

Grand Junction, Colorado

December 19, 1962

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock p.m., December 19, 1962 in the Civic Auditorium. Councilmen present and answering roll call were Ray A. Meacham, Arthur Hadden, Chas. H. Love, Harry O. Colescott, Warren D. Lowe, Herbert M. Wright and President C. E. McCormick. Warren Lowe arrived shortly after the meeting started. Also present were City Manager Joe Lacy, City Clerk Helen C. Tomlinson and City Attorney Gerald Ashby.

INVOCATION

The invocation was given by Rev. Lee Rickstein, Assistant Pastor, First Baptist Church.

MINUTES

It was moved by Councilman Meacham and seconded by Councilman Colescott that the minutes of the regular meeting held December 5th, 1962 be approved as written. Motion carried. (6 AYES)

LIQUOR APPLICATION

Continuation of hearing - Hugh J. & Helen M. Pinger, 2804 North

Denied

Mr. Carl Holsum, 504 28 Road, who lives just west of the property in question, and generally known as the J Bar C, spoke to the Council against the granting of the license. He stated that Mr. Andrews, who lives immediately east of the J Bar C and he are the most damaged of anyone in the area. They had property before any restaurant was opened in this area. Ever since they started selling wine and then liquor, the place has been a disgrace to the community. He has rental properties and it is hard to keep them occupied because of the noise and commotion. He claimed that there has been no one who ever operated a successful business at this location. He would not oppose any other kind of business, and he definitely feels that this place is not an asset to the community. The Smoke Shack is just a short distance away, and this aggravates the condition as it caters to teenagers. Since the J Bar C has been closed the vandalism in the neighborhood has decreased considerably.

Vern Johnson, who circulated the opposing petition stated that the Smoke Shack being in the County does not get sufficient supervision, because of the limited number of patrol cars which the County has. Vandalism in the past year has amounted to over \$100.00 per month. The only way they can handle the situation is to hire a night watchman, and this cost is prohibitive. The area around the property which Mr. Pinger wishes to use is not all in the City limits, which poses additional problems. He reminded the Council that the opposing petition had seventeen (17) signatures, whereas the petition filed by Mr. Pinger and signed by those people who were in favor of opening up the establishment was signed by only thirteen (13) people.

President McCormick stated that while the problem from the Smoke Shack exists, deliberation of the Council is based on the needs and requirements of the neighborhood, rather than problems which might be caused by the other establishment.

Mr. Hugh Pinger stated that he had thirteen (13) signatures on the petition which he had circulated, which were in favor of his having a liquor license. These were from people close to his location. He had gone over the changes requested by the Mesa County Health Department and these have either been taken care of or will be before the place is opened. He expects to run a decent, respectable place. The people on the petition which he circulated were nearly all owners of the properties.

President McCormick stated that it is not the Council's desires but the needs of the neighborhood and the laws under which the dispensing of liquor is controlled that the Council has to consider.

Mr. Phillips of the Mesa County Health Department stated that the rules and regulations of the Health Department are to be conformed to, and when they are, his Department can issue a food handler's permit.

President McCormick then closed the hearing.

Councilman Wright noted that the past experience from this establishment has been bad, but it seems unfair for Mr. Pinger to be blamed for this, and denied a license because of it. If he were sure Mr. Pinger could do no better than some of the other operators he would not be in favor of granting the license, but the matter should be considered on the basis of what Mr. Pinger can do.

President McCormick stated that the two petitions have not been checked as to the residency of the signers, and Councilman Colescott stated it seemed that the property owners are for the granting of the license and the people who live in the area are against it. Many of those signing live in trailers adjacent to the J Bar C.

Councilman Hadden stated that the Council is bound more or less by law to recognize whether the community needs this place or not. From the records of previous operators, it does not seem to be a desirable thing for the community and Grand Junction will not be any better off by allowing this place to open again. There is almost sure to be trouble.

Councilman Meacham also stated that if the Council went back to the reason why licenses are granted or denied they can't presume to say how it is to be operated. The only things for the Council to consider are the needs and desires of the neighborhood. It is apparent from the petitions that the desire is not there, and in his estimation there is no need.

President McCormick stated that the law does not state whether signers of petitions have to be property owners; it only states "inhabitants".

A young man from Central School asked if the Council could grant a three-month trial license, and if it is operated O.K., then the license could become permanent, but the City Attorney explained that this would not be lawful. Mr. Ashby also stated that the law doesn't say specifically whether the signers of the petition should live in the City limits or not, but more consideration should be given to City residents, as this is a City function. The law only stresses the requirements of the neighborhood.

Rev. Richstein opposed the granting of the license as it is definitely another liquor establishment for college students to patronize. He felt that the applicant had not proved that the desire and needs of the area for this establishment had been proved.

It was moved by Councilman Hadden and seconded by Councilman Meacham that the application for a liquor license at 2804 North Avenue be denied. Motion carried with two members of the Council voting NAY. The President declared the motion carried. (5 AYES 2 NAYS)

Councilman Meacham stated that the Council could not determine these questions from a moral aspect, but only from a legal angle.

LIQUOR LICENSE

Hearing - 8 Ball Robt. G. & Pearl B. Clauson, 240 S 5th

This was the date set for hearing on the application of Robert G. and Pearl B. Clauson for a liquor license for the Eight Ball Liquor Store at 240 South Fifth Street. There were no petitions filed against the issuance of this license, and no one appeared at the meeting in opposition. President McCormick closed the hearing. It was moved by Councilman Hadden and seconded by Councilman Lowe that the application be approved and license granted when the State license has been

received. Motion carried. (7 AYES)

REGIONAL PLANNING BY-LAW CHANGES

Don Brown, Regional Planning Commission Director appeared before the Council and reported that the Commission wishes to change its by-laws so that:

1. Eliminate the Executive Committee.

The Regional Planning Commission meets monthly and it is felt that there is no need for the Executive Committee.

2. Allow the associate members of the County Planning Commission to become regular members of the Regional Planning Commission. These people have done a lot of work in the past and are not voting members of the County Commission, so they would like them to become regular voting members of the Regional Planning Commission.

3. To permit a member from School District No. 51 to be a regular voting member of the Commission.

This would make the membership of the Regional Planning Commission 21 instead of the 12 members which they now have.

It was moved by Councilman Hadden and seconded by Councilman Lowe that the City approve the changes in the Regional Planning Commission by-laws. Motion carried. (7 AYES)

WATER SERVICE ON 30 ROAD

President McCormick reported that there would be a further report on the matter of the City of Grand Junction serving water to people who live on 30 Road. The contract with the Clifton Water District has not been signed as yet, and he requested that the Council study the information which would be furnished them shortly before any action is taken towards furnishing the water.

ZONING CHANGE

Hearing 1-16-63 15th to 17th on Glenwood fr R-3 to B-1

The Planning Commission recommended that the zoning of Lots 1, 2, 3, 4, and 5, Block 3 and Lots 1, 2, 3, 4, and 5, Block 4, Park Place Subdivision which is located on the south side of Glenwood Avenue between 15th and 17th Streets be changed from R-3 to B-1. It was moved by Councilman Lowe and seconded by Councilman Hadden that Jan. 16th be set as the date for hearing on this zoning change. Motion carried. (7 AYES)

ORD. 1167 PASSED

Vacating alley in Block 138 City of GJ (for Co. Jail)

The Proof of Publication to the proposed ordinance entitled AN ORDINANCE VACATING A PORTION OF THE EAST-WEST ALLEY IN BLOCK 138, CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO, was presented and read. It was moved by Councilman Colescott and seconded by Councilman Love that the Proof of Publication be accepted and filed. Motion carried. (7)

It was then moved by Councilman Lowe and seconded by Councilman Love that the Ordinance be called up for final passage. The Ordinance was then read.

Councilman Wright thereupon moved and Councilman Meacham seconded the motion that the Ordinance be passed, adopted, numbered 1167, and ordered published in The Daily Sentinel. Roll was called on the motion with all members of the Council present voting AYE. The President declared the motion carried. (7 AYES)

SAN. SEWER DIST. #21

Petition for

A petition was presented signed by 36% of the property owners affected to create Sanitary Sewer District No. 21 in KSL Subdivision.

The following entitled Resolution was presented and read:

RESOLUTION

DECLARING THE INTENTION OF THE CITY COUNCIL OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY A LOCAL IMPROVEMENT DISTRICT TO BE KNOWN AS SANITARY SEWER DISTRICT NO. 21, AND AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME.

WHEREAS, a petition has been filed with the City Council of the City of Grand Junction, Colorado, asking for the construction of a sewer and appurtenances for sanitary drainage of the area hereinafter described; and,

WHEREAS, the said City Council has found and determined, and does hereby find and determine, that the construction of a sanitary sewer drainage system within the said described area is necessary for the health and safety of the residents of the territory to be served, and would be of special benefit to the property included within the said district; and,

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a special improvement sanitary sewer district to be known as Sanitary Sewer District No. 21;

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

1. That the district of lands to be assessed with the cost of the proposed sanitary sewer improvement shall be as follows:

Beginning at a point which is 499 feet West of the East Quarter Corner of Section 12, Township 1 South, Range 1 West, Ute Meridian; thence North 1099 feet; thence Southeasterly to a point 330 feet West and 1020 feet North of said East Quarter Corner of said Section 12; thence Southeasterly to a point 980 feet North and 180 feet West of said East Quarter Corner; thence South 800 feet; thence East 180 feet; thence South 180 feet to said East Quarter Corner; thence West to the point of beginning, Mesa County, Colorado,

2. That the City Engineer be, and he is hereby, authorized and directed to prepare and file full details, plans, and specifications for such sewer construction, and estimate of the total cost thereof, exclusive of the per centum for cost of collection and other incidentals, and of interest to the time the first installment becomes due, and a map of the district to be assessed, from which the approximately share of said total cost that will be assessed upon each piece of real estate in the district may be readily ascertained, all as required by Ordinance 178, as amended, of the City.

ADOPTED AND APPROVED this 19th day of December, A. D. 1962.

Chas. E. McCormick
President of the City Council

ATTEST:

\City Clerk

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

City Manager Lacy reported that this area had annexed to the City in order that they might have sewers. The Mesa County Health Department had served notice that they would have to discontinue using Indian Wash at 28th and Orchard for drainage for sewage and septic tanks. One lady owns over fifty per cent of the property in the area. She did not sign the petition for the sewer. However, the Ordinance provides that the Council may order sewers installed whenever it is deemed necessary. Remonstrances are not considered in Sanitary Sewer Districts.

Plans, specifications and estimates were presented by the Engineering Department. The hearing on Sanitary Sewer District No. 21 was set for Feb. 6th, 1963.

The following Resolution was presented and read:

RESOLUTION

ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF A SEWER IN THE CITY OF GRAND JUNCTION, COLORADO, IN SANITARY SEWER DISTRICT NO. 21, DETERMINING THE NUMBER OF INSTALLMENTS AND THE TIME IN WHICH THE COST OF SAID IMPROVEMENTS SHALL BE PAYABLE, THE RATE OF INTEREST ON UNPAID INSTALLMENTS AND THE DISTRICT OF LANDS TO BE ASSESSED WITH THE COST OF THE PROPOSED IMPROVEMENTS, AND AUTHORIZING NOTICE OF INTENTION TO CREATE SAID DISTRICT AND A HEARING THEREON.

WHEREAS, on the 19th day of December, 1962, the City Council of the said City of Grand Junction, Colorado, by Resolution, authorized the City Engineer to prepare and file full details, plans and specifications for construction of a sanitary sewer within proposed Sanitary Sewer District No. 21, together with an estimate of the total cost of such improvements, and a map of the District to be assessed; and

WHEREAS, said City Engineer has fully and strictly complied with the directions so given and has filed such details, plans and specifications, estimate and map, all in accordance with said Resolution and the requirements of Ordinance 178, as amended, of said City;

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

1. That said details, plans, specifications, estimates and map be, and the same are hereby, approved and adopted.
2. That the District of Lands to be assessed with the cost of said improvement is described as follows:

Beginning at a point which is 499 feet West of the East Quarter Corner of Section 12, Township 1 South, Range 1 West, Ute Meridian; thence North 1099 feet; thence Southeasterly to a point 330 feet West and 1020 feet North of said East Quarter Corner of said Section 12; thence Southeasterly to a point 980 feet North and 180 feet West of said East Quarter Corner; thence South 800 feet; thence East 180 feet; thence South 180 feet to said East Quarter Corner; thence West to the point of beginning, Mesa County, Colorado.

3. That the cost of said improvement shall be assessed upon all the real estate in the said district, in proportion as the area of each piece of real estate in the District is to the area of all of the real estate in the District, exclusive of public highways.

4. The assessments to be levied against the property in said District to pay the cost of such improvement, shall be due and payable, without demand, within thirty (30) days after the final publication of the ordinance assessing such cost, and if paid during such period the amount added for collection, incidentals and interest shall be deducted; provided, that all

such assessments may, at the election of the owners of property in said District, be paid in ten (10) equal installments, the first of which shall be payable at the time the next installment of general taxes is due and payable, after the expiration of said thirty (30) days, and the following annual installments shall be paid on or before the same date each year thereafter, with interest, in all cases, on unpaid principal, payable annually at a rate not to exceed six per centum per annum (6%).

5. Notice of intention to create said Sanitary Sewer District, and of hearing thereon, shall be given by advertisement in one issue of the Daily Sentinel, a newspaper of general circulation published in said City, which Notice shall be in substantially the following form, to-wit:

NOTICE

OF INTENTION TO CREATE SANITARY SEWER DISTRICT NO. 21, IN THE CITY OF GRAND JUNCTION, COLORADO, AND A HEARING THEREON.

Public Notice is hereby given to the owners of real estate in the District hereinafter described, and to all persons generally interested, that the City Council of the City of Grand Junction, Colorado, intends to create Sanitary Sewer District No. 21 in said City for the purpose of constructing a sanitary sewer to serve the property hereinafter described.

The said Sanitary Sewer District shall include all of the following described real estate:

Beginning at a point which is 499 feet West of the East Quarter Corner of Section 12, Township 1 South, Range 1 West, Ute Meridian; thence North 1099 feet; thence Southeasterly to a point 330 feet West and 1020 feet North of said East Quarter Corner of said Section 12; thence Southeasterly to a point 980 feet North and 180 feet West of said East Quarter Corner; thence South 800 feet; thence East 180 feet; thence South 180 feet to said East Quarter Corner thence West to the point of beginning, Mesa County, Colorado.

The probable total cost of said improvements, as shown by the estimate of the City Engineer, is \$12,560.00, exclusive of costs of collection, interest and incidentals.

The maximum share of said total estimate shall be \$0.045 per square foot of real estate.

To all of said estimated cost there shall be added six per centum (6%) for costs of collection and incidentals, and also interest at the rate borne by the special assessment bonds of said District to the next succeeding date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado made payable. The said assessment shall be due and payable, without demand, within thirty (30) days after the final publication of the ordinance assessing such cost, and if paid during such period, the amount added for collection, incidentals and interest shall be deducted; provided that all such assessments may, at the election of the owners of property in said District, be paid in ten equal installments which become due upon the same date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado made payable. Interest at the rate of six per centum (6%) per annum shall be charged on unpaid installments.

On the 6th day of February, 1963, at the hour of 7:30 o'clock P.M. in the Council Chambers in the City Hall of said City, the Council will consider the ordering of the proposed improvements and will hear all complaints and objections that may be made in writing concerning the proposed improvements by the owner of any real estate to be assessed or by any person interested.

A map of the District, from which the approximate share of the total estimated cost to be assessed upon each piece of real estate in the District may be readily ascertained, and all proceedings of the Council in the premises are on file and can be seen and examined by any person interested therein, in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, on this 19th day of December, 1962.

BY ORDER OF THE CITY COUNCIL

City Clerk

(SEAL)

PASSED AND ADOPTED this 19th day of December, 1962.

Chas. E. McCormick
President of the City Council

ATTEST:

City Clerk

It was moved by Councilman Hadden and seconded by Councilman Meacham that this 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.

INDIAN WASH

Resol-complete negotiations re flood control project

City Manager Lacy reported that we now need a standard form of Resolution to complete negotiations in regard to Indian Wash Flood Control project. Sometime ago the City accepted responsibility of signing the various documents necessary by becoming the Administering Agency. The following Resolution was presented and read:

RESOLUTION

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

That City Manager, J. M. Lacy, on behalf of the City of Grand Junction, Colorado, and as the act of said City, be, and he is hereby, authorized to make application to the Bureau of Land Management for the segregation and withdrawal of Federal lands for the site of a flood water retarding structure, appurtenances and storage basin for the Grand Junction-Indian Wash Flood Control Project; and he is further authorized to execute, on behalf of the City, such documents as may be necessary to accomplish such withdrawal or segregation.

PASSED AND ADOPTED this 19th day of December, 1962.

Chas. E. McCormick
President of the City 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 members of the Council voting AYE. The President declared the motion carried. (7 AYES)

PERSONNEL RULES & REGULATIONS (REVISED)

Endorsed and approved

City Manager Lacy stated that the Council had all received copies of the revised Personnel Rules and Regulations. The revision was made during the past summer when the Employees' Committee met with the City Manager, Personnel Director and with the Council. This marks the completion of the establishment of a complete Personnel program in the City. Each position has been described, hiring standards set, and it has been re-classified. We now have one of the best Personnel program for a City of our size in many areas, and the best in the State of Colorado. It was moved by Councilman Lowe and seconded by Councilman Love that the City Council endorse and approve the revised Personnel Rules and Regulations. Motion carried. (7 AYES)

FIRE STATION (NEW MAIN)

To advertise for bids 1-15-63 at 2 PM

City Manager Lacy presented plans and specifications for the proposed new main fire station. This is the first capital improvement program which has been financed by saving funds over a three-year period, which will save the City taxpayer considerable money. We should now advertise and take bids on the project.

It was moved by Councilman Meacham and seconded by Councilman Love that the City Manager be authorized to advertise for bids on the new fire station, to be opened on January 15th at 2 o'clock P.M. Motion carried. (7 AYES)

WATER SERVICE ON 30 ROAD-WEST OF

Mr. Louis Bauman came to the Council meeting and stated that he had been given authority to go ahead and hook up water at 565 30 Road. He was ready for the plumber to come on Thursday to hook up his house plumbing. Mr. Bauman was advised that he shouldn't hook up this water until the City and Clifton Water District have worked out their contract and it has been signed.

ADJOURNMENT

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

Helen C. Tomlinson\City Clerk