

CITY OF GRAND JUNCTION, COLORADO MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL

July 20, 1988

The City Council of the City of Grand Junction, Colorado, convened in regular session the 20th day of July, 1988, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were R.T. Mantlo, Paul Nelson, O.F. Ragsdale, Reford Theobald, and President of the Council John Bennett. Councilman LeRoy Kirkhart and Bill McCurry were absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

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

INVOCATION - Reverend Victor Elliott, First Assembly of God.

MINUTES

There being no corrections or additions to the minutes of the regular meeting July 6, 1988, they were approved as submitted.

PRESENTATION OF CERTIFICATE OF RECOGNITION TO JOHN AND BOBBI CESARIO, B & J COFFEE SHOP FOR SERVICE TO THE COMMUNITY

APPOINTMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY

Upon motion by Councilman Nelson, seconded by Councilman Mantlo and carried, Richard Will, J.D. Snodgrass, and Ed Chamberlin were appointed to four-year terms on the Downtown Development Authority.

APPOINTMENTS TO THE GRAND JUNCTION BOARD OF ADJUSTMENT AND APPEALS

Upon motion by Councilman Nelson, seconded by Councilman Ragsdale and carried, Jan Pomrenke and Lee R. Gibson were appointed to three-year terms on the Grand Junction Board of Adjustment and Appeals.

PROCLAMATION DECLARING SEPTEMBER 10, 1988, "U S WEST COMMUNICATIONS PRIME TIMERS DAY (50 & OVER); IN THE CITY OF GRAND JUNCTION

HEARING #3-88 - PROPOSED ORDINANCE - AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE - SECTION 5-1-7K CONCERNING SETBACK REQUIREMENTS FOR CORNER LOTS WHERE AN EXISTING PARKWAY STRIP EXCEEDS TEN (10) FEET IN WIDTH BETWEEN THE SIDEWALK AND CURB

A hearing was held after proper notice on the petition by the Grand Junction Planning Department to Amend the Grand Junction Zoning and Development Code, Section 5-1-7K concerning Setback Requirements for Corner Lots where an existing parkway strip exceeds ten (10) feet in width between the sidewalk and curb.

There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was read: AN AMENDMENT TO THE CITY CODE PROVIDING FOR ADMINISTRATOR VARYING THE TWENTY-FOOT FRONT YARD SETBACK ON A SIDE STREET OF A CORNER LOT WHERE PARKWAYS EXIST BETWEEN THE SIDEWALK AND THE CURB FOR SINGLE-FAMILY USES ONLY.

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

HEARING #21-88 - PROPOSED ORDINANCE - RIGHT-OF-WAY VACATION AT 1201 N. 3RD STREET AND 260 NORTH AVENUE

A hearing was held after proper notice on the petition by Herbert Investment Company, Craig Roberts, to vacate a portion of right-of-way along North 3rd Street and North Avenue located at 1201 N. 3rd Street and 260 North Avenue. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was read: VACATING THE WEST TEN FEET OF THIRD STREET LYING BETWEEN NORTH AVENUE ON THE SOUTH AND THE FIRST ALLEY TO THE NORTH OF NORTH AVENUE.

Upon motion by Councilman Mantlo, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

BIDS - AWARD OF CONTRACTS

Sewer Line Replacements, 1988 - Lyle States - \$173,550.60

Upon motion by Councilman Ragsdale, seconded by Councilman Mantlo and carried, the contract for Sewer Line Replacements, 1988, was awarded to Lyle States in the amount of \$173,550.60, and the City Manager was authorized to sign said Contract.

New Central Computer System - AT&T - \$300,000

Upon motion by Councilman Nelson, seconded by Councilman Ragsdale and carried, the recommendation of the committee was accepted and the contract for a New Central Computer System was awarded to AT&T in the amount of \$300,000 (\$288,264 + \$11,736) and the City Manager was authorized to sign said Contract.

HEARING #20-87 - REZONE FROM RSF-4 TO PB PROPERTY LOCATED AT 629 1/2 26 1/2 ROAD - RESOLUTION OF FINDINGS & DECISION SCHEDULED AUGUST 3, 1988

A hearing was held after proper notice on the petition by John and Sharon Gordon to change from Single-Family Residential Zone (RSF-4) to a Planned Business (PB) Zone on property located at 629 1/2 - 26 1/2 Road.

City Planner Mike Sutherland reviewed the application stating that

the Gordons are operating an engineering business in their home and employing outside help at 629 1/2 - 26 1/2 Road. He submitted the following exhibits:

- A. Large display map of color coded zoning - Assessors Maps
- B. Development Application
- C. G.J. Planning Commission Hearing Minutes - July 5, 1988
- D. Petitions supporting (23 signatures) and Petitions against (52 signatures)
- E. Letters/phone records from people for and against
- F. Corridor Guidelines - 7th Street, Horizon Dr & Patterson Rd
- G. Two pages showing specific City Zoning - pages 6 and 7
- H. Rezone Criteria from Sec. 4-4-4 G.J. Zoning & Development Code
- I. Photograph of Location

Harry Griff, attorney representing petitioners John and Sharon Gordon, was present to address the Council.

Mr. Griff requested that the Gordons be allowed to continue the business operation out of their home with the following conditions:

1. The business operating out of the home be limited to an oil and gas consulting firm;
2. That the owner of the home has to be the owner or a partner in or a shareholder in the business (no owner can lease the basement to some third party);
3. The maximum number of employees in the home would be 4;
4. The offices would be restricted to the basement of the home;
5. No expansion of the basement so it would be limited to its present 1200 square feet (approximately);
6. The Gordons would be prohibited from storing any materials or heavy equipment on the property other than the related items to the administrative offices in the basement;
7. Employees would be precluded from driving anything larger than a small pickup when approaching the property (including field employees to the extent that anyone else related to the business happens to visit);
8. There will be no signs on the property identifying it as a

business.

Mr. Griff submitted the following exhibits:

J. Stipulations for approval of the requested rezone (circulated to the neighboring residents (as stated above));

K. Letter to Kent Webster, Esquire, from Williams, Larson, Foster & Griff, Attorneys at Law, with attached stipulations (same as above) signed by Judy Heuton, 630 Sage Court;

L. Letter to Mr. and Mrs. Gordon from Paul Wubben in favor of the rezone;

M. Letters to City Council of opposition to the rezone;

N. Letter of opposition to City Attorney Dan Wilson from Earl G. Rhodes of Younge & Hockensmith.

Approximately 29 people in the audience indicated their favor of the rezone by standing.

Those speaking in favor of the rezone were:

Tom Speigelberg, 632 26 1/2 Road

Kathy Hall, 2305 Pheasant Run Circle

Judy Heuton, 630 Sage Court, (if conditions are enforced).

Those speaking in opposition to the rezone:

Earl Rhodes, attorney with Younge & Hockensmith

Gary Ellibee, 627 1/2 Sage Court

Frank Spiecker, 697 26 1/2 Road

Kent Webster, 629 Sage Court

William Huber, 649 Horizon Drive

William Putnam, 627 Sage Court

John Emerson, 662 Round Hill Drive

Wanda Putnam, 627 Sage Court

E. L. Christensen, 688 - 26 1/2 Road

Approximately thirteen (13) people in the audience indicated their opposition to the rezone by standing.

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

five members of Council were present.

Gene Allen, expert witness as Planner, gave a presentation at the request of Attorney Earl Rhodes. Attorney Griff stated his objection to Mr. Allen's presentation since Mr. Allen is not a landowner in the City or the County.

Mr. Earl Rhodes, attorney representing property owners in the area, spoke to Council requesting denial of this petition as protection to the neighborhood in the vicinity of 629 1/2 - 26 1/2 Road.

Attorney Harry Griff gave a rebuttal to Mr. Rhode's presentation.

The hearing was closed. A Resolution of findings and decisions is scheduled for the August 3, 1988, Council meeting.

PROPOSED ORDINANCE - LEASING BUILDING AT 521 UTE AVENUE FOR POLICE DEPARTMENT STORAGE PURPOSES

The following entitled proposed ordinance was read: LEASING THE SOUTH 50 FEET OF LOTS 9 THROUGH 12. BLOCK 139 OF THE CITY OF GRAND JUNCTION AND THE BUILDING SITUATE THEREON FOR USE OR STORING CRIMINAL EVIDENCE.

Upon motion by Councilman Ragsdale, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - AUTHORIZING EXECUTION OF INTERGOVERNMENTAL AGREEMENT CONCERNING IMPLEMENTATION OF AN E-911 EMERGENCY TELEPHONE SERVICE

The following entitled proposed ordinance was read: IMPOSING AN EMERGENCY TELEPHONE CHARGE UPON TELEPHONE EXCHANGE ACCESS FACILITIES WITHIN THE CITY OF GRAND JUNCTION; AUTHORIZING SERVICE SUPPLIERS TO COLLECT SAID EMERGENCY TELEPHONE CHARGES; AND AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT CREATING THE MESA COUNTY EMERGENCY TELEPHONE SERVICE IN ORDER TO ESTABLISH AND OPERATE AN EMERGENCY TELEPHONE SERVICE SYSTEM IN THE CITY OF GRAND JUNCTION.

Upon motion by Councilman Nelson, seconded by Councilman Mantlo and carried, the proposed ordinance was passed for publication.

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

RESOLUTION NO. 23-88 CONCERNING THE REPLAT OF A PORTION OF CALVARY CEMETERY

The following Resolution was presented and read:

RESOLUTION NO. 23-88

CONCERNING THE REPLAT OF A PORTION OF CALVARY CEMETERY

WHEREAS, the City of Grand Junction, in its operation of the Municipal Cemeteries, has caused to be prepared a replat of a portion of Calvary Cemetery; and

WHEREAS, it is necessary to file a plat evidencing the replatting and describing the grave spaces determined in the replatting;

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

That the appropriate officers of the City are hereby authorized to execute the plat to permit the replatting of the areas described.

PASSED and ADOPTED this 20th day of July, 1988.

/s/ John W. Bennett

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

RESOLUTION NO. 24-88 PETITIONING THE COLORADO STATE PATROL TO DESIGNATE ROUTES FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS

The following Resolution was presented and read:

RESOLUTION NO. 24-88

A RESOLUTION PETITIONING THE COLORADO STATE PATROL TO DESIGNATE ROUTES FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS

WHEREAS, by the adoption of Senate Bill 156 (The Hazardous Materials Transportation Act of 1987), the Colorado General Assembly has empowered the Colorado State Patrol to designate routes for the transportation of hazardous materials by motor vehicle on public roads within the State, and

WHEREAS, Senate Bill 156 (at section 43-6-302(1)(a) and (b), C.R.S.) authorizes 1) municipalities to petition the Colorado State Patrol for such designations with respect to any public road within the municipality's boundaries, and 2) counties to petition the Colorado State Patrol for such designations with respect to any public road maintained by the county, and

WHEREAS, the City Council has determined that the designation of routes for the transportation of hazardous materials within the City of Grand Junction is necessary for the immediate preservation of the public health, safety and welfare,

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

1. The City has undertaken certain studies and analyses of alternative routes for transporting hazardous materials within and through the City of Grand Junction and has determined that certain routes are superior to others based on the criteria described in Senate Bill 156 at section 43-6-302.

2. That the Colorado State Patrol be and hereby is petitioned to designate the following public roads within the City of Grand Junction as permissible routes for the transportation of hazardous materials, as defined at section 43-6-103(3), C.R.S., and 43-6-301(2), C.R.S.;

A. Route 1: INTERSTATE 70 in its entirety, within the city limits of the City of Grand Junction.

3. That the City specifically requests that the route designations herein petitioned for not exempt gasoline, diesel fuel and liquefied petroleum gas.

4. That the following local businesses or industries are known to be significantly reliant upon hazardous materials transportation within the City and would be affected by the route designations herein petitioned for in the following manner:

Route 1: Businesses that are significantly reliant on hazardous material transportation can be served from the proposed I-70 route. Delivery of product is possible with local delivery routes. Local delivery routes are restricted to delivery only. The I-70 route through Grand Junction and the routes proposed for designation by Mesa County provide the safest choice.

5. That the City submits the following additional information in support of its petition for route designation:

Route 1: INTERSTATE 70 is in agreement with the recommended hazardous materials route plan for the Colorado Department of Highways. I-70 is a four-lane roadway designed to handle high volume traffic with minimal risk to the public and environment. I-70 is free of legal and physical constraints.

Alternative route analysis indicate that routes other than INTERSTATE 70 pass directly through the center of Grand Junction. There are high population concentrations, several schools, medical facilities, parks and economically essential businesses that line alternative routes. Alternative routes use collector-type streets and are difficult for large trucks to negotiate.

Additionally, there is a high volume of turning movements along alternative routes as well as a large volume of "farm to city" traffic.

Alternative routes also pass dangerously close to emergency communications centers, which are vital to the continuity of fire, police and CSP activity. In addition a significant hazardous materials incident occurring along any potential alternate route for Grand Junction could cripple emergency services (fire and police), since the resources of these agencies are limited.

Emergency services are provided for the City of Grand Junction by the Grand Junction Fire and Police Departments assisted by the Mesa County Sheriff and CSP. Grand Junction Fire Department hosts a hazardous materials response team which responds to hazardous materials incidents in the City of Grand Junction as well as all areas of Mesa County. The team is on duty twenty-four (24) hours per day. The team consists of eight persons along with two - three command officers based on the type and severity of the incident.

The Grand Junction Fire Department team has received training in the areas of study to include: initial response, incident command, containment, control, decontamination, identification, pre-hospital medical intervention for toxicology, chemistry of hazmat incidents, communications, resource utilization and etc.

The hazardous materials unit provided by the City of Grand Junction is a thirty-six (36) foot fifth wheel vehicle. The unit contains a command center which is equipped with cellular phone, stationary phone, radios, scanners, hard copy resources and weather station. Equipment contained on the unit includes encapsulated suits, self contained breathing apparatus (1-hour units), recovery drums, spill containment supplies, air and ground sampling instruments, a portable chemistry lab, decontamination system and supplies and a number of associated articles for use on hazmat incidents.

/s/ John W. Bennett

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

RESOLUTION NO. 25-88 CONCERNING PUNITIVE DAMAGES SOUGHT IN AN ACTION AGAINST POLICE OFFICER GREG ASSENMACHER



The following Resolution was presented and read:

RESOLUTION NO. 25-88

CONCERNING PUNITIVE DAMAGES SOUGHT IN AN ACTION AGAINST POLICE OFFICER GREG ASSENMACHER

WHEREAS, Kandy Shupe has brought an action in the District Court, Mesa County, Colorado, against the City and Police Officer Greg Assenmacher in Civil Action No. 87-CV-755; and

WHEREAS, punitive damages are sought against Officer Greg Assenmacher in that proceeding; and

WHEREAS, 24-10-118(5), Colorado Revised Statutes, permits the City to determine whether or not it will defend an employee against a claim for punitive damages and whether or not it will pay any such damages awarded; and

WHEREAS, the City Council believes that the conduct of Officer Greg Assenmacher in relation to Kandy Shupe does not warrant punitive damages being awarded and the action is without merit;

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

That it is in the public interest to defend Officer Greg Assenmacher against a claim for punitive damages in the Shupe action and pay any punitive damage award made against him.

PASSED and ADOPTED this 20th day of July, 1988.

/s/ John W. Bennett

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

RESOLUTION NO. 26-88 PERMITTING TEMPORARY USE OF CITY PROPERTY WATER DRAINAGE DITCH

The following Resolution was presented and read:

RESOLUTION NO. 26-88

PERMITTING TEMPORARY USE OF CITY PROPERTY

WHEREAS, Bruce R. Birkhold and Freddi L. Birkhold are desirous of utilizing a portion of that property owned by the City of Grand Junction commonly known as "Berry Park," for the purpose of conveying irrigation water to their property; and

WHEREAS, the dates of the requested use are July 21st through November 1st, 1988; and

WHEREAS, certain conditions are to be observed in connection with such use as set forth in the attached agreement;

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

That the City Manager is hereby authorized to enter into the attached agreement granting temporary use of a portion of the Berry Park Property to Bruce R. Birkhold and Freddi L. Birkhold.

PASSED and ADOPTED this 20th day of July, 1988.

/s/ John W. Bennett

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

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

AMENDMENT TO THE WALKER FIELD GRANT PROPOSAL TO CONSTRUCT AND RECONSTRUCT GENERAL AVIATION APRONS; CONSTRUCT RELIEF ACCESS ROAD

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the Amendment to the Walker Field Grant Proposal to Construct and Reconstruct General Aviation Aprons; Construct Relief Access Road was approved, and the President of the Council was authorized to sign said Amendment.

MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF GRAND JUNCTION AND THE GRAND JUNCTION RURAL FIRE PROTECTION DISTRICT

Upon motion by Councilman Ragsdale, seconded by Councilman Mantlo and carried, the Memorandum of Agreement between the City of Grand Junction and the Grand Junction Rural Fire Protection District was approved, and the City Manager was authorized to sign said Agreement.

AUTHORIZATION FOR CITY MANAGER TO SIGN AGREEMENT WITH MCEDC FOR

INCENTIVE TO LIFT INDUSTRIES - \$250,000

Upon motion by Councilman Nelson, seconded by Councilman Theobold and carried, the City Manager was authorized to sign the Agreement with MCEDC for Incentive to Lift Industries in the amount of \$250,000.

ADJOURNMENT - The President of the Council adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk