

Grand Junction, Colorado

January 18, 1950

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: Harper, Carson, Dufford, Colescott, Martin, Hansen, and President Hoisington. Also present was City Clerk Tomlinson. City Manager Moore and City Attorney Banks were absent.

The minutes of the regular meeting held January 4th were read and approved.

Leland Schmidt and Marvin Jackson came before the Council on behalf of the Lions Club. They spoke about their plans to install a miniature train at Lincoln Park as the first step towards an amusement park for children. A good many details still remain to be worked out but they just wanted to explain to the Council what their plans were.

This was the date set for the hearing on the liquor license for L. C. and Elizabeth Kopanos for the Oasis Grill at 350 North Avenue. A large crowd of people living in the immediate vicinity and who owned homes there were present and protested the issuance of a liquor license in this vicinity. It was agreed that, at the present, this area is more residential than business, and that the people living there were entitled to some consideration. Councilman Harper suggested that the policy should be established at this time as to the Council's position in granting liquor licenses on North Avenue as there are several more restaurants who will desire liquor licenses if this one is granted. There were several businessmen from North Avenue present who spoke in favor of granting the license hoping to build up that area as a business district. After considerable discussion, it was moved by Councilman Martin and seconded by Councilman Hansen that the license be denied. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

Rex Howell spoke concerning the Zoo at Lincoln Park. He is a member of the Colorado Humane Society but stated that he was speaking as an individual. He believed that the educational value of the Zoo was not such that other things could not take its place and become more valuable. The recent injury to Leo, the Lion, from someone shooting him with a B.B. gun or similar weapon, as an example of the cruel treatment inflicted upon the animals. It is an expensive project, and Mr. Howell felt that the money spent each year on the Zoo could well be spent on rides or other equipment for an amusement park. The Council felt that it would be well to give this matter some publicity, and let the citizens of the city decide whether or not they would like to have the Zoo maintained.

Mr. Banks had written a letter to the Council in which he stated that several years ago, property in Dundee Place which was owned by the City was sold, and in order to give good title, Mr. Bowie, then City Attorney, took proceedings which he thought necessary to obtain good title to these lots and in addition brought a quiet title action to provide a good title. It seems that there is still some question about the title and Mr. W.

H. Penberthy and R. E. Gilmore would like to have a Quit Claim Deed for their properties. The following resolution was presented and read:

RESOLUTION

WHEREAS it has been brought to the attention of the City Council that a cloud has been cast upon the title to certain real estate in Dundee Place, in the City of Grand Junction, by reason of a quiet title action having been brought by the city and the decree therein having been recorded on May 12, 1937, after deeds to said real estate had previously been executed and delivered, in 1936, to various purchasers of the real estate;

AN WHEREAS the City of Grand Junction has never held title to the said real estate for any park or governmental purpose and does not now claim any right, title or interest in or to the said described real estate;

AN WHEREAS request has been made that the city execute and deliver Quit Claim deeds to the said real estate in order to clear up the title thereto;

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

That the City of Grand Junction shall convey by Quitclaim deed any right, title or interest which it may have in and to Lots 14, 15 and the E1/2 of Lot 16 in Block 3 of Dundee Place, in the City of Grand Junction, to William H. Penberthy and Eleanor Penberthy, as joint tenants and not as tenants in common;

That the City of Grand Junction shall convey by Quitclaim Deed any right, title or interest which it may have in and to the W1/2 of Lot 18 and all of Lots 19 and 20 in Block 3 of Dundee Place, in the City of Grand Junction, to Richard F. Gilmore and Mary K. Gilmore;

An that the President of the City Council and the City Clerk are hereby authorized to execute and deliver the said deeds on behalf of the City of Grand Junction and to affix thereto the seal of the said city.

Passed and adopted on the 18th day of January, 1950.

President of the Council

Attest:

City Clerk

I do hereby certify that the above is a true and correct copy of a resolution adopted by the City Council of the City of Grand Junction, Colorado, on January 18, 1950, as the same appears on the minutes of the said meeting which are in my office.

City Clerk

It was moved by Councilman Dufford and seconded by Councilman Colescott 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.

Mr. Robert James, Principal of the High School, appeared before the Council in connection with a refund on fees to be paid to the City for receipts for the Thanksgiving Day Football Game with East Denver. Association rules make it necessary that the home team furnish the field for a Championship game, and after all expenses and division of the money was made, it would be up to the School District to pay the entire 10% of the Gate to the City. It was moved by Councilman Carson and seconded by Councilman Martin that the City rebate the sum of \$257.00 to School District No. 1 for a portion of the receipts for the Thanksgiving Day Game. Roll was called on the motion with all members of the Council voting "AYE". The President declared the motion carried.

Rev. Bowden of the Goodwill Industries asked the Council about assistance in fixing up the Goodwill facilities. He was referred to the Recreation Commission. He also spoke about the traffic problems and safety on So. 5th St. It was moved by Councilman Carson and seconded by Councilman Dufford that the Police Department make a survey of traffic on So. 5th and that if practical, traffic lanes be painted or other suggestions be made that might help for safety for the children crossing 5th St. Motion carried.

Mr. Dietrick appeared before the Council concerning noise made by diesel trucks at the Shamrock Inn on 3rd and North Avenue. It was moved by Councilman Colescott and seconded by Councilman Martin that the matter be referred to the City Attorney. Motion carried.

Mr. Carpenter made a request to have 18th St. extended from Bunting to North. This matter was referred to the City Engineer.

Father King came before the Council and spoke to them about the Recreation Commission developments in trying to find a recreational director.

President Hoisington appointed Councilman Hansen and Councilman Martin to serve on the Pension Board.

Jim Rigg, Jr. appeared before the Council concerning matters at the airport. He stated that he had not been able to get a contract with the city but was still operating

under Eddie Drapela's old contract. Also, that there were repairs that needed to be made and that he had been unable to get anything done. President Hoisington appointed Councilman Carson and Councilman Dufford to go to the airport with Mr. Rigg and try to work out an agreeable contract and solution to his problems.

The beer license of James S. Nothstine had been advertised and was up for hearing at this time. No protests were filed against Mr. Nothstine, and it moved by Councilman Martin and seconded by Councilman Hansen that the license be granted. Motion carried.

A petition from the Lowell School P.T.A. was presented asking for a traffic light on 7th and Grand. It was moved by Councilman Carson and seconded by Councilman Colescott that the petition be accepted and filed, and referred to the City Manager and Police Department for study and proper proceeding. Motion carried.

Petitions were filed for widening Rood Avenue from Second to Seventh signed by 55.1% of the property owners. It was moved by Councilman Colescott and seconded by Councilman Harper that the petitions be accepted and filed. Motion carried. The following resolution was presented and

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 PAVING DISTRICT NO. 48 AND AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME.

WHEREAS, on the 18th day of January, A. D. 1950, there was presented to the City Council of Grand Junction, Colorado, petitions for the widening and paving of, and the construction of cement curbs and gutters along both sides of, Rood Avenue from Second Street to Seventh Street;

AND WHEREAS, the City Council has found and determined, and hereby finds and determines, that said petitions were signed and acknowledged by the owners of more than a majority of the property abutting on said Street to be assessed with the cost of the proposed widening, paving, curbing and guttering;

AND WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a special improvement district;

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

1. That the district of lands to be assessed with the cost of the proposed street widening, paving, curbs and gutters shall be included within the following boundaries, to-wit:

Lots 16 to 30, inclusive, in Block 94; the South one-half of Block 95; lots 17 to 32, inclusive, in Block 96; lots 17 to 32, inclusive, in Block 97; lots 17 to 32, inclusive, in Block 98; lots 1 to 16, inclusive, in Block 101; lots 1 to 16, inclusive, in Block 102; lots 1 to 16, inclusive, in Block 103; lots 1 to 16, inclusive, in Block 104; and Lots 1 to 15, inclusive, in Block 105; all in the City of Grand Junction, Colorado.

2. That the City Engineer shall be and he is hereby authorized and directed to have prepared and filed full details, plans and specifications for such widening, curbs, gutters and paving construction, an estimate of the total costs thereof, exclusive of the percentum for cost of collection and other incidentals, and of interest to the time the first installment becomes due, and 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 Ordinance No. 178, as amended, of said City.

Adopted and approved this 18th day of January, A. D. 1950.

President of the Council.

Attest:

City Clerk.

It was moved by Councilman Harper and seconded by Councilman Hansen 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 Engineer presented Plans, Estimates Maps and Specifications for the Proposed Paving District No. 48 and the following Resolution was presented and read:

RESOLUTION

ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR WIDENING AND CONSTRUCTING CURBS AND GUTTERS AND PAVING ON ROOD AVENUE IN THE CITY OF GRAND JUNCTION, COLORADO, IN PAVING DISTRICT NO. 48, 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 18th day of January, 1950, 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 widening of, and the construction of

curbs, gutters and paving on, Rood Avenue in the City of Grand Junction, within proposed Paving District No. 48, together with an estimate of the total cost of such improvements, 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 the district of lands to be assessed with the cost of the proposed widening, construction of curbs and gutters, and paving, is described as follows:

Lots 16 to 30, inclusive, in Block 94; the South one-half of Block 95; lots 17 to 32, inclusive, in Block 96; lots 17 to 32, inclusive, in Block 97; lots 17 to 32, inclusive, in Block 98; lots 1 to 16, inclusive, in Block 101; lots 1 to 16, inclusive, in Block 102; lots 1 to 16, inclusive, in Block 103; lots 1 to 16, inclusive, in Block 104; and lots 1 to 15, inclusive, in Block 105; all in the City of Grand Junction, Colorado.

3. That the curbs and gutters and paving to be constructed are in the following locations, to-wit: Along both sides of Rood Avenue from Second Street to Seventh Street.

4. That the said district shall be divided into five zones paralleling the street to be improved, and the cost of the improvement shall be apportioned to such zones as follows:

32% of the cost on the first zone,
26% of the cost on the second zone,
20% of the cost on the third zone,
14% of the cost on the fourth zone, and
8% of the cost on the fifth zone.

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 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 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 the rate of six per centum per annum.

6. Notice of intention to create said Paving District No. 48, and of a hearing thereon, shall be given by 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 PAVING DISTRICT NO. 48 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 interested, that the City Council of the City of Grand Junction, Colorado, intends to create Paving District No. 48 in said City for the purpose of the widening of Rood Avenue and constructing curbs and gutters and paving on said street to serve the property hereinafter described.

That the paving and curbs and gutters to be constructed are in the following locations: Along both sides of Rood Avenue from Second Street to Seventh Street.

That the said paving district shall include all of the following described real estate:

Lots 16 to 30, inclusive, in Block 94; the South one-half of Block 95; lots 17 to 32, inclusive, in Block 96; lots 17 to 32, inclusive, in Block 97; lots 17 to 32, inclusive in Block 98; lots 1 to 16, inclusive, in Block 101; lots 1 to 16, inclusive, in Block 102; lots 1 to 16, inclusive in Block 103; lots 1 to 16, inclusive, in Block 104; and lots 1 to 15, inclusive, in Block 105; all in the City of Grand Junction, Colorado.

The probable total cost of said improvement, as shown by the estimate of the City Engineer is \$22,330.88, exclusive of costs of collection, interest and incidentals.

of said total cost, the said City of Grand Junction shall pay approximately the sum of \$2,030.79 for paving of street intersections.

The maximum share of such total cost shall be \$5.10 per front foot or \$127.50 for an ordinary lot of 25 x 125 feet.

The said district shall be divided into five zones paralleling the street to be improved, and the cost of the improvement shall be apportioned to such zones as follows:

32% of the cost on the first zone,

26% of the cost on the second zone,
20% of the cost on the third zone,
14% of the cost on the fourth zone, and
8% of the cost on the fifth zone.

To all of said estimated cost there shall be added six per centum for costs of collection and 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. The said assessment shall be due and payable, without demand, within thirty 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 annual installments which become due upon the same date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado made payable. Interest at the rate of six per centum per annum shall be charged on unpaid installments.

On the 1st day of March, A. D. 1950, at the hour of 7:30 P.M. in the Council Chambers 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 18th day of January, 1950.

It was moved by Councilman Colescott and seconded by Councilman Martin that the Resolution be passed and adopted as read. Roll was called on the motion with all members voting "AYE." President declared the motion carried.

The following bonds were presented, having been approved as to form by the City Attorney:

O'Brien & Turner - Western Sporting Goods & Loans - Pawnbroker
Sam Courtney - electrician
Wesco Electric - electrician
Howard Wolf - electrician
Warren Bush - plumber
Lane & Co. - plumber
Stanley White - Plumber

Ethingtons - private dealers
Leff Western Auto - private dealers
Wrecking & Junk - private dealers
C. G. Hanks - cement contractor
Ralph H. Spence - cement contractor
C. E. Poland - cement contractor
John Bauman - cement contractor
Tony Perry - auctioneer
Will Employment Co. - employment service
Otto Bauman - Cement Contractor

It was moved by Councilman Dufford and seconded by Councilman Harper that the bonds be accepted and filed. Motion carried.

Mr. Everett A. Foster, Secretary of one of the water lines on Orchard Mesa, had written a letter requesting a rebate on their recent water bill. He stated that their water bill for this quarter is \$85.10. There was a leak in the line which could not be detected until the meter was read. The City men helped to find the leak and it was repaired immediately. The usual amount for water per quarter seldom exceeds the minimum. Clymers Dairy is on this line but their reading is subtracted from the master meter reading each time and the balance paid by the other five subscribers. A comparable bill for the same quarter last year was \$46.56 and several quarters it has been \$40.50 -- the minimum. It was moved by Councilman Colescott and seconded by Councilman Martin that the water bill be adjusted to the amount of \$46.56. Roll was called on the motion with all members of the Council voting "AYE."

Messrs. Hunt and Ross of Pueblo are making application for a license to operate the Mesa Neon Sign Company. They would like to go to work Monday and their bond is being held for the City Attorney's approval. It was moved by Councilman Colescott and seconded by Councilman Martin that after approval of the bond by the City Attorney a license be granted to the Mesa Neon Sign Company. Motion carried.

A letter from the Garden Club was read in which they requested that all parks in the City be established as bird sanctuaries. It was moved by Councilman Carson and seconded by Councilman Hansen that the matter be referred to the City Attorney. Motion carried.

A request from the Spanish War Veterans Auxiliary to sell Carnations on the streets on Saturday, May 6th, has been presented. The American War Mothers would like Saturday, May 13th, as their Carnation Day. This is in accord with usual custom. It was moved by Councilman Colescott and seconded by Councilman Martin that the request be granted. Motion carried.

It was moved by Councilman Carson and seconded by Councilman Colescott that the meeting adjourn. Motion carried.

/s/ Helen C. Tomlinson
City Clerk