

Grand Junction, Colorado

August 20, 1986

The City Council of the City of Grand Junction, Colorado, convened in regular session the 20th day of August, 1986, at 7:30 p.m. in the City-County Auditorium at City Hall. Those present were James Leland, Gary Lucero, Tim Mannion, Paul Nelson, Ray Phipps, Reford Theobold, and President of the Council Steve Love. 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 Phipps led in the Pledge of Allegiance.

INVOCATION

Ken Andrews, KJOL Radio Station.

MINUTES

Upon motion of Councilman Mannion, seconded by Councilman Lucero and carried, approval of the minutes of the August 6, 1986, Council meeting were deferred to the September 3, 1986, meeting.

APPOINTMENTS TO PARKS AND RECREATION ADVISORY BOARD

Upon motion of Councilman Theobold, seconded by Councilman Lucero and carried, R.T. Mantlo and Bob Manfred were appointed to the Parks and Recreation Advisory Board, said terms to expire in August, 1989.

HEARING - METROPOLITAN PLANNING ORGANIZATION FY-1987 UNIFIED WORK PROGRAM

Upon motion of Councilman Theobold, seconded by Councilman Nelson and carried, the Metropolitan Planning Organization FY-1987 Unified Planning Work Program was approved.

Upon motion of Councilman Mannion, seconded by Councilman Phipps and carried, the Contract among the State Department of Highways, Mesa County and the City of Grand Junction for said MPO Unified Planning Work Program was approved, and the President of the Council was authorized to sign the Contract.

HEARING - APPLICATION BY LATIN ANGLO ALLIANCE FOR TWO MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS PERMITS ON SEPTEMBER 13 & 20, 1986 FOR THE LATIN-ANGLO FIESTA, AND FOR A BANQUET, AT TWO RIVERS PLAZA, 159 MAIN STREET - THIRD & FOURTH PERMITS APPROVED

A hearing was held after proper notice on the application by Latin Anglo Alliance for two Special Events Permits on September 13, 1986, from 7:00 p.m. to 1:00 a.m., for Latin-Anglo Fiesta, and September 20, 1986, from 3:00 p.m. to 1:00 a.m., for a banquet, at

Two Rivers Plaza, 159 Main Street. Jose Cruz was present for the hearing. There were no opponents, letters or counterpetitions. Upon motion of Councilman Nelson, seconded by Councilman Leland and carried, the application was approved.

HEARING - APPLICATION BY CHAMBER OF COMMERCE OF G.J. FOR A MALT, VINOUS & SPIRITUOUS LIQUOR SPECIAL EVENTS PERMITS ON SEPTEMBER 13, 1986, AT MONARCH AVIATION - U.S.O. SHOW AND DANCE - THIRD PERMIT - APPROVED

A hearing was held after proper notice on the application by the Chamber of Commerce of Grand Junction, Colorado, for a Malt, Vinous and Spirituous Liquor Special Events Permit on September 13, 1986, from 8:30 p.m. to 12:30 a.m., at Monarch Aviation, for the U.S.O. Show and Dance. Bill Galletly was present for the hearing. There were no opponents, letters or counterpetitions. Upon motion of Councilman Leland, seconded by Councilman Mannion and carried, the application was approved.

HEARING - APPLICATION BY CHAMBER OF COMMERCE OF G.J. FOR 2 FERMENTED MALT BEVERAGE SPECIAL EVENTS PERMITS ON SEPTEMBER 13 & 14, 1986, AT WALKER FIELD - AIR SHOW - FOURTH AND FIFTH PERMITS

A hearing was held after proper notice on the application by the Chamber of Commerce of Grand Junction, Colorado, for two Fermented Malt Beverage Special Events Permits on September 13, 1986, from 10:00 a.m. to 5:00 p.m., and September 14, 1986, from 10:00 a.m. to 5:00 p.m., at Walker Field Airport for the 1986 Air Show. Bill Galletly was present for the hearing. There were no opponents, letters or counterpetitions. Upon motion of Councilman Leland, seconded by Councilman Nelson and carried, the application was approved.

BIDS - AWARD OF CONTRACT CITY SHOPS RESTROOM REMODEL - INDUSTRIAL CONSTRUCTION GROUP - \$11,312.91

Upon motion of Councilman Theobold, seconded by Councilman Leland and carried, the Contract for the City Shops Restroom Remodel was awarded to Industrial Construction Group for its low bid in the amount of \$11,312.91, and the City Manager was authorized to sign said Contract.

HEARING - PROPOSED ORDINANCE - REZONE FROM RSF-5 TO PARKING, 1120 HOUSTON AVENUE (ST. MATTHEWS EPISCOPAL CHURCH) - CONTINUED FROM THE MAY 21, 1986, AND JULY 2, 1986, CITY COUNCIL MEETINGS

A hearing was held after proper notice on the petition by St. Matthews Episcopal Church, Richard W. Foster, Rector, to rezone property at 1120 Houston Avenue from RSF-5 to Parking. This is a request to change from Residential Single-Family Zone of approximately 5 units per acre to a Parking Zone. Mike Sutherland, Planner, reviewed this item. He stated that seven letters of opposition have been received from residents of the area. The Grand Junction Planning Commission recommended denial of this

request, by a vote of 3 to 2.

Mr. Bill Wright, 237 Arroyo Drive, was present representing St. Matthews Church, and spoke in favor of this rezone. He stated that there are 500 adult members of the church, and only five parking spaces. Thirty-two percent of the membership of the church is considered to be either frail, elderly or disabled, and unable at times to walk great distances from off-site parking to the church. The new church plans for relocating in Spring Valley have been cancelled, and the present facility is being remodeled with the building funds (approximately \$300,000). The church needs 75 parking spaces. This rezone would provide 17 additional parking spaces. Richard W. Foster, Rector, St. Matthews Church, and Jim Robb, 569 Rio Linda Lane, also spoke in favor of the rezone.

Those speaking in opposition to the rezone were as follows:

Ray Nierman, 1225 Houston Avenue (30-year resident)

Approximately 12 neighborhood residents were in attendance at the meeting in opposition to the rezone.

Mr. Nierman was concerned that this rezone would lower the property value in the area. He stated that additional parking is provided on Sundays in parking lots provided by outlying businesses. He offered alternative plans for parking. Mr. Nierman filed a petition containing 25 signatures of neighbors opposing the proposed rezone.

Councilman Lucero felt that this rezone would alter the appeal of some of the homes in the neighborhood, and could be the beginning of a change in character of the area.

Councilman Mannion did not feel that the benefit of 17 additional parking spaces for St. Matthews Church versus the impact on the neighborhood was that great a benefit.

There were no opponents, letters or counterpetitions.

Upon motion of Councilman Leland, seconded by Councilman Nelson and carried by roll call vote with Councilmen MANNION and LUCERO voting NO, the request by St. Matthews Episcopal Church to rezone property at 1120 Houston Avenue from RSF-5 to Parking was approved, subject to the conditions of the Planning Commission.

The following entitled proposed ordinance 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 CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion of Councilman Phipps, seconded by Councilman Nelson and carried with Councilman LUCERO and MANNION voting NO, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - REZONE FROM RSF-8 TO PLANNED

BUSINESS, 2510 N. 12TH STREET

A hearing was held after proper notice on the petition by W.B. and Carol Swisher to change from Residential Single-Family Zone of approximately 8 units per acre to a Planned Business Zone on approximately 0.20 acre located at 2510 N. 12th Street. Planner Mike Sutherland reviewed this petition. Petitioner W.B. Swisher, 1640 "O" Road, was present for the hearing.

Ed Clements, 2528 N. 12th Street, and Bernard Kohlson, 287 E. Parkview, previous owner of Parkview property, spoke in favor of the rezone.

Those speaking in opposition: Joe Abel, 1212 Wellington Avenue, voiced his opposition to the rezone for anything other than a real estate office.

There were no other opponents, letters or counterpetitions. Upon motion of Councilman Phipps, seconded by Councilman Nelson and carried, the rezone from RSF-5 to Planned Business Zone for property at 2510 N. 12th Street, was approved in accordance with the recommendation of the Planning Commission which is that the use be for a real estate office only.

The following entitled proposed ordinance 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 CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion of Councilman Lucero, seconded by Councilman Theobold and carried, the proposed ordinance was passed for publication.

The President declared a five-minute recess. Upon reconvening, all members of Council were present.

HEARING - RIGHT-OF-WAY VACATION PORTION OF 8TH STREET SOUTH OF 3RD AVENUE - Tabled

A hearing was held after proper notice on the petition by Jack D. Berry for a right-of-way vacation for a portion of 8th Street south of 3rd Avenue. Planner Mike Sutherland reviewed this request. Planning Commission recommended denial of this request after receiving a letter from Castings, Inc., stating that the east/west alley is used by its semi-trailer trucks; if fences were constructed by either property owner it would be impossible for its trucks to turn at that radius and be able to back into the Castings property.

Petitioner David Berry, 535 Hall Avenue, was present for the hearing. There were no other opponents, letters or counterpetitions.

Upon motion of Councilman Phipps, seconded by Councilman Theobold and carried, the request to vacate a portion of 8th Street south of 3rd Avenue was tabled.

HEARING - PROPOSED ORDINANCE - REZONE FROM RMF-64 TO PLANNED BUSINESS THE SW CORNER OF 7TH STREET AND PATTERSON ROAD

A hearing was held after proper notice on the petition by St. Mary's Hospital to change from a Residential Multi-Family Zone of approximately 64 units per acre to a Planned Business Zone at the southwest corner of 7th Street and Patterson Road. City Planning Director Karl Metzner reviewed the request. Dan Griffin, attorney representing St. Mary's Hospital, and Sister Marianna were present for the hearing. Upon motion of Councilman Nelson, seconded by Councilman Mannion and carried, the rezone from RMF-64 to Planned Business the southwest corner of 7th Street and Patterson Road was approved, with the understanding that the condition is to be varied to provide that St. Mary's Hospital will donate 10 of the 20 feet, and that the other 10 feet of right-of-way will be negotiated for at the time the road is widened.

The following entitled proposed ordinance 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 CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion of Councilman Mannion, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - SUPPLEMENTAL APPROPRIATIONS

The following entitled proposed ordinance was read: AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE BUDGET OF THE CITY OF GRAND JUNCTION. Upon motion of Councilman Theobald, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

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. 2300 - KREY ANNEXATION, NE CORNER OF 25 1/2 ROAD AND ORCHARD AVENUE, SOUTH OF POMONA SCHOOL

Upon motion of Councilman Mannion, seconded by Councilman Nelson 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.

There were no comments. Upon motion of Councilman Theobald, seconded by Councilman Mannion and carried by roll call vote, the Ordinance was passed, adopted, numbered 2300, and ordered published.

ORDINANCE NO. 2301 - PROVIDING FOR A HEARING PROCESS ON TOWED

VEHICLES

Upon motion of Councilman Mannion, seconded by Councilman Nelson and carried, the following proposed ordinance was called up for final passage and read by title only: AN ORDINANCE ESTABLISHING A POST-TOWING HEARING PROCEDURE ON THE TOWING OF AUTOMOBILES.

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 2301, and ordered published.

ORDINANCE NO. 2302 - PERMITTING THE DEFERMENT OF THE ASSESSMENT PROCESS IN LOCAL IMPROVEMENT DISTRICTS

Upon motion of Councilman Mannion, seconded by Councilman Nelson and carried, the following proposed ordinance was called up for final passage and read by title only: AN ORDINANCE PERMITTING THE DEFERMENT OF THE ASSESSMENT PROCESS IN LOCAL IMPROVEMENT DISTRICTS.

There were no comments. Upon motion of Councilman Theobold, seconded by Councilman Mannion and carried by roll call vote, the Ordinance was passed, adopted, numbered 2302, and ordered published.

ORDINANCE NO. 2303 - 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 RESIDENCE AT THE TIME OF THE LOCAL IMPROVEMENT

Upon motion of Councilman Mannion, seconded by Councilman Nelson and carried, the following proposed ordinance was called up for final passage and read by title only: 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 RESIDENCE AT THE TIME OF THE LOCAL IMPROVEMENT.

There were no comments. Upon motion of Councilman Theobold, seconded by Councilman Leland and carried by roll call vote, the Ordinance was passed, adopted, numbered 2303, and ordered published.

CITY CLERK'S CERTIFICATE OF SUFFICIENCY OF RECALL PETITIONS

Upon motion of Councilman Theobold, seconded by Councilman Nelson and carried, the City Clerk's Certificate of Sufficiency of Recall Petitions was accepted and September 30, 1986, was set for the Recall Election.

City Attorney Ashby stated that a recommendation is forthcoming regarding the proposed initiative measure on the creation of assessment districts. It will appear on the ballot.

He also affirmed again that Ordinance No. 2293 will not be referred to the electorate on the ballot because it is not a Legislative item. It is quasi-judicial or an administrative item.

Mr. David George, 873 23 Road, spoke to Council regarding the petition containing 149 signatures protesting Ordinance No. 2293. He asked why this item has been judged to be quasi-judicial or administrative in nature. Mr. Ashby stated that he would give a written explanation to Mr. George.

DDA

Councilman Nelson reported that the DDA is working on its annual budget. The Budget should be presented to City Council within a few weeks.

GROWTH & PLANNING COMMITTEE

Councilman Leland reported on the August 19, 1986, meeting where the Helicopter/Heliport proposed changes were discussed.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk