

Grand Junction, Colorado
November 19, 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 19, 1958. It was moved by Councilman Strnad and seconded by Councilman Emerson that Councilman Harper act as President Pro Tem in the absence of President Shults. Motion carried, and Councilman Harper took the chair and presided during the meeting. Councilmen present and answering at roll call were Emerson, Orr, Colescott, Strnad and Harper. President Shults and Councilman Wright were absent. Also present were City Attorney Ashby, City Manager Cheever and City Clerk Tomlinson.

MINUTES.

It was moved by Councilman Strnad and seconded by Councilman Colescott that the minutes of the regular meeting held November 5, 1958, be approved as written. Motion carried.

3.2 BEER VIOLATION Westside Grocery, suspended 3 days - selling to minor

This was the date set for hearing on the 3.2 beer violation of Laurence and Julia Flanagan dba Westside Grocery, 505 West Colorado Ave. They were convicted of selling 3.2 beer to Jesse Leonard McCurry, age 17, on October 27th. Mr. McCurry has since been sent to the State Reformatory and is now in that institution and not able to be present at the meeting. Mr. Karl Johnson, Chief of Police, gave the Council a resume of the events which lead up to the charge against Mr. and Mrs. Flanagan, and stated that McCurry was a large, husky boy. Mr. Flanagan stated that they were new in the community, and were under the impression that McCurry had recently returned from the Marines and thought that he was over 18 and that the boy had told them that he was over 18.

It was moved by Councilman Orr and seconded by Councilman Colescott that in view of the extenuating circumstances, and in view of the past policy of the Council in suspending licenses where there have been violations, that Mr. and Mrs. Flanagan's beer license be suspended starting November 20th for three days. Motion carried.

3.2 BEER LICENSE not granted to Ameer Lumbardy, for Village Inn, 2430 North Ave.

This was also the date set for hearing on the application of Ameer J. Lumbardy for a 3.2 beer license for the Village Inn, 2430 North Avenue. A letter from Karl Johnson, Chief of Police, was read in which he stated that establishments licensed to sell 3.2 beer, especially where it may be consumed on the premises, require much closer supervision from the management and the Police than other types of liquor or beer outlets. These places are frequented by youth between the ages of 18 and 21 as they are not allowed

to frequent bars; that there are four other outlets for liquor and beer within a radius of eight blocks around this location.

Petitions were presented which were signed in favor of the application and against the application, and Mr. Albin Anderson, Attorney, appeared on behalf of those protesting the granting of the license.

All of the residents, excepting two, residing on Bunting Avenue in the 2300 and 2400 blocks signed the petition of protest. Mr. Senn of the El Palomino Motel spoke against the granting of the license. Mr. Tom Golden, owner of the building, asked the Council to grant the license, and Mrs. Lumbardy spoke stating that she planned to be careful in the operation of the restaurant. Councilman Strnad brought up the matter of the low fees paid on occupational tax on liquor outlets in the City of Grand Junction.

President Pro Tem Harper stated that at the time Mr. and Mrs. Lumbardy operated the Parker House Cafe there was a beer violation and the license suspended; that after Mrs. Lumbardy was out of the business with her husband, the license was revoked. Councilman Emerson stated that it was up to the Council to consider the desires of the inhabitants and the needs of the neighborhood, and from the evidence presented by the petitions, it was very evident that the desires of the inhabitants in the neighborhood were that the license be not granted. He also told Mrs. Lumbardy that she would be fighting a losing battle if all of her neighbors were opposed to the granting of the license and the Council should go ahead and allow her to operate a restaurant with a beer license. It was moved by Councilman Emerson and seconded by Councilman Colescott that because of the desires of the inhabitants and the needs of the neighborhood that the application of Mrs. Anee J. Lumbardy for a 3.2 beer license for the Village Inn, 2430 North Avenue, be denied. Motion was carried with Councilman Strnad voting "NAY."

ORD. 1053 PASSED Vacating portion of easement in Regent Subdivision

The Proof of Publication to the proposed ordinance entitled AN ORDINANCE VACATING A PORTION OF AN EASEMENT IN REGENT SUBDIVISION IN THE CITY OF GRAND JUNCTION, COLORADO, AND REPEALING ORDINANCE NO. 1052 was presented and read. It was moved by Councilman Strnad and seconded by Councilman Orr that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Colescott 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 Orr and seconded by Councilman Strnad was passed, adopted, numbered 1053 and ordered published. Roll was called on the motion with all members of the Council present voting "AYE." President Pro Tem Harper declared the motion carried.

ORD. 1056 PASSED Zoning - West Main St. fr Bus. A to Res. C

The Proof of Publication to the proposed ordinance entitled AN ORDINANCE AMENDING CHAPTER 83 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, AND THE ZONING MAP INCLUDED THEREIN was presented and read. It was moved by Councilman Strnad and seconded by Councilman Orr 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. It was then moved by Councilman Colescott 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 Strnad and seconded by Councilman Orr was passed, adopted, numbered 1056 and ordered published. Roll was called on the motion with all members of the Council present voting "AYE." President Pro Tem Harper declared the motion carried.

SAN. SEWER #18 \$4,300 Bonds to First Natl. Bank at par - 4% int.

Bids from the United States Bank of Grand Junction and from the First National Bank for \$4,300 Sanitary Sewer District No. 18 bonds were opened, and were as follows:

First National Bank	4% interest on the entire block of \$4,300 at par value
U.S. Bank of G.J.	5% interest on the entire block of \$4,300 at par value

It was moved by Councilman Orr and seconded by Councilman Strnad that the bid of the First national Bank for the \$4,300 Sanitary Sewer District No. 18 bonds at the rate of 4% per annum be accepted. Roll was called on the motion with all members of the Council present voting "AYE." President Pro Tem Harper declared the motion carried.

Award Contract to F. H. Linneman for \$3,843.62

It was moved by Councilman Strnad and seconded by Councilman Colescott that the bid of F. H. Linneman of \$3,843.62 for the construction of Sanitary Sewer District No. 18 be accepted and contract awarded to him for the construction of the sewer. Roll was called on the motion with all members of the Council present voting "AYE." President Pro Tem Harper declared the motion carried.

NO. MONTEREY PARK Zoning hearing - Proposed Ordinance for publication

The matter of the zoning of North Monterey Park was tabled from the last Council meeting to be considered at this time. Mr. Rump and Mr. Fausone asked that the zoning be changed in accordance with the plan presented by the Planning Commission. A letter from Mr. Maffey was read in which he protested the zoning of some of his

property and that on the west side of North 10th Street as Residence "B" district. Mr. Maffey was present also and verbally protested downgrading of zoning in this area. Considerable discussion was had on the subject and an attempt was made to compromise so that all parties would be satisfied.

Councilman Orr moved that the recommendation of the Planning Commission be accepted and that the zoning proceed as outlined by that body, but there was no second to the motion and it was withdrawn. It was finally agreed by Mr. Maffey, Mr. Fausone and Mr. Rump that the west side of College Place be zoned as Residence "B" for the first three lots south of Bookcliff Avenue and that the area along Cannell Ave. be zoned as Residence "B", and that the area north of the hospital be zoned as Residence "C"; all other areas to remain as Residence "A". 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 Strnad and seconded by Councilman Orr that the proposed ordinance be passed for publication. Motion carried.

PROP. ORD. Uses in AR District

The following proposed ordinance was presented and read: AN ORDINANCE AMENDING SUBSECTION 1 OF THE BUSINESS "AR" DISTRICT (RESIDENTIAL BUSINESS) SUBSECTION OF SECTION 2 OF CHAPTER 83, 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, CLARIFYING THE SAME AS IT CONCERNS REGULATIONS OTHER THAN USE CATEGORIES WITHIN SUCH DISTRICT. It was moved by Councilman Strnad and seconded by Councilman Emerson that the ordinance be passed for publication. Motion carried.

ZONING 7th & Walnut

Mr. Andy Williams and the owner of the property at 7th and Walnut discussed briefly the matter of changing the zoning on 7th and Walnut which will be brought up for hearing on Dec. 3rd.

WATER BILL ADJUSTS.

The following requests for water bill adjustments due to service line breaks are requested.

Name	Address		1958		1957	Dif.

Randolph C. Crawford	426 Chuluota	64,500	\$12.81	42,200	\$9.48	\$3.33
Velma E. Budin	445 Gunnison	105,500	18.98	32,000	9.79	9.19

It was moved by Councilman Orr and seconded by Councilman Colescott that the adjustments be granted on the same basis as water used in the corresponding quarter in 1957. Roll was called on the motion with all Councilmen present voting "AYE." President Pro Tem Harper declared the motion carried.

1959 LIQUOR LICENSES Applications approved

The following applications for renewal of liquor licenses for 1959 were presented for approval:

Hotel & Restaurant \$325.00 (City \$48.75 State \$276.25) \$250 Occupat. (City)

- 1 Cafe Caravan, Marian S. Vogel, Alan M. Simpson, Julian E. Simpson, 105 W. Main St.
- 2 "Culleys" Fine Foods, W. T. & Verna I. Culley, 215 No. 5th
- 3 Dream Restaurant, Lucile M. Buchanan, 118 Main St.
- 4 Flamingo Lounge, Roy E. & Bernadine Dinkins, 201 Colo.
- 5 Hotel St. Regis, Harry E. Burnett, 4th and Colo.
- 6 La Court Hotel Co., Inc., 2nd & Main St.
- 7 Manhattan Cafe & Lounge, Carl R. & Louise Swenson, 345 Main St.
- 8 Mark's, Mark M. & Antonia V. Wagner, 105 No. 2nd
- 9 Quincy Restaurant & Lounge, Lewis E. & Ann L. Austin, 609 Main St.
- 10 Rovey's Cafe & Lounge, John F., Jack D. & Jesse J. Ritter, 122 S. 5th
- 11 Royal Grill, Mary Hayden, 209 Colo. (approved in Oct.)
- 12 Santy's Cafe & Lounge, 335 Main St., Anthony Santy

Liquor Stores \$150.00 (City \$22.50 State \$127.50) Occupat. Tax \$250 (City)

- 1 Crown Liquor Store, Ben and Julia Poloni, 119 S. 4th

- 2 City Liquor Store, Harold D. & Edith J. Jones, 901 No. 1st
- 3 Eight Ball Drive In Liquor Store, Robert J. Coates & Ambrose McCoy, 240 S. 5th
- 4 Freeqay Liquors, H. I. & Hazel M. Griffin, 141 No. 1st
- 5 Grand Liquor Store, Thos. N. & Marguerite A. Mulvihill, 220 W. Grand
- 6 Jim's Liquor Store, Melvin J. & Helen M. Benton, 1550 North Ave.
- 7 Johnnie's Liquor Store, Johnnie Retolaza, 1000 No. 5th St.
- 8 Last Chance Liquors, Clara E. Warren, 1203 Pitkin
- 9 Lucky Liquors, Mark W. Hamilton, 450 North Ave.
- 10 Raso Liquors, Dante & Raffelina Raso, 220 So. 2nd
- 11 State Liquor Store, Richard L. Stranger, 659 Rood Ave.
- 12 North Ave. Liquor Store, Pete Bosma, 801 North Ave.

Liquor Licensed Drug Stores \$150.00 (City \$22.50 State \$127.50) Occupat \$250. (City)

- 1 Copeland's Cut Rate Drug Store, Chas. A. Boyes, T. B. Copeland, Geo. R. Parsons, James P. Rigg, Sr., James K. Groves, Heywood Jones 500 Main St.
- 2 Hammer Drug Co., A. W. & A. E. Hammer, 158 Main St.

Clubs \$100.00 (City \$15.00 State \$85.00) Occupat. Tax \$100 (City)

- 1 Frat. Order of Eagles #595, 248 Main St.
- 2 Benevolent and Protective Order of Elks No. 575, 249 So. 4th St.
- 3 Loyal Order of Moose, G.J. Lodge #270, 523 1/2 Main St., P.O. Box 54e
- 4 Beye Lotz Post, #1247 Veterans of Foreign Wars of the U.S., 1404 Ute

It was moved by Councilman Colescott and seconded by Councilman Orr that the applications be approved and licenses granted when the state licenses have been received. Motion carried.

OCCUPATIONAL TAX CM to get figures from other cities for comparison

At this time the matter of the amendment of the occupational tax for liquor outlets was again discussed, and the City Manager was requested to get information from other cities in the State as to the amount of fees charged by them for occupational tax, and to present it to the Council at the next meeting, for discussion.

SAN. SR. #18 Resolution-Form of bonds

The following Resolution was presented and read: PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS OF SANITARY SEWER DISTRICT NO. 18. It was moved by Councilman Strnad 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." President Pro Tem Harper declared the motion carried.

RESOLUTION

PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS
OF SANITARY SEWER DISTRICT NO. 18.

WHEREAS, on the 15th day of October, 1958, the City Council of the City of Grand Junction, Colorado, adopted a resolution creating Sanitary Sewer District No. 18 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 said Sanitary Sewer District No. 18, including engineering, inspecting and other incidental expense, the City shall issue public improvement bonds of said Sanitary Sewer District No. 18, dated the first day of December, 1958, in the denomination of \$100.00 each, numbered 1 to 43 inclusive, due and payable on the 1st day of December, 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 4 per cent per annum, payable semi-annually on the first day of June and the first day of December 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 Sanitary Sewer District No. 18, 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
SANITARY SEWER DISTRICT NO. 18

No. _____

\$100.00

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 HUNDRED DOLLARS

in lawful money of the United States of America, on the first day of December, 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 June and the first day of December 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 Sanitary Sewer District No. 18 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 Sanitary Sewer District No. 18, 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 improvement, 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 Sanitary Sewer District No. 18 and the making of said improvement 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 first day of December, 1958.

President of the City Council

(SEAL)

ATTEST:

City Clerk

(Form of Coupon)

No. _____

\$2.00

On the first day of June/December A.D. 1959/68, The City of Grand Junction, Colorado, will pay the bearer TWO AND no/100 DOLLARS

in lawful money of the United States of America, at the office of the City Treasurer, in Grand Junction, Colorado, being six months' interest on its local public improvement bond of Sanitary Sewer District No. 18, provided the bond to which this coupon is attached has not been called for prior payment.

Attached to bond dated December 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 19th day of November, A. D. 1958.

(SEAL)

President of the Council

ATTEST:

City Clerk

CIVIC AUD. Grant request of Octavos for free use for Xmas concert

The Octavos presented a request that they be granted permission to use the civic auditorium on Thursday, December 18th, for their annual Christmas concert. This concert necessitates the use of a piano in the auditorium. It was moved by Councilman Orr and seconded by Councilman Emerson that the request be granted. Motion carried.

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

/s/ Helen C. Tomlinson
City Clerk