

Grand Junction, Colo.

June 15th, 1927.

The City Council of the City of Grand Junction met in regular session at 7:30 o'clock P. M. Those present and answering at roll call were: Councilmen Rogers, Hall, Ellison, Meders, Bear, Moslander. Councilman Penberthy was absent. City Manager Thompson, City Attorney Hinman, and City Clerk Niles were present.

The minutes of the last regular meeting, June 1st, were read and approved.

The report of Jas. E. Ragan, City Auditor, for the period from January 1st to May 31st, 1927 was presented and read. On motion of Councilman Meders, seconded by Councilman Ellison the report was ordered accepted and filed. Motion carried.

The matter of releasing Mr. John G. McKinney's bond as City Treasurer was brought up and discussed. It was decided to wait until a certified copy of the balances on hand at Kountze Bros., New York, was received before releasing the Bonding Company.

A letter from the Chamber of Commerce was presented and read by the Clerk, requesting that the City Attorney meet with the Attorney for the Quinn Poster Advertising Company and go over the Ordinance recently passed pertaining to signboards, billboards, etc. Councilman Meders moved, seconded by Councilman Ellison that this letter be accepted and filed. Motion carried.

City Manager Thompson reported that he had checked the various paving petitions which had been referred to him and that they had been signed up as follows:

	Belford Avenue, 1st to 7th	38.56	%
	Colorado Avenue, 7th to 12th	39.37	
	Rood Avenue 1st to 2nd	56.25	
	Hill Avenue 1st to 7th	42.56	
	Hill Avenue 7th to 12th	41.6	
For	Gunnison Avenue 3rd to 7th.	34.18	
Against	Gunnison Avenue 3rd to 7th	44.38	

Gunnison Avenue having a greater percentage remonstrating than signed for paving, it was therefore remonstrated out. All other streets are up for further action.

The following resolution was presented and read:

RESOLUTION

RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE A LOCAL IMPROVEMENT DISTRICT, SAID DISTRICT TO BE KNOWN AS PAVING DISTRICT NO. 18.

WHEREAS, A petition of the owners of one-third or more of the frontage of the real estate to be assessed as hereinafter described has been filed with the City Council for the paving of certain streets within the boundaries hereinafter described, and that a paving district be created within the hereinafter described boundaries, which said boundaries and the streets therein described are as follows, to-wit:

Beginning at the northwest corner of Lot 5, Block 27, thence east to the northeast corner of Lot 18, Block 23, thence south to the southeast corner of Lot 17, Block 44, thence west to the southwest corner of Lot 7, Block 40, thence north to the place of beginning. The description of the streets to be paved as described in said petition is as follows: Hill Avenue from the east line of Seventh Street to the west line of Twelfth Street; and provides that the cost of the gravel surfacing shall not exceed six cents per sq. ft., and the cost of curb and gutter shall not exceed eighty cents per linear ft., and the cost for grading shall not exceed eighty cents per cu. yd., and that the total cost per front foot shall not exceed three dollars (\$3.00).

WHEREAS, A petition of the owners of one-third or more of the frontage of the real estate to be assessed has been filed with the City Council for the paving of a portion of Hill Avenue within the boundaries hereinafter described, and that a paving district be created within the hereinafter described boundaries, which said boundaries are as follows, to-wit:

Beginning at the northeast corner of Lot 16, Block 28, thence west to the northwest corner of Lot 24, Block 33, thence south to the southwest corner of Lot 1, Block 34, thence east to the southeast corner of Lot 15, Block 39, thence north to the place of beginning.

That the description of the street to be paved as in said petition stated is as follows: Hill Avenue from the east line of First Street to the west line of Seventh Street; and provides that the cost of the gravel surfacing shall not exceed six cents per sq. ft., and the cost of curb and gutter shall not exceed eighty cents per linear ft., and the cost for grading shall not exceed eighty cents per cu. yd., and that the total cost per front foot shall not exceed three dollars and thirty-six cents (\$3.36).

WHEREAS, A petition of the owners of one-third or more of the frontage of the real estate to be assessed has been filed with the City Council for the paving of a portion of Belford Avenue within the boundaries hereinafter described, and that a paving

district be created within the hereinafter described boundaries, which said boundaries are as follows, to-wit:

Beginning at the northeast corner of Lot 17, Block 6, thence west to the northwest corner of Lot 24, Block 11, thence south to the southwest corner of Lot 1, Block 12, thence east to the southeast corner of Lot 15, Block 17, thence north to the place of beginning.

That the description of the street to be paved as in said petition stated is as follows: Belford Avenue from the west line of Seventh Street to the east line of First Street; and provides that the cost of the gravel surfacing shall not exceed six cents per sq. ft., and the cost of curb and gutter shall not exceed eighty cents per linear ft., and the cost for grading shall not exceed eighty cents per cu. yd., and that the total cost per front foot shall not exceed three dollars and forty-three cents (\$3.43).

WHEREAS, A petition of the owners of one-third or more of the frontage of the real estate to be assessed has been filed with the City Council for the paving of a portion of Colorado Avenue within the boundaries hereinafter described, and that a paving district be created within the hereinafter described boundaries, which said boundaries are as follows, to-wit:

Beginning at the northwest corner of Lot 5, Block 115; thence east to the northwest corner of Lot 32, Block J of Keith's Addition to the City of Grand Junction, thence south to the southwest corner of Lot 1, Block M of the said Keith's Addition, thence west to the southwest corner of Lot 6, Block 128, thence north to the place of beginning.

That the description of the street to be paved as in said petition stated is as follows: Colorado Avenue from the east line of Seventh Street to the east line of Twelfth Street; and provides that the cost of the gravel surfacing shall not exceed six cents per sq. ft., and the cost of curb and gutter shall not exceed eighty cents per linear ft., and the cost for grading shall not exceed eighty cents per cy. yd., and that the total cost per front foot shall not exceed three dollars and fifty cents (\$3.50); and

WHEREAS, A petition of the owners of one-third or more of the frontage of the real estate to be assessed has been filed with the City Council for the paving of a portion of Rood Avenue within the boundaries hereinafter described, and that a paving district be created within the hereinafter described boundaries, which said boundaries are as follows, to-wit:

Beginning at the northwest corner of Lot 24, Block 99, thence east to the northeast corner of Lot 13, Block 99, thence south to the southeast corner of Lot 12, Block 100, thence west to the

southwest corner of Lot 1, Block 100, thence north to the place of beginning.

That the description of the street to be paved as in said petition stated is as follows: Rood Avenue from the east line of First Street to the west line of Second Street; and provides that the cost of the gravel surfacing shall not exceed six cents per sq. ft., and the cost of curb and gutter shall not exceed eighty cents per linear foot, and the cost for grading shall not exceed eighty cents per cu. yds., and that the total cost per front foot shall not exceed two dollars and sixty-seven cents (\$2.67).

That the petition for the paving of Rood Avenue above described further states that the type of pavement shall be a two course gravel surfacing six inches thick after compression with a portland cement concrete curb and gutter, said pavement to consist of one forty foot paved roadway.

That the petitions for the pavement of Hill Avenue above described, Belford Avenue above described and Colorado Avenue above described further state that the type of pavement shall be a two course gravel surfacing with a portland cement concrete curb and gutter, said pavement to consist of one thirty-six foot paved roadway, and

WHEREAS, It appears to the City Council of the City of Grand Junction, and the Council so finds that said petitions and each of them were legally and properly subscribed and acknowledged by the owners of one-third or more of the frontage of the real estate to be assessed, or by persons legally authorized to subscribe and acknowledge the same; and

WHEREAS, It appears to the City Council of the City of Grand Junction, and the Council so finds that there exists an immediate necessity for the creation of a paving district therein to be known as Paving District No. 18 within the boundaries in said petitions and hereafter described; and

WHEREAS, It appears to the City Council of the City of Grand Junction, and the Council so finds that a two course gravel surfacing is a suitable pavement to be laid in said City on said streets above described, and

WHEREAS, The City Council believes, and the Council so finds that said paving requested in said petitions is substantially the same, and the City Council further finds that it would be an advantage and benefit to include all of said improvements in one paving district;

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 laying of a two course gravel surfacing six inches thick after compression with a portland cement concrete curb and gutter on Rood Avenue in said City from the east line of First Street to the west line of Second Street; and for the laying of a two course gravel surfacing with a portland cement concrete curb and gutter on Hill Avenue from the east line of First Street to the west line of Seventh Street; and from the east line of Seventh Street to the west line of Twelfth Street; and on Belford Avenue from the west line of Seventh Street to the east line of First Street; and Colorado Avenue from the east line of Seventh Street to the east line of Twelfth Street; the pavement on Rood Avenue to consist of one forty foot paved roadway with suitable curbing and guttering; and the pavement on Hill Avenue, Belford Avenue and Colorado Avenue as above described to consist of one thirty-six foot paved roadway with suitable curbing and guttering, and the said boundaries of all said streets herein mentioned to be paved shall include territory to be known as Paving District No. 18, and said Engineer shall furnish an estimate of the total cost of said improvements exclusive of the percentum of 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 Paving District No. 18 shall be described as follows, to-wit:

Hill Avenue,-

Beginning at the northwest corner of Lot 5, Block 27, thence east to the northeast corner of Lot 18, Block 23, thence south to the southeast corner of Lot 17, Block 44, thence west to the southwest corner of Lot 7, Block 40, thence north to the place of beginning.

Also Hill Avenue,-

Beginning at the northeast corner of Lot 16, Block 28, thence west to the northwest corner of Lot 24, Block 33, thence south to the southwest corner of Lot 1, Block 34, thence east to the southeast corner of Lot 15, Block 39, thence north to the place of beginning.

Also Belford Avenue,-

Beginning at the northeast corner of Lot 17, Block 6, thence west to the northwest corner of Lot 24, Block 11, thence south to the southwest corner of Lot 1, Block 12, thence east to the southeast corner of Lot 15, Block 17, thence north to the place of beginning.

Also Colorado Avenue,-

Beginning at the northwest corner of Lot 5, Block 115; thence east to the northwest corner of Lot 32, Block J of Keith's Addition to the City of Grand Junction, thence south to the

southwest corner of Lot 1, Block M of the said Keith's Addition, thence west to the southwest corner of Lot 6, Block 128, thence north to the place of beginning.

Also Rood Avenue,-

Beginning at the northwest corner of Lot 24, Block 99, thence east to the northeast corner of Lot 13, Block 99, thence south to the southeast corner of Lot 12, Block 100, thence west to the southwest corner of Lot 1, Block 100, thence north to the place of beginning.

The description of the streets to be paved is as follows:

Hill Avenue, from the east line of Seventh Street to the west line of Twelfth Street; Hill Avenue from the east line of First Street to the west line of Seventh Street; Belford Avenue from the west line of Seventh Street to the east line of First Street; Colorado Avenue from the east line of Seventh Street to the east line of Twelfth Street; and Rood Avenue from the east line of First Street to the west line of Second Street.

Councilman Hall moved seconded by Councilman Rogers that the Resolution as read be passed and adopted. Motion carried.

Mr. Thompson reported that there are six lots on West and Colorado Avenues which he has been using for the past several years in playground work. These lots are needed by the City for the children of the West Side, and the owner had offered them to him for \$450.00.

Councilman Rogers moved, seconded by Councilman Meders that the City Manager be instructed to enter into a contract with Mrs. Dickerson to purchase six lots on West and Colorado Avenues for \$450.00. These lots to be bought next year. Upon which motion the following vote was cast: Councilmen voting "Yea", Meders, Bear, Rogers, Hall, Ellison, Moslander. Councilmen voting "No", none. All the Councilmen voting "Yea", the President declared the motion carried.

The bond of Lane & Company, plumbers was presented, having been approved as to form by the City Attorney. Councilman Meders, moved seconded by Councilman Hall, that the bond be accepted and filed. Motion carried.

The bond of J. S. Hynes, Chief of the Fire Department was presented, having been approved as to form by the City Attorney. Councilman Hall moved, seconded by Councilman Rogers that the bond be accepted and filed. Motion carried.

The matter of the fence along the ditch of the Grand Valley Irrigation Company's ditch was brought up. City Attorney Hinman reported that he had had an interview with Attorney Sternberg, representing the Ditch Company, and that Mr. Sternberg had stated that they were trying to work out a plan that would be agreeable

with the City Council, if the Council would allow them a little time. The Council agreed to allow them a reasonable length of time before taking any further action.

/s/ Helen C. Niles
City Clerk

The following letter from City Attorney Hinman was read:

W. R. HINMAN
ATTORNEY AT LAW
SUITE 312-3 GRAND VALLEY BANK BLDG.
GRAND JUNCTION, COLO.
PHONE.JCT.281 June 14, 1927

The Honorable Mayor and City Council of
Grand Junction.

Gentlemen:

My opinion has been requested concerning the legality of the action of the City Council in making a contribution to the Junior College located at Grand Junction, for the purpose of assisting them to operate another year in the absence of sufficient state aid.

Article 20 of the State Constitution provides the authority of the charter of the City of Grand Junction, and provides for home rule for the charter cities by the state, including Grand Junction, and defines their powers, including the right to assess property for municipal taxation and the levy and collection of taxes thereon for municipal purposes.

As to what constitutes municipal purposes has been the subject of considerable litigation in many states. I have made only a very brief examination of the authorities, but find under the leading cases annotated in L.R.A. given a resume of most of the cases on this point up to 1917.

The particular case annotated is that of Sinclair against the City of Lincoln, a Nebraska case which upholds the right of a county or municipality to use public funds to secure the retention or location of a state institution within its limits, and upholds the right of such municipality to levy taxes for that purpose, it being considered that such an action favorable to the interests of the City is for "corporate purposes". Corporate purposes, in my opinion, are analogous to municipal purposes.

This case is supported by a long list of authorities, and the theory is that the municipality as a whole is benefited by the retention or location of said state institution within its borders, and that the presence of such an institution is beneficial to all its citizens either directly or indirectly, in that it tends to afford easier facilities for local education; the right of convenient visitations by friends and relatives of

the students; brings into the city for distribution funds and monies that might otherwise not be available, both from the students and by the professors, tutors, attendants. etc., and also adds to the educated and intelligent population of the city, and is the means of stimulating the industry and increasing the wealth and moral worth of the community, thereby enhancing the attractions of society and the value of property. These, with many other reasons cited, show that the benefits derived are pecuniary and lasting to the entire tax-paying population, and that it is a corporate or municipal purpose, and as such is authorized by the Constitution.

Very truly yours,

WRH: LS

/s/ W. R. Hinman

City Attorney.

There being no further business to come before the meeting on motion of Councilman Meders, seconded by Councilman Ellison, and duly carried, the meeting adjourned, to meet again at the call of the President to take up the proposed Paving District No. 18 estimates.

/s/ Helen C. Niles
City Clerk