

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

JUNE 3, 1992

The City Council of the City of Grand Junction, Colorado, convened in regular session of the 3rd day of June, 1992, 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 Theobold. Councilman Bill McCurry was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and Acting City Clerk Teddy Martinez.

Council President Theobold called the meeting to order and Councilman Baughman led in the Pledge of Allegiance. The audience remained standing during the invocation by Pastor John Bruington, First Presbyterian Church.

PROCLAMATION DECLARING JUNE 14-21, 1992, AS "WESTERN WEAR WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING THE MONTH OF JUNE, 1992, AS "OPERATION FORESIGHT MONTH" IN THE CITY OF GRAND JUNCTION

\* \* \* CONSENT CALENDAR \* \* \*

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

1. Approve the minutes of the Regular Meeting May 20, 1992
2. Award of Contract - Street Patching 1992 - Morgan Asphalt - \$44,513.25

Bids received on May 21, 1992 are summarized as follows from lowest to highest:

Morgan Asphalt	\$44,513.25
G&G Paving Construction	\$44,947.00
Engineer's Estimate	\$58,925.00

3. Authorization to purchase a Toro Groundsmaster 345 commercial mower for the Parks and Recreation Department - Cost \$17,625.

Bids were opened May 21st for the purchase of a 45hp Commercial

Riding Mower equipped with 72" side discharge unit, mechanically driven sweeper and enclosed cab. The mower is requested for service in the Ridges Subdivision. The only responsive bid was submitted by L.L. Johnson Distributing Co. of Denver in the amount of \$17,625. Delta Implement submitted a bid for a John Deere F932 which did not meet specifications. We required a 45hp engine minimum; the John Deere engine is 28hp. Also the Toro comes with a two-year parts and labor warranty, as specified; the John Deere mower has a one-year warranty. With consideration of Ridges topography, the 28hp engine is believed to be underpowered for mowing hills and sweeping undulating trails.

4. Award of Contract - Expansion of Older American Center - Delbert McClure Construction - \$54,997

Bids were opened May 27th at the offices of Dillon-Hunt P.C. for the expansion of the Older American Center. The scope of work includes site demolition, excavation, and construction of a 20' x 40' addition (game room) to the existing structure. In addition, bids were received for remodeling construction required to put the building in compliance, or show intent to comply, with the federal "Americans with Disabilities Act" (ADA). We received four (4) bids; the low bid of \$54,997 was submitted by Delbert McClure Construction.

5. Authorization for City Manager to sign a contract with Long Associates for the completion of the Fire Department Strategic Plan and Station Location Plan.

The final selection process was held on June 1, 1992, between the following consulting firms:

FIRM	BID AMOUNT
P A R Group/PTI	\$34,500.00
Long Associates	\$20,400.00
Tri-Data	\$46,193.00
Carl S. Becker Company	\$24,000.00

\* \* \* END CONSENT CALENDAR \* \* \*

\* \* \* ITEMS NEEDING INDIVIDUAL CONSIDERATION \* \* \*

WATERLINE REQUIREMENT - TABLED FROM MAY 20, 1992, MEETING - DROPPED FROM JUNE 3, 1992, AGENDA AS THERE HAS BEEN NO RESOLUTION TO THE PROBLEM WITH UTE WATER - NO ACTION REQUIRED

PUBLIC SERVICE FRANCHISE ASSIGNMENT TO GRAND VALLEY RURAL POWER

City Attorney Dan Wilson explained that the Public Service Franchise Assignment for Grand Valley Rural Power would formally acknowledge the increasing role of Grand Valley Rural Power in the city limits. Public Service Company of Colorado has been the City's one franchisee in the past. Public Service has recently completed negotiations and is in the process of having the Public Utilities Commission formally complete the PUC review with the effect being that there will be territory that each company will serve. Under the City's Charter, Grand Valley Rural Power Company does not have a legal authority in a formal sense to operate within the City. This Assignment would formally acknowledge the Council's recognition of that recent contract negotiation and acknowledge that there will be a vote on this issue within the next year. A special election will be conducted at the expense of Public Service Company. An election date will be determined at a later date. The Assignment would allow Public Service to operate within the City until such time as the electorate either approves or rejects formally on the ballot. Mr. Wilson stated that upon approval of the Assignment, Grand Valley Rural Power Company would agree to abide by the terms of the existing Public Service Franchise.

Mr. Greg Kemp, attorney, and Jack Broughton, representing Grand Valley Rural Power Company were present. Mr. Broughton reviewed a map showing the new territorial boundaries for each utility company.

Councilman John Bennett recommended that advance notice be mailed to those customers that will be affected by the change as to the differences in rates between the two companies.

Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried, the Mayor was authorized to execute the Public Service Franchise Assignment to Grand Valley Rural Power Company.

PROPOSED ORDINANCE AMENDING SECTION 19-77 OF THE CODE OF ORDINANCES REGARDING SMOKING IN PUBLIC PLACES

This item was continued from the May 20, 1992, meeting.

This amendment refers to the annual Junior College Baseball World Series (JUCO) only to allow smoking in the stands of Sam Suplizio Field in a designated area adjacent to the right field line and to the farthest southern section extending 30 feet from the south to the north (rows 1-13) during this event only, as directed by City Council.

The proposed ordinance was amended to reflect that the amendment

to Section 19-77 be in effect on a one-year trial basis only, with an automatic review by City Council following the 1993 JUCO event.

Upon motion by Councilman Bennett, seconded by Councilman Shepherd and carried with Councilmembers THEOBOLD and BESSINGER voting NO, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - AMENDING SECTION 7-5-7 OF THE ZONING AND DEVELOPMENT CODE (ENFORCEMENT OF DEVELOPMENT SCHEDULES)

This item was reviewed by Dave Thornton, Community Development Department.

The existing language in the Planned Development Section of the zoning code is vague and does not provide a regular review process for Planned Developments that have not proceeded in accordance with their original development schedule. The proposed text amendment provides for an annual review of all planned developments and an orderly process for reverting plans and zones which are not being implemented in a timely manner.

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

PROPOSED ORDINANCE - AMENDING SECTION 4-3-4 OF THE ZONING AND DEVELOPMENT CODE (NEW H.O. ZONE AND NURSERIES/GREENHOUSES IN I ZONE)

This item was reviewed by Dave Thornton, Community Development Department.

The City of Grand Junction is requesting the amendment of Section 4-3-4 (with specific changes in the Use Zone Matrix for the Highway Oriented, HO zone) of the Grand Junction Zoning and Development Code. The proposal calls for the allowance of many land uses which currently require special and conditional use permits and changing some land uses which currently require a conditional use permit be changed to a special use permit. A conditional use permit fee is \$450; the special use permit fee is \$150.

The City of Grand Junction is requesting the amendment of Section 4-3-4, with specific changes in the Use Zone Matrix for the Light Industrial (I-1) and Heavy Industrial (I-2) zones, of the Grand Junction Zoning and Development Code. The proposal calls for the allowance of nurseries and greenhouses as an allowed use (a use not currently allowed) in the two industrial zone categories).

The proposed ordinance was amended to delete the conditional use of "group residences" and "single-family residential" in H.O. Zone.

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

PROPOSED ORDINANCE - AMENDING SECTION 5-8 OF THE ZONING AND DEVELOPMENT CODE (FLOOD PLAIN REGULATIONS)

This item was reviewed by Karl Metzner, Community Development Department. The continued eligibility of the City to participate in the National Flood Insurance Program (NFIP) is contingent upon adoption of floodplain management regulations which comply with the NFIP regulations.

Councilman Bessinger clarified that if this amendment is not adopted citizens will be unable to obtain Federal flood insurance.

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

PROPOSED ORDINANCE - RIGHT-OF-WAY VACATION - PORTION OF SOUTH AVENUE LOCATED AT 939 AND 949 SOUTH AVENUE

This item was reviewed by Dave Thornton, Community Development Department.

George M. Taber and Thad and Deanna Harris are requesting the vacation of seven feet of the South Avenue right-of-way on Lots 7-16, Block 157, City of Grand Junction, for the purpose of granting two buildings that have encroached onto South Avenue since they were built in the 1950's, the legal right to exist as they are.

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

PROPOSED ORDINANCE - ZONING OF BLUE HERON ANNEXATION LOCATED AT RIVER ROAD AND REDLANDS PARKWAY, TO LIGHT INDUSTRIAL (I-1), PLANNED INDUSTRIAL (PI), AND PUBLIC ZONE (PZ)

This item was reviewed by Karl Metzner, Community Development Department.

The Blue Heron annexation is proposed for zoning to Light Industrial, (I-1), Planned Industrial (PI) and Public Zone (PZ). There are two Industrial areas in the Blue Heron Annexation. The first, May's Concrete, was zoned PUD under county zoning. The Mays property contains the offices and equipment storage for their concrete business. It also has four mobile home rental units on the site. The PI zoning will allow these uses to continue under the previous county approval.

The second industrial area, Mathews Subdivision, consists of twelve condominium units and a mini-storage building. The condo units contain various users most of which are automotive repair businesses such as motor rebuilding, spring manufacturing, and machining. This subdivision was zoned Industrial in the county and is proposed for City I-1 zoning.

The remainder of the Blue Heron Annexation is property owned by the City of the County and is part of the Riverfront Trails Complex. This property is proposed for PZ zoning.

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

PROPOSED ORDINANCE - ZONING OF INTERSTATE EAST ANNEXATION LOCATED NORTH OF G ROAD, EAST AND WEST OF 23-1/2 ROAD, TO HEAVY COMMERCIAL (C-2) AND LIGHT INDUSTRIAL (I-1)

This item was reviewed by Karl Metzner, Community Development Department.

Interstate East Annexation is proposed for zoning to Heavy Commercial (C-2) and Light Industrial (I-1). Interstate East Annexation contains three lots platted in the Interstate Subdivision. These lots are proposed for I-1 zoning to be compatible with the I-1 zoning formerly given the rest of the same subdivision.

The remainder of this annexation consists of two metes and bounds parcels which were zoned "C" (Commercial) under county zoning. One of these parcels is the site of the proposed Fish Farm (commercial fish raising) and the other parcel is currently agricultural with one single-family home. Both of these parcels are proposed for C-2 zoning.

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

ORDINANCE NO. 2578 - ALLEY IMPROVEMENT DISTRICT 1991, PHASE A, ASSESSMENTS

A hearing was held after proper notice on the following proposed ordinance: APPROVING THE ASSESSABLE COSTS TO BE LEVIED AGAINST CERTAIN LANDS IN ALLEY IMPROVEMENT DISTRICT 1991, PHASE A. Peggy Holquin, Engineering Department, reviewed the assessments. There were no opponents, letters, or counterpetitions. The hearing was closed.

Upon motion by Councilman Bennett, seconded by Councilman Baughman and carried by roll call vote, Ordinance No. 2578 was passed and adopted.

ORDINANCE NO. 2579 - ALLEY IMPROVEMENT DISTRICT 1991, PHASE B, ASSESSMENTS

A hearing was held after proper notice on the following proposed ordinance: APPROVING THE ASSESSABLE COSTS TO BE LEVIED AGAINST CERTAIN LANDS IN ALLEY IMPROVEMENT DISTRICT 1991, PHASE B. Peggy Holquin, Engineering Department, reviewed the assessments. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Baughman, seconded by Councilman Bennett and carried by roll call vote, Ordinance No. 2579 was passed and adopted.

RESOLUTION NO. 45-92 - ESTABLISHING REQUIREMENTS FOR CONSTRUCTION WITHIN CITY RIGHTS-OF-WAY PURSUANT TO ORDINANCE NO. 2497.

Mark Relph, Public Works Manager, reviewed this item. On December 9, 1990, Ordinance No. 2497 became effective, which established policy for the construction of water works and sewer systems. The ordinance requires specific construction requirements be adopted by Council resolution.

Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried by roll call vote, Resolution No. 45-92 was passed and adopted.

RESOLUTION NO. 45-92

ESTABLISHING REQUIREMENTS FOR CONSTRUCTION, AND OTHER RELATED OR SIMILAR ACTIVITIES, WITHIN CITY RIGHT-OF-WAY PURSUANT TO ORDINANCE NO. 2497, ARTICLE 3, CHAPTER 3 OF THE GENERAL ORDINANCES OF THE CITY OF GRAND JUNCTION; PROVIDING FOR INSURANCE REQUIREMENTS; PROVIDING FOR A SCHEDULE OF CHARGES FOR INSPECTION AND TESTING; PROVIDING FOR CONSTRUCTION SPECIFICATIONS AND DESIGN STANDARDS; AND PROVIDING FOR AN EMERGENCY NOTIFICATION TELEPHONE NUMBER.

WHEREAS, the City has established policy for construction within the City rights-of-way through adoption of ordinance no. 2497, and

WHEREAS, ordinance no. 2497 requires City Council adoption of specified construction requirements; and

WHEREAS, the following provisions are reasonable yet necessary for the protection of the City and its citizens.

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

(1) No permit shall be issued unless the following insurance requirements are met prior to issuance of a public way permit:

(a) The Permittee shall procure and maintain, at its own cost, a policy or policies of insurance sufficient to insure against all liability, claims, demands, and other obligations arising out of, or resulting from, activities authorized by the permit. Such insurance shall be in addition to any other insurance requirements imposed by law. The Permittee shall not be relieved of any liability, claims, demands, or other obligations by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types. Permittee shall supply, along with the application for a permit, proof that such insurance is in place

for all periods of time during which activity is authorized.

(b) Permittee shall procure and maintain, and shall cause any subcontractor of the Permittee to procure and maintain, the minimum insurance coverage listed in subparagraphs (i) through (iii) below. Such coverage shall be procured and maintained with forms and insurers acceptable to the City of Grand Junction. All coverage shall be continuously maintained to cover all liability, claims, demands, and other obligations assumed by the Permittee.

In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be provided for in order that continuous coverage is maintained.

(i) Worker's Compensation insurance to cover obligations imposed by applicable laws for each employee engaged in the performance of any work, and Employer's Liability insurance with minimum limits of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) each accident, FIVE HUNDRED THOUSAND DOLLARS (\$500,000) each disease - each employee. Evidence of qualified self-insured status may be substituted for the Worker's Compensation requirements of this paragraph.

(ii) General Liability insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000) each occurrence and ONE MILLION DOLLARS (\$1,000,000) aggregate. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual, products, and completed operations. The policy shall include coverage for explosion, collapse, and underground hazardous. The policy shall contain a severability of interests provision.

(iii) Comprehensive Motor Vehicle Liability insurance with minimum combined single limits for bodily injury and property damage of not less than ONE MILLION DOLLARS (\$1,000,000) each occurrence and ONE MILLION DOLLARS (\$1,000,000) aggregate with respect to each of Permittee's owned, hired or non-owned vehicles assigned to or used in performance of the services. The policy shall contain a severability of interests provision.

(c) Each such policy required by paragraph (ii) and (iii) above shall be endorsed to include the City of Grand Junction and the City of Grand Junction's officers and employees as additional insureds. Each policy required above shall be primary insurance, and any insurance carried by the City of Grand Junction, its officers, or its employees, or carried by or provided through any insurance pool of the City of Grand Junction, shall be excess and not contributory insurance to that provided by Permittee. No additional insured endorsement to any policy required shall contain any exclusion for bodily injury or property damage arising from completed operations. The Permittee shall be solely responsible for any deductible losses under any policy.



(d) The Permittee's insurance agent shall complete the certificate of insurance on the form provided by the City of Grand Junction, or other form acceptable to the City's Loss Control Agent as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect. Each such policy shall be reviewed and approved by the City of Grand Junction prior to issuance of any permit. The certificate shall identify this resolution and shall provide that the coverages afforded under the policies shall not be canceled, terminated or materially changed until at least 30 days prior written notice has been given to the City of Grand Junction. The completed certificate of insurance shall be attached to the contract.

(e) Failure on the part of the Permittee to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of this Permit in which event the City of Grand Junction may immediately terminate any Permit.

(f) The City of Grand Junction is authorized the right to request and receive, at any time(s), a certified copy of any policy and any endorsement thereto.

(g) Each permittee, by acceptance of any permit agree that the City of Grand Junction is relying on, and does not waive or intend to waive by any provision of this Permit, the monetary limitations (presently \$150,000 per person and \$400,000 per occurrence) or any other rights, immunities, and protection provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., as from time to time amended, or otherwise available to the City of Grand Junction, its officers, or its employees.

(2) The Director of Public Works and Utilities is hereby directed and authorized to establish the following schedule of charges for inspection and testing:

1. Base Permit Fee - \$50.00

Plus an additional \$0.05 per linear foot of trench excavation over 100 feet in length.

2. Compaction Tests:

- Standard Proctor Compaction Test (ASTM D 698) (\$65.00 per test)

- Modified Proctor Compaction Test (ASTM D 1557) (\$75.00 per test)

(3) The Director of Public Works and Utilities is authorized and directed to establish the engineering regulations, construction specifications, and design standards necessary to set the performance level of the work which may be amended by him from time to time.

(4) All emergency work, as defined within ordinance no. 2497,

shall be reported to the Director by the use of the emergency telephone number, 911.

PASSED AND ADOPTED this 3rd day of June, 1992

Attest:

NAME

\_\_\_\_\_  
President of the Council

Theresa F. Martinez

\_\_\_\_\_  
Acting City Clerk

RESOLUTION NO. 46-92 ESTABLISHING PERMIT FEES FOR PRIVATE AMBULANCE SERVICE PROVIDERS OPERATING WITHIN THE CITY

The City Council has adopted Ordinance No. 2575 which provides for the permitting of private ambulance service providers. The ordinance establishes that a permit fee is to be set by resolution, based upon an allocation of costs associated with managing and administering the ordinance and permitting process. It was clarified that Council will review and adopt a resolution annually.

Bill Collins, President of Life Star Ambulance, was present with concerns regarding the \$15.00 permit fee. Councilman Nelson stated that City Council has taken deliberate action in the past to guarantee a level of emergency rescue response for the citizens of Grand Junction. Those that wish to be ambulance providers and a part of the system can help the City defray the cost to operate the service.;

Upon motion by Councilman Bennett, seconded by Councilman Bessinger and carried by roll call vote, Resolution No. 46-92 was passed and adopted.

JOINT CITY/COUNTY MEETING REGARDING FUTURE USE OF SEWER PLANT

Mayor Reford Theobold will be representing Council at the June 4, 1992, joint meeting with Mesa County and special districts on future use of Persigo Sewer Plant. His understanding is that the purpose of the meeting is to gather information only.

City Manager Mark Achen discussed acquiring more customers for the sewer system. Mr. Achen recommended that on an annual basis the City and the County appropriate equal amounts to fund a certain number of extensions (connections) at an amount that underwrites the cost sufficient to equalize the customer cost at what it would take to replace their septic system (currently approximately \$2500). Mr. Achen felt that \$25,000 or \$30,000, at the most, from the City and the County would go a long way toward getting connections to the system.

Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried with Councilman BAUGHMAN voting NO, the Mayor was given endorsement by Council to present the City's updated version of its proposal regarding future use of Persigo Sewer Plant at the June 4 joint meeting, including the City Manager's recommendation of the extension.

#### LETTER OF COMMITMENT TO WESTERN COLORADO BOTANICAL SOCIETY

City Manager Mark Achen presented a draft of the Letter of Commitment to Western Colorado Botanical Society regarding donation of 4-10 acres of land by the City to develop a botanical garden. The last paragraph of the letter was amended to reflect "the Society's plans to enhance the community."

Upon motion by Councilman Bessinger, seconded by Councilman Shepherd and carried, the Letter of Commitment was approved as amended.

#### ADJOURNMENT

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

Theresa F. Martinez

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Theresa F. Martinez, CMC  
Acting City Clerk

#### RESOLUTION NO. 46-92

WHEREAS, Ordinance No. 2575 provides that the City Council of the City of Grand Junction shall establish by resolution permit fees for private ambulance service providers operating within the City, and

WHEREAS, Said permit fees shall not exceed the reasonable cost of administering the Ordinance, and

WHEREAS, There are direct costs associated with providing for the orderly provision of emergency medical services, and

WHEREAS, The Grand Junction Fire Department in conjunction with the Grand Junction Regional Communications Center (GJRCC) has calculated the costs of administering the ordinance and providing for the orderly provision of emergency services, and

WHEREAS, These costs reflect the demand for services, manpower and equipment utilized by the ambulance service providers, and

WHEREAS, The Council finds that these costs are based on known and established costs of administering the program;

NOW, THEREFORE, BE IT RESOLVED THAT,

The City Council, sitting in public session this 3rd day of June, 1992, hereby accepts and adopts the attached fee schedule for ambulance service provider permit fees for 1992.

PASSED and ADOPTED this 3rd day of June, 1992.

Attest:

NAME

\_\_\_\_\_  
President of the Council

Theresa F. Martinez

\_\_\_\_\_  
Acting City Clerk

AMBULANCE SERVICE PROVIDER PERMIT FEES 1992

LIFESTAR AMBULANCE	\$ 9,464.09*
PREMIER SERVICES AMBULANCE	9,464.09*
	\$18,928.18*

Permit fees calculated based on the following formula

$.526 \times \text{GJRCC user agency per call charge} \times \text{estimated call volume} + \text{administrative cost}/\text{number of ambulance service providers}$

$.526 \times \text{GJRCC user agency per call charge}$   
( $.526 \times \$17.11 = \$9.00$ )

estimated total call volume = 3,388 Based on 6% growth over known 1991 call volume of 3,197

administrative cost =  $\$28.14 \text{ per hour} \times 4 \text{ hours per week (avg.)} \times 4 \text{ weeks per month} \times 12 \text{ months per year} = \$5402.88$

$(\$9.00 \times 3,388) + \$5402.88/2 = \$17,947.44$

\*Effective date of Ordinance 2575 is June 21, 1992. June 21 is the 173rd day of 1992. The 1992 permit fee is prorated accordingly. The non-prorated 1992 per agency fee is \$17,947.44 or total permit fee of \$35,894.88.