

Grand Junction, Colorado

June 7, 1950

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock P. M. Councilman present and answering at roll call were: Hanson, Carson, Harper, Dufford, Hoisington, and President Martin. Councilman absent - Colescott. Also present were City Manager Toyne, City Attorney Banks and City Clerk Tomlinson.

The minutes of the regular meeting held May 17th were read and approved.

Mr. Wm. Penberthy appeared before the Council and asked for permission to construct a lay-back curb in front of the Excelsior laundry. He stated that they would not use any more space than they were now using with their driveway, and would not block the street or sidewalks, if permission were granted them to construct the lay-back. It would not be necessary to take out any parking meters. It was moved by Councilman Dufford and seconded by Councilman Hoisington that the request be granted with the approval of the City Manager, City Engineer, and Chief of Police. Motion carried.

Request was made for a lay-back curb at 5th and South Ave. at the new filling station recently constructed by Chevron Gas, Mr. F. C. Martin, owner. It was moved by Councilman Dufford and seconded by Councilman Hanson that this matter be referred to the City Manager, City Engineer and Chief of Police for investigation, and report back to the Council at a later meeting.

Messrs. Frank Hall, Jas. Gormley and Claude Smith, representing the Columbine Co. appeared before the Council in regard to improving Sherwood Park, which they are giving to the City. This park is located between 1st and 5th and just north of North Avenue. A letter was read in which Mr. Smith as President of the Columbine Co. stated that they intended to have a plat ready for filing within the next few weeks, and at the time the plat is presented to the Council for approval, they intend to offer over half of the area for annexation. All buildings to be constructed in the area are to conform to the city building code and permits will be taken at the regular fee therefor. An agreement was read in which the City is to rebuild the irrigation ditches during the year 1950, and by the year 1951 to begin to develop the park. The Columbine Company agree to give a deed to convey this area to the City, and also an additional strip of approximately 30 feet so as to make a 60 foot driveway surrounding the park. Another agreement was read in which the Grand Valley Ditch Co., the farmers who use water delivered by the ditches in this area, the Columbine Co. and the City all agree on the location of the ditches.

It was moved by Councilman Dufford and seconded by Councilman Hanson that the City Manager and City Clerk be instructed to sign the agreement with The Columbine Co. regarding the development of Sherwood Park. Roll was called on the

motion with all members of the Council present voting AYE. The President declared the motion carried.

It was moved by Councilman Carson and seconded by Councilman Harper that the City Manager and City Clerk be instructed to sign the agreement with the Columbine Co. and the farmers who are interested in the ditches in Sherwood Park and the Grand Valley Irrigation Co. Roll was called on the motion with all members of the Council present voting AYE. The President declared the motion carried.

This was the date set for hearing objections to Paving District No. 49, and there were none filed. The following resolution was introduced and read:

### RESOLUTION

CREATING AND ESTABLISHING PAVING AND SIDEWALK DISTRICT NO. 49 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF SIDEWALKS, CURBS AND GUTTERS, AND PAVING ON STREETS AND ALLEYS THEREIN, AND PROVIDING FOR THE PAYMENT THEREFOR.

WHEREAS, on the 3rd day of May, A. D. 1950, the City Council of the City of Grand Junction, Colorado, passed a Resolution adopting details, plans and specifications for Paving and Sidewalk District No. 49 within said City and authorizing Notice of Intention to create said District, and

WHEREAS, Notice of Intention to create said District was duly published, and

WHEREAS, no written complaints or objections have been made concerning the proposed improvements;

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

1. That said Paving and Sidewalk District No. 49 be and the same is hereby created and established, and that the construction of paving and sidewalks therein be and the same is hereby authorized and directed, in accordance with the details, plans and specifications prepared and filed therefor.

2. That the construction of paving on streets and alleys can be efficiently done by the City, and the work shall be done and the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary material, supplies and equipment;

3. That the construction of sidewalks and curbs and gutters shall be made by contract let to the lowest reliable and responsible bidder after public advertisement, except that if it be determined by the City Council that the bids are too high, and that

the proposed improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary material, supplies and equipment;

4. That the improvements in said District were duly ordered, after Notice duly given; that no remonstrance, protest or objection was filed against the creation or establishment of said District, or any of the proceedings adopted therefor, and that all conditions precedent and all requirements of the laws of the State of Colorado, the Charter of said City, and Ordinance No. 178, as amended, of said City, have been strictly complied with;

5. That the description of the paving and sidewalks to be constructed, the boundaries of said Paving and Sidewalk District, the amounts to be assessed, the number of installments and assessments, the time in which the cost shall be payable, the rate of interest on unpaid installments, and the manner of apportioning and assessing such cost, shall be as prescribed in the Resolutions adopted for said District on the 3rd day of May, A. D. 1950, and in accordance with the published notice of intention to create said District;

6. That for the purpose of paying the cost and expenses of constructing said improvements in said District, including engineering, inspection, and other incidental expenses, the City shall issue Public Improvement Bonds of said Paving and Sidewalk District No. 49, dated the 1st day of July, 1950, in the denomination of \$1,000.00 each, numbered 1 to 145 inclusive, due and payable on the 1st day of July, 1961, subject to call and payment, however, at any time prior to the maturity of said bonds, to bear interest at the rate of \_\_\_\_\_ per centum per annum, payable semi-annually on the first day of January and the first day of July of each year, as evidenced by coupons to be attached to said bonds, principal and interest being payable at the office of the City Treasurer of the City of Grand Junction, Colorado. Said bonds shall be signed by the President of the City Council and attested by the City Clerk; the coupons shall be signed with the original or facsimile signature of the City Treasurer and when so executed said bonds shall be registered by the City Treasurer.

7. Said bonds shall be payable out of the proceeds of a special assessment to be levied upon real estate situate in the City of Grand Junction, in said Paving and Sidewalk District No. 49, especially benefited by said improvement, and shall also be payable out of available proceeds of an annual one mill tax to be levied on the taxable property in said City, pursuant to People's Ordinance No. 27 of said City, which tax was voted and authorized to make up deficits in special improvement district funds.

8. Said bonds, the coupons to be attached thereto and the registration certificate to be endorsed thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF COLORADO

COUNTY OF MESA  
CITY OF GRAND JUNCTION

PUBLIC IMPROVEMENT BOND  
PAVING AND SIDEWALK DISTRICT NO. 49

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

\$1,000.00

The City of Grand Junction, County of Mesa, State of Colorado, for value received, acknowledges itself indebted and hereby promises to pay to the bearer hereof, the sum of

ONE THOUSAND DOLLARS

lawful money of the United States of America, on the first day of July, 1961, subject to call and payment, however, at any time prior thereto, with interest thereon from date until payment with interest thereon from the date until payment according to the interest coupons hereto attached payable semi-annually on the first day of January and the first day of July each year, both principal and interest being payable at the office of the City Treasurer of the City of Grand Junction, upon surrender of the attached coupons and this bond as they severally become due, or are called for payment.

This bond is issued for the purpose of paying the cost of local improvements in Paving and Sidewalk District No. 49, 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 requisite resolutions and ordinances of said City, duly adopted, approved, published and made laws of 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 Paving and Sidewalk District No. 49, especially benefited by said improvement, and is also payable out of available proceeds of an annual one mill tax to be levied on the taxable property in said City, pursuant to People's Ordinance No. 27 of said City, which tax was voted and authorized to make up deficits in special improvement district funds, and the amount of the assessments upon the real estate in said District for the payment hereof, with the accrued interest, shall be a lien upon said real estate in the respective amounts to be apportioned to said real estate, and assessed under the Charter and ordinances of said City.

It is hereby certified and recited that the total issue of 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 hereby certified and recited that every requirement of law relating to the creation of said Paving

and Sidewalk District No. 49 and the making of said improvements and the issue of this bond has been fully complied with by proper officers of said City, and that all conditions required to exist and to be done precedent to and in the issue of this bond, to 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 Council, attested by the City Clerk under the seal of the City, and the interest coupons hereto attached to be attested by the facsimile signature of the City Treasurer, this 1st day of July, A. D. 1950.

\_\_\_\_\_  
President of the City Council

ATTEST:

\_\_\_\_\_  
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, being six months' interest on its local public improvement bond of Paving and Sidewalk District No. 49, provided the bond to which this coupon is attached shall not have been paid.

Attached to bond dated July 1, A. D. 1950.

/s/ (Facsimile Signature)

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

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

(REGISTRATION CERTIFICATE)

It is hereby certified that the within and foregoing bond has been 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. 1950.

City Treasurer

9. The City Clerk is hereby authorized and directed to have printed the bonds authorized by this Resolution and when the same have been executed, to deposit the same with the City Treasurer, who shall deliver them to the lawful purchaser thereof, on receipt of the purchase price.

ADOPTED AND APPROVED THIS 7th day of June, A. D. 1950.

                      
President of the Council

(SEAL)

ATTEST:

                      
City Clerk

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

It was moved by Councilman Harper and seconded by Councilman Hoisington that the City Engineer be authorized to advertise for bids for Paving & Sidewalk District No. 49, the tabulated bids to be presented to the Council at its next regular meeting. Motion carried.

It was moved by Councilman Hoisington and seconded by Councilman Dufford that the City Clerk be instructed to advertise for bids on \$145,000 Sidewalk and Paving District No. 49 bonds. Sealed bids to be opened by the Council at 7:30 o'clock at their next meeting. Motion carried.

There were three letters read from the Sterling Company concerning their property on South Fifth Street. The first letter stated that when property formerly occupied by C.C. headquarters office was sold to Mr. Crompton, a meets and bounds description was given for the tract. After he purchased the land, the area was re-platted and a deed issued which did not exactly fit the property transferred. Since the Sterling Co. have purchased the property, the City has made another survey and has determined that the main portion of the building extends approximately 12 inches west of the property line and approximately 10 feet south of the south property line. They ask that the City Council vacate a strip of land 18 inches along the entire west boundary line

of Lot 20 and a strip of land 11 ft. wide immediately south of the south boundary of Lot 20, Block 1, South 5th Street Subdivision.

They set forth in their letter that the property immediately west of lot 20 is a strip of land 17 feet wide reserved by the City of Grand Junction for a railroad spur track. Immediately west of that right-of-way is Lot 19, which is also owned by the City. They suggest that the City also vacate sufficient space from the west side of the east property line of Lot 19, in order that the right-of-way for the spur track would remain a full 17 feet, which is the minimum requirement for a single track right-of-way. The street to the south of the property is 69.8 feet wide and is designated Noland Avenue, and taking 11 feet from this street right-of-way would still leave sufficient ground for an adequate street. They also request that the City grant to the D.&R.G.W. Railroad an easement on this 17 foot right-of-way so that a spur track may be built immediately.

It was moved by Councilman Carson and seconded by Councilman Hanson that the request of the Sterling Company be granted, and that the City Attorney be instructed to draw up the necessary papers to correct the description of their property and to provide an easement for the spur track. Roll was called on the motion with all members of the Council present voting AYE. The President declared the motion carried.

In the third letter, The Sterling Co. stated that they were still interested in purchasing Lots 14 and 19 in Block 1 of South 5th Street Subdivision, but they thought it would be wise if the City would reserve additional ground on the west side of Lot 19 in order that a double spur track could be constructed between Lot 19 and Lot 20, then whoever purchased Lot 19, could be served equally well by the D.&R.G.W.

It was moved by Councilman Carson and seconded by Councilman Dufford that the City Clerk be instructed to advertise for bids for the sale of Lot 14 and the west 127.56 feet of Lot 19, Block 1, South Fifth Street Subdivision. Roll was called on the motion with all members of the Council present voting AYE. The President declared the motion carried.

A letter was read from Mr. Gene Hansen, Director of Recreation, concerning Monday as a free day at Moyer Pool. Mr. Stocker, Supt. of Parks, also stated that it was nearly impossible to conduct their "Learn to Swim" program in three mornings, and that they really needed Monday for their program. It apparently is not practical to have the "Learn to Swim" program and free day at the same time, as there would be too many children in the pool at one time. After considerable discussion, it was moved by Councilman Hanson and seconded by Councilman Harper that the City reserve Monday morning for classes for the "Learn To Swim" program, and that from 2 P.M. to 5 P.M. be free. After the swimming classes are completed, all day Monday will be a free day again. Motion carried.

A letter was read from Mrs. W. H. McClurg, Secretary of the Grand Junction Garden Club asking that the City Council do something to control stray cats in the City.

They are taking an active interest in bird preservation and the cat situation is a nuisance. It was moved by Councilman Dufford and duly seconded that the letter be accepted and filed. Motion carried.

Councilman Carson then moved and Councilman Harper seconded the motion that the City Attorney be requested to find out from other cities how they handle the cat problem. Motion carried.

It was moved by Councilman Hanson and seconded by Councilman Carson that the City Manager be instructed to check into the dog license situation and see why the ordinance is not enforced. Motion carried.

This was the date set for hearing on the Avalon Gardens plat. No objections were made to the plat, and it was moved by Councilman Dufford and seconded by Councilman Hoisington that the plat for Avalon Gardens be accepted and approved and that it be filed in the office of the County Clerk and Recorder and in the office of the City Engineer. Motion carried.

Property owners having been notified to appear at this meeting, zoning matters were considered, as follows:

Lots 10 to 17 inclusive, Block 23, being located at 12th and Teller Avenues, changed from Residence "C" to Residence "E" District.

It was moved by Councilman Carson and seconded by Councilman Harper that the request be granted. Motion carried.

Change Lots 13 to 21 inclusive in Block 5 and Lots 1 to 7 inclusive in Block 4, City of Grand Junction, being located from 7th to 9th on the south side of North Avenue, from Residence "A" District to Business "A" District.

It was moved by Councilman Hoisington and seconded by Councilman Dufford that the request be granted. Motion carried.

Change Lots 6 to 16 inclusive in Block 7 and Lots 1 to 10 inclusive in Block 6, City of Grand Junction, being located from 5th to 7th Streets on the south side of North Avenue, from Residence "A" District to Business "A" District.

It was moved by Councilman Carson and seconded by Councilman Hoisington that the request be granted. Roll was called on the motion with all members of the Council present voting AYE. The President declared the motion carried.

The following entitled, proposed ordinance was introduced and read: AN ORDINANCE AMENDING ORDINANCE NO. 755 AND THE ZONING MAP INCORPORATED THEREIN." It was moved by Councilman Hoisington and seconded

by Councilman Harper that the proposed ordinance be passed for publication. Motion carried.

A petition was presented to the Board of Adjustment requesting that Lots 13 to 14 inclusive in Block 4, Rose Park Subdivision be changed from Residence "A" District to Business "A" District. The Board of Adjustment recommended that Lots 10 to 16 in Block 4, Rose Park Subdivision be changed to Business "A". This would take care of North Avenue from 7th to Cannell on the North Side of the street.

It was moved by Councilman Carson and seconded by Councilman Hanson that a hearing be set for June 27th to consider the change of zoning on Lots 10 to 16, Block 4, Rose Park Subdivision. Motion carried.

A suggestion had been made by the City Clerk that the minutes of all Council meetings be mimeographed and sent to the members of the Council for correction or approval, and that reading of the minutes during the meetings be dispensed with. It was moved by Councilman Hanson and seconded by Councilman Harper that the Council adopt the suggestion of the City Clerk as to reading of minutes. Motion carried.

President Martin appointed the following committees to serve during his term of Office:

Water	Carson, Hoisington and Harper
Labor	Colescott, Carson, and Hanson
Finance	Hanson, Hoisington and Dufford
Fire and Police	Colescott, Harper and Dufford
Health	Harper, Hanson and Dufford
Chamber of Commerce	Dufford, Carson, and Colescott

He then asked that the Labor Committee meet with the City Manager and his foremen on Monday, June 12th at 7:30 P. M.

Copies of a proposed ordinance concerning the regulation of trailer courts had been prepared by the City Manager and given to the Councilmen for study. It was recommended that copies be given to the operators of the trailer courts and at a later meeting the ordinance be considered by the Council.

Several matters pertaining to the stadium and baseball fields at Lincoln Park were brought up and discussed. The City Manager was instructed to have the toilets in

the men's rest rooms moved at once, so that they will be serviceable, and to put up a netting over the stadium and other necessary things to provide for safety of patrons.

It was reported that the alley between 13th and 14th and Chipeta and Ouray needs to be repaired.

The City Manager was requested to check with the Police Department to be sure that there is a sufficient number of policemen on duty when large crowds are congregated to take care of traffic and other conditions incidental to crowds.

It was suggested that the City Manager and City Engineer make a study of water main breaks on Main Street, Rood Avenue, and other streets in this vicinity to see if it is necessary to replace the mains, and if so, the best kind of pipe to be used for the soil conditions in this area.

It was moved by Councilman Hoisington and seconded by Councilman Harper that the auditorium located in the new City Administration Building be called the "Civic Auditorium" and the one in Lincoln Park be known as "Lincoln Park Auditorium." There is some confusion concerning the use of the word "auditorium." All the Councilmen being in favor of the motion, the President declared the motion carried.

It was suggested that money be provided in the 1951 budget to oil roads in the Orchard Mesa Cemetery. They were very dusty on Memorial Day.

City Manager Toyne was requested to look into the matter of providing an alternate route for large transport trucks to use, instead of letting them travel on 5th Street. When the new truck route is completed, this matter will be taken care of, but for the present, they should travel on some street beside Fifth.

It was moved by Councilman Carson and seconded by Councilman Dufford that a letter of commendation be written to the Elks Lodge for the wonderful entertainment they furnished the citizens of Grand Junction at their 50th Anniversary celebration on May 27th. Motion carried.

A request was made for a water tap for five users at 17th and Orchard. These users are already on an outside line, but want to put in their own meter and line. It was moved by Councilman Carson and seconded by Councilman Hoisington that the request be granted. Motion carried.

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

/s/ Helen C. Tomlinson  
City Clerk