

Grand Junction, Colorado

September 19, 1984

The City Council of the City of Grand Junction, Colorado, convened in regular session the 19th day of September, 1984, in the City-County Auditorium at City Hall. Those present were Betsy Clark, Frank Dunn, Robert Holmes, Christine Kreissler, Ray Phipps, and President of the Council Mike Pacheco. Councilman Gary Lucero was absent. Also present were City Manager Mark Achen, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

Council President Mike Pacheco called the meeting to order and Councilwoman Kreissler led in the Pledge of Allegiance.

#### INVOCATION

Councilman Bob Holmes.

#### MINUTES

Upon motion by Councilman Phipps, seconded by Councilwoman Kreissler and carried, the minutes of the September 5, 1984, meeting were approved.

#### PROCLAMATION DECLARING SEPTEMBER 29 THROUGH OCTOBER 5, 1984, "BICYCLE SAFETY WEEK"

Norm Sanders, President of the Grand Junction Jaycees, appeared before Council to receive the Proclamation and request that the \$1.00 registration fee for the bicycle safety program be waived. Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried, the \$1.00 registration fee for the Grand Junction Bicycle Safety Program was waived.

#### BEER - LIQUOR - APPLICATIONS TO RENEW LICENSES APPROVED

Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried with Councilman HOLMES voting NO, the applications by the following licensees to renew their beer and liquor licenses were approved:

1. Cook's Warehouse Market, 1235 N. 4th Street (3.2% Beer)
2. Santy's Stop, 337 S. 1st Street (Hotel-Restaurant)
3. Freeway Bowl, 1900 Main Street (Tavern)
4. Colescotts, 551 South Avenue (3.2% Beer)
5. State Liquors, 659 Rood Avenue (Retail Liquor Store)
6. Jim's Liquors, Ltd., 1560 North Avenue (Retail Liquor Store)

A hearing before the Hearing Officer will be scheduled on Freeway Bowl, 1900 Main Street, for an alleged liquor violation.

HEARING #22-84 - HILLTOP EMPLOYEE PARKING PLAZA FINAL PLAN, NW COR OF PATTERSON ROAD AND 26-3/4 ROAD

A hearing was held after proper notice on the application by Hilltop Rehabilitation Hospital (Dennis Stahl) for a Final Plan (parking lot) on .4 acre in a Planned Business Zone on the northwest corner of Patterson Road and 26-3/4 Road. There were no opponents, letters or counterpetitions.

Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried, the application by Hilltop Rehabilitation Hospital for Hilltop Employee Parking Plaza Final Plan on the northwest corner of Patterson Road and 26-3/4 Road was approved.

BID CONSIDERATION - AWARD OF CONTRACT - FERTILIZATION AND WEED CONTROL OF CITY PARKS AND CEMETERY - HIGH COUNTRY LAWNS - \$12,950 FOR PARKS, \$8,500 FOR CEMETERY

Upon motion by Councilman Phipps, seconded by Councilwoman Clark and carried, the Contract for Fertilization and Weed Control of City Parks at \$12,950, and City Cemetery at \$8,500, was awarded to High Country Lawns.

PROPOSED ORDINANCE CONCERNING ASSESSMENTS IN STREET AND ALLEY IMPROVEMENTS

The following entitled proposed ordinance was read: CONCERNING ASSESSMENTS OF PROPERTY IN LOCAL IMPROVEMENT DISTRICTS FOR STREETS. Upon motion by Councilman Phipps, seconded by Councilwoman Kreissler and carried, the proposed ordinance was passed for publication.

ORDINANCE NO. 2210 - CORRECTING ORDINANCE NO. 2208 WHICH ANNEXED TERRITORY TO THE CITY, FAIRWAY PARK ANNEXATION, N OF G ROAD, E OF 12TH STREET

Upon motion by Councilwoman Kreissler, seconded by Councilman Dunn and carried, the following proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE AMENDING ORDINANCE NO. 2208 WHICH IS AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION TO CORRECT THE PROPERTY DESCRIPTION THEREIN.

There were no comments. Upon motion by Councilwoman Kreissler, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed, adopted, numbered 2210, and ordered published.

I.D. ST-84, PHASE C, 15TH STREET FROM ORCHARD AVENUE TO WALNUT AVENUE RESOLUTION NO. 53-84 CREATING DISTRICT - CONSIDERATION OF BIDS, AWARD OF CONTRACT - ELAM CONSTRUCTION - (\$549,708.60) -

\$121,221.70

A hearing was held on I.D. ST-84, Phase C, 15th Street from Orchard Avenue to Walnut Avenue. Mayor Pacheco explained that the City has received a bid from Elam Construction for the entire improvement district which would include the improvements north of Patterson Road at some time in the future. Elam has agreed to stick to unit prices that it has offered at this bid time through January 17, 1985. If those improvements begin prior to that time, Elam will be the Contractor. If work is delayed beyond that date, the City would go back into a new bidding cycle. The cost for improvements between Walnut and Orchard is \$121,221.70. The total figure for the entire project is \$549,708.60.

Sue Gunn, 1949 N. 15th Street, and Minnie Petersen, 1930 N. 15th Street, appeared before Council to ask if the existing curb and gutter will be torn out and new curb and gutter installed. City Attorney Ashby explained that if the property owners have existing curb and gutter, they will not be charged again. Staff member Darrel Lowder explained that \$5.00 per abutting foot will be charged from Orchard to Pinyon, and \$12.00 per abutting foot from Pinyon to Walnut. Both Ms. Gunn and Mrs. Peterson were opposed to the improvements for financial reasons. Ms. Gunn spoke for other residents in the area.

Thereafter followed discussion regarding options the Council may have. City Attorney Ashby stated there are two options. Number one, these bonds are ten year bonds. Normally, what happens when bonds are issued on improvement districts the Treasurer attempts to anticipate how rapidly they're going to be paid off so that a certain portion are paid off in succeeding years. However, the bonds are issued at a certain interest rate for the full period of ten years, so they can go the ten years, which would give approximately nine years in which to pay, under some scheme. The second thing that the City has toyed with, it has not done yet, but it is about to do it in one instance in regard to a sewer assessment, is to provide, in case of extreme hardship where the monies just can't be paid, that a Note and Deed of Trust be given to secure the payment at some time down the line, but that the payment not be called for on the Note until such time as the property is sold or the last owner of the property dies, which can be way down the line. But it then permits a certain latitude within a certain period of time within which it can be paid off. But it doesn't then impose an immediate burden on the then owner, for example Mrs. Gunn.

Councilman Phipps stated he would really like to see the City go ahead with this, and let the Commission explore some way to give these people a chance to pay for it. He asked if tonight the City just needs to create the District and the Committee still can work with these people and determine how the assessments are to be made.

City Attorney Ashby said that what has occurred in the last

several improvement districts is something that hasn't been done for thirty or forty years. The assessment hearing has been held at the time of the creation of the district. There's nothing improper about that because you then have a pretty good idea of what you're going to be facing at the time that you do the assessment roll. And it may always affect the thinking of the Council about whether or not they wish to proceed if they're going to get all the arguments with regard to assessments. But what Council was being asked to do at this meeting was just to create the district, to proceed with the authorizing of construction, and then the assessment hearing comes at the time when all of the figures are known. And at that time all sorts of adjustments we've been indicating can be made if the Council chooses to do that.

The following Resolution No. 53-84 was read:

RESOLUTION NO. 53-84

CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-84, PHASE C, WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF CURBS AND GUTTERS, SIDEWALKS AND PAVING OF STREETS THEREIN AND PROVIDING FOR THE PAYMENT THEREOF.

WHEREAS, on the 1st day of August, 1984, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Improvement District No. ST-84, Phase C, consisting of concrete vertical curb, gutter and sidewalk with a base course material under a 34 foot wide mat of Hot Mix Bituminous Paving from lip of gutter to lip of gutter and such storm drainage facilities as deemed necessary by the City Engineer on 15th Street from Orchard Avenue to Walnut Avenue, and Authorizing Notice of Intention to Create said District; and

WHEREAS, Notice of Intention to Create said District was duly published; and

WHEREAS, no written complaints or objections have been made concerning the proposed improvements;

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

1. That said Improvement District No. ST-84, Phase C, be and the same is hereby, created and established; and that construction of curbs and gutters, sidewalks and paving of streets therein be, and the same is hereby, authorized and directed, in accordance with the Resolution Adopting Details, Plans and Specifications prepared and filed therefor.

2. That the construction of curbs and gutters, sidewalks and paving of streets shall be made by contract let to the lowest reliable and responsible bidder after public advertisement, except that if it be determined by the City Council that the bids are too

high, and that the proposed improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary material, supplies and equipment.

3. That the improvements in said District were duly ordered, after notice duly given, and that all conditions precedent and all requirements of the laws of the State of Colorado, the Charter of said City, and Ordinance 178, as amended, being Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, have been strictly complied with.

4. That the description of the curbs and gutters, sidewalks and paving of streets to be constructed, the boundaries of said Improvement District No. ST-84, Phase C, the amounts to be assessed, the number of installments and assessments, the time in which the cost shall be payable, the rate of interest on unpaid installments, and the manner of apportioning and assessing such cost, shall be as prescribed in the Resolution adopted for said District on the 1st day of August, 1984, and in accordance with the published Notice of Intention to Create said District.

5. That after the construction of said improvements in said District has been let, the Council shall, by resolution, provide for the issuance of public improvement bonds for said Improvement District No. ST-84, Phase C, for the purpose of paying the cost and expenses of construction of said District.

PASSED and ADOPTED this 19th day of September, 1984.

/s/ J. P. Mike Pacheco

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried by roll call vote, the Resolution was passed and adopted as read.

City Attorney Ashby explained that Council will be awarding the Contract for ID ST-84 for the full amount which was submitted by Elam Construction, with the understanding that Council is giving a Notice to Proceed on the section from Orchard to Walnut on 15th Street, for the amount of \$121,221.70. The Contract will be then redrawn so that the understanding appears in there that the unit prices will be extended into next year and extended to cover 13th Street if the Council determines to do that, and that second section of Hermosa, also if Council determines to do that, with

the further understanding that Council may elect not to proceed, but that election has to be communicated to Elam Construction no later than January 17, 1985.

Upon motion by Councilman Phipps, seconded by Councilwoman Kreissler and carried, the Contract for ID ST-84 was awarded to Elam Construction Company in the amount of \$549,708.60 for the overall project, and \$121,221.70 for Phase C of said District, as outlined by the City Attorney.

HEARING OFFICER'S RECOMMENDATION RE: ALLEGED VIOLATION AT LOCO FOOD STORE, 1904 N. 12TH STREET - 3-DAY SUSPENSION

City Attorney reviewed the recommendation by the Hearing Officer, Philip Coebergh, regarding the alleged violation that occurred at Loco Food Store, 1904 N. 12th Street, sale to a minor on March 12, 1984, and April 12, 1984. The Hearing Officer recommended that the license be suspended for a three (3) day period. (Hearing Officer's report on file in the Loco Food Store file).

Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried, the 3.2% beer license at Loco Food Store, 1904 N. 12th Street, was suspended for a three (3) day period commencing at 5:00 a.m. on September 20, 1984, and concluding at 12:00 midnight on September 22, 1984.

RESOLUTION NO. 54-84 ADOPTING ICMA RETIREMENT TRUST

The following Resolution was read:

RESOLUTION NO. 54-84

APPROVING THE ICMA RETIREMENT TRUST.

WHEREAS, the City of Grand Junction, Colorado, maintains a deferred compensation plan for its employees which is administered by the ICMA Retirement Corporation (the "Administrator"); and

WHEREAS, other public employers have joined together to establish the ICMA Retirement Trust for the purpose of representing the interests of the participating employers with respect to the collective investment of funds held under their deferred compensation plans; and

WHEREAS, said Trust is a salutary development which further advances the quality of administration for plans administered by the ICMA Retirement Corporation;

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

That the Finance Director shall be the coordinator for this program and shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation as Administrator, and shall cast,

on behalf of the City, any required votes under the program. Administrative duties to carry out the plan may be assigned to the appropriate departments.

PASSED and ADOPTED this 19th day of September, 1984.

/s/ J. P. Mike Pacheco

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

Upon motion by Councilwoman Kreissler, seconded by Councilman Phipps and carried by roll call vote, the Resolution was passed and adopted as read.

BOY SCOUT TROOP 358

The following Boy Scout members of Troop 358 were in attendance at this meeting: Emmett Travis, Gene Freeman, Clint Reedy, Matt Palive. These young men are working toward achieving their Citizenship and Community badges.

15TH STREET ASSESSMENT PROJECT

City Council has delayed the 15th Street Project until some time before January 17, 1984.

Mary Lynn Phillips, 2941 N. 15th Street, questioned the method of assessing the District. City Attorney Ashby explained that they are computed from the cost of doing the work and put out for bid. When the project is completed computations are made as to the entire cost of the project and then against that will be determined the method of assessment, whether it's front foot or however it's finally determined to be done. Then payment is asked of those abutting on the basis of whatever the actual cost of the District was. If then the determination is made to pay that all at once that may be done within thirty (30) days. If the determination is made to extend it over a period of ten years, then to the cost determined from those figures is added 6% for cost of collection and other incidental costs that are connected with the issuance of the bonds. Then the whole figure is turned over to the County Treasurer and the Treasurer then bills the property owners every year, along with the taxes, over a ten-year period.

Dan Smith, 1320 Hermosa Avenue, spoke to Council regarding a severe dust problem on Hermosa Avenue. Mr. Smith had spoken with Dean Davis and Doug Cline of City Street Maintenance Department regarding double penetration in lieu of complete paving which

would help to alleviate the dust problem. Mr. Smith felt that this type of paving would solve the dust problem and be less expensive.

Mayor Pacheco stated that the only fault in this solution is that it is only a temporary solution, and would have to be fully paved at some time in the future.

The Assessment Committee intends to have some new assessment figures and possible options listed by the second meeting in October.

CONGRATULATIONS WERE OFFERED TO COUNCILMAN HOLMES ON HIS SUCCESSFUL PRIMARY ELECTION FOR COUNTY COMMISSIONER

#### SYNFUELS PROJECT

Councilman Dunn filed a report in support of the Synfuels Project regarding his meetings in Washington, D.C.

Jim Evans has recommended that Councilwoman Clark go to Washington, D.C. next week to continue the Synfuels Project effort.

#### ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk