

Grand Junction, Colorado

May 1, 1963

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. May 1, 1963 in the Civic Auditorium of the City Hall. 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. Also present were City Manager J. M. Lacy, City Attorney Gerald J. Ashby and City Clerk Helen C. Tomlinson; Mr. Lacy was present for only the latter part of the meeting.

INVOCATION

The invocation was given by Rev. Richard R. Zoppel, Pastor, First Congregational Church.

MINUTES

It was moved by Councilman Wright and seconded by Councilman Hadden that the minutes of the regular meeting held April 17th, 1963 be approved as written. Motion carried. (7 AYES)

HEARING - Zoning Ord. text changes

This date had been advertised for hearing on the following proposed changes in the text of the zoning ordinance:

Section 3. b. (9) B-3 B. - adding "Residential Use 1.5" and adding "5.5" classification to "Commercial."

Section 3 b. (10) C-1- B. - adding "Residential Use 1.5."

Section 6. a. Fences: Fences or walls not exceeding thirty (30) inches in height may be erected on any part of a lot in any "R" residential zone district except as further regulated on corner lots, between the front line of the lot and the front setback line for structures. Such fences may be increased to forty eight inches (48") maximum height if a ratio of two-thirds (2/3) open space to one-third (1/3) closed space per square foot is maintained in that part of the fence or wall extending above the thirty inch (30") height. On any other part of the lot, fences may be erected to a height not exceeding six (6) feet. The height of such walls or fences shall be determined by measurement from the ground level at the lowest grade level within three (3) feet of either side of such fences or walls. Any fence more than six (6) feet in height shall be considered a structure. If an "R"

residential tract faces into a "B" Business, "C" Commercial, "I" Industrial, or "P" Parking zone district, the height of the fence in front of the setback line for structures may be four feet (4') high."

Section 9. BOARD OF ADJUSTMENT AND APPEALS e. Meetings Public meetings of the Board shall be regularly scheduled at least once each three months. Special meetings may be held as provided by rules of procedure adopted by the Board. The presence of four voting members is necessary to constitute a quorum.

Amending Section 11 to provide that 28 3/4 Road from the North City Limits to the South City Limits be added to the classification in said Section of Streets, Collector, and 29 Road from the North City Limits to the South City Limits be added to the classification in said Section of Streets, Secondary.

Councilman Colescott brought up the matter of regulating "T" alleys in the zoning ordinance. It was suggested that this matter be taken up with the Planning Commission and then brought back to the Council for study.

President McCormick closed the hearing.

HEARING - Retail Liquor Store R.M. & F.M. Jones 8 Ball Liquors 240 S 5th Granted

This was the date set for hearing on the application of Rufus M. Jones and Florence M. Jones for a retail liquor store license for 8 Ball Liquors at 240 So. 5th St. There were no petitions presented either for or against the granting of the license. A letter was read from Chief of Police Karl M. Johnson which stated that from his investigation, he knew of no reason why the applicants were not eligible for the license applied for.

The pastor of the Holiness Mission was present and protested the granting of this license. President McCormick closed the hearing. It was moved by Councilman Meacham and seconded by Councilman Lowe that the application be approved and license granted when State license has been received. Motion carried. (7 AYES)

CITY COUNCIL - Reorganization Meeting 5-6-63

The City Clerk announced that the City Council should meet in regular session at 10:00 A.M. on May 6, 1963 as the final meeting of the present City Council and also that the newly elected members with the hold-over members should meet immediately after the meeting for an organizational meeting of the new Council. At that time, the President should be selected and the members to

various Commissions and Boards should be re-affirmed or appointed.

ZONING REQUEST - Mrs. Buescher & Mrs. Smith referred to Board of Adjust.

Mrs. Bernard Buescher and Mrs. Sterling Smith wish to put in a knit shop and disagree with the classification which Mr. Warner, Development Director, has assigned to their business. They were present and Mrs. Buescher stated that Mr. Warner had told them that their business should be classified as 4.4 Retail Business, limited, inside.

Mr. Ashby asked Mrs. Buescher why she had appeared before the City Council instead of going before the Board of Adjustment. Mrs. Buescher stated they had found vacant lots on East Sherwood Drive on which they wished to construct their own building and they wished to have the classification for the business changed to 4.1, Service Business, limited, inside.

Mrs. Buescher was advised to go before the Board of Adjustment with an appeal from the Development Director's decision and if there needs to be a change in zoning, then go to the Planning Commission through the proper channels.

PERMIT FEES - American Lutheran Church, 7th & Kennedy Waived

A letter was read from the American Lutheran Church building chairman requesting waiver of permit fees in connection with the building of an addition to their church at 7th & Kennedy. It was moved by Councilman Meacham and seconded by Councilman Lowe that the request be granted. Motion carried. (7 AYES)

REV. PMT - Granted Mesa Fed Sav & Loan, for pile caps under public r/w of Rood Ave. - Instr. No. 4139 Rev. Pmt

The Planning Commission at its regular meeting on April 24th recommended that a Revocable Permit be granted to Mesa Federal Savings and Loan Association so that pile caps can be extended underground into the public right of way. The following Resolution was presented and read:

RESOLUTION

WHEREAS, Mesa Federal Savings and Loan Association, a Colorado Corporation, has petitioned the City Council of Grand Junction for a revocable permit to encroach under a portion of the Rood Avenue right of way, North of Lots 13, 14, 15 and 16 in Block 104, City of Grand Junction, Mesa County, Colorado, to allow subsurface piling and piling caps to be installed for the support

of a building to be erected by said company on said lots, all in accordance with plans and specifications submitted with said petition; and

WHEREAS, such action has been heretofore approved by the City Engineer and would not be detrimental to the use of the right of way or to the interests of the inhabitants of the City;

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

That the City Manager on behalf of the City and as the act of the City, be, and he is hereby, authorized to grant a revocable permit to the above named company for the purpose above specified, in accordance with the plans and specifications submitted and with the agreement of said company to indemnify and save the City harmless and with the agreement by the company to install the right of way to its original condition.

PASSED AND ADOPTED this 1st day of May, 1963.

C. E. McCormick

President of the City Council

ATTEST:

City Clerk

It was moved by Councilman Meacham 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 AYES)

REVOCABLE PERMIT

WHEREAS, the Mesa Federal Savings and Loan Association has petitioned the City Council of the City of Grand Junction for a revocable permit to encroach under a portion of the Rood Avenue right of way, North of Lots 13, 14, 15 and 16 in Block 104, City of Grand Junction; and

WHEREAS, the City Engineer has approved such action, and the City Council is of the opinion that such would not be detrimental to the City or to any of the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to the Mesa Federal Savings and Loan Association a revocable permit to encroach under the City right of way for the purposes above stated, and in strict accordance with the plans hereto attached and made a part hereof by reference; provided, however, that said permit may be revoked by the City Council at its pleasure at any time; provided further that the above named company shall agree to indemnify the City and save it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from, the permitted use; and provided further that said company shall, upon completion of its construction work, install the right of way surface to its original condition.

Dated this _____ day of May, 1963.

City Manager

ATTEST:

City Clerk

We hereby agree that we will abide by the conditions contained in the above permit and that we will indemnify the City of Grand Junction and hold it harmless from all claims as recited in the foregoing revocable permit.

Dated at Grand Junction, Colorado, this _____ day of May, 1963.

Mesa Federal Savings and Loan Assn.

By: President

ATTEST:

Secretary

REVOCABLE PERMITS - Discuss

There followed a discussion on how to revoke revocable permits. It was brought out that obviously the foregoing can't be a revocable permit because you can't go in and ask to have a building torn down. It actually amounts to giving a permanent right to sub-surface right of way. Councilman Colescott asked if anything could be put into permits of this kind to prevent liability suits if the permits are revoked. Possibly a value could be put on them in the first place.

City Attorney Ashby suggested that the entire concept of revocable permits be analyzed and discussed further at a later time especially to see if there is any way to protect the City if a permit is revoked.

BONDS APPROVED

It was moved by Councilman Colescott and seconded by Councilman Lowe that the following bonds, being on the approved form, be approved and filed:

H. W. Hensley, Spec Cont Royal Indemnity 612093
Warren Jay Gleason dba Gleason Elect. Elect Cont Royal Indemnity 612095

Motion carried. (7 AYES)

FOURSQUARE CHURCH - 17th & Glenwood - Waive bldg pmt fee

A letter from the Foursquare Church, 17th & Glenwood, requesting waiver of the building permit fee for the new floor in their church was read. It was moved by Councilman Colescott and seconded by Councilman Hadden that the request be granted. Motion carried. (7 AYES)

PROP. ORD. PASSED FOR PUBLICATION - Zoning changes in text

The following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING SECTIONS 3. b. (9) B-3 B., 3. b. (10) C-1 B., SECTION 6. a., SECTION 9. e., SECTION 11 UNDER CATEGORIES STREETS, COLLECTOR AND STREETS, SECONDARY, ALL SECTIONS BEING A PART OF CHAPTER 83, 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, THE ZONING ORDINANCE OF SAID CITY; TO PROVIDE RESPECTIVELY THE ADDITION OF USES TO THE RETAIL BUSINESS CATEGORIES AND TO THE LIGHT COMMERCE CATEGORIES, TO AMEND THE SECTION CONCERNING FENCES, TO PROVIDE FOR THE CHANGE IN THE DESIGNATION OF A QUORUM ON THE BOARD OF ADJUSTMENT AND APPEALS AND TO ADD CERTAIN ROADS OR STREETS TO SUCH CLASSIFICATIONS WITHIN THE ORDINANCE. It was moved by Councilman Love and seconded by Councilman Hadden that the proposed ordinance be passed for publication. Motion carried. (7 AYES)

PROP. ORD. PASSED FOR PUBLICATION - Payments to Ditch Users Upon Closing of Ditch

The following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING SECTION 3. b. OF CHAPTER 78 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, TO ALTER THE PROVISIONS IN REGARD TO PAYMENTS TO IRRIGATION DITCH

USERS UPON THE CLOSING OF SUCH DITCH WITHIN THE CITY. It was moved by Councilman Wright and seconded by Councilman Lowe that the proposed ordinance be passed for publication. Motion carried. (7 AYES)

ORD. 1172 Emergency - Appropriating Monies for Payment Compromise of Sewer Suit - West side Sr. Disp. Plt

The following entitled proposed ordinance was presented and read: AN ORDINANCE APPROPRIATING MONIES FROM VARIOUS FUNDS WITHIN THE BUDGET OF THE CITY OF GRAND JUNCTION, COLORADO, TO THE UTILITIES DEPARTMENT SEWER PLANT CONTINGENCY FUND TO PROVIDE MONIES FOR THE PAYMENT OF THE COMPROMISE OF A SUIT AGAINST THE CITY; AUTHORIZING THE PAYMENT OF SUCH MONIES; AND DECLARING AN EMERGENCY. It was moved by Councilman Meacham and seconded by Councilman Hadden that the proposed ordinance be passed and adopted as an emergency ordinance, numbered 1172 and ordered published. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried. (7 AYES)

PROPERTY - Authorize CM to purchase land near Westside Sr Disp Plt

It was moved by Councilman Meacham and seconded by Councilman Wright that City Manager Lacy be authorized to go ahead and purchase the land near the westside sewage disposal plant as suggested in the settlement procedure. Motion carried. (7 AYES)

ANNEXATION - Wellington & N 7th - Petition & Resolution - Instr. No. 1140

The following petition for annexation of property at Wellington and No. 7th St. was presented:

PETITION FOR ANNEXATION

WE THE UNDERSIGNED do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described property to the said City:

Beginning at a point 255 feet South of the Northwest corner of the Northwest Quarter, of the Northeast Quarter, Section 11, Township 1 South, Range 1 West, Ute Meridian, thence East 190.3 feet, thence South 5 33' West 10 feet, thence North 63 50' East 10 feet, thence North 15 12' East 55.8 feet, thence North 79 59' East 119.8 feet, thence South 2 55' West 427.5 feet, thence West to the present City Limits, thence Northwesterly and North following the present City Limits line to the point of beginning.

As ground therefor, the petitioners respectfully show to the said Council that the said territory is eligible for annexation in that it is not embraced within any city or town, that it abuts upon or is contiguous to the City of Grand Junction in a manner which will afford reasonable ingress and egress thereto, that more than one-sixth of the aggregate exterior boundary of the territory proposed to be annexed coincides with the existing boundary of the said city, and that the non-contiguous boundary of the said territory coincides with the existing block lines, street lines, or governmental subdivision lines.

This petition is accompanied by four copies of a map or plat of the said territory, showing its boundary and its relation to established city limit lines, and said map is prepared upon a material suitable for filing.

Your petitioners further state that they are the owners of more than fifty per cent of the area of such territory to be annexed and also comprise a majority of the land owners residing in the said territory; that the resident address of each signer and the date of signature are set forth hereafter opposite the name of each signer, and that the description of the property owned by each signer of said petition is attached hereto.

WHEREFORE these petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance.

Date	Signature	Address	Qual. Elect L.O. & L.O. Only	Property Description
4-16-63	James E. Stockton (Signed)	2518 No. 7th		Beg. 499.3 ft S & 65 ft E of N 1/4 Cor Sec 11 T1S, R1W UM, E 175 ft, S 115 ft, W 123 ft., to a pt on E line of Co Hwy NWly along said Hwy to beg. Also Beg. 499.3 ft S & 65 ft E of N Qtr Cor said

				Sec 11, East 175 ft, N 20 ft, SWly to beg.
4-16-63	Mildred Stockton (Signed)	2518 N 7th		
4-15-63	Dorothy E. Griffin (Signed)	2556 No. 7th		Beg. 346 ft S of NW Cor NW 1/4, NE 1/4, Sec 11, T1S, R1W, UM, th N 75 15' E 247 ft, th N 8 30' W 28.7 ft, th W 29.6 ft th S 15 12' W, 9.5 ft, th S 63 50' W 10 ft, th N 5 33' E 10 ft, th W 190.3 ft, th S 91 ft to beg.
	Albert J. Cox (Signed)	2536 No. 7th		Beg. 346 ft S of N 1/4 Cor Sec 11 T1S, R1W, UM, th N 75 15' E, 247 ft th N 8 30' W 28.7 ft th W 29.6 ft th N 15 12' E 46.3 ft th N 79 59' E 119.8 ft th S 2 55' W 278.2 ft th S 84 07' W 257 ft to center Co. Hwy, th N

				26 19' W along said Hwy 145.8 ft th N 17.1 ft to beg.
4-16-63	Phyllis J. Cox (Signed)			
4-16-63	Theodore N. Naff (Signed)	710 Wellington		Beg 499.3 ft S & 240 ft E of N 1/4 Cor Sec 11 T1S, R1W, UM th S 115 ft th E 76 ft, th N 2 55' E 149.3 ft to SE Cor. Oliver Reed Tr th S 84 07' W to a pt 20 ft N of beg th S to Beg
4-16-63	Mary Naff (Signed)	710 Wellington		
	(Not signed) Ruth M. Rigg			Beg at the SE cor of the above described Naff tract, th S 2 55' W 40 ft, more or less to the N City Limits line, th W along said City Limits Line 186 ft, more or less, th N to the S

				line of the Jas. E. Stockton tract th E to beg.
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AFFIDAVIT

STATE OF COLORADO)	
)	SS
COUNTY OF MESA)	

IN WITNESS WHEREOF, (I) (WE) (THEY) have hereunto subscribed (my) (our) (their) name(s) on this First day of April, 1963.

(Signed) James E. Stockton

SUBSCRIBED AND SWORN to before me this Second day of April, 1963 by James E. Stockton

(Signed) Donald H. Warner, Jr., Notary Public

My Commission Expires:

April 1, 1967

[SEAL]

The following Resolution was presented and read:

RESOLUTION

WHEREAS, a petition to annex the following described property, to-wit:

Beginning at a point 255 feet South of the Northwest corner of the Northwest Quarter, of the Northeast Quarter, Section 11, Township 1 South, Range 1 West, Ute Meridian, thence East 190.3 feet, thence South 5 33' West 10 feet, thence North 63 50' East 10 feet, thence North 15 12' East 55.8 feet, thence North 79 59' East 119.8 feet, thence South 2 55' West 427.5 feet, thence West to the present City Limits, thence Northwesterly and North following the present City Limits line to the point of beginning.

has been filed with the City Clerk and is now presented to the City Council; and

WHEREAS, upon examination of the said petition and hearing the testimony presented, the City Council does hereby find: That the said territory is eligible for annexation to the City of Grand Junction; that the petition is signed by more than 50% of the owners of the area of such territory to be annexed and that the persons signing such petition also comprise a majority of the landowners residing in the territory at the time said petition was filed with the City Clerk; that there is attached to the said petition four copies of a map or plat of such territory which is suitable for filing; that the said petition and maps are sufficient and substantially meet the requirements of Section 2, of Chapter 314, Session Laws of Colorado, 1974;

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

That the said petition for annexation shall be, and the same hereby is, accepted and approved; and that notice of the filing of the said petition shall be published once each week for four publications in the Daily Sentinel, the official newspaper of the said City of Grand Junction.

PASSED AND ADOPTED this 1st day of May, 1963.

Chas. E. McCormick
President of the City Council

ATTEST:

City Clerk

It was moved by Councilman Love and seconded by Councilman Meacham 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)

TRAFFIC CODE - Prop new code to be presented at next meeting

City Attorney Ashby stated that he would have prepared for the next meeting of the Council a proposed ordinance to adopt the proposed amended traffic code to replace the present traffic code. Councilman Colescott asked the City Attorney and City Manager to check to see whether scooters are covered in the new code specifying where they can be ridden.

3.2 BEER SALES - Rules & Regulations to be sent Clmn to study

City Attorney Ashby read a proposed Resolution which he had drawn up in which he had incorporated regulations for the operation of

establishments selling 3.2 beer. He suggested that this Resolution, together with a copy of a letter from Chief of Police Johnson, be referred to all members of the Council for study.

G.V. CANAL SEEPAGE - CM to sign agreement w GVI.D. & G.J. Drainage Dist for repairs to drainage ditch 20th & Manor & Bookcliff - Instr. No. 4137

A memorandum was read from Mr. Hickman, City Engineer, regarding seepage at 20th and Manor and Bookcliff Avenues. He proposed that the City enter into an agreement with the Grand Junction Drainage District and Grand Valley Irrigation District. The Grand Valley canal has been seeping worse than usual. This is probably due to work that has been done on the canal during the past winter. It is proposed that this portion of the canal be lined next winter by the Grand Valley Irrigation Company, but meanwhile the seepage problem is such that something needs to be done. Because the drainage ditch is not operating properly, it is necessary to replace the line. The agreement provides that the City would purchase the materials and the Drainage Dist. and G.V. Irrigation Dist. would do all the work of construction.

It was moved by Councilman Wright and seconded by Councilman Love that City Manager Lacy be authorized to sign the agreement. Motion carried. (7 AYES)

SELLING ON STREETS - JC's Req to sell stationery during Festival withdrawn

City Manager Lacy reported that he had checked on the J.C.'s request to sell stationery on the streets during the festival May 17th and 18th with the Festival Committee, and it was decided that they would not sell on the streets so there was no necessity for Council's approval.

SELLING FROM VEHICLES - Ice Cream wagons (Dairy Don etc) - Report by C.M. - C.M., C.A., Chf of Pol, Co. Health Dept to draw up prop ord regulating

City Manager Lacy reported that he had written to Management Information Service and asked for information on control of selling on the streets especially in the "Dairy Don" operation and he had received a reply from them. They pointed out that a number of cities either prohibit it entirely or control it from a traffic safety as well as a health standpoint. He read a short portion of the report which was taken from the Illinois Municipal League legal staff from a study which they did. ``Peddling ice cream and other foods on the streets has been found to create a vexing seasonal problem in many municipalities. Wherever food is peddled, there are customary health problems involved in this

business. In addition street vending raises a question of proper refrigeration, care and handling and incidentally littering of streets with wrappers. The traffic hazard to children is serious. Youngsters respond with much enthusiasm and little judgment to the sound of the vendor. They run so as not to miss their treat regardless of traffic hazards.

"The sale of ice cream from vehicles at any time on streets is entirely under control of the municipality. Statutes authorizing regulation of food dealers and control over peddling apply. In addition no one has the right to use the streets for peddling. A municipality, may, by ordinance, license and impose regulations or even prohibit this practice. Many cities have adequate regulations on food handling, including control over vehicles used to deliver food for human consumption. These regulations apply to the vendors of ice cream and other foods and there is no need to repeat them in an ordinance relating solely to street peddlers. Because of the traffic hazards involved, some municipalities have prohibited peddling food on the streets." Copies of ordinances were sent. One regulating practice requires that a license be obtained in order that vendors be fully aware of the regulations they must operate under. It is suggested that a license fee of \$25 be charged.

City Manager Lacy read a resume of proposed ordinances which might apply locally. He was instructed to have a meeting with the City Attorney, Chief of Police, County Health Department and come up with a suitable ordinance for the next meeting.

ADJOURNMENT

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

/s/Helen C. Tomlinson
City Clerk