

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

**MAY 4, 1994**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 4th day of May, 1994, at 7:35 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Bill Bessinger, R.T. Mantlo, Ron Maupin, Dan Rosenthal, and President of the Council Reford Theobold. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Theobold called the meeting to order and Council-member Afman led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Joseph Gross, Redlands Community Church.

**PROCLAMATION DECLARING MAY 1-9, 1994, AS "NATIONAL SALVATION ARMY WEEK" IN THE CITY OF GRAND JUNCTION**

The Proclamation was read and presented to Capt. Baker, Salvation Army.

Councilmember Bessinger left the meeting at 7:36 p.m.

The election of the Mayor was postponed until all members of Council were present.

**CONSENT ITEMS**

Councilmember Baughman requested that Item 10 be removed from the Consent Agenda for full discussion. Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item 11, with Item 10 being removed for full discussion, the following Consent Items 1-11 were approved:

1. **Approval** of the minutes of the Regular Meeting April 20, 1994
2. **Award of Contract** - Authorization for the City Manager to execute the construction contract for the 1994 Alley Improvement District- Recommended Award - Mays Concrete - \$269,851.40

Bids were received April 21, 1994 and are summarized from the lowest to highest as follows:

<b><u>Bidder</u></b>	<b><u>Schedule "A" Sewer Repl.</u></b>	<b><u>Schedule "B" Alley Constr.</u></b>	<b><u>Total Bid</u></b>
----------------------	--	--	-------------------------

Mays Concrete	\$ 86,206.10	\$183,645.30	\$269,851.40**
City Council Minutes	-2-		May 4, 1994

Reyes Constr.	\$107,824.40	\$164,244.72	\$272,069.12
M.A. Concrete	\$140,779.80	\$185,291.40	\$326,071.20

\*\*recommended award

3. **Award of Contract** - Authorization for the City Manager to execute the construction contract for the 1994 Curb, Gutter and Sidewalk Replacement Project and approval of a change order not to exceed \$36,475 for additional work to be added to the scope of the project - Recommended Award - Fred Cunningham Construction - \$172,028.55

The following bids were received on April 21, 1994:

<u>Bidder</u>	<u>Bid</u>
Fred Cunningham Construction	\$172,028.55**
G&G Paving	\$174,993.00
Reyes Construction	\$179,726.80
Mays Concrete	\$189,715.00
Tierra Constructors	\$194,412.72
M.A. Concrete	\$233,092.80
Engineer's Estimate	\$211,417.72

\*\*recommended award

4. **Award of Contract** - Authorization for City Manager to execute an engineering contract for the 1994 Sewer Line Replacement Project - Recommended Award - Banner Associates, Inc. - \$18,829.10

Proposals were submitted on April 22, 1994 by four Grand Junction Engineering Consulting firms to do the design and prepare the bid documents for sewer lines scheduled to be replaced in 1994. The following proposals were submitted:

<u>Bidder</u>	<u>Bid</u>
Banner Associates, Inc.	\$18,829.10**
KLH Engineering Group	\$22,100.00
WestWater Engineering	\$28,415.00
Western Engineers, Inc.	\$28,870.00

\*\*recommended award

5. **Award of Contract** - Authorization to purchase a new Hobart commercial dishwasher for Two Rivers from the low bidder, United Restaurant Supply, for \$22,145.00

The commercial automatic rack conveyor dishwasher at Two Rivers Convention Center is scheduled for replacement this year. Invitation for bids were advertised for equipment and installation. The following three bids were received:

<u>Vendor</u>	<u>Bid</u>
United Restaurant Supply (Hobart)	<b>\$22,145.00</b>
Nobel/Sysco Food Services (Hobart)	\$23,879.00
Shamrock Foods Co. (Champion)	\$24,735.65

6. **Award of Bid** - Authorization to purchase a 1994 Bobcat Skid Loader from the low bidder, White Star Machinery, for \$22,250.00

The City's pipeline maintenance division budgeted \$23,099.00 for the purchase of a new skid loader. Three bids were received and opened April 20th as follows:

<u>Vendor</u>	<u>Bid</u>
White Star Machinery (Bobcat)	<b>\$22,250.00</b>
Western Implement (Ford)	\$24,351.00
Century Equipment (Case)	\$28,298.00

7. **Proposed Ordinance** - An Ordinance Vacating 10 Feet of Fourth Street Right-of-Way, South of South Avenue

Central Distributing Company, located on the southwest corner of South Avenue and Fourth Street, is requesting a vacation of the westerly 10 feet of the Fourth Street right-of-way from South Avenue to the railroad right-of-way in order to expand an existing warehouse.

- a. First reading of proposed ordinance

8. **\* Resolution No. 36-94** - A Resolution Authorizing the Issuance of a Revocable Permit for the St. Regis, 359 Colorado Avenue, to allow for the construction of a canopy and ramp in the right-of-way

The property owner, Harley Nelson, is continuing to rehabilitate the historic St. Regis Hotel. Part of the restoration will include replacement of a canopy on the east-facing facade and a landing with accessible ramps on either side. The petitioner has worked with the City Engineer while

developing the proposal.

9. **\* Resolution No. 37-94** - A Resolution Submitting a Petition for Annexation of Lands to the City of Grand Junction, Colorado, and Setting a Hearing on Such Annexation

City Council Minutes

-4-

May 4, 1994

Submission of a petition for annexation of the Discovery 76 Annexation, consisting of approximately 100 acres located east of 28 Road at Hawthorne Avenue. The soonest date for the public hearing is June 15, 1994.

10. **Authorization** for Public Works Staff to prepare a petition for a Sewer Improvement District for an area north and south of State Highway 6 & 50 between 24 1/2 Road and 25 1/4 Road with the intent that City participate in the costs of the improvements at a level of 33% - **REMOVED FOR FULL DISCUSSION**

11. **\* Resolution No. 38-94** - A Resolution Authorizing the City of Grand Junction to Submit an Application to the Colorado Division of Housing for a Housing Rehabilitation Grant

The Energy Office is requesting that the Council adopt the attached resolution which permits the City to apply for a \$225,000 low and moderate income housing rehabilitation grant from the Colorado Division of Housing. The Energy Office also requests that the City contribute \$10,000 as a local match for this grant.

**\* \* \* END OF CONSENT CALENDAR \* \* \***

**\* \* \* ITEMS NEEDING INDIVIDUAL CONSIDERATION \* \* \***

City Attorney Dan Wilson stated that Councilmember Bessinger is in the building at this time, but not in attendance on the City Council. He reported that Councilmember Bessinger has instructed Council to continue its agenda without his presence.

**AUTHORIZATION FOR PUBLIC WORKS STAFF TO PREPARE A PETITION FOR A SEWER IMPROVEMENT DISTRICT FOR AN AREA NORTH AND SOUTH OF STATE HIGHWAY 6 & 50 BETWEEN 24-1/2 ROAD AND 25-1/4 ROAD WITH THE INTENT THAT CITY PARTICIPATE IN THE COSTS OF THE IMPROVEMENTS AT A LEVEL OF 33%**

If the petition for the creation of the District is successful, the City of Grand Junction intends to financially participate in the costs of the improvements through the General Fund at a level of 33%. The estimated cost of the City's participation is \$88,033.33 but is subject to revision upon completion of the final

design.

Councilmember Baughman was concerned that this authorization would set legal precedence for the City to fund other sewer improvement districts. This has not taken place in the past, except for a 50% participation in the O'Nan Subdivision improvements.

City Council Minutes

-5-

May 4, 1994

Councilmember Mantlo clarified that the subject improvements for O'Nan Subdivision were not constructed at a 50% cost to the City. A total of \$2,000.00 per household was paid by the City. Councilman Baughman stated the outcome was 50% City participation.

City Attorney stated that future Councils will not be bound by this Council's action. The Council has the unilateral right to make the decision each time, separate from all prior decisions.

Councilmember Baughman felt it does indeed set a political precedent.

President of the Council Theobald stated that this is a unique situation of a commercial infill area within the City, and it could be argued as different from anything else that may come before Council.

Councilmember Afman feels that this is unique, and not going to be a pattern for future districts, therefore binding any future Council.

Councilmember Maupin concurred that there are no other areas like this that require sewer. There are probably other business and residences, but are segmented throughout the City. He feels that Council's goal to do the infill within the City, and helping stop the urban sprawl is important.

Councilmember Mantlo concurred with Councilmember Maupin's statements. He also felt this sewer district will help the City's sales tax revenues, and felt it was good business to form the district.

Councilmember Bessinger returned to his Council seat at 7:45 p.m.

City Manager Mark Achen reiterated that this is a unique circumstance for the following reasons:

1. The area is almost two thirds developed already. It is not a case where sewer is being provided to a lot of undeveloped property. Property owners are being assisted in getting sewer where there is considerable development currently, and



The motion was defeated.

A voice vote was taken on the second motion to elect R.T. Mantlo President of the Council, Ex-Officio Mayor with the following result:

AYE: BAUGHMAN, MANTLO, MAUPIN, ROSENTHAL  
NO: BESSINGER, AFMAN, THEOBOLD.

R.T. Mantlo was elected President of the Council, Ex-Officio Mayor.

City Council Minutes

-7-

May 4, 1994

It was moved by Councilmember Mantlo and seconded by Councilmember Baughman that Linda Afman be elected Mayor Pro Tempore, Ex-Officio Mayor Pro Tempore.

It was moved by Councilmember Afman and seconded by Councilmember Bessinger that Reford C. Theobold be elected Mayor Pro Tempore, Ex-Officio Mayor Pro Tempore.

Councilmember Afman stated that at this particular time she would like to see Reford C. Theobold elected as Mayor Pro Tempore, Ex-Officio Mayor Pro Tempore.

Councilmember Mantlo withdrew his nomination of Linda Afman in order to support Reford C. Theobold as Mayor Pro Tempore, Ex-Officio Mayor Pro Tempore.

The motion to elect Reford C. Theobold as Mayor Pro Tempore, Ex-Officio Mayor Pro Tempore passed unanimously.

**APPOINTMENT OF CITY COUNCIL TO VARIOUS BOARDS AND COMMISSIONS -  
TABLED TO MAY 18, 1994, CITY COUNCIL MEETING**

**OATH OF OFFICE ADMINISTERED TO R.T. MANTLO AS PRESIDENT OF THE  
COUNCIL, EX-OFFICIO MAYOR**

City Clerk Stephanie Nye administered the Oath of Office to R.T. Mantlo as President of the Council, Ex-Officio Mayor. President of the Council Mantlo then took his place at the Council table and presided over the rest of the meeting.

**PUBLIC HEARING - ORDINANCE NO. 2741 - AN ORDINANCE AMENDING THE  
ZONING AND DEVELOPMENT CODE, SECTIONS 5-7-6.H.1, 5-7-7.B.5.b AND  
5-7-7.B.5.d, CONCERNING ROOF SIGNS**

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Baughman, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2741 was

adopted and ordered published.

**PUBLIC HEARING - ORDINANCE NO. 2742 - AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE, SECTIONS 5-12 AND 6-10-1, CONCERNING RESUBDIVISION AND PROPERTY LINE ADJUSTMENT**

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Afman, seconded by Councilmember Rosenthal and carried by roll call vote, Ordinance No. 2742 was adopted and ordered published.

City Council Minutes

-8-

May 4, 1994

**PUBLIC HEARING - ORDINANCE NO. 2743 - AN ORDINANCE AMENDING CHAPTER 19-29 OF THE CODE OF ORDINANCES REGARDING THE DRINKING OF ALCOHOLIC BEVERAGES IN PUBLIC WAYS**

A hearing was held after proper notice.

Councilmember Baughman asked for a clarification in the ordinance allowing service of beer and wine only and not spirituous liquor.

City Attorney Dan Wilson assured Councilman Baughman that after the revision of the proposed ordinance spirituous liquors are not allowed.

There were no other comments. Upon motion by Councilmember Maupin, seconded by Councilmember Rosenthal and carried by roll call vote, Ordinance No. 2743 was adopted and ordered published.

**RESIGNATION OF DAN ROSENTHAL AS COUNCILMAN, DISTRICT D**

Councilmember Dan Rosenthal announced his intent to resign his position as Councilman, District D, as he has recently become engaged to a City employee, and felt there could be a conflict of interest. His resignation would become effective May 30, 1994, or until he is married, possibly in June. He will continue to serve at Council's pleasure until either date. Councilmember Rosenthal stated that this is a difficult decision for him. He has worked hard to get elected as a City Council member, but feels this decision is in the best interest of his fiance and the City Staff.

He stated that his first year of serving on the Council has been a wonderful experience. City Council offered their congratulations to Councilman Rosenthal.

Councilmember Theobald suggested that Councilmember Rosenthal plan a resignation date of June 15, 1994, which would allow for a full quorum for both meetings in June. A replacement could be appointed to fill the vacated position, and begin serving the first meeting in July. Councilmember Rosenthal must serve until a replacement is sworn in.



Upon motion by Councilmember Theobald, seconded by Councilmember Bessinger and carried with Councilmember **MAUPIN** voting **NO**, the resignation of Councilmember Dan Rosenthal, District D, was accepted with deep regret.

The City Clerk was directed to advertise the vacancy immediately.

**ADJOURNMENT**

Upon motion by Councilmember Maupin, seconded by Councilmember Bessinger and carried, the meeting was adjourned at 8:15 p.m.

Stephanie Nye, CMC  
City Clerk