

Grand Junction, Colorado

February 17, 1960

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock p.m., February 17, 1960. Councilmen present and answering roll call were Meacham, Hadden, Dean, Colescott, Strnad, Wright and President Orr. Also present were City Manager Lacy, City Attorney Ashby and City Clerk Tomlinson.

MINUTES

It was moved by Councilman Strnad and seconded by Councilman Colescott that the minutes of the regular meeting held February 3, 1960 be approved as written. Motion carried.

WELCOME TO C.M.

President Orr welcomed Mr. J. M. Lacy, City Manager, who had taken office on Monday, February 15th, and stated that he hoped his tenure would be long and pleasant.

PROP. ORD. Annexing W of 7th fr Bookcliff to St. Mary's

This date was set for hearing on the annexation of the following-described property:

Beginning at the Southeast corner of Bookcliff Heights Subdivision, thence North along the east line of said subdivision to the south line of St. Mary's Hospital property, thence Northeasterly along said property line to the west right of way line of North 7th Street, thence East to the monument line of North 7th Street, thence Southeasterly and South along said monument line to the City monument at Bookcliff Avenue, thence West to the point of beginning.

There being no protests, the following entitled proposed ordinance was introduced and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION. It was moved by Councilman Strnad and seconded by Councilman Colescott that the proposed ordinance be passed for publication. Motion carried.

PROP. ORD. Zoning W of 7th St.

The zoning on this property was also advertised for hearing at this time. There was some discussion concerning the proposed zoning. City Attorney Ashby explained that the following area would be zoned as Business AR:

The area beginning at a point 340 feet North and 140 feet East of the Southeast corner of Bookcliff Heights Subdivision, thence Northwesterly to a point on the South line of St. Mary's Hospital property which is North 75°02' East 80 feet from the East line of Bookcliff Heights Subdivision, thence Northeasterly along the South line of St. Mary's Hospital property to the West right-of-way line of Seventh Street, thence Southeasterly and South along said West right-of-way line on Seventh Street to a point East of the point of beginning, thence West to the point of beginning; that the following-described property would be zoned as Residence "A":

The area beginning at a point 340 feet North and 140 feet East of the Southeast corner of Bookcliff Heights Subdivision, thence Northwesterly to a point on the South line of St. Mary's Hospital property which is North 75°02' East 80 feet from the East line of Bookcliff Heights Subdivision, thence South 75°02' West 80 feet along the South property line of St. Mary's Hospital property to the East line of Bookcliff Heights Subdivision, thence South along said East line of Bookcliff Heights Subdivision to a point which is West of the point of beginning, thence East to the point of beginning;

and the balance of the district would come in unzoned which would be automatically Residence "A" until the street lay-out is decided upon and then the zoning on the balance of the property could be decided. The following entitled proposed ordinance was introduced 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 Hadden that the proposed ordinance be passed for publication. Motion carried.

USE OF LINCOLN PARK FOR RODEO Sheriff's Posse request - C.M., C.A. & Park Super to meet with members of Posse to work out details and report back at next Co. meeting

Dr. Pavetti and several members of the Sheriff's Posse were present and requested permission to use the football field at Lincoln Park for a four-day rodeo early in June. They stated they had checked the area and planned to use the cinder part of the track and a strip of grass about 240 feet long and 12 feet wide; that they would agree to put this portion of grass back in as good condition after the rodeo as it was before they used the area.

Mr. Southerland stated that he thought Lincoln Park was the only place to put on a rodeo; that they had to have national approval in order to get contestants of the type they desired. Mr. Lord told the Council of the financial benefits in having a rodeo each year; that they were very anxious to get such a program started here and thought that after a few years it would be a very satisfactory project financially.

During the discussion, it was brought out that there were no lights at Uranium Downs and that the dog track was also in the way of putting on a rodeo out there. It was brought out that last year's rodeo during the Festival was a financial loss but members of the Posse thought that by putting the rodeo on for four nights and not having any afternoon performances, it would prove to be more of a financial success. Councilman Strnad asked if the V.F.W. grounds could not be used by spreading sawdust to keep the dust down. This was thought not to be practical, and it was stated that the seating arrangements were not comfortable and there were other factors which were drawbacks to attracting a large crowd.

Dr. Pavetti stated they would be willing to pay 10% of the gate receipts and put the turf back into satisfactory condition after the rodeo. Councilman Meacham moved that if these gentlemen would get together with the City Attorney to draw up an agreement that they would put the park back into proper shape and pay 10% of the gate that the Council would allow the use of the Park; the City Attorney to also consider the necessary bond and insurance. It was then suggested that the City Manager, City Attorney and the Park Superintendent meet with the Sheriff's Posse and go over the plan and bring the matter back to the Council. Councilman Wright then asked if the Council would consider any qualified

group using the Park to put on a rodeo, and it was decided that consideration would have to be given to all groups. It was brought out that possibly the Park was already spoken for on the 4th of June, and that this would have to be worked out. With the consent of Councilman Dean, Councilman Meacham withdrew his motion. It was then moved by Councilman Meacham and seconded by Councilman Dean that the City Manager, City Attorney and Park Superintendent meet with the gentlemen of the Sheriff's Posse and see if details can be worked out concerning all angles of the rodeo and that the matter be brought back to the next Council meeting for consideration. Motion carried.

EAGLES BASEBALL COM. Waive fees for 1959 \$1,373.90 lights & \$1,339.98 gate receipts

Mr. James Colliton, Chairman of the Eagles Baseball Committee, appeared before the Council and stated that the Eagles Baseball Committee had been unable to pay the City the expenses for the Lincoln Park Baseball Field for the year 1959 which amounted to \$2,713.88 - the lights being \$1,373.90 and the gate receipts, \$1,339.98. He stated that they had had a very good team but were unable to get contesting teams of comparable ability to come to Grand Junction; that their attendance had been down and consequently their income was not sufficient to meet all of their expenses. He brought out the fact that many shut-ins and others unable to attend the baseball games had been given the opportunity to listen to them over the radio. He asked that the bills be waived, and also stated that there was considerable enthusiasm among the members of the baseball committee for the coming season and he thought that they would not have another year like 1959 as most of their years of operation had been profitable.

Councilman Wright stated that the City had quite a large budget for recreation, and that money was spent on a relatively small percentage of the people. Other members of the Council expressed the opinion that baseball activities were enjoyed by a great many people in Grand Junction. It was moved by Councilman Colescott and seconded by Councilman Hadden that the bill for the Eagles Baseball Committee for the year 1959 be waived. Roll was called on the motion with the following result: Councilmen voting "AYE": Meacham, Hadden, Dean, Colescott, Wright and Pres. Orr. Councilman voting "NAY:" Strnad. A Majority of Councilmen voting "AYE", the President declared the motion carried.

REQ. FOR BRIDGE IN TELLER ARMS SUBDIV CM to report back

Mr. Files on behalf of Dale Luke and the Teller Arms Development requested that the City enter into a three-way agreement with Mesa County, Mr. Luke and the City sharing the cost of the construction of a bridge across the Indian Wash at Belford Avenue. It was moved by Councilman Colescott and seconded by Councilman Meacham that this matter be turned over to the City Manager for further study and report back to the Council at the next meeting. Motion carried.

SUNSET TERRACE WATER LINE Not to accept water line

City Attorney Ashby reported on the matter of the Sunset Terrace Water Co. line which is on North Seventh Street north of Patterson Road. He recommended that the City Council do not accept the proposition made to it to acquire this water system. It was moved by Councilman Strnad and seconded by Councilman Hadden that the proposition of the Sunset Terrace Water Company be declined with thanks. Motion carried.

3.2 BEER RENEWALS Jordan's Grocery Wieker's Cigar Store

Applications for the renewal of 3.2 beer licenses for the following were presented:
 Sidney E. & Elizabeth E. Jordan, dba Jordan's Grocery, 451 S. 5th St. Wieker Enterprises, Inc., dba Wieker's Cigar Store, 541 Main St.

It was moved by Councilman Hadden and seconded by Councilman Wright that these applications be approved and licenses granted when state licenses have been received. Motion carried.

LICENSE BONDS APPROVED

The following bonds, having been approved by the City Attorney as to form, were presented:

<u>Auctioneer</u>	<u>Gas Installers</u>
Tony Perry	W. B. Johnson Co., Inc.
Howard Roland	Homer G. Moody dba Fairmont
<u>Cement Contractors</u>	Sheet Metal Co.
Theron L. Benson	David S. Hinkle dba Hinkle
LeRoy Dinan	Gas & Electric
Raymond Huerta	Holland Furnace Co.
Dale T. Luke	Public Service Co. of Colo.
Thomas McCall	Clifford Starkebaum
Klem Lemar Schurr	Carl B. Stowe
Clarence Lunsford	Chas. E. Osborne dba Dependable
J. Clarence Ritchey	Plumb & Heat Co.
C. R. Green	Leonard Craig & Robt. L Craig
Fred W. Sperber	dba Craig Heat & Sheet Metal
<u>Electrical Contractors</u>	Owen O. Southall
Hinkle Gas & Electric	Rex R. Cameron
Wesco Electric Co.	<u>Pawn Broker</u>
<u>Employment Agency</u>	Alfred W. O'Brien & Donald D.
Albert Ecker	O'Brien dba Credit Jewelry &
Arthur M. Kirkendall dba Personal	Loans
Placement Agency	Harold H. Shults dba Harold H.
Jean Hawk dba G.J. Employ. Agcy	Shults Sporting Goods Store
<u>House Mover</u>	<u>Plumbing Contractors</u>
Earl Stuller	Elmer J. Miller
<u>Junk Dealer</u>	Clifford E. Starkebaum
Earl Howard Van Gundy	Carl B. Stowe
Allen Levoff dba L. C. L. Scrap Dealers	Chas. F. Weems
Perry Dunn Co.	Fred L. McDonald dba Mesa P1
Ted Kruh & John F. Lorenz dba	& Heat.
Trade Center #2	Frank C. Hill
<u>Contractors (General)</u>	Chas. E. Osborne dba Dependable
R. C. Bauman	Plumb & Heat. Co.
William Knoch	Rex R. Cameron
Frank Mercer dba Mercer Constr Co.	<u>Sign Contractors</u>
Dale Luke	Sara R. Wolf & Dean L. Dickey
Thomas McCall	dba Western Neon Co.

Thor M. Peterson dba Peterson, General Contractor	James Crosby Mast Glen Cochran, Pat H. Cochran & Geo. Cochran dba Cochran
Carl E. Poland	Outdoor Adv Co.
Fred W. Sperber	Arnold Hunt & Margaret Hunt dba Valley Sign Co.
Theron L. Benson	Raymond M. Goldston Jr. dba Contractors (Special) Colo. Neon Co.
Vogelsang, Inc.	
Duane Coon	
Hugh A. Larson	
Frank W. Mueller	
Glenn A. Yearout dba Grand Mesa Roofing Co.	
Elmer L. Larson	
John H. Tabat	
Blaine Derrick	
Leland A. Williams	
Intermountain Glass & Metal Co.	
Lawrence D. Capps dba Capps Paint	
Carl Wright	
John Zamora	
Richard Palan	
Merle R. Nair dba Nair Cabinet Shop	

Raymond S. McElfresh
W. D. Carnett
Nobel C. Bruster
Edwin V. Murphy
H. W. Houston Constr Co

It was moved by Councilman Wright and seconded by Councilman Meacham that the bonds be accepted and filed. Motion carried.

COMMUNITY TV OF G. J. Resol. granting Rev. permit for cables - Instr # Rev. Pmts

Mr. William Nelson, Attorney for Community T.V. of Grand Junction, requested that the City Council grant a revocable permit to Community T.V. of Grand Junction to use the streets and alleys in the City for the erection, installation and maintenance of cable for T.V. signals. A telegram was read from Mr. Rex Howell requesting that action on this matter be deferred until the next meeting of the Council. Mr. Lincoln Coit, Attorney for Mr. Howell, was present and asked that the opponents be given a chance to prepare a case and appear before the Council, and asked that the matter be tabled for one month for study.

Councilman Dean stated that he saw no reason for postponement for issuing this permit as he considered it was a matter of allowing a new industry to come into Grand Junction.

Roy Adamson of KREX asked that the matter be postponed and stated that legislation was still pending regulating the operation of cable TV.

Several Councilmen expressed their views on the matter of cable TV; the proper protection of the people in granting such a permit and whether or not Denver advertising would hurt Grand Junction businessmen.

Councilman Hadden asked what a revocable permit really meant, and City Attorney Ashby explained that a revocable permit was one that could be revoked by the Council at any time.

Mr. Tom Moore, who resides in the Fruitvale area, asked what effect this would have on the rural community as they were very satisfied with the TV service they have at the present time and do not desire to change.

City Attorney Ashby read a Resolution granting a revocable permit, as it had been drawn up by Attorney William Nelson and himself. It was moved by Councilman Dean and seconded by Councilman Colescott that the following Resolution be passed and adopted as read:

RESOLUTION

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

Section 1: That there be granted unto ALBERT M. CAROLLO, I. E. SHANAN, GENE W. SCHNEIDER AND RICHARD C. SCHNEIDER, collectively doing business as COMMUNITY TV OF GRAND JUNCTION, their representatives and assigns, a permit to install, construct, operate, replace, maintain and remove in, upon, along, across, above, over and under the streets, alleys, public ways and public places of the City, television equipment of every kind, including, but not by way of limitation, poles, wires, amplifiers and other equipment that may be necessary in the proper operation and maintenance of a cable television system; provided, however, that such permit may be revoked at any time.

Section 2: That said individuals, their representatives and assigns, during the life of such permit, shall pay to the City two (2%) per cent of the gross revenue derived by their operations within this City. Said payment shall be made semi-annually on or before sixty (60) days following January 1 and July 1 of each year, each said payment being for the six (6) months next preceding such January 1 and July 1. In consideration of the payment to the City of the sums provided for in this section, the City agrees to accept such payment in lieu of any and all licenses or occupation taxes. In the event that the City shall hereafter impose any valid licenses or occupation taxes upon the above-named individuals, their representatives and assigns, then the aforesaid percentage of gross revenues paid to the City shall be reduced by the amount of any such licenses and occupation taxes.

Section 3: The City shall have the right, at its own expense, at reasonable times and places to audit such records of the above-named individuals, their representatives and assigns, as may be reasonably required for the purpose of determining whether or not the payments made by said individuals, their representatives and assigns, shall constitute two (2%) per cent of the gross revenues from their operations as above set forth.

Section 4: Said individuals, their representatives and assigns, shall at all times during the life of such permit be subject to all lawful exercise of the police power of the City and to such reasonable regulations as the City may by resolution or ordinance hereafter provide. The

said individuals, their representatives and assigns, shall save the City harmless from all losses sustained by the City on account of any suit, judgment, execution, claim or demand whatsoever, resulting from negligence on the part of said individuals, their representatives and assigns, in the construction or maintenance of its cable television system in said City.

Section 5: The granting of such permit is upon the express condition and understanding that neither the granting of the same nor the acceptance thereof by the above-named individuals shall constitute waiver either upon the part of said individuals or of the City of any rights or claims had or made by any of them with respect to the occupancy of the streets, alleys and public places of the City under the Constitution and general statutes of the State of Colorado, nor shall this permit nor the acceptance thereof by said individuals in any wise prejudice or impair any rights or claims existing independently of such permit to the said individuals, their representatives and assigns, with respect to the construction, operation and maintenance of a cable television system in said City.

Section 6: The City Manager is hereby authorized and empowered, on behalf of the City, to execute and deliver unto the above-named individuals a revocable permit as herein provided.

PASSED AND ADOPTED THIS 17th day of February, 1960.

President of the City Council

ATTEST:

City Clerk

Roll was called on the motion with the following result: Councilmen voting "AYE:" Hadden, Dean, Colescott, Strnad, Wright and President Orr. Councilman voting "NAY:" Meacham. A majority of Councilmen voting "AYE," the President declared the motion carried.

BIDS WESTLAKE PARK WATER LINE - Award Contract to Corn Construction Co. for \$14,920.00 - Instr # (safe)

Bids were opened at 10:00 a.m. on February 17th for the construction of water mains in Westlake Park and the following bids were submitted:

Corn Construction Co.	
George Tilton	16,270.00
F. H. Linneman, Inc.	16,280.00
United Sand and Gravel Co.	17,380.00
Foutz & Bursum	18,420.00
Engineer's Estimate	19,000.00

It was moved by Councilman Dean and seconded by Councilman Meacham that the bid of Corn Construction Company, as apparent low bidder, be accepted and contract awarded to Corn Construction Company in the amount of \$14,920 for the construction of water mains in Westlake Park. Motion carried.

REQ. OF INDEPENDENT LUMBER CO. FOR REV. PERMIT - Denied

The Independent Lumber Co. requested permission to build a temporary structure, being a mountain cabin, at West Main Street and Crosby. This was to be used for show purposes only, and was to be dismantled and removed in six months. City Manager Lacy explained to the Council that the Model Traffic Code, which was adopted by the City Council, prohibits commercial displays on dedicated rights of way. It was moved by Councilman Strnad and seconded by Councilman Dean that the request of the Independent Lumber Company be denied. Motion carried.

DEPT. HEADS NOT TO ATTEND COUNCIL MEETINGS

City Manager Lacy explained that the Department Heads were not in attendance at the Council meeting, and in the future would not be present unless they were attending the meetings as private citizens. He stated that in accordance with the agreement under which he was hired and under the Charter of the City, it was not necessary for them to attend Council meetings.

WATER COMMITTEE Meeting 2-23-60 7:30 pm

Councilman Colescott announced that there would be a meeting of the Water Committee, and any of the Councilmen who wished to attend, on Tuesday evening at 7:30 p.m. (February 23rd).

BOYS & GIRLS CITY-COUNTY DAY April 20 - Donate \$50 to project

Councilman Wright stated that he had been asked to find out if Wednesday, April 20th, would be a satisfactory day for Boys and Girls City-County Day. It was moved by Councilman Wright and seconded by Councilman Strnad that April 20, 1960, be approved as Boys and Girls City-County Day, and that the usual fee of \$50 be donated to the project subject to the usual conditions that City employees who attend the luncheon receive their tickets for the luncheon out of this amount. Roll was called on the motion with all Councilmen voting "AYE." The President declared the motion carried.

WATER BILL ADJUSTMENTS

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

Name	Address	1960	1959	
LaVern F. Bond	530 Ute Ave.	21,000 g.	\$4.20	3,000 g. \$1.50
S. A. Brueggemeyer	2256 Gunnison	23,000 g.	4.50	12,000 g. 2.85

It was moved by Councilman Meacham and seconded by Councilman Hadden that adjustments in these water bills be made on the same basis as water used in the comparable period a year ago. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

AUTHORIZE CM & CC TO SIGN CHECKS

It was moved by Councilman Strnad and seconded by Councilman Hadden that J. M. Lacy, City Manager, and Helen C. Tomlinson, City Auditor, be authorized to sign warrants for the City of Grand Junction manually until facsimile signature plate is received and from that time

on the facsimile signature plate be used for the signing of warrants for the City of Grand Junction, Colorado. Motion carried.

COLUMBIA SAVINGS & LOAN Subrogation Agreement - (\$9,886.86) - This was for paving strip on Gunnison bet approx 19th & 22nd - Instr. #3953

City Attorney Ashby presented the following Resolution:

RESOLUTION

WHEREAS, on July 25, 1955, THE AETNA CASUALTY AND SURETY COMPANY, a Connecticut corporation, made and executed a performance bond, binding itself to the said City of Grand Junction in the penal sum of One Hundred Fifty-Seven Thousand Two Hundred Dollars (\$157,200.00), insuring performance of a contract between said City of Grand Junction and Western States Construction Corporation, a California corporation, which contract was dated July 25, 1955, and a copy of which is attached to said bond; and

WHEREAS, the said Western States Construction Corporation failed to perform in accordance with said contract; and

WHEREAS, the City of Grand Junction has made demand upon said Aetna Casualty and Surety Company to perform in accordance with said bond; and

WHEREAS The Aetna Casualty and Surety Company has failed to perform in accordance with said performance bond; and

WHEREAS, the City of Grand Junction caused work to be done which was agreed to be done by Western States Construction Corporation under its contract of July 25, 1955, and has expended therefor, or become obligated to pay, the sum of Nine Thousand Eight Hundred Eighty-Six Dollars and Eighty-Six Cents (\$9,886.86), and

WHEREAS, the City of Grand Junction has made demand upon The Aetna Casualty and Surety Company to pay the said sum in accordance with the terms of the above said performance bond, and said Aetna Casualty and Surety Company has wholly failed and refused to pay said sum; and

WHEREAS, Columbia Savings and Loan Association has paid on the 4th day of February, 1960, to the City of Grand Junction, Colorado, the said sum of Nine Thousand Eight Hundred Eighty-Six Dollars and Eighty-Six Cents (\$9,886.86);

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

That the City of Grand Junction, in consideration of the payment of said sum, set over and assign to Columbia Savings and Loan Association all of its right, title and interest in and to its claim and demand against the said Aetna Casualty and Surety Company in the said sum of Nine Thousand Eight Hundred Eighty-Six Dollars and Eighty-Six Cents (\$9,886.86); and,

BE IT FURTHER RESOLVED that the City Attorney be authorized to execute on behalf of and as the act of the City of Grand Junction the proper assignment of claim to the Columbia Savings and Loan Association.

PASSED AND ADOPTED THIS 17th day of February, 1960.

It was moved by Councilman Wright and seconded by Councilman Meacham that the Resolution be passed and adopted as read. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

TRAFFIC Crosswalk on Main St. CM to check re safety signals
Councilman Hadden suggested that some means of safety signals be placed at the crosswalk between 5th and 6th on Main Street, and requested the City Manager to check on this matter.

TRAFFIC CM to investigate allowing right turns on red light at certain intersections
Councilman Meacham also suggested that right turns on red lights at various intersections where there are few pedestrians be given some consideration. City Manager Lacy was requested to investigate this matter.

POLICE DEPT. Commend Chief of Pol. on annual report
Several matters contained in the annual report of Karl Johnson, Chief of Police, were commented upon, and he was commended for the very excellent report he made on the operation of the Police Department.

CITY ATTORNEY Commended for successful trial in Spomer case
City Attorney Ashby was also commended for the successful trial in the case of Spomer versus the City.

It was moved by Councilman Dean and seconded by Councilman Colescott that the meeting adjourn.

/s/ Helen C. Tomlinson
City Auditor & Ex-Officio
City Clerk