

Grand Junction, Colorado  
November 5, 1958

ROLL CALL.

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock P. M., November 5, 1958. Councilmen present and answering at roll call were Emerson, Orr, Colescott, Harper, Strnad, Wright and President Shults. Also present were City Attorney Ashby, City Manager Cheever and City Clerk Tomlinson.

MINUTES.

It was moved by Councilman Strnad and seconded by Councilman Orr that the minutes of the regular meeting held October 15, 1958, and the minutes of the special meeting held at 10:00 A.M. on October 24, 1958 be approved as written. Motion carried.

WEST LAKE PARK ANNEX. to be re-advertised - hearing 11-17-58

The matter of the West Lake Park Annexation was tabled at the last meeting of the Council, to be again considered at this time. City Attorney Ashby explained to the Council that the West Lake Park Annexation was being contested on several legal grounds; that he considered most of the grounds were not valid, but that one had recently been found in which an error had been made in the statement which concerned the number of resident landowners and showed that 213 landowners had signed the petition rather than 113. Mr. Ashby apologized for this error having been made in his office, and stated that the opposition in West Lake Park had thought that they had to get two-thirds of 213 signers rather than two-thirds of 113 signers in a counter petition to cause an election to be called. He suggested that the notice be published again correctly, and that a new hearing date be set on December 17th at which time a counter petition could be filed if desired.

It was moved by Councilman Wright and seconded by Councilman Orr that a notice of re-hearing on West Lake Park Annexation be published setting the date of hearing as December 17th. Motion carried.

Mr. Garlitz asked some questions concerning reasons for changing the boundary lines of the district, and he was advised to get in touch with the City Attorney and to get these questions settled before the 17th of December.

FRUITVALE ANNEX. Hearing - to be readvertised-hearing to be 12-17-58

This was the date set for annexation of the Fruitvale area. Mr. Shults, President of the Council, stated that he felt that this was no place to argue the legality of the petitions; that if there were any questions concerning the legality of any of the proceedings, they should be brought up and argued in the proper court; that he would be glad to hear

from anyone who had anything to say concerning the annexation of the Fruitvale area but would like to limit each person's argument to three minutes.

A letter was read from School District No. 51 stating that they were taking no sides in the annexation matter whatever; that if the City decided to annex Fruitvale, they would ask that all of the property which they owned in this district be annexed also, and if they did not annex, that naturally the School District property would not be annexed either. A letter from the Chamber of Commerce was read recommending the annexation of the Fruitvale area, and also one from the Planning Commission recommending the annexation.

Mr. Forrest Clodfelter, 540 29 Road, a member of the original Fruitvale Water and Sanitation Board, reviewed events leading to the circulation of petitions asking that the Fruitvale area be annexed to the City. He stated that a majority were in favor of annexation and that most of the people did not expect the full services of the City immediately; most people in the Fruitvale area were fair-minded enough to go along with the City and cooperate in getting utilities and services established. He stated that \$30,000 had already been spent for a survey on the water and sewer systems and that the Council would have the benefit of this survey.

Councilman Wright was in favor of taking in the Fruitvale area. He stated that some had sound reasons for not wanting to be annexed, but if the City Council did not take it in, that in years to come both the people of Fruitvale and the City would be sorry.

Councilman Orr spoke in favor of the annexation.

A property owner, who had recently moved in here from Michigan and bought property at 2903 North Avenue, spoke in favor of the annexation. President Shults read a letter from City Manager Cheever giving the costs of the proposed improvements to the water system which are planned for the next five years. He also stated that he thought that all persons paying City taxes were entitled to the same services.

Mr. Cecil Haynie, Attorney for those who opposed the annexation of the Fruitvale area, stated that he had two clients who were positive that the notices required on annexations were not published as required by law. As it was impossible to find out from the Morning Sun, the official newspaper of the City, whether or not the required four publications had been actually made until Thursday morning, this matter was passed over for the time being.

People speaking against the annexation were Cameron Grant, Mr. Drewry, Fred Calkins, County Building Inspector, Ray Fiegel, Ken Schindel, Carl Purcell, Mrs. King and others.

Councilman Harper explained matters of zoning and non-conforming uses in zoning. He also stated that the Council had no control over the assessed valuations which the County Assessor placed upon property, but until a change in use of property had been made, they had been reasonably assured by Mr. Jones, Assessor, that the valuation

would not be changed. He also stated that on account of securing rights of way and because of condemnation proceedings, that it would be better for both Fruitvale and the City if the area were annexed at this time instead of waiting another ten years to assure an orderly growth.

Several people brought up the matter of annexing in small tracts, and it was explained that at the time the board originally came before the Council asking for sanitation and water utilities, that it was suggested that those areas closest to Grand Junction be brought in first, but the manner in which the Fruitvale Water and Sanitation District had been set up with the idea of giving all of the people in that area water and sewer facilities, the Board felt that it should be all annexed or none.

Councilman Emerson reviewed the beginning of the negotiations for the annexation of the Fruitvale District, and stated it had been determined from studies that it would not cost any more to annex than it would to go ahead with the Water and Sanitation District; that the City's policy of not giving sewer facilities outside of the City limits had been established many years ago and the policy of not serving property eligible for annexation with water had been established in recent years. He also cited the fact that the new fire sub-station which was to be built in that locality and the major water improvements which would have to be made in the near future could serve this area. He stated that he thought that the City and the Fruitvale residents should forget their arguments and try to work out their problems to the mutual benefit of all concerned as it was true that development was going in that direction.

It was suggested by several in the audience that this matter be brought to a vote of the people in Grand Junction as well as those in the Fruitvale area but City Attorney Ashby informed the audience that the citizens of Grand Junction have no say in an election on annexation and that until a counter petition is filed, an election cannot be called for the people in the Fruitvale area to vote on the matter.

Councilman Colescott stated that he thought the area was too large to annex at one time, and that he would be in favor of taking it in in stages and that smaller tracts be annexed instead of such a large acreage all at once.

The question was asked as to whether or not the Council contemplated raising water rates 40% in the immediate future, and President Shults assured those present that at the present time, the Council does not contemplate a raise in water rates.

The following proposed ordinance was presented and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION. It was moved by Councilman Emerson and seconded by Councilman Strnad that the ordinance be passed for publication. Roll was called on the motion with the following result:

Councilmen voting "AYE:" Emerson, Orr, Harper, Strnad and Wright Councilmen voting "NAY:" Colescott and Pres. Shults. A majority of Councilmen voting "AYE," the President declared the motion carried, but it was stated that should it be found that the

publication of the notice advertising the Fruitvale area was not in accordance with the State law and as directed by the City Clerk's office, that the district be advertised again, and it was so moved by Councilman Wright and seconded by Councilman Harper, that if necessary that re-advertising take place and hearing be set on December 17th. Motion carried.

SAN. SEWER DIST. #18 Bids for constr. To advertise for bids on bonds

Bids on Sanitary Sewer District No. 18 were taken at 10:00 A. M. on Wednesday morning, and the following bids received:

George Tilton	\$5,145.00
Corn Construction Co.	4,053.80
F. H. Linneman, Inc.	3,843.62

It was moved by Councilman Strnad and seconded by Councilman Orr that the City advertise for bids for Sanitary Sewer District No. 18 bonds in the amount of \$4,300.00. Motion carried.

It was moved by Councilman Strnad and seconded by Councilman Orr that the City accept the bid of F. H. Linneman, Inc. of Olathe, Colorado, as the lowest bidder for construction of Sanitary Sewer District No. 18 subject to the sale of the bonds. Roll was called on the motion with all Councilmen voting "AYE." The President declared the motion carried.

ZONING - Hearing on W. Main St. Property fr Bus A to Res. C

This was the date set for hearing on the change of zoning of property located on West Main Street which is to be changed from Business "A" district to Residence "C" district. No protests were filed on this zoning change, 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 INCLUDED THEREIN. It was moved by Councilman Wright and seconded by Councilman Colescott that the proposed ordinance be passed for publication. Motion carried.

ZONING - Hearing No. Monterey Park-Tabled

This was also the date set for hearing on the zoning of the North Monterey Park annexation. A letter from Mr. Robert Maffey, 1047 Bookcliff, protesting the zoning of the property to anything but Residence "A" was presented. Mr. Maffey was also present and protested the zoning of his property to Residence "B" district. Mr. Rump was present and spoke supporting the zoning to Residence "B". After considerable

discussion, it was moved by Councilman Orr and seconded by Councilman Harper that the matter be tabled until the next regular meeting to see if a solution could be worked out so that all of the residents in this area would be satisfied with the zoning. Motion carried.

Instr # Rev pmts

REVOCABLE PERMIT Bumper strip at Bus Terminal Bldg granted Smith & Associates

Smith & Associates asked for a revocable permit to construct a bumper strip approximately twenty-five feet long immediately adjacent to the north wall of the bus terminal building. The purpose of this bumper is to avoid further damage to the building caused by the trucks from the Transfer Company backing across the alley and into their building. The construction of this bumper would be of railroad rails or steel I beams 4 x 2 1/2 imbedded in concrete vertically against the building with the rails covered by 1/8 inch sheet steel approximately two feet wide.

It was moved by Councilman Wright and seconded by Councilman Harper that the City Attorney be instructed to draw up a Revocable Permit to be signed by the City Manager and Smith & Associates allowing for a bumper strip to be built. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

Recorded No. 847671, 9/3/63, Book 854, Page 212

PROP. ORD. Correcting description Ord. 1052 and repealing - Regent Subdiv.

The following proposed ordinance was presented and read: AN ORDINANCE VACATING A PORTION OF AN EASEMENT IN REGENT SUBDIVISION IN THE CITY OF GRAND JUNCTION, COLORADO, AND REPEALING ORDINANCE NO. 1052. An error had been made in the description of the property upon which the easement was moved. It was moved by Councilman Harper and seconded by Councilman Strnad that the proposed ordinance be passed for publication. Motion carried.

7TH DAY ADV. CHURCH Permit church to be built at 8th & Mesa

The Seventh Day Adventist Church presented a request for a church at 8th and Mesa. This request was approved by the Planning Commission at its meeting on October 29th and recommended that a permit be issued for the construction of a church with the stipulation that the City enter into a contract with the church officials guaranteeing that the parking area outside their building expansion would be retained for parking.

Waive building permit fees

It was moved by Councilman Harper and seconded by Councilman Orr that the request be granted and the Building Department authorized to issue the permit for the construction of the church. Motion carried.

It was moved by Councilman Wright and seconded by Councilman Strnad that the permit fees for the building of the Seventh Day Adventist Church be waived. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

EAGLES LODGE REQ. Ten Commandments Monument to be installed on City Hall lawn

The Eagles Lodge requested permission to put a monument of the Ten Commandments on the lawn at the City Hall. This is a national project of the Eagles. It was moved by Councilman Harper and seconded by Councilman Orr that the request be granted. Motion carried.

ORD. 1054 Recreation Dept. included in City Depts.

The Proof of Publication to the proposed ordinance entitled 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, was presented and read. It was moved by Councilman Wright and seconded by Councilman Strnad that the Proof of Publication be accepted and filed. Motion carried. It was moved by Councilman Strnad and seconded by Councilman Wright that the ordinance be called up for final passage. Motion carried.

The ordinance was then read, and upon motion of Councilman Orr and seconded by Councilman Strnad was passed, adopted, numbered 1054 and ordered published. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

ORD. 1055 Side yard requirements for carports

The Proof of Publication to the proposed ordinance entitled 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, was presented and read. It was moved by Councilman Strnad and seconded by Councilman Wright that the Proof of Publication be accepted and filed. Motion carried. It was 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 Wright and seconded by Councilman Orr was passed and adopted, numbered 1055 and ordered published. Roll

was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

### BEER VIOLATION West Side Grocery-Hearing 11-19-58

Mr. Karl Johnson, Chief of Police, reported a violation of the 3.2 beer ordinance by Laurence and Julia Flanagan who operate the West Side Grocery at 505 West Colorado. On October 19th they sold beer to Jesse Leonard McCurry, 17 years of age. Mr. and Mrs. Flanagan pleaded guilty in court and were fined \$15.00 and costs, and Jesse McCurry was also taken into court and given the same penalty. Mr. McCurry has since been sentenced to the State Reformatory for violation of probation.

It was moved by Councilman Harper and seconded by Councilman Orr that Mr. and Mrs. Flanagan be instructed to appear before the City Council on November 19th to show cause why their license should not be suspended or revoked. Motion carried.

### 3.2 BEER APPLICATION Naomi Wade, 319 So. 2nd Hearing Dec. 3

Naomi Wade presented an application for a 3.2 beer license for the Circle Cafe at 319 So. 2nd St. It was moved by Councilman Emerson and seconded by Councilman Orr that hearing on this application be set for December 3rd and advertisement duly made. Motion carried.

### ACCEPT RESIGNATION Al Cornelison fr G.J. Plan. Com.

Mr. Al Cornelison, Chairman of the Grand Junction Planning Commission, presented his resignation from the Planning Commission. It was suggested by the Council that due to the outstanding work which Mr. Cornelison had done on the Planning Commission that a letter be directed to him thanking him for his services and expressing the appreciation of the Council for all the things that he has accomplished.

### ZONING HEARING Lots 4 & 5, Blk 1 Bookcliff Park to be Dec. 3

It was moved by Councilman Strnad and seconded by Councilman Wright that the City advertise for hearing on a change of zoning on Lots 4 and 5 Block 1 Bookcliff Park to be changed from Business "A" to Business "AR." Motion carried.

### MEMO ON L.P. USE BY SCHOOLS

City Manager Cheever presented a memorandum to the City Council concerning the use of park facilities by the schools for the Council's study and for recommendations to be made at a latter meeting.

It was moved by Councilman Orr, duly seconded and carried that the meeting adjourn.

/s/ Helen C. Tomlinson

City Clerk