

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

June 7, 1989

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

President of the Council Mantlo called the meeting to order, and Councilman Bennett led in the Pledge of Allegiance.

INVOCATION - Reverend Ken Ward, Redlands Community Church.

MINUTES

There being no corrections or additions to the minutes of the May 17, 1989, regular City Council meeting, they were approved as submitted.

PROCLAMATION DECLARING JUNE 19-25, 1989, AS "AMATEUR RADIO WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING JUNE 18-24, 1989, AS "WESTERN WEAR WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING JUNE 9, 1989, AS "BILL FANNING DAY" IN THE CITY OF GRAND JUNCTION

MS. JERRY HOBGOOD, REPRESENTATIVE FOR SOUTH RIVERFRONT RESIDENCES

Ms. Jerry Hobgood, 179 Brentwood Drive, Orchard Mesa, spoke to Council representing south riverfront residences who live near the mill tailings in the south part of town.

Ms. Hobgood related that during a meeting with the Chavez family there was a lot of activity going on. There was the noise of the trucks, beepers, heavy equipment being so loud that the Chavez family cannot carry on a normal conversation, cannot hear their TV, there is dust continually in the air, very little, if any, washing being done, but at the same time the workers across the street are wearing dust masks. This was spoken about at a subsequent general meeting of the Coalition. A few days later someone came to the Chavez's house and brought them a box of dust masks to wear inside the house. They also took a decibel reading which came out to 95. That particular situation was when the streets were being torn up to replace sewer lines and water lines on the street in front of the house. Mr. and Mrs. Joe Cisneros live on the corner of 9th and Kimball, and one day some of the workers came over and they removed two metal pipes that the

Cisneros had designating their entry into their driveway. They were removed and placed closer to the house and then a swale was made on the street and asphalted over so that when the trucks come out of Kimball onto 9th they will have more room to move. No one said anything to Mr. Cisneros and as a result he had to use the equipment he had to construct a ditch for runoff water from the house. It would have been nice if someone would have said, "Hey, this is what we ought to do here." But people were obviously being completely ignored. Ms. Hobgood talked with the City Engineer who was very cooperative and helpful. He did mention that there was a contract between the City and MKF and he did not think that this was one of the operations in the contract. Neither Martha Arcieri or Balota Standley, who live on Struthers, were aware or had ever been contacted telling them that the returning trucks from Cheney would go down Struthers in front of their house onto the mill tailings site. So there were two areas that would be affected and entered. From the 13 people who attended the very first neighborhood meeting the following concerns were expressed:

1. The safety for themselves and their children when the trucks begin operating every 2 1/2 minutes. The workers' vehicles have already begun to park on the street so that Virginia Cisneros' daughter mentioned that she had to park her car a block down the street to get to their house.
2. Noise and dust continually.
3. Speeding - not stopping at stop signs at Kimball.
4. Working on Sunday, May 21. This particular Sunday was the only Sunday that they did work. Ms. Hobgood was visiting in the neighborhood.
5. The other concern was their fear for the future.

The most often expressed concern is: "What do they have planned for us?" Now the "they" refers to both the City and the Riverfront Project. As Mrs. Lopez said, quote: "How can we plan our future?" Other quotes are "Will they take our property and tell us to leave?" "Will they give us \$10.00 and tell us to move?" "Can we be forced from our homes?"

Ms. Hobgood continued that one of the problems experienced by these folks now is that the Lopez family have, for approximately three years, tried to get a permit to add a bedroom onto their house, but were told they could not because the tailings had to be removed from their property in and outside. Finally after three years when the tailings were removed they still cannot get a permit because they are told that they are zoned Industrial. A lot of these folk have lived in that neighborhood for over thirty years. The Chavezes for thirty-six.

The people feel that they have been ignored, dismissed, and intimidated by not knowing what's happening there, and what might

happen in the future. No one objects to the Riverfront Trail as proposed. The conceptual plan does pose a threat. Again, how will their lives be affected by this if this Riverfront Project park continues and does come into effect five years from now or fifty years. They want to know how is it going to affect their property and their homes.

Ms. Hobgood posed some possible scenarios. She said that these people are not speculators, but is it possible that through fear of the unknown, they would sell at an appraised, non-market value price. They should not be put in this position. If they feel they have no say in their future, then they live in a continual state of helplessness, frustration, and anger. Can or would their property be condemned? Or can they be assured that they can remain if they choose to do so? There are numerous questions to be addressed and fears to be put to rest. An official survey, has not been done, but it appears there are approximately 40 occupied houses in the area. They did not know how many are owner-occupied, how many would be willing to live someplace else and/or under what circumstances. So they appealed to Council, as their representatives, to consider their dilemma both from the perspective of the burdens they have already been subjected to by site preparations not to mention the 2 1/2-minute truck possibilities and that no one from the Riverfront Project has ever contacted or included those folk.

She said that if at some point a survey of the neighborhood is planned regarding numbers of households, ownership, years of residence and the like, they would like to be involved. As residents they would perhaps have more credibility and acceptability, in approaching and doing the survey, and most are bi-lingual.

Regarding the zoning of the area, even if all the residences are designated as non-conforming, she asked that Council compassionately consider special problems and sensitive cultural heritage inherent in this particular case. They would like to know that they can remain in their homes without fear of being forced out or bought out at a price that would not allow them to buy in a neighborhood of their choice. They think they should have the right to remain in their homes and live in a community they have known for so long.

Councilman Theobald responded that, as the City's representative on the Riverfront Commission he would address this issue. The program that's going on in that part of the City covers the State government, the Federal government, the City government, the County government, a private contractor and any number of other people, and so there are some things that the City can do something about and some that it basically has no control over. The biggest concern raised is dealing with what's going to happen to the people's property who live down there. He noted that the Riverfront Commission is trying to avoid buying property. Their main concentration right now is the area, at least in that

neighborhood, between Struthers and the river along 5th Street, and essentially right along the river area. The Riverfront Commission does not have the power to condemn property. If they, for some reason, want a piece of property so badly and if the person who owns it won't sell it, they would have to come to the City for a hearing, and the City is bound by law to go through a condemnation proceeding. It would have an appraisal done, and the City would be bound by law to pay fair market value on property. From Councilman Theobold's perspective, it appears highly unlikely the Commission would want to buy any of this property. From a realistic perspective, what he envisions happening down there is a dike being put in somewhere between the river and Struthers Avenue. And what that's going to do is take all the properties north of the dike out of the Flood Plain. That's going to increase the value of the properties and that's going to mean that the people who own property down there can keep it, can sell it to someone else for redevelopment, they can make a profit on it, whatever they like. The City can't guarantee that someone is not going to come in and try to get someone to sell for less money than it's worth. He advised them to take a good hard look at anybody who wants to come and buy property right now because the money to be made on that property is in the future.

Councilman Nelson stated that the City of Grand Junction deferred to Mesa County when the Department of Energy and MK-Ferguson asked for the hearings to haul the tailings by truck. And as a result of that, the people that one would complain to is not the City, unless the City has been the one who has been tearing up the streets or causing the dust. He guessed it was one of the sub-contractors. And those are the people that are hard to get to. His feeling was that because the City of Grand Junction deferred to Mesa County and Mesa County has asked the State Department of Health to be the "traffic cop" in this case, that it would be Bud Franz, who is the State Department of Health representative for this area. Anyone, could complain that things keep changing and we're shooting at a moving target. He thought that the tailings trucks coming back from Cheney either empty or with fill dirt, as the case may be, were going to turn right after crossing the Colorado River and go down Struthers. The map that he has shows that they will not be doing that. They will go back up to next to the viaduct and then over on 4th Avenue and south on 9th Street. He indicated that this was the latest map that the Planning Department and Public Works Department had given him. That doesn't mean they won't change it next week.

Ms. Hobgood said that while there are people being denied their "quality of life" by all the mill tailings operations right now, most important is that their fears are alleviated--condemnation which was addressed--but also what can be done to allow them to stay in their homes and to add rooms onto their homes.

