

Grand Junction, Colorado

July 17, 1963

**ROLL CALL**

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock P.M. in the Civic Auditorium of the City Hall. Councilmen present and answering roll call were: Ray A. Meacham, Arthur Hadden, Chas. H. Love, Harry Colescott, Warren D. Lowe, Herbert M. 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 Bishop S. W. Kelly, Church of Jesus Christ of Latter Day Saints.

**MINUTES**

It was moved by Councilman Colescott and seconded by Councilman Hadden that the minutes of the regular meeting of the City Council held July 3rd be approved as written. Motion carried. (7 AYES)

**HEARING** - Retail Liquor Store Becker & Dinkins dba Foresight Liquors, 201 Main - Granted (Tape recording on file)

This was the date set for hearing on the application for a retail liquor store license for John F. Becker and Roy E. Dinkins dba Foresight Liquors at 201 Main St. Mr. James Golden, Attorney for Messrs. Becker and Dinkins, appeared before the Council and spoke on behalf of his clients in favor of granting a license. Atty. Kent Webster appeared and spoke in behalf of those opposing the granting of the license.

It was brought out that there are at the present time four other liquor store or liquor licensed drug store licenses and eight bar licenses within a few blocks of this location. A letter from Karl Johnson, Chief of Police, was read. Mr. Johnson stated that there was nothing that would prevent the Council from granting the license insofar as the qualifications of the applicants are concerned. And, even though there are a number of outlets in the immediate neighborhood, this did not pose a police problem.

Petitions were presented both for and against the issuance of the license. The petitions favoring granting of the license were signed by 499 people with 22 business property owners and 21 residents. The petitions opposing the granting of the license

were signed by 220 people, with 13 businesses and 14 residents. Many of the signers on both petitions were from a large area and not residents of the immediate area. The petitions were given due consideration by the Council members. On motion of Councilman Colescott, the hearing was closed by Pres. McCormick.

It was brought out by the members of the Council that it is always hard to determine the needs of the neighborhood and desires of the inhabitants. The filling station at this corner cannot be used as such in the future, and the building proposed by Messrs. Becker and Dinkins will be attractive and will add to the picture of Operation Foresight. President McCormick pointed out that on the basis of the number of outlets in this vicinity, the Council should consider that there could be 140 outlets in the City.

It was moved by Councilman Wright and seconded by Councilman Colescott that the application of Messrs. Becker and Dinkins dba Foresight Liquors at 201 Main St. for a retail liquor store license be approved and license granted when the state license has been approved. Roll was called on the motion with the following result: Councilmen voting AYE: Ray Meacham, Arthur Hadden, Harry Colescott, Herbert M. Wright. Councilmen voting NAY: Charles Love, Warren Lowe and Pres. McCormick. A majority of the Councilmen voting AYE, the President declared the motion carried and the application approved.

**PLANNING COMM MBRS** - To have appointments ready for next Council meeting

President McCormick stated that he would be sure to have appointments for the Planning Commission ready for the next meeting.

**LICENSE BONDS APPROVED**

It was moved by Councilman Lowe and seconded by Councilman Love that the following bonds, being on the approved form, be accepted and filed: Motion carried. (7 AYES)

Lloyd J. Davis dba Snow Elect & Refrigerator Co.	Elect. Cont
Kenneth B. Dixon	Gen. Contractor
John LeRoy Dinan	Cement Contractor

**SIDEWALK BAZAAR** - Aug 6, 1963 Permission granted Retail Trade Comm of C of C to hold

A letter from the Retail Trade Committee of the Chamber of Commerce was read requesting permission for use of sidewalk area for a sidewalk bazaar on Tuesday, August 6, 1963, in accordance with City ordinances. It was moved by Councilman Meacham and seconded by Councilman Hadden that the request be granted. Motion carried. (7 AYES)

**ORD. 1177 PASSED** - Controlling Public R/W License Ice Cream Trucks \$25 ea - Chapt. 93

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE REGULATING, CONTROLLING, OR PROHIBITING CERTAIN USES OF THE PUBLIC RIGHT-OF-WAY, AND PROVIDING FOR THE LICENSING OF AND ESTABLISHING REGULATIONS FOR THE SALE OF CERTAIN MERCHANDISE FROM SUCH RIGHT-OF-WAY. It was moved by Councilman Lowe and seconded by Councilman Meacham that the Proof of Publication be accepted and filed. Motion carried. (7 AYES)

It was moved by Councilman Colescott and seconded by Councilman Hadden that the proposed ordinance be called up for final passage. Motion carried. (7 AYES) The ordinance was then read and it was moved by Councilman Meacham and seconded by Councilman Hadden that the proposed ordinance be passed and adopted, numbered 1177, 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)

**ORD. 1178 PASSED** - Assessing San. Sr. Dist. #21 (KSL Subdiv)

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 SANITARY SEWER DISTRICT NO. 21, 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; APPROVING THE APPORTIONMENT OF SAID COST; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS. It was moved by Councilman Love and seconded by Councilman Lowe that the Proof of Publication be accepted and filed. Motion carried. (7 AYES)

It was moved by Councilman Wright and seconded by Councilman Colescott that the proposed ordinance be called up for final passage. Motion carried. (7 AYES)

The ordinance was then read, and it was moved by Councilman Meacham and seconded by Councilman Lowe that the ordinance be passed and adopted, numbered 1178, 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)

**RESOL.** - Reservoir Stipulation re R/W Anderson Res. #1 with Forest Service - No. 4121A Water-Anderson

The following Resolution was presented and read:

RESOLUTION

WHEREAS, the City of Grand Junction, Colorado, is the assignee of a reservoir right-of-way applied for the R. T. and M. Anderson reservoir; the reservoir right-of-way being located in the Grand Mesa-Uncompahgre National Forest; and

WHEREAS, the United States Department of Agriculture Forest Service requires that a Reservoir Stipulation be entered into concerning the construction and use of such right-of-way.

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

That the Reservoir Stipulation of the United States Department of Agriculture Forest Service, a copy of which is attached hereto and made a part hereof by reference, be entered into and agreed to by the City of Grand Junction, Colorado; and further, that the President of the City Council of said City be, and he is, hereby, authorized to execute such Stipulation as the act of the City and on behalf of the City.

PASSED AND ADOPTED this 17th day of July, 1963

President of the City Council

ATTEST:

City Clerk

**CM to make report on reservoirs needing improvement**

It was moved by Councilman Love and seconded by Councilman Hadden 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) Councilman Colescott asked City Mgr. Lacy to make a report on any other reservoirs needing improvement.

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

## RESERVOIR STIPULATION

### Easements/Licenses

Anderson, R. T. and M.

(Grand Junction, City of - Assignee)

Anderson Reservoir No. 1, D-05746 "F"

WHEREAS, The Reservoir right-of-way applied for the R. T. and M. Anderson (Hereinafter called the applicant), and now assigned to the City of Grand Junction, Colorado (hereinafter called the assignee) is located within the Grand Mesa-Uncompahgre National Forest (formally called the Battlement National Forest), as shown by a tracing executed by Richard E. Meserve and filed in the United States land office at Montrose State of Colorado on May 13, 1909; and

WHEREAS, The regulations of the United States Department of the Interior concerning rights-of-way for reservoirs provide that whenever such a right-of-way is located within a national forest, the applicant must enter into such stipulation and execute such bond as the Forest Service may require for the protection of the national forest; and

WHEREAS, The Forest Service requires for the protection of said national forest that the assignee shall enter into the stipulation hereinafter set forth;

NOW, THEREFORE, The assignee does hereby stipulate and agree, and does bind itself, its successors, and assigns, as follows:

Article 1. The assignee, in exercising the privileges appurtenant to said right-of-way across land of the United States within said national forest, shall comply with the regulations of the Department of Agriculture and with all Federal, State, County, and Municipal laws, ordinances, or regulations which are applicable to such right-of-way or to operations thereon and shall maintain such right-of-way and all improvements thereon in conformity with standards of repair, orderliness, neatness, sanitation, and safety acceptable to the forest officer in charge.

Article 2. The assignee shall pay the United States for any damages resulting from the use and occupation of its right-of-way within the exterior boundaries of the said national forest.

Article 3. During the time such right-of-way remains in force, the assignee shall both independently and in cooperation with the Forest Service do everything that is reasonable and practicable to prevent, control, and suppress forest fires on such right-of-way within the exterior boundaries of said national forest and in

the immediate vicinity thereof, and shall include in the terms of employment of its employees, and in contracts for the use, maintenance, or improvement of said right-of-way, provisions requiring such employees and such contractors and their employees, respectively, to do likewise.

Article 4. To build new roads and trails as required by the forest officer in charge to replace any forest roads or trails destroyed by construction work upon said right-of-way, and to build and maintain suitable crossings, as required by said officer, for all roads and trails which intersect the right-of-way, or for the passage of livestock, such crossings to be protected by suitable cattle-guards, and to repair fully all damage, other than ordinary wear and tear, to other roads and trails in said national forest caused by the assignee in the exercise of the privileges appurtenant to said right-of-way across said National Forest.

Article 5. All officers of the Forest Service shall have free and unrestricted access in, through, and across all lands covered by said right-of-way in the performance of their official duties and the Forest Service may, without charge, construct or permit to be constructed, in, through, or across the land covered by said right-of-way roads and trails and other means of transportation not inconsistent with the enjoyment of said right-of-way.

Article 6. The assignee shall protect the scenic and esthetic values on or adjacent to its right-of-way across lands of the United States within such national forest as far as possible, consistent with the authorized use, at all times during the construction, operation, and maintenance of the project and project works.

Article 7. The assignee shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of land of the United States within the exterior boundaries of said national forest by the assignee, its employees, or its contractors or their employees: Provided, this shall not be construed to indemnify the United States against its own negligence.

Article 8. The assignee shall require its employees, and its contractors and their employees to comply with all applicable provisions of this stipulation.

Article 9. The assignee shall make no assignment or transfer of such right-of-way across lands of the United States within the exterior boundaries of said national forest except on condition that the assignees or transferees, jointly and severally, have

covenanted in writing to fulfill and perform all duties and obligations of the assignee arising hereunder.

Article 10. The assignee will employ a qualified engineer to supervise construction operations and furnish a written statement from the responsible engineer certifying that the project has been constructed in accordance with the approved plans and specifications, "Rehabilitation of Reservoir Dam, Anderson Reservoir No. 1," dated January 1963. The assignee will furnish the Forest Service two sets of "as constructed plans" after the reconstruction of the dam is completed.

Article 11. These stipulations cancel the original stipulations executed November 6, 1909.

In witness whereof the City of Grand Junction pursuant to a resolution adopted by the City Council of the City of Grand Junction by the concurrence of a majority of all members elected to said Council has caused these presents to be signed in its corporate name by its Mayor and its corporate seal to be hereunto affixed and attested by its City Clerk this 17th day of July, 1963.

CITY OF GRAND JUNCTION

By: Mayor

Attest:

City Clerk

**CITY HALL (old) & FIRE STATION** - Re bids for demolition of - No money in budget for

Mr. Verle Topliss asked what disposition was made on tearing down the old City Hall and Fire Station building. Bids had been accepted on Tuesday, July 16th. The bids submitted had called for payment by the City of from \$4,500 to \$5,000. City Manager Lacy explained that the City does not have any money in the budget to pay for the demolition of these buildings. As this is an administrative matter, the City Engineer will probably get in touch with Mr. Topliss as soon as it is decided what will be done.

**TRANSIENTS** - CM & Chief Of Pol. to see what can be done to keep them out of residential area

Councilman Wright reported that there were a large number of transients going to St. Mary's Hospital for meals now, and that they were not staying on Nor. 7th Street, but were spreading out

into the area adjacent to the hospital which was causing considerable concern to people in this area. He wondered if there was something that could be done to keep them out of the residential area. City Manager Lacy stated that he would check the laws with Police Chief Johnson to see what can be done.

**D.U.V. Thanks Pres. McCormick**

A letter was read from the Daughters of Union Veterans of the Civil War thanking Pres. McCormick for his gesture and for the invitation to hold their 1964 Department Convention in the City of Grand Junction.

**ADJOURNMENT**

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

/s/Helen C. Tomlinson  
City Clerk