

CITY OF GRAND JUNCTION, COLORADO MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL

April 20, 1988

The City Council of the City of Grand Junction, Colorado, convened in regular session the 20th day of April, 1988, 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 Dan Wilson, and City Clerk Neva Lockhart.

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

MINUTES

There being no corrections or additions to the minutes of the regular meeting April 6, 1988, they were approved as submitted.

INVOCATION - Reverend Andrew Gebbe, The Orchard.

PROCLAMATION DECLARING MAY 8-14, 1988, AS "SMALL BUSINESS WEEK"

PROCLAMATION DECLARING APRIL 24-30, 1988, AS "BETTER BUSINESS BUREAU/NATIONAL CONSUMER WEEK" IN THE CITY OF GRAND JUNCTION

HEARING - APPLICATION BY LATIN ANGLO ALLIANCE FOR A 3.2% FERMENTED MALT BEVERAGE (3.2% BEER) SPECIAL EVENTS PERMIT ON MAY 7, 1988, FROM 9:00 A.M. TO 12:00 MIDNIGHT IN THE 500 BLOCK OF MAIN STREET FOR THE ANNUAL CINCO DE MAYO CELEBRATION - FIRST PERMIT - APPROVED

A hearing was held after proper notice on the application by Latin Anglo Alliance for a 3.2% Fermented Malt Beverage Special Events Permit on May 7, 1988, from 9:00 a.m. to 12:00 midnight in the 500 block of Main Street for the annual Cinco de Mayo celebration. Mike Archuleta, President of the organization, was present for the hearing. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Nelson, seconded by Councilman Mantlo and carried, the application was approved.

BIDS - AWARD OF CONTRACTS

9th Street Waterline Replacement - 3rd Avenue to Ute Avenue - 1988 - Parkerson Construction - \$155,610

Upon motion by Councilman McCurry, seconded by Councilman Kirkhart and carried, the Contract for 9th Street Waterline Replacement, 3rd Avenue to Ute Avenue, 1988, was awarded to Parkerson Construction in the amount of \$155,610, and the City Manager was authorized to sign said Contract.

Spectrophotometer for Police Department - Bio Rad - \$62,802

Upon motion by Councilman Theobald, seconded by Councilman Kirkhart and carried, the Contract for Spectrophotometer for the Police Department was awarded to Bio Rad in the amount of \$62,802, and the City Manager was authorized to sign said Contract.

Turn-Out Clothing for Structure Fire Fighting - Mile High Fire Equipment - \$11,422

Upon motion by Councilman Mantlo, seconded by Councilman Bennett and carried, the Contract for Turn-Out Clothing for Structure Fire Fighting was awarded to Mile High Fire Equipment in the amount of \$11,422, and the City Manager was authorized to sign said Contract.

PROPOSED ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE BUDGET OF THE CITY OF GRAND JUNCTION

The following entitled proposed ordinance was read: AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE BUDGET OF THE CITY OF GRAND JUNCTION. Upon motion by Councilman Bennett, 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. 2380 - LEASING LOT 7, FORESIGHT VILLAGE SUBDIVISION FOR THE USE OF THE "FORESIGHT SOCCER FIELD"

Upon motion by Councilman Kirkhart, seconded by Councilman Mantlo and carried, the following entitled proposed ordinance was called up for final passage and read by title only: LEASING LOT 7, FORESIGHT VILLAGE SUBDIVISION FOR THE USE OF THE "FORESIGHT SOCCER FIELD."

There were no comments. Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried by roll call vote, the Ordinance was passed, adopted, numbered 2380, and ordered published.

ORDINANCE NO. 2381 - REPEALING SECTION 7-31(C) (5) OF CHAPTER 7, CODE OF ORDINANCES - ALLOWING SUBCONTRACTORS TO BE UNLICENSED WHEN WORKING FOR A CONTRACTOR LICENSED IN THE CITY

Upon motion by Councilman Kirkhart, seconded by Councilman Mantlo and carried, the following entitled proposed ordinance was called up for final passage and read by title only: REPEALING THE CODE SECTION ALLOWING SUBCONTRACTORS TO BE UNLICENSED WHEN WORKING FOR A CONTRACTOR LICENSED IN THE CITY.

There were no comment. Upon motion by Councilman Theobald, seconded by Councilman Kirkhart and carried by roll call vote, the Ordinance was passed and adopted as amended, numbered 2381, and ordered published.

ORDINANCE NO. 2382 - INCLUDING PROPERTY WITHIN THE BOUNDARIES OF THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY - POSTPONED TO MAY 4, 1988, CITY COUNCIL MEETING

City Manager Achen explained that this item has been postponed to the May 4, 1988, City Council Meeting due to the death of Downtown Development Director Gary Ferguson's father.

RESOLUTION NO. 10-88 GRANTING A REVOCABLE PERMIT TO JULIO REYES PERMITTING ENCROACHMENT IN PUBLIC RIGHT-OF-WAY AT 811 SOUTH 7TH STREET FOR A HANDICAP RAMP

The following Resolution was read:

RESOLUTION NO. 10-88

GRANTING A REVOCABLE PERMIT TO JULIO REYES

WHEREAS, Julio Reyes has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to construct a handicap access ramp 4.0 (four) feet into the public right-of-way east of the real property described as:

The South Seventh Street right-of-way abutting the East lines of the following described parcels of land, to wit:

Parcel #1:

Beginning at a point 175.0 feet North of the Southwest corner of the Northwest 1/4 Northeast 1/4 of Section 23, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado;  
thence East 132.0 feet;  
thence North 25.0 feet;  
thence West 132.0 feet;  
thence South 25.0 feet to the Point of Beginning, together with the West 8.0 feet of the vacated right-of-way for South Seventh Street adjoining said parcel on the East per People's Ordinance No. 19, AND ALSO together with the East 3.5 feet of the West 11.5 feet of the vacated right-of-way for South Seventh Street adjoining said parcel on the East per Ordinance No. 2378.

Parcel #2:

Beginning at a point 200.0 feet North of the Southwest corner of the Northwest 1/4 Northeast 1/4 of Section 23, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado;  
thence East 132.0 feet;

thence North 50.0 feet;  
thence West 132.0 feet;  
thence South 50.0 feet to the Point of beginning, together with  
the West 8.0 feet of the vacated right-of-way for South Seventh  
Street adjoining said parcel on the East per People's Ordinance  
No. 19, AND ALSO together with the East 3.5 feet of the West 11.5  
feet of the vacated right-of-way for South Seventh Street  
adjoining said parcel on the East per Ordinance No. 2378.

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, is hereby directed to grant the attached 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, and indemnify the City from, any  
claims or causes of action however stated arising out of the  
encroachment and use granted, and that upon revocation of such  
permit, the petitioner will, within thirty (30) days of notice of  
revocation, discontinue said encroachment and, at his own expense,  
restore the right-of-way to its original condition.

PASSED and ADOPTED this 20th day of April, 1988.

/s/ O.F. Ragsdale

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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

REVOCABLE PERMIT

WHEREAS, Julio Reyes has petitioned the City Council of the City  
of Grand Junction, Colorado, for a Revocable Permit to allow  
construction of a handicap access ramp four (4.0) feet into the  
right-of-way east of the real property located at 811 South  
Seventh Street and described as:

The South Seventh Street right-of-way abutting the East lines of  
the following described parcels of land, to wit:

Parcel #1:

Beginning at a point 175.0 feet North of the Southwest corner of  
the Northwest 1/4 Northeast 1/4 of Section 23, Township 1 South,  
Range 1 West of the Ute Meridian, City of Grand Junction, Mesa

County, Colorado;  
thence East 132.0 feet;  
thence North 25.0 feet;  
thence West 132.0 feet;  
thence South 25.0 feet to the Point of Beginning, together with the West 8.0 feet of the vacated right-of-way for South Seventh Street adjoining said parcel on the East per People's Ordinance No. 19, AND ALSO together with the East 3.5 feet of the West 11.5 feet of the vacated right-of-way for South Seventh Street adjoining said parcel on the East per Ordinance No. 2378.

Parcel #2:

Beginning at a point 200.0 feet North of the Southwest corner of the Northwest 1/4 Northeast 1/4 of Section 23, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado;  
thence East 132.0 feet;  
thence North 50.0 feet;  
thence West 132.0 feet;  
thence South 50.0 feet to the Point of beginning, together with the West 8.0 feet of the vacated right-of-way for South Seventh Street adjoining said parcel on the East per People's Ordinance No. 19, AND ALSO together with the East 3.5 feet of the West 11.5 feet of the vacated right-of-way for South Seventh Street adjoining said parcel on the East per Ordinance No. 2378.

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, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to Julio Reyes a Revocable Permit to allow construction of a handicap access ramp in the right-of-way east of the property 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 by the construction in and the use of the right-of-way as contemplated herein hereby agrees to indemnify the City and to 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 or the construction of any improvements in the right-of-way of Seventh Street; and further provided that said petitioner hereby agrees that within thirty (30) days of notice of the revocation of such permit, he will, at his sole expense, remove said encroachment and restore the right-of-way to its original condition.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

/s/ Mark K. Achen

\_\_\_\_\_

City Manager

Attest:

/s/ Neva B. Lockhart, CMC

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

Accepted

\_\_\_\_\_  
Julio Reyes

AGREEMENT

Julio Reyes, for himself, his successors and assigns, does hereby agree that he will abide by each and every condition contained in the foregoing Permit and that he will indemnify the City of Grand Junction and hold it harmless from all claims and causes of action as recited in said permit; and further, upon revocation of the permit, he agrees to, within thirty (30) days of notice of revocation, remove said encroachment and restore the right-of-way to its original condition, all at his own expense.

DATED at Grand Junction, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

\_\_\_\_\_  
JULIO REYES

STATE OF COLORADO	)	
	)	SS:
COUNTY OF MESA	)	

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1988, by JULIO REYES.

Witness my hand and official seal.

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

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

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

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk