

Grand Junction, Colorado

August 7, 1963

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. August 7, 1963. 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 Lacy, City Attorney Ashby and City Clerk Helen C. Tomlinson.

INVOCATION

The invocation was given by Rev. Joseph F. Kane, Pastor, Immaculate Heart of Mary Catholic Church.

MINUTES

It was moved by Councilman Hadden and seconded by Councilman Love that the minutes of the regular meeting of the City Council of the City of Grand Junction held on July 17, 1963 be approved as written. Motion carried. (7 AYES)

MESA PARK CENTER SUB - Plat approved

This was the date set for hearing on the platting of Mesa Park Center Subdivision. This subdivision is west of 7th Street between Bookcliff Ave. and Center Ave. There were no protests filed and no one in the audience made any protest. It was moved by Councilman Hadden and seconded by Councilman Lowe that the plat of Mesa Park Center Subdivision be accepted and signed by the President of the City Council and attested by the City Clerk; that it be approved and filed with the Mesa County Clerk and Recorder; that a copy thereof be placed on file in the office of the County Assessor and City Engineer. Motion carried. (7 AYES)

ZONING HEARING - Wellington at 7th St. Annex - 9-4-63 Recommended by Plan Com B-1

It was reported that a hearing had been scheduled for Sept. 4, 1963 on the zoning of the newly annexed Wellington at 7th annexation. At the meeting of the Planning Commission held July 31st, it was recommended that this zoning be B-1.

REV. PERMIT - Valley Fed Sav & Loan = to extend Bldg face 2" into 7th St at Road

The Planning Commission at its meeting July 31st had approved a request submitted by Valley Federal Savings and Loan to extend their new building face two inches into 7th Street at Rood Ave. The following Resolution was presented and read:

RESOLUTION

WHEREAS, Valley Federal Savings and Loan Association of Grand Junction has petitioned the City Council of the City of Grand Junction for a revocable permit to encroach upon the right-of-way for a distance of two inches to provide a facing on the East portion of the building located on Lots 16 and 17 in Block 94, City of Grand Junction, Mesa County, Colorado; and

WHEREAS, such action has been heretofore approved by the City Planning Commission and City Engineer and would not be detrimental to the use of the right-of-way or to the interest 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 such revocable permit to the above-named company for the purposes above described upon the execution by the company of an agreement to save and hold the City harmless from any claims arising out of the construction and use granted and execution by the company of an agreement that upon the revocation of such permit the company will remove said facing at its own expense, restoring the right-of-way to its original condition.

PASSED AND ADOPTED this 7th day of August, 1963.

President of the Council

ATTEST:

City Clerk

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 Pres. declared the motion carried. (7 AYES)

4138

Rev Pmts

REVOCABLE PERMIT

WHEREAS, Valley Federal Savings and Loan Association of Grand Junction has petitioned the City Council of the City of Grand Junction for a revocable permit to encroach upon the right-of-way for a distance of two inches to provide a facing on the East portion of the building located on Lots 16 and 17 in Block 94, City of Grand Junction, Mesa County, Colorado; and

WHEREAS, the City Planning Commission and City Engineer have 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 Engineer 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 Valley Federal Savings and Loan Association of Grand Junction a revocable permit to encroach upon the City right-of-way for the purposes above stated; 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 hold 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 agree that upon the revocation of such permit it will at its own expense remove said facing and restore the right-of-way to its original condition.

Dated this 9th day of August, 1963. (Recorded at 10:46 am, 8/26/63, Reception No. 847172, Bk 853, Pg 537).

J. M. Lacy
City Manager

ATTEST:

City Clerk

The undersigned, for itself, its successors and assigns, hereby agrees that it will abide by the conditions contained in the foregoing permit and that it will indemnify the City of Grand Junction and hold it harmless from all claims as recited in said permit, and further, on revocation of the permit it agrees to remove said facing and restore the right-of-way to its original condition all at its own expense.

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

Valley Federal Savings and Loan Association

By: President

ATTEST:

Secretary

STATE OF COLORADO)	
)	SS
COUNTY OF MESA)	

The foregoing instrument was acknowledged before me this _____ day of August, 1963, by _____ as President and _____ as Secretary of Valley Federal Savings and Loan Association, a corporation.

My notarial commission expires:

Witness my hand and official seal.

Notary Public

REV. PERMIT - Amos Raso et al for facing on Montgomery Ward Bldg, 5th & Main

Roland A. Raso, Amos L. Raso and Dora F. Pantuso and the Estate of Dante R. Raso requested a revocable permit to encroach upon the public right-of-way on the west and north sides of the Montgomery Ward Building at 5th and Main Street, a distance of two inches to a height of 8 feet above sidewalk grade and above said height to a distance of 10 inches. This request had been approved by the Planning Commission. The following Resolution was presented and read:

RESOLUTION

WHEREAS, Roland A. Raso, Amos L. Raso and Dora F. Pantuso and the Estate of Dante R. Raso have petitioned the City Council of the City of Grand Junction for a revocable permit to encroach upon the right-of-way on the West side of the building presently located on Lots 1, 2, and 3, Block 117, City of Grand Junction, Mesa County, Colorado, a distance of two inches to a height of 8 feet above sidewalk grade and above said height to a distance of 10 inches, the same encroachment to also be permitted upon the North side of said building; and

WHEREAS, such action has been heretofore approved by the City Planning Commission and City Engineer and would not be detrimental to the use of the right-of-way or to the interest 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 such revocable permit to the above-named individuals for the purposes above described upon the execution by the individuals of an agreement to save and hold the City harmless from any claims arising out of the construction and use granted and execution by the individuals of an agreement that upon the revocation of such permit the individuals will remove said facing at their own expense, restoring the right-of-way to its original condition.

PASSED AND ADOPTED this 7th day of August, 1963.

President of the City Council

ATTEST:

City Clerk

It was moved by Councilman Wright and seconded by Councilman Colecott 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)

Instr No. 4142 Rev Pmt

REVOCABLE PERMIT

WHEREAS, ROLAND A. RASO, AMOS L. RASO and DORA F. PANTUSO and the ESTATE OF DANTE R. RASO have petitioned the City Council of the City of Grand Junction for a revocable permit to encroach upon the right-of-way on the west side of the building presently located on Lots 1, 2 and 3, Block 117, City of Grand Junction, Mesa County, Colorado, a distance of two inches to a height of eight (8) feet above sidewalk grade and above said height to a distance of ten (10) inches, the same encroachment to also be permitted upon the north side of said building; and

WHEREAS, the City Planning Commission and City Engineer have 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 Engineer 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 Roland A. Raso, Amos L. Raso, Dora F. Pantuso and Estate of Dante R. Raso a revocable permit to encroach upon the City right-of-way for the purposes above stated; provided however, that said permit may be revoked by the City Council at its pleasure at any time; provided further that the above-named individuals shall agree to indemnify the City and hold 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 individuals shall agree that upon the revocation of such permit it will at its own expense remove said facing and restore the right-of-way to its original condition.

Dated this 13th day of August, 1963.

(Recorded 2:56 pm on 11/8/63, Reception No.

852165, Bk 858, Pg 371).

J. M. Lacy
City Manager

ATTEST:

City Clerk

We, the undersigned, for ourselves, our heirs, executors, administrators and assigns, do hereby agree that we will abide by the conditions contained in the foregoing permit and that we will indemnify the City of Grand Junction and hold it harmless from all claims as recited in said permit, and further, on revocation of the permit we agree to remove said facing and restore the right-of-way to its original condition all at our own expense.

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

STATE OF COLORADO)	
)	SS
COUNTY OF MESA)	

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The foregoing instrument was acknowledged before me this _____ day of August A.D. 1963, by Roland A. Raso, Amos L. Raso, Dora F. Pantuso and the Estate of Dante R. Raso.

My commission expires _____, 19_____. Witness my hand and official seal.

Notary Public

DITCH-7TH & BOOKCLIFF - Req to cover - By Immaculate Heart of Mary Catholic Church

A letter was read from Rev. Joseph Kane of Immaculate Heart of Mary Catholic Church requesting the covering of the ditch along Bookcliff Ave. east of 7th Street. The Catholic diocese is going to build a school on the property immediately east of the Immaculate Heart of Mary Catholic Church. It will be an elementary and Junior High school and the open ditch in this area would be dangerous for the children and they want to use Bookcliff Avenue for ingress and egress to the property.

Rev. Kane offered to give thirty feet of right of way on Bookcliff Avenue so that the necessary sixty feet of right of way will be available for the development of Bookcliff Avenue.

City Manager Lacy explained some of the history in connection with this ditch; and also the policy of the City in covering ditches which is to provide engineering and to coordinate the work of the Grand Junction Drainage District, Mesa County and City in stalling the tile and covering the ditch if the property owner who owns the land provides the tile. In this instance the cost of the tile would be about \$3,000.

It was moved by Councilman Wright and seconded by Councilman Love that the City Council re-affirm its policy and instruct the City Manager to inform the Attorney for the applicant about the City's policy; that if the Catholic Church will purchase the necessary tile that the City will try to coordinate the other agencies so that it can be installed. Motion carried. (7 Ayes)

LIQUOR LICENSES - Policy on enforcement of meal provisions

City Manager Lacy read a memorandum from Chief of Police Johnson asking that the City Council determine the policy to be followed regarding the serving of meals and definition of restaurant which will be applied to the hotels and restaurants holding liquor licenses.

A proposed state law which did not require such strict enforcement in regard to serving meals was vetoed by the Governor which would lead the law enforcement division to assume that the old law would be more strictly enforced. So far, there have been no new regulations coming from the Secretary of State's office. The Council has but one opportunity to insist that restaurants holding liquor licenses comply with the regulations and that is at the time the licenses come up for renewal in November. Mr. Johnson asked that the Council formulate a definite policy before November as there are about four licensees who do not serve meals as such. A definition of "meals" should also be worked out.

It was moved by Councilman Wright and seconded by Councilman Meacham that the City Manager write a letter to all Hotel and Restaurant licensees stating that the City Council intends to enforce the state statutes and that the license holders should make provisions to comply with same before their licenses come up for renewal in November.

Mr. Robt. Perry of the Mesa County Health Department was present. He stated the Mesa County Health Department has to make the inspections on restaurants, and if they knew what the Council considers a meal, they could cooperate with them; insisting that the restaurant is set up to furnish the proper meals. The motion was declared carried. (7 AYES)

To have ltr fr Mesa Co Health Dept before renewal

It was moved by Councilman Love and seconded by Councilman Lowe that the City have a letter from the Health Department on the condition of each restaurant at the time the applications are presented to the Council for renewal. Motion carried. (7 AYES)

Councilman Meacham stated that he thought the Council should meet with Chief Johnson, and City Attorney Ashby and arrive at their own opinion on what "food" actually is.

LIQUOR HEARING - Violation by Lucky Liquors, to be 8-21-63

City Manager Lacy read a memorandum from Chief of Police Johnson which stated that on July 6, 1963, Fred C. Calkins, an employee at the Lucky Liquor Store, 450 North Ave., allegedly sold a quart of rum to Joyce Irene Stone, age 17. A complaint was filed against Mark and Gladys Hamilton and Fred Calkins charging them with selling liquor to a minor. They were found guilty by Judge Bakker of Justice of the Peace Court, and each was fined \$10 and costs. Under the policy of the City Council, Mr. and Mrs. Hamilton and Mr. Calkins will be requested to come before the City Council on August 21st to show cause why the license should not be revoked.

TO CLOSE MAIN ST BET 4th & 5th 8-15-63 - Req of C of C granted

A letter from the Retail Trade Committee of the Chamber of Commerce requested permission to close Main Street between 4th and 5th Streets between 6 A.M. to Noon on August 15th as part of the "Back-to-School" Promotion was read. It was moved by Councilman Lowe and seconded by Councilman Colescott that the request be granted. Motion carried.

3.2 BEER RENEWAL - Gilbert's Market, 1625 N 15th

An application for renewal of 3.2 beer grocery store license for Carroll N. & Vera J. Gilbert, dba Gilbert's Market, 1625 No. 15th St., was presented. A letter from Chief Johnson stated there were no objections to granting this renewal. It was moved by Councilman Colescott and seconded by Councilman Lowe that the application be approved and license granted when State license has been received. Motion carried. (7 AYES)

3.2 BEER RENEWAL - South Side Grocery, 832 S. 7th St.

An application for renewal of 3.2 beer license for Eugene D. and Mary B. Erickson dba South Side Grocery, 832 So. 7th Street, was presented. A letter from Chief Johnson stated there were no objections to this renewal. It was moved by Councilman Wright and seconded by Councilman Love that the application be approved and license granted when State license has been received. Motion carried. (7 AYES)

3.2 Beer Hearing - 8-21-63 - Shaky's Pizza Parlor

It was reported that a hearing had been scheduled for August 21, 1963 on the application for a 3.2 beer license by Ronald L. Boillot and Ted Kubena dba Shaky's Pizza Parlor, 827 North Avenue.

HEARING - LIQUOR - Transfer of 8 Ball Liquors to Teller Arms Shopping Center - 9-4-63

It was reported that a hearing has been scheduled for Sept. 4, 1963 on the application of Rufus M. and Florence M. Jones dba 8 Ball Liquors to transfer from 240 S. 5th Street to Teller Arms Shopping Center.

AUDIT REPORT - By McNulty

The annual audit report by Mr. McNulty, Auditor, was presented to members of the City Council. It was reported that Mr. McNulty is

writing his letter of recommendations which will be presented later at which time the audit will be discussed.

BOND APPROVED

A license bond for special contractor's license for Norman C. Billings, being on the approved form, was presented. It was moved by Councilman Colescott and seconded by Councilman Hadden that the bond be accepted and filed. Motion carried. (7 AYES)

PROP. ORD. - Vacating 26th St. North of North Ave.

The matter of closing 26th Street north of North Avenue was discussed. Mr. Don Stacey, Attorney for Raso's, explained that a large discount store would be constructed on the land immediately east of KEXO, and it would be necessary to use all of the plot owned by Raso's. However, they will give ten feet along North Avenue and fifty feet along 28th Street. This would give an eighteen-foot right of way for access to property owned by the City of Grand Junction north of Raso's property. It was agreed by the Planning Commission that access to the City's property should be from 28 Road, with a bridge across Indian Wash.

The following entitled proposed ordinance was introduced and read: AN ORDINANCE VACATING A PORTION OF 26TH STREET NORTH OF NORTH AVENUE IN THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Love and seconded by Councilman Lowe that the proposed ordinance be passed for publication. Motion carried. (7 AYES)

City Attorney Ashby stated he would have the necessary Resolution prepared for the next meeting of the Council authorizing quit claim deed to transfer title of the property vacated to the Raso's.

PARKING LOT - 6th & Co. & Parking Meters on Colo. bet 2nd to 4th & 6th to 7th to be 2 hr 5¢

City Manager Lacy stated that it is necessary to make the people of Grand Junction aware that there is parking available on Colorado Ave. This should be especially used by employees who work downtown, leaving the parking closer to town, and on Rood Avenue available for customer parking. He suggested that the parking lot which will be constructed on 6th and Colorado as soon as the Fire Station is moved to its new location and the old City Hall location is cleared, be used for ten-hour parking with the cost for two hours at five cents. Also that the area from Second Street to Fourth Street and from Sixth Street to Seventh Street on Colorado Avenue be changed from the present type parking meters to two-hour five-cent with a limit of ten hours. This met

with the Council's approval, so the City Manager will proceed to have the meters changed accordingly.

INDIAN WASH - Flood Control improvement

Councilman Hadden asked how Indian Wash improvement and flood control project was coming along, and City Manager Lacy replied that Mr. Nicholson of the Soil Conservation Service told him that the Committee which had been trying to resolve the relationship between the Department of Agriculture and the Department of the Interior, where it affects and protects lands owned by both, had been also trying to decide who should pay for the project. The Department of Agriculture felt that the Department of the Interior should pay its proportionate share, which in the case of the Indian Wash project, amounting to some \$480,000, comes to about \$40,000 for the Department of the Interior to pay. The Subcommittee did recommend approval of Indian Wash, together with a number of other projects in California similar to it. They recommended approval providing the Department of the Interior put up its share of money. Congressman Wayne Aspinall is the head of the Dept. of Interior and Insular Affairs which will have to give approval, and Congressman Aspinall is being contacted and requested to give favorable consideration to the project, and appropriation of money.

SEWER PLANT - To inspect 8-28-63

Councilman Meacham stated that it seems the sewer plant problems are being solved and suggested that the Council make an inspection trip to the plant. City Manager Lacy set Aug. 28th as a tentative date for this tour. This would be immediately before the informal session on that date.

ADJOURNMENT

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

/s/Helen C. Tomlinson
City Clerk