

Grand Junction, Colorado

April 1, 1959

ROLL CALL.

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock P. M., April 1, 1959. Councilmen present and answering roll call were Emerson, Orr, Harper, Colescott, Wright and President Shults. Councilman Strnad was absent. Also present were City Attorney Ashby and City Clerk Tomlinson. City Manager Cheever was absent.

MINUTES.

It was moved by Councilman Orr and seconded by Councilman Harper that the minutes of the meeting of March 18th with the addition of the election notice is approved as written. Motion carried.

GRANT 3.2 BEER LIC. Sylvester J. & Lela M. Lehn dba Lee & Silver's Cafe, 326 Main St.

This was the date set for hearing on the application for a 3.2 beer license of Sylvester J. and Lela M. Lehn for Lee and Silver's Cafe, formerly known as the Parker House, at 326 Main Street. A letter from Chief of Police Johnson was read calling attention to the fact that the Lehns had operated the Circle Cafe and were very cooperative and attempted to keep any problems associated with their business to a minimum. He also called attention to the fact that this location has, during the past few years, cause the Police Department considerable difficulties and there have been violations resulting in the suspension of the license by other operators.

Mr. Du Roy, who owns the building, stated that there was to be a large remodeling job done to the back part of the building and in the kitchen making it conform to the rules and regulations of the Health Department. The Council discussed the matter at considerable length.

It was moved by Councilman Orr that in view of what has gone before and insofar as this hearing is concerned, the Council go ahead and grant a 3.2 beer license to Mr. and Mrs. Lehn at 326 Main Street. Motion was seconded by Councilman Emerson.

Councilman Harper stated that in view of what has happened in the past, he felt Mr. Lehn should be warned that he is stepping into a situation that is very bad as what has gone on before will not be tolerated, and that he should realize that he is on very thin ice to say the least.

Councilman Colescott stated that he agreed with Councilman Harper, and that if there was trouble again at this location no leniency should be shown toward the location. Councilman Emerson stated that he felt the Council should grant the license to Mr. and Mrs. Lehn free and clear with no chips on the shoulders of the Council or not grant him a license at all.

Councilman Shults stated that he thought if the place started to be a hangout for kids, the Police would keep a close watch for trouble but that the Lehns would be given as fair a chance as anyone else. Councilman Wright stated that he thought the Lehns would be given a fair chance, but that if any violations occur, a revocation of the license would possibly be made by the Council. Roll was called on the motion with the following result: Councilmen voting "AYE:" Emerson, Orr, Harper, Wright and President Shults. Councilman voting "NAY:" Colescott. A majority of the Council voting "AYE," the President declared the

motion carried and a 3.2 beer license granted to Sylvester J. and Lela M. Lehn for Lee and Silver's Cafe at 326 Main Street.

PROP. ORD. Zoning School Prop. 21st & Grand fr Bus A to Bus. B

This was the date set for hearing on the change of zoning on a tract of land owned by the Mesa County Valley Schools on the south side of Grand Avenue at 21st Street. 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.

PROP. ORD. To pay Mary Eichelberger judgment in lawsuit

The matter of paying Mrs. Mary Eichelberger for damages due her on account of a suit which she filed against the City for damages sustained in a fall on an icy sidewalk was brought up and discussed. City Attorney Ashby stated that he and City Manager Cheever had talked the matter over and had decided the claim should be paid from the Contingency Fund. The amount of the claim is approximately \$7,000 including interest and costs.

Councilman Wright suggested that Mrs. Eichelberger be paid one-half of the amount due her at this time and the balance of the payment be provided for in next year's budget. The following proposed ordinance was introduced and read: AN ORDINANCE APPROPRIATING MONIES FROM THE CONTINGENCY FUNDS OF THE CITY OF GRAND JUNCTION TO PAY ONE-HALF THE JUDGEMENT RENDERED AGAINST THE CITY IN FAVOR OF MARY EICHELBERGER. Councilman Harper stated that he thought the City should pay the full amount at this time. President Shults stated that he thought that this being the first judgement and the first payment of liability for such a case, that the City should make the money come as hard as possible so that people would not think it was easy to get damages for every injury. This would amount to about one-fourth of a mill. Councilman Orr agreed with Councilman Harper. It was moved by Councilman Wright and seconded by Councilman Colescott that the proposed ordinance be passed for publication. Roll was called on the motion with the following result: Councilmen voting "AYE:" Colescott, Wright and President Shults. Councilman voting "Nay:" Emerson, Orr and Harper. There being no majority of affirmative votes, the President declared the motion lost.

The following proposed ordinance was introduced and read: AN ORDINANCE APPROPRIATING MONIES FROM THE CONTINGENCY FUNDS OF THE CITY OF GRAND JUNCTION TO PAY JUDGEMENT RENDERED AGAINST THE CITY IN FAVOR OF MARY EICHELBERGER. It was moved by Councilman Harper and seconded by Councilman Emerson that the proposed ordinance be passed for publication. Roll was called on the motion with the following result: Councilmen voting "AYE:" Emerson, Orr, Harper, Colescott, Wright. Councilmen voting "NAY:" President Shults. A majority of Councilmen voting "AYE," the President declared the motion carried.

REPORT ON CARE OF DOGS.

A report on the operation of the dog pound showed that fees collected for the first three months of 1959 amounted to \$166 and for dog licenses issued, \$82.00, which showed that it is costing about \$117 per month to operate the pound with the dogs receiving very good care by Dr. Lumley, and the owners of the dogs being able to get pets that are picked up without very much difficulty.

DAYS. Flag Day 5-16-59 Daughters Of Union Vets.

Forget-me-not Day Apr 24-25, 1959 D.A.V.

It was moved by Councilman Colescott and seconded by Councilman Orr that the Daughters of Union Veterans be granted permission to sell flags on May 16th and that the Disabled American Veterans be given permission to sell Forget-me-nots on the streets on April 24th and 25th. Motion carried.

WEED COMPLAINT

A complaint on weeds on lots in the 1000 block of Second Avenue was made. Mr. Alstatt and Chief Johnson were requested to investigate the complaint.

PEDESTRIAN CROSSING ON NORTH AVE. Discuss possibility

Councilman Emerson brought up the matter of a pedestrian or childrens' crossing on North Avenue when the new highway is completed. It was suggested that a pedestrian light might be installed. It was pointed out that walk and wait lights would be installed at the intersection of 12th and North Avenue.

POLICE ADM. BLDG. Open house 4-4-& 4-5-59

President Shults called attention to the fact that the new Police Administration Building would be open for public inspection from 2:00 to 6:00 P. M. on Saturday, April 4th, and from 2:00 to 6:00 P. M. on Sunday, April 5th, and invited all Councilmen to attend.

It was moved by Councilman Wright and seconded by Councilman Orr that the meeting adjourn until Wednesday, April 8th at 7:30 P.M. Motion carried.

/s/Helen C. Tomlinson
City Clerk