

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

October 5, 1988

The City Council of the City of Grand Junction, Colorado, convened in regular session the 5th day of October, 1988, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were LeRoy Kirkhart, R.T. Mantlo, Bill McCurry, Paul Nelson, O.F. Ragsdale, Reford Theobald, and President of the Council John Bennett. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

Council President Bennett called the meeting to order and City Manager Achen led in the Pledge of Allegiance.

INVOCATION - Jason Bailey, Central Baptist Church.

MINUTES

There being no corrections or additions to the minutes of the Regular Meeting September 21, 1988, and the Regular Adjourned Council Meeting September 27, 1988, they were approved as submitted.

RECOGNITION OF LOCAL SCOUT TROOPS 383, 384, 386

Council recognized the presence of the following Scout Troops and their leaders:

Troop 383 (Eagle-Bound) - Ray Meacham

Troop 384 - Rick Parrish

Troop 386 - Kelly Summers

APPOINTMENT TO PARKS AND RECREATION ADVISORY BOARD

Upon motion by Councilman Kirkhart, seconded by Councilman Mantlo and carried, Jack Kammerer was reappointed to serve a three-year term on the Parks and Recreation Advisory Board.

APPOINTMENT TO THE GRAND JUNCTION PLANNING COMMISSION

Upon motion by Councilman Ragsdale, seconded by Councilman Nelson and carried, James L. Tyson was appointed to serve a four-year term on the Grand Junction Planning Commission.

PROCLAMATION DECLARING OCTOBER 6, 1988, AS "NATIONAL GERMAN DAY"

PROCLAMATION DECLARING OCTOBER 15, 1988, AS "MISS GRAND JUNCTION DAY"

PROCLAMATION DECLARING OCTOBER 16-22, 1988, AS "NATIONAL BUSINESS

WOMEN'S WEEK"

PROCLAMATION DECLARING OCTOBER 16-22, 1988, AS "INFECTION CONTROL WEEK" IN GRAND JUNCTION

PROCLAMATION DECLARING NOVEMBER 20-26, 1988, AS "NATIONAL FAMILY WEEK"

BIDS - AWARD OF CONTRACT - RIVERSIDE PARK TRAIL UNDER HIGHWAY 340 - MAYS CONCRETE, INC., - \$13,655.36

Bids were received on September 30, 1988, for concrete work on the Riverside Park Trail under Highway 340. Bids were as follows:

	Bid	Additional Cost to Include Fiber Reinforcement	Total Bid
Mays Concrete	\$13,103.36	\$642.00	\$13,655.36
Smoky Valley Const.	\$14,486.64;tb\$ 622.00	\$15,108.64	
Engineer's Estimate	\$17,234.00	\$900.00	\$18,134.00

Upon motion by Councilman Theobald, seconded by Councilman Kirkhart and carried, the bids were accepted and the Contract for Riverside Park Trail under Highway 340 was awarded to Mays Concrete, Inc., in the amount of \$13,655.36, and the City Manager was authorized to sign said Contract.

ORDINANCE NO. 2401 - IMPOSING A LODGERS' TAX FOR THE CITY OF GRAND JUNCTION

Proof of Publication on Ordinance No. 2401 had been received and filed. A copy of the Ordinance proposed for final passage was submitted in writing to the City Council prior to the meeting.

Upon motion by Councilman Nelson, seconded by Councilman Kirkhart and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AN ORDINANCE IMPOSING A LODGERS' TAX FOR THE CITY OF GRAND JUNCTION, COLORADO, SETTING FORTH PURPOSES, DEFINITIONS, PROVIDING FOR EXEMPTIONS AND ENFORCEMENT PROCEDURES, ESTABLISHING ADMINISTRATIVE PROCEDURES AND PROVIDING FOR AN EFFECTIVE DATE.

A hearing was held after proper notice regarding the above

proposed ordinance. Those speaking in favor of the proposed ordinance were as follows:

Bert Schilling, Owner/Operator of City Center Motel, 220 S. 1st St.

Norm Cook, Chairman, Convention and Visitors Bureau, General Manager of the Holiday Inn Hotel, 755 Horizon Dr.

Nancy Ellison, Staff Member of the Visitors & Convention Bureau

Linda Smith, Manager of Mesa Mall, 2454 Highway 6 & 50 Member of the Convention and Visitors Bureau

Gary Ferguson, Downtown Development Authority Director

Those speaking in opposition to the proposed ordinance:

Loretta Harrison, Owner/Operator of Columbia Motel, 2824 North Ave.

Louis O'Riordan, Executive Director, Citizens Protection Association of Colorado Estes Park, Colorado

Donald Feeley, partial owner of two local properties

Councilman Ragsdale stated that he attended an Economic Summit at the National League of Cities in San Antonio, Texas. That city has completed a beautiful Riverfront Project, and did not begin to really grow until 1968 when the Chamber of Commerce and the Visitors Center Bureau and the City worked together. While attending the seminar he paid 15% lodging tax. Loretta Harrison corrected Mr. Ragsdale's quote of 15% by stating that San Antonio does not have a lodging tax. San Antonio has a city tax. Mr. Ragsdale stated that the total 15% tax is broken down to 8% directed toward lodging, and the other 7% is the city, county, state tax. He invited Mrs. Harrison to review the report that he received on tax breakdown from San Antonio.

Councilman Kirkhart made a motion that this item be tabled until such time as more input can be obtained. Councilman Mantlo seconded the motion. Upon roll call vote, the following votes were cast:

AYE: MCCURRY, KIRKHART

NO: NELSON, RAGSDALE, THEOBOLD, MANTLO, BENNETT.

The motion failed to pass.

Upon motion by Councilman Nelson, seconded by Councilman Mantlo and carried by roll call vote with Councilmembers MCCURRY, KIRKHART, and BENNETT voting NO, the Ordinance was passed and adopted as amended, numbered 2401, and ordered published.

PROPOSED ORDINANCE - DECLARING THE NECESSITY TO TAKE PRIVATE PROPERTY BY EMINENT DOMAIN; SAID PROPERTY DESCRIBED AS LOTS 20, 21 AND 22 IN BLOCK 100 OF THE CITY OF GRAND JUNCTION, AND LOTS 23 AND 24 IN BLOCK 100 OF THE CITY OF GRAND JUNCTION, WITH STREET ADDRESS OF 118 MAIN STREET - TABLED TO NOVEMBER 2, 1988, COUNCIL MEETING

Upon motion by Councilman Nelson, seconded by Councilman Kirkhart and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AN ORDINANCE DECLARING THE NECESSITY TO TAKE PRIVATE PROPERTY BY EMINENT DOMAIN AND SPECIFYING AND DESCRIBING THE PROPERTY TO BE TAKEN.

Joseph Coleman, attorney representing Terri Hanna, owner of the property located at 118 Main Street, was present and addressed Council. Mr. Coleman's concern was that he and his client feel the City has not sufficiently negotiated with them on the purchase of the property located at 118 Main Street. He requested a written proposal issued by the City Council to which he and Ms Hanna can respond. He requested that this proposed ordinance be tabled until such time as the City and his client can conduct proper negotiations with an appraisal of both the property and the business at said location. Mr. Coleman felt that two weeks would give him time to produce this information. Mr. Coleman stated that the financial records for the business would be made available to the City Attorney tomorrow morning.

Terri Hanna, 118 Main Street, appeared before Council and stated that she approached Councilman Ragsdale to discuss her property. She stated there was no figure mentioned for the price of the property. She stated she had no plans to sell the property at the time she visited with Mr. Ragsdale. She would consider the sale of the business now.

Upon motion by Councilman Ragsdale, seconded by Councilman Kirkhart and carried by roll call vote, this item was tabled for a two-week period pending the receipt of the financial records for The Feed Lot business, the appraisal, and to gather more pertinent information on the item.

RESOLUTION NO. 37-88 GRANTING A REVOCABLE PERMIT TO JOHN A. BRANAGH, LYNETTE F. BRANAGH, GAYLON C. PATTERSON AND MARLA J. PATTERSON FOR HORIZON TOWERS, 12TH STREET AND HORIZON DRIVE, FOR USE OF PUBLIC RIGHT-OF-WAY FOR BEAUTIFICATION PURPOSES

The following Resolution was presented and read:

RESOLUTION NO. 37-88

GRANTING A REVOCABLE PERMIT TO JOHN S. 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, as tenants in common for the Horizon

Towers property located at 1111 Horizon Drive, have petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to utilize for landscape and beautification purposes a portion of the road right-of-way for Horizon Drive and North 12th Street described as follows:

Parcel No. 1

The Southerly 12.0 feet of that right-of-way for Horizon Drive running S 66 deg. 21 min. 00 sec. W for a distance of 352.79 feet from the northeasterly corner of Horizon Towers, as described on the plat thereof and recorded in Plat Book 13, Page 229 in the Office of the Mesa County Clerk and Recorder;

Parcel No. 2

The Westerly 12.0 feet of that right-of-way for North 12th Street running S 0 deg. 05 min. 00 sec. W for a distance of 215.69 feet from the northeasterly corner of Horizon Towers, as described on the plat thereof and recorded in Plat Book 13, Page 229 in the Office of the Mesa County Clerk and Recorder; 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, is hereby directed to grant the attached Revocable Permit to the above-named petitioners for the purpose above described upon the execution by the petitioners of an agreement that petitioners will save and hold the City harmless from, and indemnify the City, its officers, employees and agents, any claims or causes of action however stated arising out of the encroachment or use granted, and that upon revocation of such permit, the petitioners will, within thirty (30) days notice of revocation, discontinue said encroachment and, at their own expense, restore the right-of-way to its original condition.

PASSED and ADOPTED this 5th day of October, 1988.

/s/ John W. Bennett

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, 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, have petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to utilize for landscape and beautification purposes a portion of the road right-of-way for Horizon Drive and North 12th Street described as follows:

Parcel No. 1

The Southerly 12.0 feet of that right-of-way for Horizon Drive running S 66 deg. 21 min. 00 sec. W for a distance of 352.79 feet from the northeasterly corner of Horizon Towers, as described on the plat thereof and recorded in Plat Book 13, Page 229 in the Office of the Mesa County Clerk and Recorder;

Parcel No. 2

The Westerly 12.0 feet of that right-of-way for North 12th Street running S 0 deg. 05 min. 00 sec. W for a distance of 215.69 feet from the northeasterly corner of Horizon Towers, as described on the plat thereof and recorded in Plat Book 13, Page 229 in the Office of the Mesa County Clerk and Recorder; 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, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to John A. Branagh, Lynette F. Branagh, Gaylon C. Patterson and Marla J. Patterson a Revocable Permit to allow use of the property described above for landscape and beautification purposes; provided, however, that said permit may be revoked by the City Council at its pleasure at any time, provided, further, that the above-named petitioners by the landscaping and use of the right-of-way as contemplated herein hereby agree to indemnify the City, its officers, employees and agents and to hold it, its officers, employees agents harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from the permitted use or the installation of any improvements in the right-of-way of Horizon Drive and North 12th Street; and further provided that said petitioners hereby agree that within thirty (30) days of notice of revocation of such permit, they will, at their sole expense, remove said encroachment and restore the right-of-way to its original condition.

DATED this _____ day of _____, 1988.

City Manager

Attest:

City Clerk

Acceptance:

John A. Branagh

John A. Branagh, as Attorney-in-Fact for Lynette F. Branagh

John A. Branagh, as Attorney-in-Fact for Gaylon C. Patterson

John A. Branagh, as Attorney-in-Fact for Marla J. Patterson

AGREEMENT

John A. Branagh, Lynette F. Branagh, Gaylon C. Patterson and Marla J. Patterson, for themselves, their heirs and assigns, do hereby agree that they will abide by each and every condition contained in the foregoing Permit and that they will 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 further, upon revocation of the Permit, they agree to within thirty (30) days of notice of revocation, remove said encroachment and restore the right-of-way to its original condition, all at their own expense.

DATED at Grand Junction, Colorado, this _____ day of _____, 1988.

John A. Branagh

John A. Branagh, as Attorney-in-Fact for Lynette F. Branagh

John A. Branagh, as Attorney-in-Fact for Gaylon C. Patterson

John A. Branagh, as Attorney-in-Fact for Marla J. Patterson

STATE OF COLORADO)	
)	SS
COUNTY OF MESA)	

The foregoing Agreement was acknowledged before me this _____ day of _____, 1988, by John A. Branagh for himself and as Attorney-in-Fact for Lynette F. Branagh, Gaylon C. Patterson and Marla J. Patterson.

Witness my hand and official seal.

My Commission expires: _____

Notary Public

Address: _____

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

RESOLUTION NO. 38-88 OPPOSING THE ESTABLISHMENT OF ENGLISH AS THE OFFICIAL LANGUAGE OF COLORADO

The following Resolution was presented and read:

RESOLUTION NO. 38-88

A RESOLUTION OPPOSING THE ESTABLISHMENT OF ENGLISH AS THE OFFICIAL LANGUAGE OF COLORADO

WHEREAS, English is spoken as the primary language of Coloradans and all ethnic populations recognize the need to speak fluent English;

WHEREAS, the State of Colorado is comprised of persons with many divers ethnic and cultural backgrounds and languages; and

WHEREAS, many nations worldwide emphasize the value of fluency in more than one language for economic and cultural reasons; and

WHEREAS, the Colorado Official English proposal could eliminate the use of languages other than English in government, education, and the Courts, which would seriously limit equal access to these fundamental institutions by many Coloradans; and

WHEREAS, the Official English movement in Colorado is extremely divisive and serves no useful purpose;

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

The Council supports programs to increase English proficiency and the Council opposes the Official English proposed amendment to be voted on November 8th, 1988.

PASSED and ADOPTED this 5th day of October, 1988.

/s/ John W. Bennett

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. 39-88 AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION TO THE DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, FOR AN AMENDMENT TO RIGHT-OF-WAY GRANT M-06676-R/W TO ALLOW FOR THE INSTALLATION OF HYDROELECTRIC POWER GENERATION FACILITIES ON THE KANNAH CREEK AND PURDY MESA FLOWLINES

The following Resolution was presented and read:

RESOLUTION NO. 39-88

WHEREAS, it is proposed that the City of Grand Junction make application to the Department of the Interior, Bureau of Land Management, for an amendment to its right-of-way over government lands M-06676-R/W to allow for the installation of hydroelectric power generation facilities at the following locations on the Kannah Creek and Purdy Mesa Flowlines:

Kannah Creek Flowline:

A 50 foot by 100 foot site at station 600+00 on the Kannah Creek Flowline, located 700 feet northerly of the Southeast Corner of Section 9, Township 2 South, Range 2 East of the Ute Meridian;

Purdy Mesa Flowline:

A 50 foot by 100 foot site at station 635+00 on the Purdy Mesa Flowline, located 350 feet southerly of the Northwest Corner of Section 27, Township 2 South, Range 2 East of the Ute Meridian;

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

That the City Manager is authorized to make such application, is authorized to bind the City by agreement as to such amendment by his signature thereto, and is authorized, on behalf of the City, to agree that the City shall be bound by the regulations contained in 43 CFR 2800.

PASSED and ADOPTED this 5th day of October, 1988.

/s/ John W. Bennett

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk