

Grand Junction, Colorado

August 6, 1969

### ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 o'clock p.m. August 6, 1969 in the Civic Auditorium at City Hall. Councilmen present and answering roll call were Raymond R. Paruch, Harry O. Colescott, Stanley R. Anderson, Theodore N. Naff, R. B. Evans and President Pro Tem Ray A. Meacham. President of the Council Richard G. Youngerman was absent. Also present were City Manager R. N. Gray, City Attorney Gerald J. Ashby and City Clerk Helen C. Tomlinson.

### INVOCATION

The invocation was given by Reverend Robert P. Northrop, Pastor, First Assembly of God Church.

### MINUTES

It was moved by Councilman Evans and seconded by Councilman Naff that the minutes of the regular meeting held July 16, 1969 be approved as written. Motion carried.

### HEARING

Liquor License Foresight Liquors, R.E. & Patricia Johnson, 201 Main St. Approved

This was the date set for hearing on the application of Robert E. and Patricia L. Johnson, dba Foresight Liquors at 201 Main Street for a retail liquor store license. A letter from Karl Johnson, Chief of Police, stated that his investigation showed nothing against the character of the applicants. No protests had been filed and there were no protests from anyone in the audience. President Pro Tem Meacham closed the hearing.

It was moved by Councilman Evans and seconded by Councilman Colescott that the application of Robert E. and Patricia L. Johnson dba Foresight Liquors for a retail liquor store license be approved and license issued when the State license has been received. Motion carried with Councilman Paruch voting NAY.

### HEARING

Interest Rates for I.D. ST-69

This was the date set for hearing on change of interest rates for I.D. ST-69. There were no protests or comments from the audience and no written protests had been received. President Pro Tem Meacham closed the hearing.

### BIDS

I.D. ST-69 United Sand & Gravel, low - \$47,286 Award contract

A Memo from Gus Byrom, Assistant Engineer, and Emery White, Civil Engineer, was explained by City Manager Gray. Bids had been opened on Tuesday, Aug. 5th, at 2 p.m. for the construction of ID ST-69. The following were tabulated:

Elam Construction Co. \$53,048.90  
United Sand & Gravel 47,286.00  
Engineer's Estimate 47,826.65

Mr. White had talked to United Sand & Gravel officials and had been told that the work could go forward after the middle of the month and finished within the time schedule of Nov. 14th.

It was moved by Councilman Anderson and seconded by Councilman Evans that the bid of United Sand & Gravel be accepted and contract awarded to them for the construction of ID ST-69. Motion carried.

#### COMMUNITY ACTION CO.

Clmn Paruch apptd mbr

Councilman Meacham had tendered his resignation as a member of the Community Action Council to President Youngerman. Mr. Meacham stated that Councilman Paruch would serve on this committee.

It was moved by Councilman Anderson and seconded by Councilman Colescott that Councilman Paruch be appointed to serve as the City Representative on the Community Action Council. Motion carried.

#### BRIDGE HOUSE FINANCING

Committee to study req

Administrative officials representing Bridge House had met with the Council on Aug. 4th and requested that the City give financial aid for the operation of Bridge House. A committee of the Council will work with the Bridge House officials to study the program and make a full report to the Council at budget time. This Committee will be Councilmen Colescott, Evans and Meacham. Motion carried.

#### SEWER IMPRVMT

To advertise for bids Orchard Mesa Sr line, Westside Sr Plt & So Side Interceptor

Mr. Wm. Bredar of Henningson, Durham & Richardson, Consulting Engineers, was present. He stated that plans are about completed for the sewer pumping station on Orchard Mesa in the vicinity of the duck pond, for the waste water control plant and the south side interceptor sewer line. All three are ready for advertisement for construction bids. Plans have been placed on file and have been reviewed by the City staff, and follow the report made a month ago.

For the Orchard Mesa sewer, a pumping station will be located east of the highway in the duck pond area with forced main generally north to a high point and then by gravity north and across the State Highway bridge into the existing sewer on the north side of the river. The total cost is estimated at \$118,000 with 30 to 33% to be by federal grant which leaves about \$83,000 to be funded by the City. Preliminary conferences had been held with the State Highway Department and the Highway Consultants who had designed the bridge and there should be no problems concerning the occupying of the right of way, and they are awaiting permission at this time. Mr. Bredar suggested advertising dates for bids for construction of the Orchard Mesa sewer line of Aug. 22, 29 and Sept. 5th with bids to be opened Sept. 11 and report to the Council on Sept. 17th. The City has the money for the construction of this portion of the sewer improvements.

It was moved by Councilman Anderson and seconded by Councilman Evans that the City proceed with the advertising schedule proposed by Mr. Bredar. Motion carried.

Mr. Bredar asked for authorization to get bids for the waste water treatment facility and south side interceptor sewer. The plans have been on file with the City and reviewed by the City staff. The waste water treatment plant, which is a remodeling of the west side plant, will cost about \$1,500,000. South side interceptor sewer will cost approximately \$460,000, authorizing bids for nearly \$2,000,000 of construction. Mr. Bredar suggested placing ads Aug. 29th with four ads a week apart and bids taken Sept. 25th and report to Council Oct. 1, hopefully to make an award at that time. The Council may debate on these for six days and during that time will be faced with second bond issue. The bonds should be sold before contract for construction is awarded. Henningson, Durham & Richardson officials have met with Water Pollution Control officials from Kansas City and also State Dept. of Health officials in Denver. Because of abatement schedule, the City of Grand Junction is on a high priority schedule and it is anticipated that a grant of \$700,000 to \$800,000 can be expected. Applications for grants have been filed.

In speaking of issuing bonds at this time, both City Manager Gray and Mr. Bredar called attention to the high bond interest index at this time and that there are revenue bonds which will be higher than general obligation bonds. Mr. Bredar also called attention to the fact that construction costs are increasing about 10% per year. Boettcher & Company is fiscal agent for this bond issue and will prepare the prospectus.

It was moved by Councilman Anderson and seconded by Councilman Naff that Henningson, Durham & Richardson be authorized to go ahead with advertising the sewer project Aug. 29, Sept. 5, Sept. 12 and Sept. 19 with bids on Sept. 25th as proposed by Mr. Bredar. Motion carried.

Councilman Colescott proposed that Boettcher & Company be authorized to go ahead with the prospectus and preparation for the bond sale. It was moved by Councilman Colescott and seconded by Councilman Evans that Boettcher & Company be notified to correlate data of bond sale and as soon as amount is determined, go ahead with sale. Motion carried.

### 3.2 BEER LICENSE

Jas. C. Heckroth dba Golden Stone, Inc., 1420 North Ave - denied

Tabled from last meeting was a request of James C. Heckroth dba Golden Stone, Inc. for 3.2 beer license at 1420 North Avenue. The hearing had been closed and Pres. Pro Tem Meacham stated that the matter would not be opened for a new hearing, but if there was any new information, the Council would listen to it. Mr. Golden, Attorney, was present with Mr. Heckroth. Councilman Anderson moved and Councilman Evans seconded the motion that the matter of Mr. Heckroth's application for a 3.2 beer license be brought back on the table. Motion carried.

Mr. Golden stated that Mr. Heckroth had offered to remove a house in the rear of 1420 North Avenue to provide more parking. Mr. Harper, owner of property where the former Pizza Hut was located, believes the Pizza Hut will not reopen and at the time when the Pizza Hut license was granted, the needs of the neighborhood, taking into consideration the college population, was established; therefore the application of Mr. Heckroth should be granted.

Attorney Hockensmith, representing opposition, stated that at the hearing 95% of the people within a block and one-half north, east and west protested, and the desires of the neighborhood are to be taken into consideration. They are opposed because of parking problems, noise and because it is incompatible with the type of area which is residential, apartments, motel, etc.

It was moved by Councilman Anderson that the application of Jas. C. Heckroth dba Golden Stone, Inc., for a Fermented Malt Beverage License at 1420 North Avenue be denied for the following reasons: the desires of the inhabitants in the immediate area of the proposed location are opposed to the issuance of the license for valid reasons; and it does not appear that the desires of the other inhabitants of the City are such as to override this opposition. Councilman Paruch seconded the motion. Motion carried.

President Pro Tem Meacham stated people have first priority in what business is allowed in neighborhoods, and he hoped Mr. Heckroth could find a suitable location for his operation.

### DOWNTOWN PARKING CORP

Approve purchase of Excelsior Laundry & Alpine Cafe property

Messrs. Leland Schmidt, Jas. Gormley and Rudy Susman, representing the Downtown Parking Corporation came to the Council meeting regarding parking lots on Rood Avenue. Mr. Schmidt spoke to the Council stating that for years the Parking Corporation had been trying to get a parking lot on the south side of Rood Avenue. In a three-way deal, they have an option on the Excelsior Laundry property which is owned by Wm. Penberthy. Mr. Penberthy will move to the property on 3rd and North now owned by Charles Willsea and used for a part of Shellabarger's garage operation. The Penberthy property can be acquired for the sum of \$85,000. They also have an option to purchase the property on Main

Street now used as the Alpine Cafe. This would cost \$23,000. They would tear down the cafe building and provide an arcade for access from Main Street to the parking lot on Rood Avenue. Members of the Parking Corporation have been working on this deal for some time and feel extremely fortunate they have been able to get the Penberthy property. The lot is 100 feet on Rood Avenue and will furnish about sixty more parking spaces. They have also acquired property on 5th and Colorado, but have not included this lot in the regular holdings of the Parking Corporation as it is not being paid off by parking meter money. Mr. Schmidt asked that Mr. Ashby work with Attorney Wm. Raso in drawing up the contracts to purchase these two properties. He also stated that the Corporation might offer about \$10,000 worth of stock for sale. The Planning Commission has approved this action.

It was moved by Councilman Paruch and seconded by Councilman Evans that the City Attorney go ahead and draw up a contract with the Downtown Parking Corporation to purchase these properties. Motion carried.

### WATER

Juniata Ditch Co. - 2 shares of stock in name of Al wing for voting purposes

A letter from Attorney Ed Ruland asked that the City allow two shares of Juniata Ditch Company stock be placed in the name of Al Wing so that he can be on the Board of Directors of this company.

It was moved by Councilman Anderson and seconded by Councilman Colescott that two shares of Juniata Ditch Company stock owned by the City of Grand Junction be transferred to Alvin Wing, Water Supt. Motion carried.

### AUDITORS

Dalby, Wendland & Jensen apptd to make 1969 audit

Finance Director, Wm. Manchester, suggested that the auditors for the year 1969 be appointed so that they would be working the balance of this year and get a report to the city in 1970.

It was moved by Councilman Anderson and seconded by Councilman Naff that Dalby, Wendland and Jensen be appointed to make the 1969 audit of City of Grand Junction books. Motion carried.

### 3.2 BEER LICENSE RENEWAL

Roy L. Reynolds dba L.P. Golf Club

An application for renewal of 3.2 beer license was presented by Roy Lavell Reynolds, dba Lincoln Park Golf Club. A letter was read from Police Chief Johnson stating that there had been no complaints or violations and he had no objection to renewal.

It was moved by Councilman Colescott and seconded by Councilman Evans that the application be approved and license issued when State license is received. Motion carried with Councilman Paruch voting NAY.

### VACATE ALLEY

Req Bethal Assembly of God Church Blk 1 E.T. Sparn Subdiv

The Planning Commission at its meeting on July 30th had considered a request by the Bethel Assembly of God Church to vacate a portion of a T alley from Sparn to the alley west of Sparn. There were no objections from the City Engineering Dept. or the Fruitvale Water and Sanitation District because of location of utility lines, and the Planning Commission approved the vacation of the east portion of the alley.

### REVOCABLE PERMIT

C.R. Brown at 18th & North Ave.

The Planning Commission had approved a request for a revocable permit for four planters for C. R. Brown Service Station at 18th and North Avenue, at its July 30th meeting.

WATER

Change Name Hallenbeck to Purdy Mesa Reservoir & Raber-Click Res.

Instr. No 4235  
Petition of Ranchers

A petition was presented to the Council signed by nearly all of the ranchers on Kannah Creek asking that the name of "Hallenbeck" be taken from the City of Grand Junction water facilities on the north fork of Kannah Creek; that is, Hallenbeck No. 1 terminal reservoir, Hallenbeck flowline and Hallenbeck Micro-strainer plant. Also from Hallenbeck No. 2 reservoir on Grand Mesa. It was suggested that Hallenbeck No. 1 reservoir be named Purdy Mesa Reservoir; Hallenbeck flowline, Purdy Mesa flowline; and Hallenbeck micro-strainer plant, Purdy Mesa micro-strainer plant; and Hallenbeck No. 2 reservoir, Raber-Click reservoir. Attorneys Dufford and Ruland have stated that there would be no problems in making the changes.

It was moved by Councilman Anderson and seconded by Councilman Colescott that Attorneys Dufford and Ruland be instructed to take legal action to change the names as suggested in the petition. Motion carried.

Councilman Colescott suggested that sometime soon, the name of Bolen reservoir might need to be changed also.

PROP. ORD.

Vacating alley from Sparn to alley West of Sparn

The following entitled proposed ordinance was presented and read: AN ORDINANCE VACATING A PORTION OF AN ALLEY IN THE CITY OF GRAND JUNCTION. It was moved by Councilman Anderson and seconded by Councilman Paruch that the proposed ordinance be passed for publication. Motion carried.

ORD. 1329

PASSED Zoning Teller Ave No si (Lots 17/32 Blk 21) to R-3

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Colescott and seconded by Councilman Anderson that the Proof of Publication be accepted and filed. Motion carried.

It was moved by Councilman Paruch and seconded by Councilman Evans that the proposed ordinance be called up for final passage. Motion carried.

The Ordinance was then read, and it was moved by Councilman Anderson and seconded by Councilman Paruch that the ordinance be passed and adopted as read, numbered 1329 and ordered published. Roll was called on the motion with all members of the Council present voting AYE. The President Pro Tem declared the motion carried.

I.D. NO. ST.-69

Resol creating District

The following Resolution was presented and read:

RESOLUTION

CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-69 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF CURBS AND GUTTERS, SIDEWALKS AND PAVING ON STREETS AND ALLEY THEREIN, PROVIDING FOR THE PAYMENT THEREFOR AND PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS OF SAID DISTRICT.

WHEREAS, on the 21st day of May, 1969, the City Council of the City of Grand Junction, Colorado, passed a Resolution adopting details, plans and specifications for Improvement District No. ST-69 and authorizing notice of intention to create said District, and on the 16th day of July, 1969, authorized notice of a hearing to permit a possible increase in the maximum rate of interest for the improved bonds of said district; and,

WHEREAS, notice of intention to create said District was duly published, as was the Notice of Hearing on the possible increase on said interest rate; and,

WHEREAS, no written complaints or objections have been made concerning the proposed improvements, nor were any complaints or objections made concerning the possible increase in the maximum rate of interest for the bonds of the District;

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

1. That said Improvement District No. ST-69 be, and the same is hereby, created and established; and that construction of curbs and gutters, sidewalks and paving of streets and alley therein be, and the same is hereby, authorized and directed, in accordance with the resolution adopting details, plans and specifications prepared and filed therefor.
2. That the construction of curbs and gutters, sidewalks and paving of streets and alley 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.
3. 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, being Chapter 18 of the Compiled Ordinances of the City of Grand Junction, Colorado, have been strictly complied with.
4. That the description of the curbs and gutters, sidewalks and paving of streets and alley to be constructed, the boundaries of said Improvement District, the amounts to be assessed, the number of installments and assessments, the time in which the cost shall be payable, and the manner of apportioning and assessing such cost, shall be as prescribed in the Resolution adopted for said District on the 21st day of May, 1969, and in accordance with the published Notice of Intention to Create said District, the rate of interest on unpaid installments shall be determined upon the sale of the bonds of the District in accordance with the published notice of the hearing to increase the maximum rate of interest to be born by the bonds of the District.
5. That for the purpose of paying the cost and expenses of constructing improvements in said Improvement District No. ST-69, including engineering, inspection and other incidental expense, the City shall issue public improvement bonds of said Improvement District No. ST-69, dated the first day of August, 1969, in the denomination of \$1,000.00 each, numbered 1 to 46, inclusive, due and payable on the first day of August, 1979, subject to call and payment, however, at any time prior to the maturity of said bonds, said bonds shall bear interest at not more than eight (8%) per cent per annum, payable semi-annually on the first day of February and the first day of August of each year, as evidenced by

coupons to be attached to said bonds. The principal of, and interest on, said bonds being payable at the office of the City Treasurer of the City of Grand Junction, Colorado, the said bonds shall be signed by the President of the City Council, sealed with the seal of said City 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.

6. 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 Improvement District No. ST-69, especially benefitted 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.

7. 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  
IMPROVEMENT DISTRICT NO. ST-69

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 bear hereof, the sum of

ONE THOUSAND DOLLARS

in lawful money of the United States of America, on the first day of August, 1979, subject to call and payment, however, at any time prior thereto with interest thereon from date until payment according to the interest coupons hereto attached, payable semi-annually on the first day of February and the first day of August each year, both principal and interest being payable at the office of the City Treasurer in Grand Junction, Colorado, 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 Improvement District No. ST-69 in the City of Grand Junction by virtue of, and 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 Improvement District No. ST-69 especially benefitted by said improvements, 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 Improvement District No. ST-69 and the making of said improvements and the issuance 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 issuance 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, as of the first day of August, 1969.

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

SEAL

Attest:

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

(FORM OF COUPON)

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

February

On the first day of August, A.D. 19\_\_\_\_\_, the City of Grand Junction, Colorado, 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 month's interest on its local improvement bond of Improvement District No. ST-69, provided the bond to which this coupon is attached has not been called for prior payment.

Attached to bond dated August 1, 1969.

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

\_\_\_\_\_  
(Facsimile Signature)\City Treasurer

(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 \_\_\_\_\_, 1969.

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

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.

PASSED AND ADOPTED this 6th day of August, 1969.

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

ATTEST:

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

It was moved by Councilman Anderson and seconded by Councilman Naff that the Resolution be passed and adopted as read. Roll was called on the motion with the following result:

Councilmen voting AYE:

Raymond R. Paruch  
Harry O. Colescott  
Stanley R. Anderson  
Theodore N. Naff  
R. B. Evans

President Pro Tem:

Ray A. Meacham

Absent and not voting:

Richard G. Youngerman

Councilmen voting NAY:

None

All members of the Council present having voted AYE, President Pro Tem Meacham declared the motion carried.

I.D. ST-69 BONDS

\$46,000 sell to Wyllie Investment Co.

Finance Director Wm. Manchester stated that he had an offer from Wyllie Investment Company to purchase \$46,000 I.D. ST-69 bonds at a rate of interest as follows: Bonds Numbered 1 to 34 6 1/8%; Bonds numbered 35 to 46 6 3/8%. It was moved by Councilman Naff and seconded by Councilman Anderson that the Council approve the sale of \$46,000 bonds to Wyllie Investment Company at quoted interest rates. Motion carried.

SS 26-69

Resol intention to create district

The following Resolution was presented and read:

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 SANITARY SEWER DISTRICT NO. 26-69, AND AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME.

WHEREAS, a petition has been filed with the City Council of the City of Grand Junction, Colorado, asking for the construction of a sewer and appurtenances for sanitary drainage of the areas hereinafter described; and,

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction of a sanitary sewer drainage system within the said described areas is necessary for the health and safety of the residents of the territory to be served, and would be of special benefit to the property included within the said district; and,

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a special improvement sanitary sewer district to be known as Sanitary Sewer District No. 26-69;

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 sanitary sewer improvement shall be as follows:

Beginning at a point 30 feet North of the Southeast Corner of the West One-half of the South One-half of the West One-quarter of the Southeast One-quarter of the Northeast One-quarter of Section 12, Township 1 South, Range 1 West, Ute Meridian. Thence North 150 feet; thence East 192 feet to a point on the West line of McClure Park Subdivision; thence South 150 feet to a point; thence West 192 feet more or less to the point of beginning. Also, Lots 1 through 5, McClure Park Subdivision. Also, beginning at a point 30 feet North of the Southeast Corner of the West One-half Southeast One-Quarter of the Northeast One-quarter, Section 12, Township 1 South, Range 1 West, Ute Meridian. Thence West 320 feet; thence North 270 feet; thence East 150 feet; thence South 120 feet; thence East 331 feet; thence South 150 feet; thence West 161 feet to the point of beginning, all in Mesa County, Colorado,

and,

All of Lots 11 through 22, Block 11; all of Lots 1 through 27, Block 12; all of Lot 1, block 13, of Benton Cannon's First Subdivision. Also, beginning at the Southwest Corner of Lot 32, block 5, of Benton Cannon's First Subdivision. Thence East along the South line of said Block 5; thence South to the Northeast Corner of Lot 6, Block 12 of said Subdivision; thence West to the Northwest Corner of Lot 1, Block 12; thence North to the point of beginning. Also, the 20 foot vacated alley South of Lots 1 through 6, Block 12, of Benton Cannon's Subdivision. All in Section 23, Township 1 South, Range 1 West, Ute Principal Meridian, Mesa County, Colorado.

2. That the City Engineer be, and he is hereby, authorized and directed to prepare and file full details, plans, and specifications for such sewer construction, and estimate of the total cost thereof, exclusive of the per centum 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 178, as amended, of the City.

ADOPTED AND APPROVED this 6th day of August, A.D. 1969.

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

ATTEST:

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

It was moved by Councilman Naff and seconded by Councilman Anderson that the Resolution be passed and adopted as read. Roll was called on the motion with the following result:

Councilmen voting AYE:

Raymond R. Paruch  
Harry O. Colescott  
Stanley R. Anderson  
Theodore N. Naff  
R. B. Evans

President Pro Tem:

Ray A. Meacham

Absent and not voting:

Richard G. Youngerman

Councilmen voting NAY:

None

All members of the Council present having voted AYE, President Pro Tem Meacham declared the motion carried.

SS 26-69

Resol - Adopting Details, Plans & Specifications

Notice

The following Resolution was presented and read:

RESOLUTION

RESOLUTION ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF A SEWER IN THE CITY OF GRAND JUNCTION, COLORADO, IN SANITARY SEWER DISTRICT NO. 26-69, 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 A HEARING THEREON.

WHEREAS, on the 6th day of August, 1969, the City Council of the said City of Grand Junction, Colorado, by Resolution, authorized the City Engineer to prepare and file full details, plans and specifications for construction of a sanitary sewer within proposed Sanitary Sewer District No. 26-69, 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 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 said improvement is described as follows:

Beginning at a point 30 feet North of the Southeast Corner of the West One-half of the South One-half of the West One-quarter of the Southeast One-quarter of the Northeast One-quarter of Section 12, Township 1 South, Range 1 West, Ute Meridian. Thence North 150 feet; thence East 192 feet to a point on the West line of McClure Park Subdivision; thence South 150 feet to a point; thence West 192 feet more or less to the point of beginning. Also, Lots 1 through 5, McClure Park Subdivision. Also, beginning at a point 30 feet North of the Southeast Corner of the West One-half Southeast One-Quarter of the Northeast One-quarter, Section 12, Township 1 South, Range 1 West, Ute Meridian. Thence West 320 feet; thence North 270 feet; thence East 150 feet; thence South 120 feet; thence East 331 feet; thence South 150 feet; thence West 161 feet to the point of beginning, all in Mesa County, Colorado

and,

All of Lots 11 through 22, Block 11; all of Lots 1 through 27, Block 12; all of Lot 1, block 13, of Benton Cannon's First Subdivision. Also, beginning at the Southwest Corner of Lot 32, block 5, of Benton Cannon's First Subdivision. Thence East along the South line of said Block 5; thence South to the Northeast Corner of Lot 6, Block 12 of said Subdivision; thence West to the Northwest Corner of Lot 1, Block 12; thence North to the point of beginning. Also, the 20 foot vacated alley South of Lots 1 through 6, Block 12, of Benton Cannon's Subdivision. All in Section 23, Township 1 South, Range 1 West, Ute Principal Meridian, Mesa County, Colorado.

3. That the cost of said improvement shall be assessed upon the real estate in the district in proportion as the area of each piece of real estate in the district is to the area of all of the real estate in the district, exclusive of public highway.
4. 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 (30) 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 (10) 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 (30) days, 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 a rate not to exceed eight (8%) per centum per annum.
5. Notice of intention to Create said Sanitary Sewer District, and of 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 substantially in the following form, to-wit:

NOTICE

OF INTENTION TO CREATE SANITARY SEWER DISTRICT NO. 26-69, IN THE CITY OF GRAND JUNCTION, COLORADO, AND 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 Sanitary Sewer District No. 26-69 in said City for the purpose of constructing a sanitary sewer to serve the property hereinafter described.

The said Sanitary Sewer District shall include all of the following described real estate:

Beginning at a point 30 feet North of the Southeast Corner of the West quarter Southeast quarter of the Northeast quarter Section 12, T1S, R1W, Ute Principal Meridian; thence West 320 feet; thence North 270 feet; thence East 150 feet; thence South 120 feet; thence East 170 feet; thence South 150 feet to the point of beginning, all in Mesa County, Colorado.

The West 161 feet of the West One-half of the East One-half of the Southeast Quarter of the Northeast Quarter of Section 12, T1S, R1W, Ute Principal Meridian, Mesa County, Colorado.

Lot 5, McClure Park Sub., Section 12, T1S, R1W

Lot 4, McClure Park Sub., Section 12, T1S, R1W

Lot 3, McClure Park Sub., Section 12, T1S, R1W

West 1 foot of Lot 1 and all of Lot 2, , McClure Park Sub., Section 12, T1S, R1W

The East 48 feet of Lot 1, McClure Park Sub., Section 12, T1S, R1W

The North 150 feet of the South 180 feet of the following described tract: The South 207 feet of the West 112 feet of the Southeast Quarter of the Northeast Quarter of Section 12, T1S, R1W, Ute Meridian, Except the East 60 feet of the South 182 feet.

The North 150 feet of the South 180 feet of the following described property: Beginning 53 feet West of the Southeast Corner of the West One-half of the South One-half West Quarter of the Southeast Quarter of the Northeast Quarter of Section 12, T1S, R1W, Ute Meridian; thence North 182 feet; thence West 60 feet; thence South 182 feet; thence East to beginning.

The North 150 feet of the South 180 feet of the West 161 feet of the West One-half of the East One-half of the Southeast Quarter of the Northeast Quarter Section 12, Township 1 South, Range 1 West, Ute Meridian, Except the South 150 feet of the West 75 feet.

The North 150 feet of the South 180 feet of the following described property: Beginning 112 feet East of Southwest Corner Southeast Quarter Northeast quarter Section 12, T1S, R1W, Ute Meridian; thence East 80 feet; thence North 207 feet; thence West 80 feet; thence South to beginning.

and,

North 25 feet of Lots 1, 2, 3, 4, 5, and 6, Block 12, and South 10 feet of Noland Avenue East of 9th Street, Benton Cannon's First Subdivision.

North 50 feet of Noland East of 9th Street South of Block 5, Benton Cannon's First Subdivision.

South 50 feet of North 75 feet of Lots 1 to 6, Block 12, Benton Cannon's First Subdivision.

South 50 feet of Lots 1 to 6 and the 10 ft. of adj Lots on South side in Block 12, Benton Cannon's First Subdivision.

Lots 31 and 32, Block 12, Benton Cannon's First Subdivision.

West One-half of Lot 29, all of Lot 30 and a strip 10 feet wide North of Lot 29 and all of Lot 30, Block 12, Benton Cannon's First Subdivision.

Lot 28 and East One-half of Lot 29 and a 10 foot strip North of Lot 28 and East One-half of Lot 29, Block 12, Benton Cannon's First Subdivision.

Lot 27 Block 12 Benton Cannon's First Subdivision, and a strip 10 foot wide North and South adj to North Boundary Line Lot 27.

Lot 11, Block 11, Benton Cannon's First Subdivision.

Lot 12, Block 11, Benton Cannon's First Subdivision.

Lots 19, 20 and 21, Block 11, Benton Cannon's First Subdivision.

Lots 17 and 18, Block 11, Benton Cannon's First Subdivision.

Lot 22, Block 11, Benton Cannon's First Subdivision.

West 83.5 feet of Lot 1, Block 13, Benton Cannon's First Subdivision, also the East 15.44 feet of the West 98.94 feet.

East 50 feet of Lot 1 of Block 13, Benton Cannon's First Subdivision.

Lots 13 through 16, Block 11, Benton Cannon's First Subdivision.

The probable total cost of said improvements, as shown by the estimate of the City Engineer is \$15,550.00 exclusive of cost of collection, interest and incidentals.

The maximum share of said total estimate shall be 05.50¢ per square foot of real estate.

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 (30) 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 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 a rate not exceeding eight per centum per annum shall be charged on unpaid installments.

On the 17th day of September, 1969, at the hour of 7:30 o'clock 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, on this 6th day of August, 1969.

BY ORDER OF THE CITY COUNCIL

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

SEAL

PASSED AND ADOPTED this 6th day of August, 1969.

\_\_\_\_\_  
R. G. Youngerman\President of the Council

ATTEST:

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

It was moved by Councilman Paruch and seconded by Councilman Naff that the Resolution be passed and adopted as read. Roll was called on the motion with the following result:

Councilmen voting AYE:

Raymond R. Paruch  
Harry O. Colescott  
Stanley R. Anderson  
Theodore N. Naff  
R. B. Evans

President Pro Tem:

Ray A. Meacham

Absent and not voting:

Richard G. Youngerman

Councilmen voting NAY:

None

All members of the Council present having voted AYE, President Pro Tem Meacham declared the motion carried.

REVOCABLE PERMIT

C. R. Brown for planters in R/W 18th & North

Resol

Instr No \_\_\_\_\_  
not in 7-30-69

The following Resolution was presented and read:

RESOLUTION

WHEREAS, C. R. Brown Oil Company has petitioned the City Council of the City of Grand Junction for a revocable permit to encroach upon the right of way south of Lot 12, Block 7, Elmwood Plaza Subdivision in the City to provide planters on such right of way, and

WHEREAS, such action has been heretofore approved by the City Planning Commission and would not be detrimental to the use of the right of way or to the interest of the inhabitants of the City;

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

That the City Manager, on behalf of the City and as the act of the City, be, and he is hereby authorized to grant such revocable permit to the above Company for the purpose described upon the execution of an agreement to save and hold the city harmless from any claims arising out of the construction and use granted and agreement that upon revocation of such permit it will remove said planters or other impediments at its own expense and will restore the right of way to its original condition required in that area.

PASSED AND ADOPTED this 6th day of August, 1969.

\_\_\_\_\_  
R. G. Youngerman\President of the Council

ATTEST: (no recorded information)

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

It was moved by Councilman Colescott and seconded by Councilman Evans that the Resolution be passed and adopted as read. Roll was called on the motion with all members of the Council present voting AYE. President Pro Tem Meacham declared the motion carried.

#### REVOCABLE PERMIT

WHEREAS, C. R. BROWN OIL COMPANY has petitioned the City Council of the City of Grand Junction for a revocable permit to encroach upon the right of way south of Lot 12, Block 7, Elmwood Plaza Subdivision in the City to provide planters on such right of way; and

WHEREAS, such action has been heretofore approved by the City Planning Commission and would not be detrimental to the use of the right of way or to the interest of the inhabitants of the City;

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

There is hereby granted to the above-named Company a revocable permit for the purposes above stated; provided, however, that said permit may be revoked by the City Council at its pleasure at any time; provided further that the above-named company shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from, the permitted use; provided, further that said company shall agree to restore the right of way to a proper and usable condition after the completion of construction on said lot, and provided further that said corporation shall agree to restore the right of way to its original condition upon the revocation of such permit.

Dated this 13th day of September, 1973.

\_\_\_\_\_  
Harvey M. Rose\City Manager



Attest:

\_\_\_\_\_  
Neva B. Lockhart/City Clerk

The undersigned, for itself, its successors and assigns, hereby agrees that it will abide by the conditions contained in the foregoing permit; that it will indemnify the City of Grand Junction and hold it harmless from all claims and demands as stated therein; that after construction, it will restore the right of way to a proper and usable condition, and, that upon revocation of the permit, it will restore the right of way to its original condition.

Dated at Grand Junction, Colorado, this \_\_\_\_\_ day of September, 1973.

C. R. BROWN OIL COMPANY

\_\_\_\_\_  
By\

ATTEST:

\_\_\_\_\_  
\

STATE OF COLORADO	)	
	)	ss
COUNTY OF MESA	)	

The foregoing was acknowledged before me this \_\_\_\_\_ day of September, 1973, by \_\_\_\_\_, as \_\_\_\_\_, and \_\_\_\_\_, as \_\_\_\_\_, of C. R. Brown Oil Company, Grand Junction, Colorado.

My Commission expires:

Notary Public

I.D. ST-69

Interest rate to be 6.25% on installment payments

A discussion on the rate of interest to charge for installment payments was had. It was finally decided that on I.D. ST-69 the rate would be 6.25%, or the same rate as the bonds would carry. Other districts, which are created under the new 8%

maximum, could carry a higher rate.

#### ANNEXATIONS

Enclaves

Councilman Colescott asked Attorney Ashby to check to see if it would change the status of length of time an enclave had existed, if a portion of it were annexed.

#### COUNCILMAN

Councilman Anderson will be gone at the time of the next Council meeting.

#### INDEPENDENT AVE.

President Pro Tem Meacham asked why Independent Avenue was never changed to West Elm when it was annexed. Also, Franklin Avenue is not carried through as West Glenwood or West Bunting. New residents have a problem in finding these two streets.

#### ADJOURNMENT

President Pro Tem Meacham declared the meeting adjourned.

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Helen C. Tomlinson\City Clerk