

Grand Junction, Colorado

March 18, 1964

### ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m., March 18, 1964. Councilmen present and answering roll call were Ray A. Meacham, Harry O. Colescott, Warren D. Lowe, Herbert M. Wright and Pres. C. E. McCormick. Councilmen R. B. Evans and Chas. H. Love were absent. Also present were City Manager J. M. Lacy, City Attorney Gerald J. Ashby and City Clerk Helen C. Tomlinson.

### INVOCATION

The invocation was given by Rev. Kenneth Baird, Pastor, First Christian Church.

### 3.2 BEER LICENSE

Gerald Wieker dba Main St. Billiards, 541 Main St.

Further consideration was given to the application of Gerald Wieker dba Main St. Billiards for a 3.2 beer license at 541 Main Street. At the last meeting of the Council when the hearing was held on this application, a petition had been presented favoring the granting of the license and no petition nor protests had been filed against the granting of the license. As no petition had been filed against the granting of the license, it was moved by Councilman Wright and seconded by Councilman Colescott that a 3.2 beer license be granted to Gerald Wieker dba Main Street Billiards, 541 Main Street, effective March 24, 1964; this license is to be granted with a clear understanding that if a repetition of the problems of the past come up, Councilman Wright would be in favor of revocation instead of suspension. This license is to be granted when state license has been approved. Mr. Wieker was present and told the Council he has purchased the business and will operate it and he thought this should be treated the same as any new license. Motion carried. (5 AYES)

### RECREATION BOARD

Clinton Smith & Augustin Reyes apptd for 3 year terms

President McCormick appointed Clinton Smith and Augustin Reyes as members of the Recreation Board for terms of three years. It was moved by Councilman Lowe and seconded by Councilman Meacham that the City Council approve the action of the President. Motion carried. (5)

### SUBDIVISION PLAT

Mel Rose Estates Subdivision (KSL Annex) Approved

City Manager Lacy presented a subdivision plat for Mel Rose Estates. This had been approved by the Planning Commission and Engineer's office. It was moved by Councilman Colescott and seconded by Councilman Lowe that the plat of Mel Rose Estates 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. (5 AYES)

### 3.2 BEER HEARING

Mrs. Lela Lehn dba Lee & Silver's Cafe, 326 Main St.

to be 4-15-64

Mrs. Lela Lehn dba Lee & Silver's Cafe, 326 Main St., presented an application for a 3.2 beer license. The date for

hearing on this application was set for April 15, 1964.

LICENSE BONDS

Approved

The following license bonds, being on the approved forms, were presented:

Sign Hanger	B.M. Benton dba Reliable Elect Sup	Natl Surety	LR6112332
Gen. Contr	J & K Constr Co	Travelers Ind	1145053
Gen. Contr	Jas. J. Sloggett	Peerless Ins	35 03 07

It was moved by Councilman Lowe and seconded by Councilman Wright that the bonds be accepted and filed. Motion carried. (5 AYES)

PROP. ORD.

Repealing Chapt. 35 - Fermented Malt Beverages

The following entitled proposed ordinance was presented and read: AN ORDINANCE REPEALING ORDINANCE 651, AS AMENDED, THE FERMENTED MALT BEVERAGES ORDINANCE, OF THE CITY OF GRAND JUNCTION, COLORADO, THE SAME BEING CHAPTER 35 OF THE 1953 COMPILED ORDINANCES OF SAID CITY. It was moved by Councilman Lowe and seconded by Councilman Meacham that the proposed ordinance be passed for publication. Motion carried. (5 AYES)

PROP. ORD.

Repealing Chapt. 34 The Liquor Code

The following entitled proposed ordinance was presented and read: AN ORDINANCE REPEALING ORDINANCE 550, AS AMENDED, THE LIQUOR ORDINANCE, OF THE CITY OF GRAND JUNCTION, COLORADO, THE SAME BEING CHAPTER 34 OF THE 1953 COMPILED ORDINANCES OF SAID CITY. It was moved by Councilman Meacham and seconded by Councilman Lowe that the proposed ordinance be passed for publication. Motion carried. (5 AYES)

PROP. ORD.

Regulations for Liquor & 3.2 Beer Licensees - Addition to be made to prop ord

The following entitled proposed ordinance was presented and read: AN ORDINANCE ESTABLISHING REGULATIONS FOR LICENSEES UNDER ARTICLES 1 AND 2 OF CHAPTER 75 OF THE 1953 COLORADO REVISED STATUTES, THE FERMENTED MALT BEVERAGE ACT AND THE LIQUOR CODE OF THE STATE OF COLORADO RESPECTIVELY, AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF SUCH

REGULATIONS. Members of the Council had been furnished with copies of the Pueblo ordinance. City Attorney Ashby stated that he did not see that there was very much difference in what they were attempting to accomplish by the proposed ordinance before the Council and the Pueblo ordinance. The Pueblo ordinance is written in much greater detail.

City Manager Lacy stated that at the informal meeting when the 3.2 beer regulations were discussed, it was suggested that the city furnish signs to be posted in the bars to the effect that "drinks were not to be carried" and wondered if this should be incorporated in the ordinance. Mr. Ashby thought it should be and stated that he would re-write the proposed ordinance including a paragraph concerning the posting of signs and present it at the next meeting of the Council.

RESOL - REV. PMT

Independent Lumber Co. to use alleyways in Blk 8 Mobleys Subdiv.

Instr. No. Rev. Pmt  
Filed \_\_\_\_\_

(Never filed - would not pay \$50.00 fee)

The following Resolution was presented and read:

RESOLUTION

WHEREAS, Independent Lumber Company, a Colorado Corporation, has petitioned the City Council of the City of Grand Junction for a Revocable Permit to use the alleyways platted in Block 8 of Richard D. Mobley's First Subdivision to the Town of Grand Junction, Mesa County, Colorado, for storage area and other purposes in connection with the operation of said Company in said Block; and,

WHEREAS, such action has been heretofore approved by the City Planning Commission and the City Engineer and would not be detrimental 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 Independent Lumber Company for the purposes above-described upon the execution by the Company of an agreement to save and hold harmless the City from any claims arising out of such uses and agreement that upon revocation of such Permit the Company will remove any obstacles in said alleyways at its own expense, restoring the right-of-way to its original condition.

PASSED AND ADOPTED THIS 18th day of March, 1964.

\_\_\_\_\_  
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 present voting AYE. The President declared the

motion carried. (5 AYES)

REVOCABLE PERMIT

WHEREAS, Independent Lumber Company, a Colorado corporation, has petitioned the City Council of the City of Grand Junction for a revocable permit to use the alleyways platted in Block 8 of Richard D. Mobley's First Subdivision to the Town of Grand Junction, Mesa County, Colorado, for storage area and other purposes in connection with the operations of said company; 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 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 Independent Lumber Company 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 encroachments and restore the right-of-way to its present condition.

Dated this 23rd day of March, 1964.

\_\_\_\_\_  
J. M. Lacy\City Manager

ATTEST:

(Note to Helen T.: Tom Young told me by telephone of a April 3, 1964 that Independent didn't want this because of \$50 fee, therefore it is null and void! M. Lacy)

\_\_\_\_\_  
\City Clerk

The undersigned, for itself, its successors and assigns, thereby 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 restore the right-of-way to its present condition all at its own expense.

Dated at Grand Junction, Colorado, this \_\_\_\_\_ day of March, 1964.

INDEPENDENT LUMBER COMPANY

\_\_\_\_\_  
By \_\_\_\_\_  
President

ATTEST:

\Secretary

STATE OF COLORADO	)	
	)	ss.
COUNTY OF MESA	)	

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of March, 1964, by \_\_\_\_\_ as President and \_\_\_\_\_ as Secretary of Independent Lumber Company, a Colorado corporation.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission expires:

MESA CO. DITCH

Agreement City to maintain - To relocate fr North Ave. to Grand Ave.

Instr No. 4152

City Manager Lacy stated that this is the first step in winding up relocation of the Mesa County ditch. This is an agreement drawn up to provide that the City of Grand Junction will take over the maintenance of the ditch from North Avenue to Grand Avenue which has been done since the previous agreement was entered into.

It was moved by Councilman Lowe and seconded by Councilman Wright that the President of the Council be authorized to sign the agreement concerning the maintenance of the Mesa County ditch. Motion carried. (5)

ANNEXATION

Fairmount Lot 2 Blk 1

Petition & Resol.

Instr. No. 4143

A petition for annexation of Lot 2 Block 1 Fairmount Subdivision signed by 100% of the property owners was presented. The following Resolution was presented and read:

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:

Lot Two of Block One of Fairmount Subdivision, Mesa County, Colorado and adjoining street right-of-way. This tract further described as beginning at a point on the West line of the Northwest One-Quarter of Section 12 of Township 1 South of Range 1 West of the Ute Meridian which point is 330 Feet North of the Southwest Corner of said Northwest One-Quarter, thence East 330 Feet to the Southeast Corner of Lot 2, Block 1 of Fairmount Subdivision, thence North 330 Feet, thence West 330 Feet, thence South 330 Feet to the point of beginning, all in Mesa County.

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 signers, 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.

<u>DATE</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>QUAL ELECT</u>	<u>L.O. ONLY</u>	<u>PROPERTY DESCRIPTION</u>
3-16-64	(Signed) Adele E. Kyer	1229 Walnut Ave.	*		The East 110 feet of the West 180 feet of the North 93.2 feet of Lot 2 in Block One of Fairmount Subdivision in Mesa Co. Colo.
3-16-64	Violet B. Heller (Signed)	309 Belaire Drive.		*	
3-16-64	Merton A. Heller (Signed)	309 Belaire Dr.			Lot Two in Block One of Fairmount Subdiv in Mesa Co., Colo. except the above-described

					tract.
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STATE OF COLORADO	)		
	)	ss	AFFIDAVIT
COUNTY OF MESA	)		

Merton Heller, of lawful age, being first duly sworn, upon oath, deposes and says:

That he is the circulator of the foregoing petition;

That each signature on the said petition is the signature of the person whose name it purports to be.

\_\_\_\_\_  
(Signed) Merton A. Heller

Subscribed and sworn to before me this 17th day of March, 1964.

Witness my hand and official seal.

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

My Commission expires: April 1, 1967

SEAL

RESOLUTION

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

Lot Two of Block One of Fairmount Subdivision, Mesa County, Colorado,

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, 1947;

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

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 18th day of March, 1964.

\_\_\_\_\_  
Charles 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 present voting AYE. The President declared the motion carried. (5 AYES)

#### DOG LEASH LAW

Enforcement to be by Summons to Owners

Summons to be issued by all Police Officers

City Manager Lacy presented a resume of recent research into the matter of the dog leash law enforcement. According to the Chief of Police, the dog leash law is one of the most expensive and least effective ordinances of the City. Sixty-five per cent of the animals impounded are put to sleep. This indicates that animals are no longer wanted by their owners. The Dog Warden usually attempts to determine ownership before picking the animal up as a stray. The cost of enforcing the dog leash law in 1963 was \$9,729. Some 573 dogs were handled. The revenue from dog licenses, pound fees and fines was \$2,068.70. Dr. Reinstein, Director of Mesa Co. Health Dept., has done considerable study on rabies control of cats and dogs, but in order to carry out his plan a state law is necessary to provide the authority for it.

At the present time, it seems the best way to enforce the present dog leash law is similar to one taken by the City of Vancouver, Washington. Each patrol car carries a supply of special summons forms for use in the enforcement of this ordinance. Whenever any officer sees a dog running at large, he shall exercise due diligence to determine who the owner is and when the owner has been identified, a summons is issued to such owner for permitting the dog to be at large in violation of the ordinance. The suggested method for enforcing the dog leash law at present is to have all officers on patrol to determine the owner and issue a summons. The Dog Warden would continue to round up stray dogs as well as impound cats not under the control of their owners. The penalty for the violation would be \$10 in cafeteria court for the first offense for violating owners and court appearances and increased penalties for further offenses. Also, further efforts are to be made to try to get a county-wide rabies and pet inoculation plan set up.



## DITCH CLOSING

Mesa Co. thru Teller Arms Shop. Center & elimination of Vets Hosp Lake

City Manager Lacy discussed the closing of a portion of the Mesa County ditch through the Teller Arms Shopping Center which had been requested by the Teller Arms Shopping Center Developers and the elimination of the lake at the V.A. Hospital which had been requested by the V. A. Administration. The ditch would be eliminated through the Shopping Center and along the south boundary of the Veterans Administration Hospital grounds and on 19th Street from Gunnison to the railroad. It is necessary that ditches be declared a nuisance before they can be closed. Mr.Lacy set forth a number of reasons why these ditches are a nuisance and should therefore be closed.

The following Resolution was presented and read:

## RESOLUTION

WHEREAS application has been made to the City Council of the City of Grand Junction, Colorado, by Teller Arms Shopping Center Developers and the Veterans Administration Hospital to declare a portion of the Mesa County Irrigation ditch located in Teller Arms Shopping Center and along the south boundary of the Veterans Administration Hospital ground and on 19th Street from Gunnison to the railroad yards in the City of Grand Junction, Colorado, a nuisance for the following reasons, to-wit:

1. Eliminate ditch piping across Teller Arms Shopping Center to prevent any future ground water problems or maintenance costs for this development.
2. Minimize ground water seepage into Mesa Gardens housing surrounding area which apparently occurs from ditch seepage and lake seepage.
3. Eliminate lake to do away with hazard to children who attempt to recover golf balls in both winter and summer.
4. Minimize mosquito breeding around the lake and other wet areas from lake seepage.
5. Discontinue use of some open and some piped ditches below the V. A. lake which now present maintenance problems to City street crews.
6. Simplify future development in area east of Teller Arms Shopping Center by elimination of existing Mesa County ditch in this area.
7. Simplify maintenance responsibility for Indian Wash between North Avenue and Grand Avenue since ditch will no longer cross or empty into this portion of Indian Wash.
8. Definite saving on irrigation water since additional water must be put in the present canal to carry through flat grade section, and the concrete lining of the new canal should minimize loss through seepage.
9. Make possible the abandonment of bridges under the Rio Grande railroad, one of which would have to be reconstructed in the near future if it were to continue in use. In addition, three C.M.P. crossings under the tracks will be eliminated.
10. Water users on ditches #70, #75 and #85 will have much less ditch area to maintain to receive their water.
11. The properties at the State Home will have less seepage problems than at present because of the flat grand.

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

That the portion of the Mesa County ditch located through the Teller Arms Shopping Center site and that portion running along the south boundary of the Veterans Administration Hospital ground and that portion on 19th Street from Gunnison to the railroad yards in the City of Grand Junction, Colorado, be and the same is hereby declared to be a nuisance under the terms and provisions of Chapter 78 of the 1953 Compiled Ordinances of the City of Grand Junction, Colorado, as amended, for the reasons above stated.

PASSED AND ADOPTED this 18th day of March, 1984.

\_\_\_\_\_  
Charles E. McCormick\President of the City Council

ATTEST:

\_\_\_\_\_  
\City Clerk

It was moved by Councilman Lowe and seconded by Councilman Meacham that the Resolution be passed and adopted as read. Roll was called on the motion with all Councilmen present voting AYE. The President declared the motion carried. (5 AYES)

#### NEW SIGNS IN PARKS

Councilman Meacham stated he had noticed the new signs in the parks, and he thought they were really beautiful and whoever had had them installed should be complimented. City Manager Lacy stated that this was another cooperative project. The Parks Service at the Monument had cooperated by allowing the man who makes their signs to make them in their shop and the City had paid him and furnished the material and the poles which were from the old football field.

#### ADJOURNMENT

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

\_\_\_\_\_  
Helen C. Tomlinson\City Clerk