

Grand Junction, Colorado

February 20, 1952

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

It was moved by Councilman Harper and seconded by Councilman Colescott that the minutes of the regular meeting held February 6th be approved as written. Motion carried.

TOOTHAKER ON PARK AUDITORIUM. Mr. John Toothaker, Promoter of Wrestling at Lincoln Park Auditorium, appeared before the Council. He had had some differences with Mr. Ralph Stocker, Superintendent of the Parks, and Mr. Toyne, City Manager. It had been explained to him that the auditorium could not be rented indefinitely for the same night each week because it is a community building and private enterprise should not have a monopoly on the use of the building. Apparently some misunderstanding had arisen between Mr. Stocker and Mr. Toothaker on the use of the building by the Lions on Saturday preceding the Lions' Carnival on Feb. 19th. Mr. Toothaker had come into City Manager Toyne's office and had been very abusive and claimed City Manager Toyne gave him no satisfaction whatever.

It was suggested that Mr. Stocker, City Manager Toyne and Mr. Toothaker get together and talk over their differences and try to work out a friendly settlement for the use of the auditorium. City Manager Toyne and Mr. Stocker were also instructed to work out an accurate cost on the maintenance of the auditorium and cost for getting it ready for wrestling matches or fights and to work out an adjustment of the prices on the use of the auditorium so that the cost is covered and the City does not lose money on the operation of the building.

ZONING CHANGE. E. Side of 6th St. from Hall to Orchard and north side of Hall from 5th to 6th. This was the date set for hearing on changing the zoning on the East side of 6th St. from Hall Ave. to Orchard and the north side of Hall from 5th to 6th St. from Residence "A" to Residence "B" District. Mr. Gerald Ashby, who represented the home owners in this area, asked the Council to not make any decision on this change of zoning until the property owners have a chance to meet with those interested in changing the zoning so that multiple residences can be built and to see just exactly what the plans for these lots may be. It was moved by Councilman Hoisington and seconded by Councilman Walt that the matter be tabled until the next meeting of the Council. Motion carried.

ORDINANCE NO. 849 REPEALING OLD SECTIONS. The Proof of Publication to the proposed ordinance entitled "AN ORDINANCE TO REPEAL SECTIONS 3, 4, 5, 9, 17, 19, 22, and 24 OF ARTICLES VIII OF ORDINANCE 83; SECTIONS 4, 5, 6, 8

and 9 of ARTICLE III OF ORDINANCE 83; ORDINANCE 163; ORDINANCE 28; ORDINANCE 119; AND SUBSECTION 2 OF SECTION 8 OF ORDINANCE 238," was presented and read. It was moved by Councilman Colescott and seconded by Councilman Walt that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Walt and seconded by Councilman Colescott that the Ordinance be called up for final passage. Motion carried.

The ordinance was then read and it was moved by Councilman Colescott and seconded by Councilman Walt that it be passed and adopted, numbered 849 and ordered published. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

PROPOSED ORDINANCE - REPEALING OLD SECTIONS. A proposed ordinance entitled "AN ORDINANCE TO REPEAL SECTION 2 OF ARTICLE VI OF ORDINANCE 11; SECTION 2 OF ARTICLE VIII OF ORDINANCE 83; SECTIONS 2, 3 and 5 OF ORDINANCE 96; SECTIONS 4, 5, 7, 11, 12, 14, 16 and 17 OF ARTICLE I OF ORDINANCE 179; SECTIONS 1 AND 4 OF ARTICLE III OF ORDINANCE 179; SECTIONS 3, 4 AND 5 OF ARTICLE IV OF ORDINANCE 179; SECTIONS 5 AND 6 OF ORDINANCE 221; ORDINANCE 222; ORDINANCE 282; AND SECTION 5 OF ORDINANCE 321," was presented and read. It was moved by Councilman Harper and seconded by Councilman Ela that the proposed ordinance be passed for publication. Motion carried.

TO PREPARE ORDINANCE FOR BONDS FOR CITY EMPLOYEES. A memorandum from City Attorney Banks was read concerning bonds for City Employees. It was moved by Councilman Harper and seconded by Councilman Hoisington that the City Attorney and City Manager check on the bond situation for City employees and an ordinance be drawn up by City Attorney Banks and referred back to the City Council. Motion carried.

PAV. DIST. #49 - STATEMENT OF ENGINEER & RESOLUTION. The following Final Estimate and Statement of the Engineer on Paving and Sidewalk District No. 49 was presented:

FINAL ESTIMATE

Final estimate of work done by the City of Grand Junction on Paving and Sidewalk District No. 49:

Contract (O. J. Bauman)	\$ 52,066.21
Engineering and inspection	4,798.40

Labor	15,149.66
Pension	1,175.57
Equipment Rental	20,329.65
Materials	48,560.26
Printing, advertising, misc.	610.17
Bonds	131.02
Attorney	200.00
Total Cost of Construction	\$143,020.94

/s/ J. A. Burton

                      
J. A. Burton  
City Engineer

STATEMENT OF THE ENGINEER

Statement showing the whole cost of the improvements in Paving and Sidewalk District No. 49, including 6 per centum additional for cost of collections and incidentals, and including interest at the rate of 3.75 per cent per annum to February 29, 1952, and apportioning the same on each lot or tract of land to be assessed for the same. The sum of \$160,093.89 is to be apportioned against the owners thereof in the following proportions and amounts, to-wit:

Cost of Construction	\$143,020.94
Interest for 19 months at 3.75 per cent per annum	8,491.69
6 per cent for cost of collection and incidentals	8,581.26
	\$160,093.89

/s/ J. A. Burton



That the improvements in and for said district, which are authorized by and are in accordance with the terms and provisions of a resolution passed and adopted on the 3rd day of May, 1950, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local improvement district to be known as Paving and Sidewalk District No. 49; with the terms and provisions of a Resolution passed and adopted on the 3rd day of May, 1950, adopting details and specifications for said District; and with the terms and provisions of a Resolution passed and adopted on the 7th day of June, 1950, creating and establishing said district, all being in accordance with the terms and provisions of Ordinance No. 178 of said City, as amended, have been completed and have been accepted by the City Council of the City of Grand Junction.

That the whole cost of the improvements has been definitely ascertained and is in the sum of \$160,093.89, said amount including six per centum additional for cost of collection and incidentals and also including interest to and including February 28, 1952, at the rate of 3.75 per centum per annum on the bonds issued from time to time in payment of the cost of said improvements; that the part apportioned to and upon each lot and tract of land within said District and assessable for said improvements is hereinafter set forth that payment may be made to the Treasurer of the City of Grand Junction at any time within thirty days after the final publication of the assessing ordinance, assessing the real estate in said District for the cost of said improvements, and that the owner so paying would be entitled to an allowance of six per centum for all payments made during said period, and of interest from date of payment to the date the first installment becomes due.

That any complaints or objections that may be made in writing by the said owner or owners of land within said District and assessable for said improvements, or any person interested, made to the City Council and filed in the Office of the City Clerk of said City within thirty days from the first publication of this Notice, to-wit: On or before and up to 5:00 o'clock P.M. on the \_\_\_\_\_ day of March, 1952, will be heard and determined by the said City Council at its first regular meeting after said last mentioned date and before the passage of any ordinance assessing the cost of said improvements against the real estate in said District, and against said owners respectively as by law provided.

That the said sum of \$160,093.89 for improvements is to be apportioned against real estate in said district and against the owners respectively as by law provided in the following proportions and amounts severally as follows, to-wit:

STATE OF COLORADO

COUNTY OF MESA

CITY OF GRAND JUNCTION

I, Oscar Hanson, Jr., President of the Council and Ex-Officio Mayor of the City of Grand Junction, Colorado, do hereby certify that the above and foregoing is the statement showing the whole cost of the improvements in Grand Junction Paving and Sidewalk District No. 49, and includes interest to and including the 28th day of February, 1952, and apportioning the same upon each lot or tract of land or other real estate to be assessed for the same, all in accordance with the terms and provisions of Ordinance No. 178, as amended.

/s/

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

ATTEST:

/s/

\_\_\_\_\_  
City Clerk

It was moved by Councilman Harper 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 present voting "AYE." The President declared the motion carried.

GARAGE NOT IN VIOLATION OF CODE. The matter of the two car garage being built on 4th and Gunnison which was referred to City Engineer Burton at the last Council meeting was brought up. It was reported that there was no zoning violation in the construction of this garage and that Mrs. Lang had been contacted and a letter written to her by Mr. Burton. It was also reported that Mrs. Lang had been in the office and discussed the matter with the building department.

DEFER GUY WALLACE REQUEST FOR LAYBACK. City Engineer Burton also reported that he and Chief of Police Joe Keith had inspected the property at 208 So. 7th where Mr. Guy Wallace desires to construct a lay back curb. He could see no value in this layback curb to Mr. Wallace. It was moved by Councilman Hoisington and seconded by Councilman Walt that the matter be referred back to the City Manager, City Engineer and Chief of Police to talk to Mr. Wallace and arrange a suitable settlement to the problem. Motion carried.

TO SIGN KROGH LEASE & AGREEMENT. A lease and agreement was presented between the City of Grand Junction and Mr. Walter Krogh for the use of land he has been using for a pig farm. It was moved by Councilman Hoisington and seconded by Councilman Harper that the City Manager and City Clerk be instructed to sign the lease and agreement with Mr. Krogh. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

APRIL 26, 1952 FORGET-ME-NOT DAY. It was moved by Councilman Colescott and seconded by Councilman Harper that April 26th be designated as Forget-Me-Not day and that the Disabled American Veterans be permitted to sell Forge-Me-Nots on the streets on that day.

RENEW BEER LICENSES - Wiekers Cigar Store & Rettigs Market. Applications for renewal of 3.2 beer licenses were made by Robt. E. and Geo. Wieker dba Wiekers Cigar Store, 541 Main and Adolph Rettig, dba Rettigs Market at 725 No. 12th. It was moved by Councilman Ela and seconded by Councilman Walt that the licenses be approved. Motion carried.

CITY HALL POOLS. Park Superintendent Stocker and City Engineer Burton made an estimate of \$592.50 for converting the pools in front of the City Hall into a rose garden. Some discussion was had as to whether any change should be made from the present arrangement; some of the Councilmen feeling that the Pools were a definite attraction to the City Hall grounds; others feeling that they were a definite hazard for children who continually play around the water. It was moved by Councilman Colescott that the pools be left as they presently are. There was no second to the motion so the motion was withdrawn.

It was moved by Councilman Walt and seconded by Councilman Harper that the estimate of City Engineer Burton and Park Superintendent Stocker be accepted and that they plan to go ahead for planting roses in this area. Roll was called on the motion with the following results:

Councilmen Voting "AYE:" Harper, Walt and Hanson  
Councilmen Voting "NAY:" Ela, Colescott and Hoisington

There being a tie vote, it was moved by Councilman Hoisington and seconded by Councilman Colescott that the matter be tabled until the next meeting of the Council. Motion carried.

TO HOLD RENT DECONTROL HEARING MARCH 5. There was a large delegation present interested in decontrolling rents. A number of property owners spoke on the matter and stated they felt they were being penalized by having to continue under rent controls. It was decided that a meeting should be held and it was moved by Councilman Harper and seconded by Councilman Hoisington that the City Clerk be instructed to advertise for a hearing to be held March 5th concerning the decontrolling of rents in the City of Grand Junction and Mesa County. Motion carried.

It was moved by Councilman Harper and seconded by Councilman Hoisington that the City Clerk be instructed to receive information on any rented housing before the hearing on March 5th and notice to property owners to be given advising them to file any available information on their apartments or other rented housing in the City Clerk's office. A compilation will then be made for the benefit of the Council in studying this problem. Motion carried.

It was suggested that the City Clerk notify other towns in the County that rent decontrol will be considered on March 5th as the action of the Council will affect all rental property from Palisade to Fruita.

Senator Howard Shults told the audience also about the problems the Legislature had in decontrolling rent in portions of the State of Colorado.

WATER BILL ADJUSTMENTS. (a) Mrs. Henry Masser, 246 Ouray Avenue, requested an adjustment in her water bill due to a service line break. The amount of the bill is \$13.31 for 48,700 gallons of water. In 1951 during the same period 14,000 gallons of water was used or \$6.90. It was moved by Councilman Harper and seconded by Councilman Colescott that Mrs. Masser's bill be adjusted to \$6.90. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

(b) Mr. Anthony N. Svaldi, 913 White Ave., requested an adjustment on his water bill due to a service line break. 73,500 gallons of water went through the meter amounting to \$17.63. In 1951 during this same period only the minimum was used. It was moved by Councilman Walt and seconded by Councilman Ela that the water bill for 913 White Avenue be adjusted at the minimum, \$6.10. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

BOY SCOUT LETTER READ. A letter was read from Douglas Smith thanking the Council for the use of the Auditorium for showing movies which he took at the World Jamboree of Boy Scouts in Austria. The letter was ordered filed.

COLLBRAN MEETING FEB. 26TH. City Manager Toyne reported that Collbran would hold a meeting on Feb. 26th in the evening to discuss the Collbran Project, and that a delegation from the City should attend this meeting. President Hanson requested that the City Manager, City Attorney Banks, Attorney Silmon Smith, Councilman Frank Hoisington, Councilman Porter Carson and any other Councilmen who are able to go to attend this meeting at Collbran.

\$200 FOR FOREST SERVICE TREE PLANTING. The U. S. Forest Service asked the cooperation of the City in a tree planting experiment on Coal Creek. It was moved by Councilman Harper and seconded by Councilman Ela that the City allow \$200 for cooperation with the Forest Service in planting trees. Roll was called on the motion with all members of the Council present voting "AYE." The President declared the motion carried.

AUTHORIZE CARSON LAKE ADJUDICATION. It was moved by Councilman Walt and seconded by Councilman Hoisington that the City Attorney be instructed to enter into the water adjudication proceedings and adjudicate Carson Lake Water. Motion carried.

TELEPHONE RATE HEARING. Councilman Hoisington made a final report on the telephone rate hearing. He stated that the Supreme Court had ruled that Home Rule Cities have no right to negotiate telephone rates. This is up to the Public Utilities Commission.

COLESCOTT ON CONVERTING TO GAS. Councilman Colescott asked that the City Attorney and City Manager investigate the need of qualified people being licensed to install and convert appliances and services for the using of natural gas.

DISCUSS PURCHASE OF ANDERSON RANCH. The matter of purchasing the Anderson Ranch and the water rights which go with the ranch was discussed. Senator Howard Shults was present and discussed the matter with the Council. If the City does not purchase the property, he is interested in selling it to someone else for Mr. Anderson. It was moved by Councilman Harper and seconded by Councilman Hoisington that the City Attorney, City Manager and City Engineer proceed as quickly as possible to investigate all angles in connection with purchasing the Anderson land and water rights. Motion carried.

It was moved by Councilman Hoisington, duly seconded and carried that the meeting adjourn.

/s/ Helen C. Tomlinson  
City Clerk