

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

MARCH 17, 1993

The City Council of the City of Grand Junction, Colorado, convened in regular session the 17th day of March, 1993, 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 City Manager Mark Achen, City Attorney Dan Wilson, and Acting City Clerk Sandra Glaze.

Council President Theobold called the meeting to order and Councilman Nelson led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Charles Hill, Valley Bible Church.

PROCLAMATION DECLARING APRIL, 1993, AS "FRESHAZADAZY MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING MARCH, 1993, AS "AMERICAN RED CROSS MONTH" IN THE CITY OF GRAND JUNCTION

PRESENTATION OF APPRECIATION AWARD TO STEVE INGLIS FOR THE BICYCLE LICENSING PROGRAM

APPOINTMENT TO HOUSING AUTHORITY

Upon motion by Councilman Bessinger, seconded by Councilman Shepherd and carried, Jack Kammerer was appointed to a five-year term on the Grand Junction Housing Authority.

CONSENT ITEMS

Upon motion by Councilman McCurry, seconded by Councilman Bessinger and carried by roll call vote, the following items 1-14 were approved:

The Consent Calendar is intended to allow the City Council to spend its time and energy on the more complex items on a lengthy agenda. Items on the Consent Calendar are routine items and issues of no perceived controversy and can be approved by a single motion. Council members may ask that an item be removed from the Consent Calendar for individual consideration. Council members may vote NO on specific items without asking that they be removed from the Consent Calendar.

1. **Approve** the minutes of the Regular Meeting March 3, 1993
2. **Proposed Ordinance** amending Table 5-A of the Uniform Building Code, 1988 edition, to allow breaks of a fire wall under certain circumstances
 - a. First Reading of proposed Ordinance
3. *** Resolution No. 17-93** Giving Notice of General Municipal Election to be held on April 6, 1993

4. *** Resolution No. 18-93** - Joint Mesa County/City of Grand Junction Resolution adopting amended FY93 Transportation Improvement Plan (TIP)

The amended document is required due to changes in policy at the Colorado Department of Transportation (CDOT). CDOT now requires all transportation projects within the MPO boundary that receive federal monies to be listed in our TIP. This is a new requirement. The TIP must be amended to allow projects such as the Railroad Depot and the 12th Street Safety Improvements Project to go forward this year.

5. *** Resolution No. 19-93** authorizing a 5-year lease of Lot 7 of Foresight Village, owned by Richard F. Dewey and Jacquelyn G. Dewey, to extend the City's use of the Foresight Soccer Field

The proposed lease would begin April 1, 1993, and expire on April 1, 1998. The lease would be rent free, with the understanding that the property would be exempt from ad valorem taxation so long as it is used by the City.

6. **Proposed Ordinance** rezoning from RMF-32 to B-1 property located at 640 Belford Avenue

This property is located between a parking lot and offices for Bray and Co. Realty. Access to the Grand Valley National Bank is across Belford Avenue to the south and Commercial Uses are located to the north. The B-1 zone is limited to light business uses such as offices and service business and is compatible with surrounding uses. Planning Commission recommends approval.

- a. First reading of proposed Ordinance

7. **Proposed Ordinance** vacating two utility easements on property located at 865 North Avenue

The proposed easement vacations meet the criteria set forth in Section 8-3 of the Zoning and Development Code provided that a plat is recorded which delineates appropriate easements for the new, relocated utility services.

- a. First reading of proposed Ordinance

8. **Proposed Ordinances** vacating two utility easements and two alleyways through the St. Joseph's Catholic Church property located on the northeast corner of Third Street and White Avenue

The proposed vacations meet the criteria set forth in Section 8-3 of the Zoning and Development Code provided that a plat is recorded which delineates appropriate easements for the new, relocated utility services.

- a. First reading of proposed Ordinance vacating utility easements

b. First reading of proposed Ordinance vacating two alleyways

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9. Approval of purchase of 1993 Aaplex Model 7000 Regenerative Air Street Sweeper - Kois Bros. Equipment - \$93,040

Bids were opened March 2, 1993 for the purchase of a Regenerative Air Sweeper for the Public Works Department. Invitation for Bids were distributed to three dealers, we received the following responsive bids:

Dealer (sweeper)	Net Bid
Kois Bros. Equipment (Aaplex 7000)	\$ 93,040 **
James Heavy Equipment (Tymco 600)	\$ 98,320
Faris Machinery (Elgin Crosswind)	\$103,616

** recommended award

The Aaplex body will be mounted on a 33,000 GVW Ford CF7000 cab and chassis.

The new truck is a scheduled replacement for Streets Cleaning Division's unit #294, a 1981 Elgin Pelican sweeper.

10. Approval of purchase of two (2) 1993 Ford F-150 1/2 ton pickup trucks - Hellman Motors of Delta - \$23,285

Bids were opened February 24, 1993, for the purchase of two (2) 1/2 ton SWB pickup trucks for the Public Works Department. Invitations for Bids were distributed to five area dealers, we received the following responsive bids:

Bidder	Traffic + Streets = Total \$		
Hellman Motors (Ford)	\$11,300	\$11,985	\$23,285 **
Western Slope Auto (Ford)	\$11,318	\$12,003	\$23,321
Westphal Chevrolet	\$13,214	\$13,883	\$27,097

** recommended award

The new trucks are scheduled replacements for Traffic Services unit #107 ('83 GMC) and Streets Maintenance unit #133 ('82 GMC).

