

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

MAY 20, 1992

The City Council of the City of Grand Junction, Colorado, convened in regular session the 20th day of May, 1992, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, John Bennett, Bill Bessinger, Bill McCurry, Paul Nelson, Conner Shepherd, and President of the Council Reford Theobold. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and Acting City Clerk Teddy Martinez.

Council President Theobold called the meeting to order and Councilman Bessinger led in the Pledge of Allegiance. The audience remained standing during the invocation by Pastor James Pierce, Vineyard Christian Fellowship.

PRESENTATION OF APPRECIATION PLAQUE AND GAVEL TO CONNER W. SHEPHERD, PAST MAYOR

REORGANIZATIONS OF COUNCIL - 1992-1993 COUNCIL ASSIGNMENTS

Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried, the following appointments were made (alternates are in parenthesis):

Associated Governments of Northwest Colorado
Bill McCurry (Bill Bessinger)

Chamber of Commerce
John Bennett

Colorado Association of Ski Towns (CAST)
Bill McCurry (Paul Nelson)

Colorado Municipal League Policy Committee
Conner Shepherd

Downtown Development Authority
Conner Shepherd (Paul Nelson)

Golden Sister City Committee
Bill McCurry, John Bennett (Bill Bessinger)

Grand Junction Housing Authority
Bill Bessinger

Grand Junction Visitors & Convention Bureau
Paul Nelson (Reford Theobold)

Grand Junction/Mesa County Riverfront Commission
Jim Baughman (Paul Nelson)

Mesa County Economic Development Council
Reford Theobold (Bill Bessinger)

Mesa County Transportation Policy Advisory Committee
Jim Baughman (Bill Bessinger)

Mesa County UMTRA Advisory Committee
Paul Nelson

MesAbility
Jim Baughman

Parks Improvement Advisory Committee/Stadium
Bill McCurry

Walker Field Airport Authority
John Bennett

Grand Valley Air Quality Planning Committee
Jim Baughman

Arts Commission
Reford Theobold

Sewer Study
Reford Theobold and Jim Baughman

AD HOC Committees

City Services, Utilities, Department Services
Paul Nelson

Growth & Annexation (Annexation, Riverfront)
Conner Shepherd

Capital Improvement Planning (Financial Planning)
John Bennett

Quality of Life (Vision/Parks Plan/Legislation/Communication)
Bill McCurry

MR. F.S. WARNER, OWNER OF CENTENNIAL RV & MARINE, LOCATED AT 2308 HIGHWAY 6 & 50, DISCUSSES MOVING HIS BUSINESS INSIDE THE CITY LIMITS, AND THE COST OF WATER LINES - TABLED TO JUNE 3, 1992, MEETING

Mr. F.S. Warner stated that there is water and sewer at the existing property. Mr. Warner was recently informed by the Grand Junction Fire Department that 8" water line must be installed if improvements are to be made to the property. He stated that this requirement has prevented approximately two city blocks of highly desirable retail frontage from being developed into good, tax-generating business. The cost of running the 8" water line to the subject property is \$16,220. He requested that the City pay for

the water line. The cost could be paid for by additional sales tax that the City is losing outside the City. Mr. Warner's business paid for the current line over approximately four years. He stated that business will move into this high-traffic area that is housing Sam's Club to the east and Mesa Mall to the west.

Public Works Director Jim Shanks stated that Mr. Warner has a septic tank permit from the Mesa County Health Department for the property. The closest sewer line is the River Road Interceptor which is on the other side of the railroad tracks. Previous studies have shown that that area really needs a sewer down West Independent to 25 Road. As the areas east of the property develop, a sewer line will likely be installed. Mr. Shanks estimated a cost of \$68,000 to \$70,000 to extend the sewer line from 25 Road to 28 3/4 Road. The subject water line would be owned by Ute Water.

City Attorney Dan Wilson stated that the City does not have the legal authority to extend Ute Water's lines. They are not owned by the City. It would have to be accomplished with consent by Ute Water.

Councilman Shepherd suggested that possibly the current owner of the subject property would be interested if he/she is unable to sell the property without the water line improvement. Mr. Warner responded that there is already water and sewer to the property, and a building on the property; mill tailings have also been removed. He is simply unable to obtain a building permit to construct improvements without meeting the 8" water line requirement.

Consensus of Council was that no City funds be expended on the upgrade of this water line as the lines are owned by Ute Water, and, at present, the City is under litigation with Ute Water.

This item was tabled for two weeks to allow the City Attorney and Public Works Director to explore options and return to the June 3, 1992, City Council meeting with recommendations.

* * * CONSENT CALENDAR * * *

Upon motion by Councilman Shepherd, seconded by Councilman McCurry and carried the following Consent Items 1-5 were approved:

1. Approve the minutes of the Regular Meeting May 6, 1992
2. Contract Award to United Companies for the Main Street Reconstruction and Waterline Replacement capital improvement projects.

Three bids were received May 7, 1992, for the Main Street Road Reconstruction (7th to 9th Street) and the Main Street Waterline Replacement (7th to 10th Street) capital projects. The low bid was submitted by United Companies in the amount of \$256,302.70. The other two bids received were from Lyle States Construction for the

amount of \$355,030.75, and from Parkerson Construction for the amount of \$298,002.20.

3. Authorization to purchase eight (8) greensmowers for the Lincoln Park and Tiara Rado golf courses.

Bids were opened May 14, 1992, for the purchase of eight (8) 22" greensmowers and two (2) groomer attachments for service at Lincoln Park and Tiara Rado Golf Courses. Invitations for bids were sent to four (4) dealers. Three bids were received. The low bid of \$26,648 was submitted by L.L. Johnson Distributing of Denver. L.L. Johnson's bid a Toro Greenmaster at \$3,131 each and \$800 per groomer attachment.

4. Authorization to purchase a 20-yard Packer Truck for the Sanitation Department from Western Slope Ford for \$81,389; further authorizing the long-term financing with a loan from the General Fund at 8%, and authorizing the Finance Director to include the necessary appropriation of these funds in the next supplemental appropriation for 1992.

Bids were opened May 14, 1992, for the purchase of a 20-yard Packer Truck for the Sanitation Division. The low bid was submitted by Western Slope Ford in the amount of \$81,389.

5. Motion to increase the VCB Board of Directors from 7 members to 9 members:

That the number of seats on the Visitor & Convention Bureau Board of Directors be increased from 7 members to 9 members, effective June, 1992, and that the original term of one of these new seats shall expire December 31, 1993, and the original term of the other seat shall expire December 31, 1994; succeeding terms of each shall be for three years, but no person shall be appointed to serve more than two consecutive terms.

* * * END CONSENT CALENDAR * * *

PROPOSED ORDINANCE - AMENDING SECTION 19-77 OF THE CODE OF ORDINANCES REGARDING SMOKING IN PUBLIC PLACES - CONTINUED TO JUNE 3, 1992, MEETING

Parks Director Ted Novack presented a memo to Council with recommendations by City Staff, the Parks and Recreation Advisory Board, School District 51, and Mesa State College, that the Smoking Ordinance remain in its current form.

Councilman Bennett stated that a number of out of town smokers will be attending the JUCO tournament which will take place May 23-30, 1992. Some of these visitors from other areas do not have a smoking ordinance in their area. Councilman Bennett suggested that the far south end along the first baseline of Suplezio Field be designated a smoking area.

President of the Council Theobold stated that approximately one year ago a similar request was made by the public and the item was sent to the Parks and Recreation Board for its recommendation. The Board said it did not want to change the Ordinance.

It was moved by Councilman Shepherd and seconded by Councilman Nelson that the Proposed Ordinance amending Section 19-77 of the Code of Ordinances be passed and adopted as an emergency. Roll was called upon the motion with the following result:

AYE: SHEPHERD.

NO: NELSON, BAUGHMAN, MCCURRY, BENNETT, BESSINGER, THEOBOLD.

The motion failed to pass.

Councilman Bennett requested that a proposed ordinance be written to designate "for the annual JUCO Tournament only," and schedule for reconsideration by City Council at its next meeting on June 3, 1992.

PROPOSED ORDINANCE - ALLEY IMPROVEMENT DISTRICT 1991, PHASE A, ASSESSMENTS

A hearing was held after proper notice on Alley Improvement District 1991, Phase A, Assessments. City Property Agent Tim Woodmansee reviewed this item. There were no opponents, letters, or counterpetitions. The hearing was closed.

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

PROPOSED ORDINANCE - ALLEY IMPROVEMENT DISTRICT 1991, PHASE B, ASSESSMENTS

A hearing was held after proper notice on Alley Improvement District 1991, Phase B, Assessments. City Property Agent Tim Woodmansee reviewed this item. There were no opponents, letters, or counterpetitions. The hearing was closed.

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

ORDINANCE NO. 2573 - ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, LDS ANNEXATION, APPROXIMATELY 5.82 ACRES LOCATED NORTHWEST OF 25-1/2 ROAD AND G ROAD

There were no comments. Upon motion by Councilman Bennett, seconded by Councilman Shepherd and carried by roll call vote, Ordinance No. 2573 was passed and adopted.

ORDINANCE NO. 2574 - AN ORDINANCE DISCONNECTING CERTAIN LANDS ON THE REDLANDS GENERALLY WEST AND SOUTH OF THE RIDGES METROPOLITAN DISTRICT

Karl Metzner, Community Development Department, reviewed this item. The plat showing which parcels are to be disconnected and which parcels are to remain was also reviewed. Mr. Metzner stated that the following property owners have requested, in writing, to remain in the Ridges Annexation #1, #2, #3. All others will be disconnected.

1. Walter K. Waymeyer;
2. Bernard B. Johnson;
3. William K. Patterson;
4. The Holt Chew Trust (Elaine F. Chew family).
5. Dynamic Investments, Inc.;
6. Edwin L. and Anne B. Oberto;
7. Edward M. and Nadine L. Lippoth.

There were no other comments. It was moved by Councilman Bennett and seconded by Councilman McCurry that Ordinance No. 2574 be passed and adopted as amended.

Councilman Baughman moved to amend the motion by requesting the owner(s) of the land located between the Fletcher property and the western most portion that is requesting to remain in the annexation, request for annexation of their property that is between that part that is presently inside the City boundaries and the Fletcher property. The motion lost for lack of a second.

Roll call was called on the original motion with the following result:

AYE: BAUGHMAN, MCCURRY, SHEPHERD, BENNETT, NELSON, THEOBOLD.
NO: BESSINGER.

ORDINANCE NO. 2575 - AN ORDINANCE CREATING SECTIONS 12-12 THROUGH 12-20 OF ORDINANCE NO. 2575 PROVIDING FOR AMBULANCE SERVICES IN THE CITY OF GRAND JUNCTION

Mr. Bill Collins, 860 Hall Avenue, Life Star Ambulance Company, was present and stated a concern with subsection 3 regarding operating procedures in the Manual. He emphasized the importance of said Manual.

There were no other comments. Upon motion by Councilman Shepherd, seconded by Councilman Baughman and carried by roll call vote, Ordinance No. 2575 was passed and adopted as amended.

RECOGNITION OF SPECIAL AWARD BESTOWED UPON CITY FIRE CHIEF MIKE THOMPSON

President of the Council Theobald noted that the City's Fire Chief Mike Thompson recently won a gold medal while participating in the Fire Fighters Olympics, the light-weight division of weight lifting.

RECESS

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

ORDINANCE NO. 2576 - AN ORDINANCE REPEALING AND REENACTING WITH AMENDMENTS ORDINANCE NO. 2409 PROVIDING FOR RABIES CONTROL; LICENSING OF DOGS; RESTRAINT OF ANIMALS RUNNING AT LARGE; RESTRAINT OF VICIOUS DOGS; RESTRAINT OF BARKING DOGS; IMPOUNDMENT AND DISPOSITION OF ANIMALS; ESTABLISHING PENALTIES FOR VIOLATION OF SUCH PROVISIONS; AND AUTHORIZING PUBLICATION IN PAMPHLET FORM

There were no comments. Upon motion by Councilman McCurry, seconded by Councilman Shepherd and carried by roll call vote with Councilmembers BENNETT, BESSINGER and BAUGHMAN voting NO, Ordinance No. 2576 was passed and adopted.