City Attorney Wilson said there were two possibilities to getting where they want to go. One would be the current rule does say that residential uses are not allowed in Industrial Zone. And the

policy behind it, whether one agrees or not, at least the rationale was that those uses are inconsistent and if there were an empty lot next door you wind up getting some sort of a Heavy Industrial Use, 24-hour traffic, 24-hour noise, 24-hour light in those kinds of concerns. So the policy decision was to allow the existing residences to stay there, but not get larger. That's the "bedroom" problem. He noted that Councilman Theobald indicated the property may be more valuable dollar-wise as an Industrial site. So one practical option is to try and sell it to an Industrial User and buy a residential unit elsewhere. If they want to stay there, then there are still two options. One is to suggest to the Council that it change the rules, and now is an appropriate time to do that because it is going through the reenactment of the Code and it could allow for Residential Uses in an Industrial Zone. Or the second option would be to go through a hearing to the Board of Adjustment, which is, from the City's perspective, the safest way to go because then they can look at the individual circumstances. The Board of Adjustment's job is to look at specific situations and make exceptions to the regular rule when appropriate. That's their focus.

City Manager Achen suggested an additional option. He said that one of the problems with the Riverfront Project is that there are great ideas and hopes, but a lot of uncertainty about what will actually come to pass, how much will be achieved, and the plan is not a plan in the sense that it has been adopted formally by the City Council at all in the sense of land uses particularly. That leads to some uncertainty about what the future land uses should be down there. And, in fact, one of the visions is to have exactly what was suggested as some kind of recreational facilities in that area. He presumed that the Council would feel that Industrial Uses right next to that kind of a facility might not be desirable either, which leads to the possibility that perhaps the City's Planning Commission, if the Council deemed it appropriate, might want to reexamine the whole issue of the long-term notion of what land use and what land uses should be in that immediate area. He presumed what has happened in the past is that as that area become more Industrial, the City's land use policies have just sort of followed it and just accepted the fate that it will eventually all convert to Industrial. He thought that the Council and a lot of people who support the Riverfront Project hope that that is not true; that in fact there is place for open space, parks, recreational facilities, and that might change the Planning Commission's notion of whether Residential might not, or some form of Residential, might not be appropriate in the area, which would change if the Planning Commission and Council said, "Ah, things are different. Maybe this all shouldn't be Industrial." It might not even require the necessity for special appeal by individual property owners to the Board of Adjustment. It might merely result in a Council decision that that land should be restored to Residential, or some lands in that area should be Residential, which, if that happened, would accommodate the desires of the property owners to improve their property without it running afoul of the City's non-conforming use regulations.

City Attorney Wilson suggested that Ms. Hobgood or someone on behalf of the neighbors, either get in touch with him or the Planning Director in the next week or so and they can track more specifically what's current. They can also talk about plans or public hearings they may want to attend in the future.

Councilman Theobald suggested the Council and the Planning Staff put together some options on what can be done to solve the zoning problem and the bedroom addition problem and present them to Ms. Aguilera. And number two, he thought it would probably be a good idea to improve the communication with the neighborhood by the Riverfront Commission. He requested a list of the people that want to be informed of what's happening in the area.

Councilman Nelson also requested a list of the people who are concerned with the hauling of the mill tailings and the dust and the noise. He will see that that list gets taken to DOE and MK-Ferguson and the State Department of Health. What he would like to do would be to plug the residents of that neighborhood into the system so that when there is too much noise or too much dust that they shut the project down. They said they would do that and he plans to hold them to it, or the trucks won't roll.

Comments were had from: Chico Vialpando, 301 S. 5th Street, and Priscilla Aguilera, 836 Struthers

#### APPOINTMENT OF GLEN DENNIS TO THE DOWNTOWN DEVELOPMENT AUTHORITY

Upon motion by Councilman Nelson, seconded by Councilman Bennett and carried, Glen Dennis was appointed to a term on the Downtown Development Authority to replace Alfred Gipson; said term to expire June 30, 1993.

#### BIDS - AWARD OF CONTRACTS

Trench Patching 1989 - G & G Paving Construction Company - \$43,672.50

Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, the bids were accepted, the Contract for Trench Patching 1989 was awarded to G & G Paving Construction Company in the amount of \$43,672.50, and the City Manager was authorized to sign said Contract.

Curb, Gutter and Sidewalk Replacement, 1989 - Mays Concrete, Inc. - \$90,612

Upon motion by Councilman Nelson, seconded by Councilman Shepherd and carried, the bids were accepted, the Contract for Curb, Gutter and Sidewalk Replacement, 1989, was awarded to Mays Concrete, Inc., in the amount of \$90,612, and the City Manager was authorized to sign said Contract.

Street Pavement Overlays and Removals, 1989 - United Companies - \$407,794.90

Upon motion by Councilman Theobald, seconded by Councilman Bennett and carried, the bids were accepted, the Contract for Street Pavement Overlays and Removals, 1989, was awarded to United Companies in the amount of \$407,794.90, and the City Manager was authorized to sign said Contract.

HEARING - APPLICATION BY GRAND JUNCTION AIR SHOW, INC., FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT SATURDAY, JULY 15, 1989, AT WEST STAR AVIATION HANGER, WALKER FIELD, FOR THE ANNUAL AIR SHOW DANCE

A hearing was held after proper notice on the application by the Grand Junction Air Show, Inc., for a Malt, Vinous and Spirituous Liquor Special Events Permit Saturday, July 15, 1989, from 7:00 p.m. to 1:00 a.m. at West Star Aviation Hanger, Walker Field, 2828 H Road, for the Annual Air Show Dance. Mr. Carl Hefner was present representing Grand Junction Air Show, Inc. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Nelson, seconded by Councilman Shepherd and carried, the application was approved.

HEARING - APPLICATION BY GRAND JUNCTION AIR SHOW, INC., FOR A 3.2% FERMENTED MALT BEVERAGE SPECIAL EVENTS PERMIT SATURDAY, JULY 15, 1989, ON THE RAMP AT WALKER FIELD AIRPORT, FOR THE ANNUAL AIR SHOW

A hearing was held after proper notice on the application by Grand Junction Air Show, Inc. for a 3.2% Fermented Malt Beverage Special Events Permit Saturday, July 15, 1989, from 9:00 a.m. to 4:30 p.m. on the ramp at Walker Field Airport, 2828 H Road, for the Annual Air Show. Carl Hefner was present representing Grand Junction Air Show, Inc. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Nelson, seconded by Councilman Shepherd and carried, the application was approved.

HEARING - APPLICATION BY AVIATOR'S MEMORIAL PARK, INC. FOR A 3.2% FERMENTED MALT BEVERAGE SPECIAL EVENTS PERMIT JUNE 23, 1989, AT WEST STAR AVIATION RAMP AND HANGER BUILDING, 2828 H ROAD, FOR FUND-RAISING DANCE

A hearing was held after proper notice on the application by Aviator's Memorial Park, Inc. for a 3.2% Fermented Malt Beverage Special Events Permit on June 3, 1989, from 7:00 p.m. to 11:55 p.m. at West Star Aviation Ramp and Hanger Building, 2828 H Road, for a fund-raising dance. Mike Sutherland was present representing Aviator's Memorial Park, Inc. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Shepherd, seconded by Councilman Bennett and carried, the application was approved.

CHANGE ORDER NO. 1 TO CONTRACT WITH LYLE STATES CONSTRUCTION, INC., FOR 5TH STREET WATERLINE RELOCATION, SEWER RELOCATION - \$21,312 (WORK TO BE FUNDED BY THE STATE HIGHWAY DEPARTMENT)

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, Change Order No. 1 to the Contract with Lyle States Construction, Inc., for 5th Street Waterline Relocation, Sewer Relocation in the amount of \$21,312 was approved. Work will be funded by the State Highway Department.

HEARING #10-89 - PROPOSED ORDINANCE - 1989 ZONING AND DEVELOPMENT CODE UPDATE

A hearing was held after proper notice on the petition by the Grand Junction Planning Department to Update the 1989 Zoning and Development Code. This update of the Code includes proposed standards for outdoor storage, landscaping, flea markets, and new salvage yards; the Board of Appeals is reduced in size from 7 to 5 members; and the Planned Downtown Development Zone has been deleted in its entirety. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE. Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

HEARING #31-88 - ADOPTION OF THE MUNICIPAL ANNEXATION PLAN (IN ACCORDANCE WITH THE REQUIREMENTS OF C.R.S. 31-12-101, ET. SEQ.)

A hearing was held after proper notice on the petition by the City of Grand Junction for adoption of the Municipal Annexation Plan in accordance with the requirements of C.R.S. 31-12-101, et. seq. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Theobold, seconded by Councilman Shepherd and carried, the Municipal Annexation Plan was adopted in accordance with the requirements of C.R.S. 31-12-101, et. seq.

PROPOSED ORDINANCE - RENUMBERING SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION INVOLVING SUBDIVISION AND REPEALING A PROVISION CONCERNING THE KEEPING OF ANIMALS

The following entitled proposed ordinance was read: RENUMBERING SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION INVOLVING SUBDIVISIONS AND REPEALING A PROVISION CONCERNING THE KEEPING OF ANIMALS. Upon motion by Councilman Nelson, seconded by Councilman Theobold 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. 2429 - AMENDING CHAPTER 32, CODE OF ORDINANCES,



ZONING AND DEVELOPMENT CODE TEXT AMENDMENT TO CHAPTER 4, SECTION 4-3-4, USE/ZONE MATRIX UNDER HEADING OF AMUSEMENT BUSINESS - INSIDE TO ADD A SUBHEADING OF ENTERTAINMENT CENTERS AS AN ALLOWED USE IN THE HEAVY INDUSTRIAL (I-2) ZONE

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 AMENDMENT TO THE CITY ZONING AND DEVELOPMENT CODE TO PERMIT ENTERTAINMENT CENTERS AS A CONDITIONAL USE IN THE HEAVY INDUSTRIAL ZONE (I-2).

There were no comments. Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried by roll call vote, the Ordinance was passed, adopted, numbered 2429, and ordered published.

ORDINANCE NO. 2430 - REPEALING AND REENACTING SECTION 19-81 OF CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION IN ORDER TO PROVIDE NEW PENALTIES FOR VIOLATION OF A SECTION OF CHAPTER 19

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 REPEALING AND REENACTING SECTION 19-81 OF CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION IN ORDER TO PROVIDE NEW PENALTIES FOR VIOLATION OF A SECTION OF CHAPTER 19 OF THE CODE OF ORDINANCES.

There were no comments. Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried by roll call vote, the Ordinance was passed, adopted, numbered 2430, and ordered published.

ORDINANCE NO. 2431 - AMENDING SECTIONS OF CHAPTER 14 OF THE CITY CODE OF ORDINANCES TO DEFINE MOBILE HOMES AND TRAVEL TRAILERS AS RESIDENCES FOR TRASH PICKUP PURPOSES AND PROVIDING FOR SPECIAL PICKUP CHARGES

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: AMENDING SECTIONS OF CHAPTER 14 OF THE CITY CODE OF ORDINANCES TO DEFINE MOBILE HOMES AND TRAVEL TRAILERS AS RESIDENCES FOR TRASH PICKUP PURPOSES AND PROVIDING FOR SPECIAL PICKUP CHARGES.

There were no comments. Upon motion by Councilman Shepherd, seconded by Councilman Bennett and carried by roll call vote, the Ordinance was passed, adopted, numbered 2431, and ordered published.

RESOLUTION NO. 20-89 AUTHORIZING REDEMPTION OF DOWNTOWN PARKING AUTHORITY BONDS

The following Resolution was read:

RESOLUTION NO. 20-89

AUTHORIZING REDEMPTION OF GRAND JUNCTION, COLORADO, PARKING AUTHORITY BONDS; THE ACCEPTANCE OF DEEDS CONVEYING CERTAIN LANDS TO THE CITY; AND AUTHORIZING THE PAYMENT OF CERTAIN ENCUMBRANCES

On June 28, 1974, the Grand Junction, Colorado, Parking Authority issued certain bonds in the aggregate amount of \$950,000 which funds were used to acquire certain real property to be used for public parking in the City.

2. Those bonds allowed for the redemption of said bonds on July 1, 1989, if the bonds were paid in full.

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

It is in the best interests of the City to: cause the bonds to be redeemed; pay not more than \$58,000 to Colorado National Bank, Trustee; exercise the City's option to purchase the real property described in the referenced leasehold agreement, a copy of which is attached hereto for reference; accept from said Parking Authority a deed conveying the subject real property to the City; and execute such other documents and to do such other acts as are reasonably required to accomplish the redemption of the bonds and obtain title to other referenced lands.

The Mayor of the City, or in his absence, the City Manager, is authorized and directed to execute such documents and to make such payments of monies as may be required to accomplish the tasks referred to in this Resolution.

PASSED and ADOPTED this 7th day of June, 1989.

/s/ R.T. Mantlo

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

RESOLUTION NO. 21-89 AUTHORIZING A ONE-YEAR LEASE BETWEEN THE CITY OF GRAND JUNCTION AND BURKEY LUMBER COMPANY FOR THE USE OF THE BUILDING KNOWN AS PUBLIC SERVICE STEAMPLANT (531 SOUTH AVENUE) FOR STORAGE PURPOSES - \$200 PER MONTH - LEASE PERIOD JUNE 8, 1989 TO

JUNE 7, 1990

The following Resolution was read:

RESOLUTION NO. 21-89

PROVIDING FOR THE LEASE OF CITY OWNED REAL ESTATE TO BURKEY LUMBER COMPANY OF GRAND JUNCTION

WHEREAS, the City of Grand Junction is the owner of the real property and improvements situate in the City of Grand Junction, Mesa County, Colorado, as shown and described in the attached Exhibit A, also known as 531 South Avenue; and

WHEREAS, Burkey Lumber Company of Grand Junction, a Colorado Corporation, is desirous of securing from the City a lease for said real property and improvements.

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 and directed to enter into an agreement providing for the leasing of said real property and improvements to Burkey Lumber Company of Grand Junction, which Lease shall commence on the 8th day of June, 1989, and terminate on the 7th day of June, 1990, along with the other terms and conditions as they appear in the attached Lease Agreement. (Lease Agreement not attached).

PASSED and ADOPTED this 7th day of June, 1989.

/s/ R.T. Mantlo

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

RESOLUTION NO. 22-89 CONCERNING USE OF PROPERTY ON ORCHARD MESA OWNED BY DIXSON, INC., FOR PARKS AND RECREATION PURPOSES AND EXEMPTING THE PROPERTY FROM AD VALOREM TAXATION

The following Resolution was read:

RESOLUTION NO. 22-89

LEASING BLOCK 3 OF PERKINS SUBDIVISION FOR PARKS AND RECREATION PURPOSES

WHEREAS, pursuant to a Memorandum of Agreement dated the 1st day of January, 1978, and an extension of Memorandum of Agreement dated the 31st day of July, 1984, the City has been permitted to utilize for parks and recreation purposes the following described real property ("the Property") owned by Dixson, Inc.:

All of Block 3 of the Replat of Part of Blocks 2, 3 and 4 of Perkins Subdivision 1st Addition Replat 1 and Replat of Perkins Subdivision located in Section 26, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado,

and;

WHEREAS, the Property has been subject to ad valorem taxation despite the City's occupancy thereof.

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

That it is the express intent of the parties that the Property, for so long as it is so used by the City, be exempt from ad valorem taxation pursuant to C.R.S. 31-15-802.

PASSED and ADOPTED this 7th day of June, 1989.

/s/ R.T. Mantlo

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

RESOLUTION NO. 23-89 AUTHORIZING ESTABLISHMENT OF DEPOSITORY ACCOUNTS AND SIGNING OF CHECKS FOR THE CITY

The following Resolution was read:

RESOLUTION NO. 23-89

CORPORATE RESOLUTION AUTHORIZING ESTABLISHMENT OF DEPOSITORY ACCOUNTS AND SIGNING OF CHECKS FOR THE CITY OF GRAND JUNCTION

RESOLVED, that Central Bank, Grand Junction, Colorado (hereinafter

called "Bank"), be and it is hereby designated as depository for the funds of the above named corporation, including by way of explanation and not limitation, demand, savings and time deposits, and that the Bank be and it is hereby authorized to accept for credit to this corporation and/or collection any and all bills and notes payable to the corporation or in which it may have an interest when endorsed in the name of this corporation in writing, by rubber stamp or otherwise, with or without a designation of the party making such endorsement, and that all transactions in connection therewith shall be governed by the conditions, rules, regulations, customs and practices now or hereafter adopted or practiced by the Bank, including but not limited to those pertaining to collections, interest and service charges, etc. and that, as duly and regularly election and/or appointed:

PRINT OR TYPE below ONLY the names and titles of persons authorized to sign.

Name	Title
Stephen L. Anderson	Finance Director
Randy Booth	Comptroller
Sandra L. Glaze	Collections Supervisor

(Here indicate which of the above must sign. Thus: any one; any two; etc.)

any one

be and they are hereby authorized to withdraw said funds from said depository on the check or order of the corporation, signed as aforesaid, or by appropriate authorization, and that the said officers authorized to withdraw funds be and they are hereby authorized to endorse and receive payment of bills and notes payable to the corporation, and the said bank is hereby authorized to pay any such instruments so signed or endorsed and presented it for payment, including those drawn to the individual order of any officer or other person authorized to sign the same; and that said bank is relieved from any duty to inquire as to dispositions of proceeds of instruments so drawn, signed, or endorsed; and be it

FURTHER RESOLVED: That when a rubber stamp or facsimile signature is used, the Bank need not ascertain the authority of the party affixing the signature and the corporation shall hold Bank harmless from any claim arising therefrom; and be it

FURTHER RESOLVED: That said authority conferred shall remain in full force until written notice of the revocation thereof by the Board of Directors of this Corporation shall have been received by said depository, and that the Secretary be and is hereby authorized to deliver to the Bank a certified copy of this resolution and to certify to the Bank the true and correct signatures of the above named officers.

City Clerk's Certificate

I, Neva B. Lockhart, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Grand Junction, a corporation organized and existing under and by virtue of the laws of the State of Colorado and I further certify that the foregoing is a full, true and correct copy of a resolution adopted at a meeting of the Board of Directors of the corporation duly and regularly held on the 7th day of June, 1989, at which a quorum of the said corporation was present and acting, and I further certify that said Resolution is in full force and effect and has not been vacated or set aside and that the signatures of the respective officers of said corporation appearing on the signature cards are the true signatures of the respective officers whose signatures they purport to be.

PASSED and ADOPTED this 7th day of June, 1989.

/s/ R.T. Mantlo

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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

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

This Resolution concerns the following Depository Accounts:

Travel and Training Account  
Investment Account  
Payroll Account  
Warrants Account  
Treasury Account  
General Account

PURDY MESA LIVESTOCK WATER COMPANY WATER PURCHASE AGREEMENT -  
DEFER TO JULY 15, 1989, CITY COUNCIL MEETING

OPTION TO BE THE CO-APPLICANT FOR ANY HYDRO-PLANT ON THE DOMINGUEZ

RESERVOIR

Upon motion by Councilman Theobald, seconded by Councilman Nelson and carried, authorization was given to exercise the option for the City of Grand Junction to be the co-applicant for any Hydro-Plant on the Dominguez Reservoir.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk