

Grand Junction, Colorado

September 16, 1987

The City Council of the City of Grand Junction, Colorado, convened in regular session the 16th day of September, 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

Eddie Scroggins, Riverside Baptist Church.

MINUTES

There being no corrections or additions to the minutes of the regular meeting September 2, 1987, they were approved as submitted.

ROCKY MOUNTAIN SENIOR GAME PARTICIPANTS RECOGNIZED

Approximately 22 participants of the Rocky Mountain Senior Game Olympics were present along with Pete Fregetto of the Parks and Recreation Department. The City Council congratulated the participants for winning 20 gold medals, 9 silver medals, and 3 bronze medals.

PROCLAMATION DECLARING THE WEEK OF OCTOBER 18-24, 1987, AS "INFECTION CONTROL WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING FRIDAY, SEPTEMBER 18, 1987, "POW-MIA DAY" IN THE CITY OF GRAND JUNCTION

STEVEN THURMAN APPOINTED TO BOARD OF ADJUSTMENT AND APPEALS - THREE-YEAR TERM

Upon motion by Councilman Theobald, seconded by Councilman Nelson and carried, Steven J. Thurman was appointed to serve a three-year term on the Board of Adjustment and Appeals.

EARL F. PAYNE APPOINTED TO SERVE AN UNEXPIRED TERM ON THE GRAND JUNCTION, CO, HOUSING AUTHORITY - TERM TO EXPIRE JUNE, 1990

Upon motion by Councilman Theobald, seconded by Councilman Nelson and carried, Earl F. Payne was appointed to complete the unexpired term of Florence McClure, said term to expire in June, 1990.

LESLIE SMITH APPOINTED TO SERVE AN UNEXPIRED TERM ON THE GRAND

JUNCTION, CO, DOWNTOWN DEVELOPMENT AUTHORITY - TERM TO EXPIRE JUNE 30, 1990

Upon motion by Councilman Theobald, seconded by Councilman Nelson and carried, Leslie Smith was appointed to complete the unexpired term of Shannon Morgan on the Grand Junction, Colorado, Downtown Development Authority, said term to expire June 30, 1990.

HEARING - APPLICATION BY B.P.O. ELKS LODGE #575 FOR A 3.2% BEER SPECIAL EVENTS PERMIT ON OCTOBER 3, 1987, ON 6TH ST S OF THE ALLEY FOR OKTOBERFEST - FIRST PERMIT - APPROVED

A hearing was held after proper notice on the application by B.P.O. Elks Lodge #575 for a 3.2% Beer Special Events Permit on Saturday, October 3, 1987, from 10:00 a.m. to 10:00 p.m. on 6th Street from Main Street south to the alley for the annual Oktoberfest celebration. Rich Keefer of the Elks Lodge was present and spoke for the application. There were no opponents, letters or counterpetitions. Upon motion by Councilman Mantlo, seconded by Councilman McCurry and carried, the application was approved.

PROPOSED ORDINANCE AMENDING CERTAIN CODE SECTIONS TO COMPLY WITH STATE LEGISLATION ON THE DRINKING AGE

The following entitled proposed ordinance was read: CONCERNING PERSONS WHO HAD NOT ATTAINED THE AGE OF 18 PRIOR TO JULY 30, 1987, BEING IN BARS, LOUNGES OR CARD ROOMS, BEING PERMITTED TO DRINK BEER IN THE PUBLIC PARKS, AND ACTIVITIES CONCERNING SUCH PERSONS WHICH MAY BE A PUBLIC NUISANCE. Upon motion by Councilman Kirkhart, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication.

RESOLUTION NO. 37-87 AUTHORIZING CONVEYANCE OF PROPERTY LOCATED AT THE SW COR OF FAIRVIEW AND LAWRENCE AVENUE TO G.D.F.G. ENTERPRISES, VIRGINIA FLAGER

The following Resolution was read:

RESOLUTION NO. 37-87

AUTHORIZING THE CONVEYANCE OF LOT 24 IN BLOCK 1 OF CRAWFORD SUBDIVISION, AS AMENDED.

WHEREAS, the City of Grand Junction is the owner of land situate in Mesa County, Colorado, described as:

Lot 24 in Block 1 of Crawford Subdivision, as amended,

the land not being held or used for park or governmental purpose, and

WHEREAS, G.D.F.G., Virginia Flager, has offered to purchase the lot for \$750.00, which is a fair price for said lot;

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

That the City Manager, Mark K. Achen, be authorized, as Commissioner to Convey, to convey the described lot to G.D.F.G. Enterprises, Virginia Flager, or to whom it may direct upon receipt of the \$750.00.

PASSED and ADOPTED this 16th day of September, 1987.

/s/ O.F. Ragsdale

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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

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

RESOLUTION NO. 38-87 GRANTING A REVOCABLE PERMIT TO BURKEY LUMBER, 515 S. 7TH STREET, TO ALLOW SECURITY FENCE ENCROACHMENT IN PUBLIC RIGHT-OF-WAY ON SOUTH 7TH STREET

The following Resolution was read:

RESOLUTION NO. 38-87

GRANTING A REVOCABLE PERMIT TO BURKEY LUMBER.

WHEREAS, Burkey Lumber has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit for encroachment of a security fence onto the West 3.5 feet of the South Seventh Street right-of-way abutting the East lines of Lots 11 thru 15, inclusive, Block 160 in the City of Grand Junction.

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 it 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 its own expense, restore the right-of-way to

its original condition.

DATED this 16th day of September, 1987.

/s/ O.F. Ragsdale

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

REVOCABLE PERMIT

WHEREAS, Burkey Lumber has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit for encroachment of a security fence onto the West 3.5 feet of the South Seventh Street right-of-way abutting the East lines of Lots 11 thru 15, inclusive, Block 160, in the City of Grand Junction.

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 Burkey Lumber a Revocable Permit to allow encroachment upon the City right-of-way 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 the revocation of such permit, it will, at its own expense, remove said encroachment and restore the right-of-way to its original condition.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

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

Attest:

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

AGREEMENT

BURKEY LUMBER, 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.

\_\_\_\_\_  
BURKEY LUMBER

Attest:

\_\_\_\_\_

STATE OF COLORADO	)	
	)	SS:
COUNTY OF MESA	)	

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1987, by \_\_\_\_\_ of Burkey Lumber.

Witness my hand and official Seal.

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

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

ONE-YEAR LEASE EXTENSION GRANTED TO HARLEY MADDOCK FOR PROPERTY LOCATED AT 236 MAIN STREET

Upon motion by Councilman Mantlo, seconded by Councilman Kirkhart and carried, a one-year extension was granted to Harley Maddock for property located at 236 Main Street.

TRANSFER OF \$6000 FROM GENERAL FUND CONTINGENCY FOR MCEDC INCENTIVE TO MADDAK OF COLORADO AUTHORIZED

Upon motion by Councilman Bennett, seconded by Councilman Mantlo and carried, the transfer of \$6000 from General Fund Contingency for MCEDC Incentive to Maddak of Colorado was authorized.

STREET REPAIR PROGRAM COMMENDED

Councilman Mantlo commended the street repair program for 1987. He expressed appreciation for motorist consideration during the repair work.

ADJOURNMENT

The President of the Council adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk