

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

FEBRUARY 3, 1993

The City Council of the City of Grand Junction, Colorado, convened in regular session the 3rd day of February, 1993, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, John Bennett, Bill Bessinger, Paul Nelson, Conner Shepherd, and President of the Council Reford Theobald. Councilman Bill McCurry was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and Acting City Clerk Sandra Glaze.

Council President Theobald called the meeting to order and Councilman Bennett led in the Pledge of Allegiance. The audience remained standing during the invocation by Councilman Shepherd.

PRESENTATION OF SPECIAL AWARD TO RON LAPPI, CITY FINANCE DIRECTOR, BY MIKE HARMON, TREASURER, CGFOA (COLORADO GOVERNMENT FINANCE OFFICERS ASSOCIATION) -SPECIAL AWARD FOR EXCELLENCE IN FINANCE REPORTING FOR 1992 AND 1993

DR. AL WEINBERG, 745 W. WILSHIRE COURT, COMMON DECENCY COALITION, DISCUSSES AMENDMENT NO. 2

Dr. Al Weinberg, 745 W. Wilshire Court, was present representing the Common Decency Coalition and the Community Police Partnership. The Common Decency Coalition was formed after the passage of Amendment 2 in November, 1992. The CDC's purpose is to work toward the repeal of Amendment 2. Its long range goal is to fight discrimination of any type. He explained that the Community Police Partnership was formed in October, 1991. Its primary goal is to provide community input for issues concerning the Criminal Justice system in order for the system to be more effective and provide a greater sense of security for our citizens.

Dr. Weinberg stated that both organizations have great concerns about discrimination - CDC by design, and Community Police Partnership by necessity. He cited the Adolph Archuleta shooting and the rise in tension and anxiety within the community, and the cries of discrimination from the Hispanic community. Meetings have been held with Police Chief Sloan regarding discrimination issues. He felt that Grand Junction is fortunate to have a person such as Darold Sloan who is committed to improved training, hiring, communications and practices to eliminate any taint of police discrimination.

Dr. Weinberg stated that other Colorado municipalities have been adopting resolutions to make clear their intent and desire not to discriminate against anyone on the basis of status, and to work toward the repeal of Amendment 2. The voters in those municipalities voted against Amendment 2.

In Mesa County the voters supported Amendment 2. Dr. Weinberg's groups are not asking Grand Junction for a resolution supporting the repeal of Amendment 2. That would not be respectful of the voters or of our democratic process. The group does intend to convince voters, through education, to change their mind. It was requested that the City Council develop a resolution which supports fairness

and non-discrimination, a resolution which reflects the decency of our citizens and which shows the world that this is not a "hate" community. The adoption of such a resolution is an opportunity for the City Council to take a leadership role in healing splits within the community, and bringing together diverse elements. Dr. Weinberg offered assistance to City Council by membership of both the CDC and Community Police Partnership in drawing up such a resolution.

Councilman Jim Baughman commented that he voted for Amendment 2. The sole purpose and language of this amendment clearly stating that no special group rights could be held because of one sexual orientation. He felt that this is the very essence of our freedom in America. Individual rights are fiercely safeguarded by the Constitution of the United States, the Bill of Rights, and the laws of our land. No group of individuals can collectively possess more rights or special rights than any one single individual. Each individual has full protection of the law, especially as defined by the 14th Amendment. Mr. Baughman stated that homosexuality is an attack on God's law, an attack on the family structure, an attack on our Nation's Christian principles. It attacks the ideals that the majority in our land and country and community hold dear. He felt that this behavior cannot be sanctioned. He felt our choice is to either continue to accept the Laws of God as the glue that binds our nation and our nation's laws our founders gave us, or turn to the dark side of man's nature and embrace man's law and man's reason as ultimate authority. The choice is ours. He admonished that we choose wisely. He encouraged us to continue to be one Nation, under God, with liberty and justice for all.

Councilman Shepherd reaffirmed that Dr. Weinberg and his groups did not ask City Council to take a position on Amendment 2. Mr. Shepherd felt that the Amendment did not suggest that anyone was to be given "special" rights, but that the rights that were provided by the Constitution of the United States be given regardless of sexual orientation, that it was not intended to give "special" rights. Dr. Weinberg has asked City Council to reaffirm, as the policy making body of the City of Grand Junction, that it will uphold the Constitution of the United States, something that each Council member swore he would do when elected to office. Councilman Shepherd reaffirmed his commitment to equal protection, under the law, for any citizen in the United States.

President of the Council Theobald expressed his appreciation to Dr. Weinbergh for presenting the subject in such a fair manner. He also appreciated that fact that speaker for both sides were polite by letting each side speak its peace. City Council will take the matter under consideration.

CONSENT ITEMS

Upon motion by Councilman Shepherd, seconded by Councilman Nelson and carried by roll call vote, the following Consent Items 1-11 were approved:

1. **Approve** the minutes of the Regular Meeting January 20, 1993
2. **Approve** contract for architectural services with Dillon-Hunt P.C. for

work on the VCB Visitor Center - \$34,800

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The contract for architectural services covers schematic design, design development, construction document specifications, bidding and negotiating with contractors, administration and pay requests review. The contract amount is consistent with architectural fee estimates Dillon-Hunt presented to the Board in order to develop the total project costs for the Visitor Center.

3. **Authorization** to purchase ten (10) traffic signal poles - M.H. Lighting Associates, Inc. - \$22,738

Bids were opened January 22, 1993, for the purchase of ten (10) traffic signal poles. The poles are earmarked for signal upgrades at 1st and Orchard and 12th and Gunnison, and the School Crossing at 7th and Walnut.

Bids were distributed to three (3) vendors; we received two (2) bids. The low bid was submitted by M/H Lighting Systems of Denver for \$22,738; Gades Sales Co., Denver, was high with a bid of \$27,595. M/H Lighting represents Valmont Industries. The City has purchased many poles manufactured by Valmont; the product and delivery have always met our specifications.

4. **Authorization** to purchase a 1993 3/4 ton 4WD Ford Pickup Truck with an Omaha Utility Body- Western Slope Auto Company - \$16,604

Bids were opened January 21, 1993, for the purchase of a 1993 3/4 ton 4WD Utility Truck for Parks Operations Division. The new truck will replace unit #90, a 1980 3/4 ton Chevy Utility Truck.

Invitations for Bids were distributed to five (5) area dealers, we received the following five (5) responsive bids:

Dealer	2-Wheel Drive	4-Wheel Drive
Western Slope Auto (Ford)	\$14,592.00	\$16,604.00 **
Hellman Motor Company (Ford)	\$14,689.00	no bid
Western Slope Chrysler (Dodge)	\$16,120.00	\$18,324.00
Westphal Chevrolet	\$16,950.45	\$18,885.45
Fuoco Motor Company (GMC)	\$17,601.45	\$19,582.30

** recommended award

Parks requests Council's permission to upgrade to the purchase of a 4-wheel drive truck. During the Winter months Parks Operations needs a 4WD to pull its tandem-axle trailer loaded with tractor/snow broom for snow removal at the Ridges. John Kenney supports the upgrade.

5. **Authorization** to purchase a new 55hp Tractor with 72" HD Rotary Cutter and 60" Ditchbank Mower - Western Implement - \$22,614

Bids were opened January 27, 1993, for the purchase of a 55hp 4WD

Tractor equipped with a 72" Rotary mower and 60" Ditchbank Mower for the Weed Enforcement Division.

Invitations for Bids were distributed to three (3) area dealers, we received the following three (3) responsive bids:

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Dealer	Make/Model	Net Bid
Western Implement	Zetor 6245	\$22,614.00**
Hanson Equipment	Case 595	\$26,629.10
Delta Implement	John Deere 5400	\$27,683.00

** recommended award

Orchard Mesa Irrigation District personnel are pleased with the performance of the Zetor Tractor in cutting ditch banks. Western Implement has always backed equipment sold to the City.

6. **Authorization** to purchase a 1993 2-1/2 ton GMC cab and chassis with a 3-yard dump body - Fuoco Motor Company - \$19,283

Bids were opened January 27, 1993, for the purchase of a 1993 2-1/2 ton Dump Truck for Parks Operations Division. The new truck will replace unit #11, a 1979 Chevy Dump Truck.

Invitations for Bids were distributed to five (5) area dealers, we received the following three (3) responsive bids:

Dealer	Net Bid
Fuoco Motor Company (GMC)	\$19,283.00**
Western Slope Auto (Ford)	\$19,698.00
Westphal Chevrolet	\$21,781.35

** recommended award

7. **Authorization** for expenditure of \$10,000 in Lottery funds for the joint purchase of one set of portable bleachers (500 seats) to be placed on the East side of the outfield fence of Suplizio Field

The Parks and Recreation Advisory Board recommended, at their January meeting, the expenditure of \$10,000 in Lottery funds for the joint purchase of a set of portable bleachers that will seat 500 persons. The bleachers will be set up on the East side of the outfield fence of Suplizio Field and will be used during JUCO. The JUCO Committee will fund \$8,000 of the \$18,000 project.

In 1991 the crowds for the night games were so large that capacity was reached and many ticket holders were left outside the gate when the Fire Department asked the gates to be closed. In 1992 the JUCO Committee, in anticipation of capacity crowds, rented 1,000 seats from Specialty Bleacher Company in Denver at a cost of \$6,500. (The normal charge for 500 seats is \$5,000, the additional 500 seats rent for \$1,500 since they can be transported in one truck.) This same company is

willing to sell a used 500 seat set for \$18,000. New sets range in cost from \$25,700 to \$38,000.

Funding sources for the \$18,000 purchase are: JUCO \$8,000 and the City \$10,000.

8. *** Resolution No. 9-93** approving and accepting the improvements connected with Alley Improvements District 1992, Phase A, and giving notice of a hearing to consider the apportionment of costs upon each tract of land to be assessed for the same

The reconstruction of the following 4 alleys have been completed in accordance with the Resolution Creating Alley Improvement District 1992, Phase A:

East-West alley, 11th to 12th - Gunnison to Hill;
East-West alley, 12th to 13th - Chipeta to Gunnison;
East-West alley, 13th to 14th - Chipeta to Gunnison;
East-West alley, 14th to 15th - Ouray to Chipeta

The first and second readings of a proposed ordinance assessing the real estate included in this district will be conducted on March 17, 1993, and April 7, 1993, respectively. Property owners will have 30 days after final publication of the proposed ordinance to pay their assessments in full. Assessments not paid during the 30 day period will be turned over to the Mesa County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% per annum being charged to the declining balance.

9. *** Resolution No. 10-93** approving and accepting the improvements connected with Alley Improvements District 1992, Phase B, and giving notice of a hearing to consider the apportionment of costs upon each tract of land to be assessed for the same

The reconstruction of the following 3 alleys have been completed in accordance with the Resolution Creating Alley Improvement District 1992, Phase B:

East-West alley, 13th to 14th - Main to Rood;
"Cross" alley, 7th to 8th - Gunnison to Hill;
East-West alley, 12th to 13th - Grand to Ouray;

The first and second readings of a proposed ordinance assessing the real estate included in this district will be conducted on March 17, 1993, and April 7, 1993, respectively. Property owners will have 30 days after final publication of the proposed ordinance to pay their assessments in full. Assessments not paid during the 30 day period will be turned over to the Mesa County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% per annum being charged to the declining balance.

10. Approval of engineering services contract with Rolland Engineering for the design of the 1993 Alley Improvement District and necessary sewerline replacements - not to exceed \$35,710

A contract has been negotiated with Rolland Engineering to prepare detailed plans and specifications for eight alleys in the 1993 Alley Improvement District. The work will include design for replacement of sanitary sewer lines in three of the alleys. The engineering fee is based on established hourly rates for surveying and design services with a maximum fee not to exceed \$35,710 (12.6% of the estimated construction cost).

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11. * Resolution No. 11-93 placing a question on the April, 1993, Municipal Election ballot asking the citizens to authorize the City to sell or trade a parcel of dedicated parkland (2.37 acres) located at what would be approximately 2771 Crossroads Boulevard

The Parks and Recreation Advisory Board, at their January meeting, unanimously voted to recommend to the City Council that voters of the City be asked to authorize the parcel of land located at approximately 2771 Crossroads Boulevard to be sold or traded. Voter approval is required by City Charter since the parcel is dedicated as parkland. It is the recommendation of the board that this issue be presented to the voters at the April, 1993, Municipal Election.

The 2.37 acre parcel was dedicated as parkland when the area was first developed and outside of the City limits. At the time of dedication it was under the ownership of Mesa County and later transferred to the City following annexation. This area is not identified in the Park Master Plan as a potential park site and since it is located in an area that is largely commercial it does not lend itself to development into a park.

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

APPROVAL OF MCEDC INCENTIVE TO REYNOLDS POLYMER COMPANY IN THE AMOUNT OF \$168,925

Mr. Bernie Buescher, Chairman, Economic Development Council, was present to discuss the MCEDC incentive to Reynolds Polymer Technologies, Inc. The company is moving from Southern California, and expecting to be in operation locally by October or November, 1993. The company manufactures polymer windows. Mr. Buescher stated that approximately 15-20 of the company's current employees will move to Grand Junction, and 40-45 skilled employees will be hired locally.

Upon motion by Councilman Baughman, seconded by Councilman Bennett and carried, the MCEDC incentive to Reynolds Polymer Company in the amount of \$168,925 was approved.

AUTHORIZATION FOR CITY MANAGER AND PARKS & RECREATION DIRECTOR TO SIGN HEAD GOLF PROFESSIONAL CONTRACT FOR THREE YEARS - CONTINUED TO END OF MEETING

Renegotiation discussion took place over the past two months with the Parks & Recreation Director and Assistant City Attorney representing the City. The contract renewal is for the period starting March 1, 1993, and continuing through February, 1994. Councilman Bennett requested that this item be approved for one year, and bring it back for consideration in 1994.

It was moved by Councilman Shepherd and seconded by Councilman Nelson that the Contract for Head Golf Professional be renewed for three years, from March 1, 1993, and continuing through February, 1996. The vote was 3-3. The motion lost.

This item will be revisited at the end of this meeting.

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HEARING - APPLICATION BY MESA STATE COLLEGE FOUNDATION FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT FOR MARCH 6, 1993, AT MESA STATE COLLEGE LIFF AUDITORIUM FOR THE MESA STATE FOUNDATION ANNUAL GALA

A hearing was held after proper notice on the application by Mesa State College Foundation for a Malt, Vinous and Spirituous Liquor Special Events Permit to be held at Mesa State College Liff Auditorium on March 6, 1993, from 6:30 p.m. to 11:30 p.m. for the Mesa State Foundation Annual Gala. Event Manager Marlene Shannon was present. There were no opponents, letters or counter petitions. Upon motion by Councilman Bennett, seconded by Councilman Bessinger and carried, the application was approved.

ORDINANCE NO. 2643 - REZONE FROM B-3 (RETAIL BUSINESS) TO RMF-32 (RESIDENTIAL MULTI-FAMILY, 32 UNITS PER ACRE) PROPERTY LOCATED AT 634/636 TELLER AVENUE

A hearing was held after proper notice. There were no comments. Upon motion by Councilman Bessinger, seconded by Councilman Baughman and carried by roll call vote, Ordinance No. 2643 was passed and adopted, and ordered published.

ORDINANCE NO. 2644 - ZONE OF WILSON RANCH ANNEXATION #4 TO PR-4.4 (PLANNED RESIDENTIAL WITH A DENSITY OF 4.4 UNITS PER ACRE), LOCATED SOUTH OF G-1/2 ROAD AND EAST OF 25-1/2 ROAD

A hearing was held after proper notice. There were no comments. Upon motion by Councilman Bessinger, seconded by Councilman Shepherd and carried by roll call vote, Ordinance No. 2644 was passed and adopted, and ordered published.

ORDINANCE NO. 2645 - ZONE OF CRESTRIDGE HEIGHTS ANNEXATION TO RSF-1 (RESIDENTIAL SINGLE FAMILY, ONE UNIT PER ACRE, LOCATED SOUTH OF G ROAD AND EAST OF 7TH STREET

A hearing was held after proper notice. There were no comments. Upon motion by Councilman Baughman, seconded by Councilman Bessinger and carried by roll call vote, Ordinance No. 2645 was passed and adopted, and ordered published.

ORCHARD MESA SANITATION DISTRICT/VALLE VISTA SANITATION DISTRICT

Councilman Shepherd stated that a negotiation meeting was recently held with the Orchard Mesa Sanitation District/Mesa County/Valle Vista Homeowners/Grand Junction City Council. There were no attorneys or staff present, only elected representatives and local homeowners. The subject was Valle Vista's failing lagoons. Two proposals for solution were made:

1. The proposal by Orchard Mesa Sanitation District was that they extend their service area to Valle Vista by hooking up their 8" main out to that area, and control the Valle Vista portion of sewage as part of the sanitation district. The proposal would cost approximately \$1500 more per Valle Vista home (approximately \$200,000 total) than the City's proposal.
2. The proposal by the City of Grand Junction was that the City of Grand Junction, as partners in the joint sewer system, the City's proposal was that the joint system pay for the extension out to Valle Vista, charge the Valle Vista homeowners for the portion of the system that they would be impacting, and allow subsequent development to pay for the balance.

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The County Commissioners rejected the proposal by saying that the Orchard Mesa Sanitation District simply would not accept that alternative.

Three alternatives were left:

1. That the proposal by Orchard Mesa Sanitation District be accepted;
2. That the initiation of the construction be accepted, and sue the respective parties (Mesa County) who are initiating that solution because of their violation of the joint sewer agreement, and Orchard Mesa Sanitation District for violating their portion of their contract with the joint sewer system.
3. Allow the project to commence and that no party take ownership of the system, but be willing to submit to binding arbitration.

Tim Sarmo, Department of Local Affairs, relayed to Mr. Shepherd that Orchard Mesa Sanitation District rejected the third proposal as being unacceptable. The City was advised by its attorney that it probably would not be a very good solution either.

Upon motion by Councilman Nelson, seconded by Councilman Shepherd and carried, the City Manager was directed to notify the affected parties (Mesa County, Orchard Mesa Sanitation District, State Department of Local Affairs, State Health Department) that the City intends to enforce the contracts that are currently in full force and effect with Mesa County and Orchard Mesa Sanitation District, and put them on notice, which does not preclude the City from taking action in the future.

RENEWAL OF HEAD GOLF PROFESSIONAL CONTRACT (CONTINUED) - RENEWED FOR ONE YEAR (MARCH 1, 1993, TO MARCH 1, 1994)

City Parks and Recreation Director Ted Novack and Jack Sommers, Head Golf Professional for Lincoln Park and Tiara Rado were present and spoke.

It was requested by Council that future renewal contracts be scheduled for consideration at an earlier date than a few weeks before expiration of the

current contract, thus allowing some time for review before voting.

Upon motion by Councilman Bennett, seconded by Councilman Bessinger and carried, the Contract for Head Golf Professional for Lincoln Park Golf Course was approved for one year (March 1, 1993, to March 1, 1994).

ADDITIONAL COMMENTS REGARDING AMENDMENT 2

John Kiernan, retired Catholic Priest, 2185 Linda Lane, gave additional comments regarding Amendment 2. He encouraged Council to make a symbolic statement regarding Amendment 2 that Amendment 14 does guarantee every citizen personal rights. Mr. Kiernan felt it would provide a wonderful model for other communities.

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ADJOURNMENT

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

Sandra Glaze
Acting City Clerk