

Grand Junction, Colorado

July 3, 1985

The City Council of the City of Grand Junction, Colorado, convened in regular session the 3rd day of July, 1985, at 7:30 p.m., in the City/County Auditorium at City Hall. Those present were Council members John Bennett, James Leland, Gary Lucero, Tim Mannion, Mike Pacheco, and President of the Council Ray Phipps. Councilman Stephen Love was absent. Also present were Acting City Manager/City Attorney Gerald Ashby and City Clerk Neva Lockhart.

Council President Phipps called the meeting to order and Councilman Mannion led in the Pledge of Allegiance.

#### INVOCATION

Gerald Reed, First Assembly of God Church.

#### MINUTES

Upon motion of Councilman Pacheco, seconded by Councilman Bennett and carried, the minutes of the regular meeting June 19, 1985, were approved as submitted.

#### PROCLAMATION DECLARING JULY, 1985, "RECREATION AND PARKS MONTH"

#### LETTER OF GREETING FROM THE MAYOR OF GRAND JUNCTION TO THE MAYOR OF ST. DIE, FRANCE

Jim Witt, Grand Junction High School instructor, appearing before Council to request a letter of greeting from the Mayor of the City of Grand Junction to the Mayor of the City of St. Die, France. Mr. Witt and Lucita Perrin, French teacher at Central High School, will be leading a group of twenty-five from the ages of 13 to 15 to France and will be the guests of an exchange student, Savia Columbia, who attended Central High School this past year and was in Lucita Perrin's French class. Savia has arranged an audience for the group with the Mayor of St. Die. The letter was then read and signed by Mayor Phipps.

#### HEARING - CONDITIONAL USE - DRIVE-UP WINDOW - KENTUCKY FRIED CHICKEN, 1111 NORTH AVENUE

A hearing was held after proper notice on the petition by Ric Belden, Kentucky Fried Chicken, 1111 North Avenue, for a conditional use to permit a drive-up window on .3 acre in a light commercial zone. There were no opponents, letters, or counterpetitions. Upon motion of Councilman Pacheco, seconded by Councilman Bennett and carried, the conditional use for the drive-up window at Kentucky Fried Chicken, 1111 North Avenue, was approved subject to the conditions of the Planning Commission.

#### HEARING - CONDITIONAL USE - DRIVE-UP WINDOW - HARDEE'S, 505-515

NORTH AVENUE

A hearing was held after proper notice on the petition by Jim Cannon for a conditional use to permit a drive-up window at Hardee's, 505-515 North Avenue, on .62 acre in a light commercial zone. There were no opponents, letters or counterpetitions. Upon motion of Councilman Pacheco, seconded by Councilman Bennett and carried, the conditional use for the drive-up window at Hardee's, 505-515 North Avenue, was approved subject to the conditions of the Planning Commission.

HEARING - PARENTS WITHOUT PARTNERS BUILDING FINAL PLAN, SE CORNER OF UNAWEEP AND BACON STREETS

A hearing was held after proper notice on the petition by Bob Prattis, representing Parents Without Partners, on the final plan for a Chapter House on .74 acre in a Planned Business Zone on the southeast corner of Unawep and Bacon Streets. There were no opponents, letters or counterpetitions. Upon motion of Councilman Pacheco, seconded by Councilman Bennett and carried, the final plan for the Parents Without Partners Chapter House on the southeast corner of Unawep and Bacon Streets was approved, subject to the conditions of the Planning Commission.

HEARING - ID ST-85, PHASE B - PATTERSON RD FROM 7TH ST TO 12TH ST AND FROM 271/2 RD TO 281/4 RD - CONTINUED TO JULY 17, 1985

HEARING - APPLICATION BY MESA COLLEGE MEXICAN-AMERICAN SCHOLARSHIP FUND, INC., FOR MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT JULY 27, 1985, 5 P.M. TO 2 A.M. AT TWO RIVERS PLAZA FOR A DANCE - FIRST PERMIT

A hearing was held after proper notice on the application by the Mesa College Mexican-American Scholarship Fund, Inc., for a malt, vinous and spirituous liquor special events permit on July 17, 1985, from 5:00 p.m. to 2:00 a.m. at Two Rivers Plaza, 159 Main Street, for a dance. Mike Sanchez was present to speak for the permit. There were no opponents, letters or counterpetitions. Upon motion of Councilman Pacheco, seconded by Councilman Lucero and carried, the application was approved.

BIDS - AWARD OF CONTRACT - 1985 STREET PAVEMENT OVERLAY PROGRAM - CORN PAVING - \$292,766.30

Bids were received and opened June 26, 1985, on the 1985 Street Pavement Overlay Program. Bidders were:

United Companies of Mesa County \$298,967.68

Corn Paving \$292,766.30

Engineer's Estimate \$266,330.45

Staff recommended award of contract to Corn Paving for its low

bid. Upon motion of Councilman Leland, seconded by Councilman Mannion and carried, the bids were accepted, the Contract for the 1985 Street Pavement Overlay Program was awarded to Corn Paving in the amount of \$292,766.30, and the City Manager was authorized to sign said Contract.

BIDS - AWARD OF CONTRACT - SUNDSTRAND DEVELOPMENT SANITARY SEWER AND WATERLINE EXTENSIONS - COMMERCIAL SERVICES CONSTRUCTION CO. - \$103,849

Bids were received and opened June 27, 1985, on the Sundstrand Development Sanitary Sewer and Waterline Extensions. Bidders were:

Tri-Star Contracting \$172,930.13

Martin Transportation & Excavation Co. \$128,504.05

Nikko Construction, Inc. \$119,382.70

Parkerson Construction, Inc. \$114,697.80

Lyle States Construction, Inc. \$107,105.22

Commercial Service Construction Co. \$103,849.00

Engineer's Estimate \$146,349.00

Staff recommended award of contract to Commercial Service Construction Company for its low bid of \$103,849.00. Upon motion of Councilman Mannion, seconded by Councilman Lucero and carried, the bids were accepted, the Contract was awarded to Commercial Service Construction Company for its bid of \$103,849, and the City Manager was authorized to sign said Contract.

BIDS - AWARD OF CONTRACT - 1985 CHEVROLET CAB AND CHASSIS FOR PERSIGO WASTEWATER TREATMENT FACILITY - FUOCO - \$10,748.63

Upon motion of Councilman Pacheco, seconded by Councilman Lucero and carried, the bid by Fuoco Motor Company for a 1985 Chevrolet Cab and Chassis was accepted and the contract awarded to Fuoco Motor Company in the amount of \$10,748.63.

AWARD OF CONTRACT TO PROVIDE A COMPUTER MODEL SEWER SYSTEM CAPACITY - ARIX - \$15,895

Upon motion of Councilman Leland, seconded by Councilman Pacheco and carried, a contract was awarded to ARIX in the amount of \$15,895 to provide a computer model sewer system capacity.

SELECTION OF ARCHITECT FOR FIRE STATION NO. 5 - DILLON-HUNT - \$14,785

Upon motion of Councilman Pacheco, seconded by Councilman Leland and carried, the selection of Dillon-Hunt, Architect for Fire

Station No. 5, in the amount of \$14,785, was ratified.

ORDINANCE ON FINAL PASSAGE PROOF OF PUBLICATION

Proof of Publication on the following Ordinance proposed for final passage had been received and filed. Copies of the Ordinance proposed for final passage had been submitted in writing to the City Council prior to the meeting.

ORDINANCE NO. 2236 - ALLEY VACATION LOCATED W OF WEST AVENUE BETWEEN GRAND AND WHITE

Upon motion of Councilman Pacheco, seconded by Councilman Lucero and carried, the following proposed ordinance was called up for final passage and the title read: AN ORDINANCE VACATING AN ALLEY IN THE CITY OF GRAND JUNCTION.

There were no comments. Upon motion of Councilman Pacheco, seconded by Councilman Lucero and carried by roll call vote, the Ordinance was passed, adopted, numbered 2236, and ordered published.

RESOLUTION NO. 44-85 GIVING NOTICE OF SPECIAL MUNICIPAL ELECTION JULY 16, 1985

The following Resolution was read:

RESOLUTION NO. 44-85

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

ELECTION NOTICE

CITY OF GRAND JUNCTION, COLORADO

NOTICE OF SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 16TH DAY OF JULY, 1985

PUBLIC NOTICE IS HEREBY GIVEN THAT A SPECIAL MUNICIPAL ELECTION WILL BE HELD ON TUESDAY, THE 16TH DAY OF JULY, 1985, IN THE POLLING PLACES HEREINAFTER DESIGNATED IN THE CITY OF GRAND JUNCTION, COLORADO:

That said Special Municipal Election will be held at the several polling places in the several districts of the City of Grand Junction, Colorado, as follows:

DISTRICT "A", PRECINCT 1

Two Rivers Plaza  
159 Main Street

DISTRICT "A", PRECINCT 2

Columbus School  
2660 UnawEEP

DISTRICT "B"

Grand Junction High School  
1400 North 5th Street

DISTRICT "C"

Mesa College Physical Education Center  
12th and Orchard

DISTRICT "D"

Orchard Avenue School  
1800 Orchard Avenue

DISTRICT "E"

Lincoln Park School  
600 North 14th Street

Upon the date and at the places designated, the polls will be open from the hour of 7:00 a.m. and will be closed at the hour of 7:00 p.m. Voting devices will be provided in each polling place for the election. The ballots to be used in voting will be furnished by the City Clerk to the Judges of Election, to be by them furnished to the voters. The election will be held and conducted as nearly as may be as prescribed by law.

Registration for the said election did take place in the manner now provided by Ordinance and law.

That at said election ORDINANCE NO. 2225 of the City of Grand Junction be submitted to the electorate of the City with the proposition being submitted on the ballot in the following form:

SUBMISSION OF ORDINANCE NO. 2225 OF THE CITY OF GRAND JUNCTION TO THE ELECTORATE OF THE CITY

ORDINANCE NO. 2225 would change the zoning on the southeast corner of the intersection at 12th Street and Patterson (F) Road from RSF-8 (Residential Single-Family - 8 Units per acre) to PB (Planned Business). The plan submitted with the zoning application indicated the site was to be used for a supermarket.

FOR THE ORDINANCE

AGAINST THE ORDINANCE

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Neva B. Lockhart, CMC, City Clerk

PASSED and ADOPTED this 3 day of July, 1985.

Attest:

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President of the Council

Upon motion of Councilman Bennett, seconded by Councilman Pacheco and carried by roll call vote, the Resolution was passed and adopted as read.

RESOLUTION NO. 45-85 AMENDING THE ESCROW AGREEMENT OF THE 1984 WATER FUNDING BOND ISSUE

The following Resolution was read:

RESOLUTION NO. 45-85

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL ESCROW AGREEMENT FOR ITS GENERAL OBLIGATION WATER REFUNDING BONDS, SERIES 1984, IN THE PRINCIPAL AMOUNT OF \$5,200,000, DATED APRIL 15, 1984

WHEREAS, the City of Grand Junction, County of Mesa, State of Colorado (the "City") has heretofore duly authorized, sold, issued and delivered \$5,200,000 of its General Obligation Water Refunding Bonds, dated April 15, 1984 (the "1984 Issue"); and

WHEREAS, the 1984 Issue refunded the City's \$2,145,000 General Obligation Water Refunding Bonds, Series 1978B, dated May 1, 1978 (the "1978B Issue"), its \$3,205,000 General Obligation Water Bonds, Series 1978C dated May 1, 1978 (the "1978C Issue"), and its \$1,350,000 General Obligation Water Bonds, Series 1982, dated June 15, 1982 (the "1982 Issue"); and

WHEREAS, the City and Central Bank of Denver, Denver, Colorado, have heretofore entered into an Escrow Agreement dated as of April 15, 1984, in connection with the 1984 Issue; and

WHEREAS, the City has determined and hereby determines that it is in the best interests of the City and its inhabitants and taxpayers thereof that the Escrow Agreement executed in connection with the 1984 Issue be supplemented by a Supplemental Escrow Agreement in order to comply with the requirements of Moody's Investment Service for the purpose of obtaining a rating on the Bonds of the 1978B, 1978C and 1982 Issues; and

WHEREAS, there have been presented to the City for consideration at this meeting: (1) the executed Escrow Agreement dated as of April 15, 1984 (attached hereto as Exhibit A); and (2) the proposed form of the Supplemental Escrow Agreement (attached

hereto as Exhibit B); and

WHEREAS, the action herein contemplated is not prohibited by the Charter or any ordinances of the City;

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

Section 1. The Supplemental Escrow Agreement between the City and Central Bank of Denver, Denver, Colorado, is hereby approved in substantially the form presented to the City for consideration at this meeting, subject to non-material modifications.

Section 2. For the purpose of obtaining a rating on the Bonds of the 1978B, 1978C, and 1982 Issues from Moody's Investment Service, the City hereby approves the Supplemental Escrow Agreement and authorizes the President of the Council to execute, countersign the Supplemental Escrow Agreement.

Section 3. If any portion or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provision shall not affect any of the remaining provisions of this Resolution, the intention being that the same are severable.

Section 4. All acts, orders and resolutions, and parts thereof, in conflict with this Resolution are hereby rescinded.

PASSED and ADOPTED this 3rd day of July, 1985.

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President of the Council

Attest:

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City Clerk

Countersigned:

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Finance Director

EXHIBIT A (in Water Refunding File in Finance Department)

Upon motion of Councilman Leland, seconded by Councilman Pacheco and carried by roll call vote, the Resolution was passed and adopted as read.

RESOLUTION NO. 46-85 ACCEPTING A PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION AND SETTING A HEARING ON SUCH

ANNEXATION - NEIGHBORS ANNEXATION, 24 AND G ROADS - HEARING  
SCHEDULED AUGUST 7, 1985

The following Resolution was read:

RESOLUTION NO. 46-85

ACCEPTING A PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF  
GRAND JUNCTION AND SETTING A HEARING ON SUCH ANNEXATION.

WHEREAS, on the 3rd day of July, 1985, a petition was submitted to  
the City Council of the City of Grand Junction, Colorado, for  
annexation to said City of the following property situate in Mesa  
County, Colorado, and described as follows:

Beginning at a point on the E right-of-way line of 25 Road which  
is 50 feet North and 50 feet E of the SW Corner of Sec 3, T1S,  
R1W, Ute Meridian, Mesa County, Colorado; thence N along said  
right-of-way line to the N line of Sec 3 thence W along the N line  
of Sec 3 and 4, T1S, R1W, Ute Meridian, to the NW Cor of said Sec  
4, thence N along the E line of Sec 32, T1N, R1W, Ute Meridian, to  
the point of intersection with the S right-of-way line of  
Interstate Highway 70, thence W, Nly and Wly along said Interstate  
Highway 70 line to its intersection with the N line of the E2 of  
the SE4 of said Sec 32, thence along said N line to the NW Cor of  
said E2 of the SE4 of Sec 32, thence S along the W line of said E2  
of the SE4 to the S line of said Sec 32, thence E along said S  
line to a point 30 ft W of the SE Cor of said Sec 32, thence S to  
a point on the S right-of-way line of 24 Road, thence E along the  
S right-of-way line of G Road to the intersection with the W  
right-of-way line of 25 Road, thence S along said W right-of-way  
line to a point W of the point of beginning, thence E to  
beginning;

and

WHEREAS, the Council has found and determined that the petition  
substantially complies with the provisions of the Municipal  
Annexation Act and a hearing should be held to determine whether  
or not the lands should be annexed to the City by Ordinance;

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

That a hearing will be held on the 7th day of August, 1985, in the  
City/County Auditorium in the City Hall of the City of Grand  
Junction, Grand Junction, Colorado, at 7:30 o'clock, P.M. to  
determine whether one-sixth of the perimeter of the area proposed  
to be annexed is contiguous with the City; whether a community of  
interest exists between the territory and the City; whether the  
territory proposed to be annexed is urban or will be urbanized in  
the near future; whether the territory is integrated or is capable  
of being integrated with said City; whether any land in single  
ownership has been divided by the proposed annexation; whether any



land held in identical ownership comprising more than twenty acres, which, together with the building and improvements thereon has an assessed valuation in excess of two hundred thousand dollars, is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings, and whether an election is required under the Municipal Annexation Act of 1965.

PASSED and ADOPTED this 3rd day of July, 1985.

/s/ Raymond G. Phipps

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

Upon motion of Councilman Mannion, seconded by Councilman Pacheco and carried by roll call vote, the Resolution was passed and adopted as read.

#### ACCEPTANCE OF THE 1984 CITY AUDITS

Upon motion of Councilman Pacheco, seconded by Councilman Leland and carried, the 1984 City Audits were accepted.

#### ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk