

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

July 19, 1989

The City Council of the City of Grand Junction, Colorado, convened in regular session the 19th day of July, 1989, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, Bill McCurry, Paul Nelson, Conner Shepherd, Reford Theobald, and President of the Council R. T. Mantlo. Councilman O. F. Ragsdale was 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 - Rev. Thomas Smatla, Associate Pastor First Presbyterian Church

MINUTES

There being no corrections or additions to the minutes of the July 5, 1989, regular City Council meeting, they were approved as submitted.

RECOGNITION OF MESA COUNTY NARCOTICS TEAM - COMMENDATIONS

The following Grand Junction Police Officers were commended for being instrumental in bringing to justice a narcotics ring:

Grand Junction Police Department

Sergeant Rusty Callow

Investigator Tim Grimsby

Investigator John Zen

Mesa County Sheriff's Department

Investigator Steve Stogsdill

Investigator Bill Booth

District Attorney's Office

Deputy District Attorney Rick Wagner

Grand Junction Police Chief Bob Evers, Mesa County Sheriff Dick Williams and District Attorney Steve ErkenBrack were also commended.

HEARING #34-89 - PROPOSED ORDINANCE - REZONE FROM RSF-8 TO PZ PROPERTY LOCATED AT 1041 MESA AVENUE

A hearing was held after proper notice on the application by the City Planning Department to rezone from Residential Single-Family (RSF-8) to a Public Zone (PZ) property located at 1041 Mesa Avenue. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was read by title only: CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY WITH A STREET ADDRESS OF 1041 MESA AVENUE. Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried with Councilman THEOBOLD ABSTAINING, the proposed ordinance was passed for publication.

BIDS - AWARD OF CONTRACTS

Two 30-Foot Octagon Picnic Shelters for Parks Department - Leisure Design Systems - \$15,244

Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried the bids were accepted and the Contract for two 30-foot octagon picnic shelters for the Parks Department was awarded to Leisure Design Systems in the amount of \$15,244, and the City Manager was authorized to sign said Contract.

HEARING #28-89 - REZONE AND FINAL PLAN FOR RIO GRANDE FEDERAL CREDIT UNION FROM RMF-64 AND PZ TO PLANNED BUSINESS (PB), 536 OURAY AVENUE - CONTINUED TO AUGUST 2, 1989, COUNCIL MEETING

HEARING #29-89 - REZONE FROM RMF-64 TO PZ PROPERTY LOCATED AT 537 CHIPETA AVENUE - CONTINUED TO AUGUST 2, 1989, COUNCIL MEETING

REQUEST TO WAIVE OPEN SPACE FEE ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 7TH STREET AND MAIN - CONDITIONAL USE FOR AUCTION GALLERY

Donald B. Huntzinger with the firm of McMichael, Benedict & Multz, representing Ron and Wanda Hubbard, appeared before Council to request a waiver of the open space fee on property located at the southeast corner of 7th Street and Main Street (conditional use for Auction Gallery). Mr. Ron Hubbard was present and stated that upon applying for the open space permit he was told it could either be waived, or put it out on a month-to-month basis. Upon motion by Councilman Nelson, seconded by Councilman Theobold and carried, the request to waive the open space fee was denied; however Council suggested that the petitioner enter into conversation with the City Attorney so that an appropriate monthly or quarterly fee could be determined to relieve undue strain on a new business, with appropriate security paperwork.

PROPOSED ORDINANCE - ANNEXING ENCLAVED PROPERTIES TO THE CITY OF GRAND JUNCTION - LOCATED NEAR 27 AND G ROADS AND IN THE VICINITY NORTH OF F ROAD, EAST OF 24 1/2 ROAD

The following entitled proposed ordinance was presented and read:

AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION. Upon motion by Councilman McCurry, seconded by Councilman Bennett and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - AMENDING CHAPTER 4, ARTICLE 1, SECTION 1, CODE OF ORDINANCES, WHICH ALLOWS THE LOCAL LICENSING AUTHORITY TO GRANT, UNDER CERTAIN PROVISIONS, TEMPORARY LICENSES TO RETAIL LIQUOR LICENSEES WHO, THROUGH NEGLIGENCE OR INADVERTENCE, HAVE ALLOWED THEIR LIQUOR LICENSES TO EXPIRE WITHOUT RENEWING THEM

The following entitled proposed ordinance was presented and read: AN ORDINANCE WHICH ALLOWS THE LOCAL LICENSING AUTHORITY TO GRANT, UNDER CERTAIN PROVISIONS, TEMPORARY LICENSES TO RETAIL LIQUOR LICENSEES WHO, THROUGH NEGLIGENCE OR INADVERTENCE, HAVE ALLOWED THEIR LIQUOR LICENSES TO EXPIRE WITHOUT RENEWING THEM. Upon motion by Councilman McCurry, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

ORDINANCES ON FINAL PASSAGE - PROOFS OF PUBLICATION

The Proof of Publication on the following Ordinance for final passage had been received and filed. A copy of the Ordinance proposed for final passage was submitted in writing to the City Council prior to the meeting.

ORDINANCE NO. 2435 - ANNEXING PATTERSON ROAD RIGHT-OF-WAY BETWEEN APPROXIMATELY 25 3/4 ROAD AND 26 ROAD

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

There were no comments. Upon motion by Councilman Theobald, seconded by Councilman McCurry and carried, the Ordinance was passed, adopted, numbered 2435, and ordered published.

RESOLUTION NO. 29-89 - CONTRACT AND PROMISSORY NOTE WITH THE COLORADO WATER CONSERVATION BOARD FOR THE NORTH FORK DIVERSION PROJECT

The following Resolution was read:

RESOLUTION NO. 29-89

A RESOLUTION OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CITY TO ENTER INTO A CONTRACT FOR BORROWING A PRINCIPAL SUM NOT TO EXCEED \$250,000.00 FROM THE COLORADO WATER CONSERVATION BOARD; ASSURING UTILITY RATES TO PRODUCE REVENUES SUFFICIENT TO PAY THE CONTRACT LOAN; SETTING ASIDE OF REVENUES IN THE WATER FUND FOR THE REPAYMENT OF THE DEBT; AND PROVIDING A SECURITY INTEREST IN FAVOR OF THE STATE TO SECURE THE REPAYMENT.

WHEREAS, the City of Grand Junction, Colorado, wishes to construct

the North Fork Diversion Pipeline, a water conveyance structure from the North Fork of Kannah Creek to the Purdy Mesa and Juniata Reservoirs; and

WHEREAS, the project costs are scheduled to be paid from a loan from the Colorado Water Conservation Board, a grant from the Colorado Department of Local Affairs, and City water fund revenues; and

WHEREAS, the loan from the Colorado Water Conservation Board will not exceed 50% of the project costs up to an amount not to exceed \$250,000.00; and

WHEREAS, in order to acquire the said loan from the Colorado Water Conservation Board, the City of Grand Junction is required to sign a contract and promissory note with the Colorado Water Conservation Board and pass an ordinance implementing the provisions of the contract and promissory note.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

Section 1. Authorization. The City of Grand Junction through its elected representatives and appointed officers are authorized to enter into a Contract and Promissory Note with the Colorado Water Conservation Board to contract for a principal sum of money not to exceed \$250,000.00 for construction of the North Fork Diversion Pipeline and to repay to the State said principal sum with interest at the rate of five percent (5%) per annum, said repayment to be made in constant annual installments for twenty-five (25) years. Said Contract and Promissory Note to be the complete integration of all understandings between the parties. The City Manager of the City of Grand Junction is authorized to sign the Contract and Note when loan calculations and contract terms are finalized with the State of Colorado.

Section 2. Security. As security for the loan to be made by the State, the City of Grand Junction, Colorado, will execute a warranty deed within thirty (30) days of the first advance of funds from the State which will convey to the State an undivided fifty percent (50%) interest in 5866 feet of 24 inch diameter Plastic Irrigation Pipe, 100PSI, SDR 41, inclusive of all intake structures, incidentals, and appurtenances, the pipe to be laid between the North Fork of Kannah Creek existing diversion structure and Purdy Mesa and Juniata Reservoirs.

Section 3. Assurance. The City will provide revenues in the City water fund to insure that the North Fork Diversion Pipeline is maintained and operated in good working order, as security to the State and the City for their interests in the pipeline until, at least, the total loan obligation to the Colorado Water Conservation Board is discharged. In addition the City's obligation for repayment will not terminate upon loss of the pipeline as a result of fire or other hazards.

Section 4. Utility Rates. The City of Grand Junction periodically sets rates for the operation and expansion of its water utility operation. The City agrees that it will maintain rates sufficient to pay the annual indebtedness on the loan and to maintain the pipeline in good working order as outlined in Section 3. These revenues are established and set aside in the Water Fund and are separate and apart from City General Fund revenues. The portion of the Fund balance of the Water Fund, not to exceed the annual principal and interest payment of this note, will be restricted for the sole purpose of discharging the City's loan obligation and the State of Colorado will have conveyed to it a security interest in these restricted revenues to secure repayment of the debt.

Section 5. Default. In the event of default in the repayment of the debt to the State and upon written notice from the State, the City, pursuant to its Charter, will take all necessary actions to levy any additional assessments to cure the default.

Section 6. Sale and Transfer. The City agrees that it will not sell, convey, assign, grant, transfer, mortgage, pledge, encumber, or otherwise dispose of the project or any portion thereof so long as the annual installment required by the note remain unpaid, without the prior written occurrence of the State.

Section 7. Repealer. All acts, orders, resolutions, ordinances, or parts thereof, of the City that are inconsistent or in conflict with this resolution are hereby repealed to the extent only of such inconsistency or conflict.

Section 8. Severability. If one or more sections or parts of this Resolution shall be adjudged unenforceable or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, it being the intention that the various provisions hereof are severable.

Section 9. Recording and Authentication. Immediately on its passage this Resolution shall be recorded in the book of the City kept for that purpose, and authenticated by the signatures of the Mayor and President of the City Council, and the City Clerk.

PASSED and ADOPTED this 19th day of July, 1989.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried by roll call vote, the Resolution was passed and

adopted as read.

PROPOSED ORDINANCE IMPLEMENTING THE PROVISIONS OF THE COLORADO WATER CONSERVATION BOARD CONTRACT

The following entitled proposed ordinance was read: AN ORDINANCE OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CITY TO ENTER INTO A CONTRACT FOR BORROWING A PRINCIPAL SUM NOT TO EXCEED \$250,000.00 FROM THE COLORADO WATER CONSERVATION BOARD; ASSURING UTILITY RATES TO PRODUCE REVENUES SUFFICIENT TO PAY THE CONTRACT LOAN; SETTING ASIDE OF REVENUES IN THE WATER FUND FOR THE REPAYMENT OF THE DEBT; AND PROVIDING A SECURITY INTEREST IN FAVOR OF THE STATE TO SECURE THE REPAYMENT. Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

RESOLUTION NO. 30-89 - CONTRACT WITH THE DEPARTMENT OF LOCAL AFFAIRS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT

The following Resolution was read:

RESOLUTION NO. 30-89

A RESOLUTION OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CITY TO ENTER INTO A CONTRACT FOR RECEIPT OF A GRANT IN THE AMOUNT OF \$150,000.00 FROM THE COLORADO DEPARTMENT OF LOCAL AFFAIRS, AND AUTHORIZING THE MAYOR OF THE CITY OF GRAND JUNCTION TO SIGN SAME.

WHEREAS, the City of Grand Junction, Colorado, wishes to construct the North Fork Diversion Pipeline, a water conveyance structure from the North Fork of Kannah Creek to the Purdy Mesa and Juniata Reservoirs; and

WHEREAS, the project costs are scheduled to be paid from a loan from the Colorado Water Conservation Board, a grant from the Colorado Department of Local Affairs, and City water fund revenues; and

WHEREAS, an application has been made to the Department of Local Affairs for Community Development Block Grant Funds with said grant made to the City of Grand Junction in the amount of \$150,000.00; and

WHEREAS, in order to acquire the grant from the Colorado Department of Local Affairs, the City of Grand Junction is required to sign a contract with the State of Colorado

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

Section 1. Authorization. The City of Grand Junction through its elected representatives and appointed officers are authorized to enter into a contract with the Colorado Department of Local Affairs for a grant amount of \$150,000.00 for construction of the

North Fork Diversion Pipeline. The Mayor of the City of Grand Junction is authorized to sign the Contract when contract terms are finalized with the State of Colorado.

Section 2. Recording and Authentication. Immediately on its passage this Resolution shall be recorded in the book of the City kept for that purpose, and authenticated by the signatures of the Mayor and President of the City Council, and the City Clerk.

PASSED and ADOPTED this 19th day of July, 1989.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

JUNIATA OUTLET WORKS REPAIR - MILLER PIPELINE CORP. - \$4754

Upon motion by Councilman McCurry, seconded by Councilman Nelson and carried, the City Manager was authorized to expend \$4754 to Miller Pipeline Construction for the Juniata Outlet Works Repair, and the City Attorney was authorized to file the necessary documents to retrieve the cost from Guildner Pipeline Company.

PURDY MESA LIVESTOCK WATER COMPANY AGREEMENT

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the Purdy Mesa Livestock Water Company Agreement was approved and the President of the Council was authorized to sign said Agreement.

APPROVAL OF REQUESTS FROM MESA COUNTY ECONOMIC DEVELOPMENT COUNCIL FOR INCENTIVES TOTALING \$71,000 (GTE SPACENET, SENTRY SERVICES, THERMO COMPONENTS, ELECTRIC GENERATING SYSTEMS)

Upon motion by Councilman McCurry, seconded by Councilman Bennett and carried, the requests from Mesa County Economic Development Council for incentives totaling \$71,000 (GTE Spacenet, Sentry Services, Thermo Components, Electric Generating Systems) were approved.

APPROVAL OF CHANGE ORDERS ON THE WATERSLIDE PROJECT AT LINCOLN PARK - \$15,000

Upon motion by Councilman McCurry, seconded by Councilman Nelson

and carried, change orders on the Waterslide Project at Lincoln Park in the amount of \$15,000 was approved.

LODGING TAX

Mr. Louis O'Riordan, Grand Junction and Estes Park, spoke to Council hoping to defeat the proposed lodging tax.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk