

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

February 21, 1990

The City Council of the City of Grand Junction, Colorado, convened in regular session the 21st day of February, 1990, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, Bill McCurry, Paul Nelson, O.F. Ragsdale, Conner Shepherd, Reford Theobald, and President of the Council R.T. Mantlo. Also present were Acting City Manager James Shanks, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

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

INVOCATION - Pastor Don Maguire, Church of the Rock

CONSIDERATION OF MINUTES

There being no corrections or additions to the Minutes and amendment of the February 7, 1990, regular City Council meeting, they were approved as submitted.

APPOINTMENT TO GRAND JUNCTION BOARD OF ADJUSTMENT AND APPEALS

Upon motion of Councilman Nelson, seconded by Councilman McCurry and carried, Katie Worrall was appointed to a serve on the Board of Adjustment and Appeals; term to expire October 31, 1991.

PROCLAMATION NAMING MISS JULI D'ANN RAGSDALE - MISS GRAND JUNCTION
THE HONORARY REPRESENTATIVE FOR THE CITY OF GRAND JUNCTION

HUNTING ON SOMERVILLE RANCH

Several citizens were present to discuss controlled hunting on the Somerville Ranch. They were as follows:

Mr. Ed Derryberry, 1305 Glenwood Avenue

Mr. Dick Beagley, 3049 Walnut Avenue, owner of B & W Guide Service

Roger Mahoney, 1282 Bookcliff Avenue

Don Jenkins

Frank Lampson, 2052 J Road, Fruita

Mayor Mantlo stated that it is not the intent of the Council to cut off access by hunters to the property. Mayor Mantlo stated that Council has the concern of the taxpayer at heart. The property was purchased for water in the first place. The City wants to run a good ranching operation and do other things and generate revenue from the land for the taxpayers of the City of

Grand Junction. Council needs time to work on this problem.

BIDS - AWARD OF CONTRACTS

Flatbed Crane Truck, Parks Department - Fuoco Motor Company - \$26,359.75

Change Order No. 2 for 5th Street Bridge Waterline Relocation Project - Lyle States Construction, Inc. - \$16,141.12

Design of a New Sound System at Stocker Stadium - Smith, Fause & Barath - \$12,830

Upon motion of Councilman McCurry, seconded by Councilman Ragsdale and carried, the above items were approved, and the City Manager was authorized to sign the Contracts.

HEARING - APPLICATION BY DISTINGUISHED SERVICE AWARD AND RETIREMENT ASSOCIATION (CITY MARKET EMPLOYEES) FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT ON MAY 19, 1990, AT LIFF AUDITORIUM, MESA COLLEGE, FOR A DINNER DANCE - FIRST PERMIT

A hearing as held after proper notice on the application by Distinguished Service Award and Retirement Association (City Market Employees) for a Malt, Vinous and Spirituous Liquor Special Events Permit on May 19, 1990, from 6:00 p.m. to 12:30 a.m. at Liff Auditorium, Mesa College, for a dinner dance. Sheila Naski was present representing the organization. There were no opponents, letters or counterpetitions. Upon motion of Councilman Ragsdale, seconded by Councilman Nelson and carried, the application was approved.

HEARING #1-90 - PROPOSED ORDINANCE - ALLEY VACATION (NORTH/SOUTH ALLEY WEST OF 1235 NORTH 4TH STREET) AND REQUEST TO WAIVE APPLICATION FEE

A hearing was held after proper notice on the petition by The Salvation Army, Captain Del Brockelman, to vacate the North/South alley west of 1235 North 4th Street, and to waive the \$425 application fee for the vacation. Planning Director Karl Metzner reviewed the petition. Capt. Del Brockelman, 633 Karen Court, was present. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was read: VACATING THE NORTH-SOUTH ALLEY BETWEEN NORTH 3RD STREET AND NORTH 4TH STREET SOUTH OF GLENWOOD AVENUE. Upon motion of Councilman Theobold, seconded by Councilman McCurry and carried, the proposed ordinance was passed by publication.

Upon motion of Councilman Theobold, seconded by Councilman Nelson and carried, the request to waive the \$425 application fee was denied.

ORDINANCES ON FINAL PASSAGE - PROOFS OF PUBLICATION

Proofs of Publication on the following Ordinances proposed for final passage have 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. 2463 - HEATHERIDGE ESTATES ANNEXATION #2 - EAST OF SOUTH REDLANDS ROAD

Upon motion of Councilman Nelson, seconded by Councilman Ragsdale and carried, the following entitled proposed ordinance was read by title only: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

There were no comments. Upon motion of Councilman Ragsdale, seconded by Councilman Shepherd and carried by roll call vote, the Ordinance was passed, adopted, numbered 2463, and ordered published.

ORDINANCE NO. 2464 - HEATHERIDGE ESTATES ANNEXATION #3 - SOUTH AND SOUTHWEST OF MARTELLO DRIVE

Upon motion of Councilman Nelson, seconded by Councilman Ragsdale and carried, the following entitled proposed ordinance was read by title only: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

There were no comments. Upon motion of Councilman Shepherd, seconded by Councilman McCurry and carried by roll call vote, the Ordinance was passed, adopted, numbered 2464, and ordered published.

ORDINANCE NO. 2465 - DECLARING THE NECESSITY TO TAKE PRIVATE PROPERTY BY EMINENT DOMAIN AND SPECIFYING AND DESCRIBING THE PROPERTY TO BE TAKEN (SCHEISSWAHL CONDEMNATION AT FIRST AND ROOD)

Upon motion of Councilman Nelson, seconded by Councilman Ragsdale and carried, the following entitled proposed ordinance was read by title only: AN ORDINANCE DECLARING THE NECESSITY TO TAKE PRIVATE PROPERTY BY EMINENT DOMAIN AND SPECIFYING AND DESCRIBING THE PROPERTY TO BE TAKEN.

Upon motion of Councilman Bennett, seconded by Councilman Nelson and carried by roll call vote, the Ordinance was passed, adopted, numbered 2465, and ordered published.

RESOLUTION NO. 14-90 REFERRING AN ORDINANCE OF THE CITY OF GRAND JUNCTION TO THE ELECTORATE (ORDINANCE NO. 2450) REGARDING THE REZONE OF NORTHRIDGE SUBDIVISION.

City Attorney Dan Wilson stated that the City Charter does not directly answer the question of what precise language must be used to word the ballot.

Comments regarding the wording of the ballot were made by the following:

Timothy Mannion, 3038 Cloverdale Court

Fred Aldrich, 340 Music Lane

Paul Reddin, 3010 Cloverdale

Pat Edwards, 510 Tiara Drive

Milt Henry, 3009 Cloverdale Court

The following Resolution was presented and read:

RESOLUTION NO. 14-90

A RESOLUTION REFERRING AN ORDINANCE OF THE CITY OF GRAND JUNCTION TO THE ELECTORATE

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

That Ordinance No. 2450 of the City of Grand Junction, Colorado, be submitted to the electorate of the City at an election to be held on the 3rd day of April, 1990, with the proposition being submitted on the ballot in the following form:

SUBMISSION OF ORDINANCE NO. 2450 OF THE CITY OF GRAND JUNCTION TO THE ELECTORATE OF THE CITY.

ORDINANCE NO. 2450 changes the zoning of a portion of Filing #4 of Northridge Estates Subdivision from Planned Residential with a density of 4 Units per acre to Planned Residential with a density of 12.7 Units per acre. The plan submitted with the zoning application indicated the site, approximately 10 acres, is located generally west of 7th Street, east of First Street, north of Patterson (F) Road, and south of the Grand Valley Canal.

FOR THE ORDINANCE

AGAINST THE ORDINANCE

PASSED and ADOPTED this 7th day of February, 1990.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

RESOLUTION NO. 18-90 REVOKING STREET IMPROVEMENT DISTRICT POWERS OF ATTORNEY

The following Resolution was presented and read:

RESOLUTION NO. 18-90

CONCERNING THE REVOCATION OF POWERS OF ATTORNEY

WHEREAS, the Clerk of the City of Grand Junction has heretofore been appointed Attorney in Fact to execute local improvement district petitions and to provide for the assessment against certain real property for the cost of curb, gutter, sidewalk and improvement of and paving of Patterson ("F") Road from 24 1/2 to 28 1/2 Road; and

WHEREAS, the installation of curb, gutter, sidewalk and improvement of and paving of Patterson Road ("F") Road between 24 1/2 Road and 28 1/2 Road has been completed; and

WHEREAS, the City Council of the City of Grand Junction has determined that no assessments shall be made against the owners of lands for the cost of curb, gutter, sidewalk and improvement of and paving of Patterson ("F") Road from 24 1/2 Road to 28 1/2 Road; and

WHEREAS, the City Council of the City of Grand Junction deems it appropriate to revoke those Powers of Attorney relative to the assessing of certain lands for the improving of Patterson Road.

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

1. That those Powers of Attorney listed in the attached Exhibit A, which are either referenced by the book and page numbers as they appear in the Office of the Mesa County Clerk and Recorder, or by the date of execution and the name of the subdivision of the land so encumbered, are hereby revoked; and that the City Clerk is hereby disappointed as Attorney in Fact as stated in said Powers of Attorney.

2. That the revocation of said Powers of Attorney shall in no way remove any assessments which may have heretofore been levied against lands for the improving of Patterson ("F") Road.

3. That Powers of Attorney which have appointed the City Clerk as Attorney in Fact to execute local improvement district petitions and to provide for the assessment against certain real property for the cost of curb, gutter, sidewalk and improvement of and paving of streets, roads and avenues other than Patterson ("F")

Road shall remain in full force and effect.

PASSED and ADOPTED this 21st day of February, 1990.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

EXHIBIT A

BOOK	PAGE	Development, Subdivision or Grantor
1080	872	Lots 1 & 2, Bennett Subdivision
1141	86	Gold Court Subdivision
1276	643	H.R. Prickett & Nina L. Prickett, Grantors
1276	644	Franklin Lamm, Grantor
1289	407	Foresight Park For Industry, Filing #1
1288	307	Foresight Park For Industry, Filing #2
1303	4	Pheasant Run Condos
1315	356	Golden Court Subdivision

1334	51	Intermountain Bible College Subdivision
1369	711	Peppertree Filing #1
1381	960	Colony Park Subdivision
1424	728	Mesa County Society for Crippled Children and Adults, Grantor
1472	887	Mesa County Society for Crippled Children and Adults, Grantor

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

RESOLUTION NO. 19-90 GRANTING EASEMENT ON PORTIONS OF THE CITY PARKING LOT SOUTH OF ROOD AVENUE BETWEEN 6TH AND 7TH STREETS TO PUBLIC SERVICE COMPANY TO ASSIST IN UNDERGROUNDING ELECTRICAL CABLES AND SWITCH CABINETS IN CONJUNCTION WITH THE MAIN STREET ALLEY RECONSTRUCTION

The following Resolution was presented and read:

RESOLUTION NO. 19-90

CONCERNING THE GRANTING OF AN EASEMENT TO THE PUBLIC SERVICE COMPANY OF COLORADO

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

That the City Manager is hereby authorized to execute an easement in favor of the Public Service Company of Colorado, to be used for the installation and maintenance buried electrical cable and an electrical switch cabinet on the real property described as:

The West 10.0 feet of the South 40.0 feet of Lot 3, Block 105 of the City of Grand Junction; and also

The East 10.0 feet of the West 20.0 feet of the South 10.0 feet of Lot 3, Block 105 of the City of Grand Junction; and also

The West 10.0 feet of the South 10.0 feet of Lot 10, Block 105 of the City of Grand Junction;

Subject to the terms, conditions and provisions of the attached Easement.

PASSED and ADOPTED this 21st day of February, 1990.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

E A S E M E N T

THE CITY OF GRAND JUNCTION, a municipal corporation, Grantor, for the consideration of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by the PUBLIC SERVICE COMPANY OF COLORADO, a Colorado Corporation, Grantee, whose address is 550 15th Street, Denver, Colorado, 80202-4205, the receipt whereof is hereby acknowledged, hereby quit claims unto the said Grantee, its successors and assigns, an Easement for the installation and maintenance of buried electrical cable and an electrical switch cabinet on and under the following described premises located in the County of Mesa, State of Colorado, to it:

The West 10.0 feet of the South 40.0 feet of Lot 3, Block 105 of the City of Grand Junction; and also

The East 10.0 feet of the West 20.0 feet of the South 10.0 feet of Lot 3, Block 105 of the City of Grand Junction; and also

The West 10.0 feet of the South 10.0 feet of Lot 10, Block 105 of the City of Grand Junction;

Subject to all applicable zoning and other regulations, together with the full right and authority to Grantee, its successors, licensees, lessees, contractors or assigns, and its and their agents and employees to enter at all times upon said premises to survey, construct, repair, remove, replace, reconstruct, patrol, inspect, and maintain said electrical switch cabinet and full right and authority to cut, remove, trim or otherwise control all trees, brush and other vegetative growth interfering with the use of said premises for the purpose specified.

No other buildings, structures, signs or wells shall be erected, placed or permitted to remain on, under or over said premises except as specifically specified herein. Non use or limited use of

the easement shall not prevent Grantee from thereafter making use of this easement to the full extent herein authorized.

Grantee shall exercise the rights herein granted to it with due care, and all damages to persons or property resulting from the failure to exercise due care, or other standard of care as may be applicable, shall be paid for or repaired at the expense of Grantee. Grantee shall indemnify and hold harmless Grantor, its officers, employees and agents from any damages or claims for damages to persons or property arising out of the use by Grantee of the premises not arising from the Grantor's negligence.

Grantee shall inform the Grantor of any substantial change in the location of structures or improvements to be placed upon the property and shall conduct its activities to the extent reasonably practical, so that those activities do not prohibit the joint use of the property by the City of Grand Junction or its successors or assigns.

The provisions of this easement shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto.

Signed and delivered this _____ day of _____, 1990.

CITY OF GRAND JUNCTION, COLORADO

By:

City Manager

ATTEST:

City Clerk

STATE OF COLORADO)	
)	SS.
COUNTY OF MESA)	

The foregoing instrument was acknowledged before me this _____ day of _____, 1990, by Mark K. Achen, City Manager and Neva B. Lockhart, City Clerk for the City of Grand Junction.

Witness my hand and official seal.

My Commission Expires: _____.

Notary Public
Address

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

APPROVAL OF A LETTER OF INTENT FOR THE JARVIS PROPERTY

City Attorney Wilson explained that the Letter of Intent for the Jarvis property would direct Staff to begin investigation of the property with the goal being to enter into a Purchase Agreement by April 30, 1990, at a purchase price of \$2,025,000. Upon motion of Councilman Theobald, seconded by Councilman Nelson and carried, a Letter of Intent to purchase the Jarvis property was approved.

LETTER OF APPRECIATION TO THE GOODWIN FOUNDATION - PLEDGE OF \$250,000 TO THE CITY OF GRAND JUNCTION AND \$25,000 TO THE COLORADO RIVERFRONT FOUNDATION (PERMANENT MAINTENANCE FUND) - EFFECTIVE UNTIL OCTOBER 31, 1990

Acting City Manager James Shanks read a letter from the Goodwin Foundation wishing to assist the City of Grand Junction in purchasing the Jarvis property (approximately 49 acres along the Colorado River) for the purposes along the riverbank consistent with those of the Colorado Riverfront Foundation, Inc. He read the City's letter of appreciation to the Goodwin Foundation.

Jim Robb and Ward Scott, representing the Riverfront Commission, thanked Council for its interest in the Riverfront projects. Council offered its appreciation to Jim Robb, Ward Scott and William Ela for the number of free hours donated to this project and for the extreme expertise that has been applied to this stage of the Jarvis transaction.

APPROVAL OF REQUEST FOR THE TRANSFER OF APPROPRIATIONS FROM THE GENERAL FUND CONTINGENCY ACCOUNT TO THE FINANCE DIRECTOR'S ACCOUNT - \$17,565

Upon motion of Councilman Ragsdale, seconded by Councilman McCurry and carried, the request for the transfer of appropriations from the General Fund Contingency Account to the Finance Director's account (\$17,565) was approved. This transfer will allow for the purchase of office modernization equipment in the City's Finance Department.

DISCUSSION OF RESIGNATION OF O. F. RAGSDALE - DISTRICT B

Comments were had by Councilman Shepherd and other Councilmembers regarding the upcoming resignation of Councilman O. F. Ragsdale representing District B. Mr. Ragsdale stated he would continue to serve as Councilman until such time as Council has been able to fill his seat. A deadline was set for March 15, 1990, for receiving applications to fill the vacancy.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart, CMC

Neva B. Lockhart, CMC
City Clerk