

GRAND JUNCTION MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
SEPTEMBER 16, 1992

The City Council of the City of Grand Junction, Colorado, convened in regular session the 16th day of September, 1992, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, John Bennett, Bill Bessinger, Bill McCurry, Paul Nelson, Conner Shepherd, and President of the Council Reford Theobold. Also present were Acting City Manager Ron Lappi, Assistant City Attorney John Shaver, and Acting City Clerk Teddy Martinez.

Council President Theobold called the meeting to order and Councilman Paul Nelson led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Jack Olsen, Columbus Evangelical Church.

PROCLAMATION DECLARING SEPTEMBER 22, 1992, AS "AMERICAN BUSINESS WOMEN'S ASSOCIATION (ABWA) DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING SEPTEMBER 17-23, 1992, AS "CONSTITUTION WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING OCTOBER, 1992, AS "NATIONAL QUALITY MONTH" IN THE CITY OF GRAND JUNCTION

CONSENT ITEMS

Upon motion by Councilman by Councilman Nelson, seconded by Councilman McCurry and carried by roll call vote with Councilman BAUGHMAN voting NO on Item 5, the following Consent Items 1-8 were approved:

1. Approve the minutes of the Regular Meeting September 2, 1992.
2. Change Order #1 to Contract with United Companies of Mesa County for City Overlay Project - Removal of Super Elevation on Ridges Boulevard - \$10,976

Residents in the Ridges have requested correction of a problem on Ridge Drive at its intersection with North Dale Court. This section of Ridges Boulevard is in a curve where the pavement cross slope is in the wrong direction. This condition causes vehicles to slide off of the road into the median area when the road is slick. The proposal is to correct this condition by building superelevation into the curve with layers of asphalt pavement.

3. Change Order #2 to Contract with United Companies of Mesa County for City Overlay Project - Additional recommended streets for Street Pavement Overlays - \$60,000

This change order would add the following street segments to the Street Pavement Overlay Contract:

Mesa Avenue from 12th Street to 15th Street

Bunting Avenue from 7th Street to Cannell Avenue

22nd Street from Grand Avenue to Gunnison Avenue

All three streets are scheduled for overlay on the pavement management system.

4. Approval of renewal contract with The Daily Sentinel for bulk advertising rate for 1993 - Annual minimum Contract amount \$29,607

Each year since 1988 the City signs a contract with The Daily Sentinel to establish a bulk advertising rate for all City advertising. The contract establishes a guaranteed minimum expenditure during the contract period. This contract covers September 1, 1992, through August 31, 1993. The contract reflects a per column inch advertising rate increase of 4% (\$10.24 to \$10.65) for daily advertising and an increase of 6% (\$11.38 to \$12.06) for Sunday advertising.

5. Approval of the CDBG Contract amendment between the City of Grand Junction and the State of Colorado, Department of Local Affairs

Motion authorizing and directing the Mayor to sign an amendment to the CDBG Grant Contract between the State of Colorado Department of Local Affairs, Division of Housing, and the City of Grand Junction that replaces the Grand Junction Housing Authority with the Resource Center and extends the time for performance to March, 1993. Approval of the amendment is contingent on the satisfactory negotiation of the proposed contract between the City and The Resource Center, previously authorized by the City Council.

6. Approval of Revised Special Funding Policy for the Visitors and Convention Bureau

7. Approval of the FY93 PL Contract between the Colorado Department of Transportation (CDOT) and the Grand Junction / Mesa County Metropolitan Planning Organization (GJ MPO)

8. * Resolution No. 64-92 - Six-month extension of current Downtown Parking Ordinance (See next page.)

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PUBLIC HEARING - APPLICATION BY WESTERN COLORADO CENTER FOR THE ARTS FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT ON OCTOBER 17, 1992, AT THE WESTERN COLORADO CENTER FOR THE ARTS, 1803 N. 7TH STREET, FOR THE ANNUAL DINNER/SILENT AUCTION FUND RAISER

A hearing was held after proper notice on the application by Western Colorado Center for the Arts for a Malt, Vinous and Spirituous Liquor Special Events Permit on October 17, 1992, from 6:00 p.m. to 12:00 midnight, at the Western Colorado Center for the Arts, 1803 N. 7th Street, for the annual dinner/silent auction fund raiser. Mr. Dave Davis, Director of the Arts Center, was present. There were no opponents, letters or counterpetitions. Upon motion by Councilman Bessinger, seconded by Councilman Shepherd, and carried, the application was approved.

RESOLUTION NO. 59-92 ACCEPTING PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF RAND JUNCTION AND SETTING A HEARING ON SUCH ANNEXATION - NINA MAE / SACOMA COURT / BONELLO ANNEXATION, APPROXIMATELY 10 ACRES, LOCATED ON THE NORTHEAST CORNER OF G AND 26-1/2 ROADS

This annexation is single family residential on 10 acres. It contains 15 parcels, 9 of which have granted Power-of-Attorney for annexation as a condition of receiving sewer service. This annexation is part of the North area annexation proposal.

Upon motion by Councilman Bessinger, seconded by Councilman McCurry and carried by roll call vote, Resolution No. 59-92 was passed and adopted giving notice of hearing on October 21, 1992. (See next page.)

RESOLUTION NO. 60-92 ACCEPTING PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION AND SETTING A HEARING ON SUCH ANNEXATION - GALAXY ANNEXATION, APPROXIMATELY 30 ACRES, LOCATED NORTH OF G ROAD AT GALAXY AND CENTAURI DRIVES

Galaxy Subdivision is a single family residential development on 30 acres. It contains 33 lots, 20 of which have granted Powers-of-Attorney for annexation as a condition of receiving sewer service. This annexation is part of the North area annexation proposal.

Upon motion by Councilman Bessinger, seconded by Councilman McCurry and carried by roll call vote, Resolution No. 60-92 was passed and adopted giving notice of hearing on October 21, 1992. (See next page.)

PUBLIC HEARING - BELLA VISTA #2 ANNEXATION, LOCATED NORTH OF G ROAD AND WEST OF 27 ROAD - RESOLUTION NO. 61-92 TO ANNEX BY ORDINANCE - PROPOSED ORDINANCE

Upon motion by Councilman Shepherd, seconded by Councilman McCurry and carried by roll call vote, Resolution No. 61-92 was passed and adopted. (See next page.)

RESOLUTION NO. 64-92

RESOLUTION EXTENDING THE EFFECTIVE DATE OF SECTION 5-5-1 N., DOWNTOWN OFF-STREET PARKING STANDARDS, OF THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE.

WHEREAS, a text amendment containing an automatic sunset provision was adopted by the City on September 18, 1991 which created parking standards for the downtown area; and

WHEREAS, said text amendments will expire on September 30, 1992; and

WHEREAS, further study is required to formulate a recommendation for adoption of the amendment as is, or revision of the text amendment.

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

That the effective date of Section 5-5-1 N., Downtown Off-Street Parking Standards, of the Grand Junction Zoning and Development Code be extended for a period of six months until March 31, 1993.

Passed and adopted this 16 day of September, 1992.

Attest:

NAME

President of the Council

Theresa F. Martinez, CMC

Acting City Clerk

RESOLUTION NO. 59-92

ACCEPTING A PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO, AND SETTING A HEARING ON SUCH ANNEXATION NINA MAE/SACOMA COURT/BONELLO ANNEXATION APPROXIMATELY 10.0 ACRES LOCATED ON THE NORTHEAST CORNER OF G AND 26-1/2 ROADS

WHEREAS, on the sixteenth day of September, 1992, 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:

A TRACT OF LAND CONSISTING OF THE SW1/4 SW1/4 SE1/4 OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN, MESA COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE S 1/4 CORNER OF SAID SECTION 35; THENCE NORTH ALONG THE WEST LINE OF THE SW1/4 SW1/4 SE1/4 OF SAID SECTION 35 A DISTANCE OF 659.60 FEET TO THE NORTHWEST CORNER OF THE SW1/4 SW1/4 SE1/4 OF SAID SECTION 35; THENCE EAST ALONG THE NORTH LINE OF THE SW1/4 SW1/4 SE1/4 OF SAID SECTION 35 A DISTANCE OF 30.0 FEET TO THE NORTHWEST CORNER OF NINA MAE SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 138 IN THE OFFICE OF THE MESA COUNTY CLERK AND

RECORDER; THENCE CONTINUING EAST ALONG THE NORTH LINE OF THE SW1/4 SW1/4 SE1/4 OF SAID SECTION 35, SAID LINE BEING COMMON WITH THE NORTH LINE OF SAID NINA MAE SUBDIVISION, A DISTANCE OF 630.0 FEET TO THE NORTHEAST CORNER OF NINE MAE SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE SW1/4 SW1/4 SE1/4 OF SAID SECTION 35; THENCE S 00 DEG. 03 MIN. 58 SEC. E (CALCULATED) ALONG THE EAST LINE OF THE SW1/4 SW1/4 SE1/4 OF SAID SECTION 35, SAID LINE BEING COMMON WITH THE WEST LINE OF GALAXY SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 119 IN THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER, A DISTANCE OF 609.60 FEET TO THE SOUTHEAST CORNER OF SACOMA COURT SUBDIVISION AS RECORDED IN PLAT BOOK 12 AT PAGE 309 IN THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER; THENCE CONTINUING S 00 DEG. 03 MIN. 58 SEC. E ALONG THE EAST LINE OF THE SW1/4 SW1/4 SE1/4 OF SAID SECTION 35 A DISTANCE OF 50.0 FEET TO THE SOUTHEAST CORNER OF THE SW1/4 SW1/4 SE1/4 OF SAID SECTION 35; THENCE WEST ALONG THE SOUTH LINE OF THE SW1/4 SW1/4 SE1/4 OF SAID SECTION 35 A DISTANCE OF 660.76 FEET 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 21st day of October, 1992, in the City-County 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 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; 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 16th day of September, 1992.

Attest:

NAME

President of the Council

Theresa F. Martinez, CMC

Acting City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

Theresa F. Martinez, CMC

Acting City Clerk

Published: September 18, 25, 1992, and October 2, 9, 16, 1992

RESOLUTION NO. 60-92

ACCEPTING A PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO, AND SETTING A HEARING ON SUCH ANNEXATION GALAXY ANNEXATION - APPROXIMATELY 30.0 ACRES LOCATED NORTH OF G ROAD AT GALAXY AND CENTAURI DRIVES

WHEREAS, on the sixteenth day of September, 1992, 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:

PARCEL NO. 1:

A TRACT OF LAND COMPRISED OF THE NW1/4 SW1/4 SE1/4 OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN, MESA COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NW1/4 SW1/4 SE1/4 OF SAID SECTION 35; THENCE NORTH A DISTANCE OF 660.30 FEET TO THE NORTHWEST CORNER OF THE SAID NW1/4 SW1/4 SE1/4; THENCE EAST A DISTANCE OF 660.0 FEET TO THE NORTHEAST CORNER OF THE SAID NW1/4 SW1/4 SE1/4, SAID POINT OF BEING COMMON WITH THE NORTHWEST CORNER OF GALAXY SUBDIVISION; THENCE SOUTH ALONG THE WEST LINE OF GALAXY SUBDIVISION A DISTANCE OF 660.30 FEET TO THE SOUTHEAST CORNER OF THE SAID NW1/4 SW1/4 SE1/4, SAID POINT BEING COMMON WITH THE NORTHEAST CORNER OF NINA MAE SUBDIVISION; THENCE WEST 660.0 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2:

A TRACT OF LAND LYING IN THE E1/2 SW1/4 SE1/4 OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN, MESA COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE E1/2 SW1/4 SE1/4 OF SAID SECTION 35 FROM WHENCE THE S1/4 CORNER OF SAID SECTION 35 BEARS WEST A DISTANCE OF 660.75 FEET; THENCE N 00 DEG. 02 MIN. 00 SEC. W A DISTANCE OF 40.0 FEET TO THE SOUTHWEST CORNER OF GALAXY SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 119 IN THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER; THENCE CONTINUING N 00 DEG. 02 MIN. 00 SEC. W ALONG THE WEST LINE OF SAID GALAXY SUBDIVISION A

DISTANCE OF 1279.90 FEET TO THE NORTHWEST CORNER OF GALAXY SUBDIVISION; THENCE EAST ALONG THE NORTH LINE OF SAID GALAXY SUBDIVISION A DISTANCE OF 659.24 FEET TO THE NORTHEAST CORNER OF GALAXY SUBDIVISION; THENCE S 00 DEG. 06 MIN. 00 SEC. E ALONG THE EAST LINE OF SAID GALAXY SUBDIVISION A DISTANCE OF 1279.90 FEET TO THE SOUTHEAST CORNER OF GALAXY SUBDIVISION; THENCE CONTINUING S 00 DEG. 06 MIN. 00 SEC. E A DISTANCE OF 40.0 FEET TO THE SOUTH LINE OF THE E1/2 SW1/4 SE1/4 OF SAID SECTION 35; THENCE WEST ALONG THE SOUTH LINE OF THE E1/2 SW1/4 SE1/4 OF SAID SECTION 35 A DISTANCE OF 660.75 FEET 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 21st day of October, 1992, in the City-County 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 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; 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 16th day of September, 1992.

Attest:

NAME

President of the Council

Theresa F. Martinez, CMC

Acting City Clerk

RESOLUTION NO. 61-92

WHEREAS, on the 5th day of August, 1992, 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:

DESCRIPTION

A TRACT OF LAND IN THE SE1/4 OF SECTION 35, TOWNSHIP 1 NORTH RANGE 1 WEST OF THE UTE MERIDIAN, MESA COUNTY, COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF THE SE1/4 SE1/4 OF SAID SECTION 35; THENCE N 00 DEG. 06 MIN. W ALONG THE WEST LINE OF BELLA VISTA SUBDIVISION, AS RECORDED IN PLAT BOOK 9 AT PAGE 63 IN THE OFFICE OF THE MESA COUNTY CLERK AND RECORDER, A DISTANCE OF 1319.90 FEET TO THE NORTHWEST CORNER OF LOT 7 OF SAID SUBDIVISION; THENCE EAST ALONG THE NORTH LINE OF BELLA VISTA SUBDIVISION A DISTANCE OF 864.5 FEET TO THE NORTHWEST CORNER OF LOT 4, BLOCK 1 OF THE FIRST ADDITION TO BELLA VISTA SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 83 OF THE MESA COUNTY CLERK AND RECORDER; THENCE S 89 DEG. 55 MIN. E ALONG THE NORTH LINE OF THE FIRST ADDITION TO BELLA VISTA SUBDIVISION A DISTANCE OF 451.10 FEET TO THE NE CORNER OF THE SE1/4 SE1/4 OF SAID SECTION 35; THENCE S 00 DEG. 07 MIN. W ALONG THE EAST LINE OF THE SE1/4 SE1/4 OF SAID SECTION 35 A DISTANCE OF 684.40 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF KIMBERLY DRIVE, AS EXTENDED; THENCE N 89 DEG. 58 MIN. W ALONG SAID RIGHT-OF-WAY A DISTANCE OF 637.65 FEET TO THE NORTHWEST CORNER OF LOT 4, BLOCK 3, OF THE FIRST ADDITION TO BELLA VISTA SUBDIVISION; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY WEST A DISTANCE OF 403.40 FEET A POINT OF CURVATURE; THENCE 55.04 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.0 FEET, A CENTRAL ANGLE OF 90 DEG. 06 MIN., AND A LONG CHORD WHICH BEARS S 45 DEG. 03 MIN. W A DISTANCE OF 49.54 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF VICTOR DRIVE; THENCE S 00 DEG. 06 MIN. E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 460.23 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, S 08 DEG. 32 MIN. E A DISTANCE OF 101.10 FEET TO THE SOUTHWEST CORNER OF LOT 22 OF BELLA VISTA SUBDIVISION; THENCE SOUTH A DISTANCE OF 40.0 FEET TO A POINT ON THE SOUTH LINE OF THE SE1/4 SE1/4 OF SAID SECTION 35; THENCE WEST ALONG THE SOUTH LINE OF SAID SE1/4 SE1/4 A DISTANCE OF 251.6 FEET TO THE POINT OF BEGINNING.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of September, 1992; 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 said territory is integrated or is capable of being integrated with said City; that no land held in single ownership comprising more than twenty acres, which has an assessed value in excess of two hundred thousand dollars, is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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 16th day of September, 1992.

Attest:

NAME

President of the Council

Theresa F. Martinez, CMC

Acting City Clerk

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

PUBLIC HEARING - ROUND HILL ANNEXATION, LOCATED NORTH OF HORIZON DRIVE AND EAST OF 7TH STREET - RESOLUTION NO. 62-92 TO ANNEX BY ORDINANCE - PROPOSED ORDINANCE

Upon motion by Councilman McCurry, seconded by Councilman Bessinger and carried by roll call vote, Resolution No. 62-92 was passed and adopted. (See next page.)

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

PROPOSED ORDINANCE - REZONE FROM RMF-64 TO PB ZONE FOR PROFESSIONAL OFFICES LOCATED AT 1401 N. FIRST STREET

This item was reviewed by Karl Metzner, Community Development Department, stating that the rezone conforms to the First Street Corridor Guidelines.

This is a request to change the zoning on a property from Residential Multi-family - 64 units per acre (RMF-64) to Planned Business (PB) Zone for office building. The property at 1401 N. 1st Street received a conditional use approval for an office building in a multi-residential zone in 1978. When the zoning code was rewritten in 1981 offices were no longer listed as a conditional use in this zone. The existing office, built as approved, is now a nonconforming use which will not permit the building to be reconstructed if damage in excess of 50%. The owners wish to correct this deficiency by having the appropriate zoning applied to the existing development. No construction or alteration of the existing office is proposed.

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

PROPOSED ORDINANCE - REZONE FROM B-3 TO RMF-32 AND FROM RMF-32 TO B-3 PROPERTY LOCATED ON THE SOUTHEAST CORNER OF FIRST STREET AND BELFORD AVENUE

This is a request to rezone two small adjacent parcels of land so that the owners may exchange parts of the parcels to give each a more usable parcel. One parcel which is now zoned as Multi-family Residential, 32 units per acre (RMF-32) will be changed to Business (B-3) Zone. The second parcel, which exists as B-3 Zone will be rezoned to RMF-32.

This zoning change is requested to straighten zoning lines between two separate ownerships. Should this rezoning be approved an exchange of property will occur so all B-3 zoning will be under one ownership and all RMF-32 zoning under the other ownership. Straightening the zoning and ownership lines will make both parcels more usable for future development although there are no specific development plans at this time. Since this "trade" of zones will result in no net gain or loss in either zone district there will be no impact generated by this change.

