

Grand Junction, Colorado

August 6, 1986

The City Council of the City of Grand Junction, Colorado, convened in regular session the 6th day of August, 1986, at 7:30 p.m. in the City-County Auditorium at City Hall. Those present were James Leland, Gary Lucero, Paul Nelson, Reford Theobold, Raymond Phipps, and President of the Council Steve Love. Councilman Mannion was absent. Also present were City Manager Mark Achen, City Attorney Gerald Ashby and City Clerk Neva Lockhart.

Council President Steve Love called the meeting to order and Councilman Nelson led in the Pledge of Allegiance.

INVOCATION

Reverend Clair Longuevan, Redlands Community Church.

MINUTES

Upon motion of Councilman Theobold, seconded by Councilman Nelson and carried, the minutes of the regular meeting July 16, 1986, were approved as submitted.

PROCLAMATION DECLARING AUGUST 14, 1986, "GREG LE MOND DAY" IN GRAND JUNCTION

APPOINTMENTS TO DOWNTOWN DEVELOPMENT AUTHORITY

Upon motion of Councilman Nelson, seconded by Councilman Theobold and carried, John Gaarde and Alfred Gipson were appointed to the Downtown Development Authority for a four-year term and a three-year term respectively.

REQUEST NAMES TO FILL VACANCY ON THE BOARD OF ADJUSTMENT & APPEALS - RESIGNATION OF JIM PEARCE FROM BOARD

BID CONSIDERATIONS - AWARD OF CONTRACTS

ID ST-86, Phase B, 17th Street Project - Elam Construction - Alternative A - \$17,152.44

Those speaking in opposition to the 17th Street Project were:

Mr. Alex Arevian, owner of property at 145 S. 17th Street, the southwest corner of 17th Street, just south of the alley.

Mr. Bob Shermony, owner and operator of BC Engineering at 148 S. 17th Street, the southeast corner of the alley.

Mr. Larry Klauzer spoke in favor of the Project.

The President declared a five-minute recess. Upon reconvening, six

members of Council were present.

Bids were received on July 31, 1986, for ID ST-86, Phase B. Bids were as follows:

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	A l t e r n a t e A	A l t e r n a t e B	A l t e r n a t e C	A l t e r n a t e D
E l a m C o n s t r u c t i o n , I n c .	\$ 1 7 , 1 5 2 . 4 4	\$ 1 7 , 5 7 4 . 3 6	\$ 1 9 , 5 3 7 . 2 5	\$ 2 1 , 7 6 1 . 0 0
P a r k e r s o n C o	\$ 2 3 , 8 3 5 . 7 4	\$ 2 4 , 5 0 1 . 2 5	\$ 2 7 , 5 9 6 . 5 0	\$ 3 1 , 1 0 2 . 5 0

n s t r u c t i o n				
E n g i n e e r ' s E s t i m a t e	\$ 1 9 , 1 4 7 . 6 3	\$ 1 9 , 5 4 6 . 1 8	\$ 2 1 , 3 9 9 . 5 0	\$ 2 3 , 5 0 0 . 0 0

Upon motion of Councilman Theobald, seconded by Councilman Phipps and carried, the Contract for the 17th Street Project, Alternate A, was awarded to Elam Construction, Inc., for its low bid of \$17,152.44 and the City Manager was authorized to sign said Contract.

Flow Monitoring System (12 Units) for Persigo Wastewater Plant - Marsh McBirney - \$51,950

Bids were received on July 31, 1986, for a Flow Monitoring System (12 units - portable computerized open channel flowmeters) for Persigo Wastewater Plant. Bids were as follows:

Marsh-McBirney, Gaitherburg, Maryland \$51,950.00

Tech Sales, Inc., Englewood, Colorado \$64,373.00

Upon motion of Councilman Nelson, seconded by Councilman Phipps and carried, the Contract for a Flow Monitoring System (12 Units) for Persigo Wastewater Plant was awarded to Marsh-McBirney of Gaitherburg, Maryland, for its low bid of \$51,950, and the City Manager was authorized to sign said Contract.

HEARING - APPLICATION BY GRAND JUNCTION SERTOMA CLUB FOR TWO 3.2% BEER SPECIAL EVENTS PERMITS SEPTEMBER 13 & 14, 1986, AT WALKER FIELD - 1986 AIR SHOW - FIRST AND SECOND PERMITS

A hearing was held after proper notice on the application by the Grand Junction Sertoma Club for two 3.2% Beer Special Events Permits on September 13 and 14, 1986, from 8:00 a.m. to 7:00 p.m. at Walker Field for the 1986 Air Show. Mr. Michael Meighenheim, Chairman of the Board of the Grand Junction Sertoma Club, was present for the hearing. There were no opponents, letters or counterpetitions. Upon motion of Councilman Nelson, seconded by Councilman Theobold and carried, the application was approved.

PROPOSED ORDINANCE PROVIDING FOR A HEARING PROCESS ON TOWED VEHICLES

The following entitled proposed ordinance was presented and read: AN ORDINANCE ESTABLISHING A POST-TOWING HEARING PROCEDURE ON THE TOWING OF AUTOMOBILES. Upon motion of Councilman Theobold, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE PROVIDING FOR THE PAYMENT AT DEVELOPMENT OF A DEVELOPMENT FEE ON LANDS FOR WHICH A LOCAL IMPROVEMENT DISTRICT DEFERMENT OF ASSESSMENT PROCESS WAS GRANTED OR ON LANDS OCCUPIED BY A SINGLE-FAMILY RESIDENT AT THE TIME OF THE LOCAL IMPROVEMENT

The following entitled proposed ordinance was presented and read: AN ORDINANCE PROVIDING FOR THE PAYMENT AT DEVELOPMENT OF A DEVELOPMENT FEE ON LANDS FOR WHICH A LOCAL IMPROVEMENT DISTRICT DEFERMENT OF ASSESSMENT PROCESS WAS GRANTED OR ON LANDS OCCUPIED BY A SINGLE-FAMILY RESIDENT AT THE TIME OF THE LOCAL IMPROVEMENT.

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

PROPOSED ORDINANCE PERMITTING THE DEFERMENT OF THE ASSESSMENT PROCESS IN LOCAL IMPROVEMENT DISTRICTS

The following entitled proposed ordinance was presented and read: AN ORDINANCE PERMITTING THE DEFERMENT OF THE ASSESSMENT PROCESS IN LOCAL IMPROVEMENT DISTRICTS. Upon motion of Councilman Theobold, seconded by Councilman Leland and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE CONCERNING THE METHOD OF PROTESTING AGAINST THE CREATION OF LOCAL IMPROVEMENT DISTRICTS - TABLED TO AUGUST 20 COUNCIL MEETING

City Attorney Ashby explained that it was proposed that Council would pass for publication tonight an ordinance which concerned forced assessment districts. The petitions were filed on August 5, 1986, which petitioned, by way of initiative, for an ordinance

which would accomplish this, but in a different manner. This item was tabled until the next meeting at which time the signatures on the petitions will have been checked to determine if they are sufficient to initiate it at an election. At that time, said Mr. Ashby, the Council would have the option of either submitting that initiated measure only, or that initiated and this measure so that the citizenry can make a choice between the two.

ORDINANCES ON FINAL PASSAGE - PROOFS OF PUBLICATION

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

ORDINANCE NO. 2297 - HEATHERIDGE ESTATES ANNEXATION NO. 1, EAST OF SOUTH REDLANDS ROAD

Upon motion of Councilman Theobold, seconded by Councilman Lucero and carried, the following proposed ordinance was called up for final passage and read by title only: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

There were no comments. Upon motion of Councilman Theobold, seconded by Councilman Leland and carried by roll call vote with Councilman LUCERO voting NO, the Ordinance was passed, adopted, numbered 2297, and ordered published.

ORDINANCE NO. 2298 - BUILDING PERMIT FEES

Upon motion of Councilman Theobold, seconded by Councilman Lucero and carried, the following proposed ordinance was called up for final passage and read by title only: AMENDING ORDINANCE NO. 2276 ADOPTING UNIFORM BUILDING CODE.

There were no comments. Upon motion of Councilman Phipps, seconded by Councilman Nelson and carried by roll call vote, the Ordinance was passed, adopted, numbered 2298, and ordered published.

ORDINANCE NO. 2299 - PATTERSON ROAD ANNEXATION, WEST OF FIRST STREET, NORTH OF PATTERSON ROAD

Upon motion of Councilman Theobold, seconded by Councilman Lucero and carried, the following proposed ordinance was called up for final passage and read by title only: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

There were no comments. Upon motion of Councilman Theobold, seconded by Councilman Nelson and carried by roll call vote, the Ordinance was passed, adopted, numbered 2299, and ordered published.

PROPOSAL FROM ALLEN ROSS & COMPANY TO PERFORM THE 1986 AUDIT - NOT TO EXCEED \$22,000

Upon motion of Councilman Theobold, seconded by Councilman Leland and carried, a Letter of Engagement to Allen Ross & Company to perform the City's 1986 Audit was authorized.

PROPOSED ORDINANCE AMENDING THE ASSESSMENTS AND ASSESSMENT ROLL FOR IMPROVEMENT DISTRICT ST-84, PHASE B (7TH ST AND HORIZON DR IMPROVEMENTS) CONTAINED IN ORDINANCE NO. 2293

Councilman Lucero: "Today is the last day that we can make any changes that we feel are necessary in the method of assessment that we are using as a practice on Patterson Road. That would apply to 7th Street. We have made some revisions in the method we would assess people along Patterson Road and I would expect that in future years it could be easily interpreted that the type or method of assessment should also apply to other multi-lane arterials. I think that this is only fair and reasonable in light of the years of benefits that these properties are not permitted to enjoy. Namely, they have to encounter additional traffic, they are not allowed parking privileges. So I would feel that in a matter of fairness that we ought to apply the same policies for the Patterson Road, and not call them strictly and limit them to Patterson Road, but also encompass what I would categorize in this fashion other four-lane, or more, roads. I'm submitting that as a proposal. I'm making that a motion." The motion was seconded by Councilman Theobold.

City Attorney Ashby: "What he's suggesting is that you adopt on 7th Street between Horizon and F Road, if I understand his position, the same methods of assessment in regard to all of the properties there that were used for similar properties or that are proposed to be used, because the Patterson Road assessments haven't really been determined yet. We've been looking at them and are proposed to be used on Patterson Road. What, in effect, he's asking is that the Ordinance, the assessing Ordinance, be amended, if the Council determined to do this, the Assessing Ordinance would be amended as to 7th Street to reflect this particular method of assessment on 7th Street. His motion would be to amend the Ordinance to effect these changes in the Assessing Ordinance as it applies to 7th Street."

Councilman Lucero: "If we don't I fear that what we're going to have is a policy for each street in Grand Junction, and I don't think that's what we're after."

President Love restated the motion -- "... moved and seconded that the Council amend the assessments on 7th Street to conform with those proposed ordinances that were passed for publication this evening concerning the method of assessment."

Councilman Phipps: "Let me understand the motion for sure, now. This last District includes 15th Street as well. Are you just talking about 7th, or are you taking on ..."

City Attorney Ashby: "He's just talking about 7th, four-lane roads, four lanes or more."

President of the Council Love: "So it appears to me, Gary, in looking at this, that there are a few individual owners that are affected. And we've always said we would be willing to address with any individual owner a financial hardship, an inequity, anything created on any specific property. And I feel that that's still available to these people."

Councilman Lucero: "Then that effect is that the City would be paying an additional \$70,600 to help in the payment of the street. So I am asking that the current policies that are being written for the Patterson Road example be applied to other arterials that are namely four lanes, or more, in future considerations."

City Attorney Ashby: "Your motion is more specific than that. It's addressed to 7th Street."

Councilman Theobald: "The motion is just addressing 7th Street. It's not really dictating policy outside of this specific road on this specific day, correct? I realize that your intent is that this is what would take place, but you're being specific to the situation that has come up because of the time limits, right?"

Roll was taken on the foregoing with the following results:

COUNCILMEMBERS VOTING YES: LUCERO, NELSON, THEOBOLD, PHIPPS

COUNCILMEMBERS VOTING NO: LELAND, LOVE

(The following entitled proposed ordinance was passed for publication: AMENDING THE ASSESSMENTS AND ASSESSMENT ROLL FOR IMPROVEMENT DISTRICT ST-84, PHASE B (17TH STREET AND HORIZON DRIVE IMPROVEMENTS) CONTAINED IN ORDINANCE NO. 2293.)

Jim Ensley, 2734 Patterson Road, and David George, 873 23 Road, owner of property at 2941 14th Street, spoke regarding the assessments and Powers of Attorney for said assessments.

DDA

Councilman Nelson reported that the DDA now has a 9-member board. The DDA Director has reported that there is increased utilization of space on Main Street in the residential section.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk