

Grand Junction, Colorado

March 7, 1962

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. March 7, 1962. Councilmen present and answering roll call were Meacham, Hadden, Love, Colescott, Lowe, Wright and President McCormick. Also present were City Manager Lacy, City Attorney Ashby and City Clerk Helen C. Tomlinson.

INVOCATION

The invocation was given by Rev. A. J. Finkenbinder, Pastor, Pilgrim Holiness Church.

MINUTES

It was moved by Councilman Hadden and seconded by Councilman Wright that the minutes of the regular meeting held on the 21st day of February, 1962 be approved as written. Motion carried. (7 voted AYE)

LIQUOR LICENSE

Richard W. Baker & Vera Ann Baker dba Flamingo Lounge - granted

This was the date set for hearing on the application of Richard W. Baker and Vera Ann Baker proposing to do business as the Flamingo Lounge, 201 Colorado Avenue, for a restaurant liquor license. Police Chief Karl Johnson reported he had made the usual investigation of character references on the applicants and there was nothing found that would prevent the Council from issuing the license.

It was moved by Councilman Colescott and seconded by Councilman Wright that the application be approved and license granted when the state license has been received. Motion carried. (7 voted AYE)

RECREATION BOARD APPTD

President McCormick presented the following names for appointment to the Recreation Board:

For one year: Mrs. William L. Reed, 320 Cedar Court
Mr. Keith Mumby, 2241 No. 21st Street

For two years: Mr. Fred G. Garcia, 520 W. Main Street
Mr. Clinton Smith, 525 Cedar Avenue

For three years: Mr. Ed Vander Took, 2410 Texas Ave.
Miss Ruth Slomer, 1315 Mesa Avenue

Council Representative: Councilman Arthur Hadden

It was moved by Councilman Lowe and seconded by Councilman Meacham that the Council accept the report and approve the recommendations of the President of the City Council. Motion carried. (7 voted AYE)

STREETS, ALLEYS, EASEMENTS, R/Ws ETC.

Council policy - to charge for direct costs to recipient when vacated

Councilman Meacham suggested that the City should be reimbursed for advertising and legal costs for vacating streets,

alleys, easements, etc. when the vacation will be of advantage to the property owner. He suggested that inasmuch as the person who acquires the right of way does not have to pay for the land he should be willing to pay the City for the actual costs. There is often an advantage to the City where the right of way is no longer being used.

City Manager Lacy stated that at the present time the City was not making charges in these instances. Other cities in the state do follow the practice of charging for advertising and legal work. City Attorney Ashby also stated that the vacation was usually done for the benefit of the property owner and he believed there would be no objection by the recipient to paying the charge. An estimate of the definite amount could be made when the person first makes application for an alley or street to be vacated. City Manager Lacy stated that charges should be made for legal work or advertising generated at the request and specification of an individual.

It was moved by Councilman Meacham and seconded by Councilman Wright that the City Council establish a policy that all direct costs of the City occasioned by vacations of streets or alleys or other actions by the City of direct benefit to the individual be paid by the individual. Motion carried. (7 voted AYE)

LIQUOR & BEER VIOLATIONS & PENALTIES

Discussed

The matter of the City Council's role or policy in regard to liquor and beer license violations was brought up and discussed. The City Attorney had received a letter from the Attorney General stating that the Council has no authority in considering punishment for 3.2 beer violations. Councilman Wright stated that the Council was perturbed in not having a more definite policy established concerning violations. He stated that he thought there had been an excessive number of violations on the part of the purchasers, by submitting false credentials. Since the consideration of penalties has been taken out of the hands of the Council, penalties have been so slight that they have not proved to be much of a deterrent. Previously, fines were up to \$100, and now they are as low as \$15 to \$20. The penalties should be imposed on the person who buys liquor or beer as well as the seller or merchant.

Councilman Meacham spoke in agreement with Councilman Wright and also spoke about young people getting adults to purchase liquor for them. In these cases the penalties have been low also. City Attorney Ashby stated that he would like to write to the District Attorney, with permission of the City Council, and tell him how the Council feels about the small penalties now being imposed by the justice of the Peace Courts, and see if he could not push harder for larger penalties.

Mr. Richard Stranger was present and stated that a committee from the State Legislature is working to amend the present liquor code along the lines that the Council had been talking about, and he felt that the members would be glad of the Council's opinion.

The only time that the Council can take into consideration the operation of a 3.2 beer licensee is either when the license is first granted or when it is up for renewal. All considerations concerning violations must be done by the Secretary of State or his employees.

The City Attorney and City Council hoped that bringing the matter before the meeting and radio audience might have some influence on the Courts toward heavier penalties. The Colorado Municipal League and the State Legislature should both work to amend the liquor and beer codes so that the restrictions for violations would be equal.

3.2 BEER RENEWAL

Robt. E. & Geo. H. Wieker dba Wieker Cigar Store, 541 Main St. renewed

An application for renewal of 3.2 Beer license was presented by Robert E. Wieker and Geo. H. Wieker dba Wieker Cigar Store, 541 Main Street. A letter was read from Police Chief Karl Johnson. It was moved by Councilman Hadden and seconded by Councilman Love that the application be approved and license issued when the state license has been received. Motion carried. (7 voted AYE)

3.2 BEER RENEWAL

Archie S. & Lena Alexander dba Black & White Grocery, 904 N 7th renewed

An application for renewal of 3.2 beer license was presented by Archie S. Alexander and Lena Alexander dba Black & White Grocery, 904 N. 7th Street. No protests were filed against this application, and it was moved by Councilman Lowe and seconded by Councilman Love that the application be approved and license granted when the State license has been received. Motion carried. (7 voted AYE)

LILY DAY 4-14-62

Easter Seal Comm - granted

The Mesa County Society for Crippled Children and Adults, Inc. asked for permission to sell lilies on downtown streets on Saturday, April 14, 1962. It was moved by Councilman Colescott and seconded by Councilman Hadden that the request be granted. Motion carried. (7 voted AYE)

BONDS APPROVED

The following license bonds, being on the approved form, were presented for approval:

Alden H. Roper, Gen. Contractor	Maryland Casualty Co.	#92-783966
T.J. Smith dba Smitty's Auto Wrecking Yard, 2nd Hand Dealer	Western Surety	#789061
Raymond Huerta, Spec. Cont.	U.S.F.&G.	#17142-13-375-62

It was moved by Councilman Lowe and seconded by Councilman Meacham that the bonds be accepted and filed. Motion carried. (7 voted AYE)

ORD. 1150 (Emerg)

Vacating Alley Blk 2 Mobley's Addn (Gay Johnson's 1st & Spruce)

City Manager Lacy reported that since the last Council meeting the matter of the closing of the north-south alley from White Avenue north between 1st Street and Spruce had been worked out. An alternate plan had been submitted by which the original alley would be moved fifteen feet to the west. The Public Service utility lines would not have to be moved.

Mr. Heywood Jones was present and stated that the alley was there to serve the public and the building would be placed so that you could not have a clear view but would always see a brick building. This would be creating a sort of blind alley.

Mr. Gay Johnson stated that he would be glad to go along with the City in marking of the alley in any way they might consider appropriate; he would make the proper grade, two new entrances and re-surface the alley and would pay all the

costs. Some of the Councilmen spoke regarding this matter, and it was the general opinion, that if the alley is changed in accordance with the plan as presented that the access and egress would remain approximately the same and that no one would be hurt.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING A PORTION OF ALLEY-WAY IN WILSON'S SUBDIVISION OF BLOCK NO. 2, MOBLEY'S ADDITION TO GRAND JUNCTION, MESA COUNTY, COLORADO, AND DECLARING AN EMERGENCY. It was moved by Councilman Lowe and seconded by Councilman Hadden that the proposed ordinance be passed and adopted as an emergency ordinance, numbered 1150 and ordered published. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried. (7 voted AYE)

P.I.A.B. CHARTER

Resol on adoption

City Manager Lacy presented the proposed Charter for Greater Grand Junction Park Improvement Fund. He stated that School District No. 51 had already approved the proposed Charter and that Mesa College and the County Commissioners of Mesa County were considering it and would no doubt pass upon it favorably. The following Resolution was presented and read:

RESOLUTION

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

That the organizational document entitled "Organization of Greater Grand Junction Park Improvement Fund," such organization providing for the establishment and use of such Fund for the construction and improvement of recreational facilities in the greater Grand Junction area, be, and the same hereby is, approved, both as to the organization and as to the proposed participation of the City in such organization.

PASSED AND ADOPTED this 7th day of March, 1962.

It was moved by Councilman Meacham and seconded by Councilman Wright 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. (7 voted AYE)

STORM SEWER #1

Resol accepting petitions - hearing 4-4-62

City Attorney Ashby reported that there had been an error made in the publication of the "Notice of Hearing on Petitions to Create 'Special Storm Sewer District No. 1, Grand Junction, Colorado, a General Improvement District,' in the City of Grand Junction, Colorado, under the provisions of Article IV, Chapter 89 of the 1953 Colorado Revised Statutes" contained in the Resolution passed to approve the petitions to form the district. The state statute under which this district is being set up requires publication three times in a period of fifteen days and this was only published one time. City Attorney Ashby and City Manager Lacy stated that this would not in any way throw the schedule of construction off but the date of election would be changed from April 3rd to April 27th. The following Resolution was presented and read:

RESOLUTION

WHEREAS, under the provisions of Article IV of Chapter 89 of the 1953 Colorado Revised Statutes, petitions have been presented to the City Council of the City of Grand Junction for the formation of "Special Storm Sewer District No. 1, Grand Junction, Colorado, a general improvement district, within the City to serve the following property in said City, to-wit:

All Block 80
All Block 81
All Block 82
All Block 83
All Block 94
All Block 95
All Block 96
All Block 97
South Half of Block 98
South Half of Block 99
All Block 100
All Block 101
All Block 102
All Block 103
All Block 104
All Block 105
All Block 116
All Block 117
All Block 118
All Block 119
All Block 120
All Block 121
North Half of Block 122
North Half of Block 123
North Half of Block 124
North Half of Block 125
North Half of Block 126
North Half of Block 127

All of said blocks being in the City of Grand Junction, Mesa County, Colorado, and

East 125 feet of Block 6
East 125 feet of Block 7

Said blocks being in Richard D. Mobley's First Subdivision, in the City of Grand Junction, Mesa County, Colorado, and;

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of such district;

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

1. That a hearing will be held on the 4th day of April, 1962, at the hour of 7:30 o'clock P.M. at the City Hall in the City of Grand Junction, Mesa County, Colorado on said petitions.
2. That the City Clerk is directed to cause notice by publication to be made of such hearing and, further, that the City Clerk cause a copy of the notice of said hearing to be mailed to each tax paying elector of the district, all in accordance with Article IV, Chapter 89 of the Colorado Revised Statutes.

NOTICE

OF HEARING ON PETITIONS TO CREATE "SPECIAL STORM SEWER DISTRICT NO. 1, GRAND JUNCTION, COLORADO, A GENERAL IMPROVEMENT DISTRICT," IN THE CITY OF GRAND JUNCTION, COLORADO, UNDER THE PROVISIONS OF ARTICLE IV, CHAPTER 89 OF THE 1953 COLORADO REVISED STATUTES.

Public notice is hereby given that there were filed with the City Clerk of the City of Grand Junction, Colorado, petitions for the organization of a General Improvement District within a part of said City to be known as "Special Storm Sewer District No. 1, Grand Junction, Colorado, A General Improvement District."

That the purpose of the District is to provide for the construction of a Storm Sewer, structural appurtenances thereto, and necessary street replacement to provide for the drainage of lands within the District, said District of lands to be so served is as follows:

All Block 80
All Block 81
All Block 82
All Block 83
All Block 94
All Block 95
All Block 96
All Block 97
South Half of Block 98
South Half of Block 99
All Block 100
All Block 101
All Block 102
All Block 103
All Block 104
All Block 105
All Block 116
All Block 117
All Block 118
All Block 119
All Block 120
All Block 121
North Half of Block 122
North Half of Block 123
North Half of Block 124
North Half of Block 125
North Half of Block 126
North Half of Block 127

All of said blocks being in the City of Grand Junction, Mesa County, Colorado, and

East 125 feet of Block 6
East 125 feet of Block 7

Said blocks being in Richard D. Mobley's First Subdivision, in the City of Grand Junction, Mesa County, Colorado.

All taxable property in the District will be subject to the lien of any indebtedness which may be authorized by the taxpaying electors thereof. The estimated cost of the proposed improvements and the amount of the proposed indebtedness is \$150,000.00.

The City Council of said City has provided that there will be a hearing on said petitions and on the organization of said District at the City Hall, in the City of Grand Junction, Colorado, on the 4th day of April, 1962, at the hour of 7:30 o'clock P. M., when and where taxpaying electors and any person in interest may be heard on the question of the organization of the proposed District.

Helen C. Tomlinson\City Clerk

(This Notice and new hearing necessitated because of previous error in publication by the City.)

PASSED AND ADOPTED this 7th day of March, 1962.

Charles E. McCormick\President of the City Council

ATTEST:

City Clerk

It was moved by Councilman Wright and seconded by Councilman Lowe 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. (7 voted AYE)

WATER LINES

Central Fruitvale Annex - to adv for bids 3-21-62

City Manager Lacy stated that the City would be ready to go ahead with the construction of water lines in the Central Fruitvale area and would like to accept bids on March 21st. It was moved by Councilman Lowe and seconded by Councilman Hadden that the Utilities Director be authorized to advertise for bids for construction of water lines in the Central Fruitvale Annexation; bids to be opened on March 21, 1962. Motion carried. (7 voted AYE)

ZONING HEARING

Central Fruitvale Annex April 4, 1962

The Planning Commission has considered the zoning of the Central Fruitvale area and has approved certain portions of it. It is now ready for the Council to consider. It was moved by Councilman Colescott and seconded by Councilman Lowe that a hearing be set for April 4, 1962 to consider zoning of the following:

NOTICE OF HEARING ON ZONING OF CENTRAL FRUITVALE AREA

PUBLIC NOTICE IS HEREBY GIVEN that a hearing will be held on Wednesday, April 4th, 1962 at 7:30 o'clock P.M. in the Civic Auditorium by the City Council of the City of Grand Junction, on the change of zoning of the following property, to-wit:

That part of the South one-half of the northeast quarter, Section 7, Township 1 South, Range 1 East, Ute Meridian, which is West of Indian Wash -- Proposed as R-1-B.

The Southeast Quarter of Section 7, Township 1 South, Range 1 East, Ute Meridian, except the South 330 feet thereof -- Proposed as R-1-C.

The South 330 feet of the Southeast Quarter of Section 7, Township 1 South, Range 1 East, Ute Meridian -- Proposed as C-1.

Beginning at the Southwest corner of Lot 22, Block 4, Meek's Subdivision; thence North to the Northwest corner of said Lot 22; thence East along the North line of Lots in the South half of said Block 4 and said North line projected to a point 165 feet West of the East line of the Northwest Quarter of the Northeast Quarter, Section 18, Township 1 South, Range 1 East, Ute Meridian; thence South to the South line of said Northwest Quarter of the Northeast Quarter; thence West along said South line to a point South of the point of beginning; thence North to the point of beginning. Also, that part of the South one-half of the Northeast Quarter of Section 18, Township 1 South, Range 1 East, Ute Meridian, which is North of Highway 6 and 24 -- Proposed as I-1.

The North 330 feet of the Northeast Quarter of the Northwest Quarter of Section 18, Township 1 South, Range 1 East, Ute Meridian, and the north 330 feet of the Northeast Quarter of the Northeast Quarter of said Section 18, and the following described tract: Beginning at the Southwest corner of Lot 1, Block 1, Meek's Subdivision; thence East to the Southeast corner of said Lot 1; thence North to the Northwest corner of Lot 8 in said Block 1; thence East along the North lines of Lots 8, 7, 6, 5, 4 and said line projected to a point 330 feet West of the East line of the Northwest Quarter of the Northeast Quarter of Section 18, Township 1 South, Range 1 East, Ute Meridian; thence South to a point 330 feet South of the North line of said Northwest Quarter of the Northeast Quarter; thence East to the East line of said Northwest Quarter of the Northeast Quarter; thence North to the North line of said Northwest Quarter of the Northeast Quarter; thence West along said North line to a point North of the point of beginning; thence South to the point of beginning -- Proposed as C-1.

The South 990 feet of the Northeast Quarter of the Northeast Quarter of Section 18, Township 1 South, Range 1 East, Ute Meridian; the South 990 feet of the East 165 feet of the Northwest Quarter of the Northeast Quarter of said Section 18; also beginning at the Southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 18; thence East along the South line of said Northeast Quarter of the Northwest Quarter to a point South of the North-South center line of Block 2, Dorris Subdivision; thence North along said center line and said center line projected to a point 50 feet North of the Northeast corner of Lot 7 in said Block 2; thence East to the East line of said Northeast Quarter of the Northwest Quarter thence North to a point 330 feet South of the Northeast Corner of said Northeast Quarter of the Northwest Quarter; thence West to a point on the West line of said Northeast Quarter of the Northwest Quarter which is 330 feet South of the Northwest corner of said Northeast Quarter of the Northwest Quarter; thence South to the point of beginning -- Proposed as C-2.

Beginning at a point on the South line of the Northeast Quarter of the Northwest Quarter, Section 18, Township 1 South, Range 1 East, Ute Meridian, which point is South of the North-South center line of Block 2, Dorris Subdivision; thence North along said center line and said center line projected to a point 50 feet North of the Northeast corner of Lot 7 of said Block 2; thence East to the East line of said Northeast Quarter of the Northwest Quarter; thence North to a point West of the Southwest corner of Lot 1, Block 1, Meek's Subdivision; thence East to the Southeast corner of said Lot 1; thence North to the Northeast corner of Lot 8 of said Block 1; thence East along the North lines of Lots 8, 7, 6, 5, 4, of said Block 1 and said North lines projected to a point 330 feet West of the East line of the Northwest Quarter of the Northeast Quarter of said Section 18; thence South to a point 330 feet North of the North line of said Northwest Quarter of the Northeast Quarter; thence East 165 feet; thence South to a point 162 feet North of the South line of said Northwest Quarter of the Northeast Quarter; thence West to the intersection point of the center lines of the East-West and North-South alleys of Block 4, Meek's Subdivision; thence South to the South line of said Northwest Quarter of the Northeast Quarter; thence West to the point of beginning -- Proposed as R. I. C.

All property in Mesa County, Colorado.

At said time and place, or as soon thereafter as said matter may be reached, all parties in interest and all citizens may be heard thereon. Motion carried. (7 voted AYE)

BOARD OF ADJUSTMENT

Pres of Council to make recommendations

City Manager Lacy reported that the term of one member of the Board of Adjustment had expired and that two others would expire on July 1st. A new Board has never been appointed since the new Zoning Ordinance has been effective.

President McCormick stated that he would look into this and that he would try to have something to suggest to the Council in the near future on this matter.

ADJOURNMENT

It was moved by Councilman Hadden and seconded by Councilman Lowe that the meeting adjourn. Motion carried. (7 ayes)

Helen C. Tomlinson\City Clerk