

Grand Junction, Colorado

December 21, 1960

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock p. m., December 21, 1960. Roll call showed the following Councilmen present: Ray A. Meacham, Arthur Hadden, Harry O. Colescott and President McCormick. A short time after roll call, Councilmen Edward B. Surface, Warren D. Lowe and Herbert M. Wright arrived at the meeting. Also present were City Manager Lacy, City Attorney Ashby and City Clerk Tomlinson.

INVOCATION

The invocation was given by Rev. John Powers, Assistant Pastor, St. Joseph's Catholic Church.

MINUTES

It was moved by Councilman Colescott and seconded by Councilman Hadden that the minutes of the regular meeting held December 7, 1960 be approved as written. Motion carried.

HEARING 3.2 Beer Violation Bimbo's Cafe-suspend license for 7 days

The hearing on violation of 3.2 beer license for Bimbo's Cafe, 727 Third Avenue was postponed until this meeting. A letter from Karl Johnson, Chief of Police, was read stating that on the night of November 4, 1960, two police officers observed two girls who entered into Bimbo's Cafe and came out with a six pack of beer. The girls who purchased the beer were seventeen years old and stated that they were not asked for any identification as to their ages. Mr. Ben David Lujan, an employee, was taken into custody and identified by the girls as the employee who had sold them the beer. He was taken to Justice of the Peace Court and entered a plea of guilty on the charge of selling beer to a person under the age of eighteen and was found guilty and fined \$25.00.

Mr. Foster, the owner of Bimbo's Cafe, stated that he had no defense; that this employee was in the wrong and had been discharged, and that Mr. Perry, Manager, had been warned that such a procedure would not be allowed to happen in the future. Chief of Police Karl Johnson was present. In the discussion that followed, it was pointed out that public sentiment was against the issuance of this beer license and that action as a warning should be given by the Council; that even when hired help caused violations of this nature, that it is the responsibility of the owners of such establishments to see that their businesses are operated in accordance with the law. It was moved by Councilman Colescott and seconded by Councilman Meacham that the 3.2 beer license for Bimbo's Cafe be suspended for one week beginning Thursday morning, December 22, 1960. Mr. Perry, the manager of Bimbo's Cafe, asked if the suspension could not be held over until after the holiday season. The President called for the question and all members of the Council present voted "AYE." (6 members with Councilman Wright absent.)

C & CA to notify violator to appear at next Council meeting after violation occurs

Councilman Colescott suggested that in the future when a liquor or beer violation occurs, the City Attorney and City Clerk be authorized to notify the violator that there will be a hearing

before the City Council at the next meeting provided that at least three days notice can be given to the owner of the establishment where the violation occurred.

OVERHILL ANNEX PLAT Acceptd & Apprvd

This was the date set for hearing on the subdivision of the ten acre tract at the southeast corner of 12th and Orchard Avenues known as Overhill Annex. There were no protests against this plat. It was moved by Councilman Hadden and seconded by Councilman Lowe that the plat for the Overhill Annex be accepted and signed by the President of the City Council, attested by the City Clerk; that it be approved and filed with the Mesa County Clerk and Recorder and that a copy thereof be placed on file in the office of the County Assessor and City Engineer. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried. (6 members, Councilman Wright was absent.)

OXYGEN TANKS Discuss danger or-action tabled for study

Councilman Hadden brought up two matters that he wished to be considered. The first, the matter of oxygen tanks being hauled around town with the air gauges attached. If this valve gets broken, the tank becomes very dangerous and can cause injuries to those in the truck or in the vicinity, of the tank.

ENFORCEMENT OF SAFETY AT SCHOOL SIGNALS & PEDESTRIAN CROSSINGS

The other matter he brought up, concerned the enforcement of safety at school signals and pedestrian crossings. Both of these matters were tabled for future study and report back to the Council.

APPT COMMITTEE To suggest names for Councilman

In view of the fact that there is a possibility that Mr. Ed Surface, Councilman from District C, will be leaving Grand Junction prior to January 1, 1961, President McCormick appointed the following committee to bring in suggestions for a Councilman to represent this district: Councilmen Meacham, Hadden and Lowe.

VOTING DISTRICTS To survey & suggest changes

As the results of the 1960 census for the City of Grand Junction are available and inasmuch as there have been several annexations to the City since voting districts were changed by the resolution of April, 1954, it was moved by Councilman Lowe and seconded by Councilman Meacham that the City Clerk be instructed to present a new survey for the Council's consideration in changing boundary lines for the five districts. Motion carried. (7 members voted "AYE.")

PROP. ZONING ORD. Changes - hearing

The next matter brought up was consideration of matters brought out at the hearing on the proposed new zoning ordinance on December 7, 1960.

1. Lot 7, Block 1, Mesa Gardens Subdivision (northwest corner of 23rd and Grand Ave.) to R-1-C. It was moved by Councilman Colescott and seconded by Councilman Surface that this zoning change be approved. Motion carried. (7 members voted "AYE.")

2. Lot 16, Grandview Subdivision, except the East 125 feet and south 130 feet thereof, which is now the Overhill Annex, was recommended to be changed to B-3. (SE corner of 12th & Orchard Avenues.)

There were several residents who live on Mesa Avenue between 12th and 14th Streets present concerning this zoning. Mr. Robt. Carver asked questions concerning the fence and also whether or not another B 3 district could be zoned as commercial possibly at 12th and Patterson. City Manager Lacy informed him that only the economical situation could determine whether or not another business district would be practical. He also explained to Mr. Carver that the zoning ordinance now contains a provision that "Service yards must be screened from adjacent single-family-zoned property by the installation and maintenance of a solid wall or fence having a height of not less than four feet nor more than six feet and where the B 3 zone district abuts a single-family-zone district directly without the intervention of a street or highway (but not including an alleyway or easement) the boundary between such B 3 zone district and the single-family-zone district shall be so fenced." Dr. Merrill spoke briefly.

It was moved by Councilman Wright and seconded by Councilman Hadden that Block 2 of Overhill Annex be zoned as B 3 district and that Block 1 remain as R-1-C. Motion carried with all members of the Council voting "AYE." (7 members voting "AYE.")

3. South half of Lot 1, Block 1, Fairmount Subdivision to B 3. It was moved by Councilman Wright and seconded by Councilman Surface that B 3 zoning be allowed in this area as recommended by the Planning Commission. Motion carried. (7 members voting "AYE.")
4. Lots 15 through 19 inclusive, Block 1, Parkland Subdivision to R 2. It was moved by Councilman Meacham and seconded by Councilman Surface that zoning of R 2 be allowed for these lots. Motion carried. (7 members voting "AYE.")
5. Brach property - 1st and Orchard Ave. It was moved by Councilman Wright and seconded by Councilman Surface that the shape of the B 2 zone be changed as recommended by the Planning Commission. Motion carried (7 members voting "AYE.")

PROP. ZONING ORD. Text changes

It was moved by Councilman Wright and seconded by Councilman Surface that the following changes in the text of the proposed zoning ordinance be made:

"In B-2 zone districts, no sign shall have an area in excess of 150 square feet."

In Zone Districts (9) B-3 Retail Business under LIMITATIONS

"Service entrances and service yards shall be located only in the rear and side yard of the business unit. Service yards must be screened from adjacent single-family-zoned property by the installation and maintenance of a solid wall or fence having a height of not less than four feet nor more than six feet and when the B 3 zone district abuts a single-family-zone district directly without the intervention of a street or highway (but not including an alleyway or

easement) the boundary between such B 3 zone district and the single-family-zone district shall be so fenced.”

Page 59 of the Zoning Ordinance under Home Occupation Section 4 remains the same as was originally in the ordinance. Section 6 is changed as follows:

“No additions to or alterations of the exterior of the dwelling unit including outside entrances for the purpose of the home occupation shall be permitted.”

Section 7 will read as follows:

“The office or business does not utilize more than 25% of the gross floor area of the dwelling unit, and in any case not more than 400 sq. ft., provided however, that this does not apply to nursery schools.”

Motion carried. (7 members voting “AYE.”)

ZONING REQUEST 7th & Walnut Rev. Wallack-denied

The matter of the request of Rev. Dwight Wallack that his property on 7th and Walnut be zoned so as to permit a use similar to that allowed now in Business District “A” was considered. In the new ordinance, he will not be permitted to build to the property line. City Manager Lacy reported that the Planning Commission did not change its recommendation that this property be zoned anything but B-1. It was stated that, at the present time, Rev. Wallack has presented plans for building on this property; the plans now being checked by the Building Department. Under the present zoning ordinance, Rev. Wallack could extend his building to the property line. It was moved by Councilman Surface and seconded by Councilman Colescott that Rev. Wallack’s request for change of zoning be denied and that this property be zoned as B-1. Motion carried with Councilman Meacham voting “NAY.” (6 members voting “AYE.”)

3.2 BEER APPL Jas. & Mary Pantuso dba Pantuso’s Pizzario, 103 No. 1st St. hearing 1-18-61

James and Mary Pantuso presented an application for a 3.2 beer license for Pantuso’s Pizzario, 103 No. 1st Street. It was moved by Councilman Colescott and seconded by Councilman Lowe that this application be advertised for hearing on January 18, 1961. Motion carried. (7 members voting “AYE.”)

ANNEXATION 30 A Tract N of Orchard E of 28 Rd eligible to present petition

The Planning Commission recommended that a thirty acre tract of land located north of Orchard Avenue And East of 28 Road was eligible for annexation to the City. It was moved by Councilman Wright and seconded by Councilman Hadden that the Council approve the recommendation of the Planning Commission and allow a petition for annexation of this tract of land to be presented. Motion carried. (7 members voted “AYE.”)

ORD. 1124 (Emerg) Annexing McCoy tract

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION AND DECLARING AN EMERGENCY.

It was moved by Councilman Meacham and seconded by Councilman Hadden that the Proof of Publication be accepted and filed. Motion carried. (7 members voted "AYE.") It was then moved by Councilman Surface and seconded by Councilman Colescott that the proposed ordinance be called up for final passage. Motion carried. (7 members voted "AYE.")

The ordinance was then read, and as there were no comments from the floor, the City Attorney stated that the emergency provision had been provided in this ordinance in order to speed up water service for the residents in the area. It was moved by Councilman Wright and seconded by Councilman Lowe that the ordinance be passed and adopted as an emergency ordinance, numbered 1124, and ordered published. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

ORD. 1125 (Emerg) Assessing Sidewalk Dist. #15

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SIDEWALK DISTRICT NO. 15, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; AND APPROVING THE APPORTIONMENT OF SAID COST; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS, AND DECLARING AN EMERGENCY. It was moved by Councilman Surface and seconded by Councilman Meacham that the Proof of Publication be accepted and filed. Motion carried. (7 members voting "AYE.")

It was then moved by Councilman Colescott and seconded by Councilman Surface that the ordinance be called up for final passage. Motion carried. (7 members voting "AYE.")

There were no comments from the floor concerning this ordinance, and the City Attorney explained that the emergency clause was put on to allow the County Treasurer more time to prepare his statements before the first of the year. It was moved by Councilman Meacham and seconded by Councilman Surface that the ordinance be passed and adopted as an emergency ordinance, numbered 1125 and ordered published. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

STATEMENT RE AIR SERVICE apprvd by Council-sent to Co. Comm.

City Manager Lacy reported that the County Commissioners have requested that the City make a statement of policy regarding air service for this locality. It was moved by Councilman Colescott and seconded by Councilman Wright that the following statement be made by the City Council and that a copy be forwarded to the County Commissioners:

STATEMENT OF POLICY

The City Council of the City of Grand Junction, Colorado, states:

1. That they favor continuation of the present services furnished to the City of Grand Junction both by United Air Lines and Frontier Airlines. They specifically favor continuation of Frontier's non-stop service to Denver.
2. That they favor enlargement and extension of the present services in the following respects:

- (a) That early morning, non-stop service to Denver and Salt Lake City, with late afternoon or early evening return from both cities be afforded so as to make possible commuter service to both cities.
 - (b) That pressurized, all-weather equipment be used exclusively on said non-stop service so as to stabilize schedules.
3. That if any discontinuation of service by United Air Lines should occur, some other competent airlines should immediately be permitted to furnish comparable service to Grand Junction to and from Denver, Las Vegas and Los Angeles.
4. That present services to the North and South of Grand Junction should be maintained and should be improved and extended as conditions warrant.

Motion carried. Councilman Colescott also asked that the Airport Board be asked to endorse this same statement.

PROPERTY Offer to purchase Karl Billings' place 859 W. Grand - \$3,200

City Manager Lacy reported that Mr. and Mrs. Karl Billings wish to sell their property at 859 West Grand Ave. to the City. They are asking \$5,500 for the property. According to an appraised valuation which was made by the Grand Junction Board of Realtors, \$3,200 would be the highest price that the City should pay for this property. Mr. Lacy pointed out that the City would have no use for the house as a residence as they did not wish to rent it, and it would not be desirable for recreational purposes.

It was also pointed out by Councilman Meacham that the house probably would be worth more money in another location but the City would have to consider the value of the land. It was moved by Councilman Meacham and seconded by Councilman Colescott that the City Manager be authorized to offer Mr. and Mrs. Billings \$3,200 cash plus the house if they should want to move it. Motion carried. (7 members voted "AYE.")

WATER To renew contract w. Geo. Lockhart for Anderson Ranch

City Manager Lacy stated that Mr. Geo. Lockhart, who has a lease on the property which the City owns known as the Anderson Ranch located on Kannah Creek, wishes to have the lease renewed for a period of five years. The original lease was written for five years and expires in 1961. Mr. Burton, Director of Public Utilities, has recommended that the lease be extended on the same terms as were in the old lease. It is provided in the lease that an adjustment can be made in the amount he pays if it becomes necessary for the City to use part of the water which he normally would have for development of his land.

It was moved by Councilman Wright and seconded by Councilman Surface that the City Manager be authorized to sign a lease agreement with Mr. Lockhart similar to the one which is now in effect. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

COORDINATING COMM OF MECHANICAL SPEC CONTRACTORS Councilman Lowe re letter to about separate bids for mechanical bids

Councilman Lowe stated that he had taken the liberty of writing, in the name of the City Council, to the Coordinating Committee of Mechanical Specialty Contractors of Chicago

about the possibility of a policy in regard to separate bids for mechanical bids on building projects.

PROP. ZONING ORD. Passed for publication

The following entitled proposed ordinance was presented and read: AN ORDINANCE ESTABLISHING LAND USE ZONING IN THE CITY OF GRAND JUNCTION, COLORADO, FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE COMMUNITY, REGULATING AND RESTRICTING THE USE OF LAND, THE USE AND LOCATIONS OF BUILDINGS, SIGNS, FENCES, AND STRUCTURES; THE SIZE, HEIGHT, AND BULK OF BUILDINGS, SIGNS, FENCES, AND STRUCTURES; GOVERNING THE AREA OF YARDS, COURTS AND PLACES SURROUNDING BUILDINGS AND STRUCTURES; CONTROLLING THE DENSITY OF POPULATION; DIVIDING THE ZONED AREA INTO DISTRICTS FOR ZONING PURPOSES; ADOPTING A MAP OF SAID AREA AND ZONING DISTRICTS THEREIN, SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; CREATING AND ESTABLISHING FIRE ZONES; REORGANIZING THE PLANNING AND ZONING COMMISSION AND ESTABLISHING A BOARD OF ADJUSTMENT AND APPEALS; PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT OF SAID ZONING PROVISIONS; DEFINING CERTAIN TERMS USED HEREIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH. Motion carried. (7 members voting "AYE.")

The following resolution was presented and read:

RESOLUTION

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

That an ordinance entitled:

AN ORDINANCE ESTABLISHING LAND USE ZONING IN THE CITY OF GRAND JUNCTION, COLORADO, FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE COMMUNITY, REGULATING AND RESTRICTING THE USE OF LAND, THE USE AND LOCATIONS OF BUILDINGS, SIGNS, FENCES, AND STRUCTURES; THE SIZE, HEIGHT, AND BULK OF BUILDINGS, SIGNS, FENCES, AND STRUCTURES; GOVERNING THE AREA OF YARDS, COURTS AND PLACES SURROUNDING BUILDINGS AND STRUCTURES; CONTROLLING THE DENSITY OF POPULATION; DIVIDING THE ZONED AREA INTO DISTRICTS FOR ZONING PURPOSES; ADOPTING A MAP OF SAID AREA AND ZONING DISTRICTS THEREIN, SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICT: CREATING AND ESTABLISHING FIRE ZONES; REORGANIZING THE PLANNING AND ZONING

COMMISSION AND ESTABLISHING A BOARD OF ADJUSTMENT AND APPEALS; PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT OF SAID ZONING PROVISIONS; DEFINING CERTAIN TERMS USED HEREIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

be published in book or pamphlet form made available for public inspection at the City Hall in the City of Grand Junction with proper notice of hearing before final passage being given, all in accordance with Section 51 of the Charter of the City of Grand Junction.

PASSED AND ADOPTED this 21st day of December, 1960.

President of the City Council

ATTEST:

City Clerk

It was moved by Councilman Meacham and seconded by Councilman Surface 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.

ADJOURNMENT

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

/s/ Helen C. Tomlinson
City Clerk