

Grand Junction, Colorado
October 15, 1958

ROLL CALL.

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock P. M., October 15, 1958. Councilmen present and answering at roll call were Emerson, Orr, Colescott, Strnad, Wright and President Shults. Councilman Harper was absent. Also present were City Attorney Ashby, City Manager Cheever and Blanche Stringer. City Clerk Tomlinson was absent.

MINUTES.

In the absence of City Clerk Tomlinson, it was moved by Councilman Colescott and seconded by Councilman Strnad that Blanche Stringer be appointed as Acting City Clerk for this meeting. Motion carried. It was moved by Councilman Strnad and seconded by Councilman Emerson that the minutes of the regular meeting held October 1, 1958 be approved as written. Motion carried.

ROYAL GRILL LIQUOR LIC. to Mary Hayden-granted

This date was set for hearing on the application for a hotel and restaurant liquor license for Mrs. Mary Hayden for the Royal Grill at 209 Colorado Avenue. No protests had been filed in connection with this change of ownership. Mrs. Hayden had been managing this cafe and bar for the past two years for Mrs. Hayashi. A letter from Mr. Karl M. Johnson, Chief of Police, was read in which he stated that he had found no cause for complaint concerning the manner in which the business had been operated by Mrs. Hayden and had no objections to the granting of this license. It was moved by Councilman Orr and seconded by Councilman Wright that Mrs. Mary Hayden dba Royal Grill, 209 Colorado Ave., be granted a hotel and restaurant liquor license when license has been received from the State. Motion carried.

HEARING-CIRCLE CAFE 3.2 BEER VIOLATION Revoke license of Richard and Mary Aragon

This date had been set for hearing on a violation of selling 3.2 beer after midnight by Richard and Mary Aragon, licensees of the Circle Cafe at 319 South Second Street. Mr. and Mrs. Aragon had been notified to appear before the Council to show cause why their license should not be revoked. Mr. and Mrs. Aragon's license had been suspended for thirty days from June 21, 1956, to July 21, 1956 for selling beer to a minor.

The State Liquor Enforcement Officer had filed a complaint in Justice of Peace Court against Richard and Mary Aragon, licensees at the Circle Cafe, for sale of beer on Sept. 29th after the legal closing hour of midnight. The defendants had pleaded guilty and had been assessed a fine of \$25.00 and costs. Mr. Lorenzo Lobato of Fruita was also fined \$25.00 and costs for purchasing beer after hours.

The following letter from Chief of Police Karl M. Johnson was read:

CITY OF GRAND JUNCTION
POLICE DEPARTMENT

October 10, 1958

Grand Junction City Council
Grand Junction, Colorado

Gentlemen:

I have the following additional information and recommendations to make concerning the Circle Cafe and the suspension or revocation of their beer license, a matter which was set for hearing on October 15th.

The violation which brought about this hearing is the second violation for this establishment under its present management. In May 1956 they were convicted of selling beer to a person under the age of 18 years. At that time they were fined \$25.00 and their license was suspended for a period of days.

The management of this establishment under its present operators has left much to be desired and they have been warned frequently that they must improve the manner in which the place was managed. In spite of these warnings, many incidents requiring police action have been allowed to generate at this place.

The latest violation, which involved selling beer out the back door after legal hours, is a clear cut and flagrant violation on the part of one of the licensees. It illustrates their attitude toward their responsibility as operators of this type of business.

In view of the above, I feel it my duty to recommend that this license be revoked instead of being suspended.

Yours truly,

(Signed) Karl M. Johnson
Chief of Police.

Mr. Albin Anderson, Attorney, spoke to the Council in behalf of Mr. and Mrs. Aragon. He stated that he had known the Aragons from the time they had purchased the property from the Lehns and that it was shortly after they had purchased the property that they had fallen into a trap of selling beer to a minor and been convicted because the minor had presented a false identification card regarding his age. However, since that time the Aragons had operated the Cafe without any serious trouble, which was commendable because of the location and the type of clientele to which they cater, which is different

from other locations of the so-called higher class. That they had no control over patrons bringing in liquor and had called the Police on several occasions, but had not had to hire a bouncer as some other establishments had had to do. He stated that Mr. and Mrs. Aragon had worked hard and invested a lot of time and money and would not willingly violate the law and lose this business as they had paid approximately \$3,000 and would make the final payment this year.

In this particular instance, Mr. Larry Lobato had come into the Cafe during the course of the evening; that later he came back and bought a 6 pack of beer and left, coming back later when he bought and paid for two bottles of beer before midnight which he asked be put in the refrigerator for him. Mr. Aragon had closed up the Cafe and the Aragons had retired to the back of the place where they have living quarters, and were preparing to retire when Mr. Lobato came back for the beer which he had forgotten. Mrs. Lobato told him it was after closing time but since it was only a few minutes after midnight, and rather than have trouble with him, the two bottles of beer were given to him. In Justice of Peace court they were fined \$30, which they paid. They were not represented by Counsel. That in view of the type of clientele in this particular location and because of the two and a half years in which they have a pretty good record, considering the area, he felt that the Aragon's license should not be revoked.

Chief of Police Johnson stated that he was sure that the statement which had just been made by Mr. Anderson in behalf of his clients was made in all sincerity; however, that tonight was the first time that this explanation of the incident had come to his attention.

He stated that the report of his officers on the matter was that on the night of the violation they observed a man standing at the side door of the Circle Cafe. This was at about 12:20 A.M. They drove on around the block and came back with the car lights turned off. They saw someone hand two bottles of beer out the door to the man on the outside. They turned on the car lights and the man ran and hid behind a car. They apprehended him and he first said that he had the beer all night, then changed and said that he had found it setting on the steps of the Circle Cafe. When confronted with what the officers had seen he admitted that he had bought it and had paid 75 cents for it; that he knew it was illegal to buy or sell beer at that hour of the night. Later on he identified the seller as Richard Aragon.

When the Aragons were taken to court, they were advised of the charges against them and their right to counsel and jury trial. They entered a plea of guilty to the charge and were fined by the Court.

During the time that the Aragons have managed the Circle Cafe, there have been several instances where they have been warned about the operation. On at least two occasions they have been asked to close it up for the night because Richard was too drunk to be responsible for its operation. He stated further that he recognized that the clientele at this cafe was somewhat different than that found at other establishments. For this reason, he stated that they had perhaps been more lenient than they should have been because it was felt that there was a need for a place where these people

could be served. However, the violation which had occasioned this hearing seemed to him to be a clear-cut and flagrant violation of the regulations; that there was no mistake or extenuating circumstances and that he still stood upon his recommendation that the license be revoked.

Mr. Rodriguez, who is employed at the Circle Cafe, was present, and stated that Mr. Larry Lobato had been in the Cafe that evening; had bought a 6 pack of beer and had had two bottles of beer put in the refrigerator for him which he was to come back for. That he had left a little early that evening.

Councilman Orr stated that it seemed to him to be rather inconsistent that persons who had been dispensing beer or liquor for two and one-half years wouldn't have familiarized themselves with the Colorado code sufficiently to know they were skating on thin ice to deliver beer after midnight.

Councilman Wright stated that in the past the Council had always taken into consideration any extenuating circumstances such as false identification cards when persons looked to be older than their age and a reasonable mistake could be made; however, in this case, there were no such extenuating circumstances.

It was moved by Councilman Wright and seconded by Councilman Orr that because of the evidence in this particular case which makes it appear to be a willful violation and because of the operation in connection with this particular location under the present operators, and the undesirable experiences which have occurred, that the 3.2 beer license of Mr. and Mrs. Richard Aragon, dba Circle Cafe, 319 So. 2nd be revoked effective Oct. 16, 1958. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

IMPR. DIST. #55 Resol. providing for issuance of bonds.

The following Resolution was introduced and read.

RESOLUTION

PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS OF IMPROVEMENT DISTRICT NO. 55

WHEREAS, on the 3rd day of September, 1958, the City Council of the City of Grand Junction, Colorado, adopted a resolution creating Improvement District No. 55 within said City;

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

1. That for the purpose of paying the cost and expenses of constructing improvements in said Improvement District No. 55, including engineering, inspection

and other incidental expense, the City shall issue public improvement bonds of said Improvement District No. 55, dated the 1st day of October, 1958, in the denomination of \$1,000.00 each, numbered 1 to 130 inclusive, due and payable on the 1st day of October, 1968, subject to call and payment, however, at any time prior to the maturity of said bonds, said bonds shall bear interest at the rate of four per cent (4%) per annum, payable semi-annually on the 1st day of April and the 1st day of October of each year, as evidenced by coupons to be attached to said bonds. The principal of, and interest on, said bonds being payable at the office of the City Treasurer of the City of Grand Junction, Colorado, the said bonds shall be signed by the President of the City Council, sealed with the seal of said City and attested by the City Clerk; the coupons shall be signed with the original or facsimile signature of the City Treasurer, and when so executed said bonds shall be registered by the City Treasurer.

2. Said bonds shall be payable out of the proceeds of a special assessment to be levied upon real estate situate in the City of Grand Junction, in said Improvement District No. 55, especially benefited by said improvement, and shall also be payable out of available proceeds of an annual one mill tax to be levied on the taxable property in said City, pursuant to People's Ordinance No. 27 of said City, which tax was voted and authorized to make up deficits in special improvement district funds.

3. Said bonds, the coupons to be attached thereto and the registration certificate to be endorsed thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF COLORADO
MESA

COUNTY OF

CITY OF GRAND JUNCTION

PUBLIC IMPROVEMENT BOND
IMPROVEMENT DISTRICT NO. 55

No. _____

\$1,000

The City of Grand Junction, County of Mesa, State of Colorado, for value received, acknowledges itself indebted and hereby promises to pay to the bearer hereof, the sum of

ONE THOUSAND DOLLARS

in lawful money of the United States of America, on the first day of October, 1968, subject to call and payment, however, at any time prior thereto with interest thereon from date until payment according to the interest coupons hereto attached, payable semi-annually on the first day of April and the first day of October each year, both principal and interest being payable at the office of the City Treasurer in Grand

Junction, Colorado, upon surrender of the attached coupons and this bond as they severally become due, or are called for payment.

This bond is issued for the purpose of paying the cost of local improvements in Improvement District No. 55 in the City of Grand Junction, by virtue of, and in full conformity with, the Constitution and laws of the State of Colorado, the Charter of the City of Grand Junction, and requisite resolutions and ordinances of said City, duly adopted, approved, published and made laws of said City prior to the issue hereof.

This bond is payable out of the proceeds of a special assessment to be levied upon real estate situate in the City of Grand Junction, in said Improvement District No. 55, especially benefited by said improvement, and is also payable out of available proceeds of an annual one mill tax to be levied on the taxable property in said City, pursuant to People's Ordinance No. 27 of said City, which tax was voted and authorized to make up deficits in special improvement district funds, and the amount of the assessments upon the real estate in said District for the payment hereof, with the accrued interest, shall be a lien upon said real estate in the respective amounts to be apportioned to said real estate, and assessed under the Charter and ordinances of said City.

It is hereby certified and recited that the total issue of bonds of said City for said District, including this bond, does not exceed the estimate of the City Engineer of the cost of said improvements, nor the amount authorized by law, and it is further hereby certified and recited that every requirement of law relating to the creation of said Improvement District No. 55 and the making of said improvements and the issuance of this bond has been fully complied with by proper officers of said City, and that all conditions required to exist and to be done precedent to and in the issuance of this bond, to render the same lawful and valid, have happened, been properly done and performed, and did exist in regular and due time, form and manner, as required by law.

IN TESTIMONY WHEREOF, the City of Grand Junction has caused this bond to be subscribed by the President of the Council, attested by the City Clerk under the seal of the City, and the interest coupons hereto attached to be attested by the facsimile signature of the City Treasurer, as of the 1st day of October, 1958.

President of the City Council

(SEAL)

ATTEST:

City Clerk

(Form of Coupon)

No. _____ \$ _____

On the 1st day of October [April], A. D. 19_____, the City of Grand Junction, Colorado, will pay the bearer

_____ DOLLARS

in lawful money of the United States of America, at the office of the City Treasurer, in Grand Junction, Colorado, being six month's interest on its local public improvement bond of Improvement District No. 55, provided the bond to which this coupon is attached has not been called for prior payment.

Attached to bond dated October 1, A. D. 1958.

NO. _____

(Facsimile Signature)
City Treasurer

(Registration Certificate)

It is hereby certified that the within and foregoing bond has been registered in a suitable book kept for that purpose in the office of the City Treasurer of the City of Grand Junction, Colorado, in accordance with the laws and ordinances under which the same is issued.

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

City Treasurer

The City Clerk is hereby authorized and directed to have printed the bonds authorized by this Resolution and when the same have been executed, to deposit the same with the City Treasurer, who shall deliver them to the lawful purchaser thereof, on receipt of the purchase price.

ADOPTED AND APPROVED THIS _____ day of _____ A.D. 1958.

(SEAL)

President of the Council

ATTEST:

City Clerk

It was moved by Councilman Colescott and seconded by Councilman Strnad 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.

Inst #3966

ORD. #1051 Annexing North Monterey Park

The Proof of Publication to the proposed ordinance entitled AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION (N. Monterey Park) was presented and read. It was moved by Councilman Orr and seconded by Councilman Emerson that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Colescott that the ordinance be called up for final passage. Motion carried. The Ordinance was then read, and upon motion of Councilman Strnad and seconded by Councilman Orr was passed, adopted numbered 1051 and ordered published. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

WEST LAKE PARK Prop. Ord. for annexation-tabled for 2 weeks for decision

The Proof of Publication to the proposed ordinance entitled AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION (West Lake Park) was presented and read. It was moved by Councilman Orr and seconded by Councilman Emerson that the Proof of Publication be accepted and filed. Motion carried.

It was then moved by Councilman Strnad and seconded by Councilman Wright that the ordinance be called up for final passage. Motion carried. It was then moved by Councilman Colescott and seconded by Councilman Wright that the ordinance be passed, adopted, numbered 1052 and ordered published.

Mr. J. P. Helman, Attorney, appeared before the Council and stated that he was acting in the place of Mr. Frank M. Hockensmith, Attorney, who was representing a majority of the people living South of Independent Avenue who were opposed to this annexation. Mr. Helman stated that he realized that it was too late to file a counter petition as a remonstrance, as the hearing had been held on October 1st. However, he presented a petition containing about thirty names of landowners which he stated was to show that

these people were opposed to the annexation and asking that all of the land lying south of Independent Avenue with the exception of the property owned by L.B. & B.D. Ford, be stricken from the petition for annexation on the grounds that there is a question as to whether or not the original petitions for annexation were signed by the owners of more than 50% of the area of the territory as the Statute required. He stated that these thirty landowners in the area south of Independent Avenue own large tracts of land which were being used for business or industrial uses; that annexation would be burdensome to them because of increased taxes, trash and garbage charges, and that they would be required to pay approximately half of the cost of a trunk line sewer to serve the area, for which they had no immediate use. He stated further that if this area was included in the annexation, these people would probably go to Court.

City Attorney Ashby presented the following information which had been compiled by the Engineering Department in checking the signed petitions for annexation:

AREA WEST LAKE PARK ANNEXATION	160.0 acres
Landowner area	122.47 acres
	includes 10.25 acres of Fish & Game
Landowner signers	73.98 acres
(excluding State Hwy)	63.73
% signed	60.40%
(excluding State hwy)	52.04%
Qualified electors and landowners	206
Signers	113
% signers	54.85%
Street & Hwy R.O.W. (excluded)	37.53 acres

City Manager Cheever explained that it would be necessary to run a trunk line sewer from this area to the Sewage Disposal plant; that the developed area north of Independent Ave. was badly in need of sewer service, and that this trunk line would serve the whole area. But if the land south of Independent Avenue was withdrawn from the annexation the whole cost of the trunk line sewer would have to be paid by the area on the north and at a later date when the area south of Independent Ave. was annexed, they could tap onto the sewer without having paid their proportionate share of building the trunk line sewer.

A number of people were present in the audience including Mr. Nixon, Mr. Smith and Joe Garlitz who spoke against the annexation and stating they felt they were being forced into the City against their wishes.

With the consent of Councilman Wright, Councilman Colescott withdrew his motion. It was moved by Councilman Emerson and seconded by Councilman Orr that this matter be tabled until the next meeting of the Council for decision. Motion carried with Councilman Strnad voting "NAY."

PETITION

WE, The undersigned, do hereby petition the City Council in the City of Grand Junction and State of Colorado to reconsider and rescind their previous action in annexing the following described property to the said city:

SE1/4 Section 10, Township 1 South, Range 1 West, Ute Meridian, Mesa County, Colorado,

or in the alternate petitioners do request the City Council to have stricken from said annexation all of the above described property lying South of Independent Avenue with the exception of the property as shown owned by L. B. Ford and B. D. Ford;

AND, as grounds therefor the petitioners respectfully show to the said City Council that there is a question as to whether or not the original petitions for annexation were signed by the owners of more than 50% of the area of such territory as required by statute and that the signers of this petition comprise more than 50% of the above described area lying South of Independent Avenue and also comprise a majority of the land owners residing in that portion above described South of Independent Avenue.

WHEREFORE These petitioners pray that this petition be accepted and that consideration be given to delaying action on approval of the ordinance officially annexing the aforesaid property to the City of Grand Junction:

<u>DATE</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>QUALIFIED ELECTOR AND LAND OWNER</u>	<u>LAND OWNER</u>
Oct. 9, 1958	Frank E. Welch	415 Independent	x	
Oct. 9, 1958	Winifred E. Welch	415 Independent	x	
Oct. 9, 1958	Merle E. Richmond	501 Independent	x	
Oct. 9, 1958	Wilda J. Orvis	329 Franklin Ave.	x	

Oct. 9, 1958	Joe McVern	215 Franklin Ave.	x	
Oct. 9, 1958	Louis Desrosiers	1309 No. First	x	
Oct. 9, 1958	Drucilla S. Garlitz	1125 No. 1st	x	
Oct. 9, 1958	Ralph Spence	1225 North 1st		x
Oct. 9, 1958	Western Slope Oxygen Co. By Larry A. Ramsey			x
Oct. 9, 1958	Western Slope Oxygen Co. Mark Lord			x
Oct. 9, 1958	Carl Nixon	Valley Livestock Auction Co.		x
Oct. 9, 1958	T. J. Smith	Smitty's Auto Wrecking		x
Oct. 9, 1958	Paul D. McNew	359 Franklyn	x	
Oct. 10, 1958	Carl E. Holston	1215 No. 1st St.	x	
Oct. 10, 1958	Mollie Holston	1215 No. 1st St.	x	
Oct. 10, 1958	Katherine E. Munds			x
Oct. 10, 1958	Austin Lewis	623 Independent Ave.	x	
	Adam Flockhart	217 Franklin	x	
Oct. 10, 1958	Amelia McVern	215 Franklin	x	x
Oct. 10, 1958	Mrs. Paul McNew	359 Franklin	x	
Oct. 10, 1958	Marjorie M. Ennis	341 Independent	x	
Oct. 10, 1958	Paul R. Ennis	341 Independent	x	
10-10-58	Clyde L. Sumerlin	335 Franklin	x	
10-10-58	Betty J. Sumerlin	335 Franklin	x	

10-10-58	G. E. Orvis	327 Franklin	x	
10-11-58	M. L. Coder	513 Independent	x	
10-11-58	Ruth M. Velasquez	355 Independent	x	
10-11-58	Barbara E. Pigford	357 Independent	x	
10-11-58	Raymond Pigford	357 Independent	x	
10-11-58	Mike Velasquez	355 Independent	x	
10-11-58	Matilda Desrosiers	1309 No. 1st St.	x	
10-11-58	John W. Meador	309 Franklin Ave.	x	
10-11-58	Mrs. Marjorie E. Meador	309 Franklin Ave.	x	
10-11-58	Oscar E. Jensen	201 Franklin Ave.	x	x
10-11-58	Mrs. Oscar Jensen	201 Franklin		x
10-11-58	Pearl E. Smith			x
Oct. 13, 1958	Berneita F. Nixon	2025 Poplar		x
Oct. 13, 1958	Edith Munds			x
Oct. 13, 1958	Marjorie M. Baird	1237 No. 1st		x
Oct. 13, 1958	Mrs. Frank Spence	155 Franklin	x	

STATE OF COLORADO)	
)	SS. <u>AFFIDAVIT</u>
COUNTY OF MESA)	

FRANK NIXON AND T. J. SMITH, of lawful age, being first duly sworn, upon oath, deposes and says:

That he is the circulator of the foregoing petition;

That each signature on the said petition is the signature of the person whose name it purports to be.

(Signed) Frank Nixon

(Signed) T. J. Smith

Subscribed and sworn to before me this 14 day of October, 1958.

Witness my hand and official seal.

(Signed) Frank M. Hockensmith

Notary Public

My commission expires: Nov. 1, 1959

(SEAL)

ORD. 1052-Vacating Easement in Melrose Park

The Proof of Publication to the proposed ordinance entitled AN ORDINANCE VACATING A PORTION OF AN EASEMENT IN MELROSE SUBDIVISION IN THE CITY OF GRAND JUNCTION, COLORADO, was presented and read. It was moved by Councilman Orr and seconded by Councilman Emerson that the Proof of Publication be accepted and filed. Motion carried. It was then moved by Councilman Strnad and seconded by Councilman Colescott that the ordinance be called up for final passage. Motion carried.

Upon motion of Councilman Strnad and seconded by Councilman Wright the proposed ordinance was then passed, adopted, numbered 1052 and ordered published. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

SAN. SEWER DIST. #18 Resolution Creating district

This date had been set for hearing on the creation of Sanitary Sewer District #18. No protests had been filed in connection with this proposed district. The following Resolution was presented and read:

RESOLUTION

CREATING AND ESTABLISHING SANITARY SEWER DISTRICT NO. 18 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF A SANITARY SEWER WITHIN SAID DISTRICT AND PROVIDING FOR THE PAYMENT THEREFOR.

WHEREAS, on the 3rd day of September, 1958, the City Council of the City of Grand Junction, Colorado, passed a Resolution adopting details, plans and specifications for Sanitary Sewer District No. 18 and authorizing notice of intention to create said District; and

WHEREAS, Notice to Create said District was duly published; and,

WHEREAS, no written complaints or objections have been made concerning the proposed improvements;

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

1. That said Sanitary Sewer District No. 18 be, and the same is hereby, created and established, and that construction of a sanitary sewer therein be, and the same is hereby, authorized and directed, in accordance with the details, plans and specifications prepared and filed therefor;

2. That the construction of the said sanitary sewer shall be made by contract let to the lowest reliable and responsible bidder, except that if it be determined by the City Council that the bids are too high, and that the proposed improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary material, supplies and equipment;

3. That the sanitary sewer in said District was duly ordered, after Notice duly given; that no remonstrance, protest or objection was filed against the creation or establishment of said District, or any of the proceedings adopted therefor; and that all conditions precedent and all requirements of the laws of the State of Colorado, the Charter of said City, and Ordinance No. 178, as amended, being Chapter 81 of the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, have been strictly complied with;

4. That the description of the sanitary sewer, the boundaries of said Sanitary Sewer District, the amounts to be assessed, the number of installments and assessments, the time in which the cost shall be payable, the rate of interest on unpaid installments, and the manner of apportioning and assessing such cost, shall be as prescribed in the Resolution adopted for said District on the 3rd day of September, 1958, and in accordance with the published Notice of Intention to create said District.

5. That, after the construction of the sanitary sewer has been let, the Council shall, by a resolution, provide for the issuance of public improvement bonds for said Sanitary Sewer District No. 18 for the purpose of paying the cost and expenses of construction of said District.

PASSED AND ADOPTED this 15th day of October, 1958.

Harold Shults
President of the Council

ATTEST:

City Clerk

SAN. SEWER DIST. #18 To advertise for bids Nov. 5th

It was moved by Councilman Strnad and seconded by Councilman Orr that the Resolution be passed and adopted as read and that the Director of Public Works be authorized to advertise for bids for the construction of this district; bids to be presented to the Council for consideration at the next meeting, November 5th. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

ZONING HEARING NO. MONTEREY PARK

The Grand Junction Planning Commission had met in special session and had presented recommendations on the zoning of North Monterey Park. It was moved by Councilman Strnad and seconded by Councilman Wright that hearing on the zoning of North Monterey Park be set for November 5th. Motion carried.

B-218

PHOTOGRAPHER'S LICENSE Granted to Herb V. Day

Mr. Herb Day presented an application and bond for a photographer's license giving as his address 1420 Grand Ave. which is in a Residence "A" district. City Attorney Ashby recommended that this license be granted as Mr. Day will only be developing pictures at his home address and not conducting a business at this address. It was moved by Councilman Strnad and seconded by Councilman Colescott that Mr. Day be granted a photographer's license. Motion carried.

BOB FAITH HOUSE To pay \$700 for house to be moved from 930 Pinyon

At the request of several Councilmen, City Manager Cheever negotiated with Mr. Bob Faith in the amount of \$700 for the removal of a house at 930 Pinyon which had been

moved in by Mr. Faith. It was moved by Councilman Orr and seconded by Councilman Wright that \$700 be paid Mr. Bob Faith from the Contingency Fund provided the funds are available. Roll was called on the motion with the following result: Councilmen voting "AYE," Emerson, Orr, Colescott, Strnad, and Wright. Councilman voting "NAY:" President Shults. A majority of Councilmen voting "AYE," the President declared the motion carried.

Instrument #3984

DOG POUND Authorize Dr. Lumley to care for dogs for \$200 a mo and to issue dog licenses

City Manager Cheever stated that for the past month and a half, Dr. Chas. Lumley has been taking care of all dogs picked up by the dog catcher and impounded. That this arrangement has been working very well and has eliminated all complaints on the treatment of impounded dogs as they are well cared for, exercised daily, and treated if sick. If the dogs are not claimed, Dr. Lumley painlessly puts them to sleep and has an arrangement with the rendering plant which disposes of them. Dr. Lumley has been collecting the \$1.50 pick-up fee and \$1.00 a day fee for boarding. He will continue this arrangement for \$200 a month, with the City to receive the pick-up fee and the boarding fees which are now amounting to from \$50 to \$100 a month. This would mean an outlay of from \$100 to \$150 per month for the City, which would be a much cheaper operation than for the City to build and maintain an adequate dog pound. He also asked that Dr. Lumley be appointed as an agent of the City to sell dog licenses, so that persons reclaiming dogs from the pound could buy their licenses at the time they get them from the pound.

It was moved by Councilman Orr and seconded by Councilman Wright that Dr. Chas. Lumley be authorized to continue to take care of impounded dogs at the rate of \$200 per month if the money is available in the Contingency Fund, and that Dr. Lumley be authorized to sell dog licenses to persons reclaiming dogs from the pound, as an agent of the City. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried. City Manager Cheever was instructed to make provision in the 1959 budget to care for dogs on this basis, rather than to build and operate a City dog pound.

PROP. ORD. RECREATION DEPT.

The following proposed ordinance was presented and read: AN ORDINANCE AMENDING CHAPTER 9 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION; PROVIDING FOR THE ESTABLISHMENT OF A RECREATION DEPARTMENT; THE APPOINTMENT OF A RECREATION DIRECTOR, AND THE CREATION OF AN ADVISORY RECREATION BOARD. It was moved by Councilman Colescott and seconded by Councilman Emerson that the proposed ordinance be passed for publication. Motion carried.

WATER BILL ADJUST. Mrs. Grace Dunham, 1672 Dolores St. (OM.) denied

Mrs. Grace Dunham, 1672 Dolores St., Orchard Mesa, presented a request for a water bill adjustment in her Oct. 1st water bill which amounted to \$86.70. For the corresponding quarter last year, her bill was \$18.00. It was moved by Councilman Orr and seconded by Councilman Strnad that in view of the past policy of the Council in not granting water bill adjustments to outside users and because it would be difficult to explain to a number of other people to whom these requests have been rejected that this request be denied. Motion carried.

3.2 BEER APPLICATION. Mrs. Ameer J. Lumbardy Village Inn, 2430 No. Ave.

Mrs. Ameer J. Lumbardy dba Village Inn at 2430 North Avenue presented an application for a 3.2 beer license. It was moved by Councilman Wright and seconded by Councilman Emerson that this application be advertised for hearing on Nov. 19, 1958. Motion carried.

RENEW 3.2 BEER APPL FOR PARKER HOUSE CAFE.

Mrs. Shirley Miracle Hess presented an application for renewal of 3.2 beer license for the Parker House Cafe at 326 Main Street. The license was issued originally on Nov. 6, 1957 to Shirley Miracle and Clyde DuRoy dba Parker House Cafe at 326 Main Street. Mr. DuRoy is Miss Miracle's father and lives in Montrose. Miss Miracle has now married and is asking for the license to be issued in the name of Shirley Miracle Hess only. Mr. DuRoy is dropping out of the business. It was moved by Councilman Wright and seconded by Councilman Emerson that the license be granted when the state license has been received. Motion carried.

PROP. ORD. Carports

The following proposed ordinance was presented and read: AN ORDINANCE AMENDING SECTION 8-(d)-1 OF CHAPTER 83 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, CONCERNING THE SIDE YARD REQUIREMENTS IN RESIDENTIAL AREAS AS THEY APPLY TO THE CONSTRUCTION OF A CARPORT. It was moved by Councilman Wright and seconded by Councilman Strnad that the proposed ordinance be passed for publication. Motion carried.

SAFETY AWARD CERTIFICATES

Recently, the State Industrial Commission conducted a short course in industrial safety and a number of City employees completed the course. Certificates of award had been received and were to be presented to these employees. City Manager Cheever stated that every effort was being made to better the City's safety record.

AUCTIONEER'S LICENSE.

At the last Council meeting, Councilman Emerson had been asked to work out and bring back to the Council a modification of the auctioneer's licensing ordinance. He stated that he had talked to Mr. Carl Nixon and had met with a committee from the Chamber of Commerce as he thought both of these parties would be interested in this matter. At the present time, a \$200.00 fee is charged for auctioning new merchandise and \$75.00 is charged for used goods for each auctioneer. Mr. Nixon has a problem as he uses different auctioneers and sometimes uses as many as four, who would each be required to pay a license fee, which is prohibitive in his business. Councilman Emerson stated that the Chamber of Commerce committee felt that the fee of \$200 on new merchandise for each auctioneer should be retained; that possibly the fee of \$75.00 for used merchandise could be issued to an establishment instead of for each auctioneer and that possibly before an auction is started a permit should be obtained from the Chief of Police so that a check could be had of outside auctioneers.

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

/s/ Blanche Stringer
Acting City Clerk