

Grand Junction, Colorado

March 16, 1938

The City Council of the City of Grand Junction, Colorado met in regular session at 7:30 o'clock P.M. Councilmen present and answering at roll call were: Ross, Holcombe, Groves, Boston, Carson, Oates and President Enstrom. City Manager Soderstrum, City Attorney Hinman and City Clerk Tomlinson were present.

The minutes of the regular meeting held March 2nd, were read and approved.

Gardner option on lots for L.D.S.

Tom Gardner made application on behalf of the Latter Day Saints for an option on Lots 25 to 29, inclusive, Block 40, for a period of 90 days. Mr. Gardner states that the Latter Day Saints desire to build a new church and that this property has been tentatively approved by the proper officials and that the price fixed by the Council at a recent meeting was satisfactory to them, but that it would be a few weeks before funds would be available.

It was moved by Councilman Ross and seconded by Councilman Carson that the City grant an option to Mr. Gardner for ninety days for the sum of \$1.00 and other good and valuable considerations. Roll was called on the motion with the following result: Councilmen voting AYE - Ross, Holcombe, Groves, Boston, Carson, Oates, and Enstrom. Councilmen voting NO - None. All of the Councilmen voting AYE, the President declared the motion carried.

Sinclair Oil Co. driveways

The Sinclair Oil Company made application for a 35-foot drive-way on 4th St. and a 35-foot driveway on White Avenue in connection with the construction of a new filling station on the vacant lots owned by Charles Bowman on the southeast corner of the intersection of 4th and White. It was moved by Councilman Carson and seconded by Councilman Ross that the request be granted. Motion carried.

Central Chev. driveway

A complaint had been filed against the Central Chevrolet Co. for using an old board approach to their used car lot on Main St. just east of the Chevrolet garage. They therefore request permission to construct a 12 foot driveway to be located at this point. It was moved by Councilman Groves and seconded by Councilman Carson that the request be granted. Motion carried.

Williams bid for tax prop.

O. D. Williams made an offer on behalf of Tony Aquilla for the tax

sale certificates held by the City against Lot 1 of Block 10, Mobley's Subdivision. This is a strip of property 76 wide and is located on the north side of West Ute Ave. west of the railroad right-of-way. The City holds special assessments, the face of which is \$47.40 against this property, for which Mr. Williams offers \$25.00.

It was moved by Councilman Holcombe and seconded by Councilman Oates that the City Treasurer be instructed to sell and assign Special Certificates Nos. 34977 - 34939 -40508 for the amount of \$25.00, at any time within forty-five days from and after this date, providing the purchaser and assignee thereof pay or settle the general taxes on the property in question within such period. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

Water rent for house owned by Catholic Church

Mr. Soderstrum reported that Father Bertrand had called him and also wrote a letter to the Council in which he stated that he had called the water department to have the water turned on at a property located at 318 White, which is owned by the Catholic Church. The Water Department would not turn on the water as there was a delinquent account against the place in the amount of \$25.60. He claimed that some years ago, a family lived in this property who would not pay rent, and the board paid up the water account and notified Mr. Sackett to have the water turned off and that they would not be responsible for any further water rent. The water was not turned off until October 2, 1933, and Father Bertrand feels that his responsibility ceased when he notified Mr. Sackett to turn off the water if it was not paid, and he asks that the \$25.60 delinquent account be rebated. It was moved by Councilman Ross and seconded by Councilman Holcombe that Father Bertrand's request be granted and that the \$25.60 delinquent water bill be rebated. Roll was called on the motion with the following result: Councilmen voting AYE - Ross, Holcombe, Groves, Boston, Carson, Oates, and Enstrom. Councilmen voting NO - None. All of the Councilmen voting AYE, the President declared the motion carried.

The report of James Ragan, auditor, was presented and the letter of transmittal read by the City Manager.

Water regulations

It was reported that the Water Committee had met with the President of the Council and the City Manager and had formulated some rules and regulations for the Water Department, as follows:

WATER RATES

IRRIGATION AND METER REGULATIONS

The following regulations and interpretations of existing Ordinances pertaining to water rates, irrigation and meter installations are hereby adopted by the Water Department of the City of Grand Junction:

SECTION 1. WATER RATES. All rates for use of water furnished by the City of Grand Junction shall be as follows:

a. Flat Rates. The following monthly flat rates as set out hereafter in this section shall be applicable to all dwellings where meters are not installed by the City, and shall be payable quarterly in advance on the first day of January, April, July and October, respectively, of each year, except for water furnished by the barrel or tank, which shall be payable on delivery, and except on water used for irrigation purposes, which shall be paid for the season and payable in advance in full for each season. Upon installation, by the City, of a meter for such dwellings such flat rate shall cease to be applicable and the meter rates hereinafter established by this ordinance shall immediately become applicable to said dwellings.

For each service supplying water to dwellings having three (3) rooms or less and not having a toilet or bath, a monthly minimum charge of One Dollar (\$1.00), with an additional charge of twenty cents (20 cents) per room for each additional room over three rooms, and thirty cents (30 cents) per month each for the first toilet and for first separate bath. If more than one each toilet or separate bath, then an additional charge of twenty cents (20 cents) after the first such fixture.

The above flat rates shall entitle the consumer to use water for irrigation of lawn and garden, under the rules and regulations for irrigation purposes, on property not exceeding three lots or the equivalent thereof. All property exceeding three lots shall be charged for such irrigation at the rate hereinafter specified for irrigation.

Water sold by the tank shall be twenty-five cents (25 cents) per tank.

b. Meter Rates. The following monthly rentals for water used within the City Limits and measured by meter shall be as follows:

Minimum rate (3,000 gallons or less) \$1.05.										
For first	3,000	gal.	-	-	-	-	\$.35	per	1000	gal.
For next	47,000	gal.	-	-	-	-	.16	per	1000	gal.

For next	50,000	gal.	-	-	-	-	.14	per	1000	gal.
For next	300,000	gal.	-	-	-	-	.12	per	1000	gal.
For next	600,000	gal.	-	-	-	-	.10	per	1000	gal.
For next	1,000,000	gal.	-	-	-	-	.08	per	1000	gal.
All over	2,000,000	gal.	-	-	-	-	.05	per	1000	gal.

The above rates and quantities shall apply to each individual meter.

In addition to the above meter rates there shall be charged a monthly rental charge on all City owned meters for each and every month the meter is used, as follows:-

\$.20	per	month	for	a	5/8	in.	meter
.25	per	month	for	a	3/4	in.	meter
.30	per	month	for	a	1	in.	meter
.50	per	month	for	a	1 1/2	in.	meter
.75	per	month	for	a	2	in.	meter
1.00	per	month	for	a	3	in.	meter
2.00	per	month	for	a	4	in.	meter
4.00	per	month	for	a	6	in.	meter

All service connections outside of the City Limits shall be metered and the rates for water used shall be double the above rates, and water will only be furnished when a special contract is entered into with the City upon such forms as furnished by the City. All meters on said outside service connections must be furnished by the City of Grand Junction at the expense of the

consumer and shall meet all rules and regulations hereinafter prescribed.

c. Irrigation Rates. Irrigation of lots, including sidewalks and trees on the property side of the street, to be used only within the hours specified in the sprinkling regulations, and subject to all regulations for size of hose or sprinkler openings, and to be operated under separate control, 15 cents per front foot of lot per season. Irrigation in parking 5 cents per front foot.

No license will be issued for less than the season rate. All irrigation rates shall be paid in advance for the season.

SECTION 2. RATES FOR SUBURBAN AND MANUFACTORIES. The rent for water used by all consumers of City water for manufacturing and school uses in connection with manufactories and schools located outside the City Limits of the City of Grand Junction, but within a radius of four miles of Fifth and Main Streets in the City of Grand Junction, using less than 900,000 gallons monthly, shall be three-tenths greater than the meter rates for like use within the limits of the City of Grand Junction, said water to be delivered to the consumers at the nearest City watermain. All such manufactories and schools using in excess of 900,000 gallons of water monthly shall be charged at City rates for all such metered water.

SECTION 3. METER REGULATIONS. The installation and regulation of all meters within the City of Grand Junction shall be governed by the following rules:-

a. Places other than dwellings. All store buildings, office buildings, manufactories, etc., other than dwellings, shall be metered by meters which shall be of a type approved by the City Manager. The Water Department shall furnish and install all meters and keep same in repair free of charge to the consumer provided that such repairs are caused by ordinary wear or tear.

b. Dwellings. All apartment houses, rooming houses, and such dwellings where the rate charged under the above flat rate schedule is thirty dollars or more per year shall be metered. Dwellings supplied with water through metered service, may be permitted to use the irrigation rate heretofore scheduled, provided all pipes and connections therefor shall be under separate control of the type approved by the City Manager, and which can be operated separately from the water connection furnishing water through the meter. All dwellings where water is used for power purposes, air conditioning or lily ponds, fish ponds or garden pools using continuous running water must be metered.

c. One meter to each service. The supply of water through each separate service must be recorded by one meter only, for which only one bill will be rendered by the City. If additional or

auxiliary are desired for recording the subdivision of such supply, they must be furnished and set by the owner or occupant at their own expense, and they must assume all responsibility for maintaining and reading the same.

d. Meters - How placed. All meters, excepting those located in meter boxes, shall be located in the cellar or basement of the building on the premises to be supplied with water, and provided with a stop and waste between the meter and the main, provided that the City Manager may permit the locating of the meters in other places on the property when, in his opinion, such meter shall be safe from frost or other destructive conditions.

e. Meter Boxes. All meters located outside of cellar or basements must be placed in boxes. All such outside meter boxes must be of approved make or commercial pattern and shall be constructed of brick, stone, cement, vitrified tile or any other approved material other than wood, and shall be not less than eighteen (18) inches in diameter. All boxes shall be equipped with two tight fitting lids or covers so arranged as to provide a dead air space between the covers.

f. Owner responsible. A suitable place safe from frost and other damage and accessible for examination and reading must be provided for said meter at the expense of the owner or occupant, and in all cases where the meter is injured by freezing or where it is otherwise damaged by the act or negligence of the occupant of the premises or his agent or servant, the cost of the repairs or replacing the meter shall be paid by the owner or occupant, and in case of negligence or refusal to pay the same on demand, the water supply may be turned off, and shall not be again turned on until such costs and penalty of \$2.00 for the turning off or on are paid.

The owner or occupant of the premises where the water meter is located shall see that the meter is kept free from obstructions on or around the same, and conveniently accessible during all of the reasonable hours of the day for the purpose of reading, inspecting or repairing such meter.

g. Meters failing to register. In cases where meters fail to register the amount of water passing through them by being stopped up or for any cause whatever, the quantity used shall be determined and the charge made based upon the average amount during a similar period when the meter was in operation.

h. Testing meters at request of consumers. Upon the written request of any owner or consumer, the Water Department will test the meter supplying the premises. A deposit of two dollars (\$2.00) will be required before the meter is disconnected, which will be returned if the meter is found to register an excess of two percent (2%); otherwise the deposit will be retained to cover the cost of making the test. If the test of the meter shows that it

fails to register within two percent, the Water Department will make a charge or allow a credit in proportion to the error, or all water registered in excess of the minimum allowed by the established rates.

i. Valve between meter and boiler. Where a meter has been placed on a pipe connection to a boiler or other hot water apparatus, a check valve must be placed and maintained between such meter and the boiler or hot water apparatus, when so ordered by the Water Superintendent, which shall protect such meter from back pressure of steam or hot water. In case the meter shall be damaged by hot water or steam, the owner or occupant of the premises shall pay for all such damage.

j. Right reserved to install meters. The City reserves the right at any time to attach meters to all services at all places where water is used, and to charge the quantity of water used at meter rates; provided, however, that the charge for such places shall not be less than the minimum rate. Separate premises served by the same meter shall each be charged with the minimum in addition to the quantity of water used.

k. City to furnish all meters. All meters for use within the City shall be furnished and maintained by the City. All meters for outside service connections shall be furnished by the City at the owners expense, the type and size for each and every service to be determined by the City Manager. Provided, however, that any water user may purchase his own meter, the size and type to be determined by the City Manager, for which no rental charge shall be charged by the City, but all charges for maintenance and replacements shall be paid by the owner.

l. Meter requested by owner. Upon the written request of a property owner for the installation of a meter to be placed on the water service connection which supplies water to his property, such meter shall be installed, and thereafter the charge for water shall be by meter rates.

m. Penalty for Interference. Every person who shall break or deface the seal of any water meter or any valve or other appliance, or who shall obstruct or injure the action of any water meter, or who shall make any connection by means of a pipe, or otherwise with any main or pipe used for the delivery of water to the consumer in such manner as to take water from said main or pipe without its passing through the meter except such connection specified for irrigation, or shall use any water so obtained, or who shall with intent to defraud, make any connection or re-connection with such main or pipe, or turn on or off, or in any manner interfere with any valve, stop cock or other appliances connected therewith; shall upon conviction thereof be fined not more than One Hundred Dollars (\$100.00) or be imprisoned not more than thirty (30) days, or shall be subject to both such fine and imprisonment, in the discretion of the court.

n. Water users shut off water during fire - time for sprinkling.
No persons shall use any water for irrigation, sprinkling lawns, yards, gardens or street, or washing cars, houses, steps, windows and fronts during any fire nor while the fire department is using the water for fire purposes, and it shall be the duty of all water consumers whenever a fire alarm is sounded to at once turn off the water if the same is being used by them or on their premises or premises used and occupied by them.

No person shall use water from the Grand Junction waterworks system for sprinkling or irrigating except by means of a hose to which shall be attached a nozzle with an orifice not exceeding one-fourth of an inch in diameter or the equivalent thereof, and under no circumstances will water be permitted to be used through a hose without a nozzle or sprinkler attached thereto. Underground sprinkling systems may be installed, subject to all these regulations, provided each such system has the approval of the City Manager. No person shall use water or permit the same to be used on their premises or on premises occupied by them for sprinkling or irrigating, except between the hours and at the times which may be from time to time designated by the City Manager, and any person who shall use or cause to be used or permit to be used on their premises or premises occupied by them, any water as above provided, or who shall use or cause to be used or permitted to be used any water on their premises or on premises occupied by them when prohibited so to do under this section or by the City Manager shall be deemed guilty of an offense and shall be punished as provided by section "m" under SECTION 3 of these rules and regulations.

These rules and regulations dated this 14th day of March, A.D. 1938.

It was moved by Councilman Groves and seconded by Councilman Carson that the rules and regulations as presented, be adopted. Motion carried.

Faubion bond

The bond of Jas. W. Faubion, house mover, having been approved as to form by City Attorney Hinman was presented. It was moved by Councilman Ross and seconded by Councilman Groves that the bond be accepted and filed. Motion carried.

Watson case settled

The City Manager reported that, acting under the advice and suggestion of the City Attorney and in conformity with the previously expressed wishes of the Council Members, he had, on March 11th, 1938, executed a STIPULATION AND AGREEMENT prepared by the City Attorney in cause No. 5531, in the District Court of the Seventh Judicial District in and for Mesa County, Colorado,

wherein the City agreed to pay to Jacob W. Watson, Plaintiff in that cause and to J. W. Watson Florist, Inc., the sum of \$5,000.00, and a portion of the costs, in consideration of a full compromise, settlement, accord and satisfaction of all personal injuries heretofore suffered by said Plaintiff complained of in said action, and also all future personal injuries which Plaintiff, certain members of his family who are made parties to said Agreement and certain others, might hereafter incur by reason of the alleged overflow of water and alleged underground seepage from the waterworks system as therein specified, said payment to be also in full settlement, accord and satisfaction of any past, present or future injuries to the tract of land owned by J. W. Watson Florist, Inc., described in said suit, to the same effect and with the same result as though the City had condemned the right to have any and all seepage and escaping water flow under, over and across said lands perpetually.

The City Manager further reported that said STIPULATION AND AGREEMENT had been duly executed by all the parties and had been filed in the District Court of Mesa County, Colorado, and said suit dismissed with prejudice, and that he had delivered the cash warrant to the City in the sum of \$5,000.00 as agreed.

It was regularly moved by Councilman Holcombe and seconded by Councilman Ross that the action of the City Manager as reported, be approved, ratified and confirmed.

The roll was called upon the passage of the Motion with the following result: Councilmen voting AYE - Ross, Holcombe, Groves, Boston, Carson, Oates, and Enstrom. Councilmen voting NO - None. All of the Councilmen voting AYE, the President declared the motion carried.

Fuoco option to buy lots

James Fuoco made a request that he be given an option on Lots 3 and 4, Block 34 for a period of ninety days.

It was moved by Councilman Boston and seconded by Councilman Oates that the City grant an option to James Fuoco for ninety days on Lots 3 & 4, Block 34, for the sum of \$25.00, the balance to be paid on or before June 16th, 1938. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

It was moved by Councilman Oates and seconded by Councilman Groves that the meeting adjourn. Motion carried.

/s/ Helen C. Tomlinson
City Clerk