

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

February 20, 1991

The City Council of the City of Grand Junction, Colorado, convened in regular session the 20th day of February, 1991, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, R.T. Mantlo, Paul Nelson, Earl Payne, Conner Shepherd, Reford Theobold, and President of the Council William McCurry. Also present were Assistant to the City Manager Jody Kole, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

Council President McCurry called the meeting to order and Councilman Paul Nelson led in the Pledge of Allegiance.

INVOCATION - Councilman Reford Theobold.

CONSIDERATION OF MINUTES

Councilman Payne requested that the Minutes of the February 6, 1991, City Council meeting be amended to reflect the following: under Tiara Rado Golf Clubhouse Construction Bids, add that contingency fees in the amount of \$110,000 will bring the total cost to \$871,000.

Upon motion by Councilman Mantlo, seconded by Councilman Shepherd and carried, the Minutes of the February 6, 1991, City Council meeting were approved as amended.

APPOINTMENT TO THE GRAND JUNCTION PLANNING COMMISSION

Upon motion by Councilman Payne, seconded by Councilman Nelson and carried, Craig Roberts was appointed to fill an unexpired term on the Grand Junction Planning Commission; said term to expire October, 1992.

APPOINTMENT TO GRAND JUNCTION BOARD OF ADJUSTMENT & APPEALS

Upon motion by Councilman Payne, seconded by Councilman Mantlo and carried, Cindy Enos-Martinez was appointed to fill an unexpired term on the Grand Junction Board of Adjustment and Appeals; said term to expire October, 1992.

BID CONSIDERATIONS - AWARD OF CONTRACTS - 20-YARD PACKER TRUCK FOR SANITATION DEPARTMENT - JIM FUOCO/ KOIS BROTHERS - \$73,275

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the bids were accepted on the 20-yard packer truck for Sanitation Department, and the Contract was awarded to Jim Fuoco/Kois Brothers in the amount of \$73,275, and the City Manager was authorized to sign said Contract.

HEARING #4-91 - REVISED FINAL PARKING PLAN IN A PLANNED MULTI-

FAMILY RESIDENTIAL ZONE FOR NELLIE BECHTEL GARDENS, 3032 N. 15TH STREET AND REQUEST TO RELEASE ELDERLY USE RESTRICTION - APPROVED

A hearing was held after proper notice on the petition by Jay L. Cooke for a revised final parking plan in a Planned Multi-Family Residential Zone with a density of 21.4 units per acre (96 units) on approximately 4.54 acres to allow 144 parking spaces versus 164 which is required by the Grand Junction Zoning and Development Code, and a request to release the Elderly Use Restriction on property located at 3032 N. 15th Street (Nellie Bechtel Gardens). The Planning Commission recommended denial of this petition by a vote of 5-1 due to the fact that it wanted to uphold the parking requirements of the Code and had previously allowed a reduction from 173 spaces to 164. City Planner Kathy Portner reviewed the petition. She stated that some were concerned that the tenants remain elderly. The Code for retirement facilities requires fewer parking spaces (1/2 space per unit, plus employee parking). Currently, there are 136 parking spaces at the location.

Mr. Jay L. Cooke was present. He explained that he is petitioning for the amended parking requirements and release of the elderly use restriction. He stated that in order to comply with the requirement for additional parking, he would surrender landscaped area.

Councilman Nelson stated that he felt the since there has been no evidence of parking problems at the site, the present parking should be sufficient. If and when the time comes that there is actually a parking problem, Council can look at increasing parking requirements.

City Attorney Wilson responded that the rule should not be thrown out, only changing the rule, by ordinance, to accommodate such situations as this. Requirements should be predictable for the Planning Staff.

Mr. Bob Stokes, 626 27 1/4 Road, spoke in opposition to the petition, stating that he does not want to see a change in the neighborhood. He was under the impression that when this particular property was donated by Nellie Bechtel that it was restricted to elderly housing. It was his understanding that it could not be changed by anyone but Nellie Bechtel. He also was not aware until this evening that 100% occupancy by the elderly is not required.

Mr. Cooke stated that if Council requires him to create additional parking it will probably offset directly opposite of what he is wanting to do (mostly elderly housing).

City Planner Kathy Portner presented a letter from Mesa County, signed by Mark Eckert, dated May 5, 1990, regarding the file of Nellie Bechtel Gardens. One paragraph reads as follows: "Presently, the property is restricted to elderly housing uses by the bond documents. Once the property is sold the bond restriction

will be removed by defeasance of the bonds." She stated that this issue was brought up at the Planning Commission meeting also.

Councilman Mantlo questioned why the elderly restriction needs to be lifted if it is not going to be enforced by the owner. Mr. Cooke stated he has a contract with his lender that says either comply with the City's requirements, or leave your money on the table. If Council approves his request, he will still maintain the elderly tenants as he has for the past four months because they are good tenants. He does not intend to move the elderly out of his complex.

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

City Attorney Wilson recommended that if Council approves this request that the following conditions be placed on the petitioner:

1. That there be no conversion of units without further City review;
2. That in any event, the spaces be added on either side;
3. That a deed restriction limiting recreational vehicles and off-road vehicles be instituted;
4. That the above changes be appropriated into a new site plan for technical review by Planning Staff.

It was moved by Councilman Payne and seconded by Councilman Nelson that the revised final parking plan (allowing 144 parking spaces versus 164 which is required by the Grand Junction Zoning and Development Code) for Nellie Bechtel Gardens at 3032 N. 15th Street, and the request to release the Elderly Use restriction be approved subject to the above conditions (Ciavonne & Associates Plan dated 8-14-90 Job No. 90-19). Roll was called upon the motion with the following result:

AYE: PAYNE, NELSON, THEOBOLD, MC CURRY.
NO: BENNETT, MANTLO, SHEPHERD.

The President declared a five-minute recess. Upon reconvening, all Councilmembers were present.

HEARING #1-91 - PROPOSED ORDINANCE - ZONING PATTERSON PARKWEST ANNEXATION PLANNED COMMERCIAL (PC) - HEARING CONTINUED TO MARCH 20, 1991

The following entitled proposed ordinance was presented and read: CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY AT THE NORTHWEST CORNER OF PATTERSON ROAD AND 25 ROAD. Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication, and the hearing was continued to March 20, 1991.

HEARING #2-91 - PROPOSED ORDINANCE - ZONING PAINTED BOWL ANNEXATIONS #1, #2, #3 AND #4 TO PUBLIC ZONE (PZ) - HEARING CONTINUED TO MARCH 20, 1991

The following entitled proposed ordinance was presented and read: CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY WITH A COMMON LOCATION AT MONUMENT ROAD APPROXIMATELY 1.5 MILES SOUTHWEST OF SOUTH REDLANDS ROAD. Upon motion by Councilman Mantlo, seconded by Councilman Payne and carried, the proposed ordinance was passed for publication, and the hearing was continued to March 20, 1991.

HEARING #5-91 - PROPOSED ORDINANCE - ZONING AND DEVELOPMENT CODE TEXT AMENDMENT - CHAPTER 32, SECTION 5-4-1.D - CONTINUED TO MARCH 20, 1991

The following entitled proposed ordinance was presented and read: AMENDING SECTION 5-4-1(D) OF THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE. Upon motion by Councilman Mantlo, seconded by Councilman Theobold and carried with Councilmembers BENNETT and PAYNE voting NO, the proposed ordinance was passed for publication, and the hearing was continued to March 20, 1991.

PROPOSED ORDINANCE - AMENDING CHAPTER 12, CODE OF ORDINANCES, SECTION 10.301(c) OF THE 1988 EDITION OF THE UNIFORM FIRE CODE

The following entitled proposed ordinance was presented and read: AMENDING THE 1988 UNIFORM FIRE CODE. Upon motion by Councilman Mantlo, seconded by Councilman Theobold and carried, the proposed ordinance was passed for publication.

ORDINANCES ON FINAL PASSAGE - PROOFS OF PUBLICATION

Proofs of Publication on the following Ordinances proposed for final passage have been received and filed. Copies of the Ordinances proposed for final passage were submitted to the City Council prior to the meeting.

ORDINANCE NO. 2504 - AMENDING CHAPTER 19, SECTION 29 GRAND JUNCTION CODE OF ORDINANCES, PROHIBITING THE DRINKING OF ALCOHOLIC BEVERAGES IN CERTAIN PLACES AND CONCERNING THE LEGAL AGE TO CONSUME BEER

Upon motion by Councilman Theobold, seconded by Councilman Mantlo and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AMENDING CHAPTER 19, SECTION 29 OF THE CODE OF ORDINANCES, PROHIBITING THE DRINKING OF ALCOHOLIC BEVERAGES IN CERTAIN PLACES AND CONCERNING THE LEGAL AGE TO CONSUME BEER.

There were no comments. Upon motion by Councilman Mantlo, seconded by Councilman Payne and carried by roll call vote, the Ordinance was passed and adopted, numbered 2504, and ordered published.

ORDINANCE NO. 2505 - REPEALING AND REENACTING CHAPTER 14, ARTICLE I, GRAND JUNCTION CODE OF ORDINANCES, GARBAGE, TRASH AND WEEDS

Upon motion by Councilman Theobold, seconded by Councilman Mantlo and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AMENDING CHAPTER 19, SECTION 29 OF THE CODE OF ORDINANCES, PROHIBITING THE DRINKING OF ALCOHOLIC BEVERAGES IN CERTAIN PLACES AND CONCERNING THE LEGAL AGE TO CONSUME BEER.

There were no comments. Upon motion by Councilman Mantlo, seconded by Councilman Payne and carried by roll call vote, the Ordinance was passed and adopted, numbered 2504, and ordered published.

ORDINANCE NO. 2505 - REPEALING AND REENACTING CHAPTER 14, ARTICLE I, GRAND JUNCTION CODE OF ORDINANCES, GARBAGE, TRASH AND WEEDS

Upon motion by Councilman Theobold, seconded by Councilman Mantlo and carried, the following entitled proposed ordinance was called up for final passage and read by title only: REPEAL AND REENACTMENT OF CITY OF GRAND JUNCTION TRASH ORDINANCE.

There were no comments. Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried by roll call vote, the Ordinance was passed and adopted, numbered 2505, and ordered published.

ORDINANCE ON FINAL - ESTABLISHING A PROGRAM TO IDENTIFY AREAS OF THE CITY THAT HAVE DEFICIENT FIRE PROTECTION AND MEANS AND METHODS TO UPGRADE EXISTING FIRE FIGHTING CAPABILITIES - CONTINUED TO MARCH 6, 1991

City Attorney Dan Wilson stated that additional time is needed to discuss this item with Ute Water.

Upon motion by Councilman Payne, seconded by Councilman Mantlo and carried, the following entitled proposed ordinance was continued to March 6, 1991: ESTABLISHING A PROGRAM TO IDENTIFY AREAS OF THE CITY THAT HAVE DEFICIENT FIRE PROTECTION AND MEANS AND METHODS TO UPGRADE EXISTING FIRE FIGHTING CAPABILITIES.

RESOLUTION NO. 5-91 ACCEPTING PETITION FOR KNOCH ANNEXATION AND GIVING NOTICE OF HEARING - LOCATED IN THE VICINITY OF FIRST STREET ON THE EAST, COLORADO RIVER ON THE SOUTH AND WEST, TO HALE AVENUE ON THE NORTH - HEARING SET FOR APRIL 3, 1991

City Attorney Wilson noted there is a plat map entitled "Knoch Annexation" for public information. The following Resolution was presented and read: (See next page.). Upon motion by Councilman Nelson, seconded by Councilman Theobold and carried by roll call vote, the Resolution was passed and adopted as read.

RESOLUTION NO. 6-91 - APPROVING THE PREPAYMENT OF THE NOTE ON THE JARVIS PROPERTY ON MARCH 1, 1991

The following Resolution was presented and read: (See next page.). Upon motion by Councilman Payne, seconded by Councilman Theobold and carried by roll call vote, the Resolution was passed and adopted as read.

RESOLUTION NO. 7-91 AUTHORIZING THE LEASE OF CITY PROPERTY AT 545 NOLAND AVENUE TO DON FUGATE, DBA DON'S AUTOMOTIVE - \$250 PER MONTH (LEASE EXPIRES FEBRUARY 28, 1993)

The following Resolution was presented and read: (See next page.). Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried by roll call vote, the Resolution was passed and adopted as read.

APPROVAL OF PROFESSIONAL SERVICES CONTRACT WITH CWH RESEARCH, INC., FOR TEST DEVELOPMENT AND VALIDATION OF ENTRY EXAMS FOR POLICE OFFICERS AND FIREFIGHTERS - \$19,800

Upon motion by Councilman Theobold, seconded by Councilman Payne and carried, the Professional Services Contract with CWH Research, Inc., for test development and validation of entry exams for Police Officers and Firefighters in the amount of \$19,800 was approved.

SOLE SOURCE PURCHASE FOR PUMP STATION FOR NORTH 15TH STREET WATER LINE (PTARMIGAN ESTATES) - MUNRO SUPPLY - \$48,870

Upon motion by Councilman Theobold, seconded by Councilman Mantlo and carried, the Sole Source purchase for Pump Station (includes five pumps, manifold, two valves, underground electrical control) for North 15th Street water line for Ptarmigan Estates was awarded to Munro Supply in the amount of \$48,870, and the City Manager was authorized to sign said Contract.

DISCUSSION OF CONCESSIONAIRE CONTRACT FOR TIARA RADO GOLD COURSE - RESCHEDULED FOR MARCH 6, 1991, MEETING

HORIZON PARK REZONE

Mr. Jeff Williams wished to discuss the Horizon Park Rezone ordinance. City Attorney Dan Wilson advised him that a hearing will be held on March 6, 1991, when the ordinance comes up for final passage and publication.

ADJOURN TO EXECUTIVE SESSION

The President adjourned the meeting to executive session.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk

RESOLUTION NO. 5-91

ACCEPTING A PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO, AND SETTING A HEARING ON SUCH ANNEXATION (KNOCH ANNEXATION)

WHEREAS, on the 20th day of February, 1991, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

All of that portion of the NE4 Section 22, T1S R1W, Ute Meridian, Northeasterly of the Northerly bank of the Colorado River, except Lots 1 through 6, Block 1, O'Boyles Subdivision, and except, beginning at the NE Cor of Lot 1, Block 1, O'Boyles Subdivision; thence East 50 feet; thence South 125 feet; thence West 50 feet; thence North to the Point of Beginning.

WHEREAS, the council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

That a hearing will be held on the 3rd day of April, 1991, in the City Auditorium in City Hall of the City of Grand Junction, Colorado, at 7:30 o'clock p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the City; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation; whether any land held in identical ownership comprising more than twenty ares 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; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

PASSED and ADOPTED this 20th day of February, 1991.

President of the Council

Attest:

City Clerk

RESOLUTION NO. 6-91

A RESOLUTION AUTHORIZING THE PREPAYMENT OF THE JARVIS NOTE AS OF MARCH 1, 1991

WHEREAS: The City executed a promissory note for \$875,000 at 10% interest as part of the fifty acre Jarvis property purchase along the Colorado River; and

WHEREAS: The City is now issuing bonds for this purchase and other capital improvements; and

WHEREAS: It is in the City's best interest to pay off the Jarvis note as of March 1, 1991.

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

1. That the City Manager is hereby authorized and directed to pay off the Jarvis Note on March 1, 1991 from other General Fund Resources.

2. That the General Fund will be repaid from the bond proceeds at closing.

ADOPTED AND APPROVED THIS 20TH DAY OF FEBRUARY, 1991

APPROVED:

William E. McCurry

President of the Council

ATTEST:

Neva B. Lockhart, CMC

City Clerk

RESOLUTION NO. 7-91

AUTHORIZING A LEASE OF THE CITY PROPERTY AT 545 NOLAND AVENUE TO DONALD FUGATE, DOING BUSINESS AS DON'S AUTOMOTIVE

WHEREAS, the City of Grand Junction is owner of the real property described as the North 150 feet of Lots 13 and 14 of Block 2, South Fifth Street Subdivision, also known as 545 Noland Avenue; and

WHEREAS, Donald Fugate, doing business as Don's Automotive, has requested a two year lease of said property for the purpose of conducting an automotive repair business.

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 Donald Fugate, doing business as Don's Automotive, for the lease of said property for a term of two years, commencing on March 1, 1991 and terminating on the last day of February, 1993, and for a rental fee of \$250.00 per month, subject to the several other terms and conditions of the attached Lease Agreement.

PASSED and ADOPTED this 20th day of February, 1991.

William E. McCurry

President of City Council

Attest:

Neva B. Lockhart, CMC

City Clerk