ORDINANCE NO. 2577 - AN ORDINANCE ESTABLISHING LOCAL LAW GOVERNING THE DISPOSITION OF UNCLAIMED PROPERTY

There were no comments. Upon motion by Councilman McCurry, seconded by Councilman Bessinger and carried by roll call vote, Ordinance No. 2577 was passed and adopted.

CONDITIONAL USE PERMIT - CAPTAIN D'S DRIVE-THRU RESTAURANT, 2812 NORTH AVENUE - CONTINUED FROM MAY 6, 1992, CITY COUNCIL MEETING

Bennett Boeschstein, Community Development Director, reviewed this item stating that both sides have agreed to a proposal. The circulation onto North Avenue was an issue with Captain D's. Captain D's has agreed to contribute towards an improvement of Bunting Avenue which Public Works has calculated to be their portion. United Bank (Norwest Bank) has agreed to dedicate the right-of-way along Bunting Avenue.

Mr. Greg Kemp, Attorney for Captain D's, was present and stated that Captain D's is willing to contribute \$19,460 towards the improvement of Court Road on the north and Bunting Avenue across from 28 Road. The figure includes Captain D's share of the already completed improvements along Court Road. The total improvement cost has been estimated by the City at \$70,000. Mr. Kemp was hopeful that the City will authorize the expenditure of \$50,000 to \$60,000 to complete the two roads.

Mr. Keith Mumby, Golden, Mumby, Summers & Livingston, attorney for Norwest, stated that Norwest Bank has agreed to dedicate the 26 feet along Bunting Avenue for approximately 570 feet, and the 20 feet along Court Road for approximately 100 feet on two conditions: (1) when the property to the south does develop, there

will be no further contribution from the development; (2) that Bunting Road and Captain D's open simultaneously. Mr. Mumby explained that it is his understanding that Captain D's is willing to develop Court Road and Bunting as part of their project assuming reimbursement from the City which will accelerate the construction.

Mr. Mumby continued that when Omega Park was developed and the drain ditch covered, there was a sleeve placed through the drain pipe and the sewer was taken up to a manhole cover approximately where Court Road presently ends. He suggested that when the street improvements begin that the City hook onto that sewer line, go through that sleeve and stub it out onto the Omega property even though it is an additional expense.

Public Works Director Jim Shanks stated that the total cost of the improvements would be approximately \$73,000 minus the \$19,460 pledged by Captain D's, with a total City share of approximately \$53,500.

City Manager Mark Achen asked that Council consider: (1) how the cost sharing arrangement will occur if the actual costs come in over or under the estimate; and (2) what its expectations are in terms of financial responsibility of the Omega property at the point it develops in the future.

Public Works Director Jim Shanks responded that by agreement the City could come up with a method to apportion the cost, as the final cost will not be exactly as estimated. When Omega comes in for development they will be required to construct half the street improvements for their northern half of Bunting. This proposed improvement includes approximately 8 feet of asphalt paving that is on the north half of Bunting. The possibility of recovering this cost from Omega in the future was discussed. City Attorney Dan Wilson stated that the City could make a requirement in Omega's outline development plan that approval be contingent upon Omega's reimbursement for the moneys that the City fronted to save construction costs.

City Manager Mark Achen suggested that funds be transferred from the General Fund contingency account for these costs. A decision could be made later in the year as previously budgeted projects are completed.

Upon motion by Councilman McCurry, seconded by Councilman Nelson and carried, the conditional use permit for Captain D's Drive-Thru restaurant located at 2812 North Avenue was approved with the following amendments:

1. conditioned upon the agreement by Norwest Bank's dedicated right-of-way necessary to complete the construction of Court Road to the north and Bunting to the west;
2. conditioned upon the Bank not being required to participate in

half the improvements which would otherwise be required when it develops the abutting property;

3. conditioned upon a cash payment by Captain D's of \$19,460 towards the road improvements;

4. conditioned upon a roadway being completed at the time of issuance of the Certificate of Occupancy to Captain D's;

5. conditioned upon the City participating in the balance of the road construction costs to complete North Court Road and Bunting with the prescribed accesses as described;

6. conditioned upon an agreement with the developer regarding what happens if the costs are above or below the estimated costs;

INTERGOVERNMENTAL AGREEMENTS BETWEEN THE CITY OF GRAND JUNCTION AND MESA COUNTY FOR FIRE DEPARTMENT TO PROVIDE EMERGENCY RESPONSE TO HAZARDOUS SUBSTANCE INCIDENTS (D.E.R.A.) AND TO PROVIDE SERVICES MONITORING TRANSPORTATION, STORAGE, MANUFACTURING AND DISPOSAL OF HAZARDOUS SUBSTANCES (S.A.R.A.) TO AREAS OUTSIDE OF THE GRAND JUNCTION FIRE DEPARTMENT

Upon motion by Councilman McCurry, seconded by Councilman Bessinger and carried, the Intergovernmental Agreements between the City of Grand Junction and Mesa County for the Fire Department to provide emergency response to hazardous substance incidents (D.E.R.A.) and to provide services monitoring transportation, storage, manufacturing and disposal of hazardous substances (S.A.R.A.) to areas outside of the Grand Junction Fire Department, were approved, and the Fire Chief and City Manager were authorized to sign said Contracts.

AUTHORIZATION TO EXECUTE AN AGREEMENT BY THE CITY MANAGER TO RETAIN WAYNE SCHROEDER AS WATER COUNSEL FOR THE CITY OF GRAND JUNCTION

Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, the Agreement by the City Manager to retain Mr. Wayne Schroeder as Water Counsel for the City of Grand Junction was approved.

Mr. Schroeder was present and thanked City Council for the opportunity to serve the City of Grand Junction in this capacity. Mr. Schroeder stated that he has worked with a number of cities and special districts, and was of the opinion that the City of Grand Junction has a very highly professional staff.

RESOLUTION NO. 44-92 - SUPPORTING MESA COUNTY'S DECISION TO KEEP ITS JUSTICE/LAW ENFORCEMENT COMPLEX IN THE GRAND JUNCTION DOWNTOWN

Upon motion by Councilman Nelson, seconded by Councilman Baughman and carried by roll call vote with Councilman BESSINGER voting NO, Resolution No. 44-92 was passed and adopted.

ADJOURNMENT

Upon motion by Councilman Bessinger, seconded by Councilman McCurry and carried, the meeting was adjourned.

Theresa F. Martinez

Theresa F. Martinez, CMC
Acting City Clerk

RESOLUTION NO. 44-92

SUPPORTING MESA COUNTY'S DECISION TO KEEP ITS JUSTICE/LAW ENFORCEMENT COMPLEX IN THE GRAND JUNCTION DOWNTOWN

WHEREAS, the City of Grand Junction has been the Mesa County Seat ever since the creation of Mesa County in 1883; and

WHEREAS, the County Seat serves as the center and focus of County Government and has been an integral part of the Grand Junction Downtown for more than one hundred years; and

WHEREAS, over the course of these years Downtown and County Government have grown and prospered and mutually benefitted one another; and

WHEREAS, the Grand Junction City Council, Downtown Development Authority, Downtown Association and many Downtown property owners have strongly encouraged the retention of Mesa County Government facilities in the Grand Junction Downtown; and

WHEREAS, Mesa County has erected its new Jail and Sheriff's Office in the Grand Junction Downtown; and

WHEREAS, Mesa County has expressed its intent to also erect a new Court/Justice facility in the Grand Junction Downtown; and

WHEREAS, these County facilities represent major investments in Grand Junction's Downtown that will contribute to the long term health and stability of Downtown, which is an important objective of the City of Grand Junction; and

WHEREAS, the Grand Junction Downtown and Mesa County Government facilities mutually benefit one another;

NOW, THEREFORE, BE IT RESOLVED THAT the Grand Junction City Council strongly supports the Mesa County decision to locate these new County Government facilities in the Grand Junction Downtown.

PASSED and ADOPTED this 20th day of May, 1992.

Attest:

NAME

President of the Council

Theresa F. Martinez

Acting City Clerk