

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

March 7, 1990

The City Council of the City of Grand Junction, Colorado, convened in regular session the 7th day of March, 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 Steve Anderson, City Attorney Dan Wilson, and City Clerk Neva Lockhart

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

BOY SCOUT TROOP #383 RECOGNIZED

INVOCATION - Pastor Andrew Gebbe

CONSIDERATION OF MINUTES - Minutes of February 21, 1990, deferred to March 21, 1990, meeting.

PROCLAMATION DECLARING THE WEEK OF MARCH 11-17, 1990, AS "NATIONAL EMPLOY THE OLDER WORKER WEEK"

PROCLAMATION DECLARING WEEK OF MARCH 18-24, 1990, AS "BICYCLE SAFETY WEEK"

SPECIAL RECOGNITION OF CITY EMPLOYEES WHO WITNESSED LOCAL ACCIDENT

The following City employees from the Water Department were recognized for their swift reaction to a local injury accident that took place recently on Grand Avenue (offered assistance to the victims, called the accident in, provided traffic control):

David Guillen

Phillip Guillen

Terry Klumker

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR 1988

Finance Director Ronald Lappi presented Certificates of Achievement to the following Finance Department employees for their excellence in financial reporting:

Randy Booth, Comptroller

Rex Ricks, Senior Account

BID CONSIDERATIONS - AWARD OF CONTRACTS

Passenger Van for Police Traffic Division - Fuoco Motor Company - \$15,044.46

Vehicle Replacement, All Departments, 17 Units - \$259,239

1. Three (3) two-Ton Dump Trucks

One (1) 3/4-Ton Extended

Cab Pickup with Utility Bed

One (1) Standard 1/2-Ton

One (1) Used 1989 Chevrolet Corsica

Fuoco Motor Company - \$132,578

2. Two (2) Cargo Vans

One (1) Mini Passenger Van

Five (5) 1/2-Ton Pickups

One (1) 3/4-Ton 4WD Pickup with Utility Bed

One (1) 3/4-Ton Pickup with Utility Bed

Western Slope Dodge - \$109,158

3. One (1) Chevrolet Suburban

Fisher Chevrolet of Boulder - \$71,503

Alley Construction, 1990 - Mays Concrete - \$114,181

Upon motion of Councilman Ragsdale, seconded by Councilman Nelson and carried, the bids on the above contracts were accepted and the Contracts were awarded as noted, and the City Manager was authorized to sign said Contracts.

HEARING - AMENDMENTS TO THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY PLAN OF DEVELOPMENT - RESOLUTION NO. 20-90 PROPOSED ORDINANCE EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY

A hearing was held after proper notice on the Amendments to the Grand Junction, Colorado, Downtown Development Authority Plan of Development. Joe Skinner, Attorney for the Downtown Development Authority, was present and commented on the Resolution and proposed ordinance regarding amendments to the Plan of Development. There were no opponents, letters, or counterpetitions.

The following Resolution was presented and read:

RESOLUTION NO. 20-90

BY THE CITY COUNCIL OF GRAND JUNCTION, COLORADO, APPROVING AMENDMENTS TO THE PLAN OF DEVELOPMENT FOR THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS, the Grand Junction, Colorado, Downtown Development Authority (The Authority) has adopted a Plan of Development for the central business district within the boundaries of the Authority and such plan of development was initially approved by the Grand Junction, Colorado City Council (the Council) on December 16, 1981.

WHEREAS, since that time, several individuals, pursuant to Section 31-25-822, 12A C.R.S., as amended, and Article X of the Authority's Plan of Development have petitioned for inclusion within the boundaries of the Authority, and the boundaries of the Authority have been expanded by the Council by Ordinances No. 2045, 2116, 2382, 2400, and 2425; and

WHEREAS, the Authority has approved amendments to the Plan of Development and has asked this Council to approve such amendments; and

WHEREAS, the Planning Commission has made written its recommendations to the City Council concerning the Plan of Development, which recommendations are attached hereto as Exhibit "A"; and

WHEREAS, notice of public hearing before the City Council was given by publication once by one publication during the week immediately preceding the hearing in the Daily Sentinel, a newspaper having a general circulation in the City, on February 28, 1990, and March 2, 1990; and

WHEREAS, a public hearing was commenced before the City Council on March 7, 1983, wherein comments were taken from those in attendance concerning the Plan of Development; and

WHEREAS, Mesa County Valley School District No. 51, within which the entire Plan of Development area designated in the amendments to the Plan of Development lies, was permitted to participate in an advisory capacity with respect to the amendments of the Plan of Development of the provision for the utilization of tax-increment financing; and

WHEREAS, the City Council has been adequately informed in this matter because of public input prior to the amendments of the Plan of Development, the public hearing on the amendments to the Plan of Development, the evidence presented, the recommendations of the Planning Commission, and the Plan of Development previously adopted, a review of the previous resolutions passed, and personal

knowledge of the members of the Council; and

WHEREAS, pending before the Council is Ordinance No. 2470 in which additional property owners are requesting inclusion of their property within the boundaries of the authority:

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

1. The Council finds the existence of blight within the Authority within the meaning of C.R.S. 1973, Section 31-25-802(1.5), as amended.

2. The Council hereby finds and determines that the approval of the amendments to the Plan of Development as shown on the attached Exhibit 1, will serve a public use; will promote the health, safety, prosperity, security and general welfare of the inhabitants of the city of its central business district; will halt or prevent the deterioration of property values or structures within said central business district; will halt or prevent the growth of blighted areas within said district; will assist the City and the Authority in the development and redevelopment of said district, and in the overall planning to restore or provide for the continuance of the health thereof; and will be of specific benefit to the property to be included within the amended boundaries of the Authority.

3. The amendments to the Plan of Development, as shown in the attached Exhibit 1, which is incorporated herein, are hereby approved by the Council and incorporated into the Plan of Development as previously amended, and the Authority is authorized to undertake development projects as described in such Amended Plan of Development which shall now be referred to as the Plan of Development for the Grand Junction, Colorado, Downtown Development Authority, as amended.

4. The City Council is requested to ask the County Assessor to certify to the City Council the valuation for assessment of the new property included within the Plan of Development area as of the date of the last certification, and the City Finance Director is requested to certify the sales tax receipts for the properties for the twelve months prior to the inclusion of such property by amendment of the Plan of Development.

5. No public servant of the City, who is authorized to take part in any manner in preparing, presenting, or approving the Plan of Development or any contract contemplated thereby has a potential interest in the Plan of Development or any such contract which has not been disclosed in accordance with the requirements of Section 18-8-308, Colorado Revised Statutes, 1973, as amended, and no such public servant has received any pecuniary benefits from the Plan of Development or any such contract.

6. If any provision of this Resolution is judicially adjudged

invalid or unenforceable, such judgment shall not affect the remaining provisions hereof, it being the intention of the City Council that the provisions hereof are severable.

7. This resolution shall be effective immediately upon the effective date of Ordinance No. 2470 which redescribes the boundaries of the Authority.

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

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

The following entitled proposed ordinance was read: AN ORDINANCE EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY. Upon motion of Councilman Shepherd, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication in pamphlet form.

PROPOSED ORDINANCE - AMENDING ARTICLE I, SECTION 13(b) OF CHAPTER 14, GARBAGE, TRASH AND WEEDS, CODE OF ORDINANCES, CITY OF GRAND JUNCTION

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING ARTICLE I, SECTION 2(b) OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO. Upon motion of Councilman McCurry, seconded by Councilman Bennett and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - AMENDING ARTICLE IX, SECTION 47(c) OF CHAPTER 25, SEWERS, CODE OF ORDINANCES, CITY OF GRAND JUNCTION

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING ARTICLE IX, SECTION 47(c) OF CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO. Upon motion of Councilman Bennett, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - AMENDING ARTICLE I, SECTION 2(b) CHAPTER 31, WATER, CODE OF ORDINANCES, CITY OF GRAND JUNCTION

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING ARTICLE I, SECTION 2(b) OF CHAPTER 31 OF THE CODE OF

ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO. Upon motion of Councilman McCurry, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

RESOLUTION NO. 21-90 - GRANTING A REVOCABLE PERMIT TO MOUNTAIN STATES TELEPHONE & TELEGRAPH COMPANY TO CONSTRUCT AN ENCLOSURE AROUND THE TRANSFORMER AND CABLE VAULT IN PUBLIC RIGHT-OF-WAY AT 800 MAIN STREET

The following Resolution was presented and read:

RESOLUTION NO. 21-90

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY

WHEREAS, Mountain States Telephone and Telegraph Company, a Colorado Corporation doing business as U.S. West Communications, owner of the real property described as Lots 17 through 32, inclusive, Block 107 of the City of Grand Junction, Mesa County, Colorado, aka 800 Main Street, has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of a masonry wall enclosure in order to protect a basement level transformer and cable vault, installed in the city right-of-way in approximately 1966, in the following described public right-of-way for North 8th Street to wit:

Beginning at the Northwest corner of Lot 32, Block 107 to the City of Grand Junction, thence West a distance of 15.0 feet; thence South a distance of 30.0 feet; thence East a distance of 15.0 feet to the West line of said Lot 32; thence North, along the West line of said Lot 32, a distance of 30.0 feet to the Point of Beginning; and

WHEREAS, the City Council of the City of Grand Junction has determined that such action would not at this time 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 installation of a masonry wall enclosure within the public right-of-way aforescribed; provided, however, that the petitioner shall install railing suitable for safety and security purposes around the perimeter of said enclosure. Provided, further, that the petitioner will not hold the City liable for any damages caused to said enclosure as a result of the City's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; and that said Revocable Permit shall be issued only upon the concurrent execution by the petitioner of an agreement that the petitioner 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 encroachment or use granted, and that upon revocation of such permit, the petitioner will, within thirty (3) 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 7th day of March, 1990.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, Mountain States Telephone and Telegraph Company, a Colorado corporation doing business as U. S. West Communications, owner of the real property described as Lots 17 through 32, inclusive, Block 107 of the City of Grand Junction, Mesa County, Colorado, aka 800 Main Street, has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of a masonry wall enclosure in order to protect a basement level transformer and cable vault, installed in the city right-of-way in approximately 1966, in the following described public right-of-way for North 8th Street to wit:

Beginning at the Northwest corner of Lot 32, Block 107 of the City of Grand Junction, thence West a distance of 15.0 feet; thence South a distance of 30.0 feet; thence East a distance of 15.0 feet to the West line of said Lot 32; thence North, along the West line of said Lot 32, a distance of 30.0 feet to the Point of Beginning; and

WHEREAS, the City Council of the City of Grand Junction has determined that such action would not at this time 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 Mountain States Telephone and Telegraph Company, a Colorado corporation doing business as U.S. West Communications a Revocable Permit to allow the use of the public right-of-way described above for the purposes described above; provided, however, that the petitioner shall install railing suitable for safety and security purposes around the perimeter of

said enclosure. Provided, further, that the petitioner will not hold the City liable for any damages caused to said enclosure as a result of the City's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; and that this Revocable Permit shall be issued only upon the concurrent execution by the petitioner of an agreement that the petitioner 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 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.

DATED this 8th day of March, 1990.

/s/ Mark K. Achen

City Manager

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Acceptance:

Mountain States Telephone and Telegraph Company, a Colorado Corporation

By:

Attest:

AGREEMENT

Mountain States Telephone and Telegraph Company, a Colorado corporation, for itself, its successors and assigns, does hereby agree that it will abide for each and every condition contained in the foregoing Permit; that it shall 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 that upon revocation of the Permit, it agrees to within thirty (30) days peaceably surrender said public 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.

DATED at this _____ day of _____, 1990.

Mountain States Telephone and Telegraph Company, a Colorado

By:

Attest:

STATE OF COLORADO)	
)	SS:
COUNTY OF)	

The foregoing Agreement was acknowledged before me this _____ day of _____, 1990, by _____ as _____ and by _____ as _____ of Mountain States Telephone and Telegraph Company, a Colorado corporation

Witness my hand and official seal.

My Commission expires: _____

Notary Public

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

RESOLUTION NO. 22-90 - POLICY ON PURCHASE OF RECYCLE PAPER

The following Resolution was presented and read:

RESOLUTION NO. 22-90

RESOLUTION ENDORSING THE PROCUREMENT OF RECYCLED PAPER BY THE CITY OF GRAND JUNCTION

WHEREAS, the Grand Junction City Council believes that producing less waste and recycling materials wherever practicable are preferable solid waste management methods of disposal; and

WHEREAS, the manufacture of products from recycled materials benefits the environment by conserving energy and valuable resources; and

WHEREAS, recycling does not occur until there is an end use for the remanufactured product; and

WHEREAS, the City of Grand Junction can help create and sustain a cost competitive market for recycled materials by purchasing such products.

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

The City of Grand Junction shall purchase recycled paper for use in its operations if recycled paper is reasonably cost competitive with virgin paper. Reasonably cost competitive is defined as a no more than 10% price preference for recycled paper.

The City of Grand Junction shall set purchasing goals for recycled paper. The goal for fiscal 1990 is that 10% of paper purchases shall be of recycled paper. This amount shall increase by 10% each fiscal year until 50% of paper purchases are recycled paper.

The City shall adopt the EPA specifications for recycled paper as a guideline.

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

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

RESOLUTION NO. 23-90 APPOINTING JUDGES OF ELECTION

The following Resolution was presented and read:

RESOLUTION NO. 23-90

APPOINTING JUDGES OF ELECTION AND ALTERNATES FOR THE SPECIAL MUNICIPAL ELECTION APRIL 3, 1990

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

That the following persons be, and they are hereby appointed as Judges of Election and Alternates for the Special Municipal Election to be held in the City on Tuesday, April 3, 1990.

District A, Precinct 1

June Chesnick
1045 Colorado Avenue

Lois Geary
2704 C Road

Pearl Kovacic
1710 LaVeta

District A, Precinct 2

Alice Arcieri
2690 B 3/4 Road

Dorothy H. Alger
2752 Cheyenne Drive

Patricia Parrish
301 E. Highland

Wesley Miller
288 26 1/4 Road

District B, Precinct 3

Edith Bauer
2551 Mayfair

Charles Teed
510 W. Mesa Avenue

Carol Cadez
2256 Knollwood

Florence Parrish
235 Hall Avenue

Al Wing
205 Teller Avenue

District C, Precinct 4

Frances Mark
1330 Elm Avenue

Betty Scott
575 28 1/2 Road #26

Aura Moon
564 Normandy Drive

Vivian Logue
2307 Orchard Avenue

Alice Miller
2541 Mesa Avenue

Alternate

Monica Black
2850 Brittany

District D, Precinct 5

Louise Sutrina
2012 N. 22nd Street

Gwendoline Bush
2005 N. 17th Street

Berdine Colescott
2236 N. 17th Street

Marion McCowen
3630 Elderberry Circle

Dorothy E. Ellis
1515 Cedar Circle

Alternates

Louis McCowen
3630 Elderberry Circle

Lenore "Eve" Ellis
2042 N. 22nd Street

District E, Precinct 6

Steve Scroggins
505 N. 18th Street

Pauline Bynum
2022 Gunnison

Margie Lopas

1261 Colorado Avenue

Frieda Ligrani
1400 Cannell Avenue

Alternates

Arline Stein
516 Compton

Esther Granat
1055 Chipeta

Absentee, Precinct 7

Louise Vig
428 Lilac Lane

Theresa (Tracy) Shafer
1433 N. 25th Street

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

1. That each Judge of Election serving on the day of election be compensated for his/her time by the payment of sixty dollars (\$60); Supply Judges to be compensated by an additional five dollars (\$5) each.

2. That each Absentee Judge of Election serving on the day of election be compensated for his/her time by the payment of fifteen dollars (\$15).

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

/s/ R. T. Mantlo

President

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

RESOLUTION NO. 24-90 ACCEPTING DEDICATION OF RIGHT-OF-WAY ON 25 ROAD ADJACENT TO GRAND MESA MARINE AND ALL SPORTS HONDA

Mr. Larry Beckner, representing Calvary Bible Church, was present and spoke to Council. The following Resolution was presented and

read:

RESOLUTION NO. 24-90

RECITALS.

As a condition of development, the Calvary Bible Church was required to post security for future road improvements on 27 1/2 Road. One or more members of the congregation suggested that the City accept certain right-of-way on 25 Road in exchange for the security. City staff has calculated the value of the proposed right-of-way to be equal to or in excess of the required security. Because the City will, at some point in the future, widen 25 Road, there is value to the City for such right-of-way in order that the costs of acquisition thereof can be avoided or reduced.

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

1. The City Manager is hereby authorized and directed to accept the rights-of-way described below once the owners thereof have delivered a good and proper deed conveying fee simple title to said rights-of-way.

2. The City Manager is hereby authorized and directed to, upon receipt of the required conveyance, release any security the City has with respect to the referenced road improvements on 27 1/2 Road and to deliver the originals of any promissory notes evidencing the obligation to pay for such improvements.

3. The legal descriptions of the rights-of-way and the owners thereof, according to the records of Mesa County, are:

(a) SORGEN PARTNERS:

The East 40.0 feet of the following described tract or parcel of land located in the NE4 of the SE4 of Section 9, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, to wit:

Beginning at a point which is 2186.8 feet North of the Southeast corner of said Section 9; thence N 77 deg. 23 min. W 34.5 feet; thence N 61 deg. 22 min.; W 264.6 feet; thence North 315.4 feet; thence East 263.9 feet; thence South to the Point of Beginning, EXCEPT that tract conveyed to the State of Colorado Highway Department as described in Book 913, Page 145 in the office of the Mesa County Clerk and Recorder;

(b) STEPHEN D. MC CALLUM AND BOBETTE D. MC CALLUM

The East 40.0 feet of the following described tract or parcel of land located in the SE4 of the NE4 of Section 9, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, to wit:

Beginning at the E4 corner of said Section 9; thence N 274.4 feet; thence West 316.37 feet; thence S 0 deg. 28 min. W 274.41 feet; thence East 318.6 feet to the Point of Beginning.

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

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

RESOLUTION NO. 25-90 CHANGING THE RENTAL FEES FOR CITY/COUNTY AUDITORIUM

The following Resolution was presented and read:

RESOLUTION NO. 25-90

REAFFIRMING THE POLICY AND CHANGING THE RENTAL FEES FOR THE CITY-COUNTY AUDITORIUM

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

That the policy for the use of the City-County Auditorium be reaffirmed and the rental fees for its use be adopted:

1. If a NON-PROFIT group using the auditorium makes no admission charge of any kind and is to hold events which are during the normal City Hall working hours, 8:00 to 5:00 Monday through Friday, there is no charge.

2. If a NON-PROFIT group uses the Auditorium other than City Hall hours, there is a \$15 \$45 charge for opening and/or closing and general maintenance of the building. This would mean that Saturday, Sunday, or evening usage would require the \$15 \$45 charge even though no charge for admission is made.

3. If a NON-PROFIT group using the auditorium charges any type of admission for their program, there is a \$25 \$65 per day charge whether it is during office hours or not.

4. IF A FOR-PROFIT GROUP USES THE AUDITORIUM DURING NORMAL CITY HALL OFFICE HOURS, EVENINGS, SATURDAYS, AND SUNDAYS AND NO CHARGE

OF ANY KIND IS MADE FOR ADMISSION, THERE IS A \$150 PER DAY CHARGE.

5. IF A FOR-PROFIT GROUP USING THE AUDITORIUM DURING NORMAL CITY HALL OFFICE HOURS, EVENINGS, SATURDAYS AND SUNDAYS AND CHARGES ADMISSION OF ANY TYPE, THERE IS A \$250 PER DAY CHARGE.

6. The auditorium is not available for denominational religious services.

7. No musical programs, or other programs with loud sounds, will be permitted in the auditorium during normal City Hall working hours. However, musical programs may be permitted at other times.

8. No reservations more than 90-days in advance will be made except with the permission of the City Manager.

9. Scheduling must fit in with City/COUNTY government usages (CITY Council, COUNTY COMMISSION and CITY/COUNTY Planning). Private reservations may be canceled for City/COUNTY purposes.

10. Any damage done to the building or contents will be billed to the using organization or individual.

11. No food, lunches, etc., will SHALL be consumed inside the auditorium.

12. That the new rental fees be effective April 1, 1990.

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

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

AUTHORIZE PARKS AND RECREATION BOARD TO PROCEED WITH TWO (2) ADDITIONAL LOTTERY FUND PROJECTS FOR 1990 - FOUR (4) SHADE CANOPIES AT MOYER POOL (\$45,700) AND ONE (1) SHELTER AT SHERWOOD PARK (\$30,000)

Upon motion of Councilman Bennett, seconded by Councilman Theobold and carried, the Parks and Recreation Board was authorized to proceed with two (2) additional Lottery Fund Projects for 1990 in the amount of \$75,500. Said projects are as follows:

1. Four (4) shade canopies at Moyer Pool - \$45,700;
2. One (1) shelter at Sherwood Park - \$30,000.

JARVIS HAZARDOUS MATERIAL STUDY

Upon motion of Councilman Ragsdale, seconded by Councilman Shepherd and carried, the City Attorney was directed to negotiate with the seller (Jarvis) and the other entities involved in this transaction to the point, at the seller's expense, that there be a clean bill of health given to the aforementioned property before any negotiations for closing of property be continued.

PERSONNEL ISSUE

Acting City Manager Steve Anderson explained that the issue concerns the calculation of overtime pay for the Lieutenant classification position in the Fire Department. The City had interpreted lieutenants as "exempt" from overtime at time and one-half pay under the Fair Labor Standards Act. The lieutenants were treated as primarily "managers" within the Fire Department organization, and by the City since October of 1987. The lieutenants felt that they did not function as managers and therefore, were to be treated as "non-exempt" employees under the Fair Labor Standards Act, and entitled to the time and one-half pay for overtime. City Staff revisited the issue. It was determined the job duties performed by lieutenants were non-managerial in nature and thus the lieutenants were entitled to the time and one-half pay for overtime. It was the consensus of Council at the executive session that the lieutenants be paid from the October, 1987, date to today's date at the time and one-half rate, at a total cost of approximately \$15,000 to the City for the thirteen Lieutenants positions in the Fire Department. This \$15,000 includes base pay, retirement and Social Security benefits (total, not each). The new Fire Chief will be allowed the flexibility to analyze the Lieutenant Position and make any changes and recommendations to that job description he deems necessary to have an efficient and effective department. He requested Council action to authorize the payment of up to \$15,000 (approximately) contingent upon all of the lieutenants signing the Agreement that the City Attorney has prepared.

City Attorney Dan Wilson stated that within the group of lieutenants, there are some that were clearly acting as though they were managers, and there were some that clearly were not, and there was all the gradation in between. He felt that it was the Fire Chief's expectation that this issue was not worth really getting into a fight with the lieutenants and having to deal with in-depth, rather the goal was to acknowledge the calculation had been off in the past and now we will move forward. He mentioned that the City does not have formal acceptance, but expects it in the near future.

Upon motion of Councilman Ragsdale, seconded by Councilman

Theobald and carried, up to \$16,000 was allocated for settlement of the aforementioned misunderstanding with the employees of the City.

BOY SCOUT TROOPS #363 AND #365 RECOGNIZED

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart, CMC
City Clerk