

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

October 4, 1989

The City Council of the City of Grand Junction, Colorado, convened in regular session the 4th day of October, 1989, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, Bill McCurry, Paul Nelson, Conner Shepherd and President of the Council R.T. Mantlo. Councilmembers Ragsdale and Theobald were absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

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

INVOCATION - Mayor Mantlo.

MINUTES

There being no corrections or additions to the minutes of the September 20, 1989, regular City Council meeting, they were approved as submitted.

RECOGNITION OF BOY SCOUT TROOP

PROCLAMATION DECLARING THE WEEK OF OCTOBER 22-29, 1989, AS "RED RIBBON WEEK" IN THE CITY OF GRAND JUNCTION (COLORADO FEDERATION OF PARENTS FOR DRUG FREE YOUTH)

PROCLAMATION DECLARING OCTOBER 6, 1989, AS "PHYSICIAN ASSISTANT DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING THE MONTH OF OCTOBER, 1989, AS "CREDIT UNION MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING OCTOBER 19, 1989, AS "CREDIT UNION DAY" IN THE CITY OF GRAND JUNCTION

CANVASSING BOARD - ELECTION RESULTS - ABSTRACT

Those Council members present at this meeting served on the Canvassing Board. The City Clerk filed the report regarding her findings after review of the returns by the Judges of Election. The following Certificate of Election was filed:

CITY OF GRAND JUNCTION, COLORADO CERTIFICATE OF ELECTION
October 4, 1989

WE, THE UNDERSIGNED CANVASSING BOARD of the City of Grand Junction, Colorado, hereby certify that the results of the Special Municipal Election held in the said City on Tuesday, October 3,

1989, on the Proposed People's Ordinance entitled: AN ORDINANCE IMPOSING A LODGERS' TAX FOR THE CITY OF GRAND JUNCTION, COLORADO, SETTING FORTH PURPOSES, DEFINITIONS, PROVIDING FOR EXEMPTIONS AND ENFORCEMENT PROCEDURES AND PROVIDING FOR AN EFFECTIVE DATE" were as follows:

TOTAL BALLOTS CAST IN DISTRICT A, PRECINCT 1 68
 TOTAL BALLOTS CAST IN DISTRICT A, PRECINCT 2 184
 TOTAL BALLOTS CAST IN DISTRICT B, PRECINCT 3 624
 TOTAL BALLOTS CAST IN DISTRICT C, PRECINCT 4 339
 TOTAL BALLOTS CAST IN DISTRICT D, PRECINCT 5 829
 TOTAL BALLOTS CAST IN DISTRICT E, PRECINCT 6 375
 TOTAL BALLOTS CAST IN ABSENTEE, PRECINCT 7 49
 TOTAL BALLOTS CAST 2466
 TOTAL COUNT

	Dist. A-1	Dist. A-2	Dist. B	Dist. C	Dist. D	Dist. E	ABSENTEE	Total
FOR THE ORDINANCE	32	69	426	211	588	239	34	1599
AGAINST THE ORDINANCE	32	114	198	124	226	135	15	844
	64	183	624	335	814	374	49	2443

WE DO HEREBY CONCLUDE THAT THE PROPOSED PEOPLE'S ORDINANCE IMPOSING A LODGERS' TAX FOR THE CITY OF GRAND JUNCTION, COLORADO, WAS PASSED AND ADOPTED BY A GREATER NUMBER OF VOTES.

DATED this 4th day of October, 1989.

/s/ R. T. Mantlo

 President of the Council
 City at Large

/s/ John W. Bennett

 Councilman
 City at Large

/s/ Paul W. Nelson

Councilman
District A

Reford C. Theobald

President Pro Tempore
Councilman, District C

/s/ William E. McCurry

Councilman
District D

O.F. Ragsdale

Councilman
District B

/s/ Conner W. Shepherd

Councilman
District E

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman McCurry, seconded by Councilman Bennett and carried, the Certificate of Election was accepted, signed and prepared for filing with the Secretary of State and for publication in The Daily Sentinel.

RESOLUTION NO. 45-89 ADOPTING PEOPLE'S ORDINANCE NO. 34, TO BE KNOWN AS "THE LODGERS' TAX ORDINANCE"

The following Resolution was read:

RESOLUTION NO. 45-89

ADOPTING PEOPLE'S ORDINANCE NO. 34, TO BE KNOWN AS "THE LODGERS' TAX ORDINANCE"

WHEREAS, from the returns of the Special Municipal Election held in the City of Grand Junction, Colorado, on October 3, 1989, as shown by the report of the Canvassing Board just filed, it appears that there were 1,599 votes cast For the Ordinance and 844 votes cast Against the Ordinance entitled "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," making a majority vote of 755 for the adoption of the Ordinance.

THEREFORE, BE IT RESOLVED that the said Ordinance was passed and adopted at said election; and

BE IT FURTHER RESOLVED that the Ordinance be passed and adopted as People's Ordinance No. 34, and that the City Clerk be and is hereby ordered to publish People's Ordinance No. 34 in The Daily Sentinel.

PASSED and ADOPTED this 4th day of October, 1989.

/s/ R. T. Mantlo

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.

BIDS - AWARD OF CONTRACTS

Alley Reconstruction 1989, Phase 2 - Mays Concrete, Inc. - \$57,440

Upon motion by Councilman Shepherd, seconded by Councilman McCurry and carried, the bids were accepted for Alley Reconstruction 1989, Phase 2, and the Contract was awarded to Mays Concrete, Inc., in the amount of \$57,440, and the City Manager was authorized to sign said Contract.

Salt Storage Building Construction - Smokey Valley Construction, Inc. - \$30,300

Upon motion by Councilman McCurry, seconded by Councilman Nelson and carried, the bids were accepted for Salt Storage Building Construction, and the Contract was awarded to Smokey Valley Construction, Inc., in the amount of \$30,300, and the City Manager was authorized to sign said Contract.

ORDINANCE NO. 2444 - AMENDING ARTICLE I, SECTION 3, OF CHAPTER 31, CODE OF ORDINANCES, TO PROVIDE THAT AVAILABILITY CHARGES ON WATER ACCOUNTS WILL CONSTITUTE A LIEN ON REAL PROPERTY IF NOT PAID

Proof of Publication on the following Ordinance proposed for final passage 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 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 AMENDING ARTICLE 1, SECTION 3 OF CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO.

There were no comments. Upon motion by Councilman McCurry, seconded by Councilman Nelson and carried by roll call vote, the Ordinance was passed and adopted, numbered 2444, and ordered published.

RESOLUTION NO. 46-89 GRANTING A REVOCABLE PERMIT TO GEORGE AND EULALAH HOOKER, OWNERS, AND TOTAL PETROLEUM, INC., TENANT, TO INSTALL LANDSCAPE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY BEHIND THE SIDEWALK ALONG 10TH STREET AND NORTH AVENUE ADJACENT TO THE VICKER'S STATION AT 1015 NORTH AVENUE

The following Resolution was read:

RESOLUTION NO. 46-89

GRANTING A REVOCABLE PERMIT TO GEORGE D. HOOKER, EULALAH R. HOOKER AND TOTAL PETROLEUM, INC.

WHEREAS, George D. Hooker and Eulalah P. Hooker, who represent that they are the owners of, and Total Petroleum Inc., a Colorado corporation representing it has a leasehold interest in the real property described as Lots 1 to 6, inclusive, Block 2 of the City of Grand Junction, Mesa County, Colorado, aka 1015 North Avenue, have petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of landscaping improvements, including but not limited to, plants, shrubs, sod and irrigation facilities, in the following described public right-of-way for 10th Street and North Avenue, to wit:

The public right-of-way for 10th Street and North Avenue located and being east of the back of the sidewalk along said 10th Street and south of the back of the sidewalk along said North Avenue adjacent to Lots 1 to 6 of said Block 2; 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:

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 installation of landscaping improvements within the public right-of-way aforescribed; provided, however, that the petitioners shall not permit shrubs, plants or any other item to grow to a height exceeding thirty (30)

inches above the grade of the ground in those areas as set forth in Section 5-3-2 of the City of Grand Junction Zoning and Development Code; the petitioners will not hold the City liable for any damages caused to said landscaping improvements as a result of the City's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; and that 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 rising out of the encroachment or use granted, and that upon revocation of such permit, 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 4th day of October, 1989.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, George D. Hooker and Eulalah P. Hooker, who represent that they are the owners of, and Total Petroleum Inc., a Colorado corporation representing it has a leasehold interest in the real property described as Lots 1 to 6, inclusive, Block 2 of the City of Grand Junction, Mesa County, Colorado, aka 1015 North Avenue, have petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of landscaping improvements, including but not limited to, plants, shrubs, sod and irrigation facilities, in the following described public right-of-way for 10th Street and North Avenue, to wit:

The public right-of-way for 10th Street and North Avenue located and being east of the back of the sidewalk along said 10th Street and south of the back of the sidewalk along said North Avenue adjacent to Lots 1 to 6 of said Block 2; 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:

There is hereby granted to George D. Hooker, Eulalah P. Hooker and Total Petroleum Inc. a Revocable Permit to allow the use of the public right-of-way described above for the purposes described above; provided, however, that the petitioners shall not permit shrubs, plants or any other item to grow to a height exceeding thirty (30) inches above the grade of the ground in those areas as set forth in Section 5-3-2 of the City of Grand Junction Zoning and Development Code; the petitioners will not hold the City liable for any damages caused to said landscaping improvements as a result of the City's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; and that 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, 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 4th day of October, 1989.

/s/ Mark K. Achen

City Manager

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Acceptance:

;sigl;

/s/ George D. Hooker

;sigl;

/s/ Eulalah P. Hooker

Total Petroleum, Inc.
a Colorado Corporation

;sigl;

By: /s/ Kenneth R. Buckler
Executive Vice President

Attest:

;sigl;

/s/ Charles W. Roach
Assistant Secretary

AGREEMENT

George D. Hooker, Eulalah P. Hooker and Total Petroleum Inc., for themselves, their heirs, successors and assigns, to 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 this 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 5th day of October, 1989.

;sigl;
/s/ George D. Hooker

;sigl;
/s/ Eulalah P. Hooker

Total Petroleum, Inc.
a Michigan Corporation

;sigl;
By: /s/ Kenneth R. Buckler
Executive Vice President

Attest:

;sigl;
/s/ Charles W. Roach
Assistant Secretary

STATE OF COLORADO)	
)	SS.
COUNTY OF MESA)	

The foregoing Agreement was acknowledged before me this 5th day of October, 1989, by George D. Hooker and Eulalah P. Hooker.

Witness my hand and official seal.

My Commission expires: July 7, 1993

;sigl;
/s/ Janice Ann Ward
Notary Public

STATE OF COLORADO)	
CITY AND)	SS:
COUNTY OF DENVER)	

The foregoing Agreement was acknowledged before me this 6th day of October, 1989, by Kenneth R. Buckler as Executive Vice President and Charles W. Roach as Assistant Secretary of Total Petroleum Inc., a Michigan corporation.

Witness my hand and official seal.

My Commission expires: September 15, 1993

;sigl;
/s/ Lois Mool
Notary Public

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

RESOLUTION NO.47-89 - ONE-YEAR LEASE EXTENSION WITH HARLEY MADDOCK, DBA THE CLUB DOKTOR, AT 236 MAIN STREET

The following Resolution was read:

RESOLUTION NO. 47-89

EXTENDING THE LEASE OF CITY OWNED PROPERTY AT 236 MAIN STREET TO HARLEY MADDOCK

WHEREAS, by Lease Agreement dated the 13th day of November, 1986, a Lease Extension dated the 16th day of September, 1987, and by a Lease Extension dated the 7th day of November, 1988, the City has leased to Harley Maddock the property located at 236 Main Street in Grand Junction; and

WHEREAS, the term of said Lease Extension is due to expire on the

14th day of November, 1989; and

WHEREAS, both parties are desirous of entering into an agreement to further extend the term of said lease;

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 authorized and directed to enter into an agreement extending the term of said lease for a period of one year, commencing on the 15th day of November, 1989, and terminating on the 14th day of November, 1990; and that the rental for the Property for said term shall be \$200 per month. All other conditions and responsibilities as they appear in the Lease Agreement dated the 15th day of November, 1986 the Lease Extension dated the 16th day of September, 1988, shall continue in full force and effect during the term of this extension.

PASSED and ADOPTED this 4th day of October, 1989.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman McCurry, seconded by Councilman Bennett 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