

Grand Junction, Colorado

August 3, 1960

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock p. m. on Wednesday, the 3rd day of August, 1960. Councilmen present and answering at roll call were: Meacham, Hadden, Surface, Colescott, McCormick, Wright and President Strnad. Also present were City Manager Lacy, Deputy City Attorney Harry Claussen and City Clerk Tomlinson. City Attorney Ashby was absent.

INVOCATION

Invocation was given by Rev. C. A. Burkholder, Pastor of the Bible Presbyterian Church.

MINUTES

It was moved by Councilman Surface and seconded by Councilman Hadden that the minutes of the regular meetings held July 6th and July 20th be approved as written. Motion carried.

HEARING 3.2 Beer - City Market, 1st Street - license granted

This was the date set for hearing on the application for a 3.2 beer license for First Street City Market, Inc. at 104 Orchard. A report from Chief of Police Karl M. Johnson was read. He stated that on June 14th, Mr. Jack McLennon, the State Liquor Inspector had notified First Street City Market, Inc., (who had just purchased the Brach Store) that they would not be able to sell 3.2 beer until they applied for a license and were granted one by the City Council. On the 4th of July week end, Mr. Jack Cagle of the wholesale department, and Gene Carey, store manager were cited into Justice of the Peace Court on a violation of selling beer without a license. They appeared in Court, through their attorney, William Foster, who entered a plea of guilty and were fined \$50.00, plus \$5.00 costs each. He also stated that this was the first violation by any of the officers or managers of the City Market, under any of their licenses.

It was moved by Councilman Meacham and seconded by Councilman Hadden that the hearing be closed. Motion carried. It was moved by Councilman Wright and seconded by Councilman Meacham that the application of the First Street City Market, Inc., 104 Orchard Ave., be accepted and license granted when the State license has been received. Motion carried.

HEARING Zoning Lots 2/4 Blk 13 Sherwood Addn

This was the date set for hearing on the rezoning of Lots 2/4, Block 13, Sherwood Addition from Business "A" to Business "AR" use. There were no protests filed in connection with this change of zoning, and it was moved by Councilman Wright and seconded by Councilman Surface that the hearing be closed. Motion carried.

SIDEWALK DIST. #15 Bids for Construction United Sand & Gravel \$13,020

Bids had been opened for the construction of Sidewalk District No. 15 on Friday, July 28, 1960, at 10:00 o'clock a. m. The following bids were tabulated:

Pray Construction Company	\$16,350.00
Pender Construction Company	14,100.00
United Sand & Gravel Company	13,020.00

City Manager Lacy explained that the estimated cost of the district had been \$19,000, which included engineering. A large number of property owners have completed their sidewalk repairs, and the bid of the United Sand & Gravel Company was an exceptionally low bid, so the amount of the cost of the district would be approximately, \$15,000.00.

It was moved by Councilman Meacham and seconded by Councilman Surface, that inasmuch as the bid of United Sand and Gravel Company was the apparent low bid, the contract for the construction of Sidewalk District No. 15 be awarded to them. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

SIDEWALK DIST. #15 Bids for Bonds First Ntl Bank- low -

Bids for not to exceed \$19,000 of Sidewalk District No. 15 bonds were opened and the bids tabulated as follows:

First National Bank of Grand Junction, par value, with interest at the rate of 4.25% per annum

Dr. A. H. Gould, par, plus a bonus of \$1.00, with interest at the rate of 4.3% per annum

The City Treasurer, Fred E. Hagie, informed the Council that the bid of the First National Bank would be the best bid.

It was moved by Councilman Colescott and seconded by Councilman Meacham that the bid of the First National Bank for Sidewalk District No. 15 bonds, being the apparent low bid, be accepted, and that \$15,000 in Sidewalk District No. 15 bonds be sold to the First National Bank at par with interest at 4.25 per cent per annum. Motion carried.

HEARING Monument Heights Subdiv.-plat approved - To pay \$100 for recreational purposes

The hearing on the Subdivision of Monument Heights was called up. This is a tract of land consisting of 24 lots located west of First Street between Independent and Elm Avenues.

City Manager Lacy reviewed the history of this subdivision. The preliminary plat had been approved by the Planning Commission several weeks ago. He stated that there was no substantial change in the final plan and that it had been approved by the Planning Commission. Some discussion was had concerning another street, and the depth of the lots, but these matters had been discussed by the Planning Commission and approved. Mr. Lacy stated that it was the recommendation of the City Manager and City Engineer's offices, that money for recreational purposes be given, rather than land for parks. He also stated that they had determined that \$100.00 should be the amount that the sub-dividers should pay to the City. They had given additional right of way for First Street.

Councilman Wright stated that this amount did not seem to be compatible with what other sub-dividers have paid, but that giving the extra right of way on First Street would likely take care of the difference.

It was moved by Councilman Wright and seconded by Councilman Colescott that the hearing be closed. Motion carried. It was moved by Councilman Wright and seconded by Councilman Hadden that the plat be accepted and that the President of the Council and the City Clerk be instructed to sign same; that the plat be made of record in the office of the County Clerk and Recorder and in the office of the City Engineer. Motion carried.

ARMCO CO. - To negotiate re settlement of penalty for late delivery of pipe for Indian Wash water line

Mr. James Wilson, representative of W. F. Turney & Associates, was present and the matter of the penalty to be assessed to Armco Manufacturing Company for failure to deliver pipe for the 24" Indian Wash water line on time, was discussed. The Armco Company was thirty-five days late in delivering the pipe on the job, therefore, holding up Mr. Linneman, the contractor, making it impossible for him to complete the job by the May first deadline. City residents, especially those living in the north part of town, were inconvenienced by reason of the fact that the tank on Mantey Heights could not be filled and the water pressure was low; the City lost revenue; and incurred the ill will of some of the citizens; and there were additional expenses incurred by W. F. Turney and Associates.

The contract with Armco, which was entered into in July, 1959, contained a penalty clause of \$1,000 per day for failure to deliver the pipe by a specified date. The City Manager stated that the City is holding \$35,000 owing to Armco Mfg. Company until this matter is cleared up.

City Manager Lacy explained the actual out-of-pocket costs which the City had incurred by reason of the late delivery of the pipe, amounting to \$3,843.00. Mr. Wilson explained why their costs were more than anticipated. The Council then discussed the matter of invoking the full penalty on the Armco Company or whether they should just be asked to pay the out-of-pocket costs.

Councilman Colescott suggested that Mr. Groves, Attorney, should be asked to help with the negotiations, inasmuch as he has been handling the City water problems. Mr. William Foster, who was present in the audience, suggested that the Council was obligated to the citizens to invoke the full penalty upon the pipe suppliers.

It was moved by Councilman McCormick and seconded by Councilman Wright that the City Manager, City Attorney and a representative of W. F. Turney and Associates meet with a representative of the Armco Company to negotiate a settlement. It was suggested that anyone having any claims for damage caused by the delay in the completion of the line be contacted. Somewhere between the amount of \$3,843.00 and \$35,000, it was felt that a reasonable settlement could be made. The result of this negotiation to be reported to the Council at its next meeting. Motion carried.

The following Resolution was presented and read:

RESOL. PASSED Impr Bonds Sidewalk Dist. #15

RESOLUTION
PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT
BONDS OF SIDEWALK DISTRICT NO. 15

WHEREAS, on the sixth day of July, 1960, the City Council of the City of Grand Junction, Colorado, adopted a resolution creating Sidewalk District No. 15 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 improvements in said Sidewalk District No. 15, including engineering, inspection and other incidental expenses, the City shall issue public improvement bonds of said Sidewalk District No. 15, dated the first day of August, 1960, in the denomination of \$1,000.00 each, numbered 1 to 15 inclusive, due and payable on the first day of August, 1970, 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 4.25 per cent per annum, payable semi-annually on the first day of February and the first day of August 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 the real estate situate in the City of Grand Junction, in said Sidewalk district, 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

COUNTY OF MESA

CITY OF GRAND JUNCTION

PUBLIC IMPROVEMENT BOND
SIDEWALK DISTRICT NO. 15

NO. _____

\$1,000.00

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 THOUSAND DOLLARS

in lawful money of the United States of America, on the first day of August, 1970, 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 February and the first day of August 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 Sidewalk District No. 15 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 Sidewalk District No. 15, 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 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 improvements, 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 Sidewalk District No. 15 and the making of said improvements 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 1st day of August, 1960.

SEAL

President of the City Council

ATTEST:

City Clerk

(Form of Coupon)

No. _____

\$ _____

February

On the 1st day of August, A. D. 19____, the City of Grand Junction, Colorado, will pay the bearer

_____ 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 Sidewalk District No. 15, provided the bond to which this coupon is attached has not been called for prior payment.

Attached to bond dated August 1, A. D. 1960.

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. 1960.

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 _____ day of _____, A.D. 1960.

SEAL

President of the Council

ATTEST:

City Clerk

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

3.2 BEER LICENSE City Market, 865 North Avenue renewed

Application for the renewal of the 3.2 beer license at City Market, 865 North Avenue, was presented. It was moved by Councilman Colescott and seconded by Councilman Hadden that the license be granted when the State license has been received. Motion carried.

3.2 BEER LICENSE Harold T. Sommers, Lincoln Park Golf Club - renewed

Application was made for the renewal of the 3.2 beer license for Harold T. Sommers at the Lincoln Park Golf Club. It was moved by Councilman Meacham and seconded by Councilman McCormick that the application be approved and license issued when the State license has been approved. Motion carried.

BIMBO’S CAFE Dance area added - to police on week ends.

Mr. Steve Foster, owner of Bimbo’s Cafe at 727 Third Avenue, wrote a letter to the Council stating that he was considering an addition to his building at 727 Third Avenue and would like to include space for a dance area for his customers’ entertainment. He is not making any charge for dancing. A letter from Chief of Police Karl Johnson was read, in which he recommended that the operators of Bimbo’s Cafe be required to hire an off duty police officer or some special officer, to be approved by the Chief of Police, to be paid for his services by the proprietor of the Cafe. The Manager, Mr. Perry, agreed that this would be done at least on week ends. As there was no license, required for this operation, there was no Council action necessary; only a building permit for the construction of the new building.

WATER BILL ADJUSTMENT Bessie Robbins, 217 Ouray Ave. adj \$10.20

Mrs. Bessie Robbins, 217 Ouray Avenue, requested an adjustment of \$10.20 in her water account, due to a leak in the line serving her property, which was repaired at a cost of over \$100.00. It was moved by Councilman Colescott and seconded by Councilman Meacham that Mrs. Robbins be allowed a \$10.20 adjustment in her water bill. Roll was called on the motion with all members of the Council voting “AYE.” The President declared the motion carried.

LINCOLN PARK POOL Ltr thanks fr Dolphins

A letter of thanks from “The Dolphins” group was read and filed.

MAIN STREET Beautification- req of Roy Peterson, Midwest Photo Shop

Mr. Roy Peterson, Midwest Photo Shop, 639 Main Street, requested permission to beautify the sidewalks in front of his building in a similar manner to that used in Denver and other cities. There has been a move to establish such a beautification in the downtown area, but nothing concrete has been developed up to the present time. He agreed that he would go along with anything that the City worked out for the downtown area, but would like to get something started. Members of the Council thought this was a good approach and start. It was moved by Councilman Wright and seconded by Councilman Hadden that the Council approve the idea so long as it can be worked out with the City Manager and other City officials. Motion carried.

BONDS APPROVED

The following bonds, having been approved by the City Attorney were presented for approval:

Cement Contractor	Arthur L. Gilbert
Contractors, General	Arthur L. Gilbert
	William Eldon Hopkins
	Thor M. Peterson, dba Peterson Gen Cont.
Contractors, Special	Certified Construction Co., Inc. and

	Lloyd Vinzant as Representative of
	Certified Construction Co., Inc.
	Philip Edward Larson
	Robert E. Lenihan
Sign Contractor	James Crosby Mast

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

PROP. ORD. Cutting of Weeds

The following entitled proposed ordinance was presented and read: “AN ORDINANCE AMENDING SECTION 2 OF CHAPTER 29 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION CONCERNING THE CUTTING OF WEEDS AND BRUSH.” It was moved by Councilman Colescott and seconded by Councilman Surface that the proposed ordinance be passed for publication. Motion carried.

PROP. ORD. Rezoning Lots 2/4 Blk 13 Sherwood Addn fr Bus A to Bus AR (E. Sherwood Drive)

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.” It was moved by Councilman Colescott and seconded by Councilman Surface that the proposed ordinance be passed for publication. Motion carried.

ORD. 1111 Passed Annexing State Hwy Property-Fish & Game west of town - Instr. #4016

The Proof of Publication to the proposed ordinance entitled, “AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION” (Colo. Fish & Game) was introduced and read. It was moved by Councilman Meacham and seconded by Councilman Wright that the Proof of Publication be accepted and filed. Motion carried.

It was then moved by Councilman Colescott and seconded by Councilman Surface that the ordinance be called up for final passage. Motion carried.

The ordinance was then read and upon motion of Councilman Surface, seconded by Councilman Hadden, was passed and adopted, numbered 1111 and ordered published. Roll was called on the motion with all members of the Council voting “AYE.” The President declared the motion carried.

ORD. 1112 PASSED Burning of Rubbish 6 am to 4 pm only

The Proof of Publication to the proposed ordinance entitled “AN ORDINANCE AMENDING SECTION 3 OF CHAPTER 28 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION REGULATING THE BURNING OF RUBBISH OR WASTE MATERIAL,” was introduced and read. It was moved by Councilman Colescott and seconded by Councilman Meacham that the Proof of Publication be accepted and filed. Motion carried. The Ordinance, upon motion of Councilman Surface and seconded by Councilman Meacham and duly carried, was then called up for final passage.

The Ordinance was then read and it was moved by Councilman Meacham and seconded by Councilman McCormick that it be passed, adopted, numbered 1112 and ordered published. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

ORD. 1113 PASSED Annexing West Main St. Addn - Instr. #4015

The Proof of Publication to the proposed ordinance entitled "AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION" (West Main Street Tract) was presented and read. It was moved by Councilman Surface and seconded by Councilman Meacham that the Proof of Publication be accepted and filed. Motion carried.

It was then moved by Councilman Surface and seconded by Councilman Colescott that the ordinance be called up for final passage. Motion carried.

The Ordinance was then read and upon motion of Councilman Colescott and seconded by Councilman Hadden was passed, adopted, numbered 1113 and ordered published. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

ORD. 1114-PASSED Annexing Yockum Subdiv- E of 7th no. of Bookcliff Immaculate Heart of Mary Catholic Church - Instr. #4017

The Proof of Publication to the proposed ordinance entitled, "AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION (Yockum Sub.) was presented and read. It was moved by Councilman Wright and seconded by Councilman Surface that the Proof of Publication be accepted and filed. Motion carried.

It was then moved by Councilman Surface and seconded by Councilman Meacham that the ordinance be called up for final passage. Motion carried.

There was more discussion on covering the drainage ditch on the east side of this tract of land.

The Ordinance was then read and it was moved by Councilman Meacham and seconded by Councilman Surface that the ordinance be passed and adopted, numbered 1114 and ordered published. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

PROCEDURE FOR NEW ZONING ORDINANCE

The following procedure for the passage of the Zoning Ordinance was presented by the City Attorney:

PROCEDURE FOR PASSAGE OF ZONING ORDINANCE

1. Hearing will be advertised and held before the City Planning Commission on individual or area changes in the zoning map. This can be done at one meeting of the Commission.

2. Hearing will be advertised and held on the general text of the ordinance before the Planning Commission. This should be held subsequent to the preceding hearings.
3. Hearings before the Council should be advertised and held on changes in the zoning map. Again all these changes can be heard at one sitting of the Council which should probably be a special meeting.
4. Hearing before the Council will be advertised and held on the text as before the Planning Commission. Again this should best be handled at a special meeting.
5. Following the hearings passage on first and second readings should be had with publication by book as provided in the Charter rather than complete publication in the newspaper.
6. Procedures can commence as soon as the information is obtained on the actual changes made in the zoning map assuming that these changes can be determined fairly soon. There would seem to be no reason why hearings could not be held on successive days toward the end of August by the Planning Commission to cover the zoning hearings required of them with the Council hearings being advertised somewhat concurrently to permit the Council to meet at the end of the month of August, with the hope that the Ordinance might be passed for publication around the seventh of September; the final passage occurring on the 21st of September, making the Ordinance effective along toward the end of October.

The City Manager was instructed to go ahead and schedule the hearings on the zoning ordinance with the Planning Commission and the City Council as indicated by the City Attorney's instructions. It was contemplated that the Zoning Ordinance might be finally passed the latter part of September.

MUNICIPAL COURT CM Memo on operation of- to be taken up at informal meeting
City Manager Lacy had presented a memorandum to the Council concerning the operation of the Police Court, and the Council recommended that this matter be taken up later at an informal meeting before any definite action is taken.

ANNEXATION PROCEDURE Adopted - Instr #4018

The City Manager's Memorandum on Procedure for Annexation Evaluation was discussed. The City Council agreed that Mr. Lacy's schedule was very good, and it was moved by Councilman Hadden and seconded by Councilman McCormick that this Procedure for Annexation Evaluation be adopted as the Council's policy. Motion carried.

LINCOLN PARK Fees for use of- to revise ordinance
City Manager Lacy reported that it had been suggested by both School District No. 51 and Mesa College that the ordinance concerning the payment of fees for the use of Lincoln Park be amended so that instead of charging a fee of 10% for the use of the park, that a ten cent per person fee be charged. In this way, the College and the School District would assist in paying for those who use student body tickets; fees would be remitted immediately after use of the field. He suggested that this ordinance revision could be ready for the next Council meeting for the Council's consideration.

LINCOLN PARK Tennis Courts completed

Councilman McCormick reported that the tennis courts at Lincoln Park have been completed, and that those at Mesa College are to be leveled and repaired. Another meeting of the Lincoln Park Advisory Board will be held on August 31st.

OLD CITY SHOP BLDG. Soil Conservation Service to use

City Manager Lacy stated that the Soil Conservation Service might possibly like to use the old city shop building at 6th and Ute for storage of their vehicles. They would be willing to fix the roof and repair the building so that it would be useable for storage, and pay a nominal rental for the use of the building. City Manager Lacy was directed to proceed with negotiations for the use of the building.

WATER Ute Conservancy Dist. report ready for Committee use

It was reported that the Citizens Committee on the Water Survey now have the Ute Conservancy District report and will be having another meeting soon.

BIDS Penalty clauses in construction contracts

Councilman Surface asked if it might be better to discontinue the penalty clauses in construction contracts. He thought it possibly would result in securing lower bids for construction projects. Mr. Wilson and others explained that this was a widely used practice and that the \$1,000.00 per day penalty was the one customarily imposed.

RECREATION BUDGET

Councilman Colescott asked if there should be some adjustment made in the Recreation budget because of the change in the Junior High School Lunch program.

FRANK JAROS, JR. Complimented on attending meetings

Councilman Wright complimented Frank Jaros, Jr. on attending all of the Council meetings.

UNITED NATIONS DAY To present award to Isabel Benson

The City Manager was directed to present Miss Isabel Benson, Chairman for United Nations Day on October 24th, with a certificate of award, with due publicity.

ADJOURNMENT

It was moved by Councilman Surface and seconded by Councilman Meacham that the meeting adjourn. Motion carried.

/s/ Helen C. Tomlinson
City Clerk