

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

January 17, 1990

The City Council of the City of Grand Junction, Colorado, convened in regular session the 17th day of January, 1990, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, Bill McCurry, Paul Nelson, Conner Shepherd, O.F. Ragsdale, Reford Theobold, 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 Nelson led in the Pledge of Allegiance.

INVOCATION - Pastor Joe Gross

CONSIDERATION OF MINUTES

There being no corrections or additions to the Minutes of the December 20, 1989, regular City Council meeting, they were approved as submitted.

Upon motion by Councilman Ragsdale, seconded by Councilman Shepherd and carried, the Minutes of the January 3, 1990, regular City Council meeting were corrected to reflect the Ordinance Number in the body of the City Clerk's Certificate of Sufficiency regarding the Northridge Rezone to read "2450" in lieu of "2050."

PROCLAMATION DECLARING JANUARY 21-27, 1990, AS "KIWANIS WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION FOR THE 25TH ANNIVERSARY COMMEMORATION OF THE LAND AND WATER CONSERVATION FUND

PROCLAMATION DECLARING JANUARY 14-20, 1990, AS "HUMAN RELATIONS WEEK" IN THE CITY OF GRAND JUNCTION

APPOINTMENT TO THE GRAND JUNCTION PLANNING COMMISSION - TERM TO EXPIRE OCTOBER 31, 1992 - NO ACTION

COLORADO RIVERFRONT FOUNDATION

Mr. Jim Robb, representing the Colorado Riverfront Foundation, presented deeds to the City for property donated in the Riverfront Area by the Junior Service League, Dick and Sharon Klassen, and United Companies, Inc. (approximately 20 acres total).

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried the subject deeds were accepted.

HEARING #55-89 - PROPOSED ORDINANCE - REZONE FROM RSF-4 TO PR-4 THE SOUTHEAST CORNER OF 27 1/2 AND G ROADS, PTARMIGAN ESTATES

SUBDIVISION

A hearing was held after proper notice on the petition by John Siegfried to rezone from Residential Single-Family with a density of approximately 4 units per acre (RSF-4) to Planned Residential with a density of approximately 4 units per acre (PR-4), approximately 18.35 acres at the southeast corner of 27 1/2 and G Roads, Ptarmigan Estates Subdivision.

The following entitled proposed ordinance was presented: CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY LOCATED GENERALLY SOUTHEAST OF 27 1/2 AND G ROADS. Upon motion by Councilman Ragsdale, seconded by Councilman McCurry and carried, with Councilman NELSON ABSTAINING, the proposed ordinance was passed for publication, as amended.

BIDS - AWARD OF CONTRACTS

26.1 G Road Bridge Replacement, 1990 - Mays Concrete - \$104,867

Upon motion by Councilman McCurry, seconded by Councilman Bennett and carried, the bids for 26.1 G Road Bridge Replacement, 1990, were accepted, the Contract was awarded to Mays Concrete in the amount of \$104,867, and the City Manager was authorized to sign said Contract.

Pure Air Compressor for Fire Department Equipment and Installation - Energy Equipment - \$14,475

Upon motion by Councilman McCurry, seconded by Councilman Shepherd and carried, the bids for Pure Air Compressor for Fire Department Equipment and Installation were accepted, the Contract was awarded to Energy Equipment for a Bauer Compressor in the amount of \$14,475, and the City Manager was authorized to sign said Contract.

Flow-Line Treatment System, 72 Units - Culligan Systems

City Manager Achen explained that there is no price certain on this bid because the number of units could vary from a low of 45 to a high of 72 units. The prices will vary by installation depending upon the complexity of the connection. The cost of the items will be repaid to the City through agreements with each property owner on the Kannah Creek Flowline.

Upon motion by Councilman Ragsdale, seconded by Councilman McCurry and carried, the bids for Flow-Line Treatment Systems, 72 Units, were accepted, the Contract was awarded to Culligan Systems, and the City Manager was authorized to sign said Contract.

Sole Source Purchase from Goble Sampson Associates of Englewood - Two Chlorinators and One Chlorine Analyzer - \$14,815

Upon motion by Councilman Bennett, seconded by Councilman Ragsdale

and carried, the Sole Source Purchase from Goble Sampson Associates of Englewood for Two Chlorinators and One Chlorine Analyzer in the amount of \$14,815 was authorized.

1990 Custodial Contract for River Road Facility - Columbine Maintenance - \$835/Month

Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, the bids for 1990 Custodial Contract for River Road Facility were accepted, the Contract was awarded to Columbine Maintenance in the amount of \$835 per month, and the City Manager was authorized to sign said Contract. A Public Disclosure is required due to the relationship between the Contractor and a City Employee. Said document is on file.

CHANGE ORDERS TO THE NORTH FORK DIVERSION PIPELINE PROJECT - PARKERSON CONSTRUCTION, INC. - \$17,234.19

Upon motion by Councilman Shepherd, seconded by Councilman McCurry and carried, the Change Orders to the North Fork Diversion Pipeline Project, Parkerson Construction, Inc., in the amount of \$17,234.19 were approved.

HEARING #58-89 - PROPOSED ORDINANCE - ZONE OF ANNEXATION FOR FOX ESTATES #1 AND #2, 28 ROAD AND F 1/2 ROAD, TO PLANNED RESIDENTIAL (PR-8), APPROXIMATELY 58.28 ACRES

Councilman Nelson stepped down from his chair at this time and abstained from any discussion due to a conflict of interest. A hearing was held on the petition by the City to zone a portion of the Fox Estates Annexation (approximately 58.28 acres) to Planned Residential with a density of approximately 8 units per acre (PR-8).

Mr. Steve Heald, 3620 Elderberry Circle, Spring Valley, was present representing the developer of this property. He reviewed some of the history of this area. He stated that the developer is committing to:

1. The maximum of a PR-8 density zone;
2. To maintain the buffer and height restriction along 28 Road;
3. To keep the neighborhood advised prior to this type of hearing instead of after the fact.

Mr. Heald stressed the fact that information has been submitted at this hearing that was not submitted at the Planning Commission hearing.

Karl Metzner, Planning Director, stated that a two-stage approval process would be required before any building begins at this location; a preliminary plan and plat submittal, and a final plat and plan submittal. Each stage would require a public hearing.

Judd Perry, 2954 Beechwood, Spring Valley, stated that he is a proponent of the rezone, although he does oppose the woodsmoke that would be generated by buildings with fireplaces. He suggested that the City and County place a moratorium on all new building which limits everything that is built to State-approved catalytic wood stove or use of gas logs, and have no more open fire burning.

Dean Lindholm, 3325 Beechwood, Spring Valley, requested that the density be reduced to 5 units per acre.

Mr. G. Hackbarth, 3710 Beechwood, Spring Valley, stated that he attended a recent Spring Valley Homeowners Association meeting with 82 homeowners present, at which time the developer announced that the request would be for 5 units per acre rather than 8 units. He felt there would have been more homeowners attending this meeting had they realized that the request for rezone would be PR-8.

There were no other opponents, letters or counterpetitions. The hearing was closed.

The following entitled proposed ordinance was read: ZONING CERTAIN LANDS ANNEXED TO THE CITY GENERALLY LOCATED EAST OF 28 ROAD AT F 1/2 ROAD (RIDGE DRIVE). Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication.

HEARING #58-89 - ZONE OF ANNEXATION FOR FOX ESTATES #1 AND #2, 28 ROAD AND RIDGE DRIVE TO PUBLIC ZONE (PZ), APPROXIMATELY 1.72 ACRES - TABLED

Tim Woodmansee, City Property Agent, reviewed the request by the Grand Junction Fire Department to zone Fox Estates Annexation #1 to Public Zone (PZ) to allow the installation of a new Fire Station at 28 and F 1/2 Roads (moving the existing Fire Station #2 at 18th and North Avenue to this particular site on 28 Road).

Ken Johnson, Acting Fire Chief, and Rick Smith, Division Chief, Administrative Fire Officer, were present.

Public Works Director Jim Shanks was present to answer questions of Council.

Comments were had from the following:

Judd Perry, 2954 Beechwood, Spring Valley

Greg Hazelhurst, homeowner in Spring Valley

Ted Hendrickson, 3330 Beechwood, Spring Valley

Ken Etter

Sheilah Renberger, 3775 Beechwood

John Elmer, Capra Court

The hearing was closed.

Upon motion by Councilman Ragsdale, seconded by Councilman McCurry and carried, this item was continued to the next City Council meeting.

President of the Council Mantlo suggested the City abandon G Road in this general area and give it back to the property owners, and schedule this item for further discussion at the next Council Workshop to be held on February 5, 1990.

The President called a five-minute recess. Upon reconvening all members of Council were present. Councilman Nelson resumed his chair at this time.

PROPOSED ORDINANCE - DECLARING THE NECESSITY TO TAKE PRIVATE PROPERTY BY EMINENT DOMAIN AND SPECIFYING AND DESCRIBING THE PROPERTY TO BE TAKEN (CORNER OF FIRST STREET AND ROOD AVENUE) - SCHIESSWOHL PROPERTY

The following entitled proposed ordinance was read: AN ORDINANCE DECLARING THE NECESSITY TO TAKE PRIVATE PROPERTY BY EMINENT DOMAIN AND SPECIFYING AND DESCRIBING THE PROPERTY TO BE TAKEN. Upon motion by Councilman Shepherd, seconded by Councilman Ragsdale and carried, the proposed ordinance was passed for publication.

EMERGENCY ORDINANCE NO. E-2461 - AUTHORIZING GENERAL OBLIGATION WATER BONDS, SERIES 1990 - \$1,600,000 (SOMERVILLE RANCH)

Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried, the following entitled emergency ordinance was read: AN ORDINANCE AUTHORIZING THE CITY OF GRAND JUNCTION, COLORADO TO CONTRACT AN INDEBTEDNESS ON ITS BEHALF AND UPON ITS CREDIT BY THE ISSUANCE OF ITS GENERAL OBLIGATION WATER BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,600,000 FOR THE PURPOSE OF DEFRAYING THE COST OF PURCHASING CERTAIN PROPERTY, INCLUDING WATER RIGHTS, TO SUPPLY WATER TO THE CITY; PROVIDING DETAILS CONCERNING THE BONDS, THEIR FORM AND THEIR SALE; PROVIDING FOR THE LEVY OF GENERAL AD VALOREM TAXES AND FOR THE IMPOSITION OF WATER RATES AND FEES TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; RATIFYING ACTION HERETOFORE TAKEN AND RELATING TO SUCH BONDS; PROVIDING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

There were no comments. Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried by roll call vote, the Ordinance was passed and adopted as an emergency, numbered E2461, and ordered published.

HEARING - "FOX ESTATES #1" ANNEXATION - RESOLUTION NO. 3-90 TO ANNEX BY ORDINANCE - PROPOSED ORDINANCE

A hearing was held after proper notice on the annexation of Fox Estates #1. The following Resolution was presented and read:

RESOLUTION NO. 3-90

WHEREAS, on the 6th day of December, 1989, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following described property situate in Mesa County, Colorado and known as "Fox Estates Annexation No. 1", to wit:

Parcel No. 1

The Northwest 1/4 of the Southwest 1/4 of Section 6, Township 1 South, Range 1 East of the Ute Meridian.

Parcel No. 2

The Southeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 6, Township 1 South, Range 1 East of the Ute Meridian; and

WHEREAS, A hearing on the petition was duly held after proper notice on the 17th day of January, 1990; and

WHEREAS, the Council has found and determined and does hereby find and determine that: said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the territory is integrated or is capable of being integrated with said City; that no land in single ownership has been divided by the proposed annexation; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; that no part of the territory subject to other annexation proceedings; that no part of the territory is more than three miles from a point on the boundary of the City as such was established more than one year before this annexation will become effective, and; that an election is not required under the requirements of C.R.S. 31-12-104 et seq.

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

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 17th day of January, 1990.

/s/ R.T. Mantlo

more than three miles from a point on the boundary of the City as such was established more than one year before this annexation will become effective, and; that an election is not required under the requirements of C.R.S. 31-12-104 et seq.

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

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 17th day of January, 1990.

/s/ R.T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

The following entitled proposed ordinance was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Upon motion by Councilman Shepherd, seconded by Councilman Theobald and carried with Councilman NELSON ABSTAINING, the proposed ordinance was passed for publication.

RESOLUTION NO. 5-90 OF SETTLEMENT OF MAHLERES CASE - FUNDS APPROPRIATED FROM SPECIAL ASSESSMENT PROJECTS FUND

The following Resolution was presented and read:

RESOLUTION NO. 5-90

APPROVING A PROPOSED SETTLEMENT OF THE MAHLERES VS. CITY OF GRAND JUNCTION LAW SUIT

WHEREAS, the City is a defendant in the pending class action law suit entitle Mahleres vs. City of Grand Junction, and

WHEREAS, the City Attorney has recommended that the City settle this litigation, and

WHEREAS, the City Council deems this settlement in the best interests of City as is set forth in the attached settlement stipulation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF

GRAND JUNCTION:

The City Attorney is directed to solicit the Court's approval to effectuate this settlement.

PASSED and ADOPTED this 17th day of January, 1990.

/s/ R.T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

Upon motion by Councilman Ragsdale, seconded by Councilman McCurry and carried, appropriation of funds from the monies set aside for Special Assessment Projects were approved.

RESOLUTION NO. 7-90 APPROVING THE HIGHWAY SAFETY CONTRACT WITH THE COLORADO DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAY SAFETY - PROJECT NO. 14-90

The following Resolution was presented and read:

RESOLUTION NO. 7-90

APPROVING THE HIGHWAY SAFETY CONTRACT WITH THE COLORADO DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAY SAFETY

WHEREAS, the City of Grand Junction, on behalf of the Grand Junction Police Department, has submitted an application to the Colorado Department of Highways, Division of Highway Safety for federal funding to conduct a traffic safety project; and

WHEREAS, the City has budget authority for the Police Department; and

WHEREAS, the matching City funds for this project are included within the Police Department's approved budget; and

WHEREAS, a resolution by the City formally approving the contract with the Division of Highway Safety and authorizing the Mayor to sign such contract is required by the State of Colorado.

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

That the City of Grand Junction hereby approves the terms, conditions and obligations of the contract for project 14-90 and hereby authorizes the Mayor to sign the contract on behalf of the City and the Police Department.

PASSED and ADOPTED this 17th day of January, 1990.

/s/ R.T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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. 8-90 ACCEPTING FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FOR REVOLVING LOAN FUND - \$150,000 COUNTY-WIDE

The following Resolution was presented and read:

RESOLUTION NO. 8-90

RESOLUTION ACCEPTING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM THE STATE OF COLORADO, OFFICE OF ECONOMIC DEVELOPMENT

WHEREAS, the City of Grand Junction, on behalf of the Western Colorado Business Development Corp., has submitted an application to the State of Colorado, Office of Economic Development for Community Development Block Grant Funding for the Mesa County Revolving Loan Fund; and

WHEREAS, the Office of Economic Development, Financial Review Committee has conditionally approved \$150,000 in Community Development Block Grant ("CDBG") funds for a revolving loan fund ("RLF") to serve Mesa County; and

WHEREAS, the City of Grand Junction, as the governmental sponsor, will act as a pass through agent for these funds from the State of Colorado to the Western Colorado Business Development Corporation; and

WHEREAS, a subsequent contract with the State of Colorado shall be forthcoming.

NOW, THEREFORE, BE IT RESOLVED, that the City of Grand Junction hereby accepts the grant funds for the revolving loan fund on behalf of the Western Colorado Business Development Corporation and hereby authorizes the Mayor to accept on behalf of the City of

Grand Junction.

PASSED and ADOPTED this 17th day of January, 1990.

/s/ R.T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

RESOLUTION NO. 9-90 - PARKING LOT LEASE WITH CLEM CORPORATION DBA WRIGLEY FIELD RESTAURANT, 1810 NORTH AVENUE - ONE-YEAR LEASE - \$240 PER MONTH

The following Resolution was presented and read:

RESOLUTION NO. 9-90

AUTHORIZING THE LEASE OF CITY PROPERTY TO THE CLEM CORPORATION

WHEREAS, the City of Grand Junction is owner of the following described real property in the City of Grand Junction, Mesa County, Colorado, to wit:

Lot Eleven (11) and the South ten (10) feet of Lot Ten (10), Block Seven (7), Elmwood Plaza, City of Grand Junction, according to the re-filing plat thereof, Mesa County, Colorado; and

WHEREAS, The Clem Corporation, a Colorado corporation, is desirous of securing from the City a lease for the above described real property for a term of one year and for a monthly rental fee in the amount of \$240.

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

That the City Manager be authorized, on behalf of the City and as the act of the City, to execute the attached Lease Agreement with the Clem Corporation for the lease of said real property for a term of one year, commencing on the first day of January, 1990, and terminating at 12:00 o'clock midnight on the 31st day of December, 1990, and for a rental fee of \$240 per month; provided, however, that the City shall make no warranties nor promises that the property is sufficient for the purposes contemplated by the Lessee.

PASSED and ADOPTED this 17th day of January, 1990.

/s/ R.T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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. 10-90 DESIGNATING A DEPOSITORY AND APPROVING AN AGREEMENT FOR BANKING SERVICES BETWEEN THE CITY OF GRAND JUNCTION, COLORADO, AND COLORADO NATIONAL BANK-GRAND JUNCTION

The following Resolution was presented and read:

RESOLUTION NO. 10-90

A RESOLUTION DESIGNATING A DEPOSITORY AND APPROVING AN AGREEMENT FOR BANKING SERVICES BETWEEN THE CITY OF GRAND JUNCTION, COLORADO, AND COLORADO NATIONAL BANK-GRAND JUNCTION

WHEREAS, the CITY OF GRAND JUNCTION (hereinafter called "City") solicited proposals from all local banks and received two proposals; the proposal received from COLORADO NATIONAL BANK-GRAND JUNCTION (hereinafter called "Bank"), being judged to be in the City's best interest; and

WHEREAS, COLORADO NATIONAL BANK-GRAND JUNCTION, a banking corporation, is qualified as a depository for the funds of the CITY OF GRAND JUNCTION; and

WHEREAS, the City has a legitimate need for and the Bank can provide, the following services; normal banking operations which includes Payroll Account, Warrant Account, General Account, Investment Account, Petty Cash Account, and additional services outlined in the attached agreement.

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

(a) The agreement for Banking Services between the CITY OF GRAND JUNCTION and COLORADO NATIONAL BANK-GRAND JUNCTION is hereby approved.

(b) The Bank is thereby authorized, as a depository for City funds, to accept on behalf of the City for credit and/or collection any and all bills and notes payable when endorsed in

the name of the City in writing, by rubber stamp or otherwise, and that all transactions in connection therewith shall be governed by the conditions, rules, regulations, customs and practices now or hereafter adopted or practiced by the Bank.

(c) The names and titles of persons authorized to sign demands against the various accounts are as follows:

PAYROLL ACCOUNT; any two

Mark K. Achen, City Manager
Ronald M. Lappi, Finance Director

WARRANT ACCOUNT; any two

Mark K. Achen, City Manager
Ronald M. Lappi, Finance Director

GENERAL ACCOUNT; any two

Mark K. Achen, City Manager
Ronald M. Lappi, Finance Director
Randy Booth, Comptroller
Sandra L. Glaze, Collections Supervisor

PETTY CASH ACCOUNT;

Any employee of the City is authorized to sign a check for the Petty Cash Account. The Bank will not be held liable with the following stipulations:

- 1) No check will be honored if the amount is over \$100.
- 2) No check will be honored unless it has the employee's signature and identification number on the check.

(d) The bank is hereby authorized to pay any such instruments so signed or endorsed, as above written, and presented to it for payment, including those drawn to the individual order of any officer or other person authorized to sign the same.

PASSED and ADOPTED this 17th day of January, 1990.

/s/ R.T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

(Aforementioned agreement not attached)

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

CONTRACT WITH MESA COUNTY FOR BUILDING INSPECTION SERVICES

Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried the Contract with Mesa County for Building Inspection Services was approved.

DONATION FROM THE E.L. & OMA BACON FOUNDATION, INC., FOR ECONOMIC DEVELOPMENT - \$10,000

Upon motion by Councilman McCurry, seconded by Councilman Ragsdale and carried, the donation of \$10,000 from the E.L. and Oma Bacon Foundation, Inc., for Economic Development was accepted with the funds being deposited in the Economic Development Fund.

RATIFICATION OF LEASE WITH WILLIAM SERVISS FOR CITY LAND BETWEEN 3RD AND 5TH STREETS, STRUTHERS TO NOLAND

City Manager Mark Achen advised Council that a lease is not available at this meeting because the involved property owner has rejected the lease that had been negotiated. City Attorney Dan Wilson said that William Serviss originally agreed to the written lease, but now wants the lease to be revised to provide for leasing all the lands, as described, but not leasing the Don's Automotive structure. The City has worked with Mr. Serviss in accommodating most of his requests, but he is unwilling to accept the lease. The City's options are: (1) send Mr. Serviss a notice to quit, or, if necessary, (2) proceed in the County Court or District Court for an Order of the Sheriff to evict him.

Upon motion by Councilman Ragsdale, seconded by Councilman Theobald and carried, the City Attorney was authorized to proceed with legal means to render a vacation of the structure at 5th and Noland.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart\Neva B. Lockhart, CMC
City Clerk

AMENDMENT TO THE CITY COUNCIL MINUTES OF JANUARY 17, 1990 PAGE 421

HEARING #58-89 - ZONE OF ANNEXATION FOR FOX ESTATES #1 AND #2, 28 ROAD AND RIDGE DRIVE TO PUBLIC ZONE (PZ), APPROXIMATELY 1.72 ACRES

. . .

Judd Perry, 2954 Beechwood, Spring Valley Subdivision, and Greg

Hazelhurst, a homeowner in the Spring Valley Subdivision spoke for the location of the fire station at this proposed site.

Opponents: Tedford M. Hendrickson, 3330 Beechwood Street, requested the City Council to deny the recommendation of the Planning Commission to zone this 1.72 acres for public use. His remarks were also on behalf of F. Gretchen Clemens, 3430 Beechwood Street, Spring Valley Subdivision. They oppose the recommendation of the Planning Commission to zone a portion of Fox Annexation to Public Zone if the purpose is to construct a new fire station to replace existing Fire Station No. 2 located on North Avenue at 18th Street. According to Mr. Hendrickson, the recommended zone change for this purpose is not supported by development documents made available to the public which would include alternative locations. Mr. Hendrickson pointed out that a fire station at this proposed site would be a threat to the safety of children, pedestrians, and local traffic in the Spring Valley Subdivision. He noted that access to Horizon Drive from the proposed station location involves three dangerous turns: 28 Road and Cortland; Cortland and 27 1/2 Road; and 27 1/2 Road and G Road. Access to most points of call other than from Spring Valley would have to be by way of Horizon Drive or Patterson Road, which suggests either one to be a more favorable location for a fire station. Either location would be safely accessible to the other by way of 12th Street or an improved 27 1/2 Road.

Mr. Hendrickson said that the presence of a fire station on the 1.72 acres proposed for Public Zone would alter the existing residential appearance and character of the area. Essential associated noise and lighting would reduce an aesthetic quality which now exists. He noted that spot zoning of one small increment of land for public use within an area presently zoned for residential use renders contiguous properties less desirable as residential and, therefore, vulnerable to the necessity for further zoning changes to accommodate its use. A creeping justification for additional public or commercial use could occur. Mr. Hendrickson filed his written statement for the record.

Mr. Ken Etter asked if there was a master plan for this area and if it was known what streets would be developed in the future. He expressed concern with the heavy equipment attempting the ninety degree turns at some of the intersections.

Sheilah Renberger, 3775 Beechwood Street, Spring Valley Subdivision and a member of the Grand Junction Planning Commission, discussed locating the fire station in commercial areas versus residential areas and giving the public an opportunity for more input.

John Elmer, 2829 Caper Court, Spring Valley Subdivision, and a member of the Grand Junction Planning Commission was concerned about the use of the sirens.

There had been a commitment to the residents of Spring Valley

Subdivision that the use of sirens would not be used in the immediate area and that the vehicles would observe the posted speed limit. Discussion followed regarding the use of the sirens with the emergency vehicles when they respond to a call and the safety factors involved. It was recommended that Acting Fire Chief Johnson arrange to meet with the residents of Spring Valley Subdivision to advise them that, when responding to a call, emergency vehicles will use the sirens.

There were no other opponents, letters, or counterpetitions.

Upon motion by Councilman Ragsdale, seconded by Councilman McCurry and carried, the hearing was continued to the February 7 City Council meeting.

President of the Council Mantlo suggested the City abandon G Road in this general area and give it back to the property owners, and schedule this item for further discussion at the next Council Workshop to be held on February 5, 1990.

The President called a five-minute recess. Upon reconvening all members of Council were present. Councilman Nelson resumed his chair at this time.