

Grand Junction, Colorado

May 3, 1978

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session on Wednesday, May 3, 1978, at 7:30 p.m. in the Council Chambers at City Hall. Council members present: Larry Brown, Robert Holmes, Karl Johnson, Bill O'Dwyer, Jane Quimby, and President of the Council Lawrence Kozisek. Elvin Tufly was absent. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

MINUTES

The minutes of April 5, 1978, were approved as written. The minutes of April 19 were corrected as follows: On page 8, under the title PROHIBITING THE EXHIBITION TO MINORS OF PATENTLY OFFENSIVE SEXUAL CONDUCT, correcting the last name of Rick Watts; George Van Camp was neutral; Lance Oswald was a proponent for the ordinance. On page 9, correcting the last name of Wally Torofin to TORFIN, and on page 10, consensus of Council was that the information would come from the Planning Department only on large annexations. The minutes of April 19, 1978, were approved as corrected.

ELECTION OF PRESIDENT OF THE COUNCIL EX-OFFICIO MAYOR AND PRESIDENT PRO-TEMPORE - OATHS OF OFFICE

Council President Lawrence Kozisek submitted his resignation. Councilman Larry Brown was appointed interim President. Councilman Brown opened nominations. It was moved by Councilman Kozisek and seconded by Councilman O'Dwyer that Karl M. Johnson be nominated as President of the Council Ex-Officio Mayor. Motion carried.

It was moved by Councilman Kozisek and seconded by Councilman O'Dwyer that the nominations close and that Karl M. Johnson be elected by acclamation. Motion carried.

The Oath of Office was administered to Karl M. Johnson.

President Johnson presented outgoing President Larry Kozisek with the gavel which he used during his four years in office.

It was moved by Councilman O'Dwyer and seconded by Councilman Kozisek that Jane Quimby be nominated President of the Council Pro-Tempore. Motion carried.

It was moved by Councilman Brown and seconded by Councilman O'Dwyer that nominations cease and that Jane Quimby be elected by acclamation. Motion carried.

The Oath of Office was administered to Councilwoman Quimby.

RESOLUTION APPOINTING KARL M. JOHNSON TO THE BOARD OF THE DOWNTOWN DEVELOPMENT AUTHORITY

The following Resolution was presented and read:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Karl M. Johnson be appointed to the Board of Downtown Development Authority until further Resolution of the Council.

PASSED and ADOPTED this 3rd day of May, 1978.

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President of the Council

Attest:

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City Clerk

It was moved by Councilman Brown and seconded by Councilman O'Dwyer that the Resolution be passed and adopted as read. Upon roll call all Council members present voted AYE. The President declared the motion carried and the Resolution duly passed and adopted.

RESOLUTION OF APPOINTMENT TO WALKER FIELD, COLORADO, AIRPORT AUTHORITY - LARRY BROWN, ROBERT HOLMES, LAWRENCE KOZISEK

The following Resolution was presented and read:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Larry Brown, Robert W. Holmes and Lawrence L. Kozisek be appointed to the Board of the Walker Field, Colorado, Public Airport Authority until further Resolution of the Council.

PASSED and ADOPTED this 3rd day of May, 1978.

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President of the Council

Attest:

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City Clerk

It was moved by Councilman O'Dwyer and seconded by Councilwoman Quimby that the Resolution be passed and adopted as read. Upon roll call all Council members present voted AYE. The President declared the motion carried and the Resolution duly passed and adopted.

RESOLUTION OF APPOINTMENT TO HOUSING AUTHORITY - KARL M. JOHNSON

The following Resolution was presented and read:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Karl M. Johnson be appointed to the Board of the Housing Authority of the City of Grand Junction until further Resolution of the Council.

PASSED and ADOPTED this 3rd day of May, 1978.

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President of the Council

Attest:

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City Clerk

It was moved by Councilman Brown and seconded by Councilman O'Dwyer that the Resolution be passed and adopted as read. Upon roll call all Council members present voted AYE. The President declared the motion carried and the Resolution duly passed and adopted.

STUDENT GOVERNMENT DAY

President Johnson recognized today as Student Government Day. Mr. Kenneth Burley from Grand Junction High School was in the audience representing this group.

REORGANIZATION OF COUNCIL

The following members of Council were appointed to the various committees:

Planning Committee - Elvin Tufly  
Planning Revision Program Committee - Jane Quimby  
ComAct Housing - Larry Brown  
Valley-Wide Sewer Committee - Bill O'Dwyer  
Recreation Board - Elvin Tufly

Employees' Supplemental Retirement Board - Elvin Tufly  
PIAB - Bill O'Dwyer  
County Television Study Committee - Retired Councilman Robert Van  
Houten

It was moved by Councilman Brown and seconded by Councilman  
Kozisek that the appointments be ratified. Motion carried.

ENERGY IMPACT ASSISTANCE TEAM

By consensus of Council the City Manager or his designate was  
appointed to serve on the Energy Impact Assistance Team.

RESOLUTION OF COMMENDATION FOR DUANE FENTON

The following Resolution was presented and read:

RESOLUTION

OF COMMENDATION FOR DUANE FENTON.

WHEREAS, Duane Fenton of Grand Junction High School and an  
auxiliary fireman for the Grand Junction Fire Department has  
distinguished himself and thereby the City of Grand Junction  
through his efforts to save the life of a girl badly injured in an  
accident at the school;

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

That the City Council extend to Duane Fenton its strongest  
commendation for his actions for the benefit of another.

PASSED and ADOPTED this 3rd day of May, 1978.

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President of the Council

Attest:

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City Clerk

It was moved by Councilman Kozisek and seconded by Councilwoman  
Quimby that the Resolution be passed and adopted as read. Upon  
roll call all Council members present voted AYE. The President  
declared the motion carried and the Resolution duly passed and  
adopted.

RESOLUTION OF COMMENDATION FOR JERRY O'BRIEN

The following Resolution was presented and read:

RESOLUTION

OF COMMENDATION FOR JERRY O'BRIEN.

WHEREAS, Jerry O'Brien has brought honor to himself and to the City of Grand Junction through his work resulting in his being selected as Colorado Operator of the Year by the Colorado Water and Wastewater Association because of his outstanding performance in the development of the Grand Junction's plant record keeping system, operator training program and safety program;

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

That the City Council give its highest commendation to Jerry O'Brien for his work as wastewater plant operator for the City and for his selection as Wastewater Plant Operator of 1978 for the State of Colorado.

PASSED and ADOPTED this 3rd day of May, 1978.

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President of the Council

Attest:

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City Clerk

It was moved by Councilman O'Dwyer and seconded by Councilman Kozisek that the Resolution be passed and adopted as read. Upon roll call all Council members present voted AYE. The President declared the motion carried and the Resolution duly passed and adopted.

REAPPLICATION FOR COMMUNITY BLOCK GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. Paul Malinowski, Housing Rehabilitation Director, appeared before Council and stated that the City of Grand Junction is now eligible to reapply for Community Block Grant funds from the U.S. Department of Housing and Urban Development. Hearings were held on this application May 2, 1978.

Application must be submitted by May 15, 1978.

It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that the Housing Authority be directed to make application for the \$300,000 Rehabilitation Block Grant funds from the U.S. Department of Housing and Urban Development. Motion carried with Council members HOLMES and O'DWYER voting NO.

PARKING PROBLEM AT 7TH AND WHITE

Mr. Mickey Ackerman appeared before Council to discuss the parking problem at 7th and White. Mr. Ackerman stated that they were having a parallel parking problem at 7th and White, and that after getting several bids from contractors it was financially impossible for him to continue with it. He stated that he had put in cement blocks which would take care of the problem.

Councilman Brown commented that the problem is only partially solved as Mr. Ackerman's truck is on the driveway completely blocking the sidewalk.

Because of the conditions that were imposed last October before any work was done on the building proper, which Mr. Ackerman accepted, and because those conditions have not been met, it was moved by Councilman Kozisek and seconded by Councilman Brown that no more than 30 days be granted for the completion of the conditions as stipulated last October, and that the City Attorney be directed to take whatever action is necessary to revoke the conditional use at the end of the 30 days if the stipulations are not complete. Motion carried.

Staff was directed to give Mr. Ackerman a written report on Council's action tonight.

LIQUOR - RETAIL LIQUOR STORE LICENSE, CHANGE OF OWNERSHIP, LAST CHANCE LIQUORS, 1203 PITKIN

Submitted for consideration was the application by Luther Martin Garber and Karen Sue Garber for a retail liquor store license to operate the Last Chance Liquors, 1203 Pitkin Avenue. The license is presently owned by Terry Brown. A report from the Police Department advised that Luther Martin and Karen Sue Garber are clear NCIC, CCIC and local files. Fingerprint cards have been mailed with no return to date. Teletypes were sent to areas of former residence and returns received indicated "no record found."

It was moved by Councilman Kozisek and seconded by Councilman Brown that the application be approved and the license issued when the State license has been received. Motion carried with Councilman HOLMES voting NO.

BEER - RENEWAL OF 3.2 BEER LICENSE, CITY MARKET STORE NO. 18, 2830 NORTH AVENUE

Submitted for consideration was the application by City Market, Inc., to renew the 3.2% Fermented Malt Beverage License for Store No. 18, 2830 North Avenue. A report from the Police Department advised there have been no reported violations concerning the sale of 3.2% beer by this establishment during the past licensing period. A physical inspection was made of the licensed premises. All signs and notifications concerning the sale of 3.2% beer as

required by law, are posted.

It was moved by Councilman Kozisek and seconded by Councilman Brown that the application be approved and the license issued when the State license has been received. Motion carried with Councilman HOLMES voting NO.

#### REPORT ON THE RAMADA INN

At the April 5, 1978, meeting a condition of the Council to approve the application for a hotel-restaurant liquor license by Westbrooke Corporation dba Ramada Inn, was contingent upon the applicant correcting the deficiencies as noted by the Fire Department which were a rear exit door to be installed off the dining room with panic hardware and an exit light. On May 2, 1978, the Ramada Inn management contacted the Fire Department for inspection. Battalion Chief Wes Painter investigated and the work was approved. A written report from the Fire Department is to follow and Council authorized the issuance of the license which has been held in the City Clerk's office pending compliance.

#### RESOLUTION OF FINDINGS & DECISION REGARDING APPLICATION BY EDDIE E. AND MARY H. DAVIS FOR 3.2% FERMENTED MALT BEVERAGE LICENSE TO BE LOCATED AT 215 SOUTH 11TH - APPROVED

The following Resolution was presented and read:

#### RESOLUTION

ADOPTING A DECISION ON AN APPLICATION FOR A FERMENTED MALT BEVERAGE LICENSE AT PREMISES, 215 SOUTH 11TH STREET.

A hearing having been held on the 19 day of April, 1978, on the application of Eddie E. Davis and Mary H. Davis for an off-premises consumption Fermented Malt Beverage License for the premises at This Is It Grocery Store, 215 South 11th Street, in the City of Grand Junction, and the City Council having considered the evidence presented at said hearing, FINDS:

1. That the hearing was held after proper notice thereof under the Colorado Beer Code.
2. That in the survey of the neighborhood conducted by the City, 234 persons favored the issuance of the license feeling that the needs of the neighborhood were not being met by existing outlets, while 86 persons opposed the issuance of the license feeling that the needs of the neighborhood were being met by such outlets.
3. The applicant introduced a supporting petition signed by 297 people, some signatures being a duplication of those counted in favor in the City survey.
4. There are ten similar outlets within one mile of the premises.

5. No protest, in any form, was received against the issuance of the license.

6. That the result of the survey of the City indicated the needs of the neighborhood were not being met by the existing outlets or others near the neighborhood, a conclusion supported by the petition of the applicant.

7. That the application should be approved as the needs of the neighborhood are not being met by existing outlets and the inhabitants of the neighborhood desire the issuance of the license.

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

That the application by Eddie E. Davis and Mary H. Davis for a fermented malt beverage license at 215 South 11th Street, Grand Junction, be granted.

PASSED and ADOPTED this 3rd day of May, 1978.

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President of the Council

Attest:

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City Clerk

It was moved by Councilman Brown and seconded by Councilman Kozisek that the Resolution be passed and adopted as read. Upon roll call Council members BROWN, QUIMBY, KOZISEK and JOHNSON voted AYE. Council members HOLMES and O'DWYER voted NO. A majority of the Council having voted in favor of the motion, the President declared the motion carried and the Resolution duly passed and adopted.

ID ST-78 PHASE A - CONSIDERATION OF BIDS - AWARD OF CONTRACT,  
FEDERAL AID PROJECT NO. M84381, 28 ROAD, NORTH AVENUE TO TEXAS  
AVENUE

On Thursday, April 27, at 2:00 P.M., two bids were received and opened for the ID ST-78 Phase A project for Texas Avenue. They were:

Flat Iron Paving, Boulder, Colorado \$606,016.80  
Corn Construction, Grand Junction 561,839.45  
Engineer's Estimate 392,794.95

City Engineer Ron Rish gave a brief analysis of why the bids came in so much higher than the Engineer's estimate. It was the staff's



recommendation that the City go ahead with the award of the contract to Corn Construction Company.

Mr. Keith Mumby appeared on behalf of the Mesa United Bank and stated that it was critical to their development on 28 Road that the project be completed.

After discussion, the following Resolution was presented and read:

RESOLUTION

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

That the contract for construction on 28 Road - North Avenue to Texas Avenue, in the City of Grand Junction, Urban Systems Project No. M-8438(1), be awarded to Corn Construction Company on its bid of \$561,839.45; and that the City Manager be authorized to execute the contract on behalf of the City.

PASSED and ADOPTED this 3rd day of May, 1978.

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President of the Council

Attest:

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City Clerk

It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that the Resolution be passed and adopted as read. Upon roll call Council members QUIMBY, KOZISEK, O'DWYER and JOHNSON voted AYE. Council members HOLMES and BROWN voted NO. A majority of the Council having voted in favor of the motion, the President declared the motion carried and the Resolution duly passed and adopted.

RECESS

The President declared a five-minute recess. Upon reconvening, all six Council members were present.

ORDINANCE NO. 1736 - AMERICAN FAMILY ANNEXATION

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Kozisek and seconded by Councilman O'Dwyer that the Proof of Publication be accepted by filing. Motion carried.

It was moved by Councilman Brown and seconded by Councilwoman

Quimby that the proposed ordinance be called up for final passage and read. Motion carried.

The Ordinance was read. There being no comments, it was moved by Councilman Holmes and seconded by Councilman Brown that the Ordinance be passed, adopted, numbered 1736, and ordered published. Upon roll call all Council members present voted AYE. The President declared the motion carried.

PROPOSED ORDINANCE ADOPTING COLORADO ENERGY CONSERVATION STANDARDS AND GIVING NOTICE OF HEARING ON JUNE 7

The following entitled proposed ordinance was introduced and read: AN ORDINANCE ADOPTING BY REFERENCE THE COLORADO MODEL ENERGY EFFICIENCY CONSTRUCTION AND RENOVATION STANDARDS FOR NON-RESIDENTIAL BUILDINGS OF STATE OF COLORADO, AND THE COLORADO RECOMMENDED ENERGY CONSERVATION "PERFORMANCE" CODE FOR NEW CONSTRUCTION AND RENOVATION OF RESIDENTIAL BUILDINGS; REPEALING ALL ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, IN CONFLICT OR INCONSISTENT THEREWITH, AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that the proposed ordinance be passed for publication. Motion carried with Councilman HOLMES voting NO.

PROPOSED ORDINANCE - PARKING REGULATIONS

Since Council had received a revised copy of the proposed ordinance under discussion, the title only was read: AN ORDINANCE ESTABLISHING PARKING AND LOADING REQUIREMENTS IN THE CITY OF GRAND JUNCTION.

It was moved by Councilman Brown and seconded by Councilman O'Dwyer that the proposed ordinance be passed for publication with the amendment of Item 3, Item 4a and Item 4b requiring 200 feet. Motion carried.

PROPOSED ORDINANCE - ADOPTING BY REFERENCE THE 1976 EDITION OF THE UNIFORM BUILDING CODE AND SETTING A HEARING ON JUNE 7, 1978

The following entitled proposed ordinance was introduced and read: AN ORDINANCE RELATING TO THE REGULATION OF CONSTRUCTION, ALTERATION, MOVING, DEMOLITION, REPAIR AND USE OF ANY BUILDING OR STRUCTURE WITHIN THE CITY OF GRAND JUNCTION, COLORADO; ADOPTING BY REFERENCE THERETO THE UNIFORM BUILDING CODE OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, 1976 EDITION, TOGETHER WITH THE APPENDIX THERETO, EXCEPT CHAPTER 15 OF SAID APPENDIX AND TOGETHER WITH THE UNIFORM BUILDING CODE STANDARDS, 1976 EDITION OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES OF THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH. It was moved by Councilman

Kozisek and seconded by Councilman O'Dwyer that the proposed ordinance be passed for publication. Motion carried with Councilman HOLMES voting NO.

PROPOSED ORDINANCE - ADOPTING BY REFERENCE THE 1976 EDITION OF THE UNIFORM MECHANICAL CODE - NOTICE OF HEARING JUNE 7, 1978

The following entitled proposed ordinance was introduced and read: AN ORDINANCE PROVIDING MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, HEALTH, PROPERTY AND PUBLIC WELFARE BY REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, INSTALLATION, QUALITY OF MATERIALS, LOCATION, OPERATION AND MAINTENANCE OF HEATING, VENTILATING, COOLING, REFRIGERATION SYSTEMS, INCINERATORS AND OTHER MISCELLANEOUS HEAT-PRODUCING APPLIANCES; ADOPTING BY REFERENCE THE UNIFORM MECHANICAL CODE OF THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS, 1976 EDITION, TOGETHER WITH APPENDICES THERETO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF. It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that the proposed ordinance be passed for publication. Motion carried with Councilman HOLMES voting NO.

PROPOSED ORDINANCE - ADOPTING BY REFERENCE THE 1976 EDITION OF THE UNIFORM PLUMBING CODE - NOTICE OF HEARING JUNE 7, 1978

The following entitled proposed ordinance was introduced and read: AN ORDINANCE RELATING TO THE REGULATION OF THE ERECTION, INSTALLATION, ALTERNATION, ADDITION, REPAIR, RELOCATION, REPLACEMENT, MAINTENANCE OR USE OF ANY PLUMBING SYSTEM; ADOPTING BY REFERENCE THE UNIFORM PLUMBING CODE OF THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS, 1976 EDITION; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH. It was moved by Councilman Kozisek and seconded by Councilwoman Quimby that the proposed ordinance be passed for publication. Motion carried with Councilman HOLMES voting NO.

PROPOSED ORDINANCE - ADOPTING BY REFERENCE THE 1976 EDITION OF THE UNIFORM FIRE CODE - NOTICE OF HEARING JUNE 7, 1978

The following entitled proposed ordinance was introduced and read: AN ORDINANCE PRESCRIBING REGULATIONS CONSISTENT WITH NATIONALLY RECOGNIZED GOOD PRACTICE FOR THE SAFEGUARDING TO A REASONABLE DEGREE OF LIFE AND PROPERTY FROM THE HAZARDS OF FIRE AND EXPLOSION ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE USE OR OCCUPANCY OF BUILDINGS OR PREMISES IN THE CITY OF GRAND JUNCTION, COLORADO; ADOPTING BY REFERENCE THERETO THE UNIFORM FIRE CODE OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS AND WESTERN FIRE CHIEF ASSOCIATION, 1976 EDITION, TOGETHER WITH THE APPENDICES THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL

ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH. It was moved by Councilman O'Dwyer and seconded by Councilman Kozisek that the proposed ordinance be passed for publication with the deletion of Appendix C. Motion carried with Councilman HOLMES voting NO.

CITY ATTORNEY AUTHORIZED TO SETTLE LAW SUIT OVER DISCHARGE OF YOUNG LADY FROM POLICE DEPARTMENT

City Attorney Ashby recapped the situation regarding the law suit over the discharge of a young lady from the Police Department approximately four years ago.

It was moved by Councilman Kozisek and seconded by Councilman Brown that the City Attorney be authorized to settle this matter in the amount of \$1500 without the admission of any liability in regard to the matter. Motion carried.

ALLEY AT 23RD STREET SUBDIVISION

Senior Planner Del Beaver reviewed where staff is at the moment in its discussion on what should be done about the alley north of the 23rd Street Subdivision. Staff is recommending that the Council request 17 feet of dedicated right of way which would allow a 3-foot access around to the second story of the 23rd Street Subdivision building. Everyone is in agreement except the developer.

Mr. Keith Mumby, attorney, was present to speak on behalf of Mr. Bill Buttolph and Mr. Chuck Wiman, the developers of the 23rd Street Subdivision. Mr. Mumby submitted a counter proposal from the developers by requesting they be permitted to move the fence which would grant the developers access around the end of the building, and would fence off the church's parking lot so that it would not extend out into the alley. In consideration of this, the petitioner has agreed to pave the alley. Mr. Mumby acknowledged that some traffic might exit on 22nd Street under this proposal, and this was staff's main objection as the Planning Commission approved the conditional use with the requirement for the fence as it did not want the traffic from the 23rd Street Subdivision exiting through a residential neighborhood.

It was moved by Councilman Brown and seconded by Councilman Holmes that the attorney be directed to bring an ordinance May 17 to vacate the south 3 feet of the alley with the understanding that all the other provisions of the conditions for the 23rd Street Subdivision remain in force. Motion carried.

PROPOSED ORDINANCE - VACATING DRIVEWAY AND ROAD EASEMENT IN LAURIE ANN SUBDIVISION

The following entitled proposed ordinance was introduced and read: AN ORDINANCE VACATING DRIVEWAY AND ROAD EASEMENT. It was moved by Councilman Kozisek and seconded by Councilman O'Dwyer that the

proposed ordinance be passed for publication. Motion carried.

SPRING VALLEY SUBDIVISION ROAD GUARANTEE

Staff discussed with Council an alternative to a power of attorney for the improvement of 28 Road by Paul Barru Homes, Inc.

It was moved by Councilman Kozisek and seconded by Councilman O'Dwyer that Barru Homes, Inc., developers of Spring Valley Subdivision, be permitted to file a letter of credit to run for three years for the improvement of 28 Road in lieu of a power of attorney, directed the President of the Council to sign, and directed the staff to keep on top of this with a notice to Council at least eight months before the expiration of the letter of credit on the status of the street improvement. Motion carried.

EXPENDITURE OF \$35,007.90 FOR PURCHASE OF ADDITIONAL TRASH CONTAINERS AUTHORIZED

Sanitation Division recommended the expenditure of \$35,007.90 to purchase additional trash containers.

It was moved by Councilwoman Quimby and seconded by Councilman Holmes that the \$35,007.90 expenditure for the purchase of additional trash containers be authorized. Motion carried.

MEMORANDUM OF AGREEMENT DESIGNATING COUGHLIN & CO. CITY'S FISCAL AGENT IN BOND REFUNDING ISSUE

Staff recommended the City ratify the Memorandum of Agreement dated April 28, 1978, designating Coughlin & Co. the City's fiscal agent and authorizing them to act in refinancing the City's present outstanding water and sewer refunding bonds.

It was moved by Councilman Brown and seconded by Councilman Holmes that the Memorandum of Agreement, dated April 28, 1978, between the City and Coughlin & Co. be ratified. Motion carried.

MISCELLANEOUS DISCUSSION

Councilman Kozisek reported on the Trust Funds the City and County will be receiving.

Steve Schmitz has resigned as Executive Director from the Council of Governments.

ADJOURNMENT

It was moved by Councilman Brown and seconded by Councilman O'Dwyer that the meeting be adjourned. Motion carried.

Neva B. Lockhart

Neva B. Lockhart, CMC

City Clerk