

Grand Junction, Colorado

July 1, 1987

The City Council of the City of Grand Junction, Colorado, convened in regular session the 1st day of July, 1987, at 7:30 p.m. in the City-County Auditorium at City Hall. Those present were John Bennett, LeRoy Kirkhart, R.T. Mantlo, Paul Nelson, Reford Theobald, and President of the Council O.F. Ragsdale. Councilman Bill McCurry was absent. Also present were City Manager Mark Achen, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

Council President Ragsdale called the meeting to order and led in the Pledge of Allegiance.

INVOCATION

Captain Del Brockelman, Salvation Army.

MINUTES

There being no corrections or additions to the minutes of the regular meeting June 3, 1987, they were approved as submitted.

PROCLAMATION DECLARING JULY, 1987, "RECREATION AND PARKS MONTH"

PROCLAMATION DECLARING JULY 25, 1987, "OPERATION FORESIGHT DAY"

APPOINTMENT TO CITY PLANNING COMMISSION - POSTPONED

APPOINTMENT TO WALKER FIELD, COLORADO, PUBLIC AIRPORT - POSTPONED

APPOINTMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY

Upon motion by Councilman Theobald, seconded by Councilman Nelson and carried, Guy Stephens and Kirk Rider were reappointed to serve four-year terms on the Downtown Development Authority, and Gary Ashley was appointed to fill the unexpired term of Paul Troyer, term to expire June 30, 1989.

CITIZEN COMPLAINT ABOUT GOLF BALLS FROM LINCOLN PARK GOLF COURSE - MAYOR RAGSDALE AND COUNCILMAN NELSON TO INVESTIGATE

Mr. Robert Van Houten, 2000 Gunnison Avenue, appeared before Council to bring to its attention the damage being done to his home and vehicles by golfers and golf balls. Mr. Van Houten enumerated his repair bills over the years. Mr. Van Houten said that he went to the Planning Department to get a permit to put in a twelve-foot high fence behind his home. He was told that city Ordinance prohibits a fence over six-feet high. He was told that he could apply for a conditional permit. Mr. Van Houten was advised that the fee was \$400 and if the conditional permit were not granted he would forfeit the \$400. Mr. Van Houten declined. He noted that there is a twelve-foot high fence put there by the City

behind the Veterans Administration Hospital. Mayor Ragsdale and Councilman Nelson said they would visit with Mr. Van Houten on the second of July.

HEARING - PROPOSED ORDINANCE - REVISED FLOOD PLAIN REGULATIONS

A hearing was held after proper notice on the petition by the Grand Junction Planning Department to revise the Flood Plain Regulations of the Zoning and Development Code per the Federal Emergency and Management Agency (FEMA) and the National Flood Insurance Program. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was read: AMENDING THE FLOOD PLAIN REGULATIONS AND AMENDING OR PROVIDING CERTAIN DEFINITIONS IN CONJUNCTION WITH THOSE REGULATIONS. Upon motion by Councilman Theobold, seconded by Councilman Mantlo and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE EASEMENT VACATION AT 2825 PATTERSON ROAD - BETHESDA FOUNDATION

A hearing was held after proper notice on the petition by the Bethesda Foundation of Nebraska to vacate a utility, drainage, irrigation, and ingress/egress easement. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING EASEMENTS IN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Kirkhart, seconded by Councilman Theobold and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - ROAD RIGHT-OF-WAY VACATION AT 28 ROAD AND N OF UNAWEEP

A hearing was held after proper notice on the petition by the City of Grand Junction Public Works Department for a road right-of-way vacation at 28 Road north of Unawep Avenue. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING A ROAD RIGHT-OF-WAY IN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Bennett, seconded by Councilman Theobold and carried, the proposed ordinance was passed for publication.

HEARING - APPLICATION BY GRAND JUNCTION AREA CHAMBER OF COMMERCE FOR 3.2% BEER SPECIAL EVENTS PERMIT ON JULY 24, 1987, IN THE 500 BLOCK OF MAIN STREET - BARBEQUE - CELEBRATION OF THE 25TH ANNIVERSARY OF OPERATION FORESIGHT - APPROVED

The property was properly posted giving notice of hearing on the application by the Grand Junction Area Chamber of Commerce for a 3.2% Beer special events permit on July 24, 1987, from 2:00 p.m. to 11:00 p.m., in the 500 Block of Main Street, to be used in

conjunction with the barbeque during the celebration of the 25th anniversary of Operation Foresight. Jimmie Price of the Chamber Rangers and Jan Matticks of the Chamber of Commerce were present. Upon motion by Councilman Kirkhart, seconded by Councilman Mantlo and carried, the application was approved.

ORDINANCES ON FINAL PASSAGE - PROOFS OF PUBLICATION

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

ORDINANCE NO. 2348 - REZONE FROM RMF-32 TO PB PROPERTY LOCATED AT 1406 N. 7TH STREET

Upon motion by Councilman Nelson, seconded by Councilman Mantlo and carried, the following entitled proposed ordinance was called up for final passage and read by title only: 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. There were no comments. Upon motion by Councilman Theobold, seconded by Councilman Kirkhart and carried by roll call vote with Councilman BENNETT voting NO, the Ordinance was passed, adopted, numbered 2348, and ordered published.

ORDINANCE NO. 2349 - CONCERNING DEDICATION OF STREET RIGHT-OF-WAY

Upon motion by Councilman Nelson, seconded by Councilman Mantlo and carried, the following entitled proposed ordinance was called up for final passage and read by title only: CONCERNING DEDICATION OF STREET RIGHT-OF-WAY.

There were no comments. Upon motion by Councilman Theobold, seconded by Councilman Kirkhart and carried by roll call vote, the Ordinance was passed, adopted, numbered 2349, and ordered published.

ORDINANCE NO. 2350 - CORRECTING VACATION OF A ROAD RIGHT-OF-WAY ABUTTING TECH DEL SOL SUBDIVISION

Upon motion by Councilman Nelson, seconded by Councilman Mantlo and carried, the following entitled proposed ordinance was called up for final passage and read by title only: CORRECTING VACATION OF A ROAD RIGHT-OF-WAY ABUTTING TECH DEL SOL SUBDIVISION.

There were no comments. Upon motion by Councilman Theobold, seconded by Councilman Mantlo and carried by roll call vote, the Ordinance was passed, adopted, numbered 2350, and ordered published.

RESOLUTION NO. 29-87 GRANTING A REVOCABLE PERMIT TO THE LDS INSTITUTE OF RELIGION AT 1502 N. 12TH ST. FOR FENCING/BEAUTIFICATION PURPOSES

The following Resolution was read:

RESOLUTION NO. 29-87

GRANTING A REVOCABLE PERMIT TO THE LDS INSTITUTE OF RELIGION.

WHEREAS, the LDS Institute of Religion has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to encroach upon the City right-of-way by extending the north-south sidewalk in the approximate center of the property to the south of the sidewalk on the north side of Elm Avenue, by fencing with chain link, on the west side of the existing driveway on the property from the eastern pole of the present fence south to the sidewalk on the north of Elm Avenue, and by the same type of fencing on the east side of the driveway south to the Elm Avenue sidewalk south of the real property described as:

The S2 of Lots 29 and 30 in Block 2, Prospect Park Subdivision;
and

WHEREAS, such action would not be detrimental to the inhabitants of the City;

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, be and he is hereby authorized to grant such Revocable Permit to the above-named petitioner for the purpose above described upon the execution by the petitioner of an agreement that it will save and hold the City harmless from any claims arising out of the encroachment and use granted, and that upon revocation of such permit, the petitioner will discontinue said encroachment and, at its own expense, restore the right-of-way to its original condition.

PASSED and ADOPTED this 1st day of July, 1987.

/s/ O.F. Ragsdale

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, the LDS Institute of Religion has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow encroachment upon the City right-of-way by

extending the north-south sidewalk in the approximate center of the property to the south to the sidewalk on the north side of Elm Avenue, by fencing, with chain link, on the west side of the existing driveway on the property from the eastern pole of the present fence south to the sidewalk on the north of Elm Avenue, and by the same type of fencing on the east side of the driveway south to the Elm Avenue sidewalk south of real property described as:

The S2 of Lots 29 and 30 of Block 2, Prospect Park Subdivision;
and

WHEREAS, the City Council is of the opinion that such action would not be detrimental to the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

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

There is hereby granted to the LDS Institute of Religion a Revocable Permit to allow encroachment upon the City right-of-way as described above; provided, however, that said permit may be revoked by the City Council at its pleasure at any time; provided, further that the above-named petitioner shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from the permitted use; and further provided that said petitioner shall agree that upon the revocation of such permit, it will, at its own expense, remove said encroachment and restore the right-of-way to its original condition.

DATED this 2nd day of July, 1987.

/s/ Mark K. Achen

City Manager

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

AGREEMENT

THE LDS INSTITUTE OF RELIGION, for itself, its successors and assigns, does hereby agree that it will abide by the conditions contained in the foregoing Permit and that it will indemnify the City of Grand Junction and hold it harmless from all claims as recited in said permit, and further on revocation of the permit, it agrees to remove said encroachment and restore the right-of-way to its original condition, at its own expense.

DATED at Grand Junction, Colorado, this _____ day of _____,

1987.

THE LDS INSTITUTE OF RELIGION

Attest:

| | | |
|-------------------|---|-----|
| STATE OF COLORADO |) | |
| |) | SS: |
| COUNTY OF MESA |) | |

The foregoing Agreement was acknowledged before me this _____ day of _____, 1987, by _____ and _____ of the LDS Institute of Religion.

Witness my hand and official seal.

My Commission expires: _____

Notary Public

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

RESOLUTION NO. 30-87 - JOINT CITY/COUNTY RESOLUTION REGARDING COLORADO RIVERFRONT PROJECT

The following Resolution was read:

RESOLUTION NO. 30-87

COUNTY #MCM 87-63

WHEREAS, among Western Colorado's most widely known natural landmarks are the Colorado and Gunnison Rivers; and

WHEREAS, those rivers flow through Mesa County and several of its communities and have abundant natural resources providing a strong base for a variety of economic development opportunities; and

WHEREAS, the Grand Junction/Mesa County region is further enhanced by the confluence of the Colorado and Gunnison Rivers, and development of trails, parks, and greenways along the rivers are desirable goals that would benefit the inhabitants of Mesa County; and

WHEREAS, the Colorado River passes through the highly visible urban core of the Grand Junction community; and

WHEREAS, the Colorado River is currently inaccessible throughout the entire urban core area to both residents and tourists; and

WHEREAS, the riverfront and the 5th Street corridor are visually blighted, creating a negative impression of the community to visitors and travelers; and

WHEREAS, the riverfronts of the Colorado and Gunnison and their confluence represent an underutilized natural resource which, if redeveloped, could increase tourism, improve the economic well-being of the community, and enhance the aesthetics of the Grand Valley.

NOW, THEREFORE, BE IT RESOLVED BY THE GRAND JUNCTION CITY COUNCIL AND THE MESA COUNTY BOARD OF COMMISSIONERS that:

1. The creation of the Grand Junction/Mesa County Riverfront Commission be endorsed and supported.
2. The commission will act in an independent fashion to serve as the principal coordinating body for the redevelopment and reclamation of the Colorado River waterfront and its tributaries within Grand Junction and Mesa County.
3. The commission will act to plan, advocate, and implement a multi-faceted program to redevelop and reclaim the riverfront within the Grand Junction and Mesa County.
4. The commission will consist of eleven members appointed by joint approval of the City Council and the County Board of Commissioners. (Initial commission members are described in Addendum A.)
5. The commission will undertake allowable actions necessary to facilitate the redevelopment/reclamation of the riverfront
6. The commission shall conduct its work at the pleasure of the City Council and the County Commissioners as long as necessary to accomplish the above stated goals.

READ, PASSED and ADOPTED this 1st day of July, 1987.

/s/ O.F. Ragsdale

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

READ, PASSED and ADOPTED this 30th day of June, 1987.

/s/ R. W. Holmes

Chairman, County Commissioners

Attest:

/s/ Earl Sawyer

County Clerk

ADDENDUM A

The Grand Junction/Mesa County Riverfront Commission will consist of eleven members appointed to joint approval of the Grand Junction City Council and the Mesa County Board of Commissioners.

There will be four (4) ex-officio non-voting members representing the following and appointed by the respective governing Board to hold office at the pleasure of that Board:

Mesa County Commissioners

Maxine Albers
Dick Pond/Bob Homes (alternates)

Grand Junction City Council

Reford Theobald
Paul Nelson (alternate)

Town of Fruita

Town of Palisade

Initial terms of commission members will be as follows:

Three members to be appointed to three year terms;

Four members to be appointed to four year terms; and

Four members to be appointed to five year terms.

Upon expiration of terms, all subsequent appointments will be for three years. Vacancies created by resignation will be filled by the City Council/Board of Commissioners for the duration of the unexpired term.

The initial riverfront Commission members are:

| Appointee | Term | Appointee | Term |
|-----------------------------------|------|---------------|------|
| Judge William M. Ela, Co-Chairman | 5 | Chris Jouflas | 4 |
| James M. Robb, Co-Chairman | 5 | Ward Scott | 4 |
| Rebecca Frank | 5 | Harold Elam | 4 |
| Brian Mahoney | 5 | Pat Gormley | 3 |
| Helen Traylor | 4 | Jane Quimby | 3 |
| | | Bill Graham | 3 |

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

Upon motion by Councilman Mantlo, seconded by Councilman Kirkhart and carried, Councilman Reford Theobold was appointed to the Riverfront Commission as an ex-officio non-voting member, and Councilman Paul Nelson was appointed to the Riverfront Commission as an Alternate ex-officio non-voting member.

Upon motion by Councilman Mantlo, seconded by Councilman Theobold and carried, the City Council accepted the proposal from the Lions Club to grant \$100,000 to the Riverfront Project subject to the following conditions:

1. The Grand Junction City Council must make a written commitment to support the Riverfront Park Project and pledge \$150,000 to be

used in connection with the Project.

2. The Council must establish a River Park Commission to act on behalf of the City to coordinate all entities and efforts in order to complete the Riverfront Project.

3. The City Council must agree to adopt the Riverfront Project into its Park System and to maintain the Park in perpetuity for the benefit of the citizens of the Grand Junction area.

4. The \$100,000 donation will be phased over the three-year period as follows:

A. \$34,000 upon closing of a sale of Watson's Island after March, 1988.

B. \$33,000 upon completion of the improvement of the Island for a park, payable after March, 1989.

C. \$33,000 upon dedication of the Island into the City Park System, payable after March, 1990.

D. Payments per clauses A., B., and C. of this proposal are conditional to an approval by the Lions Board of Directors regarding the Riverfront Commission's progress on the acquisition and development of Watson Island and the balance of the Lewis property.

5. If no land purchase is made or contracted for by June, 1990, this offer to donate is void and all monies remain the property of the Grand Junction Lions Club.

6. The Grand Junction Lions Club will also receive property recognition in the form of a sign or plaque to be installed in a highly visible location upon dedication of the Watson Island Park Site.

RESOLUTION NO. 31-87 GRANTING APPROVAL FOR THE MESA VIEW WATER COMPANY ANNEXATION INTO THE UTE WATER CONSERVANCY DISTRICT

The following Resolution was read:

RESOLUTION NO. 31-87

GRANTING APPROVAL FOR THE MESA VIEW WATER COMPANY ANNEXATION INTO THE UTE WATER CONSERVANCY DISTRICT.

WHEREAS, the Mesa View Water Company is a bulk water customer of the City of Grand Junction serving thirty-six residential customers; and

WHEREAS, the Mesa View Water Company is outside of the City limits; and

WHEREAS, the Mesa View Water Company has petitioned the Ute Water Conservancy District to be included into the Ute District for the purposes of obtaining a cheaper water rate, meter reading services, as well as main maintenance; and

WHEREAS, the Ute Water Conservancy District has requested the City of Grand Junction to provide them with permission to acquire these customers from the City; and

WHEREAS, the City of Grand Junction has examined its relationship with the Mesa View Water Company and has determined that the City provides bulk water to a master meter to the Company and charges an outside City rate to the Company; and

WHEREAS, the City of Grand Junction does not provide meter reading or any distribution services to the Company and does not wish to do so in the present because of the need to upgrade and enlarge the distribution system to meet industry standards in an area outside of the City limits; and

WHEREAS, the Mesa View Water Company, its president and officers have indicated to the City that they are the elected representatives of the Company and that they have the support of the residents to make this petition to the Ute District.

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

That the City grants and allows the Ute Water Conservancy District to annex into its boundaries the Mesa View Water Company with the City disconnecting the master meter, when appropriate, and final billings being made to the Mesa View Water Company.

PASSED and ADOPTED this 1st day of July, 1987.

/s/ O.F. Ragsdale

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

ORCHARD AVENUE AND 15TH STREET INTERSECTION TRAFFIC CONTROL - SURVEY PROPOSED

Upon motion by Councilman Mantlo, seconded by Councilman Nelson and carried, it was moved that a survey by an outside agent be

made including the areas from 12th Street to 28 Road and from North Avenue to F/Patterson Road regarding the four-way stop signs at Orchard Avenue and 15th Street. Councilman Mantlo commented that he felt the four-way stop signs were removed rather hastily a year ago, therefore, before Council makes another hasty decision to place the stop signs back up again he would like to have some input from people who use the intersection frequently.

Comments were had from:

Wallace Brown, 1815 N. 15th Street

Leola Springer, 1725 Orchard Avenue

COUNCIL COMMENDED FOR ITS ACTION IN ESTABLISHING THE RIVERFRONT PROJECT

Mr. Jim Robb commended the City Council for its action in establishing the Riverfront Project.

ADJOURNMENT

The President of the Council adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk