

Grand Junction, Colorado

March 6, 1985

The City Council of the Grand Junction, Colorado, convened in regular session the 6th day of March, 1985, at 7:30 p.m. in the City-County Auditorium at City Hall. Those present were John Bennett, Betsy Clark, Frank Dunn, Gary Lucero, Ray Phipps, and President of the City Council Mike Pacheco. Also present were City Manager Mark Achen, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

Council President Pacheco called the meeting to order and Councilman Bennett led in the Pledge of Allegiance.

INVOCATION

Larry Anderson

MINUTES

The minutes of the February 20, 1985, meeting were corrected to reflect that the bond bid award for I.D. ST-84, Phases A and B, was awarded to Kirchner, Moore and Company, and the insertion of the bond bid award for SS 35-84 was made to Boettcher and Company. Upon motion by Councilman Phipps, seconded by Councilman Dunn and carried, the minutes were approved as corrected.

PROCLAMATION DECLARING JUNE 16-20, 1985, "STAMPEDE DAYS AND WESTERN WEAR WEEK"

COUNCIL CANDIDATES INTRODUCED

CHANGE IN VISITORS AND CONVENTION BUREAU CONTRACT TO EXPAND MEMBERSHIP FROM 7 TO 10 MEMBERS

Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the Visitors and Convention Bureau Contract was amended to expand the membership from seven to ten members.

APPOINTMENT OF NORM COOK AND LOU ANN HUGHES TO VISITORS AND CONVENTION BUREAU

Upon motion by Councilman Dunn, seconded by Councilman Phipps and carried, the appointment of Norm Cook and Lou Ann Hughes to the Visitors and Convention Bureau were ratified. Councilwoman Clark expressed appreciation to Councilman Dunn for his work with this committee.

APPOINTMENT OF SHANNON MORGAN AND JOHN BENNETT TO DDA BOARD RATIFIED

Upon motion by Councilman Phipps, seconded by Councilwoman Clark and carried, the appointment of Shannon Morgan to the DDA Board to

complete the term of Marcia Neal and of John Bennett to complete the term of Christine Kreissler was ratified.

EXTENSION OF TIME GRANTED MESA COLLEGE FOR 3.2% BEER SPECIAL EVENTS PERMIT ON APRIL 20, 1985

Miss Rosie Lambert, Mesa College Activities Council, requested that Council grant an extension of time from 5:00 p.m. to 6:00 p.m. on the 3.2% Beer Special Events Permit on April 20, 1985. Herb Luoma of the State Liquor Enforcement Division saw no problem with the extension of time subject to Council's approval. Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the petition for the extension of time was approved.

HEARING - APPLICATION BY MESA COLLEGE FOR A 3.2% BEER SPECIAL EVENTS PERMIT MARCH 22, 1985, FM 8 P.M. TO 12 MIDNIGHT AT LIFF AUDITORIUM FOR A "MR. BARLEY HOPS" ACTIVITY - APPROVED - 3RD PERMIT

A hearing was held after proper notice on the application by Mesa College for a 3.2% Beer Special Events Permit on March 22, 1985, from 8:00 p.m. to 12:00 midnight at Liff Auditorium, Mesa College Campus, for a "Mr. Barley Hops" activity. Miss Sherri Gamby, Mesa College Activities Council, was present. There were no opponents, letters or counterpetitions. Upon motion by Councilwoman Clark, seconded by Councilman Bennett and carried, the application was approved.

HEARING - APPLICATION BY G.J. DOWNTOWN ASSOCIATION, INC., FOR A MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT ON MARCH 29, 1985, FROM 5 PM. TO 2 A.M. AT TWO RIVERS, PLAZA, 159 MAIN STREET, FOR A BENEFIT DANCE - APPROVED 1ST PERMIT

A hearing was held after proper notice on the application by the Grand Junction Downtown Association, Inc., for a malt, vinous and spirituous Special Events Permit on March 29, 1985, from 5:00 p.m. to 2:00 a.m. at Two Rivers Plaza, 159 Main Street, for a benefit dance. Jay Cozza was present for the hearing. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Phipps and carried, the application was approved.

HEARING - APPLICATION BY CHAMBER OF COMMERCE OF GRAND JUNCTION, INC., FOR MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT ON MARCH 27, 1985, FROM 2 P.M. TO 2:00 A.M. AT TWO RIVERS PLAZA, 159 MAIN STREET, FOR THE ANNUAL CHAMBER DINNER - APPROVED - 1ST PERMIT

A hearing was held after proper notice on the application by the Chamber of Commerce of Grand Junction, Inc., for a malt, vinous and spirituous liquor special events permit on March 27, 1985, from 2:00 p.m. to 2:00 a.m. at Two Rivers Plaza, 159 Main Street, for the Annual Chamber Dinner. Ron Sharp was present for the hearing. There were no opponents, letters or counterpetitions.

Upon motion by Councilwoman Clark, seconded by Councilman Lucero and carried, the application was approved.

BIDS - AWARD OF CONTRACT - LINCOLN PARK WATERLINE REPLACEMENT PROJECT - PIPELINE SERVICES, INC., \$82,664.26 (ALTERNATE NO. 2)

Bids were received and opened February 28, 1985, for the Lincoln Park Waterline Replacement Project. Bidders were:

Alternate No. 1Alternate No. 2		
Pioneer Construction Co., Inc.\$137,108.00\$118,04 4.00		
Cimco Contracting Corp.\$124,443.40\$115,3 35.40		
Franklin Construction Co.4109,032.00\$107,204 .00		
Lyle States Construction, Inc.\$110,687.70\$105,45 1.70		
Nikko Constructors, Inc.\$108,489.60\$99,469 .35		
Commercial Services Const. Co.\$101,992.40\$97,856. 35		
Parkerson Construction, Inc.\$93,804.00\$91,026. 00		
Pipeline Services, Inc.\$90,132.19\$81,664.		

26		
Engineer's Estimate\$133,543.00\$11 4,197.00		

The bids are reasonable and competitive according to Staff, and they recommended award of contract to Pipeline Services, Inc., for Alternate No. 2 using P.V.C. DR 25 pipe. Contract time is 45 days. Budgeted amount \$173,000.00.

Upon motion by Councilman Phipps, seconded by Councilman Clark and carried, the bids were accepted, the contract was awarded to Pipeline Services, Inc., for its bid on Alternate No. 2 in the amount of \$81,664.26, and the City Manager was authorized to sign said contract.

BIDS - AWARD OF CONTRACT - 1985 GRAVEL REQUIREMENTS FOR STREETS, PARKS, AND UTILITIES - UNITED SAND AND GRAVEL - \$94,290

Bids were received and opened February 25, 1985, for the 1985 gravel requirements for streets, park and utilities. Bidders were:

Peter Kiewits' Sons\$155,800.00	
Corn Construction\$122,925.00	
Whitewater Building Materials\$96,802.50	
United Sand & Gravel\$94,290.00	

Upon motion by Councilwoman Clark, seconded by Councilman Dunn and carried, the bids were accepted and the contract was awarded to United Sand & Gravel for its low bid of \$94,290.00, and the City Manager was authorized to sign said contract.

ORDINANCE NO. 2224 - ZONING FAIRWAY PARK FIRST ADDITION ANNEXATION RSF-4

Upon motion by Councilman Lucero, seconded by Councilwoman Clark and carried, the following proposed ordinance was called up for final passage and the title was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY.

There were no comments. Upon motion by Councilman Lucero, seconded by Councilman Dunn and carried by roll call vote, the Ordinance was passed, adopted, numbered 2224, and ordered published.

RESOLUTION NO. 10-85 CONCERNING AIRPORT MONIES

The following Resolution was read:

RESOLUTION NO. 10-85

CONFIRMING THE USE OF MONIES APPROPRIATED TO WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY.

WHEREAS, the City Council of the City of Grand Junction has appropriated Fifty Thousand Dollars (\$50,000.00) for the Walker Field, Colorado, Public Airport Authority; and

WHEREAS, it is believed desirable by the Council to specify the use of that money;

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

That the monies appropriated shall be placed in a land acquisition fund for the purpose of obtaining lands needed for airport expansion or control in connection with the operation of the airport.

PASSED and ADOPTED this 6th day of March, 1985.

/s/ J.P. Mike Pacheco

\_\_\_\_\_  
President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

\_\_\_\_\_  
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.

RESOLUTION NO. 11-85 OF NECESSITY FOR ACQUIRING RIGHTS OF WAY ON 15TH STREET

The following Resolution was read:

RESOLUTION NO. 11-85

ESTABLISHING THE NEED FOR THE ACQUISITION OF INTERESTS IN LAND UNDER EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the City of Grand Junction is undertaking construction of a roadway on 15th Street from Patterson Road to Ridge Drive and construction of Patterson Road from 12th Street to 28 1/4 Road; and

WHEREAS, it is necessary to acquire immediately certain interests in lands, privately owned, in order to proceed with such construction;

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

That it is necessary that the City of Grand Junction immediately acquire the interests indicated in the following described lands for the purpose of the construction on the roadways named above, to wit:

#### PE-16 Description

A permanent Easement for Roadway Slope and Utility purposes being a portion of the SW4SE4SW4 of said Sec 1 aforementioned in the above parcel description, more particularly described as follows:

Commencing at the SE Cor NW4SW4 of said Sec 1; thence N 89 deg. 55 min. 46 sec. W 18.00 ft to the TRUE POINT OF BEGINNING; thence N 89 deg. 55 min. 46 sec. W 5.50 ft; thence N00 deg. 05 min. 39 sec. W 331.65 ft; thence S 89 deg. 54 min. 21 sec. W 34.50 ft; thence N 00 deg. 05 min. 39 sec. W 20.00 ft; thence N 89 deg. 54 min. 31 sec. E 34.50 ft; thence N 00 deg. 05 min. 39 sec. W 53.35 ft; thence S 89 deg. 54 min. 21 sec. W 16.50 ft; thence N 00 deg. 05 min. 39 sec. W 254.11 ft; thence N 89 deg. 54 min. 21 sec. E 22.00 ft; thence S 00 deg. 05 min. 39 sec. E 659.13 ft to the TRUE POINT OF BEGINNING; containing 8,508.0 square ft, more or less.

#### PE #205 Description

A Permanent Easement for Roadway Slope, Utilities and Irrigation purposes being a portion of the SW4SE4SW4 of Sec 1, T1S, R1W of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, more particularly described as follows:

Commencing at the found Mesa County Brass Cap \$715-1 set for the SW Cor of the SE4SW4 of said Sec 1, and considering the Sly boundary line of said Sec 1 to bear N 90 deg. 00 min. E, with all bearings herein being relative between said found Mesa County Brass Cap #715-1 and found Mesa County Brass Cap #7 - 1 set for the ????

#### PE-17 Description

A Permanent Easement for Roadway Slope and Utility purposes, being a portion of the NE4NW4SW4 of Sec 1 aforementioned in the above parcel description, more particularly described as follows:

Commencing at the NE Cor NW4SW4 of said Sec 1; thence S 00 deg. 05 min. 39 sec. E along the E line NW4SW4 of said Sec 1 a distance of 659.18 ft; thence S 89 deg. 54 min. 21 sec. W 18.00 ft to the TRUE POINT OF BEGINNING; thence continuing S 89 deg. 54 min. 21 sec. W 32.00 ft; thence N 00 deg. 05 min. 39 sec. W 342.83 ft; thence N 44 deg. 36 min. 00 sec. W 20.00 ft; thence N 45 deg. 24 min. 00 sec. E 50.51 ft; thence N 00 deg. 05 min. 39 sec. W 266.75 ft to a point on the N Line NE4NW4SW4 of said Sec 1; thence S 89 deg. 56 min. 57 sec. E along said N Line a distance of 10.00 ft; thence S 00 deg. 05 min. 39 sec. E 659.23 ft to the TRUE POINT OF BEGINNING, containing 15,186.0 square ft, more or less.

PASSED and ADOPTED this 6th day of March, 1985.

/s/ J.P. Mike Pacheco

\_\_\_\_\_  
President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

\_\_\_\_\_  
City Clerk

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

RESOLUTION NO. 12-85 OF FINDINGS RE: REZONE OF SE COR OF 12TH STREET AND PATTERSON ROAD, SMITH'S FOOD & DRUG

The following Resolution was read:

RESOLUTION NO. 12-85

MAKING FINDINGS AS TO THE APPLICATION OF JACK L. BRAY, BETTY S. BRAY, LAWRENCE BROWN AND ROGER C. HEAD FOR REZONING OF PROPERTY AT 12TH STREET AND PATTERSON ROAD, WITH SMITH'S MANAGEMENT CORPORATION AS DEVELOPER.

Recitals

Jack L. Bray, Betty S. Bray, Lawrence Brown and Roger C. Head sought a change in zoning of certain lands on the southeast corner of the intersection at 12th Street and Patterson Road in the City. The change sought was from Planned Business and Residential Single-Family at eight units per acre to Planned Business on the entire tract. An Outline Development Plan was submitted showing the proposed use of the tract was for a supermarket. As the result of initial hearings, the tract of land proposed for rezoning became:

Beginning at a point 30 ft E of the NE Cor of Blk 11, Fairmount Sub, thence S 376.5 ft, thence N 89 deg. 50 min. W 78.25 ft,

thence S 5.2 ft, thence W to a point 165 ft E of the W line of Blk 11, Fairmount Sub, thence N 102.2 ft, thence W 170 ft, thence N to a point W of the point of beginning, thence E to the point of beginning.

On November 27, 1984, the Grand Junction Planning Commission voted to recommend the approval of the rezoning and the then Outline Development Plan. On December 19, 1984, a hearing was held by the City Council on the proposal. At the termination of that hearing, the City Council advised that a determination would be made at the next City Council meeting. At the next meeting of the Council on January 16, 1985, Council sent the matter back to the Planning

Planning Commission as to the location of the proposed building on the land, under the Outline Development Plan, in relation to concerns expressed by abutting landowners at each of the prior hearings. A second plan was considered by the Planning Commission at a public meeting on January 29, 1985, and, after the conclusion of the hearing, the Planning Commission again voted to recommend approval of the rezoning and also recommended approval of the new Outline Development Plan. On February 20, 1985, the matter was again before the City Council for further consideration. At this meeting a plan was presented which varied from the last Outline Development Plan presented to the Planning Commission in the location of the loading area, which was moved from the east side of the building to the north side, and in the moving of the building to the south to within thirty feet of the south lot line.

#### FINDINGS

1. The questions raised as to certain restrictive covenants on lands within the area proposed for rezoning and as to the location of an irrigation ditch on the lands are believed to be matters outside the jurisdiction of the City Council to resolve and they will be left for that resolution to interested parties through proper channels.

2. Two matters, somewhat aside from the question of zoning and planning require consider. These are whether or not Councilman Lucero and Councilwoman Kreissler should have been permitted to vote on the issues and whether or not there was some procedural defect in City Council approval of an Outline Development Plan which had not been seen by the Planning Commission or by review agencies.

#### CONFLICT OF INTEREST

While it is not believed that either Councilman Lucero or Councilwoman Kreissler had conflicts of interests which would deny them the right to vote on this issue, as Councilman Lucero was renting space from Bray & Company, which, through John Ballagh was handling the rezoning attempt, and Councilwoman Kreissler had ended her relationship with Bray & Company and had determined to



relocate in Phoenix, there was an overriding matter requiring the availability of their votes to accomplish a decision, one way or the other, under the terms of an ordinance of the City. The Zoning Ordinance provides that it requires five affirmative votes to overturn a recommendation of the Planning Commission in zoning matters. The Planning Commission had recommended approval of the rezoning. The ordinance also provides that it takes five affirmative votes of the Council to approve a change in zoning when that change is opposed by fifty percent of abutting landowners, as that term is defined in the ordinance. While close, the Council here determines that the fifty percent requirement has been met. With these opposing requirements, necessitating five votes to act on the matter in either manner, necessity required that all members of the Council vote on the issue.

The objection to the approval of an Outline Development Plan which had not been before the Planning Commission in the precise form in which it was approved and had not been before the review agencies is without merit, as the Planning Commission will be able to comment upon any plan at preliminary and final platting as will the review agencies.

3. The central objections to the proposal went to what was being considered for the property and the impact of what was being considered on surrounding residentially zoned properties. Most who spoke against the proposal felt that a change had occurred in the neighborhood and that the subject property should be zoned for business, but perhaps not for what was perceived as such an intensive a business use as a supermarket. The Council believes that with proper buffering, as will be offered through the Plan of Development, the impact of the supermarket should be no more of an impact on surrounding properties than would be occasioned by other more numerous business uses on the corner.

Traffic circulation was cause for concern particularly by those on Wellington. Almost any more intensive use on the subject property will cause some additional use of Wellington, but the Council's improvement of 15th Street would permit a traffic pattern which would relieve the use of Wellington.

4. The last matter of contention is the relationship of the proposal to the 12th Street Corridor policy of the City. The policy is consistently looked upon as a guideline. Where, as here the consensus is that a change has occurred warranting a different zoning on the subject property, the policy does permit that change to be recognized.

#### CONCLUSION

The City Council believes that the best interest of the public peace, health and safety will be served by changing the zoning on the subject property to reflect changes in the neighborhood, in the belief that neighborhood objections may be dealt with through the development of the plan and cooperation among all of the

parties involved.

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

That the zoning of the property above-described should be changed to Planned Business by proper Ordinance.

PASSED and ADOPTED this 6th day of March, 1985.

/s/ J.P. Mike Pacheco

\_\_\_\_\_  
President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

\_\_\_\_\_  
City Clerk

Upon motion by Councilman Phipps, seconded by Councilman Lucero and carried with Councilman DUNN voting NO, the Resolution was passed and adopted as read.

COUNCIL AUTHORIZED APPROPRIATION FROM CONTINGENCY FUNDS FOR PRODUCTIVITY IMPROVEMENT, WORK MANAGEMENT, AND OPERATIONS CONSOLIDATION SERVICES \$30,000

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, Council authorized appropriation from the contingency funds of up to \$30,000 for the Productivity Improvement, Work Management and Operations Consolidation Services study.

COUNCIL AUTHORIZED \$10,000 CONTRIBUTION TO VISITORS AND CONVENTION BUREAU FOR DINAMATION PROJECT

Council President Pacheco explained that he and Councilwoman Clark were appointed to a Committee to review the request for this contribution to the Dinamation project to be constructed in the Penney's building downtown. They met with the Museum of Western Colorado Board and its Director, Mike Perry. The Committee recommended a donation in the amount of \$10,000 to be appropriated to the Visitors and Convention Bureau specifically for promotional activity as directed by the Museum of Western Colorado Board for the Dinamation project. In addition, the Committee recommended that the City provide in-kind services equal to \$5,000 to assist in the opening of the Dinamation project. The exact nature of the assistance would be worked out by the Museum Board and the City Staff. Finally, the Committee recommended that the Museum Board enter into an agreement with the Visitors and Convention Bureau concerning the use of the \$10,000 and also an agreement for reimbursement of these monies to the Visitors and Convention Bureau over a period of time which the Committee recommended be five years so that the money stays within the Visitors and

Convention Bureau budget and can be recycled as often as that can happen. Upon motion by Councilman Phipps, seconded by Councilman Bennett and carried, the \$10,000 contribution was approved.

#### AIRPORT

Councilman Dunn reported that the Airport Convention Center is nearly ready for opening.

#### AIM

Councilman Lucero stated that he suggested to AIM that it support highway signage regarding what is in the valley for travellers to see. AIM chose to refer this matter to the Visitors and Convention Bureau.

Councilman Lucero stated that the letter from the Governor to the Mayor was read to AIM regarding a request that a local advisory committee be set up for the Uranium Mill Tailings Remedial Action Program. AIM was receptive to serving in this capacity. The Mayor said that he would inform the Governor.

#### CML

Councilwoman Clark filed a report on CML and the legislation regarding annexations.

#### MAYOR'S REPORT

The Mayor said that progress is being made on some economic development.

He noted the loss of Reservoir No. 8 about a season ago up on the mountain due to a washout. He reported that the ranchers in that area confirmed to him on this date that they have received a grant for \$50,000 from the SCSC people with a few strings attached. The most recent engineering bid to repair that Reservoir was \$140,000. A previous bid was in the amount of \$123,000, so the ranchers believe it will cost somewhere in that range. They have the \$50,000 grant, and they asked the City to make a contribution of \$50,000, leaving \$40,000 for the ranchers to come up with. He noted that the request for the City to contribute \$50,000 exceeds the City's actual ownership amount. The ranchers told him it would be very difficult for them to come up with the money (\$40,000) at this time and asked if the City would consider some kind of agreement to loan them the money over a period of time and they would secure that with some kind of collateral; probably the shares and ownership up there, so the work can be accomplished this summer. The matter was turned over to the Water Committee.

#### MARQUEE REQUESTED FOR EAST SIDE OF TWO RIVERS PLAZA

Councilman Lucero asked if it would be possible to get a marquee on the east side of Two Rivers Plaza. Don Warner was to review the

Sign Code to see if it would be permitted.

SYNFUELS

Councilman Dunn reported that Thomas Cortland is the new Vice-chairman of the Synfuels Corporation.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

---

Neva B. Lockhart, CMC  
City Clerk