

Grand Junction, Colorado

May 17, 1939

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, Campbell, Luebbert, Carson, Treece, and President Boston. Councilman Holcombe absent. City Manager Soderstrum, and City Attorney Hinman were present. City Clerk Tomlinson was absent.

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

It was moved by Councilman Carson and seconded by Councilman Campbell that J. P. Soderstrum be appointed City Clerk, pro tem. Motion carried.

Mr. Robinson and Mr. Mayer, a committee representing the Townsend Clubs, appeared before the City Council and requested that the City donate the use of Lincoln Park on May 26th, at which time Dr. Townsend will be in Grand Junction to talk to the members of the Townsend Clubs. They also requested that all seating facilities available be set up to take care of the crowds expected to attend.

It was moved by Councilman Carson and seconded by Councilman Luebbert that the Townsend Clubs be given free use of the Lincoln Park on that date. Roll was called on the motion with all members of the Council voting AYE on the Motion. The President declared the motion carried.

Proof of Publication for the Milk Ordinance was submitted. It was moved by Councilman Carson and seconded by Councilman Ross that Proof of Publication be accepted. Motion carried.

It was moved by Councilman Ross and seconded by Councilman Carson that the proposed Milk Ordinance be brought up for final passage. Motion carried.

Bruce Brownson, Dr. Munro and Dr. Drew were present representing the Health Department of the City. Fred Clymer, Mrs. Lowe, and others were present representing the milk producers.

Considerable discussion was held regarding the merits of pasteurization versus raw milk. Dr. Munro stated to the Council that he was opposed to the present ordinance permitting raw milk; that, in his opinion, complete pasteurization was the only safe milk from the health standpoint and requested that he be put on record as being opposed to including raw milk in the Ordinance.

Councilman Ross moved that Section 11 of the Ordinance be amended by striking out the words "or Grade A raw" occurring in

the fourth and fifth lines of said Section. There being no second, the motion was declared lost.

Councilman Carson moved and Councilman Ross seconded a motion that the section entitled "DEFINITION OF TERMS FOR THE PURPOSE OF THIS ORDINANCE", Section 1, be amended to read as follows: "MILK PRODUCTS. Milk products shall be taken to mean and include cream, sour cream, goat milk, vitamin D milk, buttermilk, cottage cheese, skimmed milk, milk beverages, and skimmed milk beverages." Roll was called on the motion with all members of the Council voting AYE on the Motion. The President declared the motion carried.

After considerable discussion, it was moved by Councilman Carson and seconded by Councilman Treece that the Ordinance be finally passed, numbered No. 606, and published in accordance with the City Charter. Roll was called on the motion and the following Councilmen voted AYE: Campbell, Luebbert, Carson, Treece and President Boston. Councilman Ross voted NO. The President declared the motion carried.

A committee from the Businessmen's Association consisting of Preston Dean, Charles Palmer, E. G. Hopper and Herman Vorbeck appeared before the City Council and offered their full cooperation with the City Council on any matters which the City Councilmen would choose to take up with them. Preston Dean acted as spokesman for the committee and requested that efforts be made by the City to more thoroughly clean Main Street. A short discussion as to methods of cleaning Main Street was held, and the Council agreed to take the matter under consideration.

President Boston extended an invitation to the committee to visit the Council at any time and for them to take back to the Association an invitation from the City Council and urged that any of their members should feel free to visit the Council at any of their meetings.

City Manager Soderstrum extended his personal invitation to the Committee or any members of the Association to feel free to call at his office relative to any information that the Association or any individual member thereof might desire.

The following Resolution was presented by the State Highway Department with request for its adoption:

RESOLUTION

WHEREAS, It appears that a certain alignment and a certain street within the corporate limits of the City of Grand Junction form necessary or convenient links for carrying State Highway NO. 340 through said city, and

WHEREAS, It is mutually desired by the officials of said City and the officials of the State Highway Department that the said

connecting link be declared a part of the State Highway System, therefore

BE IT RESOLVED, That we do hereby declare as a part of State Highway No. 340, that portion of the alignment of Federal Aid Grade Crossing Project No. F.A.G.M. 19-A(1) lying within the corporate limits of the said City, together with that portion of Grand Avenue lying between 5th Street and the West City Limit Line near the intersection of 1st Street and Grand Avenue, as shown on the sketch hereto attached.

BE IT FURTHER RESOLVED, That this Council agrees not to authorize or permit the installation of signs, semaphores or signals which will give any local intersecting street a status outranking the State Highway so declared; not to authorize or permit any construction or encroachment on the right of way; not to establish any curb lines nor cause or permit any curbing to be constructed on the highway without first securing approval of the State Highway Department; not to pass without first securing approval of the State Highway Department, any ordinance regulating the speed of vehicles or traffic on the said highway; and to require that all parking of vehicles on said highway be made parallel to the right of way side lines.

The written approval of this action by the State Highway Engineer shall constitute an agreement between the parties, and shall be binding upon the successors of both parties.

It was moved by Councilman Carson and seconded by Councilman Ross that the Resolution be adopted. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

A contract for the construction of water mains on College Place and Houston Avenue in McMullin and Gormley Subdivision was duly presented to the Council. This contract called for payment into the water fund in lieu of water rentals an amount equal to one percent per month of the cost of construction of said water mains until such time as there is a sufficient number of consumers on these lines to equal the amount so guaranteed. This matter has been referred to the Water Committee previous to this meeting, and they had recommended favorable action thereon.

It was moved by Councilman Ross and seconded by Councilman Carson that the City Manager be authorized to sign the contract with The Home Loan and Investment Co. and A. T. Gormley for the construction of these mains, and that the City Manger be and is hereby instructed to proceed with said construction. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

Request has been made for the construction of a water main on Belford Avenue from 10th Street to 11th Street due to the fact

that the present three quarter inch service line supplying four houses is going to pieces and two additional houses are contemplated in this block.

Provision was made in the 1939 budget for a six-inch water main on Winters Avenue from 7th Street to 9th Street, and due to the fact that several houses on Winters Avenue have sewer facilities out no water, the Water Committee recommended that this water main be installed.

It was moved by Councilman Carson and seconded by Councilman Luebbert that the City Manager be instructed to secure the necessary pipe and to install six-inch water mains on Belford Avenue from 10th Street to 11th Street and on Winters Avenue from 7th Street to 9th Street. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

A petition for the construction of a sanitary sewer for McMullin and Gormley Subdivision and the new Junior College Building has been filed signed by The Home Loan and Investment Co., A. T. Gormley, J. A. Cannell and Mesa College. A petition was also filed for the construction of a sanitary service sewer on Noland Avenue between 5th Street and the Railroad right of way. The Water Committee recommended that these two petitions be combined in a sewer district to be known as Combined Sewer District No. 6. The following Resolution was presented and read:

RESOLUTION

DECLARING THE INTENTION OF THE CITY COUNCIL OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY A LOCAL IMPROVEMENT DISTRICT TO BE KNOWN AS COMBINED SEWER DISTRICT NO. 6, AND AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME.

WHEREAS, on the 17th day of May, A. D. 1939, there was presented to the City Council of Grand Junction, Colorado, petitions for the construction of a combined sanitary sewer and storm sewer for McMullin-Gormley Subdivision, Mesa College Building and Noland Avenue from Fourth Street to Fifth Street, and

WHEREAS, the City Council has found and determined, and hereby finds and determines, that said petitions are signed and acknowledged by the owners of more than a majority of the property in the area to be served, to be assessed with the cost of the proposed improvements; and

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of the combined sewer district;

THEREFORE, BE IT RESOLVED, by the City Council of the City of

Grand Junction, and State of Colorado:

1. That the district of lands to be assessed with the cost of the proposed sewer improvements shall be included within the following boundaries, to-wit:

Beginning at the Southeast corner of Lot 16, Capitol Hill Subdivision of the City of Grand Junction, Mesa County, Colorado; thence North along the West line of the McMullin and Gormley Subdivision in the said City to a point 121 feet south of the south line of Elm Avenue; thence East 656.5 feet to the east line of McMullin and Gormley Subdivision; thence south to a point 225.85 feet north of the north line of North Avenue; thence East to the East line of 12th Street; thence south to the north line of North Avenue thence West to point of beginning;

Also, beginning at the Northeast corner of lot 4 of Haggerty's First Subdivision in the City of Grand Junction, Mesa County, Colorado; thence south to a point on the east line of Lot 12 of the said Haggerty's First Subdivision 125 feet south of the northeast corner of said Lot 12; thence west to the D&RGW Railroad Company right-of-way; thence northeasterly along the said right-of-way to the northwest corner of Lot 7 of Haggerty's First Subdivision,; thence east to point of beginning.

Said district shall be assessed according to the area as provided in Section 18 of Ordinance No. 178 as amended.

That the City Engineer be and he is hereby authorized and directed to prepare and file full details, plans and specifications for the construction of a combined sewer, an estimate of the total cost thereof, exclusive of the percentum for cost of collection and other incidentals, and of interest to the time the first installment comes due, also a map of the District to be assessed, from which the approximate share of said total cost that will be assessed upon each piece of real estate in the District may be readily ascertained, all as required by the petition therefor and the requirements or Ordinance No. 178, as amended of said City,

ADOPTED AND APPROVED, this 17th day of May, A. D. 1939.

It was moved by Councilman Campbell and seconded by Councilman Carson that the Resolution be passed and adopted as read. Roll was called on the Motion with all members of the Council voting AYE. The President declared the Motion carried.

The City Manager presented maps, plans, specifications, etc., for the proposed Combined Sewer District No. 6.

The following Resolution was presented and read:

RESOLUTION

ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF A COMBINED SEWER IN THE CITY OF GRAND JUNCTION, COLORADO, IN COMBINED SEWER DISTRICT NO. 6, DETERMINING THE NUMBER OF INSTALLMENTS AND THE TIME IN WHICH THE COST OF SAID IMPROVEMENTS SHALL BE PAYABLE, THE RATE OF INTEREST ON UNPAID INSTALLMENTS AND THE DISTRICT OF LANDS TO BE ASSESSED WITH THE COST OF THE PROPOSED IMPROVEMENTS, AND AUTHORIZING NOTICE OF INTENTION TO CREATE SAID DISTRICT AND OF A HEARING THEREON.

WHEREAS, on the 17th day of May, A. D. 1939, the City Council of said City of Grand Junction, Colorado, by resolution, authorized the City Engineer to prepare and file full details, plans and specifications for the construction of a combined sewer for McMullin and Gormley Subdivision, Mesa College Building and Noland Avenue from Fourth Street to Fifth Street, within proposed Combined Sewer District No. 6, together with an estimate of the total cost of such improvement, and a map of the District to be assessed; and

WHEREAS, said City Engineer has fully and strictly complied with the directions so given, and has filed such details, plans and specifications, estimate and map, all in accordance with said resolution, and the requirements of Ordinance No. 178, as amended, of said City:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Grand Junction, Colorado:

1. That said details, plans, specifications, estimates and map be, and the same are hereby approved and adopted.

2. That a combined sewer be constructed on North Ninth Street from the alley between Belford and North Avenue; thence north to North Avenue; on North Avenue from Ninth Street east to a point 250.2 feet west of the center line of Twelfth Street; on Houston Avenue, Bunting Street, and the alleys in Blocks 1, 2, 3, 4, 5, and 6 of McMullin-Gormley Subdivision; and on Noland Avenue, a distance of 225.5 feet west of the center line of the alley in Haggerty's First Subdivision.

3. That the district of lands to be assessed with the cost of said improvements, is described as follows:

Beginning at the southeast corner of Lot 16, Capitol Hill Subdivision of the City of Grand Junction, Mesa County, Colorado; thence North along the West line of the McMullin and Gormley Subdivision in the said City to a point 121 feet south of the south line of Elm Avenue; thence East 656.5 feet to the east line of McMullin and Gormley Subdivision; thence south to a point 225.85 feet north of the north line of North Avenue; thence East to the east line of 12th Street; thence south to the north line of North Avenue; thence West to point of beginning;

Also, beginning at the Northeast corner of Lot 4 of Haggerty's First Subdivision in the City of Grand Junction, Mesa County, Colorado; thence south to a point on the east line of Lot 12 of the said Haggerty's First Subdivision 125 feet south of the northeast corner of said Lot 12; thence west to the D&RGW Railroad Company right-of-way; thence northeasterly along the said right-of-way to the northwest corner of Lot 7 of Haggerty's First Subdivision; thence east to point of beginning.

4. Said district shall be assessed according to the area as provided in Section 18 of Ordinance No. 178 as amended.

5. The assessments to be levied against the property in said District to pay the cost of such improvement, shall be due and payable, without demand, within thirty (30) days after the final publication of the ordinance assessing such cost, and if paid during such period the amount added for collection, incidentals and interest shall be deducted; provided, that all such assessments may, at the election of the owners of property in said District, be paid in ten equal installments, the first of which shall be payable at the time the next installment of general taxes is due and payable, after the expiration of said thirty (30) day period, and the following annual installments shall be paid on or before the same date each year thereafter, with interest, in all cases, on unpaid principal, payable annually at a rate not to exceed six (6) per centum per annum.

6. Notice of intention to create said combined sewer district, and of a hearing thereon, shall be given by an advertisement in one issue of The Daily Sentinel, a newspaper of general circulation published in said City, which notice shall be in substantially the following form, to-wit:

NOTICE

OF INTENTION TO CREATE COMBINED SEWER DISTRICT NO. 6 IN THE CITY OF GRAND JUNCTION, COLORADO, AND OF A HEARING THEREON.

PUBLIC NOTICE IS HEREBY GIVEN to the owners of real estate in the District hereinafter described, and to all persons generally interest, that the City Council of the City of Grand Junction, Colorado, intends to create Combined Sewer District No. 6 in said City for the purpose of constructing sewer on North Avenue; in McMullin and Gormley Subdivision; and on Noland Avenue from 4th Street to 5th Street.

Said Combined Sewer District shall include all of the real property within the following boundaries, to-wit:

Beginning at the southeast corner of Lot 16, Capitol Hill Subdivision of the City of Grand Junction, Mesa County, Colorado; thence north along the west line of the McMullin and Gormley

Subdivision in the said City to a point 121 feet south of the south line of Elm Avenue; thence East 656.5 feet to the east line of McMullin and Gormley Subdivision; thence south to a point 225.85 feet north of the north line of North Avenue; thence East to the East line of 12th Street; thence south to the north line of North Avenue; thence West to point of beginning;

Also, beginning at the Northeast corner of Lot 4 of Haggerty's First Subdivision in the City of Grand Junction, Mesa County, Colorado; thence south to a point on the east line of Lot 12 of the said Haggerty's First Subdivision 125 feet south of the northeast corner of said Lot 12; thence west to the D&RGW Railroad Company right-of-way; thence northeasterly along the said right-of-way to the northwest corner of Lot 7 of Haggerty's First Subdivision; thence east to point of beginning.

Said sewer district shall be assessed according to the area as provided in Section 18 of Ordinance No. 178 as amended.

The probable total cost of said improvement, as shown by the estimate of the City Engineer is \$7,449.95.

The maximum share of said total cost to be assessed per square foot of area is \$.010926.

To all of said estimated costs there shall be added two per cent for cost of collection and other incidentals, and also interest at the rate borne by the special assessment bonds of said District to the next succeeding date upon which general taxes, or the first installment thereof, are, by the laws of the State of Colorado, made payable.

On the 21st day of June, A. D. 1939, at the hour of 7:30 o'clock P. M., in the Council Chamber in the City Hall of said City, the Council will consider the ordering of the proposed improvements, and will hear all complaints and objections that may be made in writing, concerning the proposed improvements, by the owner of any real estate to be assessed, or by any person interested.

A map of the District, from which the approximate share of the total estimated cost to be assessed upon each piece of real estate in the District may be readily ascertained, and all proceedings of the Council in the premises are on file and can be seen and examined by any person interested therein, in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, this 17th day of May, A. D. 1939.

BY ORDER OF THE CITY COUNCIL

/s/ Helen C. Tomlinson
City Clerk

It was moved by Councilman Ross and seconded by Councilman Carson that the Resolution be passed and adopted as read. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

Petitions were presented from The Home Loan and Investment Co., A. T. Gormley and J. A. Cannell requesting change in the Zoning Map for the property embraced in the McMullin and Gormley Subdivision. Also, a petition was presented by Harry G. Draper and others petitioning to change Lots 10 to 17, inclusive, in Block 22, from Residence "A" District to Residence "E" district.

The Board of Adjustment met on Tuesday evening, May 9th, at which time they recommended to the City Council that they change the Zoning Map as petitioned in both of these petitions.

Proposed ordinance entitled "AN ORDINANCE TO AMEND THE ZONING MAP ACCOMPANYING ORDINANCE NO. 432, AND BEING A PART THEREOF" was introduced and read. It was moved by Councilman Carson and seconded by Councilman Campbell that the proposed ordinance be passed for publication. Motion carried.

Estimate No. 1 for the construction of the wash water tank for the Filtration Plant under PWA Docket Colorado 1245-F by the Chicago Bridge & Iron Company showing that completion of the work in the amount of \$3,485.00 less 10% retained, \$348.50, making a total amount due \$3,136.50 was presented.

It was moved by Councilman Ross and seconded by Councilman Carson that the City Clerk be instructed to pay Estimate No. 1 in the amount of \$3,136.50. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

The old Park Hotel building located on Lots 11 and 12, Block 147 has been torn down and these lots are reported ready for sale.

The following resolution was presented:

RESOLUTION

IT IS RESOLVED by the City Council of the City of Grand Junction, Colorado, that J. P. Soderstrum, as City Manager of said City, is hereby appointed, authorized and directed, in its name and behalf, to sell Lots 11 and 12 in Block 147, in the City of Grand Junction, County of Mesa and State of Colorado, owned by said City and not used or held by it for any park or governmental purpose, for not less than the sum of \$250.00, upon such terms and conditions as he, in his discretion, may determine, and to execute and deliver a good and sufficient quit claim or special warranty

deed of conveyance of said property to the purchaser thereof, and to cause the Seal of said City to be affixed thereto and attested by the City Clerk.

It was moved by Councilman Carson and seconded by Councilman Ross that the Resolution be adopted. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

Mr. John McKinney made an offer of \$180.00 for all the tax sale certificates outstanding against Lots 13 to 24, inclusive, Block 11, being the south half of Block 11 on the north side of Belford Avenue between 1st Street and Second Street. The County tax sale certificates are \$114.16, the City specials amount to \$2,355.63 or a total of \$2,469.79.

It was moved by Councilman Campbell and seconded by Councilman Carson that the offer be rejected. All members voting AYE, the motion carried.

A. E. Borschell made an offer of \$200.00 for the south half of Block 22, being the same property for which Mr. Glasco made an offer of \$168.48 at the last meeting.

It was moved by Councilman Carson and seconded by Councilman Campbell that the offer be rejected. All members voting AYE, the motion carried.

Eugene Longo has made application for renewal of the 3.2% beer license for 322 and 324 South 2nd Street. The Chief of Police recommended that this license be renewed.

It was moved by Councilman Campbell and seconded by Councilman Carson that the license of Eugene Longo for the sale of 3.2% beer be renewed for a period of one year. All members voting AYE, the motion carried.

The City Manager submitted a report of receipts and expenditures on the athletic field during the softball season of 1938. These figures show a total receipt of \$515.40, with total disbursements of \$533.50 for lights and maintenance of athletic field during that period, or a net deficit of \$18.10 for the season. After a short discussion it was decided that the softball association be permitted to use the athletic field for softball purposes under the same terms and conditions as 1938 if they so request.

W. O. Allison and Son presented a request for a driveway in front of the new building constructed by them on the south side of Rood Ave. between 1st Street and 2nd Street. This request calls for an extension of the present driveway into the filling station on the corner of First Street and Rood Avenue, a distance of 23'4" to the west.

It was moved by Councilman Carson and seconded by Councilman Luebbert that the application be granted and that the driveway be constructed under the supervision of the City Engineer. All Councilmen voting AYE, the motion carried.

Bea Brown, Letta Brown and Doris Isherwood Curry presented a petition to the Council requesting that the tract of land described as follows:

Beginning at a point 430 feet south of the northeast corner of Section 15, Township 1 South, Range 1 West of the Ute Meridian, thence north $89^{\circ} 11'$ west 267 feet, thence south $0^{\circ} 02'$ east 260 feet, thence south $89^{\circ} 11'$ east 267 feet, thence north $0^{\circ} 02'$ west 260 feet to point of beginning,

be annexed to the City of Grand Junction by Ordinance as provided by law.

The following Resolution was presented:

RESOLUTION

WHEREAS, Bea Brown, Letta Brown and Doris Isherwood Curry have presented their petition to the City Council of the City of Grand Junction, Colorado, for annexation to the City of Grand Junction of the following described land owned by them, adjacent to said City but not embraced within the limits thereof, or within the limits of any other municipal corporation, to-wit:-

Beginning at a point 430 feet south of the northeast corner of Section 15, Township 1 South, Range 1 West of the Ute Meridian, thence north $89^{\circ} 11'$ west 267 feet, thence south $0^{\circ} 02'$ east 260 feet, thence south $89^{\circ} 11'$ east 267 feet, thence north $0^{\circ} 02'$ west 260 feet to point of beginning.

which said tract they have caused to be surveyed and platted as "Brown Addition to the City of Grand Junction", a copy of which plat is hereto attached to said petition;

IT IS THEREFORE RESOLVED by the City Council of the said City that a special session of said City Council will be held on the 21st day of June, A. D. 1939, at 7:25 o'clock P. M. for the purpose of considering any objections that may be made to such proposed annexation, and that prior to the passage of any ordinance thereon, a notice shall be published for 30 days in the Daily Sentinel, published in said City, which notice shall describe the aforesaid tract and territory of property, and shall notify the owner or owners thereof that a special meeting of said City Council will be held at the above stated time, at the Council Chamber, at Grand Junction, Colorado, for the purpose of considering any objections that may be made to such proposed annexation, it being expressly provided hereby that the

publication of said notice once each week for five successive weeks shall be deemed a publication of such notice for 30 days as above provided.

It was moved by Councilman Carson and seconded by Councilman Campbell that the Resolution be passed and adopted as read. Roll was called on the motion with all members of the Council voting AYE. The President declared the motion carried.

A proposed Ordinance entitled "AN ORDINANCE RELATING TO BROWN ADDITION TO THE CITY OF GRAND JUNCTION" was introduced and read.

It was moved by Councilman Carson and seconded Campbell that the proposed ordinance be passed for publication. Motion carried.

Mr. F. C. Martin has purchased a large portion of the ground fronting upon the north side of North Avenue between 5th Street and 6th Street and requested that the City pave the shoulder and construct concrete curb and gutter with a five-foot sidewalk immediately adjacent thereto in accordance with a plan submitted by him and prepared by the City Engineer. After a short discussion the City Manager was instructed to draw up an Ordinance amending Section 2 of Ordinance No. 167 as amended and submit the same at the next regular meeting and that Mr. Martin's request be granted.

It was regularly moved and seconded that the meeting adjourn.

/s/ J. P. Soderstrum
City Clerk, Pro Tem