

Grand Junction, Colorado

May 1, 1961

ROLL CALL

The City Council of the City of Grand Junction, having been notified in accordance with Section 2 of Chapter 3 of the 1953 Compiled Ordinances of the City of Grand Junction, met in special session at 9:30 o'clock a.m. in the Council Room in the City Hall. Councilmen present and answering roll call were Meacham, Hadden, Love, Colescott, Lowe and Wright. President McCormick was absent. Also present were City Manager Lacy, City Attorney Ashby and City Clerk Tomlinson.

COUNCILMAN WRIGHT Pres. Pro Tem

It was moved by Councilman Colescott, seconded by Councilman Hadden and duly carried that Councilman Wright act as President Pro Tem. Councilman Wright then took the Chair and presided during the meeting.

MINUTES

It was moved by Councilman Colescott and seconded by Councilman Love that the minutes of the regular meeting held on April 19th be approved as written. Motion carried.

SAN. SEWER DIST #19 (West Lake Park) PASS ORD. 1129 ASSESSING -
Protests against assessments

This special meeting had been called for the purpose of considering final passage of the ordinance assessing property in Sanitary Sewer District No. 19.

City Attorney Ashby stated that he had contacted Mr. Tallmadge, bond attorney in Denver, and asked him what might be done toward a re-apportionment of the assessments in this district. This district went over the estimated cost by \$6,000, which the City will have to pay. The assessment was based on a cost of three cents per square foot, and the individual assessments could not go over that amount. If the amount of the assessment on Mr. Nixon's property, and any others who are protesting, is lowered, others would have to be raised, or the City make up the deficiency.

Mr. Ashby also stated that it is proper for protests to be made at the time the assessing ordinance is passed on first reading, and also at the time of final passage of the ordinance.

Mr. Richard Zollner, Attorney, appeared with Mr. Nixon, and spoke in his behalf, protesting the amount of the assessment on his property. Mr. Dalholtz, Manager of Western Slope Oxygen Co., also appeared and again protested the assessment on his property.

It was moved by Councilman Colescott and seconded by Councilman Hadden that the request of Mr. Carl Nixon be denied. Motion carried. (6 Council members voting AYE)

It was moved by Councilman Lowe and seconded by Councilman Love that the request of Western Slope Oxygen Company be denied. Motion carried. (6 Council members voting AYE)

It was moved by Councilman Lowe and seconded by Councilman Meacham that the request of Mr. Cary be denied. Motion carried. (6 Councilmen voting AYE)

The Proof of Publication to 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. It was moved by Councilman Meacham and seconded by Councilman Hadden that the Proof of Publication be accepted and filed. Motion carried. (6 Councilmen voting AYE)

It was then moved by Councilman Meacham and seconded by Councilman Hadden that the Ordinance be called up for final passage. Motion carried. (6 Councilmen voting AYE)

The ordinance was then read and upon motion of Councilman Meacham and seconded by Councilman Hadden was passed, adopted, numbered 1129 and ordered published. Roll was called on the motion with the following results: Councilmen voting AYE: Meacham, Hadden, Love, Colescott, Lowe, Wright. Councilmen voting NAY: none. All Councilmen present voting AYE, the President Pro Tem declared the motion carried.

Mr. Zollner then stated that Mr. Nixon wished to enter an objection on each and every action taken by the Council at this meeting.

City Attorney Ashby explained that this was understood and that the Western Slope Oxygen and other objectors still would have the same right, even though it might not be mentioned at this time.

MINUTES

The minutes of this meeting were then read, and it was moved by Councilman Lowe and seconded by Councilman Hadden that they be approved as read. Motion carried. (6 Councilmen voted AYE)

ADJOURNMENT Sine Die

There being no further business to come before the meeting, it was moved by Councilman Meacham and seconded by Councilman Hadden that the meeting adjourn sine die. Motion carried. (6 Councilmen voting AYE)

/s/Helen C. Tomlinson
City Clerk