

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

JANUARY 20, 1993

The City Council of the City of Grand Junction, Colorado, convened in regular session the 20th day of January, 1993, 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 Sandra Glaze.

Council President Theobold called the meeting to order and Councilman John Bennett led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Herb Ortman, First Church of God.

AWARD OF APPRECIATION PLAQUES TO DON BRAMER AND JULI-HENRIKSON-COGDILL FOR OVER THREE YEARS OF SERVICE ON THE VISITORS AND CONVENTION BUREAU

APPOINTMENTS TO VISITOR AND CONVENTION BUREAU

Upon motion by Councilman Shepherd, seconded by Councilman Nelson and carried, Lon S. Carpenter and Karen Berryman were appointed to three-year terms on the Visitor and Convention Bureau Board of Directors.

APPOINTMENTS TO ARTS COMMISSION

Upon motion by Councilman Shepherd, seconded by Councilman Bessinger and carried with Councilman BAUGHMAN voting NO, the following were appointed to the Arts Commission:

Philip L. Freitas, three-year term, replaces Julie Schroeder-Wright
Richard E. Leinaweaver, three-year term, replaces Steve Laiche
Paula Andrews, three-year term, replaces Allison Sarmo
Ursula Hemmerich, term expires 2-28-95, replaces Mary Buss

CONSENT ITEMS

Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried by roll call vote, the following Consent Items 1-11 were approved:

1. Approve the minutes of the Regular Meetings December 16, 1992, and January 6, 1993
2. Approval of a one-year lease for the Visitor Center at 759 Horizon Drive

The agreement proposes that the VCB continue to lease the current Visitor Center location at 759 Horizon Drive. Although the term of the lease is one year, commencing February 1, 1993, the VCB does have the right to sub-lease the premises after operations are moved to the new Visitor Center. Other terms and conditions of the lease are unchanged from the previous year.

3. Authorizing purchase of two (2) 3-wheel Cushman Turf-trucksters for Lincoln Park and Tiara Rado golf courses. The trucksters will cost \$9,945 each; this price includes a trade allowance of \$600 per

truckster - L.L. Johnson Distributing - \$18,990.

Bids were opened December 29, 1992, for the purchase of two (2) 4-wheel turf maintenance vehicles equipped with dump box; both units are scheduled replacements for '87 3-wheel Cushman trucksters. Invitations for Bids were distributed to four (4) equipment dealers. We received one bid from L.L. Johnson Distributing for \$18,990 for the purchase of two (2) Cushman 4-wheel Turf-trucksters. The price includes a \$1,200 trade allowance for two (2) '87 3-wheel trucksters.

4. Authorizing purchase of a Bobcat Skid Loader, model #7753, equipped with backhoe and hydraulic trencher attachment for \$23,405

Bids were opened December 22, 1992, for the purchase of a new Skid Loader for use at municipal golf courses. Specifications included a backhoe and hydraulic trencher attachment. Invitations for Bids were distributed to four (4) equipment dealers, we received the following responsive bids:

<u>Dealer</u>	<u>Loader/Backhoe</u>	<u>Trencher</u>
White Star Machinery (Bobcat)	\$20,550**	\$4,195
Western Implement (New Holland)	\$21,602	\$3,035
Century Equipment (Case)	\$23,410	
\$2,855**		
Delta Implement (John Deere)	\$25,150	\$3,100

** Recommended award

The backhoe attachment must be provided by skid loader manufacturer to ensure safety and performance standards. Trenchers are manufactured to fit a number of different brand skid loaders. The recommended trencher is produced by Lower Manufacturing company.

5. Authorization for sole-source purchase of a Verti-Drain Model 305.200H Deeptine Aerator with hydraulically operated transport system from Perfect Turf, Inc. This is a cooperative purchase between the City and School District 51; each entity will pay half the total cost. The purchase price is \$25,875.

During the past three years the city has contracted with Perfect Turf of Denver to aerate the municipal golf courses at a cost of \$21,000. Likewise, the school district has contracted with Perfect Turf for the same service. The two entities have agreed to share the expenses of purchasing an identical aerator and a 50 PTO HP tractor, thereby eliminating the costly contractual expenses, creating availability, and realizing a dollar savings in the long run. Perfect Turf used a Verti-Drain Aerator which is capable of 16" penetration while shattering the adjoining soil for excellent aeration. The Verti-drain, manufactured in Holland, is the only deep-tine aerator we are aware of that is capable of such penetration in local soils. Perfect Turf has the franchise rights to market Verti-drain in Colorado. The purchase price of a Verti-Drain Model 305.200H deeptine aerator is \$25,875. Tractor estimated to cost \$17,000.

6. Proposed Ordinance - Rezone from B-3 (Retail Business) to RMF-32 (Residential Multi-Family, 32 units per acre) property located at 634/636 Teller Avenue

In 1968 two blocks along 7th Street south of North Avenue were rezoned to B-3. Two months ago it was discovered that 634 and 636 Teller Avenue were included in this rezoning. This discovery came about due to research done for a proposed alley improvement district. Subsequent research indicates the zoning of this property was in error due to an incorrect legal description. The property owner was not aware of the B-3 zoning and requested the property be returned to residential. Planning Commission has recommended approval of this rezone.

- a. First reading of proposed Ordinance

7. Proposed Ordinance - Zone of Wilson Ranch Annexation #4 to PR-4.4 (Planned Residential with a density of 4.4 units per acre), located south of G-1/2 Road and east of 25-1/2 Road

Wilson Ranch Annexation #4 was zoned PR under county zoning with a maximum assigned density of 4.4 units per acre. The preannexation agreement specifies that the City will accept previous county zoning and development approvals. Proposed City zoning is PR with a maximum density of 4.4 units per acre. Planning Commission has recommended approval.

- a. First reading of proposed Ordinance

8. Proposed Ordinance - Zone of Rolling Acres Annexation to RSF-2 (Residential Single Family, two units per acre), located west of 7th Street and north of Hickory Drive

- a. First reading of proposed Ordinance

9. Proposed Ordinance - Zone of Terra del Vista Annexation to RSF-2 (Residential Single Family, two units per acre), located east of 7th Street and south of I-70

Rolling Acres and Terra del Vista Annexations are all single family residential in character and previously zoned R-1-B (2 units per acre) under county zoning. The proposed RSF-2 zone, also at two units per acre, is consistent with the previous county zoning and the existing density of the area. No non-conforming uses will be created by this zoning. Planning Commission has recommended approval of these zonings.

- a. First reading of proposed Ordinance

10. Proposed Ordinance - Zone of Crestridge Heights Annexation to RSF-1 (Residential Single Family, one unit per acre, located south of G Road and east of 7th Street

Crestridge Heights is a single family development previously zoned R-1-A (1 unit per acre) under county zoning. The proposed RSF-1 zone, also at 1 unit per acre, is consistent with the county zoning and the density of the area. No non-conforming uses will be created

by this zoning. Planning Commission has recommended approval.

a. First reading of proposed Ordinance

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11. *** Resolution No. 4-93** terminating a lease of City property at 557 Noland Avenue with Helen Felkins dba Superior Saddle Tree, and entering into a lease agreement with R. Frank Bellavia, new owner of Superior Saddle Tree

The proposed resolution would terminate the existing lease with Mrs. Felkins, which is due to expire December 31, 1994, and authorize a new 5 year lease with Mr. Bellavia. Recommended rent for the new lease is \$500/month, or \$30,000 for the total term of the lease. In addition to rent, Mr. Bellavia will be responsible for property taxes, liability insurance, utilities, building maintenance and repairs. The proposed lease would grant Mr. Bellavia a right of first refusal to renew the lease for an additional 5 years should the City decide to continue leasing the property.

*** * * END OF CONSENT CALENDAR * * ***

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

RESOLUTION NO. 5-93 CREATING AND APPOINTING A STEERING COMMITTEE FOR THE SOUTH DOWNTOWN/RIVERSIDE/EL POSO PLAN

The South Downtown/Riverside/El Poso Plan was initiated last year to address the future land use and redevelopment potential of the area. A steering committee is being proposed to continue with the planning process. The purpose of the citizen's committee would be to receive input, guide staff and make final recommendations to the Planning Commission and City Council on the plan. Larry Timm, Community Development Director, stated that he felt the steering committee could be nearing the completion of its work by the end of the summer.

Upon motion by Councilman Baughman, seconded by Councilman Nelson and carried by roll call vote, Resolution No. 5-93 was passed and adopted.

PROPOSED ORDINANCE - REZONE FROM PR-17 (PLANNED RESIDENTIAL WITH 17 UNITS PER ACRE) TO PB (PLANNED BUSINESS) PROPERTY LOCATED AT 2468 PATTERSON ROAD (FELLSTON MINI-STORAGE) - DENIED

Petitioners are requesting a rezoning of 2468 Patterson Road to allow construction of 199 ministorage units. Planning Commission has recommended denial of the rezone and outline development plan. The petitioner has appealed this recommendation.

Karl Metzner, Community Development Department, reviewed this item by stating that the petitioners did respond positively to all the review comments which involved some future issues on handling the drainage, reducing the mini-storage units in the Patterson Road frontage part of the complex, and replacing those with something more in tune with the existing development, screening setback, etc. The Planning Commission felt that the mini-storage which is more of a commercial use than a business use, was more appropriate in a commercial area such as the south

side of Patterson Road in that area. They felt that a retail office type use, service business type use, would be more appropriate and more in keeping with the character of the area. Staff now supports the Planning Commission recommendation. Mr. Metzner stated that

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Planning Commission was not saying that it was an issue of whether mini-storage is appropriate in a Planned Business zone, or not, but that mini-storage is more of a commercial use. In this area the Planning Commission preferred the lighter business uses and therefore denied the request. The Planning Commission specifically referenced the south side of Patterson Road as a preferred location for this business which is zoned heavy commercial.

Mr. Tom Logue, 537 Fruitwood Drive, was present representing the petitioner, The Fellston Partnership. Mr. Logue stated that the Planning Commission had three reasons for denying this petition for rezone:

1. The use was not aesthetically pleasing to the eye.

Mr. Logue stated that the petitioner has submitted a suggested architectural style and character of the building that attempts to get away from steel-sided, corrugated metal type building and using concrete block and masonry type building materials. They have agreed to eliminate the 12-unit building. The closest storage facility would be approximately 150 feet from Patterson Road. Also, 100% of the landscaping is required along Patterson Road.

2. The application did not meet the intent of the Patterson Road Corridor Statement.

Mr. Logue paraphrased from the Corridor Statement as follows:
"Commercial and mixed use development would be appropriate along the north side of Patterson Road."

3. Mini-storage units should belong in a heavier commercial type zone.

Mr. Logue stated that many storage units are generally low intensity in terms of development intensity for non-residential type uses. The largest customer are residential users. These buildings are low in profile, not suitable for semi-traffic or tractor-trailer combinations. They are more suitable for pickup trucks and U-haul type vans. Some of the largest users of mini-storage units are multiple family dwellers, apartment dwellers, and condominium dwellers who live in smaller single family homes. The petitioner felt that a mini-storage unit would be an appropriate use for their property giving the future plans for development of the remaining acreage to the north which is also owned by the petitioners.

Mr. Logue stated that the petitioner is willing to set all the uses back approximately 150 feet from Patterson Road. They will be shielded by another use. These are low intensity type units (10x20 and 5x10). It would not be appropriate for a commercial user or manufacturer that needed warehousing, and they would not be a likely customer of the mini-storage.

Petitioner Greg Cranston, 308 Willowbrook Road, was present. He clarified that he and his partner also own the property north of this development. He stated that nothing will be done that will jeopardize the future value of the development of that property. He is attempting to come up with a use for the property that will be compatible with the future uses along the corridor. Mr. Cranston agreed to install a gate to enclose the fenced storage area.

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It was moved by Councilman Nelson and seconded by Councilman Shepherd, that the rezone be approved with the stipulation that the petitioner work on bringing before the Planning Commission and later the City Council more specific plans to make this development more compatible, considering that there is going to be some residential in the future on the other property. A vote was taken on the motion with the following result.

YES: BESSINGER, NELSON, SHEPHERD, THEOBOLD.
NO: BENNETT, BAUGHMAN.

President of the Council Theobold explained that City Council must have a vote of 5-2 to overturn a Planning Commission decision, therefore the above vote denies the application for the rezone.

HEARING - ROLLING HILLS ANNEXATION, LOCATED WEST OF 7TH STREET, NORTH OF HICKORY DRIVE - RESOLUTION NO. 6-93 TO ANNEX BY ORDINANCE - PROPOSED ORDINANCE

A hearing was held after proper notice. There were no comments. Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried by roll call vote, Resolution No. 6-93 was passed and adopted, and the proposed ordinance was passed for publication.

HEARING - TERRA DEL VISTA ANNEXATION, EAST OF 7TH STREET, SOUTH OF I-70 BUSINESS LOOP - RESOLUTION NO. 7-93 TO ANNEX BY ORDINANCE - PROPOSED ORDINANCE

A hearing was held after proper notice. There were no comments. Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried by roll call vote, Resolution No. 7-93 was passed and adopted, and the proposed ordinance was passed for publication.

ORDINANCE NO. 2641 - WILSON RANCH ANNEXATION #4, LOCATED SOUTH OF G-1/2 ROAD AND EAST OF 25-1/2 ROAD

A hearing was held after proper notice. There were no comments. Upon motion by Councilman Baughman, seconded by Councilman Bessinger and carried by roll call vote, Ordinance No. 2641 was passed and adopted.

ORDINANCE NO. 2642 - CRESTRIDGE HEIGHTS ANNEXATION, LOCATED SOUTH OF G ROAD AND EAST OF 7TH STREET

A hearing was held after proper notice. There were no comments. Upon motion by Councilman Bessinger, seconded by Councilman Baughman and carried by roll call vote, Ordinance No. 2642 was passed and adopted.

RESOLUTION NO. 8-93 AUTHORIZING THE UTILITY DEPARTMENT TO FILE FOR AN ADDITIONAL 66 ACRE FEET OF STORAGE IN THE SOMERVILLE RESERVOIR

In 1992 the Utility Department filed for and received a decree to move 70.8 acre feet of water from the abandoned Cliff Lake Reservoir to the Somerville Reservoir. There was opposition to the successful change. However, we did agree with the opposers (Bill Loring and Al Lumbardy) to file for the additional storage capacity in Somerville Reservoir to fill it completely and to share this amount of additional stored water equally among the City,

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Loring, and Lumbardy. This additional is 66 AC. FT. The City share is 22 AC. FT., Loring 22 AC. FT., and Lumbardy 22 AC. FT. Terry Franklin, Water Supply Treatment Superintendent, was present.

Upon motion by Councilman Bessinger, seconded by Councilman Baughman and carried by roll call vote, Resolution No. 8-93 was passed and adopted.

APPROVAL OF TRANSFER OF BUDGETED FUNDS IN THE AMOUNT OF \$25,150 FROM THE CITY COUNCIL CONTINGENCY ACCOUNT TO THE CITY ATTORNEY'S DISPUTE SETTLEMENT ACCOUNT FOR THE SCHIESSWOHL SETTLEMENT

Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried, the transfer of budgeted funds in the amount of \$25,150 from the City Council Contingency Account to the City Attorney's Dispute Settlement Account towards the Schiesswohl Settlement was approved.

Ms. Penny Poline Heuscher, 330 Mountain View Court, Grand Junction, discussed two issues:

1. The Master Parks Plan - Ms. Heuscher stated that building a large regional park on the north side of town would only serve to widen the disparity between different parts of town. Having one regional park on the north side would be horribly discriminating. She proposed that the Master Parks Plan serve all City residents by building neighborhood parks, or by lending support to neighborhood parks now being built by various groups. Orchard Mesa, an area of 11,000 people, has nothing for parks, next to nothing for children. One park has a small playing module. Soccer teams, football teams have trouble scheduling practices, etc. Children need neighborhood parks, places to play with their own friends. How many Orchard Mesa people can benefit from a park across town? She felt a large regional park should only be considered after the huge disparity in the area is decreased, that is, after neighborhood parks are built.
2. Possible restructuring of the Code Enforcement Division - Ms. Hoisher was concerned with the funding and restructuring of the City's Code Enforcement Division. Regarding fines collected, the Code violation of junk, she felt they should be kept in Code Enforcement. She felt more people should be working on Code Enforcement through restructuring, getting more people out to the field, through volunteer efforts, and through increased funding. Orchard Mesa has many violations of the junk ordinance. By the time the City addresses complaints, new offenders have brought in more junk and many years elapse before cleanup. Orchard Mesa is a beautiful part of Grand Junction. This area could be enhanced and there could be a lot more growth in that part of town with attention given to Code Enforcement. A Building Code is needed that allows an owner a reasonable length of time to build. As in the case of the

unfinished house overlooking the 5th Street Bridge on the Orchard Mesa Bluff, property values have fallen tremendously since building on Orchard Mesa. In 1979 there was no operating salvage yard on Unawep Street. Since they have begun operation, the west end of Unawep Street has declined in appearance. This area is a major arterial into Orchard Mesa. It serves a high percentage of the people that live in that section of town. There should be sidewalks on a major arterial that serves approximately 900 students. The City and County had three meetings with Orchard

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Mesa residents last summer. The residents voiced strong approval for better Code Enforcement on Orchard Mesa. Businesses and private citizens should be required to clean up their property. There are too many eyesores resting cozily amongst well tended homes and farms. She thanked Council for their attention.

NAMING THE JEWISH CEMETERY PLAT "OHR SHOLOM"

City Attorney Dan Wilson stated that the Jewish Community has requested that the Jewish Cemetery plat be named "Ohr Sholom" which means "light of peace." He requested that the plat be modified appropriately and recorded in that name. Upon motion by Councilman Bennett, seconded by Councilman Bessinger and carried, the Jewish Cemetery section was named "Ohr Sholom," for recording with the County Clerk and Recorder.

CITY'S RESPONSE TO HOUSE BILL 1094

Councilman Bessinger responded to House Bill 1094 regarding trash. This is a special interest bill and the City opposes it. It is detrimental to the annexation program of the City, to the new residents of the City. It allows BFI a position where they can manipulate any competitor.

Mayor Theobold stated that a letter could be composed regarding Council's position regarding opinions and technical suggestions regarding the wording of the Bill. Public Works Director Jim Shanks stated that he has the names of all the local government committee members.

ADJOURNMENT

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

Sandra Glaze
Acting City Clerk