

Grand Junction, Colorado
September 3, 1958

ROLL CALL.

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock P. M., September 3, 1958. Councilmen present and answering at roll call were Emerson, Harper, Colescott, Strnad, Wright and President Shults. Councilman Orr was absent. Also present were City Manager Cheever, City Attorney Ashby and City Clerk Tomlinson.

MINUTES.

It was moved by Councilman Strnad and seconded by Councilman Emerson that the minutes of the regular meeting held August 20th be approved as written. Motion carried.

ZONING REQUEST DENIED 7th & Glenwood (Underhill)

This date was set for hearing on the change of zoning on the west side of North 7th Street from Glenwood Avenue north 330 feet from Residence "B" district to Business "A" district. The Planning Commission recommended to the City Council that this petition be denied. Petitions for and against the change of zoning were filed, and a map had been prepared showing which properties were in favor of the change and which properties were opposed to the change.

Mr. Elam Underhill, who sponsored the petition requesting the change in zoning, spoke to the Council, and stated that in effect North Seventh Street is now a business street whether or not it is the desire of the City to designate it as such. He contended that this would not be spot zoning as it is adjacent to a Business "A" district and the High School Vocational Building is immediately to the west of the property.

Mr. Frank Wagner headed a delegation of property owners who live on the east side of 7th Street and who oppose the change. He felt that the change to a business district would materially reduce the value and salability of their property, increase traffic and make North Seventh Street a less desirable residential area. It was moved by Councilman Emerson and seconded by Councilman Strnad that the request for a change of zoning be denied. Motion carried.

IMPR. DIST. #55 Bids Tabled for 2 weeks

The hearing on Improvement District No. 55 was continued until this date. Bids for the construction of the district were opened at 10:00 A.M., September 3rd. There were two bids submitted:

1.	Corn Construction Company	Schedule I	\$161,652.80
		Schedule II	154,464.29
2.	Gardner Construction Co.	Schedule I	\$171,221.66
		Schedule II	\$164,033.15

City Engineer Alstatt asked that he be given two weeks in which to study the bids to see whether it would be possible to bring the cost of the district within the amount of money which had originally been planned to spend for the construction of same. It was moved by Councilman Wright and seconded by Councilman Colescott that the matter of creating Improvement District No. 55 be tabled until the next regular meeting of the City Council. Motion carried.

PROP. ORD. Curb cuts, driveways Returned to Planning Commission

The Proof of Publication to the proposed ordinance entitled "AN ORDINANCE REGULATING AND REQUIRING A PERMIT AND PAYMENT OF PERMIT FEES FOR THE CONSTRUCTION AND MAINTENANCE OF DRIVEWAYS; PROVIDING FOR PAYMENT OF AN ANNUAL RIGHT OF WAY FEE FOR THE USE OF SERVICE DRIVEWAYS, AND CANCELING ALL PREVIOUS PERMITS THEREFOR" was presented and read. It was moved by Councilman Wright and seconded by Councilman Colescott that the Proof of Publication be accepted and filed. Motion carried. It was then moved by Councilman Colescott and seconded by Councilman Strnad that the ordinance be called up for final passage. Motion carried.

A letter from the Western Colorado Contractors Association by Warren Gardner, President, was read, stating that the Western Colorado Contractors Association was opposed to the proposed ordinance of having to pay for curb cuts and the yearly rental for the reasons that (1) "it puts a penalty on businesses for having a place for their customers to drive in," and (2) "it gives the preferential to businesses who are not affording off the street parking."

There were a large number of people in the audience who were opposed to the curb cut ordinance. Mr. Thomas Golden objected as he stated the fee was too high. President Shults stated that he wanted everyone who had any objections to make, or who was in favor of the ordinance to speak, as that was the only way the Council would know the feeling of the people in regard to the ordinance. He stated that this proposed ordinance did not originate from any member of the Council but had been considered for a number of years as a measure to control curb cuts and driveways, and that this ordinance was designed after a model ordinance suggested in the Barton survey which was made for the City about 1955, and as modeled after ordinances in effect in other cities.

The purpose of the ordinance, as explained by Chief of Police Johnson and City Attorney Ashby, was to control the size and location of curb cuts and driveways made by business firms.

Mr. Elmer Nelson of 16th and North Avenue stated that he had just recently finished putting in a layback curb along 16th Street and that Mr. Jim Benton had also put in a long strip of layback curb to provide for off-street parking and asked if they would have to pay \$1.50 per foot per year for this layback curb. Mr. Alstatt, City Engineer, stated that he did not believe that a layback curb such as Mr. Nelson had constructed was considered as a driveway and would not be subject to assessment.

Mr. Patterick of Patterick's Distributing Company, 850 South Ave., stated that they had gone along with the City's request in not allowing entry to their property from Ninth Street, and as long as they had complied with all the regulations of the City in connection with their driveways on South Avenue, they did not feel they should have to pay for them.

The following report of a survey which Mr. Gene Allen had recently made concerning various unused driveways in the City was presented:

RESULTS OF A SURVEY OF CURB CUTS
IN 72 LINEAL BLOCKS OF THE
DOWNTOWN GRAND JUNCTION BUSINESS AREA
- made 9-3-58 by the Planning Office

Total lineal feet of Curb Cuts - Approximately	6,632
Number of driveways in use	193
Total footage of driveways in use	4,725'
Equivalent number of parallel parking space (22' length)	214
Percentage of total lineal feet	71%
Number of driveways unused and not needed	88
Total footage of driveways unused and not needed	1,907
Equivalent number of parallel parking spaces (22' length)	86
Percentage of total lineal feet	29%
17 Sections of layback curb with a total footage of approx.	1,880

It was explained that the money which would be received from the annual rentals on driveways would go to replace the curbs for abandoned and unused driveways so that there would be more parking places provided on the streets.

Councilman Harper stated that he was opposed to charging for ordinary driveways. He thought that since the City spends money for off-street parking lots that they could participate in replacing curbs under the same plan. He felt that charging for excess driveways was possibly a good idea, but that for ordinary driveways it would be a poor way to encourage people to provide off-street parking. He felt that the revenue derived from parking meters from the closed driveways was just as important as off-street parking. He stated that there was a lot of problems in connection with this ordinance and that it would need a lot of study.

Mr. Dowdell spoke for the Realtors of the City stating that they were opposed to the ordinance as a revenue measure, and felt that it would discourage new industries in the City.

Councilman Emerson stated that he was opposed to the ordinance, and asked for a definition of a layback curb and a curb cut and why a layback should not pay the same as a driveway.

Councilman Wright stated that he thought the ordinance might be modified so that it would apply similarly to the use of parking areas by the two banks, in which they pay a yearly fee for use of so many metered spaces.

City Manager Cheever stated that previous to the time he had been employed as City Manager all requests for curb cuts and laybacks had been brought to the City Council, but that this had been changed, and the City Engineer and Chief of Police were now granting requests for driveways, and it had been charged that they were not being fair. That everyone was not being treated in a like manner, and that it was felt that if the City had an ordinance specifically regulating size and location of driveways that it would be an easier matter to grant permits for them. He asked that the ordinance be considered in two categories: (1) as to whether the fees as set were the objection or (2) whether the regulations for the construction of the driveways were controversial.

Mr. Ed Eisenhower of 3rd and Colorado stated that in his mind the annual fee was the meat of the objection.

Mr. Rohwer, who is employed in a Real Estate Office on North Ave., stated he felt that when they had constructed driveways and paid for them and provided off-street parking the City should not levy any further fees.

Mr. Chas. Wilsea of the Central Chevrolet Company stated he had always come to the Council with his requests for driveways and had gone along with whatever was requested, but that he was opposed to the fees and that he was also opposed to Section 4 of the Ordinance which canceled all previous permits for driveways and

required that new applications and new permits would have to be issued for them. He felt that this was far too drastic a measure.

It was moved by Councilman Wright and seconded by Councilman Colescott that the ordinance be returned to the Planning Commission with the suggestion that the annual fee either be changed or deleted or changed to the extent that it was not a revenue measure. Motion carried. Councilman Wright suggested that the comments made from the floor from those in attendance at this meeting be considered by the Planning Commission in their study of the ordinance.

Councilman Emerson suggested that the Planning Commission in their reconsideration of the ordinance more clearly define the terms "layback", "curb cut," and "driveway" so that it will be definitely understood what is meant by each term.

VACATING 5 FT. ON NO. 6TH W. R. Hall & F. C. Martin Estate request

A petition for vacating five feet on each side of North Sixth Street from North Avenue to Glenwood Avenue signed by W. R. Hall and Mrs. Carrie B. Martin, Administratrix of the Estate of F. C. Martin, had been presented and discussed by the Planning Commission. Mr. Hall is remodeling his building on 6th and Glenwood to be used by the Grand Junction Bowling Lanes, and the vacation of the street was approved by the Planning Commission. Mr. Hall was present and confirmed City Manager Cheever's statement that the bulk plant which had been located on this property would be moved to a location west of town when the bowling lanes moved into the building. The following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING PORTIONS OF A ROADWAY WITHIN THE CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO. It was moved by Councilman Wright and seconded by Councilman Strnad that the proposed ordinance be passed for publication. Motion carried.

EASEMENT FOR PUB. SERVICE CO. For power line on property NE of Airport

The following Resolution was presented and read:

RESOLUTION

WHEREAS, the Public Service Co. of Colorado has requested that an easement be granted to said company for the construction and maintenance of electric transmission lines over, along and across certain property owned by the City of Grand Junction, said easement more particularly described as follows, to-wit:

A right of way 75 feet wide, 37.5 feet on each side of a center line beginning at a point on the east boundary of the East half, Southeast quarter, Section 27, Township 1 North, Range 1 East of the Ute Principal Meridian in the County of Mesa, State of Colorado, whence the southeast corner of said Section 27 bears South 0 degrees 16' East 781 feet; thence North 69 degrees 06'24" West 1415.4

feet more or less to the west boundary of said East half, Southeast quarter of Section 27;

Also, a right of way 75 feet wide, 37.5 feet on each side of a center line beginning at a point on the south boundary of the Northwest quarter, Southeast quarter, Section 27, Township 1 North, Range 1 East of the Ute Principal Meridian in the County of Mesa, State of Colorado, whence the southeast corner of said Section 27 bears South 46 degrees 47'24" East 1926.6 feet; thence North 69 degrees 06'24" West 1323.4 feet more or less to the west boundary of said Northwest quarter, Southeast quarter of Section 27; and has offered therefor the sum of Forty Seven (\$47.00) Dollars; and,

WHEREAS, the said property is not being used for park or other governmental purposes; and,

WHEREAS, said sum is a fair compensation for the granting of said easement; and said easement is in the public interest;

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

That City Manager R. E. Cheever be authorized to execute on the behalf of the City and as the act of the City the document granting the above-described easement upon receipt of the sum of \$47.00.

PASSED AND ADOPTED this 3rd day of September, 1958.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Wright and seconded by Councilman Emerson that the Resolution be passed and adopted as read. Roll was called on the motion with the following result: Councilmen voting "AYE:" Emerson, Harper, Colescott, Wright and Pres. Shults. Councilman voting "NAY:" Strnad. A majority of the Councilmen present voting "AYE," the President declared the motion carried.

EXHIBIT & SALE OF PICTURES AT CITY HALL

Mr. Nestler requested that they be allowed to hold a Fine Arts Exhibit and Sale of Pictures on the City Hall lawn on October 4th. It was moved by Councilman Harper and seconded by Councilman Emerson that the request be granted. Motion carried.

RENEW 3.2 BEER Gilbert's Mkt. 1625 N. 15th

Carroll N. and Vera J. Gilbert dba Gilbert's Market at 1625 North 15th Street requested the renewal of their 3.2 beer license. It was moved by Councilman Emerson and seconded by Councilman Colescott that the request be granted. Motion carried.

AUCTIONEER'S BOND Harland E. Haas

The bond of Harland E. Haas, Auctioneer, having been approved as to form by the City Attorney was presented for approval. It was moved by Councilman Harper and seconded by Councilman Emerson that the bond be accepted and filed. Motion carried.

SAN. SEWER DIST. #18 Intention to create district

The following Resolution was presented and read:

RESOLUTION

DECLARING THE INTENTION OF THE CITY COUNCIL OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY A LOCAL IMPROVEMENT DISTRICT TO BE KNOWN AS SANITARY SEWER DISTRICT NO. 18, AND AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME.

WHEREAS, a petition has been filed with the City Council of the City of Grand Junction, Colorado, asking for the construction of a sewer and appurtenances for sanitary drainage in the district hereinafter described; and,

WHEREAS, the said City Council has found and determined, and does hereby find and determine, that the construction of a sanitary sewer drainage system within the said described area is necessary for the health and safety of the residents of the territory to be served, and would be of special benefit to the property included within the said district; and,

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a special improvement sanitary sewer district to be known as Sanitary Sewer District No. 18;

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

1. That the district of lands to be assessed with the cost of the proposed sanitary sewer improvement shall be as follows:

Blocks A and F, Mesa Gardens Subdivision
Block 1, Lots 1 through 6 inclusive, Mesa Gardens Subdivision
Block 2, Lots 1 through 4 inclusive, Mesa Gardens Subdivision
Block C, Lots 6 through 11 inclusive, Park Terrace Heights
Block B, Lots 9 through 12 inclusive, Park Terrace Heights
Block 1, Lots 17, 18 and 19, Parkland Subdivision

2. That the City Engineer be, and he is hereby, authorized and directed to prepare and file full details, plans, and specifications for such sewer construction, an estimate of the total cost thereof, exclusive of the per centum for cost of collection and other incidentals, and of interest to the time the first installment becomes due, and a map of the district to be assessed, from which the approximate share of said total cost that will be assessed upon each piece of real estate in the district may be readily ascertained, all as required by Ordinance No. 178, as amended, of said City.

ADOPTED AND APPROVED this 3rd day of September, A.D. 1958.

President of the City Council

ATTEST:

City Clerk

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

Resol. Adopting Details, Plans & Specs for San. Sr. #18

The map, plans and specifications for Sewer District #18 were presented. The following Resolution was presented and read:

RESOLUTION

RESOLUTION ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF A SEWER IN THE CITY OF GRAND JUNCTION, COLORADO, IN SANITARY SEWER DISTRICT NO. 18, DETERMINING THE NUMBER OF INSTALLMENTS AND THE TIME IN WHICH THE COST OF SAID IMPROVEMENTS SHALL BE PAYABLE, THE RATE OF INTEREST ON UNPAID INSTALLMENTS AND THE DISTRICT OF LANDS TO BE ASSESSED WITH THE COST OF THE

PROPOSED IMPROVEMENTS, AND AUTHORIZING NOTICE OF INTENTION TO CREATE SAID DISTRICT AND A HEARING THEREON.

WHEREAS, on the 3rd day of September, A. D., 1958, the City Council of said City of Grand Junction, Colorado, by Resolution authorized the City Engineer to prepare and file full details, plans and specifications for construction of a sanitary sewer within proposed Sanitary Sewer District No. 18, together with an estimate of the total cost of such improvement, and a map of the District to be assessed; and,

WHEREAS, said City Engineer has fully and strictly complied with the directions so given and has filed such details, plans and specifications, estimate and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City.

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

1. That said details, plans, specifications, estimates and map be, and the same are hereby, approved and adopted.

2. That the District of Lands to be assessed with the cost of said improvement is described as follows:

Blocks A and F, Mesa Gardens Subdivision
Block 1, Lots 1 through 6 inclusive, Mesa Gardens Subdivision
Block 2, Lots 1 through 4 inclusive, Mesa Gardens Subdivision
Block C, Lots 6 through 11 inclusive, Park Terrace Heights
Block B, Lots 9 through 12 inclusive, Park Terrace Heights
Block 1, Lots 17, 18, and 19, Parkland Subdivision

3. That the cost of the said improvement shall be assessed upon all the real estate in the said District, in proportion as the area of each piece of real estate in the District is to the area of all of the real estate in the District, exclusive of public highways.

4. The assessments to be levied against the property in said District to pay the cost of such improvement, shall be due and payable, without demand, within thirty (30) days after the final publication of the ordinance assessing such cost, and if paid during such period the amount added for collection, incidentals and interest shall be deducted; provided, that all such assessments may, at the election of the owners of property in said District, be paid in ten (10) equal installments, the first of which shall be payable at the time the next installment of general taxes is due and payable, after the expiration of said thirty (30) day period, and the following annual installments shall be paid on or before the same date each year thereafter, with interest, in all cases, on unpaid principal, payable annually at the rate of six (6%) per centum per annum.

5. Notice of intention to create said Sanitary Sewer District, and of a hearing thereon, shall be given by advertisement in one issue of the Morning Sun, a newspaper of general circulation published in said City, which notice shall be in substantially the following form, to-wit:

NOTICE

OF INTENTION TO CREATE SANITARY SEWER DISTRICT NO. 18, IN THE CITY OF GRAND JUNCTION, COLORADO, AND A HEARING THEREON.

Public Notice is hereby given to the owners of real estate in the District hereinafter described, and to all persons generally interested, that the City Council of the City of Grand Junction, Colorado, intends to create Sanitary Sewer District No. 18 in said City for the purpose of constructing a sanitary sewer to serve the property hereinafter described.

The said Sanitary Sewer District shall include all of the following-described real estate:

- Blocks A and F, Mesa Gardens Subdivision
- Block 1, Lots 1 through 6 inclusive, Mesa Gardens Subdivision
- Block 2, Lots 1 through 4 inclusive, Mesa Gardens Subdivision
- Block C, Lots 6 through 11 inclusive, Park Terrace Heights
- Block B, Lots 9 through 12 inclusive, Park Terrace Heights
- Block 1, Lots 17, 18 and 19, Parkland Subdivision

The probable total cost of said improvement, as shown by the estimate of the City Engineer is \$6,812.64, exclusive of costs of collection, interest and incidentals.

The maximum share of said total estimate shall be \$0.02 per square foot or \$125.00 for an ordinary lot of twenty-five by one hundred twenty-five feet.

To all of said estimated cost there shall be added six per centum for costs of collection and incidentals, and also interest at the rate borne by the special assessment bonds of said District to the next succeeding date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado made payable. The said assessment shall be due and payable, without demand, within thirty days after the final publication of the ordinance assessing such cost, and if paid during such period, the amount added for collection, incidentals and interest shall be deducted; provided that all such assessments may, at the election of the owners of property in said district, be paid in ten equal annual installments which become due upon the same date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado made payable. Interest at the rate of six per centum per annum shall be charged on unpaid installments.

On the 15th day of October, A. D. 1958, at the hour of 7:30 o'clock P. M. in the Council Chambers in the City Hall of said City, the Council will consider the ordering of the proposed improvements and will hear all complaints and objections that may be made in writing concerning the proposed improvements by the owner of any real estate to be assessed or by any person interested.

A map of the District, from which the approximate share of the total estimated cost to be assessed upon each piece of real estate in the District may be readily ascertained, and all proceedings of the Council in the premises are on file and can be seen and examined by any person interested therein, in the office of the City Clerk, during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, on this _____ day of September, A. D. 1958.

BY ORDER OF THE CITY COUNCIL

City Clerk

(SEAL)

PASSED AND ADOPTED this 3rd day of September, 1958.

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Harper and seconded by Councilman Emerson 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. Hearing on Sanitary Sewer District #18 was set for October 15th.

PARKS & PLAYGROUNDS.

Councilman Wright stated that he had heard some disparaging comments on the development of the park and playground situation in Grand Junction, and asked if there was any definite plan being formulated for the development of parks and playgrounds in the City. City Manager Cheever reported that Williams Park and Melrose Park have

both had considerable work done on them this year and also Sherwood Park. Some discussion was had concerning the repair and resurfacing of the tennis courts in Lincoln Park.

AIRPORT LEASE Authorize C.M. to sign amendatory lease

The following Resolution was presented and read:

Instr # Airport

RESOLUTION

WHEREAS, the City of Grand Junction and Mesa County, co-owners of Walker Field Airport, located near the City of Grand Junction, in Mesa County, State of Colorado, have heretofore negotiated with United Air Lines concerning the resumption of its services at said airport; charges to be made therefor; charges to be made for administration building space; and the future renegotiation of United's contract; and,

WHEREAS, an amendatory airport agreement has been prepared concerning such matters with the approval of the City Council of the City of Grand Junction;

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

That the amendatory airport agreement concerning the above-enumerated items be, and the same is hereby, approved; and the City Manager, as ex-officio Airport Manager, be, and he hereby is, authorized to execute the amendatory airport agreement on behalf of and as the act of the City of Grand Junction, Colorado.

PASSED AND ADOPTED this 3rd day of September, 1958.

President of the Council

ATTEST:

City Clerk

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

COLO. MUN. LEAGUE Meeting-Sept. 18

It was reported that District XI of the Colo. Municipal League, of which Mr. John Emerson is President, would hold their annual fall meeting in Delta at 3:00 o'clock on Thursday, Sept. 18th. All Councilmen were requested to be present.

It was regularly moved, seconded and carried that the meeting adjourn.

/s/ Helen C. Tomlinson
City Clerk