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

PROPOSED ORDINANCE - TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT CODE - AMENDING SECTION 5-10-3 TO DELETE NECESSITY FOR CONDITIONAL USE PERMIT FOR CERTAIN TYPES OF LIVESTOCK (GOATS, PIGS, MULES, AND BURROS) WITHIN THE CITY LIMITS - DENIED

This item was received by Jan Koehn, Code Enforcement Supervisor, reviewed this item. This item was denied by the Planning Commission. The Zoning and Development Code currently requires that a Conditional Use permit be obtained prior to keeping a pig, goat, burro or mule upon a property. The code does permit cattle, sheep and horses to be kept within the City by right, without the need for a Conditional Use permit. The City Council's Quality of Life Committee recommended that this change be proposed to the Planning Commission prior to a Council decision.

Ms. Kathy Garoutte, 318 27-3/8 Road, stated that the 100-foot limit is her problem. The Conditional Use is not the problem. Ms. Koehn explained that the intent was not to change the 100-foot limitation. It would remove the requirement that Ms. Garoutte's goat be tethered at all times.

Councilman Baughman commented that the 100-foot limit is extremely difficult to enforce, and not really practical. As rural areas are annexed into the City, the existing County limitation would change to the City's. Ms. Kathy Portner, Community Development Department, stated that it was her understanding that the County's

limitation is the same as the City's.

It was moved by Councilman Nelson and seconded by Councilman McCurry to approve the amendment of Section 5-10-3 of the Zoning and Development Code, and pass the proposed ordinance for publication.

Roll was called on the motion with the following result:

YES: SHEPHERD, NELSON, MCCURRY.

NO: BENNETT, BESSINGER, BAUGHMAN, THEOBOLD.

The motion failed to pass.

RESOLUTION NO. 62-92

WHEREAS, on the 5th day of August, 1992, 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:

Commencing at the Center of Section 2, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, and considering the line between the Center of said Section 2 and the Northwest corner of the SW1/4 NE1/4 of said Section 2 to bear North 00 deg. 00 min. 00 sec. East with all bearings contained herein being relative thereto; thence North 89 deg. 51 min. East a distance of 30.0 feet to the intersection of the East right-of-way for 26.5 Road (North 7th Street) and the South right-of-way for F 1/2 Road for the Point of Beginning; thence North a distance of 60.0 feet to the intersection of the East right-of-way for 26.5 Road and the North right-of-way for F 1/2 Road, said point being the Southernmost corner of Lot 3 of Roundhill Subdivision; thence 40.32 feet along the arc of a 39.83 foot radius curve to the left, said curve being concave to the northwest; thence North 32 deg. 00 min. East a distance of 87.40 feet; thence 461.32 feet along the arc of a 560.00 foot radius curve to the right having a central angle of 47 deg. 11 min. 58 sec. and a long chord which bears North 55 deg. 35 min. 59 sec. East a distance of 448.39 feet to the southwest corner of Lot 8 of Roundhill Subdivision; thence North along the West boundary line of said Lot 8 a distance of 251.65 feet to the Northwest corner of said Lot 8; thence along the boundary line of Roundhill Subdivision the following four (4) courses and distances:

1. North 89 deg. 51 min. East a distance of 177.48 feet;
2. North a distance of 326.24 feet;
3. North 89 deg. 51 min. East a distance of 657.48 feet;
4. South a distance of 982.79 feet to the Southeast corner of Roundhill Subdivision;

thence East a distance of 165.64 feet to the Easterly right-of-way line of Horizon Drive; thence South 26 deg. 21 min. West along the Easterly right-of-way line of Horizon Drive a distance of 373.2 feet; thence leaving said right-of-way South a distance of 185.62 feet to the Southerly right-of-way of the Independent Ranchman's Ditch and the East line of the NW1/4 SE 1/4 of said Section 2; thence along the Southerly right-of-way of the Independent Ranchman's Ditch the following seven (7) courses and distances:

1. South 50 deg. 49 min. 17 sec. West a distance of 108.34 feet;
2. South 40 deg. 13 min. West a distance of 81.8 feet;
3. South 73 deg. 35 min. West a distance of 64.6 feet;
4. South 51 deg. 39 min. West a distance of 150.0 feet;
5. South 45 deg. 45 min. West a distance of 110.4 feet;
6. South 51 deg. 56 min. West a distance of 132.5 feet;
7. South 49 deg. 53 min. West a distance of 60.0 feet to the Southwesterly right-of-way of abandoned Grand River Valley Railroad (also known as the Interurban Railway);

thence North 52 deg. 30 min. 57 sec. West along said Railroad right-of-way a distance of 634.90 feet to a point which is 569.9 feet South and 265.46 feet East of the Center of said Section 2; thence North a distance of 99.0 feet; thence West a distance of 235.46 feet to the East right-of-way line for 26.5 Road (North 7th Street); thence North along the East right-of-way line for 26.5 Road to the intersection of the South right-of-way of the Grand Valley Highline Canal; thence Easterly along said right-of-way a distance of 320 feet, more or less, to a point South of the Southeast corner of Lot 4 of Roundhill Subdivision; thence North to the Southeast corner of Lot 4 of Roundhill Subdivision; thence South 89 deg. 51 min. West along the South boundary of said Lot 4 a distance of 264.52 feet to the Southwest corner of said Lot 4; thence South 89 deg. 51 min. West along the South right-of-way for F 1/2 Road a distance of 55.48 feet to the Point of Beginning.

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of September, 1992; 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 said territory is integrated or is capable of being integrated with said City; that no land held in single ownership comprising more than twenty

acres, which has an assessed value in excess of two hundred thousand dollars, is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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 16th day of September, 1992.

Attest:

NAME

President of the Council

Theresa F. Martinez, CMC

Acting City Clerk

PROPOSED ORDINANCE - TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT CODE, SECTION 5-10-4 TO ALLOW VIETNAMESE POTBELLIED PIG AS A HOUSEHOLD PET - DENIED

This item was reviewed by Jan Koehn, Code Enforcement Supervisor. This item was denied by the Planning Commission. The Zoning and Development Code addresses livestock and household pets, specifying which animals belong in each category. As the Vietnamese Pot-Bellied pigs are increasing in popularity and do exist within the City limits, staff finds it appropriate to address them in the Zoning and Development Code.

It was moved by Councilman Shepherd and seconded by Councilman Nelson that the amendment to Section 5-10-4 of the Zoning and Development Code be approved, and pass the proposed ordinance for publication.

Roll was called on the motion with the following result:

YES: NELSON, MCCURRY, THEOBOLD.

NO: SHEPHERD, BENNETT, BESSINGER, BAUGHMAN.

The motion failed to pass.

TEXT AMENDMENT TO THE ZONING AND DEVELOPMENT CODE - AMENDING SECTION 2-2-2.G. UPDATING THE DEVELOPMENT APPLICATION FEE SCHEDULE - RESOLUTION NO. 63-92

Staff is proposing a revised fee schedule for all development proposals. The proposed fees would help cover costs in review time

by Community Development, Public Works and Fire Department staff. Ms. Portner stated that there has been no objection to the fee schedule from local contractors.

Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried by roll call vote, Resolution No. 62-91 was passed and adopted. (See next page.)

PROPOSED ORDINANCE - ZONE OF GRAND JUNCTION WEST ANNEXATION TO HEAVY COMMERCIAL (C-2) AND INDUSTRIAL (I-1) ZONES LOCATED BETWEEN 22 AND 23-1/4 ROAD, SOUTH OF I-70, NORTH OF HIGHWAY 6 & 50

This item was reviewed by Karl Metzner, Community Development Department. This item was denied by the Planning Commission. Grand Junction West Annexation consists of 380 acres previously zoned "C" Commercial under Mesa County Zoning. Land uses in the annex are commercial, industrial, vacant land, and 4 nonconforming residential units. The uses in the county "C" zoning include many uses found in the city I-1 zone. For this reason I-1 is the proposed zone for the majority of the annex. Two uses, West Slope Auto and Westgate Inn, would be made non-conforming under the I-1 zone. These two uses are proposed for C-2 zoning to avoid creating additional nonconforming uses.

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

CONDITIONAL USE FOR BIG AL'S DRIVE UP, 825 NORTH AVENUE (APPEAL OF PLANNING COMMISSION CONDITION OF APPROVAL FOR A DRIVE UP FOOD SERVICE FACILITY)

This item was reviewed by Karl Metzner, Community Development Department. Planning Commission approved a conditional use for Big Al's Drive Up, a double drive through food service facility with no customer seating. The facility is to be located at 825 North Avenue. The site plan submitted by the petitioner, Al Mayo, proposed landscaping in excess of 4 times the landscaping normally required in the commercial zone. The type of landscaping proposed was grass with 5 ash trees. Mr. Mayo is appealing a condition of the approval that requires that 40% of his entire landscape area be shrub beds. Standard landscape requirement for landscaping requires only that 40% of the required landscape area be 40% shrub bed. Mr. Mayo feels that the excess landscaping he is providing should not be subject to this requirement.

Upon motion by Councilman Shepherd, seconded by Councilman McCurry and carried, the Conditional Use for Big Al's Drive Up located at 825 North Avenue was approved.

RESOLUTION NO. 65-92 GIVING NOTICE OF SPECIAL ELECTION TO BE HELD IN THE CITY OF GRAND JUNCTION ON DECEMBER 8, 1992, REGARDING THE PUBLIC SERVICE COMPANY OF COLORADO AND THE GRAND VALLEY RURAL POWER LINES, INC., FRANCHISE

Upon motion by Councilman Bennett, seconded by Councilman Bessinger and carried by roll call vote, Resolution No. 65-92 was passed and adopted. (See next page.)

ORDINANCE NO. 2598 - AMENDING ARTICLE 1, CHAPTER 14 OF THE CODE OF ORDINANCES TO ALLOW A VOLUNTARY CURBSIDE RECYCLING PROGRAM AND CHARGING RESIDENTS \$1.50 PER MONTH

Mr. Dale Doehling, 2515 Pheasant Run Circle, was present and stated that he does not oppose recycling, but does object to the fact that the recycling program will be subsidized by the taxpayers, and was not opened up for bid by private contractors.

Councilman Bennett stated that there is no City in the United States where recycling is paying its own way.

Upon motion by Councilman Baughman, seconded by Councilman McCurry and carried by roll call vote, Ordinance No. 2598 was passed and adopted.

RESOLUTION NO. 63-92

UPDATING THE ZONING AND DEVELOPMENT CODE'S APPLICATION FEE SCHEDULE

WHEREAS, the Zoning and Development Code section 2-2-2.G. sets forth an application fee schedule; and

WHEREAS, the Code states that such fees shall be set in amounts sufficient to recover the costs of processing, publicizing, and reviewing development applications; and

WHEREAS, the Application Fee Schedule has not been updated since 1983 and the City Council may, by the adoption of a Resolution, increase, decrease or otherwise modify any of the fees set forth; and

WHEREAS, City staff has reviewed the costs of processing publicizing and reviewing development applications.

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

That the attached Application Fee Schedule be adopted and replace any previous fee schedules.

Passed and adopted this 16th day of September, 1992.

Attest:

NAME

President of the Council

Theresa F. Martinez, CMC

Acting City Clerk

PROPOSED DEVELOPMENT APPLICATION FEES

TYPE OF APPLICATION	CURRENT FEE	PROPOSED BASE FEE	ADDITIONAL FEES
Conditional Use Permit	420	350	Addt'l Public Works - up to \$255; Acreage fees
Special Use Permit	115	270	Addt'l Public Works - up to \$255; Acreage fees
Planning Clearance	5-25 +	100	Addt'l Public Works - up to \$255; Acreage fees
Rezone	375	330	
Minor Subdivision	225 + Acreage fee	400	Addt'l Public Works - up to \$255; Acreage fees
Major Sub./Preliminary	315 + Acreage fee	610	Acreage fees
Major Sub. - Final	225 + Acreage fee	720	Acreage fees
Easement Vacation	200	360	
R-O-W Vacation	425	450	
Flood Plain	100	125	Over 2 hr.

Permit			review time - \$25/hour
Variance	115	180	
Boundary Line Adjustment or Resubdivision	50	160	
Rezone & Outline Development Plan	375	400	
Rezone & Preliminary	500 + Acreage fees	710	Acreage Fees
Rezone & Final	500 + Acreage fees	820	Acreage Fees
Outline Dev. Plan	185	310	
Preliminary Plan	315 + Acreage fees	630	Acreage Fees
Final Plat/Plan	225 + Acreage fees	740	Acreage Fees

RESOLUTION NO. 65-92

GIVING NOTICE OF SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF GRAND JUNCTION, COLORADO, ON TUESDAY, DECEMBER 8, 1992, ON THE QUESTION OF GRANTING A FRANCHISE TO PUBLIC SERVICE COMPANY OF COLORADO AND TO GRAND VALLEY RURAL POWER LINES, INC.

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

That the election notice hereinafter set out be the Notice of the Special Municipal Election to be held in the City on Tuesday, December 8, 1992, and further that the same be published in accordance with election procedures:

E L E C T I O N N O T I C E

CITY OF GRAND JUNCTION, COLORADO NOTICE OF SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 8TH DAY OF DECEMBER, 1992

PUBLIC NOTICE IS HEREBY GIVEN THAT A SPECIAL MUNICIPAL ELECTION WILL BE HELD ON TUESDAY, THE 8TH DAY OF DECEMBER, 1992, IN THE

POLLING PLACES HEREINAFTER DESIGNATED IN THE CITY OF GRAND JUNCTION, COLORADO.

That said Special Municipal Election will be held at the several polling places in the several districts of the City of Grand Junction, Colorado, as follows:

DISTRICT "A", Precinct 1	Two Rivers Convention Center 2nd and Main Streets
DISTRICT "A", Precinct 2	Orchard Mesa Middle School 2736 C Road
DISTRICT "A", Precinct 3	Ridges Metropolitan District Office 372 Ridges Drive
DISTRICT "B", Precinct 4	Mesa View Retirement Residence 601 Horizon Place
DISTRICT "C", Precinct 5	Mesa State College Physical Education Center 12th and Orchard
DISTRICT "D", Precinct 6	Grand Villa Retirement Center 1501 Patterson Road
DISTRICT "E", Precinct 7	Lincoln Park School 600 N. 14th Street

Upon the date and at the places designated, the polls will be open from the hour of 7:00 A.M. and will be closed at the hour of 7:00 P.M. Punch card voting devices will be provided in each polling place for the election. The ballots to be used in voting will be prepared and furnished by the City Clerk to the Judges of Election, to be by them furnished to the voters. The election will be held and conducted as nearly as may be, as prescribed by law for the election of municipal officers. Registration for the said election will take place in the manner now provided by Ordinance and law.

That at said election there shall be submitted to a vote of the qualified registered electors of the City the following question:

SHALL THE CITY OF GRAND JUNCTION GRANT A FRANCHISE TO PUBLIC

SERVICE COMPANY OF COLORADO AND TO GRAND VALLEY RURAL POWER LINES, INC., BY PEOPLE'S ORDINANCE NO. 35, THE TITLE TO WHICH SHALL READ:

AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF GRAND JUNCTION TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO FURNISH, SELL AND DISTRIBUTE GAS AND ELECTRICITY TO THE CITY AND TO ALL PERSONS, BUSINESSES, AND INDUSTRY WITHIN THE CITY AND THE RIGHT TO ACQUIRE, CONSTRUCT, INSTALL, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN AND THROUGH SAID CITY ALL FACILITIES REASONABLY NECESSARY TO FURNISH, SELL AND DISTRIBUTE GAS AND ELECTRICITY WITHIN THE CITY AND THE RIGHT TO MAKE REASONABLE USE OF ALL STREETS AND OTHER PUBLIC PLACES AND PUBLIC EASEMENTS AS HEREIN DEFINED AS MAY BE NECESSARY; AND FIXING THE TERMS AND CONDITIONS THEREOF.

AN ORDINANCE GRANTING A FRANCHISE BY THE CITY OF GRAND JUNCTION TO GRAND VALLEY RURAL POWER LINES, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO FURNISH, SELL AND DISTRIBUTE ELECTRICITY TO THE CITY AND TO ALL PERSONS, BUSINESSES, AND INDUSTRY WITHIN THE CITY AND THE RIGHT TO ACQUIRE, CONSTRUCT, INSTALL, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN AND THROUGH SAID CITY ALL FACILITIES REASONABLY NECESSARY TO FURNISH, SELL AND DISTRIBUTE ELECTRICITY WITHIN THE CITY AND THE RIGHT TO MAKE REASONABLE USE OF ALL STREETS AND OTHER PUBLIC PLACES AND PUBLIC EASEMENTS AS HEREIN DEFINED AS MAY BE NECESSARY; AND FIXING THE TERMS AND CONDITIONS THEREOF.

FOR THE ORDINANCE _____

AGAINST THE ORDINANCE _____

City Clerk

ADOPTED and APPROVED this 16th day of September, 1992.

Attest:

NAME

President of the Council

Theresa F. Martinez, CMC

Acting City Clerk

ORDINANCE NO. 2599 - DEANNEXING AND DISCONNECTING PROPERTY FROM THE CITY OF GRAND JUNCTION (MCCALLUM DEANNEXATION)

Mr. Scott Brown, 1405 Wellington, #18, was present and stated that he is opposed to this proposed ordinance. He felt that the ordinance sets a bad precedent. In the future, a land transaction could take place during the waiting period between the filing of

the petition for annexation and the annexation becoming final. Then future buyers can come back to City Council and refer to this situation, and ask to be let out of an annexation. It definitely sets a bad precedent.

Upon motion by Councilman Baughman, seconded by Councilman McCurry and carried by roll call vote with Councilmembers SHEPHERD, BESSINGER and NELSON voting NO, Ordinance No. 2599 was passed and adopted.

RECYCLING SURVEY

Staff was directed to conduct a survey to determine how many property owners cannot afford to participate in the recycling program. Since this is a voluntary program and not mandatory, it is not expected that there will be a large number that will consider this a hardship. Said survey should disclose whether there is a recycling participation problem.

APPOINTMENT TO PARKS AND RECREATION BOARD

Upon motion by Councilman McCurry, seconded by Councilman Shepherd and carried, Jamie Hamilton was appointed to a 3-year term on the Parks and Recreation Board.

MESA COLLEGE STUDENTS RECOGNIZED

President of the Council Theobald recognized the presence of several Mesa State College students at tonight's meeting.

ADJOURNMENT

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

Theresa F. Martinez

Theresa F. Martinez, CMC
Acting City Clerk