

Grand Junction, Colorado

April 19, 1961

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock p. m. April 19, 1961. Councilmen present and answering roll call were Hadden, Love, Wright and President McCormick. Councilmen Meacham, Colescott and Lowe were absent. Also present were City Manager Lacy, City Attorney Ashby and City Clerk Tomlinson.

INVOCATION

The invocation was given by Rev. Booker T. Taylor, Pastor, Handy Chapel AME.

MINUTES

It was moved by Councilman Wright and seconded by Councilman Hadden that the minutes of the regular meeting held April 5, 1961 be approved as written. Motion carried.

HEARING - ZONING 1st & Orchard -Faith Annex - Postponed to 5-3-61

This was the date set for hearing on the request for change of zoning on 1st and Orchard from R-1-A to B-2 and R-1-C. A petition signed by John E. Knoll and Elna Gaddy representing 100% of the property within 100 feet of the area on First and Orchard protested the rezoning of this tract from R-1-A to B-2. There were only four Councilmen present to act on this change of zoning, and if this petition should be signed by 20% of the property owners, it would be necessary that six members of the Council approve the ordinance rezoning said property.

Councilman Wright stated that whenever this matter comes up for vote, he wished to withdraw from the Council. City Attorney Ashby stated that Mr. Knoll would not be able to be present at the next meeting of the Council on May 3rd and did not want it considered until someone could be present to present his case. It was decided that if Mr. Knoll could not be present at the meeting of May 3rd, this matter would come up at some subsequent meeting.

It was moved by Councilman Hadden and seconded by Councilman Love that the hearing on this matter be continued until the next regular meeting of the Council. Motion carried. (4 Councilmen voting AYE)

HEARING SAN. SR. #19 Assessments - (West Lake Park)

This was the date set for hearing on the assessments on Sanitary Sewer District No. 19. There were some protests in connection with the assessments in this district. Mr. Carl Nixon had written a letter to the Council protesting the amount of the assessment on eight acres of land which he owns in West Lake Park Subdivision. The amount of the assessment on the eight acres of land which he owns amounted to \$11,514.46 and he protested this assessment for the following reasons:

1. At the present time only the trunk line has been established along the southerly boundary line of his property, the northerly boundary line and portion of the easterly boundary.
2. The property is used for business purposes and would only have need for one tap onto the sewer line.
3. The property is presently under lease for a remaining period of 6 years and 4 months for business purposes, and nothing other in the way of subdivision planning could be done with the property for that time.
4. Even if the property could be used for further subdivision after that time, Mr. Nixon would be put to additional expense for providing roadways and other sewer lines running into the area from the main trunk line.
5. There is presently an easement to the City of Grand Junction on the East side of the property which is approximately 10 feet wide and approximately 250 feet long.
6. There is an area of land on the East side of the property which at the present time is not usable, said area being approximately 700 feet long by 60 feet in width. This property is on a hillside with about a 15 foot drop in elevation.

Mr. Nixon stated further that he felt it was very unequitable that he should have to pay approximately 1/15th of the total amount of the sewer assessment when he will only be able to use one sewer connection at this time. He realized that the Ordinances provide for assessment according to land area, but felt that there were extenuating circumstances in his case.

Mr. Hockensmith, Attorney representing Mr. Nixon, was present and spoke in behalf of Mr. Nixon regarding the inequality of the assessments.

City Manager Lacy commented on the points made in Mr. Nixon's letter as follows:

Points 1 and 4. Trunk lines for the sewer were laid on Independent Avenue (the north side of the Nixon property) and in the Highway R.O.W. (the south side of the Nixon property) and in the 10 foot easement on the east side of the Nixon property from the Highway to Franklin Ave. which indicates that the sewer was constructed at every possible access route to the property.

Points 2 and 3. As indicated above, existing sewer lines make taps available at all sides of the property in the event of future expansion or re-development.

Point 5. At the time of purchase of this easement from Mr. Nixon by the City, it was pointed out to him by Mr. Warner that he would benefit more by dedicating right of way instead of an easement and one benefit would be in assessment.

Point 6. No land in the area can be considered unusable for obvious reasons as the potential is there.

Point 7. Mr. Nixon paid approximately 8% of total assessment because he owns approximately 8% of total area in the District.

The Western Slope Oxygen Company also protested the assessment on its property. Mr. John Dalholtz, Manager, appeared before the Council and spoke against the high assessments on industrial property. He stated that they were one of only two producing oxygen plants in the State of Colorado; that their taxes and expenses are becoming so great that they are approaching a point where the operation of an oxygen and acetylene plant in a sparsely populated area, such as this, is no longer profitable.

He stated the assessment of \$1,945.75 seemed to be more than the benefit the plant would gain by the installation of this sewer line. He also stated that at this time a big drive is being made to bring industries into this area but he did not believe that those already here should be penalized by such a high tax.

A letter from Mr. Warren Turner, Attorney, protesting against the assessment on Lot 7 Block 4 West Lake Park Subdivision, owned by Mr. Ed Cary, was read.

It was pointed out that at the time Sanitary Sewer District No. 19 was started, an advertisement was published calling a hearing. This hearing was held and several people appeared and protested the manner of assessment for sewer districts. At that time, no other manner of assessments could be worked out and the district was set up, bonds were approved by Mr. Myles Tallmadge, Bond Attorney in Denver, and the bonds were sold on the basis of the assessments of ground by area.

City Manager Lacy has done considerable research work on methods to be used in assessing for sewer districts but there is no way of changing Sanitary Sewer District No. 19. Mr. Hockensmith stated he felt the Council has some discretionary powers which could be used in making adjustments of this nature. It was pointed out that if this amount of money was not paid by the property owners, probably the City would have to make up the deficit. President McCormick then closed the hearing.

BOYS' & GIRLS' CITY-COUNTY DAY

This was Boys' and Girls' City-County Day and a number of students were in the audience. President McCormick welcomed them to the Council meeting.

FIRE STATION (NEW) Consideration of Architects-Engrs - Select Miner & Miner, Bill Barnes, Engr Robert Hightower

Consideration was then given to a memorandum which City Manager Lacy had sent to all Councilmen concerning the presentations made by professional engineers and architects in connection with the designing of the new fire station building. In accordance with a schedule set up sometime ago, after hearing all of the firms present their qualifications, the Council was to select two or three firms to make written proposals to the Council based on a specific outline to be presented by the City Administration.

The firms who made the presentations were: Miner & Miner of Littleton, Colo.; Robert Hightower, Grand Junction; Baume and Polivnik (Geo. Thorson, formerly of Grand Junction is now a member of this firm) Denver, Colorado; Van Deusen and Bliska and William Barnes of Grand Junction, Colorado.

Council Love stated that he thought a local engineer or architect should be selected if possible. Councilman Hadden stated that he had given considerable study to the matter and he thought that an engineer could save the tax-payers money and give all that an architect could at the same time.

It was moved by Councilman Wright and seconded by Councilman Love that the following firms be requested to present written proposals: Bill Barnes, Engineer, Miner & Miner, Architects and Structural Engineers, and Robert Hightower, Architect. Motion carried. (4 Councilmen voting AYE)

LAPEL TAG DAY 5-20-61 D.A.R.

It was moved by Councilman Hadden and seconded by Councilman Wright that the Daughters of the American Revolution be granted

permission to sell lapel tags on the streets on May 20, 1961.
Motion carried. (4 Councilmen voting AYE)

POPPY DAY 5-27-61 American Legion Aux. request - granted

It was moved by Councilman Hadden and seconded by Councilman Wright that the request of Mrs. S. E. White, Chairman of the American Legion Auxiliary Poppy Sale, for permission to sell poppies on the streets on May 27, 1961 be granted. Motion carried. (4 Councilmen voting AYE)

LICENSE BONDS Approved & filed

It was moved by Councilman Hadden and seconded by Councilman Love that the following license bonds be accepted and filed. Motion carried. (4 Councilmen voting AYE)

AUCTIONEER

J. M. Schmitz, M. C. Toman, dba Furniture City

CONTRACTOR (General)

Alden M. Roper, 125 Bookcliff Ave. not to exceed \$25,000

William Knoch, not to exceed \$25,000

George R. Schnell, 1700 Orchard, not to exceed \$25,000

CONTRACTOR (Special)

Luke Mr. Grasso, 1539 W. Sherwood Dr.

Chester Jennings, Box 1252, 336 So Redlands Rd

GAS INSTALLER

Jack B. Sills, 184 Lantzer Road

PLUMBING CONTRACTOR

Jack B. Sills, 184 Lantzer Road

POPPY DAY 5-17-61 Request by V.F.W. granted

It was moved by Councilman Wright and seconded by Councilman Hadden that the request of the V.F.W. to sell Buddy Poppies on Main Street on May 27, 1961, be granted. Motion carried. (4 Councilmen voting AYE)

PROP. ORD. Assessing San. Sr. Dist. #19 for publication

The following entitled proposed ordinance was presented and read: AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER DISTRICT NO. 19, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; AND APPROVING THE APPORTIONMENT OF SAID COST; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS.

The Councilmen were sympathetic with those who had protested the large assessments in San. Sewer District No. 19 but felt there was nothing they could do at this time, after the district had been created upon the basis of assessments of land area. City Attorney Ashby stated that he would write to Mr. Tallmadge to see if he would have any suggestions as to the assessments being changed, and that his report could be given when the ordinance comes up for final passage.

It was moved by Councilman Wright and seconded by Councilman Hadden that the ordinance be passed for publication. Motion carried. (4 Councilmen voting AYE)

CM TO STUDY MATTER OF MAKING SPECIAL ASSESSMENTS

Councilman Wright then suggested that City Manager Lacy go further in his study concerning this matter of assessments in sewer districts and that the improvement ordinance might be amended by having a definite formula set up for industrial land and larger tracts so that the cost would not be so prohibitive. This report should be made before another district is brought up for consideration.

COUNCIL MEETING REORGANIZATION 5-1-61 at 10:00 A.M. To consider San. Sr. #19 at special meeting prior to

Discussion was then had on the meeting of reorganization of the Council on May 1, 1961. City Attorney Ashby stated that a special meeting would be called prior to the meeting at which Councilmen would be sworn in to finally act on San. Sewer Dist. #19. Formal notice of this meeting will be served on the Council members prior to May 1st, and that even though membership will be the same, the newly elected Council members will have to be sworn in again on May 1st, 1961 at 10:00 a.m.

ADJOURNMENT

It was moved by Councilman Wright and seconded by Councilman Hadden that the meeting adjourn. Motion carried. (4 Councilmen voting AYE)

BOYS' & GIRLS' CITY-COUNTY DAY

The student Council then took over the meeting and discussed several matters of interest to the community in a very capable manner. City Manager Lacy thanked the students for the opportunity of working with them, and the students expressed their appreciation to the City officials for their time spent with them on this Boys' and Girls' City-County day.

/s/Helen C. Tomlinson
City Clerk