

Grand Junction, Colorado

April 15, 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 15, 1959. Councilmen present and answering roll call were Emerson, Orr, Harper, Colescott, Strnad and President Shults. Councilman Wright was absent. Also present were City Manager Cheever, City Attorney Ashby and City Clerk Tomlinson.

MINUTES.

It was moved by Councilman Colescott and seconded by Councilman Emerson that the minutes of the regular meeting held on April 1st and the adjourned meeting held on April 8th be approved as written. Motion carried.

CHANGE OF ADDRESS. Manhattan Cafe fr 345 to 557 Main granted-Swensons

This was the date set for hearing on the application of Carl R. and Louise Swenson to move their restaurant liquor license for the Manhattan Cafe from 345 Main Street to 557 Main Street. A petition approving the moving of the license was read. This petition was signed by a large number of the businessmen on Main Street between 5th Street and 7th Street. Mr. Lewis Austin, who owns the Quincy Restaurant, wrote a letter to the Council protesting the granting of the license at 557 Main Street. A letter from the Mesa County Department of Public Health in connection with the change of address request was read. Mr. G. E. Randolph spoke in behalf of the Swensons stating that they had always tried to operate a well managed restaurant. Chief of Police Johnson stated that the Swensons had always cooperated well with the Police Department in the conduct of their business. It was moved by Councilman Orr and seconded by Councilman Strnad that in view of the statements made, that Mr. Carl R. Swenson and Mrs. Louise Swenson be granted permission to move the Manhattan Cafe hotel and restaurant liquor license from 354 Main Street to 557 Main Street. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

REVOCABLE PERMIT First National Bank for tunnel from Bank to 4th & Rood Parking Lots - granted - Instr # Rev Pmts

The First National Bank made application to the City of Grand Junction for permission to construct and maintain a tunnel from

the rear, or north end, of the Bank's banking office on Lot 18 Block 103 underneath the alley to the south, or rear end, of Lots 8 and 9 of Block 103. This tunnel would connect the banking office and the driveup banking facilities which they intend to install on Rood Avenue. This installation would do away eventually with the drive-up booth on 5th St.

Mr. E. R. Thomas, President of the First National Bank, and Mr. Bliska, Architect, were present, and Mr. Thomas explained what they intended to do, and also stated that the Public Service Company and the Mountain States Telephone and Telegraph Company had written letters in which they stated they would cooperate in the matter of building the tunnel, insofar as their utilities are affected.

The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, First National Bank in Grand Junction has made application to the City of Grand Junction for permission to construct and maintain a tunnel from the rear or North end of the Bank's banking offices on Lot 18, Block 103, City of Grand Junction, underneath the alley in said Block 103, to the South or rear end of Lots 8 and 9 of said Block 103; and,

WHEREAS, said Bank has filed a plat of such construction with the City Engineer and said City Engineer has approved said plat and the application by said Bank; and,

WHEREAS, the City Council is of the opinion that the construction of such tunnel would not be detrimental to the use of the alleyway involved,

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

That the City Manager, on behalf of the City and as the act of the City, be, and he hereby is, authorized to grant a revocable permit to First National Bank in Grand Junction, permitting the Bank to install and maintain such tunnel in accordance with the plat of such construction filed with the City Engineer, with the further requirement that the Bank indemnify the City and save it harmless from any and all claims of whatever nature arising out of the construction, maintenance, use and operation of said tunnel.

PASSED AND ADOPTED this 15th day of April, 1959.

President of the City Council

ATTEST:

City Clerk

It was moved by Councilman Colescott 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." The President declared the motion carried.

R E V O C A B L E P E R M I T

WHEREAS, First National Bank in Grand Junction has made application to the City of Grand Junction for permission to construct and maintain a tunnel from the rear or North end of the Bank's banking offices on Lot 18, Block 103, City of Grand Junction, underneath the alley in said Block 103, to the South or rear end of Lots 8 and 9 of said Block 103; and,

WHEREAS, said Bank has filed a plat of such construction with the City Engineer and said City Engineer has approved said plat and the application by said Bank; and,

WHEREAS, the City Council is of the opinion that the construction of such tunnel would not be detrimental to the use of the alleyway involved and has directed the City Manager to issue a permit for such construction and for the maintenance, use and operation of such tunnel by said Bank.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

There is hereby granted a revocable permit to First National Bank in Grand Junction to construct, maintain, use and operate the tunnel above described; provided, that said permit may be revoked by the City Council at its pleasure at any time; provided further, that the said Bank shall install and maintain said tunnel at its own expense, paying whatever cost may result for relocation of utilities under and on said alley-way, and the cost of any necessary repaving of said alley-way; and provided further, that said Bank shall agree to indemnify the City and save it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising or resulting from the construction, maintenance, use and operation of said tunnel.

Dated this 15th day of April, 1959.

City Manager

ATTEST:

Recorded #847675, 9/3/63,
Book 854, page 22D

City Clerk

We hereby agree that we will abide by the conditions contained in the above permit and that we will indemnify the City and hold it harmless from all claims as recited in the foregoing revocable permit.

FIRST NATIONAL BANK IN GRAND JUNCTION

By _____
President

ORD. 1072 PASSED Zoning School Dist. #51 Property 21st & Grand as Business "B"

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 Harper and seconded by Councilman Emerson that the Proof of Publication be accepted and filed. Motion carried. It was then moved by Councilman Emerson and seconded by Councilman Harper that the ordinance be called up for final passage. Motion carried.

The ordinance was then read, and upon motion of Councilman Emerson and seconded by Councilman Orr was passed, adopted, numbered 1072 and ordered published. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

ORD. 1073 PASSED Approp. to pay Mary Eichelberger judgement \$6,972.34

The Proof of Publication to the proposed ordinance entitled 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 was presented and read. It was moved by Councilman Emerson 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 Orr that the ordinance be called up for final passage. Motion carried.

The ordinance was then read, and upon motion of Councilman Emerson and seconded by Councilman Harper was passed, adopted, numbered 1073 and ordered published. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

ANDERSON RANCH AGREEMENT ON WATER Burton authorized to negotiate with Lockhart agreement on water to be used in 1959

Mr. John A. Burton, Director of Public Works, stated that due to the short snow pack on Grand Mesa, it was felt that the City of Grand Junction will probably need to use part of the water from the Anderson ranch this year. He asked for permission to negotiate with Mr. Lockhart for the use of at least part of this water. Mr. Lockhart pays a yearly rental of \$3,000, but the lease states that he shall be reimbursed for loss of crops if it becomes necessary for the City to withhold a portion of the water. In order to avoid arguments at the end of the season. Mr. Burton thought it would be better to negotiate a deal with Mr. Lockhart at the beginning of the season.

It was moved by Councilman Harper and seconded by Councilman Orr that Mr. Burton be authorized to negotiate a contract with Mr. Lockhart for this year for the use of the water on the Anderson Ranch. Motion carried.

TO CLOSE HALLENBECK & JUNIATA RESERVOIR AREAS TO PUBLIC

Mr. Burton also asked for permission to close the Hallenbeck Reservoir area to the public. There have been quite a few people going into the Reservoir to fish and there are no sanitary facilities provided in this area. This Reservoir is at the head of the pipeline which comes directly to the City Reservoir. Officials of the local health department also believe that it is advisable to close this area to the public. Closing the Hallenbeck property would also close, for the present at least, the Juniata Reservoir area, which, when and if it is opened to the public, will have the necessary sanitary facilities and policing provided. It was moved by Councilman Harper and seconded by Councilman Strnad that Mr. Burton be authorized to close the area around Hallenbeck Reservoir to the public. Motion carried.

WATER BILL ADJUSTMENTS Iona Taylor, Phyllis Quintana

The following requests for water bill adjustments due to service line leaks were presented:

		1959		1958		
<u>Name</u>	<u>Address</u>	<u>Gals</u>	<u>Amt</u>	<u>Gals</u>	<u>Amt</u>	<u>Dif</u>
Iona Taylor	728 Pitkin	129,000	\$22.50	6,700	\$4.50	\$18.00
Phyllis Quintana	803 Noland	34,700	8.70	16,200	5.58	3.12

It was moved by Councilman Colescott and seconded by Councilman Emerson that the adjustments be approved on the same basis as water used in the corresponding quarter of 1958. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

PEOPLES ORDINANCE #31 Report on interpretation & cost by C.A., C.T. & C.C. & CM

The following report was made to the Council on publishing expenditures required by Peoples Ordinance No. 31 voted by the people in the election April 7th:

CITY OF GRAND JUNCTION

April 13, 1959

Office of City Attorney
518 Main Street

City Council
City of Grand Junction
Grand Junction, Colorado

Gentlemen:

You have requested that the City Treasurer, The City Manager, the City Clerk and I give to you an approximate cost figure for compliance with the new people's ordinance, at least insofar as that ordinance is clearly drawn and can be readily interpreted. We have arrived at two possible approaches to compliance under the ordinance.

Under the first such approach, the disbursement of funds would be indicated by the listing of the payee on the warrant together with a general statement such as "supplies, materials" etc. for the items furnished, and the amount paid for such items. Such an approach would require approximately two days per month of an employee's time in the Clerk's office at a cost of approximately \$384.00 annually. The cost of publishing under this system, which

would include the semi-annual statement required, would be \$750.00 annually, making a total expenditure of \$1,134.00.

Under the second approach, each item purchased would be denominated by name, an example of which would be the category "supplies" which might be broken down into "pencils," "paper," "carbon paper" and items of that nature. The publishing cost, with this breakdown, would approximate \$2,250.00 annually, and an additional girl would have to be hired in the Clerk's office at an annual cost of \$3,600.00. It is true that perhaps only half of the time of the girl would be taken up in preparing the required material, but such girl would not be hired at this time were it not for publication required by the people's ordinance, if this is the approach used.

It is to be borne in mind that these figures are approximations only, which they must of necessity be, since there is only a fair comparison for determination of the figures under the first approach and no comparison to be had under the second approach to publication. In addition, for the publication for the balance of this year, the amounts would represent only nine-twelfths of the figure quoted since the publications will begin with the quarter beginning April 1. Also, it is felt by the City Clerk that a saving can be made by publishing monthly rather than quarterly, and in compiling these figures an attempt was made to compute them on the basis of monthly publication rather than quarterly, such monthly publication being permitted under the terms of the people's ordinance.

Very truly yours,

(Signed) Gerald J. Ashby
City Attorney

It was moved by Councilman Emerson and seconded by Councilman Harper that the Council thank the Committee for their report, and that inasmuch as this matter should be determined by the Council, it be tabled until the next Council meeting. Motion carried.

ZONING HEARING Freeway Bowling Alley Property to be May 6, 1959 -
Instr #3988

It was moved by Councilman Emerson and seconded by Councilman Colescott that the City Clerk be instructed to advertise hearing on the zoning of the Freeway Bowling Alley property for May 6th. Motion carried.

ANNEXATION PETITION 28 Road & 28 1/4 Road - south of Orchard Ave.

The following petition to annex property between 28 Road and 28 1/4 Road, south of Orchard Avenue, was presented:

PETITION FOR ANNEXATION

WE THE UNDERSIGNED do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described property to the said City:

The North-west quarter of the North-west quarter of the South-west quarter of Section 7, T. 1 S., R. 1 E., Ute Principal Meridian, Mesa County, State of Colorado, and beginning at the North-west corner of the South-west quarter of the North-west quarter of the South-west quarter of Section 7, T. 1 S., R. 1 E., Ute Principal Meridian, thence East 584 feet; thence south 83 feet; thence west 584 feet; thence north 83 feet to the point of beginning, and the North-east quarter of the North-west quarter of the South-west quarter of Section 7, T. 1 S., R. 1 E., Ute Principal Meridian, except the south one acre thereof.

As ground therefor, the petitioners respectfully show to the said Council that the said territory is eligible for annexation in that it is not embraced within any city or town, that it abuts upon or is contiguous to the City of Grand Junction in a manner which will afford reasonable ingress and egress thereto, that more than one-sixth of the aggregate exterior boundary of the territory proposed to be annexed coincides with the existing boundary of the said city, and that the non-contiguous boundary of the said territory coincides with the existing block lines, street lines, or governmental subdivision lines.

This petition is accompanied by four copies of a map or plat of the said territory, showing its boundary and its relation to established city limit lines, and said map is prepared upon a material suitable for filing.

Your petitioners further state that they are the owners of more than fifty per cent of the area of such territory to be annexed and also comprise a majority of the land owners residing in the said territory; that the resident address of each signer and the date of signature are set forth hereafter opposite the name of each signer, and that the description of the property owned by each signer of said petition is attached hereto.

WHEREFORE these petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance.

<u>Date</u>	<u>Signature</u>	<u>Address</u>	<u>Qual. Elect & L.O.</u>	<u>L.O. only</u>	<u>Property Description</u>
4-13-59	Howard H. Young	Box 86 Colbran		yes	Beg. 196' S of NE Cor NE1/4 NW1/4 SW1/4 Sec 7, T1S R1E W 208.7' S 70' E 208.7 N to Beg exc. E. 130' thereof
4-13-59	Arloa Young	Box 86 Colbran		yes	
	(not signed)				
	Orvill T. Roweton Jr.		x		Beg 196' S of NE cor NE1/4 NW1/4 SW1/4 Sec 7, T1S R1E W 130' S 70' E 130' N to Beg
	Myrtle L. Roweton		x		
4-13-59	Willard Young	543 28 1/4 Rd	yes		Beg 266' S of NE1/4 NW1/4 SW 1/4 Sec. 7, T1S R1E W 208.7 S 138.7 E 208.7 N

					to Beg
4-13-59	Howard Young	545 28 1/4 Rd		x	
4-13-59	Nona Young	543 28 1/4 Rd	yes		
	(not signed)				
	P. M. Bishop		x		S 2 acres of the N 8 acres of NE1/4 NW1/4 SW1/4 sec 7, T1S R1E UM
	Lettie Bishop				
	(not signed)				
	Helen N. Palmer Jessie E. Palmer				S 1 acre of the N 9 acres of NE1/4 NW1/4 SW1/4 sec 7, T1S R1E
4-13-59	(signed) J. L. Sellars				
4-13-59	Earle Barbour	2700 North Ave.		"	N 6 acres of NE1/4 NW1/4 SW1/4 Sec 7, except, beg 196' S of NE cor sd NE1/4 NW1/4 SW1/4 W

					208.7' S208.7' E 208.7 N to beg
	(not signed)				NW1/4 NW1/4 SW1/4 Sec 7 T1S R1E exc Beg at NW cor sd NW1/4 NW1/4 S1/4 Sec 7 E 208.71 S 208.71 W 208.71 N to beg
4-13-59	Erskine E. Scates	548 28 Rd	yes		Beg at NW cor NW1/4 NW1/4 SW1/4 sec 7, T1S R1E E 208.71 S 208.71 W 208.71 N to beg
4-13-59	Faith Marie Scates	"	yes		
4-13-59	Waldo M. Fisher	540 28 Road	yes		Beg at NW cor SW1/4 NW1/4 SW1/4 Sec 7 T1S R1E E 584' S 83' W 584' N to beg
4-13-59	Evelyn Fisher	540 28 Road	yes		

STATE OF COLORADO)		
)	ss	AFFIDAVIT
COUNTY OF MESA)		

_____, 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) James L. Gale

Subscribed and sworn to before me this 14th day of April, 1959.

Witness my hand and official seal.

(Signed) Helen C. Tomlinson
Notary Public

My Commission expires: Dec. 9, 1962

The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS a petition to annex the following-described property, to-wit:

The Northwest quarter of the Northwest quarter of the Southwest quarter of Section 7, Township 1 South, Range 1 East, Ute Principal Meridian, Mesa County, State of Colorado, and beginning at the Northwest corner of the Southwest quarter of the Northwest quarter of the Southwest quarter of Section 7, Township 1 South, Range 1 East, Ute Principal Meridian, thence East 584 feet; thence South 83 feet; thence West 584 feet; thence North 83 feet to the point of beginning, and the Northeast quarter of the Northwest quarter of the Southwest quarter of Section 7, Township 1 South, Range 1 East, Ute Principal Meridian, except the south one acre thereof.

has been filed with the City Clerk and is now presented to the City Council; and,

WHEREAS, upon examination of the said petition and hearing the testimony presented, the City Council does hereby find: That the said territory is eligible for annexation to the City of Grand Junction; that the petition is signed by more than 50% of the owners of the area of such territory to be annexed and that the persons signing such petition also comprise a majority of the landowners residing in the territory at the time such petition was filed with the City Clerk; that there is attached to the said petition four copies of a map or plat of such territory which is suitable for filing; that the said petition and maps are sufficient and substantially meet the requirements of Section 2, of Chapter 314, Session Laws of Colorado, 1947;

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

That the said petition for annexation shall be, and the same is hereby, accepted and approved; and that notice of the filing of the said petition shall be published once each week for four publications in the Morning Sun, the official newspaper of the said City of Grand Junction.

PASSED AND ADOPTED THIS 15th day of April, 1959

President of the City Council

ATTEST:

City Clerk

It was moved by Councilman Harper and seconded by Councilman Emerson that the Resolution be passed and adopted as read and the date of hearing be set for May 20th. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

PLANNING COMMISSION Howard McMullin & Richard Zollner resign

The resignations of Howard McMullin and Richard Zollner from the Planning Commission were presented. It was moved by Councilman Colescott and seconded by Councilman Harper that the resignations be accepted, and that the City Clerk be instructed to write letters to each of them thanking them for their services on this Commission. Motion carried.

Rudy Harras & Alex Bauer appointed to finish terms

President Shults appointed Rudy Harras to finish out the unexpired term of Howard McMullin which term expires August 1, 1959. He also appointed Alex Bauer to serve the term of Richard Zollner which expires August 6, 1961.

BOARD OF ADJUSTMENT G. E. Randolph apptd to fill H. Summerfield Day term to 6-1-60

It was moved by Councilman Orr and seconded by Councilman Strnad that G. E. Randolph be appointed to serve on the Board of Adjustment replacing H. Summerfield Day; this term to go until June 1, 1960.

BUILDING PERMIT FOR CHURCH AT 8TH & NOLAND Church of God of Christ (negro)

The Planning Commission approved the construction of a church at 8th and Noland with the qualification that the people who are interested in building it be notified in writing that the area is zoned for industrial use and there is a possibility that at some time in the future, it might be used for that purpose. It was moved by Councilman Strnad and seconded by Councilman Emerson that permission be granted the Church of God of Christ (negro) to build a church at 8th and Noland. Motion carried.

AUTHORIZE SALE OF OLD JAIL EQUIPMENT To town of Fruita for \$50 and plywood cabinets

The Town of Fruita offered \$50 for old jail equipment in the old police building. It was moved by Councilman Emerson and seconded by Councilman Harper that the City Manager be authorized to sell the Town of Fruita jail cells, bars, doors, etc for the sum of \$50, and also that he be authorized to sell some plywood cabinets in the old building for the sum of \$15.00. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

PARKING LOTS 4th & Rood - to sign lease with Citizens Finance Co. to 1-1-64 - Instr #3941

A lease for the parking lots on 4th and Rood between the City and the Citizens Finance Company was presented. It was moved by Councilman Strnad and seconded by Councilman Harper that City Manager Cheever be authorized to sign this lease. Motion carried.

ALLEY-BET ELM & TEXAS fr 15th to 17th (Fox) Wright to make report on opening

It was moved by Councilman Strnad and seconded by Councilman Harper that Councilman Wright be asked to make a report on the progress being made in opening the alley between 15th to 17th between Elm and Texas Avenues. Motion carried.

PRES. SHULTS THANKS COUNCIL ETC.

President Shults stated that as this was his last meeting to preside as President of the Council, he would like to thank the Council, all of the City officials, department heads and employees who had cooperated so well with him during his four years on the Council and especially during the last year when he was President of the Council. He stated that it had been a privilege to serve on the Council and that he had enjoyed being a member.

It was moved by Councilman Colescott and seconded by Councilman Harper that the meeting adjourn. Motion carried.

BOYS & GIRLS CITY COUNTY GOVT. DAY

The meeting was then turned over to the Boys and Girls who had been appointed to act as City Councilmen, City Managers, City Attorneys and City Clerks, and they conducted a Council meeting considering several subjects of interest to the teenage group in the City which was very well conducted and proved to be very interesting.

/s/Helen C. Tomlinson
City Clerk