

Grand Junction, Colorado

October 3, 1934

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 Carson, Ross, Oates, Boston, Hall, and President Holcombe. Councilman Roberts was absent. City Manager Soderstrum, City Attorney Bowie, and City Clerk Tomlinson were present.

The minutes of the regular meeting of the Council held September 19th and the regular adjourned meeting held September 21st were read and approved.

Mr. McPherson, and a signal engineer, representatives of the Denver and Rio Grande Western Railroad Company were present and submitted sketches for the signals to be placed on South Fifth Street and West Main Street.

Councilman Ross moved and Councilman Oates seconded the motion that the Council accept the plans as designed and shown, and installation as agreed upon in a former meeting with Mr. Shields; installation to be undertaken at once and to be completed as soon as possible; the City to enter into a joint agreement by resolution to be prepared by the City Attorney. Motion carried.

Councilman Carson moved and Councilman Boston seconded the motion that the following resolution be passed and adopted:

IT IS HEREBY RESOLVED By the City Council of the City of Grand Junction that the Denver & Rio Grande Western Railroad Company be and it is hereby granted permission and a license to erect and maintain safety signal devices at the center of South Fifth Street both on the north and the south sides of the railroad crossings; and at the center of West Main Street on the West side of the railroad crossing.

Roll was called on the motion and Councilmen Carson, Ross, Oates, Boston, Hall, and Holcombe voted AYE. Councilmen voting NO - None. All of the Councilmen present voting AYE, the President declared the motion carried.

A letter from the Lions Club regarding the estate of Wm. Murr was read.

Sketches for welcome arches as provided in Mr. Murr's will were also presented to the Council.

It was moved by Councilman Carson and seconded by Councilman Ross that the plans and sketches be referred to the City Manager, and Messrs. Rump and Weiser, for details towards the construction of a Welcome Arch. Motion carried.

Mr. A. S. Horner, Contractor Attorney Henry Tupper, Mr. McCullough, Engineer & Dusty Rhoades, were present in connection with the completion of the reservoir project. Mr. Geo.

M. Bull, State Engineer P. W. A. and Mr. Rizer, Federal Inspector were also present.

Mr. Horner again requested settlement of the balance of the reservoir contract price, claiming that he had completed such contract. Mr. McCullough, an engineer with whom Mr. Horner had consulted about the reservoir, gave a report to the Council of his investigation and opinions.

Mr. Henry Tupper also addressed the Council on behalf of Mr. Horner.

Mr. Geo. M. Bull, State Engineer, P. W. A. was called upon and discussed the reservoir situation briefly and in concluding, recommended that Mr. Horner and the City endeavor to reach an amicable settlement of the reservoir controversy, if possible to do so, and expressed a view that such an immediate settlement would be very helpful to the City in obtaining payment of the Government's grant on this project.

In accordance with Mr. Bull's recommendation, it was suggested that the City Manager, President of the Council, Mr. Horner, and Mr. Bull confer together to determine if some compromise settlement could be made.

The meeting of the Council was recessed to permit them to confer together. Following completion of the conference, the Council re-assembled and was called to order.

It was reported to the Council that the conference between the City Manager, President of the Council, Mr. Horner, and Mr. Bull had resulted in a proposal, subject to approval and acceptance by the Council, that the controversy between the City and Mr. Horner relative to liability for repair of the reservoir be compromised and settled upon the following basis:

That the City would proceed to back fill behind the walls of Units 2 and 3; that as the back filling progressed, tests would be made to determine leakage, and any leakage then developing would be repaired by the Contractor, at his expense, in accordance with the contract, plans and specifications; that upon completion of tests of Units 2 and 3, and repair of any leakage, and upon acceptance of those units by the City, the City would accept Unit 4 in its present condition; that if and when Units 2, 3, and 4 were so accepted by the City, the City would retain from the unpaid contract balance, one-half of the cost of repairing the damaged section of Unit 4; provided that the Contractor's one-half share should not exceed \$1,500.00; and if and when Units 2, 3, and 4 were accepted the City would make final payment to the Contractor of the balance due him under the contract, less the amount to be with held and used by the City for the purpose above mentioned; also that in such event, the City would waive the penalty provided for non-completion of the work within the time fixed by the contract, otherwise that the existing contract between the City and the contractor should remain unmodified and in full force and effect.

After complete discussion of such proposal of compromise settlement, it was moved by Councilman Hall and seconded by Councilman Ross that the City, subject to approval of the P. W. A., accept and join in such compromise settlement on the basis then reported, and that the City, through its proper officers, enter into a contract with Mr. Horner for that

proposition. Mr. Horner, at the same time, expressed his acceptance of such compromise settlement, and agreed to enter into a contract with the City to that effect.

Roll was called on the motion with the following result: Councilmen voting AYE, Carson, Ross, Oates, Boston, Hall, and Holcombe. Councilmen voting No - None. All of the Councilmen present voting AYE, the President declared the motion carried.

It was regularly moved, seconded and carried that the meeting adjourn.

/s/ Helen C. Tomlinson
City Clerk