

Grand Junction, Colorado

June 3, 1987

The City Council of the City of Grand Junction, Colorado, convened in regular session the 3rd day of June, 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 Theobold, 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

Edgar A. Schneider, Central Baptist Church.

MINUTES

There being no corrections or additions to the minutes of the regular meeting May 20, 1987, they were approved as submitted.

PROCLAMATION DECLARING JUNE 20, 1987, "RON HALSEY DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING JUNE 14-20, 1987, "WESTERN WEAR WEEK" IN GRAND JUNCTION, COLORADO

PROCLAMATION DECLARING JUNE, 1987, "MOYER MONTH"

PROCLAMATION DECLARING JUNE 27, 1987, "LITTLE LEAGUE BASEBALL DAY" IN GRAND JUNCTION.

HEARING - PROPOSED ORDINANCE - REZONE FROM RMF-32 TO PB AND FINAL PLAN FOR PROPERTY LOCATED AT 1406 N. 7TH STREET

A hearing was held after proper notice on the petition by Don and Rebecca Veale to rezone from RMF-32 (Residential Multi-Family - 32) to PB (Planned Business) and a final plan for property located at 1406 N. 7th Street. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was 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 OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Kirkhart, seconded by Councilman Theobold and carried with Councilman BENNETT voting NO, the proposed ordinance was passed for publication.

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried, the final plan was approved, subject to the

conditions of the Planning Commission.

CONSIDERATION OF BIDS - AWARD OF CONTRACT - CURB, GUTTER AND SIDEWALK REPAIRS, 1987 - CONSTRUCTION SERVICES, INC. - \$86,536.20

Bids were received and opened May 21, 1987, for the Curb, Gutter and Sidewalk Repairs, 1987 Project. Bidders were:

Fred Cunningham Construction, Inc. \$111,842.60

Mays Concrete, Inc. \$92,842.16

Construction Services, Inc. \$86,536.20

Engineer's Estimate \$84,714.00

Staff recommended award of Contract to Construction Services, Inc. for its low bid. Upon motion by Councilman Nelson, seconded by Councilman Mantlo and carried, the bids were accepted, the Contract was awarded to Construction Services, Inc., for its bid of \$86,536.20, and the City Manager was authorized to sign said Contract.

PROPOSED ORDINANCE CONCERNING DEDICATION OF STREET RIGHT-OF-WAY

The following entitled proposed ordinance was read: CONCERNING DEDICATION OF STREET RIGHT-OF-WAY. Upon motion by Councilman Theobald, seconded by Councilman Mantlo and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE CORRECTING VACATION OF A ROAD RIGHT-OF-WAY ABUTTING TECH DEL SOL SUBDIVISION (ORDINANCE NO. 2328)

The following entitled proposed ordinance was read: CORRECTING VACATION OF A ROAD RIGHT-OF-WAY ABUTTING TECH DEL SOL SUBDIVISION. Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication.

ORDINANCE 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. 2346 - EASEMENT VACATION AT 3520 PONDEROSA WAY

Upon motion by Councilman McCurry, seconded by Councilman Theobald and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AN ORDINANCE VACATING AN EASEMENT IN THE CITY OF GRAND JUNCTION.

There were no comments. Upon motion by Councilman Bennett, seconded by Councilman Kirkhart and carried by roll call vote with Councilman NELSON ABSTAINING, the Ordinance was passed, adopted,

numbered 2346, and ordered published.

ORDINANCE NO. 2347 - CONCERNING WIND-DRIVEN SIGNS IN THE CITY

Upon motion by Councilman McCurry, seconded by Councilman Kirkhart and carried, the following entitled proposed ordinance was called up for final passage and read by title only: CONCERNING WIND-DRIVEN SIGNS IN THE CITY.

The Ordinance was amended to reflect that the permit fee would be \$25.00 rather than \$10.00. Councilman Theobold stated that he would cast a NO vote because he did not think it was a wise move; he feels it will be an enforcement headache, and the \$25.00 fee change will be insignificant compared to the final cost that will come out of this. He noted that this is a very pro-business Council, and that it would do whatever it could to try and make the economy in Grand Junction get a boost. He just did not see that this Ordinance would create a single job; it will not add a single dollar of revenue to the economy; he feared it would make us look desperate. Councilman Nelson agreed in part with Councilman Theobold, but stated that he would vote for it in order to give it a try. Council can always change its mind if it proves to be unenforceable.

Upon motion by Councilman Kirkhart, seconded by Councilman Nelson and carried by roll call vote with Councilman THEOBOLD voting NO, the Ordinance was passed, adopted, numbered 2347, and ordered published.

PROPOSED ORDINANCE CHANGING THE SALES AND USE TAXES IN THE CITY OF GRAND JUNCTION AND REMOVING THE EARMARKING OF CERTAIN SALES AND USE TAX PERCENTAGES - KILLED

Upon motion by Councilman Nelson, seconded by Councilman Theobold and carried, the following entitled proposed ordinance was called up for final passage and read by title only: CHANGING THE SALES AND USE TAXES IN THE CITY OF GRAND JUNCTION AND REMOVING THE EARMARKING OF CERTAIN SALES AND USE TAX PERCENTAGES.

There were no comments. It was moved by Councilman Bennett and seconded by Councilman McCurry that the proposed ordinance be killed based on the three public hearings where the people of the City stated this is not what they want. Roll was called upon the motion with the following result:

Council Members voting AYE: MCCURRY, KIRKHART, BENNETT, MANTLO, NELSON, THEOBOLD, RAGSDALE.

Council Members voting NO: None.

The President declared the motion carried, and the ordinance failed to pass.

PROPOSED ORDINANCE PROHIBITING THE KEEPING OF BEES WITHIN THE CITY

LIMITS OF GRAND JUNCTION - KILLED

Upon motion by Councilman Nelson, seconded by Councilman Theobold and carried, the following entitled proposed ordinance was called up for final passage and read by title only: PROHIBITING THE KEEPING OF BEES WITHIN THE CITY LIMITS OF GRAND JUNCTION.

It was moved by Councilman Mantlo and seconded by Councilman Kirkhart that the proposed ordinance be killed. Roll was called upon the motion with the following result:

Council Members voting AYE: KIRKHART, BENNETT, MANTLO, NELSON, THEOBOLD, McCURRY, RAGSDALE.

Council Members voting NO: None.

The President declared the motion carried, and the ordinance failed to pass.

RESOLUTION NO. 26-87 - AUTHORIZING CONVEYANCE OF LOT 26, BOOKCLIFF MANOR, TO DAVID STAERCKE

The following Resolution was read:

RESOLUTION NO. 26-87

WHEREAS, the City of Grand Junction by a warranty deed dated the 18th day of December, 1978, and recorded in the records of the Mesa County Clerk and Recorder in Book 1178 at Page 488, attempted to convey to David A. Staercke the interest of the City in property situate in the County of Mesa, State of Colorado, described as:

Lot 26, Bookcliff Manor Subdivision, City of Grand Junction;

and

WHEREAS, the attempted transfer did not effectively convey the City's interest and further action is needed; and

WHEREAS, the land is not and was not, at the time of the earlier attempted conveyance, held for park or governmental purposes;

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

That the City Manager, Mark K. Achen, is authorized as Commissioner to Convey to convey by Quit-Claim Deed all of the City's interest in said Lot 26.

PASSED and ADOPTED this 3rd day of June, 1987.

/s/ O.F. Ragsdale

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Theobald, seconded by Councilman Kirkhart and carried by roll call vote, the Resolution was passed and adopted as read.

JOINT CITY-COUNTY RESOLUTION - RESOLUTION NO. 27-87 ADOPTING POLICIES ON INVOLVEMENT OF PRIVATE OPERATORS IN TRANSIT

The following Resolution was read:

RESOLUTION NO. 27-87

A JOINT RESOLUTION OF THE COUNTY OF MESA AND THE CITY OF GRAND JUNCTION, COLORADO, CONCERNING ADOPTION OF POLICIES ON INVOLVEMENT OF PRIVATE OPERATORS IN TRANSIT.

WHEREAS, the County has been designated as the recipient of Urban Mass Transportation Administration formula funds for the Grand Junction Urbanized Area; and

WHEREAS, the City and the County recognize the importance of the private sector in the provision of transit services; and

WHEREAS, the Urbanized Area is required to respond to the Urban Mass Transportation Administration (UMTA) policy guidelines, published in the Federal Register on January 24, 1986;

NOW, THEREFORE, BE IT JOINTLY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA, COLORADO, AND THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the "Policies on Involvement of Private Operators in Transit", hereunto attached, and recommended by the Metropolitan Planning Organization's Technical and Policy Advisory Committees, be approved as shown in Exhibit A attached hereto.

CITY OF GRAND JUNCTION

/s/ O.F. Ragsdale

President of the Council

3rd day of June, 1987.

Attest:

Neva B. Lockhart, CMC

City Clerk

COUNTY OF MESA

/s/ R.W. Holmes

Chairman, County Commissioners

2nd day of June, 1987

Attest:

/s/ Earl Sawyer

County Clerk

EXHIBIT A

MESA COUNTY ELDERLY AND HANDICAPPED TRANSPORTATION COALITION

GRAND JUNCTION URBANIZED AREA

POLICIES ON INVOLVEMENT OF PRIVATE OPERATORS IN TRANSIT

MAY, 1987

INTRODUCTION

These policies respond to the Urban Mass Transportation Administration (UMTA) policy guidelines published in the Federal Register on January 24, 1986.

The guidelines identify four elements required of UMTA grantees in encouraging private enterprise:

1. Adequate notice of services to be provided under the UMT grant must be available to existing and potential private providers.
2. Opportunity for private operators to submit proposals must be allowed.
3. Review of services must be made to determine if private operators can supply these services more efficiently. This comparison must use "true" costs which reflect both direct and indirect costs.
4. A process to resolve disputes over the comparisons must exist and be fair to all parties.

The policies must be approved by the Mesa County Transportation Coalition and the Grand Junction Urbanized Area Metropolitan Planning Organization. Adherence to the policies, including adequate documentation of all notices, reviews and approvals will

be necessary to ensure the continuation of UMTA grants for the elderly and handicapped transportation program.

I. NOTICE.

A. A list of private operators shall be established and maintained by the Mesa County Transportation Coalition Lead Agency. Such list shall be updated at least annually, and shall consist of individuals and non-governmental organizations, including profit and non-profit, who:

1. Are members of the Coalition; or,
2. Submitted proposals to provide services during the two years preceding the current calendar year; or,
3. Who responded to published notices as detailed in Section I.B. of these policies.

B. Notice of upcoming planning and implementation activities shall be sent to all entities on the established list noted in Section I.B. above. This notice shall be sent by normal mail services by January 15th of each year and shall reference:

1. The adopted "Transportation Development Program"; and,
2. The annual element of the "Transportation Improvement Program"; and,
3. Existing services provided under the TIP and TDP.

Private operators shall be advised of their opportunity to review existing services and present their views and proposals. Criteria for evaluating the proposals shall be included in the notice and are identified in Section III.

C. In addition, a notice containing the above information shall be placed in a general circulation newspaper. This will provide possible new providers with opportunity for comment. Such notice shall be published for two consecutive days no later than January 15th of each year.

II. OPPORTUNITY.

A. Proposals from private operators to operate the entire system shall be considered only between January 15th and last day of February of each year. All proposals must be in writing and received by the coordinating agency for the Coalition no later than February 15th or the following work day.

B. No later than the last day of February of each year, a public meeting shall be held to receive comments on the services provided and the TDP in general. Any proposals submitted, as detailed above, shall be considered by the members of the Coalition

according to the process described in Section IV.

C. These policies support involvement of private enterprise in transportation: However, it is the policy of Mesa County to require that all private entities submitting proposals have a license under the State of Colorado's Public Utilities Commission, hereinafter known as the P.U.C., to operate as a public carrier: such license must be granted to the private operator prior to acceptance of the proposal.

D. Proposals for specific transportation programs will be accepted by the Transportation Supervisor throughout the year with thirty (30) days notice.

E. The County will request proposals from the private sector on new or expanded programs whenever possible.

III. CRITERIA FOR EVALUATION OF PROPOSALS.

A. Existing Service Level.

On an annual basis, and in accord with the schedule defined in Section I of these policies, service levels for the upcoming program period shall be described. Descriptions shall include, but not be limited to:

1. Persons to be served by program.
2. Days and hours of operation.
3. Projected vehicle miles.

B. Ability to Provide Services.

While encouraging private enterprise, it is the policy of Mesa County Transportation Coalition that the primary goal is provision of transportation services to elderly and handicapped persons of Mesa County. Warrantees related to the delivery of these services are, therefore, a part of these policies. Proposals must include the following information to verify the applicant's ability to provide services.

1. Vehicles.

A listing of vehicles owned or leased by the applicant. Included should be:

- Vehicle model and year.
- Body Type (eq. station wagon, van, bus)
- Number of seats.
- Wheelchair equipment.

- Mileage.
- Existing Liens.
- Special equipment.

2. Labor.

A listing of personnel to be used in the provision of services. Drivers must have a Class S license for the operation of vehicles with a capacity of nine or more.

3. Administration.

Adequate records must be kept sufficient to maintain the P.U.C. license and demonstrate that the level of service claimed under the proposal is being met by the private operator.

4. PUC License.

As noted above, all applicants must have adequate license under the P.U.C. in order for their proposal to be acceptable. Loss of this license shall be deemed justification for resumption of the originally programmed services.

5. Insurance.

All operators must have adequate insurance as defined by the P.U.C. and/or sufficient insurance as required by local government.

C. Cost.

Under the UMTA Policy, consideration of proposals should include "whether private carriers could provide such service in a manner which is consistent with local objectives and without public subsidy." It is the policy of the Coalition that, should a private operator be able to provide all or part of the services without UMTA subsidy, the TDP and TIP shall be revised accordingly, as soon as possible within established procedures.

Furthermore, under UMTA policies, a cost comparison should include fully allocated costs of public and non-profit agencies, and subsidies, such as operating subsidies, capital grants and the use of public facilities.

To the extent, therefore, that indirect costs are allocated to the UMTA operating subsidy grants, such costs will be included in the cost comparison.

Future capital grants will also be used in the comparison. Indirect costs not covered by UMTA operating subsidy grants, and borne by Mesa County or the participating Coalition members, shall

also be included in the comparisons.

IV. DISPUTE RESOLUTION

A. Written proposals received within the period described in Section I shall be reviewed by members of the Coalition during their normal meetings. Private operators making the proposals shall be notified as to the day and time of the meeting(s), and shall be given opportunity to present the proposals and respond to questions. The Coalition by a vote of simple majority of member agency representatives, shall decide whether the proposed service(s) would satisfy the criteria listed in Section III and make its recommendations. At this point, operators whose proposals are rejected by the Coalition may decide to accept the decision or go before the Mesa County Board of Commissioners.

B. The Coalition will forward all proposals, along with its recommendations, to the Board of Commissioners, which shall decide whether to accept or reject the proposal(s) based upon the recommendations. Any dispute by the private operator(s) concerning the decision of the Commissioners may be handled through the legal process defined in the Colorado Revised Statutes.

C. As part of the dispute resolution process, and in order to verify adherence to these policies, the Coalition shall keep adequate records containing, at a minimum, the following:

1. Copies of all notices related to these policies, including mailed and published notices.
2. Copies of all proposals submitted.
3. Minutes of the meetings held to discuss and vote upon the proposals. Such minutes need not be verbatim, but must cover the salient points.
4. Documentation on the calculation of true costs used in comparisons.
5. Correspondence related to the proposals.

Upon motion by Councilman Theobald, seconded by Councilman Kirkhart and carried by roll call vote, the Resolution was passed and adopted as read.

RESOLUTION NO. 28-87 DESIGNATING A MONEY PURCHASE PLAN FOR CERTAIN "OLD HIRE" FIRE DEPARTMENT MEMBERS

The following Resolution was read:

RESOLUTION NO. 28-87

DESIGNATING A MONEY PURCHASE PLAN FOR CERTAIN "OLD HIRE" FIRE DEPARTMENT MEMBERS.

WHEREAS, by Resolution No. 2-87, adopted the 4th day of February, 1987, the City Council approved agreement with Fire Department "Old Hires" (as that term is defined by Colorado Police and Fire Pension Laws), Eldon L. Avery, Tim S. Bevan, Edward A. Billings, Roscoe D. Boothe, William A. Chamberlain, Glenn R. Crespin, Dale L. Dean, Glen C. Dickerson, Ralph W. Erskine, Wallace A. Irwin, Leeroy Johnson, Robert D. Keeling, John C. Knudsen, Donald L. McGuire, Jr., Wesley E. Painter, John M. Patterson, Michael D. Peterson, Ray D. Rowland, Danny R. Sadler, David D. Shaw, Wayne C. Smith, Robert H. Strobl, Virgil R. Taylor, James R. Terry and Gary W. Tharp, to enter into a Money Purchase Plan for such fire department members; and

WHEREAS, the City and the fire department members desire that the Money Purchase Plan be administered by the ICMA Retirement Corporation;

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

That the City of Grand Junction establish a Money Purchase Plan in the form of the ICMA Retirement Corporation Prototype Money Purchase Plan and Trust, pursuant to the specific provisions of the executed Adoption Agreement. The Plan and the Trust forming a part thereof are established and shall be maintained for the exclusive benefit of the named "Old Hire" Fire Pension Fund members.

PASSED and ADOPTED this 3rd day of June, 1987.

/s/ O.F. Ragsdale

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman McCurry, seconded by Councilman Theobold and carried by roll call vote with Councilman MANTLO ABSTAINING, the Resolution was passed and adopted as read.

JUNE 17, 1987, CITY COUNCIL MEETING CANCELLED

Upon motion by Councilman Kirkhart, seconded by Councilman McCurry and carried, the regular City Council meeting June 17, 1987, was cancelled.

ADJOURNMENT

Council President Ragsdale adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk