

Grand Junction, Colorado

May 20, 1987

The City Council of the City of Grand Junction, Colorado, convened in regular session the 20th day of May, 1987, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, LeRoy Kirkhart, R.T. Mantlo, Bill McCurry, Paul Nelson, Reford Theobald, and President of the Council O.F. Ragsdale. Also present were City Manager Mark Achen, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

Council President Ragsdale called the meeting to order and led in the Pledge of Allegiance.

#### INVOCATION

Reverend Eldon Coffey, Central Orchard Mesa Community Church.

#### MINUTES

There being no corrections or additions to the minutes of the regular meeting May 6, 1987, they were approved as submitted.

PROCLAMATION DECLARING JUNE 3, 1987, "GRAND JUNCTION HIGH SCHOOL BAND DAY"

#### APPOINTMENTS TO THE PARKS AND RECREATION ADVISORY BOARD

Upon motion by Councilman Nelson, seconded by Councilman Kirkhart and carried, Kathy Hall was reappointed to a three-year term on the Parks and Recreation Advisory Board, James Bonella was appointed to serve a three-year term, and W.E. Foster, II, was appointed to serve a two-year unexpired term.

COUNCIL PRESIDENT REQUESTS APPLICATIONS FROM INDIVIDUALS INTERESTED IN APPOINTMENT TO THE AIRPORT AUTHORITY

#### REORGANIZATION OF COUNCIL

The following members of Council will serve on the listed Boards and Committees for the next year:

AIM - Mayor, Mayor Pro Tem (alternate)

AGNC - McCurry, Kirkhart (alternate)

Airport - Theobald, McCurry (alternate)

CML Policy - Theobald, Mantlo (alternate)

Dominguez - Kirkhart, McCurry

DDA - Nelson, Mantlo (alternate)

Energy Impact - Mantlo, Bennett (alternate)

Housing - Theobold, Bennett (alternate)

MCEDC - Bennett, Mantlo (alternate)

OEDP - Bennett, Nelson

PIAB - Kirkhart, Mantlo (alternate)

Trans. PAC - McCurry, Kirkhart (alternate)

UMTRAP - Nelson, Mantlo

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the appointments were ratified.

HEARING - PROPOSED ORDINANCE - EASEMENT VACATION AT 3520 PONDEROSA WAY

A hearing was held after proper notice on the petition by Chuck Rissell for an easement vacation at 3520 Ponderosa Way. Councilman Nelson abstained from discussion and voting on this issue. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING AN EASEMENT IN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Mantlo, seconded by Councilman Kirkhart and carried with Councilman NELSON ABSTAINING, the proposed ordinance was passed for publication.

BIDS - AWARD OF CONTRACT - INDEPENDENT AVENUE WATERLINE REPLACEMENT - 1987 - PARKERSON CONSTRUCTION - \$107,650.50

Bids were received and opened on the Independent Avenue Waterline Replacement 1987 project. Bidders were:

Lyle States Construction, Inc. \$142,037.00

Franklin Construction, Inc. \$122,302.00

Ben Dowd Excavation \$120,492.95

Parkerson Construction, Inc. \$107,650.50

Engineer's Estimate \$143,310.00

PROPOSED ORDINANCE CONCERNING WIND-DRIVEN SIGNS

The following entitled proposed ordinance was read: CONCERNING WIND-DRIVEN SIGNS IN THE CITY. Dwayne Dodd was present and there was some discussion about consecutive and non-consecutive days for the display of wind-driven signs. Upon motion by Councilman

Mantlo, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

#### ORDINANCES ON FINAL PASSAGE - PROOFS OF PUBLICATION

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

#### ORDINANCE NO. 2342 - COMPLETION OF KREY ANNEXATION

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

There were no comments. Upon motion by Councilman Theobold, seconded by Councilman Kirkhart and carried by roll call vote, the Ordinance was passed, adopted, numbered 2342, and ordered published.

#### ORDINANCE NO. 2343 - CHANGING THE FEE FOR DRIVEWAYS AND ESTABLISHING A FEE FOR CONCRETE WORK ON PUBLIC RIGHT-OF-WAY

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AN ORDINANCE ESTABLISHING A PERMIT FEE FOR CONSTRUCTION, RECONSTRUCTION OR REPAIRING SIDEWALKS OR CURBINGS IN THE PUBLIC RIGHT-OF-WAY AND RAISING THE FEE FOR DRIVEWAY CONSTRUCTION IN THE RIGHT-OF-WAY.

There were no comments. Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried by roll call vote, the Ordinance was passed, adopted, numbered 2343, and ordered published.

#### ORDINANCE NO. 2344 - PROHIBITING THE KEEPING OF BEES WITHIN THE CITY LIMITS OF GRAND JUNCTION - TABLED

Upon motion by Councilman Kirkhart, seconded by Councilman Nelson and carried, the proposed ordinance entitled PROHIBITING THE KEEPING OF BEES WITHIN THE CITY LIMITS OF GRAND JUNCTION was tabled for further study.

#### ORDINANCE NO. 2345 - CORRECTING ORDINANCE NO. 2335 CONCERNING THE UNIFORM BUILDING CODE BOARD OF APPEALS

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the following entitled proposed ordinance was called up for final passage and read by title only: CONCERNING THE UNIFORM BUILDING CODE BOARD OF APPEALS AND CORRECTING ORDINANCE NO. 2335.

There were no comments. Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried by roll call vote, the Ordinance was passed, adopted, numbered 2345, and ordered published.

RESOLUTION NO. 25-87 GRANTING A REVOCABLE PERMIT TO C.D. SMITH COMPANY FOR A PLANTER AND SIGN WITHIN RIGHT-OF-WAY AT 630 SOUTH 7TH STREET

The following Resolution was read:

RESOLUTION NO. 25-87

GRANTING A REVOCABLE PERMIT TO C.D. SMITH COMPANY.

WHEREAS, C.D. Smith Company has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit for location of a planter, sign and sod within the existing road right-of-way (see site plan attached) west of the real property described as:

Parcel #5 of that tract of land conveyed to the C.D. Smith Company as recorded in Book 1571, Pages 84 and 85, in the Office of the Mesa County Clerk and Recorder, to wit: Beginning at a point on the N line of the right-of-way of the Rio Grande Junction Railway, 50 ft N of the center of the track where the same crosses the E line of 7th Street extended in the Grand Junction ????; thence 319 ft more or less to a point 30 ft N of the NW Cor of Lot 2 in Blk 5 of Milldale Subdivision; thence E 133 ft; thence S 88 ft; thence E 22 ft; thence S to the N line of said Railway right-of-way; thence Southwesterly to the point of beginning; and

WHEREAS, such action would not be detrimental to 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-named petitioner for the purpose above described upon the execution by the petitioner of an agreement that he will save and hold the City harmless from any claims arising out of the encroachment and use granted, and that upon revocation of such permit, the petitioner will discontinue said encroachment and, at his own expense, restore the right-of-way to its original condition.

PASSED and ADOPTED this 20th day of May, 1987.

/s/ O.F. Rags Ragsdale

---

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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

REVOCABLE PERMIT

WHEREAS, the C.D. Smith Company has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow location of a planter, sign and sod within the existing road right-of-way (see site plan attached) west of the real property described as follows:

Parcel #5 of that tract of land conveyed to the C.D. Smith Company as recorded in Book 1571, Pages 84 and 85, in the Office of the Mesa County Clerk and Recorder, to wit: Beginning at a point on the N line of the right-of-way of the Rio Grande Junction Railway, 50 ft N of the center of the track where the same crosses the E line of 7th Street extended in the Grand Junction ????; thence 319 ft more or less to a point 30 ft N of the NW Cor of Lot 2 in Blk 5 of Milldale Subdivision; thence E 133 ft; thence S 88 ft; thence E 22 ft; thence S to the N line of said Railway right-of-way; thence Southwesterly to the point of beginning; and

WHEREAS, the City Council is of the opinion that such action would not be detrimental to the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

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

There is hereby granted to the C.D. Smith Company a Revocable Permit to allow location of a planter, sign and sod in the road right-of-way in accordance with the attached site plan as described above; provided, however, that said permit may be revoked by the City Council at its pleasure at any time; provided, further that the above-named petitioner 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; and further provided that said petitioner shall agree that upon revocation of such permit, he will, at his own expense, remove said encroachment and restore the right-of-way to its original condition.

DATED this 22nd day of May, 1987

/s/ Mark K. Achen

\_\_\_\_\_  
City Manager

Attest:

/s/ Neva B. Lockhart, CMC

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

AGREEMENT

The C.D. SMITH COMPANY, for itself, its successors and assigns, does hereby agree that it will abide by the conditions contained in the foregoing Permit and that it will indemnify the City of Grand Junction and hold it harmless from all claims as recited in said permit, and further on revocation of the permit, it agrees to remove said encroachment and restore the right-of-way to its original condition, all at its own expense.

DATED at Grand Junction, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

C.D. SMITH COMPANY

\_\_\_\_\_

Attest:

\_\_\_\_\_

STATE OF COLORADO	)	
	)	SS:
COUNTY OF MESA	)	

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1987, by \_\_\_\_\_ and \_\_\_\_\_ as \_\_\_\_\_ of the C.D. Smith Company.

Witness my hand and official seal.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Upon motion by Councilman McCurry, seconded by Councilman Mantlo and carried by roll all vote, the Resolution was passed and

adopted as read.

ADJOURNMENT

The President of the Council adjourned the meeting.

Neva B. Lockhart

---

Neva B. Lockhart, CMC  
City Clerk