

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

May 1, 1991

The City Council of the City of Grand Junction, Colorado, convened in regular session the 1st day of May, 1991, 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 Theobold, and President of the Council William 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 John Bennett led in the Pledge of Allegiance.

INVOCATION - Pastor Joseph Gross, Redlands Community Church

CONSIDERATION OF MINUTES

Upon motion by Councilman Shepherd, seconded by Councilman Mantlo and carried, the minutes of the April 17, 1991, City Council Meeting were approved as submitted.

PROCLAMATION DECLARING WEEKEND OF MAY 18, 1991, AS "PLANT PRETTY PETUNIAS WEEKEND" IN THE CITY OF GRAND JUNCTION

APPOINTMENT TO GRAND JUNCTION, COLORADO HOUSING AUTHORITY - FIVE-YEAR TERM - CONTINUED TO MAY 15, 1991, MEETING

APPOINTMENT TO THE GRAND JUNCTION ARTS COMMISSION

Upon motion by Councilman Mantlo, seconded by Councilman Theobold and carried, Michael Smedley was appointed to serve on the Grand Junction Arts Commission; term to expire February, 1994.

PRESENTATION OF SERVICE APPRECIATION PLAQUES TO R.T. MANTLO AND EARL F. PAYNE, COUNCILMEMBERS

Councilman R.T. Mantlo expressed his pleasure in residing in Grand Junction for 71 years and serving the citizens over the years. He stated that Grand Junction is the best place in the world to live.

Councilman Earl Payne thanked each member of Council for his appointment to the City Council. He thanked City staff and employees also for their dedication. He has enjoyed living in Grand Junction for the past 47 years, and serving the past 13 months on the City Council.

WENDY REEVES DISCUSSES SCHOOL CROSSING GUARDS, THE SCHOOL SPEED ZONES, AND CENTER OF ROAD SIGNS POSTING SPEED ZONES

Wendy Reeves, 845 Orchard Avenue, discussed issues regarding the safety of elementary school children:

1. School Crossing Guards - requesting that the City consider assuming the responsibility of establishing a School Crossing Guards Program for the elementary schools. Each year more and more children are walking to school, and traffic is more congested. She stated that the City government handles such a program in Montrose, Colorado, and it has been very successful. Senior citizens and retired persons are normally used as their crossing guards.

2. School Speed Zones - requesting that most, if not all, school speed zones be reduced to 15 mph. She also asked for more enforcement by the Police Department of the posted speed zones.

3. Center of Road Signs posting speed zones - the speed zone signs should be posted more at eye level where they are more readily seen by drivers.

Councilman Mantlo felt that these items should be a project between the School District, the City, and the County.

Councilman Shepherd recommended that these items be referred to the Quality of Life Committee to pursue solutions by working with the Police Department, and contacting the School District.

BOB WILSON, SECRETARY OF INDIAN VILLAGE PROPERTY OWNERS' ASSOCIATION DISCUSSES THE ZONING OF LAND ADJACENT TO INDIAN VILLAGE (2894 F ROAD)

Mr. Bob Wilson, 615 1/2 Arapahoe Drive, Secretary of Indian Village Property Owners' Association, discussed the zoning of land adjacent to Indian Village located at 29 Road and Patterson Road (2894 F Road). He submitted copies of a petition signed by 132 adjoining property owners, which reads as follows:

"The undersigned property owners of the Indian Village Subdivision which adjoins the property known in your records as #85-81. A parcel of land 2943-06-4-00-061 on the Northwest corner of 29 Road at Patterson Road, a.k.a. 2894 F Road within the City of Grand Junction which is presently zoned by a plan zone in the year 1984 as Zone PR8.4. We respectfully request a zone change to no greater density than SFR-4 for the following reasons:

1. The present zoning is not compatible with the adjoining property to the West of the entire subdivision known as Indian Village which is County zoned as Single Family Residence.

2. A Housing density greater than SFR-4 will adversely effect the values of the homes in the Indian Village Subdivision.

3. The ingress and egress to Indian Village Subdivision on Patterson Road and East Indian Creek Drive is at this time congested and will be aggravated greatly should housing units provided for in PR8.4 zoning be approved.

4. We request a provision for a strong restrictive protective covenant to regulate the conduct of the property in question, this we feel should be in place before SFR-4 would be approved."

Mr. Wilson asked under what conditions this property was annexed into the City, and how this was zoned PR8.4 without the input of the adjoining property owners.

City Manager Mark Achen responded that the specific circumstances of the zoning of this annexation is not actually known. It is normally recommended by the Planning Staff to retain a zone that is as close to, if not identical, to what it was zoned prior to annexation so that the City does not get into property rights and annexation actually causing a decrease of property rights. He assured Mr. Wilson that the Community Development Staff will check the file and give him more specifics.

Mr. Wilson wished to go on record by submission of the above petition, that the signers of the petition are strongly opposed to the present zoning.

Councilman Theobald wished to make Mr. Wilson aware that the change of zoning of this property will cause the City to pay the property owner for any down-zoning, and the owner of the property may take exception to what the signers of the petition want to do.

#### PERMANENT LOCATION OF THE CHROME BUFFALO DOWNTOWN

Mr. Ed Chamberlain, Downtown Development Authority, presented a plan for the permanent location of the Chrome Buffalo in the downtown area; said location will be at United Bank on the corner of 4th and Main.

Upon motion by Councilman Theobald, seconded by Councilman Mantlo and carried the permanent location of the sculpture, "Chrome on The Range", in front of the United Bank at 4th and Main Streets, was approved, subject to approval by the City Public Works Director.

#### CONSIDERATION OF BIDS - AWARD OF CONTRACTS

Sanitary Sewer Reconstruction, 1991 - Alley between Main and Road, 9th Street to 12th Street - Lyle States Construction, Inc. - \$91,682.50

One-Ton Dump Truck - Fuoco Motor Co. - \$21,477.00

Two-Ton Dump Truck - Hanson Equipment Co. - \$37,455.00

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

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. 2517 - MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 1991 BUDGET

Upon motion by Councilman Payne, seconded by Councilman Nelson and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 1991 BUDGET OF THE CITY OF GRAND JUNCTION.

There were no comments. Upon motion by Councilman Payne, seconded by Councilman Bennett and carried by roll call vote, the Ordinance was passed and adopted, numbered 2517, and ordered published.

ORDINANCE NO. 2518 - ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - DIAMOND SHAMROCK ANNEXATION LOCATED ON THE SE CORNER OF BROADWAY (HIGHWAY 340) AND MONUMENT ROAD

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

There were no comments. Upon motion by Councilman Bennett, seconded by Councilman Mantlo and carried by roll call vote, the Ordinance was passed and adopted, number 2518, and ordered published.

RESOLUTION NO. 23-91 ACCEPTING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM THE STATE OF COLORADO FOR THE LOW/MODERATE INCOME HOUSING REHABILITATION PROGRAM - \$200,000

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

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

RESOLUTION NO. 24-91 AUTHORIZING A CONTRACT WITH THE ENERGY OFFICE FOR THE ADMINISTRATION OF CERTAIN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - \$200,000

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

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

RESOLUTION NO. 25-91 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO JOHN A. BRANAGH, LYNETTE F. BRANAGH, GAYLON C. PATTERSON, AND MARLA J. PATTERSON, AS TENANTS IN COMMON, FOR THE HORIZON TOWERS PROPERTY LOCATED AT 1111 HORIZON DRIVE TO ALLOW THE INSTALLATION OF A BURIED IRRIGATION PIPELINE IN THE RIGHT-OF-WAY FOR HORIZON DRIVE AND LAKESIDE DRIVE

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

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

RESOLUTION NO. 26-91 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO JEROME F. AND TAMI K. VANCLEVE TO ALLOW THE INSTALLATION OF TWO (2) PLANTER WALLS IN THE RIGHT-OF-WAY FOR OURAY AVENUE ADJACENT TO THE PROPERTY LOCATED AT 505 NORTH 19TH STREET

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.

INTRODUCTION OF MR. MIKE SMEDLEY, RECENT APPOINTEE TO THE ARTS COMMISSION

Councilman Shepherd introduced Mike Smedley, who was appointed to the Arts Commission earlier in the meeting.

WESTERN COLORADO CENTER FOR THE ARTS PROPOSAL FOR CITY FINANCIAL ASSISTANCE - RELOCATION

Mr. Dave Brach, President of the Board of Trustees for Western Colorado Center for the Arts, presented a proposal to the Council regarding financial assistance by the City for the Western Colorado Center for the Arts and its proposed relocation downtown.

RESOLUTION NO. 23-91

RESOLUTION ACCEPTING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM THE STATE OF COLORADO, DEPARTMENT OF LOCAL AFFAIRS

WHEREAS, the City of Grand Junction, on behalf of the Energy Office, has submitted an application to the State of Colorado, Department of Local Affairs for Community Development Block Grant Funding for the Low/Moderate Income Housing Rehabilitation Program; and

WHEREAS, the State of Colorado has approved \$200,000 in Community Development Block Grant ("CDBG") funds for the Housing Rehabilitation Program; and

WHEREAS, the City of Grand Junction, as the governmental sponsor, will act as a pass through agent for these funds from the State of Colorado to the Energy Office.

NOW, THEREFORE, BE IT RESOLVED, that the City of Grand Junction hereby accepts the grant funds for the Housing Rehabilitation Program on behalf of the Energy Office and hereby authorizes the Mayor to accept on behalf of the City of Grand Junction.

PASSED and ADOPTED this 1st day of May, 1991.

William E. McCurry

\_\_\_\_\_  
President of the Council

Attest:

Neva B. Lockhart, CMC

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City Clerk

RESOLUTION NO. 24-91

RESOLUTION AUTHORIZING A CONTRACT WITH THE ENERGY OFFICE FOR THE ADMINISTRATION OF CERTAIN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, the City of Grand Junction has applied for \$200,000.00 in Community Development Block Grant ("CDBG") funds from the State of Colorado Office of Local Affairs to be used by The Energy Office in their Low/Moderate Income Housing Rehabilitation Program; and

WHEREAS, the City of Grand Junction, as the governmental sponsor, will act as a pass through agent for these funds from the State of Colorado to The Energy Office; and

WHEREAS, the attached contract with The Energy Office incorporates the agreements between The Energy Office and the City.

NOW, THEREFORE, BE IT RESOLVED, that the City of Grand Junction hereby authorized the City Manager to execute the contract on behalf of the City of Grand Junction.

PASSED and ADOPTED this 1st day of May, 1991.

William E. McCurry

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PRESIDENT OF THE COUNCIL

Attest:

Neva B. Lockhart, CMC

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CITY CLERK

RESOLUTION NO. 25-91

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO JOHN A BRANAGH, LYNETTE F. BRANAGH, GAYLON C. PATTERSON, AND MARLA J. PATTERSON

WHEREAS, John A. Branagh, Lynette F. Branagh, Gaylon C. Patterson, and Marla J. Patterson, who represent that they own, as tenants in common, the real property described as Horizon Towers Amended Plat, also known as 1111 Horizon Drive, have petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of an underground irrigation line in the following described public right-of-way for Horizon Drive and Lakeside Drive, to wit:

A 5 foot wide parcel of land, the center line of which is described as follows:

Commencing at the point of curvature along the Northerly line of Horizon Towers Amended, said point also being on the Southerly Right-of-Way of Horizon Drive, said Right-of-Way is recorded as bearing N 66 deg. 21 min. 00 sec. E and all bearings contained herein to be relative thereto; thence along the arc of a curve to the left 56.26 feet, with a Radius of 904.30 feet, Central Angle of 03 deg. 33 min. 51 sec., and whose Long Chord bears S 64 deg. 34 min. 41 sec. W 56.25 feet to the Point of Beginning; thence N 37 deg. 15 min. 18 sec. W 23.77 feet; thence S 65 deg. 57 min. 02 sec. W 56.81 feet; thence S 61 deg. 30 min. 00 sec. W 50.03 feet; thence S 58 deg. 18 min. 12 sec. W 49.93 feet; thence S 53 deg. 00 min. 26 sec. W 49.93 feet; thence S 47 deg. 20 min. 26 sec. W 50.04 feet; thence S 42 deg. 53 min. 35 sec. W 50.23 feet; thence S 38 deg. 03 min. 18 sec. W 49.53 feet; thence S 31 deg. 11 min. 33 sec. W 50.14 feet; thence S 27 deg. 37 min. 36 sec. W 49.91 feet; thence S 23 deg. 59 min. 46 sec. W 49.48 feet; thence S 24 deg. 48 min. 34 sec. W 49.76 feet; thence S 31 deg. 01 min. 10 sec. W 48.73 feet; thence S 26 deg. 23 min. 52 sec. W 552.24 feet; thence S 56 deg. 55 min. 21 sec. E 122.60 feet to the point of terminus; 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 Petitioners for the purposes aforescribed and within the public right-of-way aforescribed; SUBJECT, however, to the several terms, conditions and covenants contained in the attached Revocable Permit.

PASSED and ADOPTED this 1st day of May, 1991.

William E. McCurry

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, John A Branagh, Lynette F. Branagh, Gaylon C. Patterson, and Marla J. Patterson, who represent that they own, as tenants in common, the real property described as Horizon Towers Amended Plat, also known as 1111 Horizon Drive, have petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of an underground irrigation line in the following described public right-of-way for Horizon Drive and Lakeside Drive, to wit:

A 5 foot wide parcel of land, the center line of which is described as follows:

Commencing at the point of curvature along the Northerly line of Horizon Towers Amended, said point also being on the Southerly Right-of-Way of Horizon Drive, said Right-of-Way is recorded as bearing N 66 deg. 21 min. 00 sec. E and all bearings contained herein to be relative thereto; thence along the arc of a curve to the left 56.26 feet, with the Radius of 904.30 feet, Central Angle of 03 deg. 33 min. 51 sec., and whose Long Chord bears S 64 deg. 34 min. 41 sec. W 56.25 feet to the Point of Beginning; thence N 37 deg. 15 min. 18 sec. W 23.77 feet; thence S 65 deg. 57 min. 02 sec. W 56.81 feet; thence S 61 deg. 30 min. 00 sec. W 50.03 feet; thence S 58 deg. 18 min. 12 sec. W 49.93 feet; thence S 53 deg. 00 min. 26 sec. W 49.93 feet; thence S 47 deg. 20 min. 26 sec. W 50.04 feet; thence S 42 deg. 53 min. 35 sec. W 50.23 feet; thence S 38 deg. 03 min. 18 sec. W 49.53 feet; thence S 31 deg. 11 min. 33 sec. W 50.14 feet; thence S 27 deg. 37 min. 36 sec. W 49.91 feet; thence S 23 deg. 59 min. 46 sec. W 49.48 feet; thence S 24 deg. 48 min. 34 sec. W 49.76 feet; thence S 31 deg. 01 min. 10 sec. W 48.73 feet; thence S 26 deg. 23 min. 52 sec. W 552.24 feet; thence S 56 deg. 55 min. 21 sec. E 122.60 feet to the point of terminus; 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 above named Petitioners 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:

1. APPLICATION FOR PERMIT. A separate written application for the work to be done on Lakeside Drive ("street cut permit") shall be submitted to the City Engineer on a form provided by the City. The application shall be submitted no later than five days prior to the planned start of work in the right-of-way. No work within the right-of-way shall be started until the City Engineer has approved the plans and specifications and the permit application.

2. PERMIT, INSPECTION, AND TESTING FEES.

(a) Revocable Permit: A fee of Fifty Dollars (\$50) shall be required to obtain this Revocable Permit.

(b) Street Cut Permit: A fee of twenty dollars (\$20.00) shall be required to obtain the street cut permit.

(c) Inspection and testing fees: A fee of Twenty Dollars (\$20.00) per hour shall be required for inspection and testing.

3. PERFORMANCE/WARRANTY GUARANTEE FOR PERMITS. Before being issued the street cut permit the Petitioners shall provide the City, at the Petitioner's expense, a performance/warranty guarantee. This guarantee shall be in the form of cash, a letter of credit, or a bond. The guarantee shall be in an amount equal to one hundred percent (100%) of the City Engineer's estimated cost to restore the right-of-way to its original condition. The cost of restoration shall include the removal of defective material, re-compaction of subgrade and base material and construction of surface improvements. The letter of credit shall run for a period of time at least one year beyond the anticipated acceptance date of the work identified in the permit. Such guarantees shall be extended if requested by the City Engineer.

4. PURPOSE OF PERFORMANCE/WARRANTY GUARANTEE.

(a) Any guarantee made hereunder shall serve as security for the performance of work necessary to repair the right-of-way if the Petitioners fail to make the necessary repairs or to complete the work under the street cut permit.

(b) The Petitioners, by acceptance of the street cut permit, expressly guarantee the complete performance of the work acceptable to the City and guarantee all work done through the Petitioners for a period of one year after the date of acceptance, and agree, upon demand, to maintain and to make all necessary repairs during the one-year period. This guarantee shall include all repairs and actions needed as a result of:

(1) Defects in workmanship;

(2) Settling of fills or excavations;

(3) Any unauthorized deviations from the approved plans and specifications;

(4) Failure to barricade;

(5) Failure to clean up during and after performance of the work;

(6) Any other violation of City Ordinance No. 2497.

(c) The one-year guarantee period shall run from acceptance of the work. If repairs are required during the subsequent one-year guarantee period, those repairs need only be guaranteed until the end of the initial one-year period starting with the date of initial acceptance. It will not be necessary for a new one-year guarantee to be provided for subsequent repairs after the initial acceptance.

5. INSPECTION AND TESTING FEES AND PROCEDURES. At the time of the street cut permit application, and at such construction intervals as may be established by the City Engineer, the Petitioner shall pay for the costs of inspection and testing. Inspection and testing, and the costs therefore, shall occur as follows:

(a) Two inspections shall take place. First, the Petitioners shall notify the City immediately after completion of work operations and acceptance will be made if all work meets City and street cut permit standards. Second, approximately thirty (30) days prior to the expiration of the one year guarantee, the Petitioners shall notify the City and the City shall perform an inspection of the completed work. If the work is still satisfactory, the cash or letter of credit shall be returned less any amounts needed to complete work not done by the Petitioner. At any time prior to completion of the one-year warranty period, the City may notify the Petitioners of any needed repairs. Such repairs shall be completed within twenty-four (24) hours if the defects are determined by the City to be an imminent danger to the public health, safety and welfare. Nonemergency repairs shall be completed within thirty (30) days after notice.

(b) Random inspections may be made of procedures described in City Ordinance No. 2497 and the Petitioners shall correct its procedures if ordered to do so. Failure to do so may result in revocation of this Revocable Permit.

(c) Testing. Testing may be accomplished by the City Engineer as required by the specifications of the street cut permit.

6. TIME OF COMPLETION. All work covered by the street cut permit shall be completed by the date stated on the application. The street cut permit shall be void if work has not commenced six months after issuance. Letters of credit or cash deposited as a performance/warranty guarantee for the street cut permit will be returned after voiding of the permit; no interest shall accrue to

petitioner's benefit.

7. INSURANCE. Before the street cut permit is issued, the applicant shall submit a certificate of comprehensive general liability insurance in an amount of ONE MILLION DOLLARS (\$1,000,000.00). The certificate of insurance shall list the City and its officers and employees as additional named insureds.

8. TRAFFIC CONTROL. If a street closing is required, the street cut applicant shall submit a traffic control plan and obtain approval of the City Engineer. It shall be the responsibility of the applicant to notify and coordinate all work in the right-of-way with police, fire, ambulance and transit departments.

When necessary for public safety, the street cut permittee shall employ flag persons whose duties shall be to control traffic around or through the construction site. The use of flag persons may be required by the City Engineer.

9. CONSTRUCTION STANDARDS AND RESPONSIBILITY FOR ALL PUBLIC IMPROVEMENTS. The Petitioner shall be fully responsible for the cost and actual performance of all work in the right-of-way. All work shall be in conformance with the engineering regulations, construction specifications, and design standards adopted by the City. These standards shall apply to all work in the right-of-way.

10. PROTECTION OF PAVED SURFACES FROM EQUIPMENT DAMAGE. Backhoe equipment outriggers shall be fitted with rubber pads whenever outriggers are placed on any paved surface. The Petitioners agree to pay for any damage caused to existing pavement by the operation of such equipment and, upon order of the City Engineer, shall repair such surfaces. Failure to do so will result in the use of the permittee's performance/warranty guarantee by the City to repair any damage and may further result in revocation of this Revocable Permit.

11. Before commencing any excavation in the right-of-way, the Petitioners shall be responsible for making inquiries of all utilities companies, municipal departments and all other agencies which might have facilities in the area of work to determine possible conflicts. The permittee shall request field locations of all facilities in the area at least forty-eight hours in advance of work. The permittee shall support and protect all pipes, conduits, poles, wires, or other apparatus which may be affected by the work from damage during construction or settlement of trenches subsequent to construction.

12. CLEAN-UP. As the work progresses, the right-of-way shall be thoroughly cleaned of all rubbish, excess dirt, rock and other debris. All clean-up operations shall be done at the expense of the permittee.

13. LIABILITIES - CITY HELD HARMLESS. The Petitioners will not hold, nor attempt to hold, the City liable for any damages caused

to the facilities to be installed by the Petitioners, or any other property of the Petitioners or any other person, as a result of the City 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 Petitioners 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 the Petitioners will, within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED this 6th day of May, 1991.

Mark K. Achen

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Mark K. Achen, City Manager

Attest:

Neva B. Lockhart, CMC

\_\_\_\_\_  
City Clerk

Acceptance:

\_\_\_\_\_  
John A. Branagh

\_\_\_\_\_  
Lynette F. Branagh

\_\_\_\_\_  
Gaylon C. Patterson

\_\_\_\_\_  
Marla J. Patterson

#### AGREEMENT

John A. Branagh, Lynette F. Branagh, Gaylon C. Patterson, and Marla J. Patterson hereby agree that they, and each of them, will abide by each and every condition contained in the foregoing Permit; that they, and each of them, 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, they, and each of them, agree to within thirty (30) days peaceably surrender said public right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
John A. Branagh

\_\_\_\_\_  
Lynette F. Branagh

\_\_\_\_\_  
Gaylon C. Patterson

\_\_\_\_\_  
Marla J. Patterson

STATE OF	)	
	)	SS:
COUNTY OF	)	

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1991, by John A. Branagh, Lynette F. Branagh, Gaylon C. Patterson and Marla J. Patterson.

Witness by hand and official seal.  
My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

RESOLUTION NO. 26-91

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO JEROME F. VANCLEVE AND TAMI K. VANCLEVE

WHEREAS, Jerome F. Vancleve and Tami K. Vancleve, who represent that they own the real property described as Lots 13 and 14 of

Block 5, Slocomb's Addition to the City of Grand Junction, also known as 505 North 19th Street, have petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of two concrete planter walls within the North 8.0 feet of the public right-of-way for Ouray Avenue adjacent to said property; 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 Petitioners 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: The Petitioners will not hold the City liable for any damages caused to the concrete planter walls to be installed, or any other property of the Petitioners or any other person, as a result of the City or any other Public Utility's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; Said concrete planter walls shall not exceed a height of 30 inches above the grade of the ground as set forth in Section 5-3-2 of the Zoning and Development Code of the City of Grand Junction; Said Revocable Permit shall be issued only upon the concurrent execution by the Petitioners of an agreement that the Petitioners 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 the Petitioners will, within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition.

PASSED and ADOPTED this 1st day of May, 1991.

William E. McCurry

\_\_\_\_\_  
President of the Council

Attest:

Neva B. Lockhart, CMC

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City Clerk

REVOCABLE PERMIT

WHEREAS, Jerome F. Vancleve and Tami K. Vancleve, who represent

that they own the real property described as Lots 13 and 14 of Block 5, Slocomb's Addition to the City of Grand Junction, also known as 505 North 19th Street, have petitioned the City Council of the City of Grand Junction for a Revocable Permit to allow the installation of two concrete planter walls within the North 8.0 feet of the public right-of-way for Ouray Avenue adjacent to said property; 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 above named Petitioners a Revocable Permit for the purposes aforescribed and within the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following: The Petitioners will not hold the City liable for any damages caused to the concrete planter walls to be installed, or any other property of the Petitioners or any other person, as a result of the City or any other Public Utility's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; Said concrete planter walls shall not exceed a height of 30 inches above the grade of the ground as set forth in Section 5-3-2 of the Zoning and Development Code of the City of Grand Junction; This Revocable Permit shall be issued only upon the concurrent execution by the Petitioners of an agreement that the Petitioners 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 the Petitioners will, within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED this 7th day of May, 1991.

Mark K. Achen

\_\_\_\_\_  
Mark K. Achen, City Manager

Attest:

Neva B. Lockhart, CMC

\_\_\_\_\_  
City Clerk

Acceptance:

Jerome F. Vancleve

\_\_\_\_\_  
Jerome F. Vancleve

Tami K. Vancleve

\_\_\_\_\_  
Tami K. Vancleve

AGREEMENT

Jerome F. Vancleve and Tami K. Vancleve do hereby agree that they will abide by each and every condition contained in the foregoing Permit; that they 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, they agree to within thirty (30) days peaceably surrender said public right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED at Grand Junction, Colorado, this 6th day of May, 1991.

Jerome F. Vancleve

\_\_\_\_\_  
Jerome F. Vancleve

Tami K. Vancleve

\_\_\_\_\_  
Tami K. Vancleve

STATE OF COLORADO	)	
	)	SS:
COUNTY OF MESA	)	

The foregoing Agreement was acknowledged before me this 6th day of May, 1991, by Jerome F. Vancleve and Tami K. Vancleve.

Witness by hand and official seal.  
My Commission expires: 6-23-94

Neva B. Lockhart

\_\_\_\_\_  
Notary Public

Mr. Brach stated that the State of Colorado had a \$5.63 billion tourism business in 1988. Eleven percent of the money comes from



the arts, crafts, and gifts, one percent more than the entertainment and recreation industry. More people attend arts events or a museum than all paid professional sports.

Western Colorado Center for the Arts has been a self-standing arts center since 1952. It is totally self-financed with an annual operating budget of approximately \$150,000. There are 850 active registered members. It is open to the general public. Its assets are in excess of \$800,000 and an arts center foundation that holds and administers its endowment of over \$100,000. Yet with these positives, the Arts Center has a serious problem. Its assets are large but the survival of the Arts Center and its programs are not guaranteed. The Arts Center has cut its expenses and continued its fund-raising activities that drain and divert the time and energy of its staff and a host of volunteers. The Arts Center is barely able to raise sufficient funds to cover its operating expenses year to year. A long range plan has been developed. It is going to sell its properties and move to a downtown area. The proceeds of such sales could increase its endowment to a point that it would practically guarantee the long-term survival of the arts in Grand Junction. It is hoping to acquire a building downtown that would leave the bulk of the proceeds of its property sales intact, thus enabling the Arts Center to be self-sufficient for many years to come.

The downtown location is good for the people, the access is available, the parking is available, it would provide an enlarged facility with bigger and better programs. It is good for the Arts Center. It would increase its endowment and income. More traffic would allow it to have bigger and better arts programs. It would allow it to attract a larger membership. It's also good for the City to potentially add a large piece of property to the tax rolls as the Arts Center moves out of its 7th and Orchard location, and downtown. It will provide the only downtown public restrooms. It will help solidify the future of downtown, increase downtown traffic, create more jobs, potentially increase tax revenues.

The move downtown is fundamental to the Arts Center's long-range plan for survival. This plan includes the three following major goals:

1. Increasing its endowment to again guarantee the long-term survival of the Arts Center;
2. Obtaining a larger facility to house its now rapidly growing permanent collection of art. It is transitioning from an Arts Center to an Arts Museum. It is doing what the Charter dictates; that is, to collect art and to display it.
3. Finding a location that will increase its visibility, accessibility to the community, and hopefully increase its revenue.

The Center for the Arts Board and the DDA Board supports this

concept unanimously. Mr. Brach offered the following options:

1. Buy the Mercantile Building for the Arts Center and remodel it at an approximate cost of \$575,000, allowing the Arts Center to be totally self-supporting with the exception of building maintenance. This would allow the Arts Center to become a public entity and provide public restrooms in the walking mall;
2. Buy the Mercantile Building and the Arts Center will remodel it at an approximate cost of \$230,000; all other items, including the restrooms, would remain the same;
3. Cover a shortfall in the Arts Center's goal of \$150,000 to assist it in remodeling costs. The Arts Center will buy the building and remodel it, and the City would support it with \$150,000;
4. The City to assist the Arts Center at any level possible.

Mr. Brach stated that the Arts Center holds approximately 50-60 different arts classes attended by well over 500 people. They are coordinated with the School District. It has not coordinated classes with the City Parks and Recreation Department in the past.

Mr. Dave Davis, Executive Director of the Arts Center, was present to answer questions of Council. The present building is 20 years old. The square footage of the current location is approximately 15,000 square feet. The square footage of the proposed site in the Mercantile Building is approximately 21,000 square feet. The addition that was built at the current location for the Gould collection is 1500 square feet.

Barbara Creasman, Director of Downtown Development Authority, introduced J.D. Snodgrass, 704 Galaxy Drive, President of the DDA Board of Directors. Mr. Snodgrass submitted for the record a memo from Barbara Creasman to the City Council, stating that the DDA will commit up to \$50,000 of TIF funds to the Western Colorado Center for the Arts for projects permitted under the TIF authorization, for the relocation of the Arts Center to downtown Grand Junction. He encouraged the City Council's consideration of this proposal.

Ms. Fay Timmerman, 412 Main Street, member of the Western Colorado Center for the Arts, and President of the Grand Junction Downtown Association, stated that the merchants and professional business people in the downtown area are supportive and enthusiastic about moving the Arts Center downtown. They encouraged the City to extend its support in creating a stronger, more dynamic, and fiscally sound Arts Center in the City's historic and cultural district.

Ms. Sandra Brown, member of the Arts Commission, presented results of a survey regarding the Arts Center. City Council was provided with copies of the survey prior to the meeting.

Mr. John Crouch, 202 Easter Hill Drive, spoke in opposition to the City providing any funding for the purchase of the Mercantile Building for the Arts Center. He felt there is a limit to how much government the people of Grand Junction can afford. He stated that 2000 people on the Western Slope have just lost their jobs, 19 businesses at Mesa Mall have closed. He stated that he and the people he represents are unequivocally opposed to giving any money to the Western Colorado Center for the Arts.

Mr. Bruce Bengel, owner of business at 514 Main Street, supported public funding for arts and cultural activities in Grand Junction and welcomes the Arts Center's relocation. He stated there would be no changes in parking. He felt ample parking was available.

Ms. Gay Hammer, 726 Chipeta Avenue, spoke in favor of the proposal. She felt it would provide a healthy environment in the downtown area.

Ms. Jane Quimby, 636 Horizon Drive, encouraged Council to do all it can to help public/private entities.

Philip Dodd, 1716 N. 19th Street, said his wife has been the president of the Consortium of Arts Councils in Colorado for the past year and one half, and has met many interesting people in a large number of communities, which are directly funding the Arts. He encouraged City Council to do the same.

Ms. Naomi Shepherd, Manager of the Grand Junction Symphony, also spoke in favor of the Arts Center move. She felt that our City's culture needs the support of City government so that it can grow. She thanked Council for its consideration of this request.

Ms. Connie LaLena, 2851 B 1/2 Road, stated that economic development and commitment to the Arts go hand in hand because without the cultural amenities in a community key industries that employ educated and higher paid people will never come to this community. She moved here because she was impressed with the area, the people, and the Arts.

Ms. Marilyn Stein stated that she and her husband moved to Grand Junction in 1970 also because they were impressed by the Arts programs of this community.

Mr. Harlan Mosher, 2455 1/2 Broadway, a sculptor, felt that the Arts adds to the appeal of living in a community. He supported the move of the Arts Center to the downtown area.

Mr. Jim Baughman, Councilman-Elect, District B, 2579 F Road, opposed public funding for this project. He feels this project could be funded by the VCB moneys. The citizens that he has spoken with regarding this issue express themselves by stating they want tax relief, they don't want extra tax burden. He feels that the City is presently in debt and paying on several issues. He does

not think it is wise to take on an unnecessary burden for taxation when the tax collars should be used to pay off debt that has already been incurred.

Mr. Don Anderson, 3393 1/2 Hill View Drive, business owner in Grand Junction, stated he grew up in Albuquerque, New Mexico. He stated that the downtown area of Albuquerque is dying, the people are finally getting around to fighting for the downtown area now almost 20 years too late. He praised the downtown area of Grand Junction for its Arts displays, nice stores, and a very viable area. He felt it would benefit everyone in the community to have the Arts Center move to the downtown area.

City Clerk Neva Lockhart noted for the record that Ms. Elizabeth B. Harris filed a letter of support for the proposed relocation of the Arts Center.

Mr. Durlin Keller, 122 Williams Drive, spoke in favor of the move. He teaches Art. He stated that Art Shows bring many people and funds into the community.

Frances Johns, 382 Explorer Court, stated that anything a community can do to promote anything cultural is an advantage and it would pay off in the end. She supported the Arts Center move.

Ms. Claudia Simms, 412 Ridgeway Drive, stated that when large corporations are looking to relocate they look for good schools and good cultural entities. Not many cities in Colorado, outside of Denver, can boast of the cultural activities we have in Grand Junction. She stated that the Arts Center needs the support of the entire community and it doesn't matter where it is located.

Ms. Kathy Hall, 2305 Pheasant Run Circle, stated that when people come to a community they want it to have all these wonderful amenities. She supported the Arts Center move.

Elisha Roper, student at Fruita Monument High School, stressed how important the Arts Center is and how much it means to her. She has worked as a volunteer for the Arts Center as an art student. She stated that the Arts Center is for the entire community, not just the artistic.

There were no other comments from the audience.

Councilman John Bennett stated that the City does not have \$575,000 in the contingency fund that can be taken out at this time. He would have liked this request to have come in before budget time, not after. The Arts Center has not approached any other government entity to assist in funding this project. They've come to the City only. He does not feel that it is the Council's responsibility to solve the financial needs of the Arts Center. He stated that the Council has recently formed the Arts Commission, and felt that both groups cannot be funded by the City. He felt that he has been given a choice of either funding the Western

Colorado Center for the Arts, or the Arts Commission which was created by the City Council, and he is not willing to do that. He recommended that the Center for the Arts look for other funding and then come back with a solution to their problems, he will consider the request. Otherwise, he will vote for no funding for the Arts Center until they get it together.

Councilman Mantlo understood that the Arts Center is trying to see if it can get City Council to work with it somehow. There is some money in the contingency fund for economic development, and he would like to see if Council could work with the Arts Center on this project. He felt it is a worth-while project and it should not be overlooked by the Council.

Councilman Nelson has since changed his opinion on the Arts Center dilemma. He felt that 7th and Orchard is not the most ideal location for the Arts Center, and supports the move to the downtown area. He urged Council to keep this alive and issued a challenge to the community, to the Arts Center, to Council, to keep the Arts Center alive. Perhaps there is some way the City can facilitate the move by loaning some money to be paid back, by making some contributions, by helping to obtain grants.

Councilman Payne stated that this is a feasible and good project. The Arts and Culture need to grow in Grand Junction. He asked that Council be given some time to get all the scenarios. It cannot be accomplished overnight.

Councilman Shepherd stated that he has been trying to devise some creative way to forge a public non-profit organization partnership that is workable for both the Western Colorado Center for the Arts and the City of Grand Junction. The Arts Commission has a task at hand and it has accomplished part of it. He felt that Council can save the public money by supporting the Western Colorado Center for the Arts Center's effort by forging a relationship that will require some give and take on both parts. He would like Dave Davis and Dave Brach and the rest of the Board to meet with the City Parks and Recreation Department and identify what cost savings the City's commitment to the WCCA can provide the City when Council is trying to meet the needs of its constituents in the Parks and Recreation programs. That is going to require some give and take on WCCA's part as well, and that is perhaps the loss of partial autonomy, that some of the programs are going to be mutual programs, and not simply WCCA's.

Councilman Theobald felt that the amenities we have in this community and the things that we have to offer are incomparable. He felt that Grand Junction can be the kind of community that Santa Fe, New Mexico, and Loveland, Colorado, have portrayed. We just need to find a way to move that direction. He felt that the first priority in this has to be that the Arts Center has to continue to not just survive, but to thrive. He would move the Arts Center downtown because he feels the advantages a downtown site offers are tremendous. But he stated that Council is getting

some comments from the citizenry regarding some disgruntlement within the WWCA's membership, among its constituents. He emphasized that it is something that can be dealt with. He felt that the advantages of a move overshadow all the concerns. There are people who have spent a lot of time, a lot of work, and a lot of money making the Arts Center what it is today. He encouraged Dave Davis to try to straighten out this disgruntlement.

Councilman Theobald gave the following recommendations:

1. Council needs to acquire more data to build a case for spending money on the Arts - the City Manager will determine whatever Staff member is going to try and work with whomever in the community that can be of assistance to find the data;
2. Council needs to deal, as a Council, with what amount it is going to spend and where those funds should come from - to be assigned to a Council committee, in particular the Quality of Life Committee;
3. Council needs a report back from the Arts Commission prioritizing what Council should be doing as it tries to support the Arts in this community.
4. Council needs a report from Dave Davis listing all other entities that the Western Colorado Center for the Arts has approached regarding assistance in funding.

Upon motion by Councilman Theobald, seconded by Councilman Nelson and carried, it was required that the following be accomplished:

1. That Council direct Staff to collect and distill from Dave Davis and other sources the data requested on the economic impact of the Arts;
2. That the Quality of Life Committee consider how much money will be spent in Budget 1991 and Budget 1992 and make recommendation, and where that money might come from, to report back no later than the workshop of July 1, 1991;
3. That the Arts Commission give Council its best available materials on priorities to report back no later than the workshop of July 1, 1991;
4. That Dave Davis come back on July 1, 1991, to tell us what other funding mechanisms, sources, etc., he has come up with so that Council can begin putting together a solution.

The President declared a five-minute recess. Upon reconvening, all members of Council were present.

AUTHORIZE CITY MANAGER TO SIGN CONTRACT FOR THE PURCHASE OF PROPERTY SITE FOR THE RELOCATION OF FIRE STATION NO. 2 - \$20,000

City Attorney Dan Wilson explained that the City received a written offer last week from the attorney representing Dr. Matchett to purchase two acres for the Fire Station No. 2 site to be located at the northwest corner of 28 1/4 Road and Patterson Road. The City plans to extend 28 1/4 Road north to the Fire Station, and building in facilities on that roadway that could serve additional zoning to the north, primarily Residential. The Agreement would also provide that the City would, at the same time as it annexed the fire station and the roadway, also annex 21 acres, mostly just west and north of the fire station. The agreement would provide for a one-acre site just across the street immediately east of the fire station for a one-lot commercial subdivision. That lot would take high-traffic usage. It could accommodate a convenience store. The City would not own that, but it would be annexed to the City and allow for that zoning. In addition, west of the fire station, there would be highly intensive uses allowed, but not including convenience store types of uses, but other relatively high intensive uses. The fire station would be Lot 1, the lot to the east would be Lot 2, the lot to the west on Patterson will be Lot 3, and north of that would be multi-family high density. The high density multi-family is consistent with the existing ODP that is the current zoning in the County. The purchase price would be \$20,000. The City expects to be through the process for all of the lots on June 20, 1991. The original contract said that until the zoning process was completed that the City could not acquire the fire station site. Tonight the issue that was discussed earlier was providing for a back door in the event that the Council, due to public pressure, or the citizens referred an annexing or zoning ordinance, and did that so that that stopped the City from purchasing the fire site on Patterson, the back-up plan would be to purchase a two-acre site north. It would not abut Patterson Road but would be approximately 500 feet deep into the property on 28 1/4 Road. That was the concept that City Property Agent Tim Woodmansee had started with in February, 1991. That was the one area that concerned the City Attorney the most is that the City might not have a fire station based on events beyond control, based on public input on the zoning.

Upon motion by Councilman Theobald, seconded by Councilman Shepherd and carried, the City Manager was authorized to sign the Contract for the purchase of a property site for the relocation of Fire Station No. 2 at 28 1/4 Road and Patterson Road in the amount of \$20,000.

#### VISITORS & CONVENTION BUREAU SPECIAL EVENTS POLICY

Debbie Kovalik, Director of the Grand Junction Visitors & Convention Bureau, was present to request that City Council consider approving the Board's recommendation to allow the Visitors & Convention Bureau to fund special events.

Councilman Nelson recommended that one change be made to the Special Events Policy. He wished to re-word a portion of the

policy as follows: at the end of the first page of the draft:  
FROM: "The VCB Board shall review funding requests on an annual basis and the decision for funding will rest with the VCB Board."  
TO: "The decision to recommend funding will rest with the VCB Board. After the VCB Board has chosen the event that it recommends for funding, it shall submit the list to the City Council for ratification, modification, or rejection."

Upon motion by Councilman Nelson, seconded by Councilman Theobald and carried, the Visitors & Convention Bureau Special Events Policy was approved subject to the above change.

#### ARTS COMMISSION BY-LAWS

Councilman Bennett recommended the following change of Article VII to read as follows: "The By-Laws of the Commission shall be subject to alteration, amendments or repeal, and new by-laws may be adopted by the affirmative vote of a majority of the members of the Commission. Such changes shall be presented in writing to, and ratified and approved by the City Council. If the proposed by-law amendments are ratified and approved by the City Council, those amendments shall be available and distributed to the membership ten days before the meeting at which the change will be considered. By-law amendments which are not ratified and approved by Council shall be void and to no effect."

Upon motion by Councilman Payne, seconded by Councilman Shepherd and carried, the Arts Commission By-Laws were approved subject to the above amendment of Article VII.

Councilman Shepherd announced that the name of the Arts Commission will soon be changed to Grand Junction Commission on Arts and Culture by a forthcoming Resolution of the City Council.

#### RIVERFRONT COMMISSION REQUEST FOR FUNDING OF ADMINISTRATIVE COSTS

City Manager Mark Achen stated that the Riverfront Commission request is for the City to fund \$12,000 of administrative costs in addition to the \$5,000 the City currently contributes. He explained that formal action taken by Council was to pay the \$5,000 at the beginning of the year and authorize the Commission to use it to pay those expenses, but it made no commitment on any of the \$12,000. There was a proposal to pay only half but Council voted only to advance the Commission the \$5,000, and said that they had to obtain some commitment from the County.

Councilman Shepherd recommended that the City Council do two things:

1. Commit the \$12,000, and not leave the Riverfront Commission out on a limb;
2. Meet with the County at the next City/County breakfast scheduled on the 8th of May, and talk with the County about future



commitments for funding for the Riverfront project.

Councilman Bennett is willing to fund this project until December 31, 1991. In the meantime Council will have to talk with the County regarding assistance in funding, and when budgeting processes begin for 1992, decide whether it will be funded again.

It was moved by Councilman Shepherd and seconded by Councilman Mantlo to fund the \$12,000 for the Riverfront Commission through December 31, 1991.

Councilman Theobald stated that the City told the Riverfront Commission what it would do in the way of funding, the County told them what it would do. The City has said it will do what it said; the County has said it will not do what it said. He felt the County is the one leaving the Commission hanging, not the City. He felt the County should be made to understand that. He is tired of the County making its deals and then backing out and saying the City will pick it up, and then the City does pick it up.

Councilman Shepherd stated that someone has to support the Riverfront Commission. He is sorry Mesa County is renegeing on its promises. It needs to be known publicly. He recalled attended a PIAB (Parks Improvement Advisory Board) meeting where everyone of the members was asked "Can you support the addition of a first base addition to the stands? We need \$15,000 extra dollars from every one of you." And everyone knew that was a supplemental, and every one committed to that. Then this week the City has received a letter from the three County Commissioners that says, "We've given the supplemental. We are not going to pay our dues for this year." And one of those Commissioners attended that meeting. It has happened there. We've seen it happen with Animal Control. Every year the City and County argue over the fact that the City is getting doubly taxed for that service. Mr. Shepherd does not like being painted that he is suddenly capitulating to these people that never meet their obligations.

Councilman Mantlo explained what the County did to make up the difference. It went back to the JUCO Committee and the JUCO Committee committed another \$20,000 to build the bleachers with the stipulation that \$5,000 of that is JUCO's money to PIAB next year, which somebody else will have to make up. They are paying it in the extra \$20,000. So don't be surprised next year.

Councilman Nelson mentioned that this happened to EDC (Economic Development Council) a couple of years ago to the tune of \$125,000. There is time after time when the City has paid the County's share of operations of promises that were made, and promises have been broken. It's getting to be a serious enough problem that the City needs to talk with the County about it. The City cannot pay everyone's bills.

Councilman Theobald stated that the names change, but the behavior continues.

Councilman Payne stated it is the "Mesa County Economic Development Council," and the "Grand Junction/Mesa County Riverfront Commission". "We will take all the credit, but we won't pay a dime." He stated this attitude by the County is what bothers him immensely.

Mr. Jim Westbrook, former County Administrator, a retired employee from Mesa County, stated that he can go back into the records and show the City how many times Mesa County has been "taken" by the City of Grand Junction financially. He does not like hearing the bickering between the City and the County administrators.

Councilman Theobald felt that there is a perception that the City and the County are always at each others' throat. He didn't feel that was true. He feels that 98% of the time the City and the County get along. It's just that when the entities do not agree, it really attracts everybody's attention.

A motion was made by Councilman Shepherd and seconded by Councilman Mantlo, that the contribution of \$12,000, in addition to the \$5,000 to the Riverfront Commission be authorized. Roll was called upon the motion with the following result:

AYE: PAYNE, NELSON, MANTLO, SHEPHERD, MCCURRY  
NO: BENNETT, THEOBOLD.

DOWNTOWN DEVELOPMENT AUTHORITY REQUEST TO INCLUDE CITY PROPERTY (2ND AND PITKIN AND 5TH AND SOUTH AVENUE) IN DDA BOUNDARY

Upon motion by Councilman Payne, seconded by Councilman Mantlo and carried, the request by the Downtown Development Authority to include certain City properties at 2nd and Pitkin and 5th and South Avenue in the boundaries of the DDA was approved.

GOAL-SETTING RETREAT

City Manager Mark Achen recommended scheduling a goal-setting retreat for Council on Saturday, May 11, 1991.

ADJOURN TO EXECUTIVE SESSION

The President adjourned the meeting to executive session.

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Neva B. Lockhart, CMC  
City Clerk