

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

November 1, 1989

The City Council of the City of Grand Junction, Colorado, convened in regular session the 1st day of November, 1989, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, Bill McCurry, Paul Nelson, O.F. Ragsdale, Conner Shepherd, Reford Theobald, and President of the Council R.T. Mantlo. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

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

INVOCATION - Reverend Dan Cox, Vineyard Christian Fellowship of Grand Junction

MINUTES

There being no corrections or additions to the minutes of the October 18, 1989, regular City Council meeting, they were approved as submitted.

RECOGNITION OF BOY SCOUT TROOP #363

PROCLAMATION DECLARING WEEK OF NOVEMBER 6 THROUGH 13, 1989, AS "MARINE CORPS WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING WEEK OF NOVEMBER 19 THROUGH 25, 1989, AS "NATIONAL FAMILY WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING WEEK OF NOVEMBER 19 THROUGH 26, 1989, AS "NATIONAL BIBLE WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING WEEK OF DECEMBER 3 THROUGH 9, 1989, AS "NATIONAL CITIES FIGHT AGAINST DRUGS WEEK"

GUN LEGISLATION

Richard W. Kaufman, 1916 N. 12th Street, discussed Gun Legislation. He offered his knowledge and experience if and when Council has questions on statistics regarding Gun Legislation. Mr. Kaufman was concerned that a group called Handguns Control, Inc., could possibly approach Council and give misinformation regarding this issue.

HEARING #47-89 - REQUEST TO DEFER OPEN SPACE FEE AT 2464 F ROAD FOR LIL' SPROUT NURSERY

A hearing was held after proper notice on the application by Cody Purser to defer the open space fee at 2464 F Road for Lil' Sprout Nursery. This item was continued from the October 18, 1989, City

Council meeting. Planner Kathy Portner reviewed the request stating that the petitioner has requested that the \$1250 Parks and Open Space Fee be deferred with payments beginning in the Fall of 1990. This request was denied by the Planning Commission with the intent that City Council make a decision on this particular type of financing.

Cody Purser, petitioner aged 19, was out of State acquiring additional information for the nursery. Keith Purser, father of Cody Purser, was present to answer questions of Council.

Upon motion by Councilman Ragsdale, seconded by Councilman Shepherd and carried, the \$1250 open space fee was deferred with payments commencing September 1, 1990, at 12% interest in 24 monthly payments with Keith Purser as co-signer until paid in full.

City Attorney Wilson noted that the reason Council is willing to accommodate Mr. Purser is the age of the petitioner and the willingness to take a risk at the age of 19, and that type of business. He confirmed that this is an exceptional set of circumstances, and not to be construed as a basis for others to make the same request. It was clarified that the request is to defer the payment and not waive the payment.

PROPOSED ORDINANCE - AMENDING CHAPTER 31, SECTION 31-12, CODE OF ORDINANCES, WATER METER RATES

The following proposed ordinance was read: AN ORDINANCE AMENDING THE WATER RATES IN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - AMENDING CHAPTER 31, SECTION 31-16, CODE OF ORDINANCES, TANK RATE FOR WATER

The following proposed ordinance was read: AN ORDINANCE AMENDING THE TANK RATE FOR WATER IN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Bennett, seconded by Councilman Shepherd and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - AN ORDINANCE AMENDING THE SEWER SERVICE CHARGES IN THE CITY OF GRAND JUNCTION

The following proposed ordinance was read: AN ORDINANCE AMENDING THE SEWER SERVICE CHARGES IN THE CITY OF GRAND JUNCTION. Upon motion by Councilman McCurry, seconded by Councilman Shepherd and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - AMENDING CHAPTER 14, SECTION 14-12, CODE OF ORDINANCES, GARBAGE AND TRASH RATES

The following proposed ordinance was read: AN ORDINANCE AMENDING THE RATE FOR COLLECTION OF GARBAGE AND TRASH IN THE CITY OF GRAND

JUNCTION. Upon motion by Councilman Bennett, seconded by Councilman Theobald 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 were submitted in writing to the City Council prior to the meeting.

ORDINANCE NO. 2448 - REZONE FROM PLANNED RESIDENTIAL (PR-12.3) TO PLANNED RESIDENTIAL (PR-21.4) PROPERTY LOCATED AT 3032 NORTH 15TH STREET (NELLIE BECHTEL GARDENS)

Upon motion by Councilman Ragsdale, seconded by Councilman Nelson and carried, the following entitled proposed ordinance was called up for final passage and read by title only: REZONING FROM PR 43-88, WITH A DENSITY OF 12.3 UNITS PER ACRE, TO PR 45-89, WITH A DENSITY OF 21.4 UNITS PER ACRE, THE PROPERTY LOCATED AT 3032 N. 15TH STREET, GRAND JUNCTION, COLORADO.

There were no comments. Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried by roll call vote, the Ordinance was passed and adopted, numbered 2448, and ordered published.

ORDINANCE NO. 2449 - REZONE FROM PUBLIC ZONE (PZ) TO HEAVY COMMERCIAL (C-2) PROPERTY LOCATED AT 111 ROOD AVENUE (CITY MARKET)

Upon motion by Councilman Ragsdale, seconded by Councilman Nelson and carried, the following entitled proposed ordinance was called up for final passage and read by title only: CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY WITH A STREET ADDRESS OF 111 ROOD AVENUE.

There were no comments. Upon motion by Councilman Ragsdale, seconded by Councilman Shepherd and carried by roll call vote, the Ordinance was passed and adopted, numbered 2449, and ordered published.

RESOLUTION NO. 50-89 APPOINTING COUNCIL REPRESENTATIVE TO A FOUR-YEAR TERM ON THE WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY

The following Resolution was read:

RESOLUTION NO. 50-89

APPOINTING COUNCIL REPRESENTATIVE TO THE WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY

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

That City Councilman Reford Theobold is appointed to a four-year term on the Board of Directors of the Walker Field, Colorado, Public Airport Authority; said term to run from May 15, 1989, to May 15, 1993.

PASSED and ADOPTED this 1st day of November, 1989.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Theresa F. Martinez, CMC

City Clerk

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

RESOLUTION NO. 51-89 APPOINTING GARY ASHLEY TO A FOUR-YEAR TERM ON THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY

The following Resolution was read:

RESOLUTION NO. 51-89

APPOINTING GARY ASHLEY TO THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY

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

That Gary Ashley is appointed to a four-year term on the Grand Junction, Colorado, Downtown Development Authority.

PASSED and ADOPTED this 1st day of November, 1989.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Theresa F. Martinez, CMC

City Clerk

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

RESOLUTION NO. 52-89 APPOINTING STEVE POUST TO A FIVE-YEAR TERM ON

THE GRAND JUNCTION, COLORADO, HOUSING AUTHORITY

The following Resolution was read:

RESOLUTION NO. 52-89

APPOINTING STEVE POUST TO THE GRAND JUNCTION, COLORADO, HOUSING AUTHORITY

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

That Steve Poust is appointed to a five-year term on the Grand Junction, Colorado, Housing Authority.

PASSED and ADOPTED this 1st day of November, 1989.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Theresa F. Martinez, CMC

City Clerk

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

REQUEST NAMES FOR APPOINTMENT TO FILL VACANCIES ON THE GRAND JUNCTION PLANNING COMMISSION, THE VISITORS & CONVENTION BUREAU, AND THE ARTS COMMISSION

Council President Mantlo announced vacancies on the Grand Junction Planning Commission, the Visitors & Convention Bureau, and the Arts Commission, and requested that the media make this information available to the public.

RESOLUTION NO. 53-89 GRANTING A REVOCABLE PERMIT TO LEO O. KELLEY AND HELEN E. KELLEY, 489 1/2 AND 491 28 1/2 ROAD, TO INSTALL AND MAINTAIN LANDSCAPING IMPROVEMENTS IN PUBLIC RIGHT OF WAY

The following Resolution was read:

RESOLUTION NO. 53-89

GRANTING A REVOCABLE PERMIT TO LEO O. KELLEY AND HELEN E. KELLEY

WHEREAS, Leo O. Kelley and Helen E. Kelley, who represent that they are the owners of the real property located at 489 1/2 28 Road and 491 28 1/2 Road in the City of Grand Junction, Mesa County, Colorado, have petitioned the City Council of the City of

Grand Junction, Colorado, for a Revocable Permit to allow them to install and maintain landscaping improvements in the following described public right-of-way for 28 1/2 Road, to wit:

Beginning at a point in the East line of th NE1/4 NW1/4 of Section 18, Township 1 South, Range 1 East of the Ute Meridian, which point bears S 00 deg. 11 min. 30 sec. E a distance of 362.5 feet from the N1/4 corner of said Section 18; thence West a distance of 30.0 feet; thence S 00 deg. 11 min. 30 sec. E a distance of 153.43; Thence East a distance of 30.0 feet to a point in the East line of the NE1/4 NW1/4 of said Section 18 from which the N1/4 corner of said Section 18 bears N 00 deg. 11 min. 30 sec. W a distance of 515.93 feet; thence N 00 deg. 11 min. 30 sec. W along the East line of the NE1/4 NW1/4 of said Section 18 a distance of 153.43 feet to the Point of Beginning; and

WHEREAS, the City Council of the City of Grand Junction has determined that such action would not at this time 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, is hereby directed to grant the attached Revocable Permit to the above-named petitioners for the installation of landscaping improvements within the public right-of-way aforescribed; provided, however, that the petitioners shall not permit shrubs, plants or any other item to grow to a height exceeding thirty (30) inches above the grade of the ground in those areas as set forth in Section 5-3-2 of the City of Grand Junction Zoning and Development Code; the petitioners will not hold the City liable for any damage caused to said landscaping improvements as a result of the City's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; and that said Revocable Permit shall be issued only upon the concurrent execution by the petitioners of an agreement that the petitioners will save and hold the City, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, any claims or causes of action however stated arising out of the encroachment or use granted, and that upon revocation of such permit, the petitioners will, within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition.

PASSED and ADOPTED this 1st day of November, 1989.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Theresa F. Martinez, CMC

Deputy City Clerk

REVOCABLE PERMIT

WHEREAS, Leo O. Kelley and Helen E. Kelley, who represent that they are the owners of the real property located at 489 1/2 28 Road and 491 28 1/2 Road in the City of Grand Junction, Mesa County, Colorado, have petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow them to install and maintain landscaping improvements in the following described public right-of-way for 28 1/2 Road, to wit:

Beginning at a point in the East line of th NE1/4 NW1/4 of Section 18, Township 1 South, Range 1 East of the Ute Meridian, which point bears S 00 deg. 11 min. 30 sec. E a distance of 362.5 feet from the N1/4 corner of said Section 18; thence West a distance of 30.0 feet; thence S 00 deg. 11 min. 30 sec. E a distance of 153.43; Thence East a distance of 30.0 feet to a point in the East line of the NE1/4 NW1/4 of said Section 18 from which the N1/4 corner of said Section 18 bears N 00 deg. 11 min. 30 sec. W a distance of 515.93 feet; thence N 00 deg. 11 min. 30 sec. W along the East line of the NE1/4 NW1/4 of said Section 18 a distance of 153.43 feet to the Point of Beginning; and

WHEREAS, the City Council of the City of Grand Junction has determined that such action would not at this time be detrimental to the inhabitants of the City;

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

There is hereby granted to Leo O. Kelley and Helen E. Kelley a Revocable Permit to allow the use of the public right-of-way described above for the purposes described above; provided, however, that the petitioners shall not permit shrubs, plants or any other item to grow to a height exceeding thirty (30) inches above the grade of the ground in those areas as set forth in Section 5-3-2 of the City of Grand Junction Zoning and Development Code; the petitioners will not hold the City liable for any damages caused to said landscaping improvements as a result of the City's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; and that said Revocable Permit shall be issued only upon the concurrent execution by the petitioners of an agreement that the petitioners will save and hold the City, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, any claims or causes of action however stated arising out of the encroachment or use granted, and that upon revocation of such permit, the petitioners will, within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at their own expense, remove any

encroachment so as to restore the right-of-way to its original condition.

DATED this 1st day of November, 1989.

/s/ Stephen L. Anderson

Acting City Manager

Attest:

/s/ Theresa F. Martinez, CMC

Deputy City Clerk

Acceptance:

Leo O. Kelley

Helen E. Kelley

AGREEMENT

Leo O. Kelley and Helen E. Kelley, for themselves, their heirs, successors and assigns, do hereby agree that they, and each of them, will abide by each and every condition contained in the foregoing Permit; that they, and each of them, shall indemnify the City of Grand Junction, its officers, employees and agents and hold it, its officers, employees and agents harmless from all claims and causes of action as recited in said permit; and that upon revocation of the Permit, they agree to within thirty (30) days peaceably surrender said public right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED at Grand Junction, Colorado, this _____ day of _____, 1989.

Leo O. Kelley

Helen E. Kelley

STATE OF COLORADO)	
) ss:	
COUNTY OF MESA)	

The foregoing Agreement was acknowledged before me this _____ day of _____, 1989, by Leo O. Kelley and Helen E. Kelley.

Witness my hand and official seal.

My Commission expires: _____

Notary Public

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

RESOLUTION NO. 54-89 GRANTING A REVOCABLE PERMIT TO FORESIGHT PARK OWNERS' AND TENANTS' ASSOCIATION TO ALLOW INSTALLATION OF AN IDENTIFICATION SIGN IN THE ISLAND LOCATED IN THE WEST FORESIGHT CIRCLE RIGHT-OF-WAY AT 25 ROAD

The following Resolution was read:

RESOLUTION NO. 54-89

GRANTING A REVOCABLE PERMIT TO FORESIGHT PARK OWNERS AND TENANTS ASSOCIATION

WHEREAS, Foresight Park Owners & Tenants Associations has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of an identification sign in the island located in the West Foresight Circle right-of-way at 25 Road; and

WHEREAS, the City Council of the City of Grand Junction has determined that such action would not at this time 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, is hereby directed to grant the attached Revocable Permit to the above-named petitioners for the installation of an identification sign within the public right-of-way aforescribed;

provided, however, the petitioners will not hold the City liable for any damages caused to said sign as a result of the City's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; and that said Revocable Permit shall be issued only upon the concurrent execution by the petitioners of an agreement that the petitioners will save and hold the City, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, any claims or causes of action however stated arising out of the encroachment or use granted, and that upon revocation of such permit, the petitioners will, within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition.

PASSED and ADOPTED this 1st day of November, 1989.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Theresa F. Martinez, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, Foresight Park Owners & Tenants Associations has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of an identification sign in the island located in the West Foresight Circle right-of-way at 25 Road; and

WHEREAS, the City Council of the City of Grand Junction has determined that such action would not at this time be detrimental to the inhabitants of the City;

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

There is hereby granted to Foresight Park Owners & Tenants Association a Revocable Permit to allow the use of the public right-of-way described above for the purposes described above; provided, however, that the petitioners will not hold the City liable for any damages caused to said sign as a result of the City's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; and that said Revocable Permit shall be issued only upon the concurrent execution by the petitioners of an agreement that the petitioners will save and hold the City, its officers, employees and agents harmless from, and indemnify the City, its officers,

employees and agents, any claims or causes of action however stated arising out of the encroachment or use granted, and that upon revocation of such permit, the petitioners will, within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED this 1st day of November, 1989.

/s/ Stephen L. Anderson

Acting City Manager

Attest:

/s/ Theresa F. Martinez, CMC

Deputy City Clerk

Acceptance:

\Foresight Park Owners & Tenants Association

By

Tom Worster, President

Attest:

AGREEMENT

Foresight Park Owners & Tenants Association, for themselves, their heirs, successors and assigns, do hereby agree that they, and each of them, will abide by each and every condition contained in the foregoing Permit; that they, and each of them, shall indemnify the City of Grand Junction, its officers, employees and agents and hold it, its officers, employees and agents harmless from all claims and causes of action as recited in said permit; and that upon revocation of the Permit, they agree to within thirty (30) days peaceably surrender said public right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED at Grand Junction, Colorado, this _____ day of _____, 1989.

Foresight Park Owners & Tenants Association

By

Tom Worster, President

Attest:

STATE OF COLORADO)	
) ss:	
COUNTY OF MESA)	

The foregoing Agreement was acknowledged before me this _____ day of _____, 1989, by Tom Worster as President and _____ as _____ of Foresight Park Owners & Tenants Association.

Witness my hand and official seal.

My Commission expires: _____

Notary Public

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

AUTHORIZE THE ACTING CITY MANAGER TO EXECUTE A CONTRACT TO ACQUIRE WATER AND LANDS IN MESA COUNTY

Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, the Acting city Manager was authorized to execute a Contract to acquire water and lands in Mesa County.

ADJOURNMENT

The President adjourned the meeting.

Theresa F. Martinez

Theresa F. Martinez
Deputy City Clerk