

Grand Junction, Colorado

January 6, 1965

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m., January 6, 1965. Councilmen present and answering roll call were Ray A. Meacham, R. B. Evans, Harry O. Colescott, Warren D. Lowe, Herbert M. Wright, and President McCormick. Councilman Charles H. Love was absent. Also present were City Manager Lacy, City Attorney Ashby and City Clerk Tomlinson.

INVOCATION

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

MINUTES

It was moved by Councilman Wright and seconded by Councilman Meacham that the minutes of the regular meeting held December 16, 1964 be approved as written. Motion carried. (6 AYES)

LIQUOR LICENSE - TRANSFER FOR A.W. & A.E. HAMMER DRUG FROM 158 MAIN STREET TO 524 N. 1ST STREET

Hearing had been advertised and scheduled for this date on the application of A. E. and A. W. Hammer dba Hammer Drug to transfer their liquor license from 158 Main Street to 524 N. 1st Street. No protests had been filed against this transfer and there was no one present in the audience who protested the change. President McCormick closed the hearing. It was moved by Councilman Wright and seconded by Councilman Lowe that the application be approved and license granted when state license has been received. Motion carried. (6 AYES)

3.2 BEER - FOOD TIME DRIVE-IN GROCERY, INC., 1117 N. 1ST STREET

Hearing had been scheduled and advertised for this date on the application of Food Time Drive-In Grocery, Inc. for a 3.2 beer license at 1117 N. 1st Street. No protests had been filed against this application. A letter was read from Chief of Police Karl Johnson stating his investigation of the applicants had revealed no reason why the license should not be granted. It was moved by Councilman Wright and seconded by Councilman Colescott that the application be approved and license granted when license has been received from the State. Motion carried. (6 AYES)

CANVASS - ELECTION SPECIAL TV FRANCHISE FOR CABLE TV OF COLORADO - 795 FOR AND 1284 AGAINST

A canvass of the vote cast in the Special Municipal Election held January 5, 1965 on the question of granting a franchise to Cable Television Company of Colorado to construct cable television in the City of Grand Junction was made by the City Council. It was moved by Councilman Lowe and seconded by Councilman Wright that the following report be accepted and placed on file. Motion carried. (See next page.)

City Attorney Ashby explained a few items in connection with the election wherein there had been some confusion on who was eligible to vote as taxpayers.

Mr. Tom Mitchell from Cable Television Company of Colorado came to thank the Council publicly for the consideration and treatment given their company in the past election. He said they were not of the opinion that there was anything in this election that would have otherwise determined the outcome. There have been a few small errors but these errors would not have changed the outcome and they have no wish at all to say that they were not fairly treated at the election and took the opportunity to publicly say "good wishes" to the people and the Council of Grand Junction. President McCormick thanked Mr. Mitchell for coming to the Council.

#### T A L L Y      S H E E T

#### SPECIAL FRANCHISE ELECTION, JANUARY 5TH, 1965

We, the undersigned, acting as canvassing board hereby certify that we have canvassed the returns of the Special Municipal Franchise Election held in the City of Grand Junction, Colorado, on January 5th, 1965, and from the said canvas find the results to be as follows: that 198 ballots were cast in District "A"; that 414 ballots were cast in District "B"; that 631 ballots were cast in District "C"; that 409 ballots were cast in District "D" and that 419 ballots were cast in District "E", and that 8 ballots were cast by absentee ballot.

The question submitted was as follows:

"An Ordinance granting a franchise by the City of Grand Junction to Cable Television Company of Colorado, its successors and assigns, authorizing said company to locate, build, construct, acquire, purchase, extend, maintain and operate into, within and through said City a plant or plants, sub-stations and works for the generation, transportation and distribution of electronic signals and to distribute and furnish said electronic signals to the inhabitants of the City of Grand Junction by means of conduits, cables and wires strung on poles or otherwise over, under, along, across and through certain straits, alleys and other public ways and places in the City of Grand Junction and fixing the terms and conditions thereof."

	Abs	"A"	"B"	"C"	"D"	"E"
FOR THE GRANTING OF THE FRANCHISE	6	64	149	264	145	167
AGAINST THE GRANTING OF THE FRANCHISE	2	134	265	367	264	252

TOTAL FOR THE GRANTING OF THE FRANCHISE 795

TOTAL AGAINST THE GRANTING OF THE FRANCHISE 1284

/s/ Ray A. Meacham	/s/ Harry O. Colescott
/s/ R. B. Evans	/s/ Warren D. Lowe
/s/ Charles E. McCormick	/s/ H. M. Wright

3.2 BEER RENEWAL - WILLIAMS 7/11 MARKET, 805 N 1ST STREET

Mr. Dan Williams dba Williams 7-11 Market, 805 N. 1st Street, presented an application for renewal of his 3.2 beer license. A report from Chief of Police Karl Johnson stated that Mr. Williams had been warned on one occasion regarding a gambling game in the back room. No other violation had occurred during the past year.

It was moved by Councilman Colescott and seconded by Councilman Evans that the application be approved and license granted when State license has been received. Motion carried. (6 AYES)

3.2 BEER HEARING PIZZA HUT, 1230 N 12TH TO BE 1-20-65

A hearing has been scheduled for Jan. 20, 1965 for a 3.2 beer license for Lawrence J. Logue dba "Pizza Hut," 1230 N. 12th Street.

REVOCABLE PERMIT - LITTON WAREHOUSE TO FENCE ALLEY SOUTHWEST CORNER OF 5TH AND SOUTH - Record 2/4/1965-BOOK 879 PAGE 130

The Planning Commission at its meeting of December 30, 1964 recommended the granting of a revocable permit to Litton Warehouse to fence a part of the alley. City Manager Lacy stated that this would be in keeping with the Council's policy in the use of public right of way which is not being used as right of way. Their application for this permit carries the permission in writing of the Public Service Co. and Mt. States Telephone Company. The fence would be located at the southwest corner of the property.

The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, Litton Warehouse Company has petitioned the City Council of the City of Grand Junction for a revocable permit to use a portion of alleyway in the City, described as follows:

Beginning at a point eight feet South of the Southeast Corner of Lot 4, Block 162, City of Grand Junction, thence West to a point eight feet South of the Southwest corner of Lot 1 of said Block,

thence North to said Southwest corner, thence East to the Southeast Corner of said Lot 4, thence South to the point of beginning.

Said portion of alleyway to be used for parking purposes, and

WHEREAS, such action has been heretofore approved by the City Planning Commission and 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 above-named company for the purpose above-stated upon the execution by the company of an agreement to save and hold harmless the City from any claims arising out of the use permitted and agreement that upon he revocation of the permit the Company will restore the right of way to its former condition at the expense of the company.

PASSED AND ADOPTED this 6th day of January, 1965.

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. (6 AYES)

R E V O C A B L E P E R M I T

WHEREAS, Litton Warehouse Company has petitioned the City Council of the City of Grand Junction for a revocable permit to use a portion of alleyway in the City, described as follows:

Beginning at a point eight feet south of the Southeast corner of Lot 4, Block 162, City of Grand Junction, thence west to a point eight feet south of the Southwest corner of Lot 1 of said Block, thence north to said Southwest corner, thence east to the Southeast corner of said Lot 4, thence south to the point of beginning.

Said portion of alleyway to be fenced to be used for parking purposes; 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 the Litton Warehouse Company of Grand Junction a revocable permit to use the portion of alleyway described for the purpose 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 further that said company shall agree that upon revocation of such permit it will, at its own expense remove any obstruction in the alleyway and restore the right-of-way to its original condition.

Dated this \_\_\_\_ day of January, 1965.

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 any fencing and restore the right-of-way to its original condition all at its own expense.

Dated at Grand Junction, Colorado, this \_\_\_\_\_ day of January, 1965.

Litton Warehouse Company

President

ATTEST:

Secretary

STATE OF COLORADO) ) Ss  
County of Mesa ) )

The foregoing instrument was acknowledged before me this  
\_ day of January, 1965, by \_\_\_\_\_ as President  
and  
\_\_\_\_\_ as Secretary of Litton Warehouse Company, a  
corporation.

My commission expires:

Witness my hand and official seal.

Notary Public

REVOCABLE PERMIT GRANTED BURKEY LUMBER COMPANY TO ENCROACH 1.8 FEET ONTO 7TH STREET RIGHT-OF-WAY FOR BUILDING FACING

The Planning Commission at its meeting of December 30, 1964 also recommended the granting of a revocable permit to Burkey Lumber Company at 7th and South Avenue. They wish to provide a facing on their building and it will extend 1.8 feet on the 7th Street right of way. City Manager Lacy stated this also follows policy established by the Council. This adds about three inches on their building along 7th Street and the building already extends into the street about 1.3 inches as a result of an old survey.

The following Resolution was presented and read:

R E S O L U T I O N

WHEREAS, Burkey Lumber Company has petitioned the City Council of the City of Grand Junction for a revocable permit to encroach a distance of 1.8 feet onto the 7th Street right of way in the City to provide facing on the building, the east side of which extends from the Northeast corner of Lot 11, Block 160, City of Grand Junction to 14 feet south of the Southeast corner of Lot 15 in said Block; 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 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 such revocable permit to the above-named company for the purpose 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 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 6th day of January, 1965.

It was moved by Councilman Colescott and seconded by Councilman Evans 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. (6 AYES).

R E V O C A B L E            P E R M I T

WHEREAS, Burkey Lumber Company has petitioned the City of Grand Junction for a revocable permit to encroach a distance of 1.8 feet onto the 7th Street right-of-way in the City to provide facing on the building the east side of which extends from the Northeast corner of Lot 11, Block 160, City of Grand Junction to 14 feet south of the Southeast corner of Lot 15 in said Block; 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 the Burkey Lumber Company of Grand Junction a revocable permit to encroach upon the City right-of-way for the purpose 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 \_\_\_\_\_ day of January, 1965.

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 January, 1965.

Burkey Lumber Company

President





Elam Constr Inc	Natl Surety	6080983-65	16
E. K. Erwin dba Erwin Masonry	Natl Surety	6028760-65	17
Lee B. Ford & Blaine D. Ford dba Ford Constr	USF&G	17122-2180-57	18
John C. Fulfer	Peerless Ins	35 03 56	19
Claud W. Garner	USF&G	17142-13-1244-60	20
Jerry G. Fevaag dba Grand Valley Tile	Travelers Indem	881254	21
V.L. Harville dba Harville's Tile & Linoleum	USF&G	17142-13-1980-60	22
Wm. F. Harwood, Inc.	USF&G	17142-13-2187-57	23
T.E. Lent	USF&G	17142-13-366-61	24
Monument Constr	USF&G	17142-13-1793-64	25
Cecil Moore	Peerless Ins	350355	26
Frank Mueller	USF&G	17142-13-156-58	27
Richard Palan	Western Surety	494629	28
Phipps Constr.Inc	USF&G	17142-13-564-61	29
W. J. Pray	USF&G	17142-2179A-57	30
Pre-Engineered Bldgs Inc	USF&G	17142-13-237-64	31
C.W. Risk, Painting	Peerless Ins	350360	32
S & F Bldg Service Inc	USF&G	17142-13-13-62	33
Richard L. Sparkman	Mid Century Ins	4275-72-37	34
Fred W. Sperber	USF&G	17142-13-2182-57	35
James C. Terry	Peerless Ins	350357	36
Wm. B. Thompson dba 1st St. Cabinet Shop	USF&G	17142-13-2184-57	37
Ted J. & Ted J. Treece Jr dba Treece Furniture	Conn Fire Ins Co.	37512	38
Wesley Whaley	Western Surety	3049471	39
James M. Silcox dba Bannister Furniture	Transamerica Ins	9701-65-56	72
Boyd Chandler	Royal Indemnity	574332	73
Oliver L. Hermanns	Transamerica Ins	9701-65-57	74
Homer & Drake	Royal Indemnity	574323	75
Allen A. Miller dba Miller Constr	Transamerica Ins	9701-82-55	76
Harold F. Myers	Royal Indemnity	612171	77
Alden H. Roper	Maryland Casualty	92-784359	78

#### Electrical Contractor

Kendall Electric Co.	Gen Ins Co of Am	330353	40
Roy O. Prior	Western Surety	5091944	41
Edgar L. West dba Midwest Electric	USF&G	17142-13-716-60	42
Valley Electric Inc	Royal Indemnity	558442	79
Wesco Electric Co	Royal Indemnity	558441	80

#### Gas Installer

Charles E. Osborne dba Dependable Plbg & Htg	Fireman's Fund Ins	611-1634	43
Newton B. Irvin	Natl Surety	6094133-65	44
W.B.Johnson Co., Inc.	Natl Surety	6043064-65	45
Albert A. Klassen	Natl Surety	LR6112325	46

Stanley E. & Marie M. White dba Mt. Garfield Lane & Co	Natl Surety Royal Indemnity	1429257-65 612116	47 81
<u>House Mover</u>			
W. J. Pray Carl D. South Earl Stuller	USF&G Gen Ins Co of Am Western Surety	17142-13-352-61 330356 411547	48 49 50
<u>Junk Dealer</u>			
Ampco, Inc. George A. Hertzke	Western Surety USF&G	509-4782 17142-13-191-63	51 52
<u>Pawn Broker</u>			
Albert E. Ecker Billie & Fern Watkins dba Owl Trading Post Taylor's Rod & Gun Shop	Natl Surety USF&G USF&G	6062666-65 17142-13-1126-60 17142-13-912-60	53 54 55
<u>Plumbing Contractor</u>			
Charles E. Osborne dba Dependable Plbg & Htg W. B. Johnson Co Elmer J. Miller dba Miller Plumbing S. E. & Marie White dba Mt. Garfield Plumbing Lane & Co.	Fireman's Fund Ins Natl Surety Natl Surety Gen Ins Co of Am Royal Indemnity	611-1634 6043748-65 6062667-65 400477 558437	56 57 58 59 82
<u>Second Hand Dealer</u>			
Frank Dunn Co. Albert E. Ecker Billie & Fern Watkins dba Owl Trading Post R.E. Simmons dba Simmons Lock & Key Shop Smitty's Auto Wrecking Co. Ted Sr. & Ted J. Treece, Jr. dba Treece Furniture A. D. Stobaugh dba Depot Second Hand Store	Mid-Continent Casualty Natl Surety USF&G USF&G Natl Surety Conn Fire Ins Royal Indemnity	15146 6062665-65 17142-13-2412-60 17142-13-18-61 6094657'65 37511 592919	60 61 62 63 64 65 83
<u>Sign Hanger</u>			
Reliable Elect Supply Sara R. Wolf & Dean L. Dicky dba Western Neon	Natl Surety Natl Surety	6112332-65 6056903-65	66 67
<u>Auctioneer</u>			
Tony Perry	Royal Indemnity	550525	68

LEGAL ADVERTISING - CONTRACT WITH DAILY SENTINEL RENEWED

A letter was read from Preston Walker of the Daily Sentinel enclosing a contract for legal advertising for the year 1965 which guarantees legal advertising rates exactly the same as they were in 1964. (15 cents for the first insertion and 11 cents for additional insertions and 10 cents for publication of monthly Receipts & Disbursements). It was moved by Councilman Wright and seconded by Councilman Evans that the City Manager be authorized to sign the contract with the Daily Sentinel as submitted. Motion carried. (6 AYES)

PROPOSED ORDINANCE - DOOR TO DOOR SELLING

Two proposed ordinances concerning door to door selling were presented: one entitled AN ORDINANCE RELATING TO THE LICENSING OF PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS AND PROVIDING PENALTIES FOR VIOLATION THEREOF; and the other one entitled AN ORDINANCE REGULATING PEDDLERS AND SOLICITORS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

A large number of insurance, real estate and door to door sales people was present, protesting the passage of either ordinance. They insisted that the Council repeal the present "Greenriver Ordinance" and urged that they not pass any ordinance regulating door to door selling. After this matter had been discussed for a long period of time, Councilman Meacham asked City Attorney Ashby to draw up an ordinance repealing all of the present Chapter 69 of the 1953 Compiled Ordinances of the City of Grand Junction which pertains to peddling and soliciting in Grand Junction.

REPEAL CHAPTER 69 - PROPOSED ORDINANCE PASSED FOR PUBLICATION

City Attorney Ashby presented and read the following entitled proposed ordinance: AN ORDINANCE REPEALING CHAPTER 69 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, THE PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS CHAPTER OF SAID ORDINANCES. It was moved by Councilman Meacham and seconded by Councilman Lowe that the proposed ordinance be passed for publication. The motion carried with Councilman Wright voting NAY. (5 AYES 1 NAY)

PROPOSED ORDINANCE - CODE FOR MOBILE HOME PARKS

A proposed ordinance entitled AN ORDINANCE ESTABLISHING A COMPREHENSIVE CODE FOR THE REGULATION OF MOBILE HOME PARKS; ESTABLISHING STANDARDS FOR MOBILE HOME SPACES, LOCATION OF SERVICE BUILDINGS, WATER SUPPLY, SEWAGE AND REFUSE DISPOSAL, AND PROVIDING FOR REGISTRATION OF OCCUPANTS, AND PROVIDING FOR COLLECTION OF MOBILE HOME PARK LICENSE FEES, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF. It was moved by Councilman Meacham and seconded by Councilman Evans that the proposed ordinance be passed for publication. Motion carried. (6 AYES)

ZONING ORDINANCE NO. 1208 PASSED

The Proof of Publication to the following entitled proposed ordinance

was presented and read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 83 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING OF CERTAIN LOTS AND PARCELS OF LAND WITHIN THE CITY. It was moved by Councilman Colescott and seconded by Councilman Wright that the proof of publication be accepted and filed. Motion carried. (6 AYES)

It was moved by Councilman Wright and seconded by Councilman Colescott that the ordinance be called up for final passage. Motion carried. (6 AYES)

The ordinance was then read, and it was moved by Councilman Evans and seconded by Councilman Wright that the ordinance be passed and adopted, numbered 1208 and ordered published. Roll was called on the motion with all members of the Council present voting AYE. The President declared the motion carried. (6 AYES)

MUNICIPAL JUDGES - CLAY HANLON AND WILLIAM PILGRIM APPOINTED DEPUTY JUDGE

City Manager Lacy read a letter from Municipal Judge Ed Ruland requesting that two deputy municipal judges be appointed to serve when he is out of town or it is not expedient for him to serve. He asked that Mr. Clay Hanlon of the firm of Groves and Nelson and Mr. William Pilgrim of the law firm of Haynie, Golden and Mumby be appointed to serve as deputy municipal judges. It was moved by Councilman Meacham and seconded by Councilman Evans that Mr. Clay Hanlon and Mr. William Pilgrim be appointed to serve as Deputy Municipal Judges. Motion carried. (6 AYES)

ADJOURNMENT

It was moved by Councilman Wright and seconded by Councilman Lowe that the meeting adjourn. Motion carried. (6 AYES)

/s/ Helen C. Tomlinson  
City Clerk