

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

March 15, 1989

The City Council of the City of Grand Junction, Colorado, convened in regular session the 15th day of March, 1989, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were LeRoy Kirkhart, R. T. Mantlo, Bill McCurry, Paul Nelson, O. F. Ragsdale, Reford Theobald, and President of the Council John Bennett. 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 Nelson led in the Pledge of Allegiance.

INVOCATION - Reverend William Tracy, Clifton Assembly of God.

MINUTES

There being no additions or corrections to the March 1, 1989, Council minutes, they were approved as submitted.

PROCLAMATION DECLARING APRIL 2-8, 1989, AS "THE WEEK OF THE YOUNG CHILD"

PROCLAMATION DECLARING APRIL 9-15, 1989, AS "NATIONAL TELECOMMUNICATOR WEEK"

SHIRLEY TUCKER PRESENTS PETITION ENTITLED "PROTECT YOUR CHOICE TO SMOKE"

Shirley Tucker, 3448 G Road, Clifton, distributed copies of a petition containing 3300 signatures of Mesa County residents entitled: "Protect Your Choice to Smoke". She also discussed various issues of the "smoking war".

HEARING #9-89 - PROPOSED ORDINANCE - WELLINGTON TOWNHOMES - AMENDED FINAL PLAN AND UTILITY EASEMENT VACATION

A hearing was held after proper notice on the petition by Robert L. Dorsey for an amended Final Plan of the Wellington Townhomes Subdivision on approximately 1.67 acres and a request to vacate a Utility Easement. There were no opponents, letters or counterpetitions. Upon motion by Councilman Mantlo, seconded by Councilman McCurry and carried, the amended Final Plan of Wellington Townhomes Subdivision at 1305 Wellington Court was approved.

The following entitled proposed ordinance was read: VACATING A PORTION OF A UTILITY EASEMENT ON LOTS 8 THROUGH 26, WELLINGTON TOWNHOMES SUBDIVISION. Upon motion by Councilman Kirkhart, seconded by Councilman Mantlo and carried, the proposed ordinance was passed for publication.

BIDS - AWARD OF CONTRACTS

Front End Loader for Streets Department - Century Equipment - \$65,222

Upon motion by Councilman McCurry, seconded by Councilman Kirkhart and carried, the Contract for a front end loader for the Streets Department was awarded to Century Equipment in the amount of \$65,222, and the City Manager was authorized to sign said contract.

Carpet and Installation for Two Rivers Plaza - Karnes Carpet World - \$13,931

Upon motion by Councilman McCurry, seconded by Councilman Ragsdale and carried, the Contract for carpet and installation for Two Rivers Plaza was awarded to Karnes Carpet World in the amount of \$13,931, and the City Manager was authorized to sign said contract.

HEARING #5-89 - PROPOSED ORDINANCE - VACATION OF ALLEY NORTH OF GRAND AVENUE BETWEEN 2ND AND 3RD STREETS

A hearing was held after proper notice on the petition by 200 Grand Properties, Kirk Rider, to vacate the alley north of Grand Avenue between 2nd and 3rd Streets. Planner Mike Sutherland reviewed the petition. He explained that the request to vacate the alley is primarily to allow construction of a drive-up/satellite banking facility for Colorado National Bank.

Kirk Rider, 1050 Gunnison Avenue, attorney with Younge & Hockensmith, representing 200 Grand Properties, spoke requesting vacation of the eastern half of said alley, plus 13 feet as described in the legal description accompanying the petition. The partnership of 200 Grand Properties hopes to receive undergrounding funds for the undergrounding of the utilities on the remaining unvacated portion of the alley.

Councilman Ragsdale stated he could not justify using public funds to underground a half block that no one else uses except 200 Grand Properties.

It was moved by Councilman Theobold, seconded by Councilman Nelson and carried that the full alleyway be vacated subject to the Planning Commission comments, and that the undergrounding funds not be included.

There were no opponents, letters or counterpetitions. The following entitled proposed ordinance was read: VACATING THE EAST/WEST ALLEY BETWEEN 2ND AND 3RD STREET NORTH OF GRAND AVENUE. Upon motion by Councilman Mantlo, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

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. \_\_\_\_\_ - AMENDING THE PENALTY CLAUSE IN ARTICLE I, SECTION 25.2(b) AND ARTICLE X, SECTION 25-64 (b) AND (c) OF THE CITY CODE OF ORDINANCES IN ORDER TO COMPLY WITH NEW FEDERAL REGULATIONS (SEWER) - CONTINUED TO AN APRIL, 1989, MEETING

City Attorney Wilson stated that Staff has recommended that the above item be continued to a later date to discuss possible integration of additional changes. It will be brought back to Council in April.

ORDINANCE NO. 2422 - AMENDING SECTION 12-29 OF THE CODE OF ORDINANCES TO REQUIRE A \$10.00 OPEN BURNING PERMIT FEE - EFFECTIVE JULY 1, 1989

Upon motion by Councilman Ragsdale, seconded by Councilman McCurry and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AMENDING SECTION 12-29 OF THE CODE OF ORDINANCES TO REQUIRE A \$10.00 OPEN BURNING PERMIT FEE EFFECTIVE JULY 1, 1989.

There were no comments. Upon motion by Councilman Ragsdale, seconded by Councilman McCurry and carried by roll call vote with Councilman BENNETT voting NO, the Ordinance was passed and adopted as amended, numbered 2422, and ordered published.

RESOLUTION NO. 9-89 CONCERNING AN ADVISORY BALLOT QUESTION REGARDING THE 3/4 % SALES TAX FOR THE APRIL 4, 1989, GENERAL MUNICIPAL ELECTION

The following Resolution was read:

RESOLUTION NO. 9-89

CONCERNING AN ADVISORY BALLOT QUESTION REGARDING 3/4% SALES TAX FOR THE APRIL 4, 1989, REGULAR MUNICIPAL ELECTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

In order that the Council may be advised about whether city residents desire to continue with certain city programs and expenditures which could be reduced or eliminated if the 3/4% sales tax ordinance were repealed, such as:

- financial support of the MCDEC;
- school resource program;

- street overlay program;
- downtown alley improvements;
- closure of one of the four fire stations;
- funding for the Riverfront project;
- police volunteer program;
- major street reconstruction;
- FRESHAZADAZY spring cleanup program;
- street sweeping;
- leaf pick-up program;
- increased emergency medical response times;
- 9 months per year closure of the Orchard Mesa Pool;
- closure of the Older American Center;
- crime prevention program;
- check fraud program;

The following questions shall be asked:

1. SHOULD PROPERTY TAXES BE INCREASED?

YES \_\_\_\_\_

NO \_\_\_\_\_

2. SHOULD FORCED STREET IMPROVEMENT DISTRICTS BE REINSTITUTED? YES

NO \_\_\_\_\_

3. SHOULD THE CITY SALES TAX BE RETAINED AT ITS CURRENT LEVEL?

YES \_\_\_\_\_

NO \_\_\_\_\_

PASSED and ADOPTED this 15th day of March, 1989.

/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 Nelson, seconded by Councilman Kirkhart and carried by roll call vote with Councilman BENNETT voting NO, the Resolution was passed and adopted as read.

RESOLUTION NO. 10-89 GIVING NOTICE OF ELECTION

The following Resolution was read:

RESOLUTION NO. 10-89

GIVING NOTICE OF ELECTION

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

That the Election Notice hereinafter set out be the Notice of the General Municipal Election to be held in the City on April 4, 1989, and further that the same be published in accordance with election procedures:

ELECTION NOTICE

CITY OF GRAND JUNCTION, COLORADO NOTICE OF GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 4TH DAY OF APRIL, 1989

PUBLIC NOTICE IS HEREBY GIVEN THAT A GENERAL MUNICIPAL ELECTION WILL BE HELD ON TUESDAY, THE 4TH DAY OF APRIL, 1989, IN THE POLLING PLACES HEREINAFTER DESIGNATED IN THE CITY OF GRAND JUNCTION, COLORADO.

That said General Municipal Election will be held at the polling places in the several districts of the City of Grand Junction, as follows:

DISTRICT "A", PRECINCT 1

Two Rivers Plaza  
159 Main Street

DISTRICT "A", PRECINCT 2

Columbus School  
2660 UnawEEP

DISTRICT "B"

Grand Junction High School  
1400 North 5th Street

DISTRICT "C"

Mesa State College  
Physical Education Center  
12th Street and Orchard Avenue

DISTRICT "D"

Orchard Avenue School  
1800 Orchard Avenue

DISTRICT "E"

Lincoln Park School  
600 North 14th Street

Upon the date and at the places designated, the polls will be open from the hour of 7:00 a.m. and will be closed at the hour of 7:00 p.m. Voting devices will be provided in each polling place for the election. The ballots to be used in voting will be prepared and furnished by the City Clerk to the Judges of Election, to be by them furnished to the voters. The election will be held and conducted as nearly as may be as prescribed by law.

Registration of voters for the said election has taken place in the time and manner now provided by law.

Candidates are:

PAUL W. NELSON	DISTRICT A Four-Year Term (Vote for One)
WILLIAM E. "BILL" MCCURRY	DISTRICT D Four-Year Term (Vote for One)
LE ROY KIRKHART	DISTRICT E
CONNER W. SHEPHERD	Four-Year Term (Vote for One)
JOHN W. BENNETT	CITY AT LARGE
LORETTA HARRISON	Four-Year Term
RICHARD L. HEELY	(Vote for One)

BE IT FURTHER RESOLVED BY THE CITY COUNCIL THAT AT THE SAID GENERAL MUNICIPAL ELECTION ON APRIL 4, 1989, there be submitted to the electorate the following questions:

SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE FOR AT LEAST THE APPRAISED VALUE THEREOF, THAT PORTION OF SHERWOOD PARK IN SHERWOOD ADDITION LYING SOUTH OF SOUTH SHERWOOD DRIVE; IF TRADED, THE LANDS TRADED FOR SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE DEPOSITED IN THE CITY'S OPEN SPACE FUND FOR THE ACQUISITION AND/OR IMPROVEMENT OF PARK LANDS.

FOR THE SALE OR TRADE

AGAINST THE SALE OR TRADE

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SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE FOR AT LEAST THE APPRAISED VALUE THEREOF, LOT 11 AND THE SOUTH 10 FEET OF LOT 10 IN BLOCK 1, ARCADIA VILLAGE; IF TRADED, THE LANDS TRADED FOR SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE DEPOSITED IN THE CITY'S OPEN SPACE FUND FOR THE ACQUISITION AND/OR IMPROVEMENT OF PARK LANDS.

FOR THE SALE OR TRADE

AGAINST THE SALE OR TRADE

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SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE FOR AT LEAST THE APPRAISED VALUE THEREOF, THAT LOT LABELED PARK SITE IN THE 1ST ADDITION TO PHEASANT RUN - SPRING VALLEY FILING NO. 6 AND REPLAT OF LOTS 1-4, PHEASANT RUN SPRING VALLEY FILING NO. 6; IF TRADED, THE LANDS TRADED FOR SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE DEPOSITED IN THE CITY'S OPEN SPACE FUND FOR THE ACQUISITION AND/OR IMPROVEMENT OF PARK LANDS.

FOR THE SALE OR TRADE

AGAINST THE SALE OR TRADE

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SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE FOR AT LEAST THE APPRAISED VALUE THEREOF, LOT 9 OF BLOCK 19, PHEASANT RUN SPRING VALLEY NO. 6; IF TRADED, THE LANDS TRADED FOR SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE DEPOSITED IN THE CITY'S OPEN SPACE FUND FOR THE ACQUISITION AND/OR IMPROVEMENT OF PARK LANDS.

FOR THE SALE OR TRADE

AGAINST THE SALE OR TRADE

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IN ORDER THAT THE COUNCIL MAY BE ADVISED ABOUT WHETHER CITY RESIDENTS DESIRE TO CONTINUE WITH CERTAIN PROGRAMS AND EXPENDITURES WHICH COULD BE REDUCED OR ELIMINATED IF THE 3/4 % SALES TAX ORDINANCE WERE REPEALED SUCH AS:

- FINANCIAL SUPPORT OF THE MCDEC;
- SCHOOL RESOURCE PROGRAM;
- STREET OVERLAY PROGRAM;
- DOWNTOWN ALLEY IMPROVEMENTS;
- CLOSURE OF ONE OF THE FOUR FIRE STATIONS;
- FUNDING FOR THE RIVERFRONT PROJECT;
- POLICE VOLUNTEER PROGRAM;
- MAJOR STREET RECONSTRUCTION
- FRESHAZADAZY SPRING CLEANUP;
- STREET SWEEPING;
- LEAF PICK-UP PROGRAM;
- INCREASED EMERGENCY MEDICAL RESPONSE TIMES;
- 9 MONTHS PER YEAR CLOSURE OF THE ORCHARD MESA POOL;
- CLOSURE OF THE OLDER AMERICAN CENTER;
- CRIME PREVENTION PROGRAM;
- CHECK FRAUD PROGRAM;

THE FOLLOWING QUESTIONS SHALL BE ASKED:

SHOULD PROPERTY TAXES BE INCREASED?

YES \_\_\_\_\_  
NO \_\_\_\_\_

SHOULD FORCED STREET IMPROVEMENT DISTRICTS BE REINSTITUTED?

YES \_\_\_\_\_  
NO \_\_\_\_\_

SHOULD THE CITY SALES TAX BE RETAINED AT ITS CURRENT LEVEL?

YES \_\_\_\_\_  
NO \_\_\_\_\_

BY ORDER OF THE CITY COUNCIL





and carried by roll call vote, the Resolution was passed and adopted as read.

AUTHORIZING THE PRESIDENT OF THE COUNCIL TO SIGN FAA GRANT OFFER FOR CONSTRUCTION FUNDING AT WALKER FIELD - APPROXIMATELY \$900,000

Upon motion by Councilman McCurry, seconded by Councilman Kirkhart and carried with Councilman THEOBOLD voting NO, the President of the Council was authorized to sign FAA Grant Offer for Construction Funding at Walker Field in the amount of approximately \$900,000, contingent upon obtaining an agreement with Walker Field, Colorado, Public Airport Authority to hold and save the City of Grand Junction harmless and authorized the City Manager to sign the said Hold Harmless Agreement.

Jeff Wendland, Walker Field Airport Manager, stated that the Hold Harmless Agreement will have to be approved by the Walker Field, Colorado, Public Airport Authority. He requested that this particular grant agreement be approved without the Hold Harmless Agreement, with the understanding that the issue of a Hold Harmless Agreement would be dealt with before next year's grant proposal. The Authority would work with the City Attorney to complete an agreement by March 31, 1989. He did not want to fail to meet the FAA deadline because some procedural problems came up on preparing the Agreement.

City Attorney Wilson explained that the City received the FAA documents on March 13, 1989, and agreed that it has been a very short time in dealing with the issue. The Hold Harmless Agreement affects the relationship only between the City of Grand Junction and the Walker Field, Colorado, Public Airport Authority. It does not affect this particular grant.

MUTUAL AID AGREEMENT WITH THE TOWN OF PALISADE FIRE DEPARTMENT

Upon motion by Councilman Ragsdale, seconded by Councilman Kirkhart and carried, the Mutual Aid Agreement with the Town of Palisade Fire Department was approved and the City Manager was authorized to sign said Agreement.

ADJOURNMENT

Council President Bennett adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk