that they could get a full sketch of their proposed building and plans for the area to present to the Council. Mr. Cadman was on his way home from Denver and was to arrive at the meeting a little later. The City Attorney and Mr. Jas. K. Groves, Attorney for the neighbors in the vicinity of 13th and Mesa, had agreed that it would not be legal to defer the hearing on this matter. Mr. Haynie, Attorney for the Overhill Corporation, asked that the matter be deferred until Mr. Cadman arrived, and, with Mr. Groves' consent, this request was granted.

President Shults read a letter from Karl Johnson, Chief of Police, concerning the traffic pattern on North 12th Street; also a letter from the Grand Junction Trades and Labor Assembly approving the construction of a shopping center, and a letter opposing the changing of zoning written by Mrs. Winifred Merrill stating the reasons why the residents of the area disapproved of the changing of the zoning of this area.

WESTSIDE GROCERY 3.2 BEER LICENSE.

The application of Laurence R. Flanagan for a 3.2 beer license for the Westside Grocery at 505 W. Colorado Avenue was brought up for hearing. It was moved by Councilman Orr and seconded by Councilman Emerson that the request be granted and license issued when the state license has been received. Motion carried.

POLICE ADM. BLDG.

Mr. H. S. Day, Architect for the Police Building, received firm bids from the Southern Steel Company for the furnishing of jail equipment for the new police administration building at the agreed price of \$39,400. The contracts had been signed and the equipment ordered. It was moved by Councilman Harper and seconded by Councilman Orr that the action of City Manager Cheever in signing the contracts with the Southern Steel Company be approved and confirmed. Motion carried.

WATER DEEP CREEK RES. STOCK

The J. B. Claybaugh estate offered fifty shares of Deep Creek Reservoir stock to the City of Grand Junction for the price of \$39.00 per share less 15% or a total price of \$1,657.50. This price is based on that paid to Mr. Hallenbeck for the reservoir stock which was purchased from him a year or so ago. At the present time, the City does not own stock in Deep Creek Reservoir. The Council felt that any reservoir stock which the City could acquire on the Kannah Creek watershed at a reasonable price should be purchased. It was moved by Councilman Wright and seconded by Councilman Harper that the City purchase fifty shares of Deep Creek Reservoir stock from the J. B. Claybaugh estate for the sum of \$1,657.50. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

CONCESSIONS AT LINCOLN PARK

The Grand Junction Junior High School Band and Orchestra Parents thanked the Council for allowing them to operate a concession stand at Lincoln Park during the recent band tournament, and expressed the hope that they might have similar privileges in the coming years.

Councilman Orr suggested that the letter be received and tabled until his committee could make a full report on the concession situation after a full investigation is made.

WATER BILL ADJUSTMENT

Mrs. C. F. Tucker, former owner of the property at 507 W. Colorado Ave., requested a water bill adjustment on her final bill dated May 12, 1958, due to a service line leak. During the period from March 18, 1958, until May 7, 1958, 109,000 gallons of water went through the meter amounting to \$15.68. During the same period last year 20,500 gallons of water were used for a quarter, averaging 7,100 gallons for 1 1/2 months amounting to \$2.64. It was moved by Councilman Wright and seconded by Councilman Emerson that the request be granted and the water bill adjusted on the previous water usage. Roll was called on the motion with all Councilmen present voting "AYE." The President declared the motion carried.

ZONING HEARING CONTINUED.

The matter of the rezoning of the tract at 12th and Orchard was again considered. Mr. Gene Allen of the Planning Commission spoke concerning planning in general and the reasons that the Planning Commission had decided to recommend against the rezoning of this tract of land.

A long discussion concerning this rezoning was had by those who were in attendance at the meeting. Mr. A. T. Cadman, President of Overhill Corporation, explained what the Company wants to do in the matter of constructing a shopping center and stated that they expect to put in a landscaped buffer zone 75 feet wide on Mesa and on 13th Street and to provide a 100 foot set-back from 12th Street and from Orchard Avenue.

Others who spoke in favor of the rezoning of the property were O.R. Dowdell, Realtor, who resides at 1430 Bunting; Mr. and Mrs. Robert Bagby, 1418 Orchard Ave. and R. B. Wiseheart.

Those opposing the change of zoning besides their representative, James K. Groves, Attorney, were Dr. and Mrs. Merrill, Henry Mentock, 1334 Mesa, Barton Beasley, 1335 Mesa, Walter Carlson, 1332 Hall, David Dunn, 1343 Hall and B. S. Richards, 1352 Hall.

It was moved by Councilman Orr and seconded by Councilman Strnad that the City Council postpone action on the change of zoning on this tract of land until all seven councilmen are present at a meeting. Motion carried.

Attorney Groves then asked whether or not all the admission of evidence had been allowed or whether there would be another opportunity to submit evidence at the time the Council would finally consider this matter. Mr. Cadman asked permission to submit the plot plan for the building which his company expects to construct and also go into the matter of contracts for the 100 foot guaranteed set-back. President Shults stated that he felt that there should be no more evidence in the case admitted, and that the Council should vote at the next regular meeting.

Mr. B. H. Rohwer, 1234 No. 12th, then spoke in favor of the construction of the shopping center and Mr. W. L. White, who recently has purchased property at 1430 Orchard, explained that he would not be opposed to the shopping center personally, but stated that the Trades and Labor Assembly were interested merely in seeing that construction work in Grand Junction is sufficient to keep its members employed and were willing to abide by the decision of the Planning Commission and Council as to the location of a shopping center.

It was moved by Councilman Emerson and seconded by Councilman Harper that the hearing on the changing of zoning be continued for the taking of further evidence. Roll was called on the motion with the following result: Councilmen voting "AYE:" Emerson, Orr, Harper, Strnad and Wright. Councilman voting "NAY:" Pres. Shults. A majority of Councilmen present voting "AYE," the President declared the motion carried.

It was moved by Councilman Strnad and seconded by Councilman Wright that the meeting adjourn. Motion carried.

/s/ Helen C. Tomlinson
City Clerk