

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

April 5, 1989

The City Council of the City of Grand Junction, Colorado, convened in regular session the 5th day of April, 1989, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were R. T. Mantlo, Bill McCurry, Paul Nelson, O. F. Ragsdale, Reford Theobald, and President of the Council John Bennett. Councilman LeRoy Kirkhart was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

Council President Bennett called the meeting to order and City Manager Achen led in the Pledge of Allegiance.

INVOCATION - Loren Ennis, Church on the Rock.

MINUTES

There being no additions or corrections to the March 15, 1989, City Council minutes, they were approved as submitted.

RECOGNITION OF CONNER W. SHEPHERD, NEWLY ELECTED COUNCILMEMBER

PROCLAMATION DECLARING APRIL 21, 1989, AS "ARBOR DAY"

PROCLAMATION DECLARING APRIL 9-15, 1989, AS "GRAND VALLEY REGIONAL 9 HEALTH FAIR WEEK" IN GRAND JUNCTION

PROCLAMATION DECLARING THE MONTH OF APRIL, 1989, AS "CLEAN-UP, FIX-UP, PAINT-UP MONTH" IN GRAND JUNCTION

PROCLAMATION DECLARING APRIL 18, 1989, AS "JOHN AND ELVERA TOMLINSON DAY" IN GRAND JUNCTION

APPOINTMENT OF DAN ROSENTHAL TO THE DOWNTOWN DEVELOPMENT AUTHORITY

Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried Dan Rosenthal was appointed to the Downtown Development Authority, with the term to expire 6-30-91.

CANVASSING BOARD - ELECTION RESULTS - ABSTRACT

Council members NELSON, MCCURRY and BENNETT stepped down from their seats and joined the audience. Municipal Judge David A. Palmer, Notary Public Carolyn L. Tufly, Notary Public Helen Carmack, and Notary Public Theresa F. Martinez sat with Councilmembers O.F. Ragsdale, R.T. Mantlo and Reford Theobald on the Canvassing Board. The City Clerk filed the report regarding her findings after review of the returns by the Judges of Election. The following Certificate of Election was filed:

CITY OF GRAND JUNCTION, COLORADO CERTIFICATE OF ELECTION APRIL 4, 1989

I, Neva B. Lockhart, City Clerk of the City of Grand Junction, Colorado, do hereby certify that the results of the General Municipal Election held in the City on Tuesday, April 4, 1989, were as follows:

Total Ballots Cast in District A, Precinct 1 - 51

Total Ballots Cast in District A, Precinct 2 - 226

Total Ballots Cast in District B, Precinct 3 - 506

Total Ballots Cast in District C, Precinct 4 - 415

Total Ballots Cast in District D, Precinct 5 - 634

Total Ballots Cast in District E, Precinct 6 - 415

Total Ballots Cast in Absentee, Precinct 7 - 27

TOTAL BALLOTS CAST - 2,274

FOR COUNCILMAN, DISTRICT "A" - FOUR-YEAR TERM

Candidates	Dist. "A-1"	Dist. "A-2"	Dist. "B-3"	Dist. "C-4"	Dist. "D-5"	Dist. "E-6"	Dist. "ABS-7"	Total
Paul W. Nelson	33	153	370	306	477	304	24	1667
Write-Ins								
Robert Richardson	1							1
Paul White					1			1
Richard Herald			1					1

John W. Bennett	27	104	316	227	422	230	17	1343
Loretta Harrison	15	92	240	133	161	140	5	686
Richard L. Heely	4	16	20	27	21	19	2	109

SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE FOR AT LEAST THE APPRAISED VALUE THEREOF, THAT PORTION OF SHERWOOD PARK IN SHERWOOD ADDITION LYING SOUTH OF SOUTH SHERWOOD DRIVE; IF TRADED, THE LANDS TRADED FOR SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE DEPOSITED IN THE CITY'S OPEN SPACE FUND FOR THE ACQUISITION AND/OR IMPROVEMENT OF PARK LANDS.

	Dist. "A-1"	Dist. "A-2"	Dist. "B-3"	Dist. "C-4"	Dist. "D-5"	Dist. "E-6"	Dist. "ABS-7"	Total
FOR THE SALE OR TRADE	22	118	282	233	389	232	16	1292
AGAINST THE SALE OR TRADE	21	82	160	125	172	139	7	706

SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE FOR AT LEAST THE APPRAISED VALUE THEREOF, LOT 11 AND THE SOUTH 10 FEET OF LOT 10 IN BLOCK 1, ARCADIA VILLAGE; IF TRADED, THE LANDS TRADED FOR SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE DEPOSITED IN THE CITY'S OPEN SPACE FUND FOR THE ACQUISITION AND/OR IMPROVEMENT OF PARK LANDS.

	Dist. "A-1"	Dist. "A-2"	Dist. "B-3"	Dist. "C-4"	Dist. "D-5"	Dist. "E-6"	Dist. "ABS- 7"	Total
FOR THE SALE OR TRADE	32	135	322	266	435	250	18	1458
AGAIN ST THE SALE OR TRADE	13	64	105	90	118	104	6	500

SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE FOR AT LEAST THE APPRAISED VALUE THEREOF, THAT LOT LABELED PARK SITE IN THE 1ST ADDITION TO PHEASANT RUN - SPRING VALLEY FILING NO. 6 AND REPLAT OF LOTS 1-4, PHEASANT RUN SPRING VALLEY FILING NO. 6; IF TRADED, THE LANDS TRADED FOR SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE DEPOSITED IN THE CITY'S OPEN SPACE FUND FOR THE ACQUISITION AND/OR IMPROVEMENT OF PARK LANDS.

	Dist. "A-1"	Dist. "A-2"	Dist. "B-3"	Dist. "C-4"	Dist. "D-5"	Dist. "E-6"	Dist. "ABS- 7"	Total
FOR THE SALE OR TRADE	29	124	295	228	372	230	13	1291
AGAIN ST THE SALE OR TRADE	16	76	130	125	180	125	10	662

SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE FOR AT LEAST THE APPRAISED VALUE THEREOF, LOT 9 OF BLOCK 19, PHEASANT RUN SPRING VALLEY NO. 6; IF TRADED, THE LANDS TRADED FOR SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF

SOLD, THE MONIES RECEIVED SHALL BE DEPOSITED IN THE CITY'S OPEN SPACE FUND FOR THE ACQUISITION AND/OR IMPROVEMENT OF PARK LANDS.

	Dist. "A-1"	Dist. "A-2"	Dist. "B-3"	Dist. "C-4"	Dist. "D-5"	Dist. "E-6"	Dist. "ABS-7"	Total
FOR THE SALE OR TRADE	27	128	295	234	376	240	14	1314
AGAIN ST THE SALE OR TRADE	16	68	123	116	173	114	10	620

IN ORDER THAT THE COUNCIL MAY BE ADVISED ABOUT WHETHER CITY RESIDENTS DESIRE TO CONTINUE WITH CERTAIN PROGRAMS AND EXPENDITURES WHICH COULD BE REDUCED OR ELIMINATED IF THE 3/4% SALES TAX ORDINANCE WERE REPEALED, SUCH AS:

- FINANCIAL SUPPORT OF THE MCEDC;
- SCHOOL RESOURCE PROGRAM;
- STREET OVERLAY PROGRAM;
- DOWNTOWN ALLEY IMPROVEMENTS;
- CLOSURE OF ONE OF THE FOUR FIRE STATIONS;
- FUNDING FOR THE RIVERFRONT PROJECT;
- POLICE VOLUNTEER PROGRAM;
- MAJOR STREET RECONSTRUCTION;
- FRESHAZADAZY SPRING CLEANUP;
- STREET SWEEPING;
- LEAF PICK-UP PROGRAM;
- INCREASED EMERGENCY MEDICAL RESPONSE TIMES;
- 9 MONTHS PER YEAR CLOSURE OF THE ORCHARD MESA POOL;

- CLOSURE OF THE OLDER AMERICAN CENTER;
- CRIME PREVENTION PROGRAM;
- CHECK FRAUD PROGRAM;

THE FOLLOWING QUESTIONS SHALL BE ASKED:

SHOULD PROPERTY TAXES BE INCREASED?

	Dist. "A-1"	Dist. "A-2"	Dist. "B-3"	Dist. "C-4"	Dist. "D-5"	Dist. "E-6"	Dist. "ABS- 7"	Total
YES	2	16	43	39	77	30	3	210
NO	45	200	423	351	512	360	22	1913

SHOULD FORCED STREET IMPROVEMENT DISTRICTS BE REINSTITUTED?

	Dist. "A-1"	Dist. "A-2"	Dist. "B-3"	Dist. "C-4"	Dist. "D-5"	Dist. "E-6"	Dist. "ABS- 7"	Total
YES	10	47	137	121	165	109	8	597
NO	29	150	290	232	385	251	16	1353

SHOULD THE CITY SALES TAX BE RETAINED AT ITS CURRENT LEVEL?

	Dist. "A-1"	Dist. "A-2"	Dist. "B-3"	Dist. "C-4"	Dist. "D-5"	Dist. "E-6"	Dist. "ABS- 7"	Total
YES	26	110	310	248	398	252	18	1362
NO	22	110	184	148	217	154	8	843

Certified this 5th day of April, 1989.

/s/ Neva B. Lockhart, CMC

City Clerk

We, the undersigned Canvassing Board for the City of Grand Junction, Colorado, have reviewed the results of the General Municipal Election held in said City April 4, 1989, and do hereby conclude:

That Paul W. Nelson has been elected to a four-year term as Councilman for District "A" by the greater number of votes.

That William E. "Bill" McCurry has been elected to a four-year term as Councilman for District "D" by the greater number of votes.

That Conner W. Shepherd has been elected to a four-year term as Councilman for District "E" by the greater number of votes.

That John W. Bennett has been elected to a four-year term as Councilman for the City at Large by the greater number of votes.

That on the question "SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE FOR AT LEAST THE APPRAISED VALUE THEREOF, THAT PORTION OF SHERWOOD PARK IN SHERWOOD ADDITION LYING SOUTH OF SOUTH SHERWOOD DRIVE; IF TRADED, THE LANDS TRADED FOR SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE DEPOSITED IN THE CITY'S OPEN SPACE FUND FOR THE ACQUISITION AND/OR IMPROVEMENT OF PARK LANDS," For the Sale or Trade carried by the greater number of votes.

That on the question "SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE FOR AT LEAST THE APPRAISED VALUE THEREOF, LOT 11 AND THE SOUTH 10 FEET OF LOT 10 IN BLOCK 1, ARCADIA VILLAGE; IF TRADED, THE LANDS TRADED FOR SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE DEPOSITED IN THE CITY'S OPEN SPACE FUND FOR THE ACQUISITION AND/OR IMPROVEMENT OF PARK LANDS," For the Sale or Trade carried by the greater number of votes.

That on the question "SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE FOR AT LEAST THE APPRAISED VALUE THEREOF, THAT LOT LABELED PARK SITE IN THE 1ST ADDITION TO PHEASANT RUN - SPRING VALLEY FILING NO. 6 AND REPLAT OF LOTS 1-4, PHEASANT RUN SPRING VALLEY FILING NO. 6; IF TRADED, THE LANDS TRADED FOR SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE DEPOSITED IN THE CITY'S OPEN SPACE FUND FOR THE ACQUISITION AND/OR IMPROVEMENT OF PARK LANDS," For the Sale or Trade carried by the greater number of votes.

That on the question "SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE FOR AT LEAST THE APPRAISED VALUE THEREOF, LOT 9 OF BLOCK

19, PHEASANT RUN SPRING VALLEY NO. 6; IF TRADED, THE LANDS TRADED FOR SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE DEPOSITED IN THE CITY'S OPEN SPACE FUND FOR THE ACQUISITION AND/OR IMPROVEMENT OF PARK LANDS," For the Sale or Trade carried by the greater number of votes.

That on the question "SHOULD PROPERTY TAXES BE INCREASED?" the question failed by the greater number of votes.

That on the question "SHOULD FORCED STREET IMPROVEMENT DISTRICTS BE REINSTITUTED?" the question failed by the greater number of votes.

That on the question "SHOULD THE CITY SALES TAX BE RETAINED AT ITS CURRENT LEVEL?" the question carried by the greater number of votes.

DATED this 5th day of April, 1989.

/s/ O. F. Ragsdale

Councilman, District "B"

/s/ R.T. Mantlo

Councilman, City at Large

/s/ Carolyn L. Tufly

Notary Public
731 Wedge Drive

/s/Theresa F. Martinez

Notary Public
760 Teller Avenue

/s/ Reford C. Theobald

Councilman, District "C"

/s/ David A. Palmer

Municipal Judge

/s/ Helen Carmack

Notary Public
1233 N. 17th Street

There being no questions of the Canvassing Board, the Certificate of Election was signed and prepared for filing with the Secretary of State and for publication in The Daily Sentinel.

Council members NELSON, MCCURRY and BENNETT reassumed their chairs.

PRESENTATION OF CERTIFICATES OF APPRECIATION TO ELECTION JUDGES

Mayor John Bennett, along with members of Council, presented Certificates of Appreciation to the following Judges of Election:

Patricia Parrish
Alice Arcieri
Lois Geary
Al Wing
Charles Teed
Berdine Colescott
Louise Sutrina
Pauline Bynum
Marion McCowen
Pearl Kovacic
Wesley Miller
Edith Bauer
Carol Cadez
Betty Scott
Dorothy Ellis
Josephine Manzanares
Arline Stein
Theresa Shafer
Florence Parrish
Susan Cypher
Helen Dixon
Vivian Logue
Hazel Hurd
Lenora Eve Ellis
Margie Lopas
Louis McCowen
Irene Abbey

PRESENTATION OF CERTIFICATE OF APPRECIATION TO LEAGUE OF WOMEN VOTERS

RUTH WARNER, EXECUTIVE DIRECTOR OF COLORADO DISCOVER ABILITY, PRESENTS PROSPECTUS FOR A COMPUTER

Ms. Ruth Warner, Executive Director of Colorado Discover Ability, explained that her organization is formally Powderhorn Handicap Program. She requested that the City provide a computer for her organization's use to help expand their programs. Councilman Theobald explained that since the City has upgraded its computer system, it now has an excess computer.

Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried, the sale of a molecular computer to the Powderhorn Handicap Program in the amount of \$1.00 was approved.

HEARING - APPLICATION BY GRAND JUNCTION DOWNTOWN ASSOCIATION FOR A 3.2% BEER SPECIAL EVENTS PERMIT ON APRIL 29, 1989, IN THE 500 BLOCK OF MAIN STREET FOR THE GEORGE JACK HAMMER BALL/TAILINGS END PARTY - APPROVED

A hearing was held after proper notice on the application by the Grand Junction Downtown Development Association for a 3.2% Beer Special Events Permit on Saturday, April 29, 1989, from 2:00 p.m. to 11:30 p.m. for the George Jack Hammer Ball/Tailings End Party in the 500 block of Main Street. Dan Rosenthal was present presenting the Downtown Association. There were no opponents, letters or counterpetitions. Upon motion by Councilman Mantlo, seconded by Councilman Ragsdale and carried, the application was approved.

HEARING - APPLICATION BY THE GRAND JUNCTION DOWNTOWN ASSOCIATION FOR A 3.2% BEER SPECIAL EVENTS PERMIT ON MAY 20, 1989, IN THE 500 BLOCK OF MAIN STREET FOR THE CHILI COOK-OFF AND FARM AND RANCH DAYS - APPROVED

A hearing was held after proper notice on the application by the Grand Junction Downtown Association for a 3.2% Beer Special Events Permit on Saturday, May 20, 1989, from 9:00 a.m. to 9:00 p.m. in the 500 block of Main Street for the Chili Cook-Off and Farm and Ranch Days. Dan Rosenthal was present representing the Downtown Association. There were no opponents, letters or counterpetitions. Upon motion by Councilman Ragsdale, seconded by Councilman McCurry and carried, the application was approved.

HEARING - APPLICATION BY THE LATIN ANGLO ALLIANCE FOR A 3.2% BEER SPECIAL EVENTS PERMIT ON MAY 6, 1989, IN THE 500 BLOCK OF MAIN STREET FOR THE ANNUAL CINCO DE MAYO CELEBRATION - APPROVED

A hearing was held after proper notice on the application by the Latin Anglo Alliance for a 3.2% Beer Special Events Permit on Saturday, May 6, 1989, from 11:00 a.m. to 12:00 p.m. for the annual Cinco de Mayo Celebration. Dan Rosenthal was present to answer questions of Council. There were no opponents, letters or counterpetitions. Upon motion by Councilman Mantlo, seconded by Councilman Nelson and carried, the application was approved.

BIDS - AWARD OF CONTRACTS

Installation of Ceiling Tile and Insulation at Two Rivers Plaza - T.P. Acoustics - \$29,458

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried, the Contract for Installation of Ceiling Tile and Insulation at Two Rivers Plaza was awarded to T.P. Acoustics in the amount of \$29,458 and the City Manager was authorized to sign said Contract.

1989 Contract for Emulsified Asphalt (15,000 Gal. SC-250) - Sinclair Oil Company - \$9,267

Upon motion by Councilman Theobold, seconded by Councilman Ragsdale and carried, the 1989 Contract for Emulsified Asphalt (15,000 Gal. SC-250) was awarded to Sinclair Oil Company of Denver in the amount of \$9,267 and the City Manager was authorized to sign said Contract.

1989 Contract for Emulsified Asphalt (85,000 Gal. HFMS-100S) - Elf Asphalt - \$67,150

Upon motion by Councilman Theobold, seconded by Councilman Ragsdale and carried, the 1989 Contract for Emulsified Asphalt (85,000 Gal. HFMS-100S) was awarded to Elf Asphalt of Grand Junction in the amount of \$67,150 and the City Manager was authorized to sign said Contract.

1989 Contract for Bulk Gravel - Parkerson Construction - \$62,870

Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried, the 1989 Contract for Bulk Gravel was awarded to Parkerson Construction in the amount of \$62,870 and the City Manager was authorized to sign said Contract.

Commercial Riding Lawnmower for Persigo Wastewater Plant - L.L. Distributing Company - \$11,868 (Toro 322-D Mower)

Upon motion by Councilman McCurry, seconded by Councilman Mantlo and carried, the Contract for purchase of a Toro 322-D Mower for the Persigo Wastewater Plant was awarded to L.L. Distributing Company of Denver in the amount of \$11,868 and the City Manager was authorized to sign said Contract.

Crackfill Kettle for Streets Department - Power Motive Corporation - \$17,480 (Next to Lowest Bid)

City Manager Mark Achen explained that the reason for not accepting the low bid on the Contract, but taking the next to the low bid, is because of the 10 day delivery time as opposed to 45 days since the City needs to begin the crackfill program as soon as possible.

Upon motion by Councilman McCurry, seconded by Councilman Mantlo and carried, the Contract for Crackfill Kettle for Streets Department was awarded to Power Motive Corporation of Denver (next to lowest bid) in the amount of \$17,480 and the City Manager was authorized to sign said Contract.

Brush Chipper for Parks Forestry Department - Vermeer Sales & Service - \$15,045

Parks Supervisor Don Hobbs recommended that Council accept the higher of two bids on the basis that the articulated movement that was specified is only available in the Vermeer model and not in the apparent low bidder (L.L. Johnson Company). It has also been

given a higher recommendation from other users as far as maintenance and service-ability.

Upon motion by Councilman Ragsdale, seconded by Councilman Nelson and carried, the Contract for Brush Chipper for Parks Forestry Department was awarded to Vermeer Sales & Service of Denver in the amount of \$15,045 and the City Manager was authorized to sign said Contract.

Signal Poles (4 each) for Traffic Department - Marquardt/Herbert Lighting Systems - \$12,319

Upon motion by Councilman Theobald, seconded by Councilman Ragsdale and carried, the Contract for Signal Poles (4 each) for Traffic Department was awarded to Marquardt/Herbert Systems of Denver in the amount of \$12,319 and the City Manager was authorized to sign said Contract.

Water Slide, Phases 2 and 3 - Western Piling & Caisson, Inc. - \$310,299 (Base Bid and Concession Bid Not to Exceed \$151,130 + Additional \$60,000 for the Slide Construction + Landscaping and Area Lighting)

Six bids were opened on April 3, 1989, for the construction of foundations, splash down pool and erection of the water slide. The construction of a concession facility was included as an alternate. The apparent low bid was submitted by Western Piling & Caisson, Inc., with a base bid of \$128,950 and a concession bid of \$22,180. These costs combined with the architectural fees, and slide costs total \$310,299 which is \$45,299 over the \$265,000 budget.

The Water Slide Committee has recommended the following to the City Council:

1. Authorize the City Manager to enter into a contract not to exceed \$151,130 with Western Piling and Caisson, Inc., for all items included in the base bid and the alternate.
2. Authorize the architect and staff to negotiate contracts for the landscaping and area lighting (these were not included in the bid).
3. Authorize the expenditure of an additional \$60,000 for the slide construction. The funds to be appropriated from the Lottery/Open Space revenue account. (Finance will include this addition in the second supplemental appropriation.)

Upon motion by Councilman McCurry, seconded by Councilman Ragsdale and carried, the Contract for the Water Slide, Phases 2 and 3, at Lincoln Park was awarded to Western Piling & Caisson, Inc., in the amount of \$310,299 with the base amount and concession not to exceed \$151,130, with the above three listed stipulations.

PROPOSED ORDINANCE EXPANDING THE BOUNDARIES OF THE DOWNTOWN DEVELOPMENT AUTHORITY

The following entitled proposed ordinance was read: AN ORDINANCE EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY. Upon motion by Councilman Ragsdale, 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. 2423 - UTILITY EASEMENT VACATION, WELLINGTON TOWNHOMES, 1305 WELLINGTON COURT

Upon motion by Councilman Nelson, seconded by Councilman Theobald and carried, the following entitled proposed ordinance was called up for final passage and read by title only: VACATING A PORTION OF A UTILITY EASEMENT ON LOTS 8 THROUGH 26, WELLINGTON TOWNHOMES SUBDIVISION.

There were no comments. Upon motion by Councilman McCurry, seconded by Councilman Mantlo and carried by roll call vote, the Ordinance was passed and adopted, numbered 2423, and ordered published.

ORDINANCE NO. 2424 - VACATING ALLEY NORTH OF GRAND AVENUE BETWEEN 2ND AND 3RD STREETS

Upon motion by Councilman Nelson, seconded by Councilman Theobald and carried, the following entitled proposed ordinance was called up for final passage and read by title only: VACATING THE EAST/WEST ALLEY BETWEEN 2ND STREET AND 3RD STREET NORTH OF GRAND AVENUE.

There were no comments. Upon motion by Councilman Nelson, seconded by Councilman Mantlo and carried by roll call vote, the Ordinance was passed and adopted, numbered 2424, and ordered published.

RESOLUTION NO. 12-89 - GRANTING REVOCABLE PERMIT TO MARTIN'S MORTUARY FOR A PORTION OF THE RIGHT-OF-WAY ON 6TH STREET NORTH OF NORTH AVENUE FOR PARKING PURPOSES

The following Resolution was read:

RESOLUTION NO. 12-89

GRANTING A REVOCABLE PERMIT TO MARTIN LIMITED PARTNERSHIP

WHEREAS, Martin Limited Partnership, a Colorado Limited

Partnership, has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to utilize for parking purposes a portion of the road right-of-way for North 6th Street described as follows:

Commencing at the Southeast corner of Lot 3, Block 7, Shafroth-Rogers Subdivision in the SW4 of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, thence North along the Easterly boundary of said Lot 3, a distance of 61.6 feet, thence East a distance of 5.62 feet to the Point of Beginning; thence North along the Westerly boundary line of North Sixth Street as described in City of Grand Junction Ordinance No. 1050, a distance of 193.8 feet; thence East a distance of 15.4 feet; thence South a distance of 193.8 feet; thence West a distance of 15.4 feet to the Point of Beginning; and

WHEREAS, the City Council of the City of Grand Junction has determined that 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 petitioners for the purpose above described upon the execution by the petitioners of an agreement that petitioners will save and hold the City harmless from, and indemnify the City, its officers, employees and agents, any claims or causes of action however stated arising out of the encroachment or use granted, and that upon revocation of such permit, the petitioners will, within thirty (30) days of notice of revocation, discontinue said encroachment and, at their own expense, restore the right-of-way to its original condition.

PASSED and ADOPTED this 5th day of April, 1989.

/s/ John W. Bennett

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, Martin Limited Partnership, a Colorado Limited Partnership, has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to utilize for parking purposes, in conjunction with the operation of Martin Mortuary at 550 North Avenue, a portion of the road right-of-way for North 6th

Street described as follows:

Commencing at the Southeast corner of Lot 3, Block 7, Shafroth-Rogers Subdivision in the SW4 of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, thence North along the Easterly boundary of said Lot 3, a distance of 61.6 feet, thence East a distance of 5.62 feet to the Point of Beginning; thence North along the Westerly boundary line of North Sixth Street as described in City of Grand Junction Ordinance No. 1050, a distance of 193.8 feet; thence East a distance of 15.4 feet; thence South a distance of 193.8 feet; thence West a distance of 15.4 feet to the Point of Beginning; and

WHEREAS, the City Council is of the opinion that such action would not be detrimental to the inhabitants of the City 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 Martin Limited Partnership a Revocable Permit to allow use of the property described above for parking purposes; provided, however, that said permit may be revoked by the City Council at its pleasure at any time; provided, further that the above-named petitioners, in and through the use of the right-of-way as contemplated herein, hereby agree to indemnify the City, its officers, agents and employees and to hold it, its officers, agents and employees 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 of the right-of-way of North 6th Street; and further provided that said petitioners hereby agree that within thirty (30) days of notice of the revocation of such permit, they will, at their sole expense, remove said encroachment and restore the right-of-way to its original condition.

DATED this _____ day of _____, 1989.

Mark K. Achen, City Manager

Attest:

Neva B. Lockhart, City Clerk

ACCEPTANCE:

Martin Limited Partnership
a Colorado Limited Partnership

General Partner

AGREEMENT

Martin Limited Partnership, a Colorado Limited Partnership, for themselves, their successors and assigns, do hereby agree that they will abide by each and every condition contained in the foregoing Permit and that they will indemnify the City of Grand Junction, its officers, employees and agents and hold it, its officers, employees and agents harmless from all claims and causes of action as recited in said permit; and further, upon revocation of the permit, they agree to within thirty (30) days of notice of revocation, remove said encroachment and restore the right-of-way to its original condition, all at their own expense.

DATED at Grand Junction, Colorado, this _____ day of _____, 1989.

Martin Limited Partnership,
a Colorado Limited Partnership

General Partner

STATE OF COLORADO)	
)	SS:
COUNTY OF MESA)	

The foregoing Agreement was acknowledged before me this _____ day of _____, 1989, by _____ General Partner(s) for Martin Limited Partnership, a Colorado Limited Partnership.

Witness my hand and official seal.

My Commission expires _____

Notary Public

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

RESOLUTION NO. 13-89 - GRANTING A LICENSE TO STORAGE TANK TECHNOLOGY, INC., FOR TEMPORARY USE OF ROAD RIGHT-OF-WAY ON SOUTH AVENUE NEAR 10TH STREET FOR THE PLACEMENT OF A RECOVERY WELL

The following Resolution was read:

RESOLUTION NO. 13-89

ISSUING A LICENSE TO THE STORAGE TANK TECHNOLOGY, INC., PERMITTING INSTALLATION OF A RECOVERY WELL IN CITY RIGHT-OF-WAY

WHEREAS, Storage Tank Technology, Inc., a Colorado Corporation, "Petitioner", has petitioned the City Council of the City of Grand Junction, Colorado, for a license giving petitioner permission to install a recovery well, for the purpose of draining a gasoline plume, in the road right-of-way for South Avenue between the improved portion of South Avenue and the property located at 950 South Avenue in the City of Grand Junction, Colorado; and

WHEREAS, the City Council of the City of Grand Junction has determined that the issuance of said license to the petitioner 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 authorized to enter into the attached agreement granting the petitioner permission to utilize said road right-of-way for the installation of a recovery well, for the purpose above stated, upon the execution by the petitioner of an agreement that it will save and hold the City, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, any claims or causes of action however stated arising out of the use granted, and that upon completion of draining said gasoline plume, or within 6 months of the date hereof, whichever occurs first, said License will automatically be revoked and the petitioner will peaceably surrender possession of said right-of-way to the City and, at its own expense, remove any encroachment and restore said right-of-way to the condition as it exists on the date of issuance of said license.

PASSED and ADOPTED this 5th day of April, 1989.

/s/ John W. Bennett

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

LICENSE

WHEREAS, Storage Tank Technology, Inc., a Colorado Corporation, "Petitioner", has petitioned the City Council of the City of Grand Junction, Colorado, for a license giving petitioner permission to install a recovery well, for the purpose of draining a gasoline plume, in the road right-of-way for South Avenue between the improved portion of South Avenue and the property located at 950 South Avenue in the City of Grand Junction, Colorado; and

WHEREAS, the City Council of the City of Grand Junction has determined that the issuance of said license to the petitioner would not be detrimental to the inhabitants of the City;

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

There is hereby granted to Storage Tank Technology, Inc., a License to install a recovery well for the purpose above stated; provided, however, that the petitioner agrees to save and hold the City, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, any claims or causes of action however stated arising out of the use granted, and that upon completion of draining said gasoline plume, or within 6 months of the date hereof, whichever occurs first, this License will automatically be revoked and the petitioner will peaceably surrender possession of said right-of-way to the City and, at its own expense, remove any encroachment and restore said right-of-way to the condition as it exists on the date hereof.

DATED this _____ day of _____, 1989.

Mark K. Achen, City Manager

Attest:

City Clerk

Acceptance:

Storage Tank Technology, Inc.,
a Colorado Corporation

President

Secretary

AGREEMENT

Storage Tank Technology, Inc., a Colorado Corporation for itself, its successors and assigns, does hereby agree that it will abide by each and every condition contained in the foregoing License and that it will save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify its officers, employees and agents, any claims or causes of action as recited in said License; and further, that upon completion of draining said gasoline plume, or within 6 months of the date hereof, whichever occurs first, said License will automatically be revoked and the petitioner will peaceably surrender possession of said right-of-way to the City and, at its own expense, remove any encroachment and restore said right-of-way to the condition as it exists on the date of said License.

DATED at Grand Junction, Colorado, this _____ day of _____, 1989.

Storage Tank Technology, Inc.,
a Colorado Corporation

President

Secretary

STATE OF COLORADO)	
)	SS:
COUNTY OF MESA)	

The foregoing Agreement was acknowledged before me this _____ day of _____, 1989, by _____.

Witness my hand and official seal.

My Commission expires: _____

Notary Public

Address: _____

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

RESOLUTION NO. 14-89 - GRANTING A REVOCABLE PERMIT TO TERRANCE I. BOGGS FOR USE OF THE EASTERN PORTION OF RIGHT-OF-WAY ON NORTH 6TH STREET ADJACENT TO THE FLAMINGO BAY TEEN CLUB, 1110 NORTH 6TH STREET FOR PARKING PURPOSES

The following Resolution was read:

RESOLUTION NO. 14-89

GRANTING A REVOCABLE PERMIT TO TERRANCE I. BOGGS

WHEREAS, Terrance I. Boggs has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit granting exclusive use for parking purposes the easternmost 13 feet of the road right-of-way for North 6th Street lying adjacent to the "Flamingo Bay Teen Club" building at 1110 North 6th Street in Grand Junction; and

WHEREAS, the City Council of the City of Grand Junction has determined that 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 petitioner will save and hold the City, harmless from, and indemnify the City, its officers, employees and agents, any claims or causes of action however stated arising out of the encroachment or use granted, and that upon revocation of such permit, the petitioner will within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at its own expense, remove any encroachment so as to restore the right-of-way to its original condition.

PASSED and ADOPTED this 5th day of April, 1989.

/s/ John W. Bennett

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, Terrance I. Boggs has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit granting exclusive use for parking purposes the easternmost 13 feet of the road right-of-way for North 6th Street lying adjacent to the "Flamingo Bay Teen Club" building at 1110 North 6th Street in Grand Junction; and

WHEREAS, the City Council of the City of Grand Junction has determined that such action would not be detrimental to the inhabitants of the City;

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

There is hereby granted to Terrance I. Boggs a Revocable Permit to allow use of the property described above for parking purposes; 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, in and through the use of the right-of-way as contemplated herein, hereby agrees to indemnify the City, its officers, agents and employees and to hold it, its officers, agents and employees 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 of the right-of-way of North 6th Street; and further provided that said petitioner hereby agrees that within thirty (30) days of notice of the revocation of such permit, he will peaceably surrender said right-of-way to the City, and at his own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED this _____ day of _____, 1989.

Mark K. Achen, City Manager

Attest:

City Clerk

Acceptance:

Terrance I. Boggs

AGREEMENT

Terrance I. Boggs, for himself, his heirs 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, its officers, employees and agents and hold it, its officers, employees and agents 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 peaceably surrender said right-of-way to the City and, at his own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED at Grand Junction, Colorado, this _____ day of _____, 1989.

Terrance I. Boggs

STATE OF COLORADO)	
)	SS:
COUNTY OF MESA)	

The foregoing Agreement was acknowledged before me this _____ day of _____, 1989, by Terrance I. Boggs.

Witness my hand and official Seal.

My Commission expires: _____

Notary Public

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

APPROVAL OF ASSIGNMENT OF WATER RIGHTS TO THE DOMINGUEZ RESERVOIR

CORPORATION

City Manager Achen explained the non-profit Dominguez Corporation has requested that City Council seek assignment of the application for water rights from the United States Bureau of Reclamation. This application is still active in the District Water Court. The purpose of the assignment is to allow the Dominguez Reservoir Corporation to pursue the potential for the development of the Dominguez Reservoir Project.

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the request for Assignment of Water Rights to the Dominguez Reservoir Corporation was approved, and the President of the Council was authorized to execute said document.

AUTHORIZATION TO PURCHASE INSURANCE PREMIUM FOR JUCO TOURNAMENT (3-YEAR CONTRACT) IN THE AMOUNT OF APPROXIMATELY \$2500

City Manager Achen explained that an insurance policy to cover the indemnification that the City is providing for the JUCO Tournament is necessary. The approximate cost of the policy is \$2500 which would be appropriated from the General Fund Contingency Account.

Upon motion by Councilman McCurry, seconded by Councilman Ragsdale and carried, authorization was given to purchase an insurance policy for the JUCO Tournament in the amount of \$2500; said amount to be appropriated from the General Fund Contingency Account.

INVITATION BY RUTH WARNER TO ATTEND POWDERHORN HANDICAP PROGRAM'S CELEBRATION TO BE HELD AT STEVE WESTPHAL CHEVROLET ON SATURDAY, APRIL 8, 1989

COUNCIL MEMBERS EXPRESS APPRECIATION TO ALL CITIZENS (18%) WHO PUT FORTH THE EFFORT TO VOTE ON APRIL 4, 1989

LODGING TAX

Councilman Nelson suggested that City Council confer with the Convention & Visitors Bureau as soon as possible regarding organizing a new petition drive to request a Lodging Tax.

ADJOURNMENT

The President of the Council adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk