

Grand Junction, Colorado

May 6, 1987

The City Council of the City of Grand Junction, Colorado, convened in regular session the 6th day of May, 1987, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, LeRoy Kirkhart, R.T. Mantlo, Bill McCurry, Paul Nelson, Reford Theobold, and President of the Council O.F. Ragsdale. Also present were City Manager Mark Achen, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

Council President Ragsdale called the meeting to order and led in the Pledge of Allegiance.

INVOCATION

Reverend Joseph Gross, Redlands Community Church.

MINUTES

There being no corrections or additions to the minutes of the regular meeting April 15, 1987, they were approved as submitted.

O.F. RAGSDALE ELECTED PRESIDENT OF THE COUNCIL EX-OFFICIO MAYOR - JOHN BENNETT ELECTED PRESIDENT OF THE COUNCIL PRO TEMPORE EX-OFFICIO MAYOR PRO TEMPORE - OATHS OF OFFICE ADMINISTERED

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried, O.F. Ragsdale was elected President of the Council Ex-Officio Mayor, and John Bennett was elected President of the Council Pro Tempore Ex-Officio Mayor Pro Tempore. The Oaths of Office were administered.

JEAN SEWELL APPOINTED TO COMPLETE TWO-YEAR TERM ON THE GRAND JUNCTION PLANNING COMMISSION

Upon motion by Councilman Kirkhart, seconded by Councilman Theobold and carried, Jean Sewell was appointed to complete a two-year term on the Grand Junction Planning Commission.

DAVID REINERTSEN APPOINTED TO A THREE-YEAR TERM ON THE BOARD OF ADJUSTMENT & APPEALS

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried, David Reinertsen was appointed to a three-year term on the Board of Adjustment and Appeals.

PROCLAMATION DECLARING MAY 6, 1987, "NATIONAL NURSES' DAY"

PROCLAMATION DECLARING MAY 10-16, 1987, "SMALL BUSINESS WEEK IN GRAND JUNCTION"

PROCLAMATION DECLARING MAY, 1987, "MULTIPLE SCLEROSIS AWARENESS

MONTH"

PRESENTATION OF SERVICE PLAQUE TO LORETTA HARRISON - DISCUSSION OF SENIOR CITIZEN CENTER

President of the Council Ragsdale presented former Councilwoman Loretta Harrison with a service plaque.

Mrs. Harrison read a letter from Fern Cook regarding the Senior Citizen Center and a proposal for the construction of a new Senior Citizen Center. Mrs. Harrison was to get a copy of the letter to the Mayor.

PROPOSAL FOR AMENDING THE GRAND JUNCTION SIGN CODE

Dwayne Dodd, Tom Wadke, and Mike McCollum presented a proposal for Council's consideration to amend the Grand Junction Sign Code permitting wind-driven signs. After the presentation, the President of the Council pointed out that the Committee had not included any method for enforcement procedures. After lengthy discussion, Council President Ragsdale requested that the group submit to Council 1. Fees; 2. Detail to Council how they propose to enforce the Sign Code; and 3. Reserve the right to Council as to how violators would be punished.

Paul Muldowney suggested that a high fine be imposed for violations. He also expressed concern for North Avenue should all merchants decide to have banners on the same day.

CONSIDERATION OF BIDS - AWARD OF CONTRACTS

Street Patching for 1987 - G & G Paving - \$84,984.60

Upon motion by Councilman Theobold, seconded by Councilman Bennett and carried, the bids for the Street Patching for 1987 were accepted, the contract was awarded to G & G Paving for its bid of \$84,984.60, and the City Manager was authorized to sign said contract.

Two-Ton Dump Truck for Streets Department (Rebid) - Fuoco Motor Company - \$29,142

Upon motion by Councilman McCurry, seconded by Councilman Kirkhart and carried, the rebid by Fuoco Motor Company for the Two-Ton Dump Truck for the Streets Department in the amount of \$29,142 was accepted.

PROPOSED ORDINANCE CHANGING THE FEE FOR DRIVEWAYS AND ESTABLISHING A FEE FOR OTHER CONCRETE WORK ON PUBLIC RIGHT-OF-WAY

The following entitled proposed ordinance was read: AN ORDINANCE ESTABLISHING A PERMIT FEE FOR CONSTRUCTION, RECONSTRUCTION OR REPAIRING SIDEWALKS OR CURBINGS IN THE PUBLIC RIGHT-OF-WAY AND RAISING THE FEE FOR DRIVEWAY CONSTRUCTION IN THE RIGHT-OF-WAY.

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE PROHIBITING THE KEEPING OF BEES WITHIN THE CITY LIMITS OF GRAND JUNCTION

The following entitled proposed ordinance was read: PROHIBITING THE KEEPING OF BEES WITHIN THE CITY LIMITS OF GRAND JUNCTION. Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE CORRECTING ORDINANCE NO. 2335 CONCERNING THE UNIFORM BUILDING CODE BOARD OF APPEALS

The following entitled proposed ordinance was read: CONCERNING THE UNIFORM BUILDING CODE BOARD OF APPEALS AND CORRECTING ORDINANCE NO. 2335. Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE CHANGING THE SALES AND USE TAXES IN THE CITY OF GRAND JUNCTION AND REMOVING THE EARMARKING OF CERTAIN SALES AND USE TAX PERCENTAGES

The following entitled proposed ordinance was read: CHANGING THE SALES AND USE TAXES IN THE CITY OF GRAND JUNCTION AND REMOVING THE EARMARKING OF CERTAIN SALES AND USE TAX PERCENTAGES. Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication.

ORDINANCES ON FINAL PASSAGE - PROOFS OF PUBLICATION

The Proofs of Publication on the following Ordinances proposed for final passage had been received and filed. Copies of the Ordinances proposed for final passage were submitted in writing to the City Council prior to the meeting.

ORDINANCE NO. 2338 - AUTHORIZING ISSUANCE AND SALE OF \$2,450,000 HOSPITAL REVENUE BONDS, SERIES 1987 (LINCOLN PARK OSTEOPATHIC HOSPITAL ASSOCIATION, INC., PROJECT) AND DECLARING AN EMERGENCY

Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, the following entitled proposed ordinance was called up and read: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$2,450,000 HOSPITAL REVENUE BONDS (LINCOLN PARK OSTEOPATHIC HOSPITAL ASSOCIATION PROJECT) SERIES 1987, TO REFINANCE CERTAIN OBLIGATIONS INCURRED TO FINANCE THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF A HOSPITAL AND RELATED FACILITIES; RATIFYING CERTAIN ACTION HERETOFORE TAKEN; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF ANY INDENTURE OF TRUST, LOAN AGREEMENT, BOND PURCHASE AGREEMENT, CLOSING DOCUMENTS AND SUCH BONDS IN CONNECTION THEREWITH; APPROVING THE FORM OF A DEED OF TRUST; APPROVING THE USE OF AN OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF THE BONDS; MAKING CERTAIN

DETERMINATIONS WITH RESPECT THERETO; REPEALING ACTION HERETOFORE TAKEN IN CONFLICT HERewith; AND DECLARING AN EMERGENCY. There were no comments. Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried by roll call vote, the Ordinance was passed and adopted as an Emergency, numbered 2338, and ordered published.

ORDINANCE NO. 2339 - CONCERNING THE DISPOSING OF WASTEWATER AT THE TREATMENT PLANT BY TANK TRUCK OPERATORS

Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, the following entitled proposed ordinance was called up for final passage and read by title only: CONCERNING THE DISPOSING OF WASTEWATER AT THE TREATMENT PLANT BY TANK TRUCK OPERATORS

There were no comments. Upon motion by Councilman Kirkhart, seconded by Councilman Bennett and carried by roll call vote, the Ordinance was passed, adopted, numbered 2339, and ordered published.

ORDINANCE NO. 2340 - AMENDING THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE BY DELETING THE EXISTING SECTION 5-4-6 AND ADOPTING NEW SECTION 5-4-6 CONCERNING PUBLIC SITES, PARKS AND OPEN SPACES

Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AMENDING THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE BY DELETING THE EXISTING SECTION 5-4-6 AND ADOPTING A NEW SECTION 5-4-6 CONCERNING PUBLIC SITES, PARKS AND OPEN SPACES.

There were no comments. Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried by roll call vote, the Ordinance was passed, adopted, numbered 2340, and ordered published.

ORDINANCE NO. 2341 - AN ORDINANCE REQUIRING DOG WASTE REMOVAL AND EXEMPTING BLIND OWNERS OF DOGS FROM SUCH REQUIREMENT - FAILED TO PASS

Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AN ORDINANCE REQUIRING DOG WASTE REMOVAL AND EXEMPTING BLIND OWNERS OF DOGS FROM SUCH REQUIREMENT.

It was moved by Councilman Theobold and seconded by Councilman Nelson that the Ordinance be passed, adopted, numbered 2341, and ordered published. Roll was called on the motion with the following result:

Councilmembers voting AYE: RAGSDALE.

Councilmembers voting NO: KIRKHART, BENNETT, MANTLO, NELSON, THEOBOLD, MCCURRY

The President declared the motion lost and the Ordinance failed to pass.

RESOLUTION NO. 22-87 GRANTING A REVOCABLE PERMIT TO ROBERT S. HANNA FOR A PLANTER AT 2323 N. 7TH STREET

The following Resolution was read:

RESOLUTION NO. 22-87

GRANTING A REVOCABLE PERMIT TO ROBERT S. HANNA.

WHEREAS, Robert S. Hanna has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to construct a rock planter 12.5 feet into the public right-of-way east of the real property described as:

Beginning 1433.4 feet East and 86 feet North of the Southwest Corner of the Northeast Quarter of the Northwest Quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian; thence North 169 feet; thence West 220 feet; thence South 129 feet; thence East 74.43 feet; thence South 40 feet; thence East 145.57 feet to the place of beginning; also known as 2323 North 7th Street; and

WHEREAS, such action would not 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, be and he is hereby authorized to grant such Revocable Permit to the above-named petitioner for the purpose above described upon the execution by the petitioner of an agreement that he will save and hold the City harmless from any claims arising out of the encroachment and use granted, and that upon revocation of such permit, the petitioner will discontinue said encroachment and, at his own expense, restore the right-of-way to its original condition.

PASSED and ADOPTED this 6th day of May, 1987.

/s/ O.F. Rags Ragsdale

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, Robert S. Hanna has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow construction of a planter 12.5 feet into the right-of-way east of the real property described as:

Beginning 1433.4 feet East and 86 feet North of the Southwest Corner of the Northeast Quarter of the Northwest Quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian; thence North 169 feet; thence West 220 feet; thence South 129 feet; thence East 74.43 feet; thence South 40 feet; thence East 145.57 feet to the place of beginning; also known as 2323 North 7th Street; and

WHEREAS, the City Council is of the opinion that such action would not be detrimental to the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

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

There is hereby granted to Robert S. Hanna a Revocable Permit to allow construction of a planter in the right-of-way east of the property described above; provided, however, that said permit may be revoked by the City Council at its pleasure at any time; provided, further that the above-named petitioner shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of any kind in any manner arising out of or resulting from the permitted use; and further provided that said petitioner shall agree that upon revocation of such permit, he will, at his own expense, remove said encroachment and restore the right-of-way to its original condition.

DATED this _____ day of _____, 1987

/s/ Mark K. Achen

City Manager

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

AGREEMENT

ROBERT S. HANNA, for himself, his heirs, executors, administrators and assigns, does hereby agree that he will abide by the conditions contained in the foregoing Revocable Permit and that he

will indemnify the City of Grand Junction and hold it harmless from all claims as recited in said permit, and further on revocation of the permit, he agrees to remove said encroachment and restore the right-of-way to its original condition, all at his own expense.

DATED at Grand Junction, Colorado, this _____ day of _____, 1987.

Sworn and Subscribed to before me this _____ day of _____, 1987.

ROBERT S. HANNA

Notary Public

My Commission expires: _____

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

MOTION TO WAIVE PUBLIC SERVICE FRANCHISE PROVISION CONCERNING PURCHASE OF PROPERTY

It was moved by Councilman Bennett, seconded by Councilman Nelson and carried, to waive any right of first refusal to purchase property arising from the franchise agreement between the City and the Public Service Company as such right of first refusal pertains to the Public Service Company property at 8th and Main in the City.

RESOLUTION NO. 23-87 REPEALING RESOLUTION NO. 21-87 CONCERNING PREFERENCE FOR LOCAL VENDORS

The following Resolution was read:

RESOLUTION NO. 23-87

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

That Resolution No. 21-87 entitled CONCERNING PREFERENCE FOR LOCAL VENDORS adopted at the City Council meeting April 15, 1987, is hereby repealed.

PASSED and ADOPTED this 6th day of May, 1987.

/s/ O.F. Ragsdale

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

RESOLUTION NO. 24-87 ENDORSING THE CANDIDACY OF REFORD C. THEOBOLD ON THE EXECUTIVE BOARD OF THE COLORADO MUNICIPAL LEAGUE

The following Resolution was read:

RESOLUTION NO. 24-87

ENDORSING THE CANDIDACY OF REFORD C. THEOBOLD FOR A POSITION ON THE EXECUTIVE BOARD OF THE COLORADO MUNICIPAL LEAGUE.

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

That Councilman Reford C. Theobold is endorsed as a candidate for a position on the Executive Board of the Colorado Municipal League at the annual meeting of the League on June 18, 1987.

PASSED and ADOPTED this 6th day of May, 1987.

/s/ O.F. Ragsdale

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

ENGINEERING DESIGN SERVICES CONTRACT FOR PATTERSON ROAD PROJECT FROM 1ST TO 7TH STREET - ARMSTRONG CONSULTANTS, INC. - \$66,991

Upon motion by Councilman Bennett, seconded by Councilman Kirkhart and carried, the Engineering Design Services Contract for the Patterson Road Project from First Street to Seventh Street was awarded to Armstrong Consultants, Inc., in the amount of \$66,991, and authorized the City Manager to sign said Contract.

ENGINEERING DESIGN SERVICES CONTRACT FOR FLOWLINE STUDY - HDR INFRASTRUCTURE, INC. - \$18,500

It was moved by Councilman Bennett and seconded by Councilman McCurry that the proposal to acquire I.D.I. tax delinquent properties in Foresight Park be denied. Roll was called on the motion with the following result:

Councilmembers voting AYE: MCCURRY, KIRKHART, BENNETT, RAGSDALE

Councilmembers voting NO: NELSON, THEOBOLD, MANTLO

A majority of Councilmembers have voted in favor of the motion, the President declared the motion carried.

COUNCIL AUTHORIZES UP TO \$23,450 EXPENDITURE FROM THE GENERAL FUND CONTINGENCY ACCOUNT FOR PERSONNEL ANALYST

Upon motion by Councilman Mantlo, seconded by Councilman McCurry and carried, Council authorized the expenditure of up to \$23,450 from the General Fund Contingency account for a Personnel Analyst.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk