

Grand Junction, Colorado

April 6, 1960

ROLL CALL

It was moved by Councilman Meacham and seconded by Councilman Colescott that Councilman Ed Strnad be appointed as President Pro Tempore to serve until such time as a permanent President is named, after two new Council members are appointed; in order to give new members a voice in the selection of a permanent chairman. Motion carried.

President Pro Tempore, Ed Strnad, took the chair and presided over the meeting.

Roll Call found the following Councilmen present: Ray Meacham, Arthur S. Hadden, Harry O. Colescott, Ed Strnad and Herbert M Wright. Also present were Joe M. Lacy, City Manager, Gerald J. Ashby, City Attorney, and Helen C. Tomlinson, City Clerk.

INVOCATION

Invocation was given by Rev. R. D. Wood, Pastor of the Church of the Nazarene.

RESIGNATIONS William W. Orr & Norman R. Dean from the Council accepted.

The City Clerk then read a letter of resignation from William W. Orr, President and Councilman from District "D", who had moved from the District. A letter from Norman R. Dean, Councilman from District "C", who was accepting employment on the West Coast and moving away from Grand Junction, was also read. It was moved by Councilman Wright and seconded by Councilman Hadden that the resignations of President Orr and Councilman Dean be accepted. Motion carried.

MINUTES

The minutes of the regular meeting of March 16, 1960 were in error in stating that the firm of Woodward & Clyde was from Salt Lake City whereas they are located in Denver. It was moved by Councilman Meacham and seconded by Councilman Colescott that the minutes be approved as corrected. Motion carried.

NEW APPLICANTS FOR COUNCILMEN Councilman Wright, Chairman of Committee Councilman Wright stated that the Council needed to start considering applicants for Council members. He suggested that the Council use the same method as they did in selecting a City Manager; that a member of the Council be selected as the Chairman of a Committee to select or receive names of possible candidates, and that they then be presented to the other members of the Council at a meeting - either public or private and considered for possible appointment.

President Pro Tem Strnad appointed Councilman Herbert M. Wright to be Chairman of this Committee and requested that anyone having names to suggest, give them to Mr. Wright or to any member of the Council.

HEARINGS

WEST FRUITVALE ANNEXATION

Hearing on the West Fruitvale Annexation, described as follows, had been advertised for this time;

The Southwest Quarter of the Southwest Quarter of Section 7 Township One South, Range One East of the Ute Principal Meridian, Mesa County, State of Colorado.

The South Half of the Northwest Quarter of the Southwest Quarter of Section 7, Township One South, Range One East, except beginning at the Northwest corner of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 7, Township One South, Range One East of the Ute Principal Meridian, thence East 584 feet, thence South 83 feet, thence West 584 feet, thence North 83 feet to the point of beginning.

The South One acre of the Northeast Quarter of the Northwest Quarter of the Southwest Quarter of Section 7, Township One South, Range One East and the East Half of the Southeast Quarter of the Southeast Quarter of Section 12, Township One South, Range One West of the Ute Principal Meridian, except that portion of Houlton's Subdivision within the present City limits.

The Southeast Quarter of the Southwest Quarter of Section 7, Township One South, Range One East of the Ute Principal Meridian, Mesa County, State of Colorado.

The Northeast Quarter of the Southwest Quarter of Section 7, Township One South, Range One East of the Ute Principal Meridian, Mesa County, State of Colorado.

Mr. C. A. Green, 2808 North Ave., asked several questions concerning policy after this area is annexed. He operates a trailer court and asked about the license fee and restrictions which would be imposed by the trailer court ordinance. City Manager Lacy and City Attorney Ashby answered his questions, and he was invited by Mr. Lacy to come into his office and go into the trailer court ordinance more fully.

Mr. H.A. Stephens, 2826 Texas Ave., stated that there was no misrepresentation when the petitions were circulated.

It was moved by Councilman Wright and seconded by Councilman Meacham that the hearing on the annexation of the West Fruitvale area be closed. Motion carried.

REZONING - 85', East of Brach's Market, 1st & Orchard

Hearing was advertised on rezoning of a small area (approximately 85 feet) east of Brach's Market from Residence "A" to Business "AR." City Manager Lacy showed colored slides of the area to be rezoned and also of the neighboring area and the residences across the street. A petition signed by 27% of the property owners within 100 feet of the area protested the change of zoning.

Several of the property owners protesting the zoning were present; also Mr. and Mrs. Brach, and their attorney, Mr. Lincoln Coit.

Mr. Coit spoke on behalf of the Brachs' stating that the store was there before the homes were built, and that in the County zoning, it was zoned for business. He took issue with the press releases in stating that the request for zoning was made for a shopping center to be put in by the City Market. Mr. Brach needs room for some expansion and has an option on the property to the east of his market, which is about 85 feet. At the present there is no negotiation being made with City Market for the property. The Planning Commission approved the rezoning

and he believed that it would benefit the whole neighborhood. There had been one meeting with officials of the City Market, but their terms were not acceptable.

Mr. Wilson, 141 Orchard Ave., protested the rezoning on the grounds that the additional traffic hazard for a super market would not be good for the area. He stated that it was the only pure Residence "A" district in the City, and that there were 33 small children living along Orchard Avenue between 1st and 3rd Streets. There were 9 accidents between 1st and 6th Streets last year. He did not like to see the value of his property lowered by increasing the extent of the Business District. He stated that there was no objection to the small market and drug store which are operated on the corner now.

Mr. John Knoll, 111 Orchard, stated that if the market were enlarged and turned around to face their property on Orchard Ave., it would detract from their property.

Mrs. Wilson, 141 Orchard Ave., stated that Mr. Prinster had met with them in their homes, and that just last week she had talked to him and he had showed her sketches of their proposed store.

Mr. Heald of Palisade, who owns the property to the east of the land in question, stated that he was in favor of giving Mr. Brach a chance to expand.

Mr. A.W. Martin, 181 Orchard Ave., stated he was opposed to the change of zoning, and that if it was approved it might set a precedent for any other location. Mr. Martin also stated that the property owners could cooperate with the Drainage District in having the ditch covered at a small expenses.

Mr. Wayne Neil, 161 Orchard Ave., was opposed to the rezoning.

Mr. Coit stated that the petitioners were willing to state that they would not ask for any further expansion of zoning, and Councilman Meacham asked him if that would be binding to anyone who might purchase or lease the property. He stated that it would not be.

Mr. Hoech, who lives in Hillcrest Manor just north of the Brach store, could see no reason for not allowing the expansion in the business development as it was an improvement to get rid of the swamp and mosquitoes.

City Manager Lacy read a letter from Mr. Carnett hoping that the hearing might be postponed until he would be back later this month, but in case it wasn't, he was opposed to changing the zoning.

Mr. McCormick, 208 Orchard Ave., was in favor of changing the zoning.

Mr. William Hyde, 221 Orchard Ave., was opposed to the change.

It was moved by Councilman Wright and seconded by Councilman Hadden that the hearing be closed. Motion carried.

REZONING Block "O" Keith's Addn - 14th to 15th on Colo. & Ute to Bus "B"

This date was set for hearing on the rezoning of Lots 19 through 32 Block "O" Keith's Addition from Residence "C" to Business "B" and Lots 1 through 14 Block "O" Keith's Addition from Residence "B" to Business "B". This property is located along Colorado and Ute Avenues between 14th and 15th Streets. There were no protests filed in connection with the change of this zoning. City Manager Lacy showed colored slides of this area.

Councilman Wright expressed his viewpoint, stating that he believed the City should go along in providing for commercial and industrial development. Other cities have provided considerable property for developing industry, and, as there was no opposition to the change of zoning and there would be no effect to the new proposed zoning ordinance, he felt it would be well to go ahead with the rezoning of this block.

It was moved by Councilman Colescott and seconded by Councilman Hadden that this hearing be closed. Motion carried.

LIQUOR LICENSE

Bamboo Rest. & Lounge Jas. & Mary Pantuso & Arnold C. & Winifred Ebert, 215 N 5th
Granted

This date was set for the hearing on the transfer of the Restaurant Liquor license from the Uranium Center, Inc., dba Bamboo Restaurant and Lounge at 215 North 5th Street to James and Mary Pantuso and Arnold C. and Winifred Ebert. A letter from Karl Johnson, Chief of Police, was read in which he stated his investigation showed there was nothing against the applicants that would prevent the granting of a license.

It was moved by Councilman Hadden and seconded by Councilman Wright that the application to be approved and a Restaurant liquor license be granted to James and Mary Pantuso and Arnold C. and Winifred Ebert dba Bamboo Restaurant & Lounge, 215 North 5th St., when state license has been received. Motion carried.

ARMCO DRAINAGE & METAL PRODUCTS, INC. Denied extension of 30 days on delivery of pipe for Indian Wash water line

A memorandum from John A. Burton, Director of Public Works, to City Manager Lacy and a letter from W. F. Turney & Associates concerning a request for an extension of pipe delivery time limit were read. On July 8, 1959, Armco Drainage & Metal Products, Inc. was awarded a contract to furnish 20,000 feet of 24 inch steel pipe and fittings for the Indian Wash water main project. Specifications stated that pipe delivery would start March 1, 1960 and be completed by March 31st. On February 2, 1960, a contract was awarded to F. H. Linneman for the installation of the pipe on this project stating that construction would be completed by May 1, 1960. As of March 25, 1960, Armco Drainage & Metal Products, Inc. had delivered 1,680 feet of pipe for the project and requested an extension of thirty days' time on delivery on account of the fact that the Hall Process Company, who is applying the interior lining and exterior coating and wrapping of the pipe, ran into bad weather and a moving problem which prohibited them from getting the pipe ready for delivery until approximately April 11th.

The contract with Armco Drainage & Metal Products, Inc. provides for a \$1,000 a day penalty clause for delayed delivery of the pipe. This delay in the completion of the project will hamper the City of Grand Junction in furnishing water during the peak watering season. It was the recommendation of W.S. Turney & Associates, also of Mr. Burton, Director of the

Public Works, and Mr. Lacy, City Manager, that the request of the Armco Drainage & Metal Products, Inc. be denied.

Councilman Wright made the observation that the bids for this pipe were taken a long time ago, to assure delivery, in order that the line could be put in by May 1st and, the penalty clause put into the contract for the purpose of assuring delivery. It was moved by Councilman Wright and seconded by Councilman Colescott that the request for an extension of time to Armco Drainage & Metal Products, Inc. be denied. Motion carried.

RENEW 3.2 BEER LIC. Black & White Groc. 904 N 7th

Archie S. and Lena Alexander dba Black & White Grocery and Market, 904 North 7th St., presented an application for renewal of their 3.2 beer license. There was no objection from the Police Department. It was moved by Councilman Wright and seconded by Councilman Colescott that the application be approved and license granted when state license has been received. Motion carried.

4" WATER TAP GRANTED Dr. H. M. Tupper, 10th and F. Road

Dr. Harvey M. Tupper presented an application for a four inch water tap at 10th and F Road, stating that he hoped to subdivide in the near future. It was moved by Councilman Wright and seconded by Councilman Meacham that Dr. Tupper's request be granted with the usual stipulation that he annex his property when eligible. Motion carried.

RENEW LEASE with Geo. Lockhart for Anderson Ranch - same basis last yr.

Mr. George Lockhart, who leases the Anderson ranch, requested permission to continue for the year 1960 on the same basis as provided in the lease. A memorandum to Mr. Lacy from John A. Burton, Director of Public Works, was read in which he stated that 54% of the water of this ranch was used by the City last year and the rate adjusted to \$1,500. It was moved by Councilman Meacham and seconded by Councilman Hadden that the City Manager be instructed to go ahead and lease the Anderson ranch for 1960 to Geo. Lockhart on the same basis as last year. Motion carried.

Instr #3895

VACATING ALLEY Regents Sub - Block 4

The Planning Commission, at its March 30th meeting, recommended the vocation of an alley between Orchard and Hall just west of 23rd Street - being the east-west alley of Block 4 of Regents Subdivision.

3.2 BEER APPL Steve P. Foster dba Bimbo's Cafe, 727 3rd Ave. - adv for hearing May 4, 1960

Mr. Steve P. Foster dba Bimbo's Cafe, 727 Third Avenue, made application for a 3.2 beer license. It was moved by Councilman Wright and seconded by Councilman Colescott that hearing be set on this application for May 4th. Motion carried.

APPROVAL OF LICENSE BONDS

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

<u>CONTRACTORS (General)</u>	<u>ELECTRICAL CONTRACTORS</u>
Robert A Fender	Edgar L. West dba Midwest Electric
W.J. Geary & Son	Valley Electric Co. (Chas. L. Green)

Oliver L. Hermann	<u>GAS INSTALLERS</u>
Charles Pender	C.W. Dowing
Bill J. Sorter	D.K. Platt Sheet Metal & Heating Co.
James C. Terry	<u>PLUMBING CONTRACTORS</u>
Edward Spomer	Lane & Company
<u>CONTRACTORS (Special)</u>	
Edgar Jones	
James M. Silcox dba Bannister Furniture Co.	
<u>CEMENT CONTRACTORS</u>	
Ford Construction Co.	
E.C. Huff	
Charles C. Pender	
C. E. Poland	
Edward Spomer	
Vale Homes, A. M. Vale dba	
O. L. Hermann	

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

ORDINANCES

West Fruitvale Annex Prop. ord passed for pub.- Rezoning- Brach's 1st & Orchard - tabled until new zoning ord. is adopted

The following proposed ordinance was presented and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION. It was moved by Councilman Wright and seconded by Councilman Colescott that the proposed ordinance be passed for publication. Motion carried.

A proposed ordinance concerning the rezoning of the Brach property at 1st and Orchard Ave. was scheduled for consideration. City Manager Lacy reminded the Council that according to the state statute and also the City zoning ordinance that whenever a protesting petition signed by the owners of 20% or more of the lots included in the change or those immediately adjacent in the rear thereof or of those opposite extending 100 feet from the street frontage of such opposite lots that the amendment or change shall not be passed except by an affirmative vote of at least three-fourths of the members of the Council.

City Attorney Ashby reported that he had very carefully considered the matter and felt that the membership of the Council was five and three-fourths majority vote would take four members voting in the affirmative. It was moved by Councilman Hadden and seconded by Councilman Meacham that inasmuch as the Council has tabled several such zoning matters, that this matter also be tabled until the new zoning ordinance becomes effective. Motion carried with Councilman Colescott voting "NAY." President Pro Tem Strnad declared the motion carried.

PROP. ORD. Zoning-Block 0, Keith's Addn to Bus B

The following entitled 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. Councilman Wright stated that inasmuch as this was non-controversial and obviously compatible with the new zoning ordinance, that the proposed ordinance be passed for publication. Motion was seconded by Councilman Colescott and declared carried by President Pro Tem Strnad.

PROP. ORD. Vacating Alley-Regents Subdiv. Block 4 E/W Alley bet Orchard & Hall just west of 23rd St.

The following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING AN ALLEY IN REGENTS SUBDIVISION IN THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Meacham and seconded by Councilman Wright that the proposed ordinance be passed for publication. Motion carried.

TRAFFIC LIGHT Petition for at 12th & Grand - to include in 1961 budget - Pedestrian r/w sign to be installed here & other locations

A petition for a traffic signal at 12th and Grand, signed by 154 people, was presented. City Manager Lacy stated that the petitioners were aware of the fact that there was no money in the 1960 budget for such a traffic light, and that he was putting it with his budget material for 1961.

Mr. Dan Eastman, who presented this petition to the City Manager, asked if a pedestrian right of way sign could be placed at this location in the near future. City Manager Lacy stated that he would look into this particular location and similar locations over the City where pedestrian signs are needed.

AIRPORT Control Tower appl. deadline extended to May 15, 1960

City Manager Lacy reported that the City had received an extension on the deadline for the Airport tower application project from April 1st to May 15, 1960 and that plan approval for the tower was expected this week.

TRASH TRUCKS 2 Garwood trash truck bodies purchased from S & M

He also reported that bids had been taken on trash body trucks and that two "Garwood" trash body trucks were purchased from S & M Supply Company of Grand Junction. They were the low bidder on the type trash body truck he approved.

ZOO To give 2 lions to City of Delta

Park Superintendent Ralph Stocker has proposed to give two lions to the City of Delta, and, at this time, they are considering whether or not they will accept them.

MUN. JUDGE Frank Spiecker apptd. for Thurs-4-7-60

Mr. Frank Spiecker was appointed as Municipal Judge for Thursday, April 7, 1960, as Mr. Webster is out of the State and Mr. Foster was unexpectedly called out of town.

INSTITUTE FOR MAYORS & COUNCILMEN

City Manager Lacy reported that the first annual institute for Mayors and Councilmen would be held at the University of Colorado in Boulder on April 29 and 30, 1960, and urged all Councilmen to attend if at all possible.

STATE HWY To investigate S. 5th St.-

Councilman Hadden brought up the condition of South Fifth Street between South Avenue and the viaduct. Mr. Lacy, City Manager, was asked to check with the State Highway Department and bring back a report on whether or not this street can be repaired or rebuilt at state expense.

It was moved by Councilman Wright and seconded by Councilman Colescott that the meeting adjourn. Motion Carried.

/s/ Helen C. Tomlinson
City Clerk