

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

October 3, 1990

The City Council of the City of Grand Junction, Colorado, convened in regular session the 3rd day of October, 1990, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, R.T. Mantlo, Paul Nelson, Earl Payne, Conner Shepherd, Reford Theobald, and President of the Council William E. McCurry. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

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

INVOCATION - Reverend Craig Meyer, Valley Bible Church

MINUTES

Upon motion by Councilman Mantlo, seconded by Councilman Bennett and carried the minutes of the September 19, 1990, City Council Meeting were approved as submitted.

PRESENTATION OF "KEY TO THE CITY" TO SISTER MARIANNA BAUDER

PRESENTATION OF PLAQUE TO JAMES TYSON FOR HIS TWO YEARS OF SERVICE ON THE GRAND JUNCTION PLANNING COMMISSION

PROCLAMATION DECLARING OCTOBER 1-31, 1990, AS "KNIGHTS OF COLUMBUS DAYS FOR THE MENTALLY RETARDED"

CONSIDERATION OF BIDS - AWARD OF CONTRACT - WEST GRAND SEWER REPAIR - BEN DOWD EXCAVATING - \$49,282.05

Upon motion by Councilman Theobald, seconded by Councilman Shepherd and carried, the bids were accepted on the West Grand Sewer Repair Project, and the Contract was awarded to Ben Dow Excavating in the amount of \$49,282.05.

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 to the City Council prior to the meeting.

ORDINANCE NO. 2488 - I.D. ST-89, PHASE A, ASSESSMENTS

Upon motion by Councilman Nelson, seconded by Councilman Mantlo and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-89, PHASE A, IN THE CITY OF

GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COSTS AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT.

As Councilman Paul Nelson has relatives owning property in the area of this Improvement district, he removed himself from discussion and voting on this item.

Mr. Mike Saelens, representing John Moss (owner of Taco Bell property at 845, 865 and 875 Glenwood), stated that the property owners should receive sufficient prior notification of an increase from \$5.00 per foot to \$18.00 per foot as a result of the rezone of said property located on Glenwood Avenue from Residential to Business.

There were no other comments. Upon motion by Councilman Payne, seconded by Councilman Mantlo and carried by roll call vote, with Councilmembers NELSON and SHEPHERD ABSTAINING, the Ordinance was passed, adopted, numbered 2488, and ordered published.

ORDINANCE NO. 2489 - EASEMENT VACATION AT 3986 SOUTH PIAZZA

Upon motion by Councilman Nelson, seconded by Councilman Mantlo and carried, the following entitled proposed ordinance was called up for final passage and read by title only: VACATING A PORTION OF A UTILITY EASEMENT ON LOT 18, BLOCK 1, CROWN HEIGHTS SUBDIVISION, FIRST FILING.

There were no comments. Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried by roll call vote, the Ordinance was passed and adopted, numbered 2489, and ordered published, subject to receipt of the quit claim deed from Public Service Company.

RESOLUTION NO. 64-90 GRANTING REVOCABLE PERMIT TO WILLIAM BOND OF WESTERN COLORADO VANS AND CONVERSIONS TO USE PUBLIC RIGHT-OF-WAY FOR LANDSCAPE AND PARKING LOT IMPROVEMENTS ALONG 26 1/4 ROAD AND HIGHWAY 50 ADJACENT TO 501 HIGHWAY 50

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

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

COMMUNITY DEVELOPMENT BLOCK GRANT FOR PURCHASE OF JARVIS PROPERTY

City Attorney Wilson informed Council that word has been received from the Division of Local Affairs that the Community Development Block Grant funds have been approved as far as the environmental

assessment in preparation for the Jarvis property closing. The City is waiting for the final Attorney General's approval of the Contract. Mr. Wilson expects the closing to take place in the very near future.

PROPOSAL FOR A NEW VOCATIONAL TECH CENTER

City Manager Achen stated that the proposal for a consolidated Vocational Tech Center to be located at Foresight Park is expected to cost approximately 2.2 million dollars. Mesa College has just over two million of that available from various funding sources. The college has requested the City commit \$100,000 to the shortfall and make some commitment prior to October 15, 1990, so that the State funding can be assured. It was moved by Councilman Bennett, seconded by Councilman Payne and carried with Councilman SHEPHERD ABSTAINING, that the City commit \$100,000 to the Vocational Tech Center, source of funding from the City's Economic Development fund.

COMPLAINT REGARDING ALLEY IMPROVEMENTS

Mr. Don Jensen, 535 Pitkin Avenue, stated that the alley at the rear of his property was very serviceable prior to construction of the Work Release building approximately three years ago. During construction, the alley was torn up badly by the use of heavy equipment. He did talk to the contractor at the time and was told that he would have to talk to Mesa County, owner of the property.

MESA COLLEGE STUDENTS ACKNOWLEDGED

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk

RESOLUTION NO. 64-90

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO BILL BOND, DBA WESTERN COLORADO VANS AND CONVERSIONS

WHEREAS, Bill Bond, dba Western Colorado Vans and Conversions, hereinafter referred to as the Petitioner, represents that he is the owner of the following described property, to wit:

All of Block 3, Fairley Addition to the City of Grand Junction in Section 26, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, EXCEPT for the Highway right-of-way as described in the Rule and Order recorded in Book 755 at Page 334 in the office of the Mesa County Clerk and Recorder,

also known as 501 U.S. Highway 50 South; and

WHEREAS, the Petitioner has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of landscape and parking lot improvements in the following described public right-of-way for 26 1/4 Road and U.S. Highway 50 South:

That portion of the public right-of-way for 26 1/4 Road and U.S. Highway 50 located between the property line for the above described parcel and the curbs for 26 1/4 Road and U.S. Highway 50 South and, if no curbs exist, between the property line for said parcel and the traveled roadway for 26 1/4 Road and U.S. Highway 50 South; and

WHEREAS, pursuant to C.R.S. 43-2-135, the City of Grand Junction has the authority to exercise full responsibility for and control over any such highway rights-of-ways that are located within the limits of the City of Grand Junction; 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 successors and assigns, for the purposes aforescribed and within the public right-of-way aforescribed; provided, however, that the issuance of said Revocable Permit shall be conditioned upon the following: Landscape improvements located within the proximity of driveways, curb cuts or street intersections as described in Section 5-3-2 of the Grand Junction Zoning and Development Code shall not exceed thirty inches in height above the grade of the ground; The Petitioner will not hold the City liable for any damages caused to the landscape and parking lot improvements, or any other property of the Petitioner or any other person, as a result of the City, Mesa County, State of Colorado 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 by the City, Mesa County, State of Colorado or any other Public Utility, the Petitioner will, within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City, Mesa County, State of Colorado or any other Public

Utility, whichever may be applicable, and, at his own expense, remove any encroachment so as to restore the right-of-way to its original condition.

PASSED and ADOPTED this 3rd day of October, 1990.

William E. McCurry

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, Bill Bond, dba Western Colorado Vans and Conversions, has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of landscape and parking lot improvements in the following described public right-of-way for 26 1/4 Road and U.S. Highway 50 South, to wit:

That portion of the public right-of-way for 26 1/4 Road and U.S. Highway 50 located between the property line for the above described parcel and the curbs for 26 1/4 Road and U.S. Highway 50 South and, if no curbs exist, between the property line for said parcel and the traveled roadway for 26 1/4 Road and U.S. Highway 50 South; and

WHEREAS, pursuant to C.R.S. 43-2-135, the City of Grand Junction has the authority to exercise full responsibility for and control over any such highway rights-of-ways that are located within the limits of the City of Grand Junction; 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 Bill Bond, dba Western Colorado Vans and Conversions, a Revocable Permit for the purposes aforescribed and within the public right-of-way aforescribed; provided, however, that the issuance of said Revocable Permit shall be conditioned upon the following: Landscape improvements located within the proximity of driveways, curb cuts or street intersections as described in Section 5-3-2 of the Grand Junction Zoning and Development Code shall not exceed thirty inches in height above the grade of the ground; The Petitioner will not hold the City liable for any damages caused to the landscape and

parking lot improvements, or any other property of the Petitioner or any other person, as a result of the City, Mesa County, State of Colorado 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 this Permit by the City, Mesa County, State of Colorado or any other Public Utility, the Petitioner will, within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City, Mesa County, State of Colorado or any other Public Utility, whichever may be applicable, and, at his own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED this _____ day of _____, 1990.

Mark K. Achen, City Manager

Attest:

City Clerk

Acceptance:

Bill Bond, dba Western Colorado Vans and Conversions

AGREEMENT

Bill Bond, dba Western Colorado Vans and Conversions, 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 said 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 _____ day of _____, 1990.

Bill Bond, dba Western Colorado Vans and Conversions

STATE OF COLORADO)	
)	SS:
COUNTY OF MESA)	

The foregoing Agreement was acknowledged before me this _____ day of _____, 1990, by Bill Bond, dba Western Colorado Vans and Conversions.

Witness my hand and official seal.

My Commission expires: _____

Notary Public