

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

August 15, 1990

The City Council of the City of Grand Junction, Colorado, convened in regular session the 15th day of August, 1990, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, Paul Nelson, R. T. Mantlo, Earl Payne, Conner Shepherd, Reford Theobald, and President of the Council William E. McCurry. Also present were Acting City Manager Ron Lappi, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

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

INVOCATION - Councilman R. T. Mantlo.

MINUTES

There being no corrections or additions to the minutes of the regular meeting August 1, 1990, they were approved as submitted.

COUNCIL PRESIDENT MCCURRY PRESENT "KEY TO CITY" PLAQUE TO DAWN PARTYKA

Council President McCurry presented a "key to City" plaque to Dawn Partyka in recognition of her bravery during a fire incident. Recently, there was an unfortunate incident in the parking lot at the Horizon Towers complex, 12th and Horizon. A man poured gasoline over himself and set himself afire. Moments after this occurrence, a woman working on the seventh floor heard the screams of the man. When she looked over the balcony and saw a fellow human being on fire, she did what several people on the scene were unable to do, perhaps due to shock. She raced to the ground floor, grabbed a comforter from an open apartment, ran to the burning individual, wrapped him in the blanket, and put out the flames. She did this without a thought regarding her own safety . . . doing what she knew must be done. That young woman was Dawn Partyka.

BIDS - AWARD OF CONTRACT

Upon motion of Councilman Mantlo, seconded by Councilman Shepherd with Councilman NELSON ABSTAINING, the bids for Alley Reconstruction, 1990, Phase II, were accepted, the Contract was awarded to Mays Concrete, Inc., for its bid of \$121,115, and the City Manager was authorized to sign said Contract.

HEARING #30-90 - SPECIAL USE PERMIT FOR JAIL SITE AT 215 RICE STREET ON APPROXIMATELY 12.5 ACRES IN A PUBLIC ZONE (PZ) - MESA COUNTY REQUESTED THE HEARING BE CONTINUED TO 7:30 P.M. AUGUST 29, 1990, CITY/COUNTY AUDITORIUM, TO PERMIT MESA COUNTY AND CITY PLANNING STAFF TO COMPLETE THE REVIEW

It was moved by Councilman Shepherd and seconded by Councilman Nelson that Hearing #30-90 be opened and continued at 7:30 p.m. August 29, 1990, in the City/County Auditorium. Motion carried.

COUNCIL WAIVES \$420 APPLICATION FEE TO FILE FOR A CONDITIONAL USE PERMIT FOR A GOAT ON 9/10 ACRE ON ORCHARD MESA FOR KATHY GAROUTTE, 318 - 27 3/8 ROAD - TO BE CHARGED \$25 PERMIT FEE

Upon motion of Councilman Payne, seconded by Councilman Mantlo and carried, the \$420 application fee to file for a Conditional Use Permit for a goat on 9/10 of an acre at 318 - 27 3/8 Road was waived, and Kathy Garoutte was encouraged to file for the Conditional Use Permit and be charged \$25.

STATUS OF FINAL DECISION ON ORDINANCE NO. 2483 - TACO BELL REZONE

City Attorney Wilson referred to the memorandum submitted by Assistant City Attorney John Shaver and said that the long and the short of the memorandum was that the language in the Charter doesn't really say what the language in the Charter seems to say. By that, he meant that the Charter language reads "all members of the Council" which would, on the face of it, seem to require four affirmative votes, four votes in favor of a rezone, before an ordinance can be adopted. Mr. Wilson noted Mr. Shaver's extensive research in looking at cases, literally, across the country and there is a split in the court cases across the country with some courts saying "a majority means four" and some courts saying "really, you should apply what is called the rule of reason." If people are absent, or if people cannot vote because of a conflict or another reason, government should be able to go forward and an ordinance should be able to be adopted by the majority of those present. Mr. Wilson recommended the latter on how Council construe the Charter language. He made that recommendation because of the circumstances with people being gone at times or not being able to vote that a majority of those present should be the ruling of the Council both in this issue and for future guidance on future decisions. He said that at some point when there are a number of amendments required to the Charter for explanation purposes, he will recommend that this language be addressed if and when Charter amendments are taken to the electorate. His recommendation to Council was that it treat the Taco Bell rezone as having been accomplished August 1, 1990, and that the Council acknowledge that a three to two vote in favor is effective for the ordinance, and make that statement for future decisions so there is direction in the future.

Upon motion of Councilman Nelson, seconded by Councilman Mantlo and carried with Councilman SHEPHERD ABSTAINING, the Council acknowledged that the three/two vote in the Taco Bell rezone was effective August 1, 1990, and directed that Council treat this provision, as recommended by the City Attorney, in the same manner for future considerations.

ORDINANCE NO. 2486 - PROVIDING FOR THE ISSUANCE OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY TAX INCREMENT BONDS, SERIES 1990, DATED AUGUST 15, 1990, IN THE PRINCIPAL AMOUNT OF \$1,300,000

The Proof of Publication to the following entitled proposed ordinance had been received for filing: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY TAX INCREMENT BONDS, SERIES 1990, DATED AUGUST 15, 1990, IN THE PRINCIPAL AMOUNT OF \$1,300,000, FOR THE PURPOSE OF ACQUIRING OR CONSTRUCTING LAND AND PUBLIC IMPROVEMENTS DESIGNED TO IMPROVE TRAFFIC AND PEDESTRIAN CIRCULATION WITHIN THE DOWNTOWN AREA; PRESCRIBING THE FORM OF BONDS; PROVIDING FOR THE MANNER OF EXECUTION, DELIVERY AND REGISTRATION OF THE BONDS; PROVIDING HOW THE PROCEEDS OF THE BONDS WILL BE USED AND HOW PAYMENT OF THE BONDS WILL BE MADE; APPROVING THE PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE COUNCIL PRESIDENT TO SIGN A BOND PURCHASE AGREEMENT AND PROVIDING CERTAIN LIMITATIONS IN CONNECTION THEREWITH; FURTHER PROVIDING FOR THE DEFEASANCE OF THOSE CITY OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY TAX INCREMENT BONDS DATED SEPTEMBER 1, 1986, BY THE ESCROW OF MONEYS OR FEDERAL SECURITIES THEREFOR; AND RELATED MATTERS. Upon motion of Councilman Theobold, seconded by Councilman Payne and carried with Councilman NELSON ABSTAINING, the proposed ordinance was called up for final passage and read by title only along with amendments.

There were no comments. Upon motion of Councilman Mantlo, seconded by Councilman Payne and carried by roll call vote with Councilman NELSON ABSTAINING, the Ordinance was passed and adopted as amended, numbered 2486, and ordered published.

RESOLUTION NO. 49-90 RATIFYING CITY MANAGER'S SIGNATURE ON THE WATER PURCHASE AGREEMENT WITH THE CLIFTON WATER DISTRICT

The following Resolution was read: (See next page.)

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

RESOLUTION NO. 50-90 GRANTING REVOCABLE PERMIT TO SISTERS OF CHARITY OF LEAVENWORTH (ST. MARY'S HOSPITAL) FOR THE INSTALLATION OF A SIGN IN PUBLIC RIGHT-OF-WAY AT 7TH STREET AND PATTERSON ROAD

The following Resolution was read: (See next page.)

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

RESOLUTION 49-90

WHEREAS, the City Council had previously authorized the City

Manager to execute an agreement between the Clifton Water District and the City, which agreement was dated August 10, 1990, and

WHEREAS, the City Council desires to ratify that signature and cause the City to be bound by the terms of that agreement.

NOW, THEREFORE BE IT RESOLVED, the execution by the City Manager of the referenced agreement by the Clifton Water District and the City of Grand Junction is hereby approved and ratified.

William E. McCurry

President of the City Council

ATTEST:

City Clerk

RESOLUTION NO. 50-90

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO SISTERS OF CHARITY HEALTH SERVICES CORPORATION ALSO KNOWN AS SISTERS OF CHARITY OF LEAVENWORTH

WHEREAS, Sisters of Charity of Health Services Corporation, aka Sisters of Charity of Leavenworth, a Kansas Corporation, has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation a sign in the public right-of-way at the southwest corner of the intersection of North 7th Street and patterson Road as shown in the attached Exhibit A; 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, its successors and assigns, for the installation of a sign within the public right-of-way aforescribed; provided, however, that the issuance of said Revocable Permit shall be conditioned upon the following: Prior to installation of the sign, the petitioner shall obtain a Sign Permit pursuant to Section 5-7-6 of the Zoning and Development Code of the City of Grand Junction; The height of the sign, proposed to exceed 30 inches above the grade of the ground, will not conform with Section 5-3-2 of the Zoning and Development Code of the City of Grand Junction, therefore, the Petitioner, prior to installation of the sign at the proposed height, shall obtain a

variance from the Board of Adjustments of the City of Grand Junction. Failure by the Petitioner to obtain such a variance shall cause said Revocable Permit to automatically terminate; The petitioner will not hold the City liable for any damages caused to said sign as a result of the City's or any other Public Utility's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; 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 (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at its own expense, remove any encroachment so as to restore the right-of-way to its original condition.

PASSED and ADOPTED this 15th day of August, 1990.

William E. McCurry

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, Sisters of Charity of Health Services Corporation, aka Sisters of Charity of Leavenworth, a Kansas Corporation, has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation a sign in the public right-of-way at the southwest corner of the intersection of North 7th Street and Patterson Road as shown in the attached Exhibit A; 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 the Sisters of Charity of Leavenworth Health Services Corporation, aka Sisters of Charity of Leavenworth, a Kansas Corporation, its successors and assigns, a Revocable Permit to allow the installation of a sign within the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following: Prior to installation of the sign, the petitioner shall

obtain a Sign Permit pursuant to Section 5-7-6 of the Zoning and Development Code of the City of Grand Junction; The height of the sign, proposed to exceed 30 inches above the grade of the ground, will not conform with Section 5-3-2 of the Zoning and Development Code of the City of Grand Junction, therefore, the Petitioner, prior to installation of the sign at the proposed height, shall obtain a variance from the Board of Adjustments of the City of Grand Junction. Failure by the Petitioner to obtain such a variance shall cause this Revocable Permit to automatically terminate; The petitioner will not hold the City liable for any damages caused to said sign as a result of the City's or any other Public Utility's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; 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 17th day of August, 1990.

Mark K. Achen

Mark K. Achen,
City Manager

Attest:

Neva B. Lockhart, CMC

City Clerk

Acceptance:

Sisters of Charity of Leavenworth Health Services Corporation, aka
Sisters of Charity of Leavenworth

;sigl;
NAME

Attest:

AGREEMENT

Sisters of Charity of Leavenworth Health Services Corporation, aka Sisters of Charity of Leavenworth, a Kansas Corporation, for itself, its successors and assigns, does hereby agree that it will abide by 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 said 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 Grand Junction, Colorado, this 17th day of August, 1990.

Sisters of Charity of Leavenworth Health Services Corporation, aka Sisters of Charity of Leavenworth

;sigl;
NAME

Attest:

STATE OF COLORADO)	
)	SS:
COUNTY OF MESA)	

The foregoing Agreement was acknowledged before me this 17th day of August, 1990, by Barbara K. Poltera.

Witness my hand and official seal.

My Commission expires: 6-23-94

Neva B. Lockhart

Notary Public

RESOLUTION NO. 51-90 GRANTING REVOCABLE PERMIT TO SISTERS OF CHARITY OF LEAVENWORTH (ST. MARY'S HOSPITAL) FOR THE INSTALLATION OF TWO SIGNS IN PUBLIC RIGHT-OF-WAY ON NORTH 7TH STREET

The following Resolution was read: (See next page.)

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

RESOLUTION NO. 52-90 GRANTING REVOCABLE PERMIT TO MILTON HENRIKSON, 712 NIBLIC DRIVE, TO ALLOW THE INSTALLATION OF A CONCRETE DRAINAGE PAN IN THE PUBLIC RIGHT-OF-WAY FOR NIBLIC DRIVE

The following Resolution was read: (See next page.)

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

STATUS OF SERVISS LAWSUIT (PROPERTY AT 5TH STREET AND NOLAND AVENUE)

City Attorney Wilson reported to Council that he spoke with the attorney representing Mr. Serviss on this date, and Mr. Wilson believed that on Wednesday of next week (August 22, 1990) a stipulation may be signed that will provide for the payment of rent at a fair market value, discounting the 5th and Noland building for its very poor condition, accepting the City's numbers on the balance of the raw land, agreeing to time frames that will coordinate with the Department of Energy for mill tailings removal project, and providing for \$100 per day in penalties for every day that Mr. Serviss misses, plus the ability for the City to claim damages to the extent that it lost the ability to mill tailings. Mr. McBee, attorney for Mr. Serviss, indicated he thought his client would accept based on his discussions with Mr. Serviss. Mr. Wilson's proposal to them next Wednesday will be to have the Court approve the stipulations so that the City not only has the monetary ability to control it but also a court order in the event there are delays for whatever reason. He continued that the advantage to the City in doing this was that the Court would have supervision over the follow-up, and in the event there is a delay, the City can appeal to the Court for the ability to obtain a timely vacation of the property to coordinate with mill tailings. Mr. Wilson was pleased with the progress and would know for sure next week if the stipulation is signed.

Councilman Bennett asked what would happen if Mr. Serviss takes bankruptcy in the meantime. Mr. Wilson said the Court order will still order the eviction.

Councilman Bennett pointed out that there would be no payments of damages, and he was concerned that Mr. Serviss could cause the City to be held up and miss the uranium mill tailings removal date. Councilman Bennett said that, considering the amount of trouble the City has had with Mr. Serviss, he would move to go ahead and evict the gentleman.

RESOLUTION NO. 51-90

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO SISTERS OF CHARITY HEALTH SERVICES CORPORATION ALSO KNOWN AS SISTERS OF CHARITY OF LEAVENWORTH

WHEREAS, Sisters of Charity of Health Services Corporation, aka Sisters of Charity of Leavenworth, a Kansas Corporation, has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation a sign in the public right-of-way for North 7th Street as shown in the attached Exhibit A; 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, its successors and assigns, for the installation of a sign within the public right-of-way aforescribed; provided, however, that the issuance of said Revocable Permit shall be conditioned upon the following: Prior to installation of the sign, the petitioner shall obtain a Sign Permit pursuant to Section 5-7-6 of the Zoning and Development Code of the City of Grand Junction; The petitioner will not hold the City liable for any damages caused to said sign as a result of the City's or any other Public Utility's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; 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 (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at its own expense, remove any encroachment so as to restore the right-of-way to its original condition.

PASSED and ADOPTED this 15th day of August, 1990.

William E. McCurry

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, Sisters of Charity of Health Services Corporation, aka Sisters of Charity of Leavenworth, a Kansas Corporation, has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation a sign in the public right-of-way for North 7th Street as shown in the attached Exhibit A; 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 the Sisters of Charity of Leavenworth Health Services, Corporation, aka Sisters of Charity of Leavenworth, a Kansas Corporation, its successors and assigns, a Revocable Permit to allow the installation of a sign within the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following: Prior to installation of the sign, the petitioner shall obtain a Sign Permit pursuant to Section 5-7-6 of the Zoning and Development Code of the City of Grand Junction; The petitioner will not hold the City liable for any damages caused to said sign as a result of the City's or any other Public Utility's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; 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 17th day of August, 1990.

Mark K. Achen

Mark K. Achen, City Manager

Attest:

Neva B. Lockhart, CMC

City Clerk

Acceptance:

Sisters of Charity of Leavenworth Health Services Corporation, aka
Sisters of Charity of Leavenworth

;sigl;
NAME

Attest:

AGREEMENT

Sisters of Charity of Leavenworth Health Services Corporation, aka
Sisters of Charity of Leavenworth, a Kansas Corporation, for
itself, its successors and assigns, does hereby agree that it will
abide by 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 said
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 Grand Junction, Colorado, this 17th day of August, 1990.

Sisters of Charity of Leavenworth Health Services Corporation, aka
Sisters of Charity of Leavenworth

;sigl;
NAME

Attest:

STATE OF COLORADO)	
)	SS:
COUNTY OF MESA)	

The foregoing Agreement was acknowledged before me this 17th day of August, 1990, by Barbara K. Poltera.

Witness my hand and official seal.

My Commission expires: 6-23-94

Neva B. Lockhart

Notary Public

RESOLUTION NO. 52-90

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO MILTON E. HENRIKSON

WHEREAS, Milton E. Henrikson, who represents that he owns the real property located at 712 Niblic Drive in the City of Grand Junction, Mesa County, Colorado, has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of a concrete drainage pan in the following described public right-of-way for Niblic Drive and Fairway Avenue, to wit:

That portion of the public right-of-way for Niblic Drive and Fairway Avenue located between the paved portion of Niblic Drive and Fairway Avenue and the right-of-way line for said streets, said right-of-way line being common with the West and South property line of Lot 1, Block 9, Partee Heights Subdivision in Section 36, Township 1 North, Range 1 West of the Ute Meridian; 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, his heirs, successors and assigns, for the installation of a concrete gutter pan within the public right-of-way aforescribed; provided, however, that the issuance of said Revocable Permit shall be conditioned upon the following: The proposed concrete gutter pan shall be installed by a contractor who is licensed and insured to perform such work; The proposed concrete gutter pan shall be constructed and installed in a manner which will not create any other hazardous situation or dangerous condition for vehicular or pedestrian traffic; The petitioner will not hold the City liable for any damages caused to said concrete gutter pan as a result of the City's or any other Public Utility's maintenance or future installation of roadway improvements or

public utilities within the aforescribed public right-of-way; The Petitioner will not hold the City liable for any damages caused to persons or property as a result of said concrete gutter pan; 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 (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at his own expense, remove any encroachment so as to restore the right-of-way to its original condition.

PASSED and ADOPTED this 15th day of August, 1990.

William E. McCurry

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, Milton E. Henrikson, who represents that he owns the real property located at 712 Niblic Drive in the City of Grand Junction, Mesa County, Colorado, has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of a concrete drainage pan in the following described public right-of-way for Niblic Drive and Fairway Avenue, to wit:

That portion of the public right-of-way for Niblic Drive and Fairway Avenue located between the paved portion of Niblic Drive and Fairway Avenue and the right-of-way line for said streets, said right-of-way line being common with the West and South property line of Lot 1, Block 9, Partee Heights Subdivision in Section 36, Township 1 North, Range 1 West of the Ute Meridian; 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 Milton E. Henrikson, his heirs, successors and assigns, a Revocable Permit to allow the

installation of a concrete gutter pan within the public right-of-way as described; provided, however, that the issuance of said Revocable Permit shall be conditioned upon the following: The proposed concrete gutter pan shall be installed by a contractor who is licensed and insured to perform such work; The proposed concrete gutter pan shall be constructed and installed in a manner which will not create any other hazardous situation or dangerous condition for vehicular or pedestrian traffic; The petitioner will not hold the City liable for any damages caused to said concrete gutter pan as a result of the City's or any other Public Utility's maintenance or future installation of roadway improvements or public utilities within the aforementioned public right-of-way; The Petitioner will not hold the City liable for any damages caused to persons or property as a result of said concrete gutter pan; 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 his own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED this 17 day of August, 1990.

;sigl;
/s/ Mark K. Achen, City Manager

Attest:

/s/

City Clerk

Acceptance:

/s/

Milton E. Henrikson

AGREEMENT

Milton E. Henrikson, for himself, his heirs, successors and assigns, does hereby agree that he will abide by each and every condition contained in the foregoing Permit; that he 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, he agrees to within thirty (30) days peaceably surrender said public right-of-way to the City and, at his own expense, remove any encroachment so as to restore

the right-of-way to its original condition.

DATED at Grand Junction, Colorado, this 17th day of August, 1990.

/s/

Milton E. Henrikson

STATE OF COLORADO)	
)	SS:
COUNTY OF MESA)	

The foregoing Agreement was acknowledged before me this 17th day of August, 1990, by Milton E. Henrikson.

Witness my hand and official seal.

My Commission expires: 6-23-94

/s/

Notary Public

along with the private service to accompany the patient and provide advanced life support to the hospital. Negotiations are still continuing with the private ambulance companies.

Lee Kelly, Quality Ambulance Service. Explained that Medicare will pay the difference in the charge if the unit is equipped for advanced life support services and has nothing to do with the man that's on the unit. The additional charge is not based on manpower but on equipment as far as the medicare profile is concerned. Mr. Kelly submitted that there is not nearly enough patient contact to keep 21 paramedics' skill level at any degree of satisfaction.

David Anderson, Premier Services, supported the City's plan for the paramedics. However, he cannot compete and he cannot guarantee an advanced life support system with paramedics.

Upon motion of Councilman Shepherd, seconded by Councilman Theobald and carried, Council authorized the transfer of \$29,853 from the General Fund Contingency to the Fire Department for paramedic training.

AUTHORIZATION TO SIGN MARKETING AGREEMENT WITH TASHIRO MARKETING AND ADVERTISING, INC., THROUGH AUGUST 31, 1991, ON BEHALF OF THE

VISITORS AND CONVENTION BUREAU - \$245,000 PLUS PRODUCTION OF AN EIGHT-MINUTE VIDEO

Upon motion of Councilman Payne, seconded by Councilman Theobald and carried, the City Manager was authorized to sign the Marketing Agreement with Tashiro Marketing and Advertising, Inc., through August 31, 1991, on behalf of the Visitors and Convention Bureau in the amount of \$245,000 plus production of an eight-minute video.

ADJOURNED TO WEDNESDAY, AUGUST 29, 1990, AT 7:30 P.M.

President of the Council McCurry adjourned the meeting to Wednesday, August 29, 1990, at 7:30 p.m.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk