

presented and read be accepted and filed. The Motion carried unanimously.

A communication from the town of Marble protesting the removal of the Colorado State College from Gunnison, Colo. to this City was read. The communication was ordered filed.

A communication from the Pres. of the Board of the Free Rest Room was read. Said communication asked that the City make an appropriation to support a matron for the rest room. No action was taken regarding the matter.

The following resolution was introduced and read:

RESOLUTION

WHEREAS, the City Council did on the 30th day of March A. D., 1924 pass and adopt a Resolution declaring the intention of the City Council of the City of Grand Junction, to create a local public improvement District, said District to be known as Combined Sewer District No. 3; and

WHEREAS, there was included in said District lands in Capitol Hill Subdivision of the said City of Grand Junction and lands in Milldale Subdivision of the City of Grand Junction, which said two Subdivisions are not contiguous, and the cost of constructing said sewer is not the same in said Subdivisions; and

WHEREAS, the Council deems it better that separate sewer Districts be created instead of combining the two in one District.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL that the resolution passed and adopted by said City Council declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local public improvement district, said district to be known as Combined Sewer District No. 3, on the 20th day of March, A.D. 1924 be and the same is hereby annulled, rescinded and repealed and that all of the orders therein to the City Engineer be and the same are hereby rescinded.

It was moved by Councilman Dowrey, seconded by Councilman Murr that the resolution as read be passed and adopted. Upon which motion the following vote was cast: Councilmen voting Yea, Hirons, Meders, Dowrey, Miller, Hampson and Murr. All the Councilmen present voting Yea, the President declared the motion carried.

The following resolution was presented and read.

RESOLUTION

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE A LOCAL PUBLIC IMPROVEMENT DISTRICT, SAID DISTRICT TO BE KNOWN AS COMBINED SEWER DISTRICT NO. 3

WHEREAS, it appears to the City Council of the City of Grand Junction, Colorado, and the Council so find that there exists an immediate necessity for the creation of a Combined Storm and Sanitary Sewer District therein, to be known as Combined Sewer District No. 3, within the boundaries hereinafter described, and of the constructions therein of district sewers and appurtenances for storm and sanitary drainage therein.

Now therefore, be it resolved by the City Council of the City of Grand Junction, Colorado:

Section 1. That the City Engineer of the City of Grand Junction be and he is hereby ordered and directed to prepare full details and specifications for the construction of a system of district sewers and appurtenances for storm and sanitary drainage within the following described boundaries, which boundaries shall include territory to be known as Combined Sewer District No. 3, and said Engineer shall make and furnish an estimate of the total cost of said improvement, exclusive of the per centum for the cost of collection and other incidentals and of interest to the time the first installment of the cost becomes due, and furnish a map of the district, from which map the approximate share of the total cost that will be assessed upon each piece of real estate in the district may be readily ascertained.

Section 2. The boundaries of the said proposed Combined Sewer District No. 3, shall be substantially as follows, to-wit:

CITY OF GRAND JUNCTION

COMBINED SEWER DISTRICT NO. 3

Beginning at the southwest corner of Lot 18, Capitol Hill Subdivision of the City of Grand Junction, thence north to a point on the north line of Lot 22 in said Capitol Hill Subdivision 124' west of the northeast corner of said Lot 22; thence east 348' to a point on the north city limit line; thence south to a point on the south line of Lot 17 in said Capitol Hill Subdivision 124' east of the southwest corner of said Lot 17; thence west 348 feet to the place of beginning.

All of the land lying and being within the above boundaries as described, is within the present corporate limits of the City of Grand Junction, Colorado.

It was moved by Councilman Meders, seconded by Councilman Miller that the resolution as read be passed and adopted. Upon which motion the following vote was cast: Councilmen voting Yea,

Hirons, Meders, Miller, Dowrey, Hampson and Murr. All the Councilmen present voting yea, the president declared the motion carried.

The following resolution was introduced and read.

RESOLUTION

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE A LOCAL PUBLIC IMPROVEMENT DISTRICT, SAID DISTRICT TO BE KNOWN AS SPECIAL SANITARY SEWER DISTRICT NO. 1

WHEREAS, it appears to the City Council of the City of Grand Junction, Colorado, and the Council so find that there exists an immediate necessity for the creation of a Special Sanitary Sewer District therein, to be known as Special Sanitary Sewer District No. 1, within the boundaries hereinafter described, and of the constructions therein of district sewers and appurtenances for sanitary drainage therein.

NOW THEREFORE, be it resolved by the City Council of the City of Grand Junction, Colorado:

Section 1. That the City Engineer of the City of Grand Junction be and he is hereby ordered and directed to prepare full details and specifications for the construction of a system of district sewers and appurtenances for sanitary drainage within the following described boundaries, which boundaries shall include territory to be known as Special Sanitary Sewer District No. 1, and said Engineer shall make and furnish an estimate of the total cost of said improvement, exclusive of the per centum for the cost of collection and other incidentals and of interest to the time the first installment of the cost becomes due, and furnish a map of the district, from which map the approximate share of the total cost that will be assessed upon each piece of real estate in the district may be readily ascertained.

Section 2. The boundaries of the said proposed Special Sanitary Sewer District No. 1, shall be substantially as follows, to-wit:

CITY OF GRAND JUNCTION

SPECIAL SANITARY SEWER DISTRICT NO. 1

Beginning at the Southwest corner of Lot 1, Block 20, Milldale Subdivision of the City of Grand Junction; thence East 940 feet to the Southwest corner of Lot 32, Block 18, Milldale Subdivision; thence North 600 feet to the Northwest corner of Lot 1, Block 13, Milldale Subdivision; thence West 222.3 feet to the Northwest corner of Lot 5, Block 12, Milldale Subdivision; thence South 17.5 feet; thence West 346.1 feet to the Northwest corner of Lot 1, Block 11, Milldale Subdivision; thence South 252.5 feet

to the Southwest corner of Lot 10, Block 11, Milldale Subdivision; thence West 277.8 feet to the Southwest corner of Lot 11, Block 11, Milldale Subdivision; thence South 330 feet to the place of beginning.

All of the land lying and being within the above boundaries as described, is within the present corporate limits of the City of Grand Junction, Colorado.

It was moved by Councilman Murr, seconded by Councilman Miller that the resolution as read be passed and adopted, upon which motion the following vote was cast? Councilmen voting yea, Hirons, Meders, Miller, Dowrey, Hampson and Murr. All the Councilmen present voting yea, the president declared the motion carried.

A letter from Vincent, Vincent & Bowie, representing the contracting firm of Prendergast-Connor of Denver Colo., was received and read. Said letter stated the conditions under which Prendergast-Connor Construction Company would sign the contract for the Construction of the West Trunk Line of Combined Sewer District No. 2. The letter had attached the contract that said firm would execute. This contract was read to the Council.

The following resolution was then presented and read.

RESOLUTION

WHEREAS the City of Grand Junction, Colorado, heretofore caused to be prepared certain plans, specifications, and proposals for furnishing certain material and constructing certain district sewers and appurtenances for storm and sanitary drainage, designated as West Trunk Line in Combined Sewer District No. 2 of said city, and

WHEREAS, George E. Prendergast and Leggio Connor, co-partners doing business under the name of Prendergast-Connor Construction Company, did on the 20th day of March, 1924 file with the City Clerk of the City of Grand Junction, Colorado, a copy of said specifications with a copy of said notice to bidders and instructions to bidders, together with their offer and proposal to furnish said materials and construct said district sewers and appurtenances for storm and sanitary drainage, designated as "West Trunk Line" in Combined Sewer District No. 2 for said city at and for the terms therein fully stated and set forth, and at the same time accompanied said proposal with a certified check for the sum of \$2000.00 payable on sight to the City Clerk of the City of Grand Junction, Colorado; and

WHEREAS, by the terms of said instructions to bidders, and the said proposal of the said Prendergast and Connor, they agreed to execute a contract within ten days, or such further time as may be allowed in writing by the City Council after receiving

notification of the acceptance of said proposal, and on their failure to do so, said check shall be forfeited as liquidated damages; and

WHEREAS, the said George E Prendergast and Leggio Connor have failed and refused to enter into a contract with the City of Grand Junction to furnish Material and do said work in the manner and for the prices stated in their proposal; and

WHEREAS, the failure of said George E. Prendergast and Leggio Connor to enter into said contract is causing delay in the completion of said work.

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

Section 1. That the City Manager of the City of Grand Junction, be and he is hereby instructed and directed to give written notice to the said Prendergast-Connor Construction Company, a co-partnership composed of George E. Prendergast and Leggio Connor of 221 First National Bank Building, Denver Colorado, by registered mail, that unless they sign the contract, a copy of which is herein after set forth, for the furnishing of said material and doing said work according to the said plans, specifications and proposal and cause said signed contract to be delivered to the City Manager of the City of Grand Junction by not later than the 24th day of April, 1924, that the said check for \$2000.00, which accompanied their proposal and payable on sight to the City Clerk of the City of Grand Junction, Colorado shall be forfeited to the City of Grand Junction, as liquidated damages.

Section 2. That the City Manager of the City of Grand Junction, be also instructed and directed to notify said Prendergast-Connor Construction Co., that their construction and interpretations placed upon the specifications and plans as set forth in a letter from their attorneys, Vincent, Vincent & Bowie, to the Mayor and City Council under date of April 16 1924, will not be accepted considered or consented to by the City Council of the City of Grand Junction. Also the City Manager of the City of Grand Junction is hereby instructed and directed to notify said Prendergast-Connor Construction Company that the City's letter to the effect that the railroad tracks, except two, are to be removed by the City or Railroad Company at a cost to be equally divided between the City and said Prendergast-Connor Construction Company, referred to in said letter from Vincent, Vincent & Bowie is not a part of the contract, and is entirely independent thereof. That the arrangements in reference to said tracks, and a division of the cost as stated in the said letter written by the City Manager, under date of the 11th day of April 1924, to M.D. Vincent, attorney for said Prendergast-Connor Construction Company is satisfactory to the Council, but does not, and shall

not enter into, nor will it be considered by the City Council as part of said contract.

The contract referred to in the above resolution is as follows:

CONTRACT

THIS AGREEMENT, made and entered into at Grand Junction, Colorado, on this 7th day of April, A. D. 1924, by and between the City of Grand Junction, a municipal corporation, party of the first part, and George E. Prendergast and Leggio Connor, Co-partners doing business under the name of "Prendergast-Connor Construction Company of 221 First National Bank Building, Denver, Colorado, parties of the second part, WITNESSETH:

THAT WHEREAS, the City of Grand Junction, Colorado, party of the first part, has heretofore caused to be prepared certain plans, specifications and proposals for furnishing certain material and constructing certain district sewers and appurtenances for storm and sanitary drainage, designated as "West Trunk Line", in Combined Sewer District No. 2, for said City, as well as notice to bidders and instructions to bidders, and the parties of the second part, George E. Prendergast and Leggio Connor, Co-partners doing business under the name of "Prendergast-Connor Construction Company", did on the 20th day of March, 1924, file with the City Clerk of the City of Grand Junction, Colorado, a copy of said specifications with a copy of said notice to bidders and instructions to bidders together with their offer and proposal to furnish said materials and construct said district sewers and appurtenances for storm and sanitary drainage, designated as "West Trunk Line," in Combined Sewer District No. 2, for said City, at and for the terms therein fully stated and set forth; and

WHEREAS, the said instructions to bidders, specifications and proposal accurately and fully describe the terms and conditions upon which the parties of the second part are willing to furnish the material and perform the work called for in the said specifications, and the manner and time of furnishing the same: It is therefore agreed:

First: That the type of pipe selected and to be used shall be the Vitrified pipe as in said specifications and proposal described.

Second: That a copy of said plans, notice to bidders, instruction to bidders, specifications and proposal be attached hereto and that the same, together with this contract, and the bond required, do in all particulars become the agreement and contract between the parties hereto in all the matters and things herein and therein set forth and described, provided however, that the type of pipe selected and to be used shall be the Vitrified pipe as in said specifications and proposal described, as aforesaid; and further, that both parties hereby accept and agree to the

terms and conditions of said notice to bidders, instruction to bidders, plans, specifications and proposal so filed.

Third: The notice to bidders, instruction to bidders, plans, specifications and proposal hereto annexed and the bond required, are made a part of this contract and agreement as fully and absolutely as if herein set out in haeo verba.

Fourth: This contract is subject to the provisions of the City Charter of the City of Grand Junction, and of Ordinance No. 178, as amended, and the Resolution of the City Council creating said Combined Sewer District No. 2; that the aggregate payment thereon shall not exceed the estimate of the City Engineer; that upon ten days' notice the work under such contract, without cost or claim against the City may be suspended for substantial cause; and that upon complaint of any owner of real estate to be assessed for the improvement, that the improvement is not being constructed in accordance with the contract, then the City Council of the City of Grand Junction, may consider the complaint and make such order in the premises as shall be just and their decision shall be final.

Fifth: This contract is executed in duplicate.

IN WITNESS WHEREOF, the President of the City Council of the City of Grand Junction, Colorado, being first duly authorized, has signed this contract for the City of Grand Junction, and the City Clerk has attested said signature with the official seal, and the parties of the second part have hereunto set their hands and seals the day and year first above written.

THE CITY OF GRAND JUNCTION

BY/s/

President of the Council

ATTEST:

City Clerk

(SEAL)

(SEAL)

It was moved by Councilman Murr, seconded by Councilman Meders that the resolution as read be passed and adopted, upon which motion the following vote was cast: Councilmen voting yea, Hirons, Meders, Miller, Dowrey, Hampson and Murr. All the Councilmen present voting yea, the president declared the motion carried.

Attorney Vincent advised the Council that if the certified check filed by Prendergast & Connor was not returned when asked for that steps would be taken to obtain return of same.

A force account amounting to _____ was presented by the Prendergast-Connor Construction Company. The same did not have the approval of the City Engineer.

It was moved by Councilman Murr, seconded by Councilman Dowrey that the force account bill amounting to _____ for extra labor ect., filed by Prendergast-Connor Construction Company in the South Trunk Line of Combined Sewer District No. 2 be not allowed. Upon which motion the following vote was cast: Councilmen voting Yea; Hirons, Meders, Miller, Dowrey, Hampson and Murr. All the Councilmen present voting yea, the president declared the motion carried.

A communication from the Traveler's Insurance Company stating that the Conly Construction Company owed them a sum of \$930.00 for premium of Compensation Insurance. It was moved by Councilman Hampson, seconded by Councilman Murr that the communication be referred to the City Attorney. Carried.

The proof of publication of the proposed ordinance entitled "AN ORDINANCE CHANGING THE NAMES OF MAIN STREET AND WEST MAIN STREET" was read by the Clerk. Upon motion of Councilman Miller, seconded by Councilman Murr the same was accepted and ordered filed.

The proposed ordinance entitled "AN ORDINANCE CHANGING THE NAMES OF MAIN STREET AND WEST MAIN STREET" was then read by the Clerk. It was moved by Councilman Miller, seconded by Councilman Murr that the proposed ordinance as read be passed and adopted and ordered published, upon which motion the following vote was cast: Councilman voting Yea, Miller and Murr, Councilman voting Nay. Hirons, Meders, Dowrey and Hampson. The majority of the Councilmen present voting Nay, the president declared the motion lost.

The following resolution was introduced and read.

RESOLUTION

A.E. McKee presented a bond for electrician's license for 1924, the same having been approved by the City Attorney. Upon motion of Councilman Hampson, seconded by Councilman Meders the same was accepted and ordered filed and a license granted to said A.E. McKee.

Sam Pantuso made application for a permit to install a gasoline tank and pump in front of his place of business at 101 N. First St. It was moved by Councilman Murr, seconded by Councilman

Meders that the permit be granted subject to the approval of the fire chief. Carried.

It was moved by Councilman Miller, seconded by Councilman Hampson that the work of the Orman Construction Company, required by their contract with the City of Grand Junction, Colorado, dated March 26th 1923, be accepted with the exception of that part of the reservoir construction referred to as the "blanket course", which is not accepted. Upon which motion the following vote was cast: Councilmen voting YEA, Murr, Miller, Dowrey and Hampson, Councilmen voting Nay: Meders. The majority of the Councilmen present voting Yea the President declared the motion carried.

The FINAL ESTIMATE OF QUANTITIES for waterworks improvement by the Orman Construction Company was presented by the Supervising Engineer. It was moved by Councilman Dowrey, seconded by Councilman Miller that the Final Estimate of Quantities as presented be received and filed. Motion carried.

Councilman Hampson moved, seconded by Councilman Miller that the Final Estimate of Quantities filed on this date by the supervising Engineer of Burns & McDonnell Engineering Company, in reference to work of the Orman Construction Company under contract for water works improvement, dated March 26th 1923, be accepted, subject to the right of the Council to approve or reject any or all amounts or claims therein listed as--"work performed in excess of estimated amount" under clause "Additional, Omitted or Changed Work", and "Engineers Estimate of Amount of Additional Work Performed for which Claim is Made but no Provision Made in Contract". Upon this motion the following vote was cast; Councilmen voting Yea; Murr, Meders, Miller, Dowrey and Hampson. All the Councilmen present voting Yea, the President declared the motion carried.

Moved by Councilman Murr, seconded by Councilman Miller that action on the final estimate of the Water Works Improvement be taken up at the regular-meeting of the Council on May 7th 1924, and that the Clerk be and he is hereby directed to give published notice to claimants having any claims against the Orman Construction Company to present same, as required by law. Upon which motion the following vote was cast: Councilmen voting Yea, Murr, Meders, Miller, Dowrey and Hampson. All the Councilmen present voting yea, the President declared the motion carried.

It was moved by Councilman Hampson, seconded by Councilman Meders that the Council adjourn until 8:00 o'clock April 24 1924. Motion carried.

/s/ F