

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

APRIL 20, 1994

The City Council of the City of Grand Junction, Colorado, convened into executive session on the 20th day of April, 1994, at 7:00 p.m. in Conference Room A at City Hall to discuss ongoing negotiations. Those present were Linda Afman, Jim Baughman, Bill Bessinger, R.T. Mantlo, Ron Maupin, Dan Rosenthal, and President of the Council Reford Theobold. Also present were City Manager Mark Achen, and City Attorney Dan Wilson.

The City Council of the City of Grand Junction, Colorado, then convened into regular session the 20th day of April, 1994, at 7:34 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Bill Bessinger, R.T. Mantlo, Ron Maupin, Dan Rosenthal, and President of the Council Reford Theobold. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Theobold called the meeting to order and Council-member Maupin led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Dan Dudley, First Church of God.

PROCLAMATION DECLARING MAY 1 - 6, 1994, AS "MUNICIPAL CLERKS WEEK" IN THE CITY OF GRAND JUNCTION

CONSENT ITEMS

Councilmember Afman requested that Consent Item #9 be pulled for full discussion. Councilmember Baughman requested that Consent Item #10 be pulled for full discussion. Upon motion by Councilmember Mantlo, seconded by Councilmember Bessinger and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item #3, Consent Items #9 and #10 were removed for full discussion and the following Consent Items 1-8 were approved:

1. **Approval** of the minutes of the Regular Meeting April 6, 1994
2. **Proposed Ordinance** - An Ordinance Amending Chapter 19-29 of the Code of Ordinances Regarding the Drinking of Alcoholic Beverages in Public Ways

This change has been proposed in the new Code. However, due to the timing of upcoming summer events, we are asking that it be reviewed at this time. The change will allow Special Events Permits to be issued for wine and beer, instead of beer only, in public areas (e.g. City parks, the Downtown Shopping Park).

3. *** Resolution No. 31-94** - A Resolution Amending the 1994 Fees and Charges Policy for the Grand Junction Parks and Recreation Department

Authorization to initiate a fee for the trading of grave spaces in the Municipal Cemeteries due to the amount of paperwork and time spent in handling this service. Currently, this service is being provided free of charge.

4. *** Resolution No. 32-94** - A Resolution Appointing Susan Dackonish as Associate Municipal Judge

5. *** Resolution No. 33-94** - A Resolution Concerning the Issuance of a Revocable Permit to the Knights of Columbus to allow landscaping in the public right-of-way

This Resolution will authorize the issuance of a Revocable Permit to allow placement of landscaping in the public right-of-way for North Avenue adjacent to the property at 2853 North Avenue.

6. **Proposed Ordinance** - An Ordinance Amending the Zoning and Development Code, Sections 5-12 and 6-10, Concerning Resubdivision and Property Line Adjustment Procedures

Staff is proposing a text amendment of the Zoning and Development Code for Sections 5-12 and 6-10. This text amendment clarifies the original intent of the code and current administrative policy regarding "Resubdivision" and "Property Line Adjustment" procedures.

a. First reading of proposed ordinance

7. **Proposed Ordinance** - An Ordinance Amending the Zoning and Development Code, Sections 5-7-6.H.1, 5-7-7.B.5.b and 5-7-7.B.5.d, Concerning Roof Signs

The proposed text amendment will clarify the requirements for the design of roof signs and the square footage allowance.

a. First reading of proposed ordinance

8. *** Resolution No. 34-94** - A Resolution Authorizing the Formation of an "Adopt-A-Street" Program for the Removal of Litter from the Streets of the City of Grand Junction

The "Adopt-A-Street" program would provide volunteer and civic groups, clubs and organizations an opportunity to participate in a litter control program for specific rural

roadways within the City. Sections that are adopted would be signed adjacent to the roadway to acknowledge the groups' participation in the program.

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9. *** Resolution No. 35-94** - A Resolution Concerning Adoption of An Amendment to the Mesa County Transportation Development Plan 1993 - 1997 - **PULLED FROM CONSENT AGENDA FOR FULL DISCUSSION**
10. **Proposed Ordinance** - An Ordinance Adopting a Restated and Amended Grand Junction New Hire Police Defined Contribution Plan - **PULLED FROM CONSENT AGENDA FOR FULL DISCUSSION**
 - a. First reading of Proposed Ordinance

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

RESOLUTION NO. 35-94 CONCERNING ADOPTION OF AN AMENDMENT TO THE MESA COUNTY TRANSPORTATION DEVELOPMENT PLAN 1993-1997

President of the Council Theobold stated that the County Commissioners have given their formal approval of the amendment, and have scheduled approval for April 26, 1994. Linda Marsh clarified that the dedicated funding source is tied to public transit. That funding will be decided in 1994. MesAbility is for the elderly and handicapped. It is anticipated that funding may be included for MesAbility as part of the overall funding request for the entire transit program. However, the dedicated funding source is not part of MesAbility's question currently. Rather, it is a source of dedicated funding that may come later, and also may be a contributor to MesAbility. City Manager Mark Achen explained that the resolution being considered does not commit the Council to endorsing anything other than the MesAbility funding. Councilmember Afman felt it was important that the record show that the dedicated funding for the mass transit was not being specified. President Theobold stated that if the mass transit is approved by the voters, then the City/County funding portion is no longer funded by this contribution but instead the entire program will be funded by taking away current tax revenue that the City and the County and Fruita and Palisade, etc. have. This resolution assures that MesAbility actually survives also, even if there is a separate entity providing public transit.

Linda Marsh, MesAbility, stated that the Americans with Disability Act requires that there be P.A.R.A. transit available even if public transit exists. MesAbility's part in the transit has not

been decided. MesAbility could provide that by way of a contract.

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City Manager Achen stated that the City would bear the bulk of the expense, but the TDP grants Mesa County the authority. If a funding proposal for public transit occurs, Mesa County would have authority over it even though the City will be contributing the primary funds of the local match. Elizabeth Rowan, Mesa County contract consultant, stated that it is intended to be a joint administrative venture between the City and the County, if passed.

Upon motion by Councilmember Rosenthal, seconded by Councilmember Baughman and carried by roll call vote, Resolution No. 35-94 was adopted.

**PROPOSED ORDINANCE ADOPTING A RESTATED AND AMENDED GRAND JUNCTION
NEW HIRE POLICE DEFINED CONTRIBUTION PLAN**

City Attorney Dan Wilson explained the difference between this new plan and the preceding plan is the cost of implementation of the plan. He stated that he is comfortable with the proposed ordinance because the City has engaged an expert in tax and pension law, Mary Brower. He gave some background on the plan going back to the late 1970's when the Legislature began looking at changing from the old system in Colorado where when a Police officer retired, he would receive a percentage of a salary. A "Defined Benefit Plan" was the term. The Legislature did not fund it. The local governments were not funding it fast enough so that the monies were being depleted. The Legislature then decided to go into a "Defined Contribution Plan" which is similar to a mutual fund. Month by month, the employee's pay is matched by the City's pay, and it goes into an account in the officer's name. Whatever that account earns in interest is to the benefit of the officer when he retires. When the transaction occurred in late 1986, the Police Department had in its employ a police lieutenant who was also an attorney, and who had gathered various documents together and had written a plan. That plan was then approved by the City Council. In retrospect, that was the time when an expert in tax and pension law should have reviewed the plan. Monies were pulled out of the State FPPA plan. Some of the dollars that represented officers who had worked for the City, who had gone to a job elsewhere, were lost (that portion of the City's contribution that was not vested). The City's portion is listed as the "forfeitures". The officers received 100% of their own contribution back, but some portion of the City's contribution would be lost depending on the vested interest. Those dollars were originally kept by FPPA, which is the Statewide entity. Several cities, including Grand Junction, sued the FPPA demanding the payment of those dollars back to the individual cities. That

case went to the Colorado Court of Appeals, and was hotly contested. The cities won. In March, 1990, the City of Grand Junction along with other front range cities, received those dollars that reflected the City contributions made over some period of time, for those employees who had left the City's employ (who did not vest).

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In March, 1990, both the Fire and Police officers stated that those dollars were really their individual dollars. City Management and the Council at that time stated that those reflect City dollars that had gone in for employees who are no longer with the City. The case was taken to trial. The trial court ruled to the benefit of the individuals. Before the decision, the City had settled with the Fire Department employees, on terms that stated that 50% of the amount they were claiming would be paid to them, and would be allocated to the individual Fireman's accounts. The Police employees stated that they wanted to continue the trial. At that time Mary Brower was retained by the City to approach the IRS for direction. The City of Lamar's Police and Fire employees had also sued under a similar issue. That case actually went to the Colorado Court of Appeals first. Those involved in that case never ended up fully understanding the complexities of the Internal Revenue Code, nor the State Statutes. The Court of Appeals ended up ruling in favor of the participants. The District Court locally stated that it had to go along with the Court of Appeals decision in Lamar, and issued an order adverse to the City.

The new plan is similar to the old. The difference is the current Police Pension Board will consist of four City representatives and three Police representatives. It takes an extraordinary majority to make some of the investment decisions, and requires at least one Police participant to agree with the Police Pension Board. If not, there is a deadlock, and nothing happens. The new plan will survive IRS challenge. The participants now know that the plan complies with Federal Law and there is no downside to the current plan. There were some questions on the old plan. If the proposed plan is approved, an IRS determination letter will be obtained by the City, which states that this plan is approved. The original principal amount is \$730,000 plus interest since March, 1990, a significant sum.

City Attorney Wilson stated that the previous plan, in its literal language, gave almost no control by the City over the plan and its assets. The proposed plan places the responsibility, the decision making and the information gathering back on the professional managers, a huge advantage to the City. The City has a duty to these Police officers. Now the City will have the expertise of the City Manager and Finance Director to make sure the plan will survive long term.

City Manager Achen stated that the proposed plan is just as advantageous for both parties in terms of the way the plan is structured. It eliminates a Board consisting of a handful of officers running the pension plan without much pension expertise, with very little tax assistance, and without actual liability insurance. They are greatly at risk themselves for the decisions they make. He stated that the City has a long history of positive relationships with every pension board, and never had a dispute

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with any, other than this forfeiture issue when the Police and Fire withdrew from the State Pension Plan. The present situation is almost untenable for the employees and for the City. Mr. Achen recommended approval of this plan rather than an appeal and noted that the participants of the plan have approved this plan by a vote of 66-1.

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

PUBLIC HEARING - ORDINANCE NO. 2740 MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 1994 BUDGET OF THE CITY OF GRAND JUNCTION

The requests are to re-appropriate certain amounts appropriated for 1993 and not spent. They include various requests previously approved by the Council for which appropriations have not yet been made. They include appropriations for certain projects for which additional revenues have been or will be received. They also include new requests and some corrections to the budget.

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Maupin, seconded by Councilmember Afman and carried by roll call vote, Ordinance No. 2740 was adopted.

CONTINUATION OF PUBLIC HEARING ON ORDINANCE NO. 2729 - APPROVED WITH CHANGE IN PROPERTY DESCRIPTION

The developer of Vista Del Nor'te Subdivision located at 27-3/4 Road and G Road is requesting a vacation of a portion of the G Road right-of-way.

A hearing was continued after proper notice. Kristen Ashbeck, Community Development Department, explained that this item was tabled by Council approximately two months ago so the vacation could coincide with the development of the final plat. The final plat has been approved by the Planning Commission. The reasons Council tabled this item were so the developer could negotiate with the canal company on obtaining an easement along the canal as well as look at other options for canal access, one of which being

possibly through the G Road right-of-way. The plat shows Tract A and Tract B. Tract A is to be deeded to the Grand Valley Water Users. The condition of the Planning Commission approval was that either Tract B be deeded to the U.S. Government, Bureau of Reclamation, or if the Bureau will not accept the deed, deeded to the Grand Valley Water Users. Meetings have taken place with the Bureau of Reclamation and indications are that the Bureau will accept the deed. Then the City can negotiate with the Bureau for the trail easement.

The petitioner feels that if the property is deeded to either the
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Bureau of Reclamation or the Grand Valley Water Users, it will clear the title for the balance of the property. The property currently has a blanket easement for purposes of canal use. The developer feels that only by deeding it to one of those two entities will it really clear the title for the rest of the property. City Attorney Wilson questioned if the Bureau of Reclamation does not accept the deed, is there less likelihood of this becoming a pedestrian access. Ms. Ashbeck replied yes.

President Theobald clarified that the purpose of this item is to vacate a portion of the G Road right-of-way. Council is debating a different right-of-way which is an easement along the canal which could be a walkway. Council is not trying to vacate what is on the canal. That is the portion to be deeded to the Bureau or canal company. The two issues should be kept separate. The easement is still through Tract A, but it is not in the G Road right-of-way. It is a 20 foot easement within a power and irrigation easement and it connects with the remaining G Road. If a trail access is needed from 27-1/2 Road east to Tract A, it will be sufficient. The developer is also dedicating some pedestrian easements along the south and west property lines.

The Bureau of Reclamation is willing to accept the property. They feel once they hold it, fee simple, they have the authority to then begin negotiations with the canal company. City Council can specify this.

Spelling of the name of Vista del Nor'te Subdivision was discussed.

Those speaking in favor of the vacation were as follows:

1. Tom Rolland, Rolland Engineering, 405 Ridges Boulevard, representing the petitioner Dale Cole. Mr. Rolland stated that G Road is unimproved through property that goes to the Highline Canal and I-70. City staff endorses the vacation of G Road through the Cole property (from the property line to the canal). That is the only portion that the petitioner is requesting be vacated. He restated that the developer is dedicating easements along the southern and eastern property

lines, and also the diagonal connection between Tract A and the subdivision itself from the G Road right-of-way over to Tract B. Tract A is being deeded to the Grand Valley Water Users Association for canal operations. Tract B is 90 feet at its narrowest spot, and varies up to 180 feet. The canal is approximately 40 feet wide. The canal is there plus a drainage ditch in the area. Mr. Rolland stated that the subject property is being encumbered by the right-of-way reservation. He has spent months trying to get the Bureau of Reclamation and/or the canal company to define the right-of-way boundaries.

2. John Williams, attorney representing Dale Cole, 2452
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Road, stated that the canal easement dates back to the Canal Act of 1890 which claims everything west of the meridian is a right-of-way granted to the U.S. government for purposes of constructing, maintaining and operating canals. An effort was made to define the boundary of this right-of-way. Once the line has been defined as to how much area the canal needs to operate, a corrected deed can be done. It is not a conveyance as much as it is a definition of what the boundaries are. This was discussed at the Planning Commission meeting along with staff and Assistant City Attorney John Shaver. It is Mr. Williams' opinion that Mr. Cole cannot deed the right-of-way or easement to the City in order to unencumber the rest of the property. It has to go to the Bureau of Reclamation or, at their direction, to the Grand Valley Water Users Association. Kristen Ashbeck and Mr. Shaver have talked to the Bureau of Reclamation. The Bureau seems to be very willing to accept the deed, and then negotiate from that point on. There is no other way to correct it. He stated that Mr. Cole is willing to cooperate in any way he can, but not to the point that he cannot issue good title to a buyer of a lot. Mr. Williams did not feel that joint ownership by the City and Bureau of Reclamation will correct the problem. A deed could be executed and delivered to the Bureau of Reclamation but the Bureau must accept that conveyance. He cannot force the conveyance. The deed would include a statement saying that the purpose of the deed is to finally correct what the line is. He stated that the petitioner will cooperate in any way he can to get a pedestrian easement along the canal bank. Grand Valley Water Users Association has been a good neighbor to the petitioner.

3. Dale Cole, 2102 N. First Street, feels he has been pulled into an issue that he did not wish to be involved in. He does not care who gets the easement. He would appreciate not having his subdivision held up because of a difference that he is not a party to.

Mr. Williams restated that he thinks the issue is the vacation of G Road, and not the canal. He would like to deed Tract B to the Bureau of Reclamation and will participate in negotiations.

Kristen Ashbeck stated that the Bureau of Reclamation has not indicated to the City under what circumstances they would not accept the deed. The only stipulation that was made was that the Bureau wanted a warranty deed, not a quit claim deed.

Assistant City Attorney John Shaver stated that the Bureau of Reclamation indicated that they would prefer a warranty deed, and the concerns that they had were about ownership interests and whether a quit-claim was sufficient to convey the property. They did not say they would not accept a quit-claim deed. They
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discussed the possibility of providing some other evidences of title to the Bureau if that would satisfy, and they would accept a quit-claim deed. It was only in passing that the requirement for a warranty deed was mentioned. Mr. Shaver stated that the Bureau of Reclamation has indicated that they must have a deed free and clear of any encumbrances, and that the only way to provide full recreation on the canal banks would be through a license or some type of contractual arrangement.

Mr. Williams could think of no reason that Mr. Cole would not convey by warranty deed. He would need to see a title policy and check for some exceptions to that warranty of title.

There were no others speaking for or against this item. The hearing was closed.

It was moved by Councilmember Bessinger that the vacation, not including the portion in Tract B, be approved. There was no second.

Councilmember Afman recommended that Council make it a requirement that the Bureau of Reclamation receive the title to the subject property.

Councilman Bessinger withdrew his motion.

President Theobald suggested that Council give Assistant City Attorney John Shaver the discretion to approve to whom the property is deeded, either Bureau of Reclamation or Grand Valley Water Users Association, the idea being that the City will be a partner in this, and express diligence in trying to persuade the Bureau of Reclamation to accept it. If they do not, in his judgement, and the only workable solution is a deed to Grand Valley Water Users, Mr. Shaver has the authority to approve that. He suggested that politics be left out of it, and let the Assistant City Attorney make that decision.

Mr. Williams reiterated that the Planning Commission was quite specific that the petitioner was to deed the property to the Bureau of Reclamation. If it got to the point where it was going to delay the recording of the plat, and as a last resort, the petitioner would go the Grand Valley Water Users Association. The time line suggested by the Planning Commission was at the time that the plat is to be recorded.

Mr. Shaver stated that discussions with the Planning Commission and the Bureau of Reclamation determined that the City is constrained by the effective date of this ordinance vacating G Road. The Bureau of Reclamation is aware of the time frame. Initially, a time schedule of 60 days was discussed because they thought the proposed ordinance had only gone to first reading, but since tonight is the second reading, there would be a 30-day deadline City Council Minutes -10- April 20, 1994

constraint. He felt that the deadline is reasonably realistic at this point. The effective date of the ordinance, if passed tonight, would be 30 days from this Friday's (April 22, 1994) publication.

Upon motion by Councilmember Bessinger, seconded by Councilmember Mantlo and carried by roll call vote, the vacation request was approved with the following exceptions:

1. That the portion within Tract B not to be vacated;
2. That the property be deeded to the Bureau of Reclamation;
3. That should Assistant City Attorney John Shaver determine the deeding to the Bureau of Reclamation is not feasible, that it be deeded to the Grand Valley Water Users Association;
4. That this decision will not otherwise delay the recording of the final plat.

APPEAL OF PLANNING COMMISSION RECOMMENDATION FOR DENIAL OF A REQUEST FROM CENTRAL DISTRIBUTING TO VACATE RIGHT-OF-WAY AT 4TH STREET, SOUTH OF SOUTH AVENUE

Central Distributing Company, located on the southwest corner of South Avenue and Fourth Street, is requesting a vacation of the westerly 10 feet of the Fourth Street right-of-way from South Avenue to the railroad right-of-way in order to expand an existing warehouse.

Jim Shanks, Public Works Director, addressed traffic issues. He stated that the previous hearing was on a right-of-way vacation for a larger amount. This request is to vacate the west 10 feet of the 4th Street right-of-way, south of South Avenue, from South Avenue south to the terminus of the existing right-of-way. There

is currently 80 feet of right-of-way existing, which will leave 70 feet of right-of-way remaining. The 70 feet is in excess of the City's current standard for this type of roadway. The concern in the past has been traffic issues and conflicts that this might create. Since the Planning Commission meeting some Staff has visited the site and investigated more thoroughly. The incoming product into the warehouse is almost exclusively by rail. The current warehouse has two receiving docks that face the spurline. When a rail car is up there, it is within just a few feet of the building. The proposed additional warehouse will have a third receiving dock that is also on the spurline. There are two existing truck docks, one at the northeast corner of the building for exiting trucks only. They pull in from the west, then pull through, are loaded, and then exit out of that dock onto 4th Street. The dock is at the northeast corner of the proposed warehouse. The truck dock would be used by only one truck per day. Given the set of circumstances and the low volume of traffic on 4th City Council Minutes -11- April 20, 1994

Street, Staff now believes that one or several trucks per day using that facility will not present any type of conflict with 4th Street.

Mr. Shanks continued that the Colorado Department of Transportation, in preliminary plans, show the elimination of the on-ramp that services the industrial area on the east side of 5th Street. The CDOT has advised that as part of their widening project, they are not going to be able to reconstruct the entrance onto 5th Street. They are looking at alternative egress for the properties that abut 5th Street. The amount of truck traffic using 4th Street is going to be limited. Whatever traffic is generated has got to be generated in that small area. Given the circumstances and the traffic patterns in the area, Mr. Shanks felt that the staff comments were probably somewhat out of proportion to the problems that might be created. There may be an occasional delay when a truck backs into a dock, but it is not uncommon for such business areas where maneuvering truck or trailer is involved. He recommended that the west 10 foot vacation be granted.

Mr. Shanks stated that if this facility should change from a rail car operation to a truck operation, the facility would not accommo-date that.

City Manager Achen stated that the City has police power to control traffic obstructions.

Dave Thornton, Community Development Department, stated that originally Rich Persky of the Colorado Department of Transportation was opposed to any vacation. He felt that a right-of-way corridor was more than just roadway. It is also sight distance. Not knowing what was going to happen to 4th Street, CDOT had concerns of reducing the sight distance of 80 feet,

especially with potential truck traffic.

Mr. Fred Aldrich, attorney, 200 Grand Avenue, spoke representing Central Distributing Co. He discussed deliveries to the warehouse via rail (90%) versus deliveries via truck traffic (10%). It is unlikely that there would be future expansion of truck traffic. Rail is considerably cheaper for the type of product that Central brings in. They ship from Los Angeles, St. Louis, Seattle. There is an economic incentive to continue to use rail as much as possible as trucking is more expensive. Only miscellaneous items that cannot be brought in by rail would be brought in by truck. This facility is not designed to handle enough truck traffic to supply its needs. Truck traffic for this facility is impractical.

One of the reasons Central wishes to expand at this location is to continue to take advantage of the rail service. There is no incentive to move to a truck-based delivery to this warehouse facility. Mr. Aldrich corrected the previous estimate of one truck per day to one to two trucks per week. That is the volume of outside semi-trailer traffic that actually uses 4th Street to
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back into the dock. That will not change as a result of the expansion of this facility for the same reasons given for the advantage of rail over truck. These truck deliveries are mostly made around 7:00 a.m., and take three to four minutes to get off the right-of-way. Central Distributing is concerned with safety and traffic flow, and will cooperate to assure safety and smooth traffic flow. Mr. Aldrich wished to assure Council that the design of this facility will accommodate the semi-trailers off the right-of-way when unloading. The sight distance on the eastern wall of the building will be such that as the truck exits the facility onto 4th Street to leave, its vision to the right will be designed to meet the standards of CDOT.

Mr. Aldrich continued that Central Distributing is now using off-site storage which they would like to transfer to their existing facilities. The company has been in Grand Junction for 46 years and wish to continue to be part of the community. Their current buildings are well landscaped and maintained to a high standard. He urged Council to accept this vacation as a benefit to all concerned.

Jim Cadez, Mike Cadez, and Central's planner Brian Simms were also present to answer questions of Council.

There was no one present to speak in opposition to the vacation.

Upon motion by Councilmember Baughman, seconded by Councilmember Bessinger and carried, the vacation of the 10-foot right-of-way on the west side of 4th Street, south of South Avenue was approved.

REQUEST FOR PARADE PERMIT ON JUNE 25, 1994 - MARCH FOR JESUS

Michele Quigley, 197 Cedar Court, was present representing a group that plans to do a "March for Jesus" in Grand Junction on June 25, 1994. The march is a world-wide event. In 1993 there were 800 participants in the march. Approximately 3,000 participants are expected this year. A request for a parade permit was submitted on March 7, 1994. She has been working with staff on a route that will work for traffic and safety, and for the best interest of the parade also. The request is to conduct a parade along 12th Street, from Mesa State College to Lincoln Park. The permit was approved as long as the participants stay on the sidewalk. Ms. Quigley stated the march cannot be conducted without having trucks playing music, people marching behind the trucks. They do not have the flexibility to set the time or the place because it is orchestrated world-wide. It is 24 hours in every nation. In Colorado, the march will begin at the same time as marches in other Colorado municipalities begin. The march will go down Colfax Avenue in Denver, down Highway 50 in Montrose, and Grand Avenue in Glenwood Springs. Ms. Quigley felt it would be better to go straight from the northern parking lot of Mesa College, close the two southbound lanes of 12th Street, cross with the traffic at North Avenue, and City Council Minutes

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terminate in Lincoln Park. She requested Council's permission to be able to close part of 12th Street.

Charles Highline, 546 29 Road, reviewed a planned route for the march. A straight route is recommended by the World-Wide Council.

Tentative approval has been given for a route down Orchard Avenue, to Cannell, to 10th Street, to Gunnison Avenue, cross 12th Street, and come into the south side of Lincoln Park. It was determined by the majority of the group that it would be preferable to go straight down 12th Street. All staging of the march will take place at the Mesa State College parking lot, for which the group has permission from the college. Elm Street would have to be blocked off. Crossing the intersection of 12th and North Avenue will take a total of 19 minutes to cross 600 people.

It will take 28 minutes and 53 seconds to cross 3,000 people. Traffic will not be held up for more than one minute at a time. One minute and 20 seconds will be used to cross 600 people at one point, the procession will be stopped after each group crosses to let traffic clear, then they will proceed with the next set of people.

Mr. Highline stated that this march will take place on the same day as "Country Jam." According to the traffic flow system (not City), Country Jam is not affecting the City's traffic flow in the morning hours. If the march takes place in the afternoon, it would cause havoc. The big entertainers for Country Jam are scheduled in the afternoon and evening, not in the morning. If traffic should back up, police control can be initiated.

Mr. Highline assured Council that the march will be very well

orchestrated so that it won't cause problems for anyone. If the route is shorter it will be easier for the elderly and handicapped people, and everyone that is concerned. The group now has a half hour of air time for its music. If the march can be ended in that half hour time span, no additional air time will be needed.

Michele Quigley stated that the reason for choosing this busy street for its route is because the group feels it has an impact for good in the neighborhoods that it walks through. The group feels like Mesa College is the location where they want to have impact for the good. The ending point at Lincoln Park is planned because they have the entire park reserved for activities from 11:30 a.m. until 9:00 p.m.

Mr. Highline stated that volunteer off-duty police officers will supply traffic control, or the group will hire professionally trained people to handle traffic.

Ms. Quigley stated that music will be played over a radio station that will broadcast it simultaneously to all three cities on the western slope. Sound systems will be positioned on the top of vehicles, and kept at a low level. That is to keep it within noise allowances. The music is the same music that is played all over City Council Minutes
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the world, and played in different languages. The music lifts up the name of Jesus and proclaims Jesus is important to the group. All types of churches will be uniting for this purpose.

Mr. Highline stated that the world-wide council has directed that the route be straight as a strong spiritual significance.

Councilmember Mantlo pointed out that on the scheduled day of the event, June 25th, Mesa College will not be in session. Mr. Highline replied that there will be summer school students and students in the dormitories.

Mr. Highline reiterated that the participants in the march will cooperate during their march by stopping the procession in the event of an emergency or if the traffic gets backed up.

Councilmember Maupin expressed that it is possible that with 3,000 participants, it might be better to allow the group to use the 12th Street route rather than disturb a residential area on a Saturday morning with the noise, etc.

President of the Council Theobald asked Public Works Director Shanks if the concern that led to the alternate route was the crossing of North Avenue or the closing of a portion of 12th Street. Mr. Shanks responded that both the preferred route and the alternate route will have to cross North Avenue requiring a uniformed police officer and a traffic person to manipulate the

traffic lights. Therefore, the crossing of North Avenue is not the reason for the rejection of the 12th Street route. The concern is the closure of 12th Street. Although the applicants suggested that just one lane be closed, Mr. Shanks feels that would be an unsafe situation with only traffic cones or barriers separating pedestrians from moving vehicles. If the march is permitted to use the 12th Street route, then both southbound lanes of traffic would need to be closed and there would be no cross traffic allowed, so it would take quite a bit of logistics to pull off. That has been the concern of Public Works, closing the major north-south thoroughfare of the City.

Councilmember Afman asked if the traffic on Saturday is as heavy as the traffic during the week. Mr. Shanks responded affirmatively, with noon to 1 p.m. being the busiest time. Councilmember Afman stated that the distance being proposed is only two blocks. Mr. Shanks replied that it is actually over a half mile. Mr. Shanks then stated that he too considered the impact of the alternate route on the residential neighborhoods versus the straight and quicker preferred route, but from a safety standpoint felt the alternate route was the better way to go.

City Manager Achen questioned whether the crossing of the group at 10th Street might interfere with the 12th Street intersection with traffic being backed up. Mr. Shanks responded that both the 10th Street and 12th Street signals will more than likely have to be manipulated. Mr. Achen then inquired as to what method for traffic is used when the City overlays 12th Street, Mr. Shanks replied that a detour is employed.

Councilmember Bessinger voiced his support for the alternate route.

Councilmember Afman asked Mr. Shanks if every possibility for allowing the preferred route has been explored. Mr. Shanks advised that it is possible to make the 12th Street route safe but it would be a matter of closing off the southbound lanes completely, taking a lot more manpower and being a lot more disruptive. It is possible and it has been done in the past when there was no other alternative, like during an overlay of the roadway. When that is necessary, times when there is the least amount of traffic are chosen for the closure.

President of the Council Theobald inquired if a route down College Place had been explored, with the procession crossing North Avenue at College Place, controlling the traffic at 10th and 12th, the staging taking place in the little parking lot north of the dormitories, thus solving the straight line issue and the 12th Street issue. Mr. Shanks thought that route would be feasible. Mr. Highline indicated that College Place would not be acceptable as the road is not straight and the vans would not be able to access the staging area.

Ms. Quigley advised that the purpose of their appearance at the meeting is not to be in conflict with the traffic division but rather it was their impression that appealing to the City Council was the next step in the process for obtaining a permit for their preferred route.

The consensus of the City Council was that the applicant should continue to work with Staff to determine the best solution and that they will support the Staff recommendation.

OTHER BUSINESS

Councilmember Bessinger expressed his desire for the Council to request Staff to make recommendations on a development policy that discourages clustered high density housing developments as it is his feeling that less clustering might be less conducive to crime activity. Councilmember Bessinger indicated that having policy in the works would be more effective if a high density development were to come before the Council. President of the Council Theobald stated that at this point, the Council would have to react if a proposal came before them. Councilmember Mantlo said he would like to see the crime statistics from the existing clustered areas. It was the consensus of the Council to obtain the statistics first and then to look at solutions. By the Council's direction, Staff was directed to pursue the matter.

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Doris Bingham, Greenwood, inquired about the Council's action on Agenda Item #2. Ms. Bingham was told that the proposed ordinance was passed for publication and a public hearing on second reading will be held at the next regular meeting.

ADJOURNMENT

Upon motion by Councilmember Maupin, seconded by Councilmember Rosenthal and carried, the meeting was adjourned at 10:15 p.m.

Stephanie Nye, CMC
City Clerk