

Grand Junction, Colorado

July 17th, 1929

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

The minutes of the regular meeting held July 3rd were read and approved.

Report on Johnson bill for damages

Mr. Thompson, City Manager, reported that he had investigated the bill for repairing the irrigation ditch northwest of the City, which had been filed at a previous meeting. He stated that he did not feel that the City was responsible for the damage done to the ditch, as the dirt which they dumped was not at the place where the damage was claimed to have been done. Councilman Hall moved that the bill of Johnson and Callison be refused and the City Clerk instructed to write a letter to Mr. Johnson stating that the matter had been investigated and refused by the Council. Councilman Sievert seconded the motion.

The question being upon the motion, the vote was cast with the following result: Councilmen voting YEA, Penberthy, Bear, Hall, Sievert, Glassford. All the Councilmen present voting YEA, the President Pro-tem declared the motion carried.

Ord. No. 451

The Proof of Publication of the Ordinance entitled "AN ORDINANCE CONCERNING THE SALARY OF THE JUDGE OF THE MUNICIPAL COURT", was presented. Councilman Bear moved that the Proof of Publication be accepted and filed. Councilman Penberthy seconded the motion. Motion carried.

The proposed ordinance was then read and upon motion of Councilman Hall, seconded by Councilman Penberthy, the ordinance was called up for final passage. Motion carried.

Councilman Penberthy thereupon moved, seconded by Councilman Bear, that the ordinance entitled "AN ORDINANCE CONCERNING THE SALARY OF THE JUDGE OF THE MUNICIPAL COURT", be passed and adopted, numbered 451, and published. Upon which motion the following vote was cast: Councilmen voting YEA - Penberthy, Bear, Hall, Sievert, Glassford, Councilmen voting NO - None. All the Councilmen voting YEA, the President declared the motion carried, and the ordinance duly passed and adopted.

Prop. Ord. Elec. Inter.

A Proposed Ordinance entitled, "AN ORDINANCE PROHIBITING ELECTRICAL INTERFERENCE WITH RADIO RECEPTION" was introduced and read. Councilman Penberthy moved that the proposed ordinance be passed for publication. Councilman Hall seconded the motion. Motion carried.

Re-Powers & Duties of Judge of Mun. Court

The following resolution was presented and read:

RESOLUTION

DEFINING POWERS AND DUTIES OF JUDGE OF THE MUNICIPAL COURT.

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

That the powers and duties of the Judge of the Municipal Court of said city shall be as defined and set forth in the Charter of said city and ordinances thereof and, in addition thereto, the following:

First. He shall keep and preserve a card index and record of arrests, fines and penalties assessed and the disposition of each case coming before him, and such other records as shall have been or may hereafter be prescribed by the Police Committee or the City Council.

Second. He shall supervise, direct and have complete control over the collection, disposition, suspension or relief from all fines or penalties imposed by him for violations of ordinances.

Third. That for the purpose of facilitating the conduct of the affairs of this department, the Judge of the Municipal Court shall be reasonably available for duty at all reasonable business hours, but need not remain on continuous duty, and he shall have power to designate convenient, regular hours for the dispatch of particular business and limit the transaction of such business to such hours so established.

Councilman Bear moved that the resolution be passed and adopted as read. Councilman Penberthy seconded the motion. The question being upon the adoption of the resolution, the roll was called with the following result: Councilmen voting YEA, Penberthy, Bear, Hall, Sievert, Glassford. Councilmen voting No - None. All the Councilmen present voting YEA, the President Pro-tem declared the resolution passed and adopted.

The City Clerk reported that no remonstrances had been filed On C. S. #5. The following resolution was presented and read:

RESOLUTION

CREATING AND ESTABLISHING WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, A COMBINED SEWER DISTRICT TO BE KNOWN AS COMBINED SEWER DISTRICT NO. 5; AUTHORIZING THE CONSTRUCTION IN SAID DISTRICT OF A SYSTEM OF DISTRICT SEWERS AND APPURTENANCES FOR STORM AND SANITARY DRAINAGE, ALL IN STRICT CONFORMITY WITH FULL DETAILS, SPECIFICATIONS, MAPS, ESTIMATES, NOTICES AND ORDER HERETOFORE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, IN THE PREMISES; DESCRIBING THE REAL ESTATE CONSTITUTING SAID DISTRICT AND TO BE ASSESSED FOR THE COST OF SAID LOCAL IMPROVEMENT; PROVIDING FOR THE MANNER OF ASSESSING THE COST THEREOF, AND THE PAYMENT THEREOF; PROVIDING FOR THE ISSUE OF PUBLIC IMPROVEMENT BONDS TO PROVIDE FUNDS TO PAY FOR SAID LOCAL IMPROVEMENT; GUARANTEEING THE PAYMENT OF SAME BY THE CITY; PRESCRIBING THE FORM OF SAID BONDS.

WHEREAS, In conformity with the Charter of the City of Grand Junction and Ordinance No. 178, adopted and approved the 11th day of June, A. D. 1910, as amended, the City Council of the City of Grand Junction, by resolution duly adopted and approved the 5th day of June, 1929, which declared the intention of the City Council to create a local improvement district in the City of Grand Junction to be known as Combined Sewer District No. 5; and

WHEREAS, By resolution duly adopted and approved the 5th day of June, A. D. 1929, details and specifications for the construction of a system of district sewers and appurtenances for storm and sanitary drainage within said proposed Combined Sewer District were duly adopted and approved, and provision made for the requisite notice to all persons interested in the improvement proposed, the number of installments and the time in which the cost of the improvements will be payable, the rate of interest on unpaid installments, the extent of the District to be assessed, by setting forth the boundaries thereof, the probable cost as shown by the estimate of the Engineer, the maximum share of said total estimate per square foot and per lot that will be assessed upon any lot or lands included in the district, and the time when the Council will consider the ordering of the proposed improvement, and hear all complaints and objections that may be made in writing concerning the proposed improvements; and that all maps and estimates and all proceedings of the Council in the premises were on file and could be seen and examined in the office of the City Clerk during business hours at any time prior to 7:30 o'clock on Wednesday, the 17th day of July, A. D. 1929, by any person interested; and

WHEREAS, At the time and place specified in said resolution and in said notice, no complaints or objections in writing or otherwise were made concerning the proposed improvements, and all conditions having now transpired authorizing said City Council to create said Combined Sewer District No. 5, and construct therein the said proposed improvements;

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

Section 1. That on due consideration the Council hereby finds that by virtue of the authority conferred upon it by the laws of the State of Colorado, the Charter of the City of Grand Junction and Ordinance No. 178 of said city, as amended, the said improvements consisting of district sewers and appurtenances for storm and sanitary drainage in said Combined Sewer District No. 5, were duly ordered and notice given; that there were no complaints or objections filed concerning the same; that the City Council of the City of Grand Junction, in creating said Combined Sewer District No. 5 and ordering the construction thereon of district sewers and appurtenances for storm and sanitary drainage, has in all things complied with the laws of the State of Colorado and the requirements of the Charter of the City of Grand Junction and said ordinance thereof designated as Ordinance No. 178, approved June 11, A. D. 1910, as amended.

Section 2. That a local improvement district be and the same is hereby established and created out of that portion of the City of Grand Junction, Colorado, bounded and described as follows, to-wit:

Beginning at the northwest corner of lot 32, block 123; thence east to the northeast corner of lot 17, block 125; thence south to the southeast corner of lot 16, block 162; thence west to a point where south line of block 164 intersects the right of way line of the Denver and Rio Grande Western Railroad; thence in a northwesterly direction along said right of way line to a point where it intersects the east line of Second Street; thence north to the northwest corner of lot 32, block 123, 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.

Description of the real estate within said Combined Sewer District to be assessed for the cost of said improvements:

Block 123 --	Lots 17 to 32 inclusive
Block 124 --	Lots 17 to 32 inclusive
Block 125 --	Lots 17 to 32 inclusive
Block 140 --	All Lots (Whitman Park)
Block 141 --	All Lots in block
Block 142 --	All Lots in block
Block 145 --	All lots in block
Block 146 --	All lots in block
Block 147 --	All lots in block
Block 162 --	Lots 1 to 16 inclusive
Block 163 --	Lots 1 to 16 inclusive
Block 164 --	All lots in block

Section 3. That said district shall be known as, and the same is hereby designated as, Combined Sewer District No. 5.

Section 4. That the construction of district sewers and appurtenances for storm and sanitary drainage within said district, all strictly in accordance with the full details, plans, specifications, maps, estimates, notices and orders, heretofore adopted by said Council in the premises, be and the same is hereby authorized and ordered and the City Clerk is hereby directed to advertise for bids for the construction of the said improvements ordered by and in conformity with this resolution and the Charter of the City of Grand Junction; provided, however, that the cost of the same, including general expenses, shall not exceed the estimates of the Engineer, viz., \$3,414.13.

Section 5. That said amount, viz., \$3,414.13, or so much thereof as may be required to pay the actual cost of said improvements, together with two per cent additional for the cost of collection and other incidentals, and the cost and interest on the bonds to be issued from time to time to raise funds for the payment of said actual cost, said interest to run from the time of issue of said bonds to the time the first installment will be due, shall be assessed wholly upon the said real estate hereinbefore described, and the manner of apportioning the cost and collecting the assessment and all other matters incidental to said improvements shall be as heretofore prescribed and set forth in previous resolutions adopted by the Council.

Section 6. That by virtue of and in pursuance of the Charter of the City of Grand Junction and Ordinance No. 178 thereof, approved June 11, 1910, as amended, public improvement bonds of the city shall be issued for the purpose of raising funds to pay cash for the local improvements in this resolution described, authorized and provided to be constructed in said Combined Sewer District No. 5, in an amount not to exceed the whole cost of said improvements, including engineering, inspection, collection and other incidental expenses, and in no event to exceed the estimates of the cost of said improvements made by the Engineer of the said city pursuant to the preliminary order of the said council adopted 5th June, 1929, to-wit: \$3,414.13, with two per cent additional for the cost of collection and other incidentals, and interest.

Section 7. That said bonds shall be dated August 1st, 1929, shall bear the name of the district improved, shall be payable to the bearer twelve years from and after the date thereof, subject to call and prior payment, as by law provided; shall be subscribed by the President of the Council, attested by the Clerk, and the seal of the city thereunto affixed, and registered by the Treasurer; the said bonds shall be payable out of the moneys collected on account of assessments made for said

improvements, shall bear interest at the rate of not exceeding six per cent per annum, payable semi-annually on the first days of August and February in each year; shall have twenty-four coupons thereto attached, subscribed by the fac-simile signature of the City Treasurer evidencing said interest; shall be in denominations of \$500.00 each, and shall be numbered consecutively from one upward. Both principal and interest shall be payable at the office of the City Treasurer in the City of Grand Junction, Colorado, or at the Banking House of Kountze Brothers in the City of New York, U. S. A., at the option of the holder.

Section 8. That said bonds and the coupons thereto attached shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF COLORADO

CITY OF GRAND JUNCTION

Public Improvement Bond

Combined Sewer District No. 5

No. \_\_\_\_\_

\$500.00

City of Grand Junction, in the County of Mesa, and State of Colorado, for value received, acknowledges itself indebted, and hereby promises to pay to the bearer hereof the sum of Five Hundred Dollars in lawful money of the United States of America on the first day of \_\_\_\_\_, A. D. 19\_\_\_\_\_, subject to call and payment, however, at any time prior thereto, with interest thereon from date until payment at the rate of \_\_\_\_\_ per cent per annum, payable semi-annually on the first days of \_\_\_\_\_ and \_\_\_\_\_ in each year, both principal and interest being payable at the office of the City Treasurer of the City of Grand Junction, or at the Banking House of Kountze Brothers in the City of New York, U. S. A., at the option of the holder, upon presentation and surrender of the attached coupons as they severally become due.

This bond is issued for the purpose of paying the cost of local public improvements in Combined Sewer District No. 5 in the City of Grand Junction, by virtue of and in full conformity with the Constitution and Laws of the State of Colorado, the Charter of the City of Grand Junction, and the requisite resolutions and ordinances of the said City of Grand Junction, duly adopted, approved, published and made laws of the said City prior to the issue hereof.

This bond is payable out of the proceeds of a special assessment to be levied upon real estate situate in the City of Grand Junction in said Combined Sewer District No. 5 especially

benefited by said improvements, and the amount of the assessments upon the real estate in said district for the payment thereof, with accrued interest, is a lien upon said real estate and assessed under the Charter and Ordinances of said city, said lien having priority over all other liens except other bonds heretofore issued by said city and the lien of general taxes. And it is hereby certified and recited that the total issue of the bonds of said city for said district, including this bond, does not exceed the estimate of the City Engineer of the cost of said improvements, nor the amount authorized by law; and it is further certified and recited that every requirement of law relating to the creation of said Combined Sewer District No. 5, the making of said improvements, and the issue of this bond have been fully complied with by the proper officers of said city, and that all the conditions required to exist and things required to be done precedent to and in the issue of this bond render the same lawful and valid have happened, been properly done and performed, and did exist in regular and due time, form and manner, as required by law.

IN TESTIMONY WHEREOF, The City of Grand Junction has caused this bond to be subscribed by the President of the City Council, attested by the City Clerk, under the seal of the city, and the interest coupons hereto attached to be attested by the fac-simile signature of the City Treasurer, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_\_.

/s/

\_\_\_\_\_  
President of the Council.

ATTEST:

/s/

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

(FORM OF COUPON)

No. \_\_\_\_\_ \$ \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_\_, the City of Grand Junction will pay the bearer \_\_\_\_\_ Dollars in lawful money of the United States of America at the office of the City Treasurer in Grand Junction, Colorado, or the Banking House of Kountze Brothers in the City of New York, U. S. A., at the option of the holder, being six months' interest on its local public improvement bond issued for the construction of local improvements in Combined Sewer District No. 5, providing the bond to which this coupon is attached shall not have been paid. Attached to bond, dated \_\_\_\_\_.

No. \_\_\_\_\_.

/s/  
(Fac-simile signature)

\_\_\_\_\_  
City Treasurer.

(REGISTRATION CERTIFICATE)

It is hereby certified that the within and foregoing bond has been duly registered in a suitable book kept for that purpose in the office of the City Treasurer of the City of Grand Junction, Colorado, in accordance with the laws and ordinances under which the same is issued.

Dated at Grand Junction, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_\_.

/s/  
\_\_\_\_\_  
City Treasurer.

Section 9. That pursuant to the authority vested in the City Council of the City of Grand Junction by the Charter and ordinances thereof, the City of Grand Junction does hereby guaranty the payment of all the local public improvement bonds of Combined Sewer District No. 5, which bonds are particularly described in and authorized by this resolution, and the President of the Council and City Clerk are hereby authorized and directed to endorse on each of the aforesaid bonds the following guaranty:

Councilman Bear moved that the resolution as read be passed and adopted, Councilman Sievert seconded the motion. The question being upon the adoption of the resolution, the roll was called with the following result: Councilmen voting YEA - Penberthy, Bear, Hall, Sievert, Glassford. Councilmen voting NO - None. All the Councilmen present voting YEA - the President declared the motion carried.

The following resolution was presented and read:

Resolution

Comb Sewer #5 to be installed by City Forces

RESOLVED THAT WHEREAS the improvements provided in Combined Sewer District No. 5 can be efficiently made by the City,

THEREFORE, BE IT RESOLVED by the City Council of the City of Grand Junction that all such work and improvements be done and made by the City by City forces under the direction of the City Manager.

Councilman Penberthy moved that the resolution as read be passed and adopted. Councilman Hall seconded the motion. The question being upon the adoption of the resolution, the roll was



called with the following result: Councilmen voting YEA - Penberthy, Bear, Hall, Sievert, Glassford. Councilmen voting NO - None. All the Councilmen present voting YEA, the President Pro-tem declared the motion carried.

Clerk advt. For bids for Pav. Dist. 22

Councilman Penberthy moved and Councilman Bear seconded the motion that the City Clerk be authorized and directed to advertise for bids on the bonds of Paving District No. 22 in the amount of approximately \$12,000.00. All bids to be filed prior to August 1st, 1929, at 7:30 o'clock P. M. and to be subject to the creation of the said district, and the City reserving the right to reject any and all bids. Motion carried.

Clerk advt. For bids for Comb. Sewer #5

Councilman Bear moved and Councilman Penberthy seconded the motion that the City Clerk be authorized and directed to advertise for bids on the bonds of Combined Sewer District No. 5 in the amount of \$3,500.00. All bids to be filed prior to August 1st, 1929, at 7:30 o'clock P. M. and to be subject to the creation of the said district, and the City reserving the right to reject any and all bids. Motion carried.

The report of Jas. E. Ragan, auditor, for the period from January 1st to June 30th, 1929, was presented and read.

Auditor's report filed

Councilman Hall moved that the Auditor's report be accepted and filed. Councilman Penberthy seconded the motion. The question being upon the acceptance of the Auditor's report, the roll was called with the following result. Councilmen voting YEA - Penberthy, Bear, Hall, Sievert, Glassford. Councilmen voting NO - None. All the Councilmen present voting YEA, the President Pro-tem declared the motion carried.

There being no further business to come before the meeting, on motion of Councilman Penberthy, seconded by Councilman Hall, the meeting adjourned to Thursday, August 1st, at 7:30 o'clock P. M.

/s/  
City Clerk