11. Approval of contract with Delbert McClure Construction for construction services required to install new scoreboard, advertising sign and name sign at both Sam Suplizio Baseball Field and Ralph Stocker Memorial Stadium - \$31,845

Erection of scoreboards and signs at both fields will cost \$31,845. Bids were opened March 10, 1993, for the purpose of hiring a contractor to erect the new scoreboards, advertising signs and name signs at Suplizio Field and at Stocker Stadium. Bid invitations were distributed to seven local contractors; we received the following responsive bids:

Contractor	Ballpark + Stadium = Net Total
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McClure Construction	\$17,430	\$14,415	\$31,845 **
G.A. Western Construction	\$20,800	\$17,400	\$38,200

** recommended award

The low bid was submitted by Delbert McClure Construction. McClure has worked on a number of city projects including the Older American Center expansion project.

- 12. *** Resolution No. 20-93** authorizing the City Manager to petition for the inclusion of City property at Whitewater in the Clifton Water District
- 13. **Approval** of inter-governmental agreements between the City of Grand Junction and Mesa County for the Fire Department to provide Designated Emergency Response Authority (D.E.R.A.), and Superfund Amendment Reauthorization Act (S.A.R.A.), to areas outside of the City of Grand Junction

The City approved this agreement for the year 1992. The agreement has a yearly expiration date and a new agreement needs to be approved.

- 14. **Approval** of third year annual renewal on a contract for advertising services with Tashiro Marketing & Advertising for the Visitor & Convention Bureau

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

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

REZONING FROM RSF-2 TO PR-1.9 AND OUTLINE DEVELOPMENT PLAN FOR NORTHCREST VILLAGE, LOCATED AT 7TH STREET AND G ROAD - DENIED

The proposed Northcrest Village consists of 29 single family lots on approximately 10 acres located East of 7th Street and 600 feet North of G Road. Current zoning is RSF-2 (2 units per acre) and the proposed zoning is PR at a density of 2.9 units per acre. Planning Commission motion to approve resulted in a 3 to 3 tie vote denying the project. Petitioner has appealed to City Council.

Karl Metzner, Community Development Department, reviewed this item. He stated that the technical requirements for the Outline Development Plan have been met. If approved, the petitioner would be required to go through both preliminary and final development stages at which the specific engineering requirements would be addressed and any review comments of this stage. The preliminary and final plans would be approved by Planning Commission, unless appealed again. The testimony at the Planning Commission hearing centered around the increased density, the increased traffic on 7th Street, and the potential for the site to be a parks area.

Mr. Metzner quoted seven criteria under the rezone chapter of the Zoning and

Development Code:

1. Is the existing zone in error at the time of adoption;

This parcel was zoned, upon annexation, in conformance with the previous county zoning (R-1-B).

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2. Has there been a change of character in the area due to new developments, public facilities, etc.

The area has developed single-family residential at approximately 2-4 units per acre.

3. Is there an area of community need for the proposed rezoning;

4. Is the proposed rezoning compatible with the surrounding area or will there be adverse impacts on the surrounding area;

Staff analysis indicates that the proposed rezone would be compatible with the surrounding area. The density differential is not significant enough to effect surrounding uses. There is no negative traffic impact. It is meant to carry volumes of traffic.

5. Will there be benefits derived by the community or the area by granting the proposed rezone;

It is a vacant parcel. There may be problems in terms of weeds or dust or other things that vacant parcels do generate, but it is not a significant criteria in this respect.

6. Is the proposal in conformance with the policies, intents and requirements of this Code, the City Master Plan, and other adopted plans and policies;

The proposal is in conformance with the 7th Street Corridor Guidelines which have been adopted. The Guidelines do not specifically address small changes in density as proposed at this point. They simply recommend development of single-family nature compatible with the area.

The Guidelines are not specific in regard to this proposal. The Guidelines were created with the intent of covering this territory. It was anticipated that at some point in time these areas would be inside the City. All of the Guidelines were created envisioning the reasonable period of time (5-10 years) and how far the City limits would expand.

7. Are there adequate facilities available to serve the development for the type and scope suggested by the proposed zoning.

Yes. Seventh Street is a minor arterial. All the utilities are available at the site and are adequate to serve the development.

Mr. Tom Logue, 227 S. 9th Street, representing the petitioner Kay Scott and her authorized representative Gregg Cranston. The petitioner's attorney Joe Crocker was also present. Mr. Logue presented an exhibit which was a reproduction of the assessor's map to identify the surrounding land use. The red line on the map indicates the study area which is bounded by G Road on the south, I-70 on the north, and extends 1/6 mile west of 7th Street, and N. 12th Street on the west. Within 130 acres there are 409 units including large parcels on the corner of 12th and G Roads. That resulted in a gross density of 3.5 dwelling units per acre. Mr. Logue placed an overlay of the land use zone on the assessor's map. The typical density within the neighborhood is 3.15 units per acre. Mr. Logue made the following points:

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1. The petitioner will have setbacks (rear yard) that are equal to the adjoining setbacks for the existing structures.
2. The lot width along each side matches the existing lots.
3. The smaller lots were placed on the interior of the property while the larger lots were placed along the perimeter.
4. The impact to some of the natural features has been minimized.
5. The intersection for the second access was chosen to avoid any impacts of car headlights shining into the windows of the homes.

Mr. Logue stated that the 7th Street Corridor Guideline states that every proposal requesting a change along 7th Street should be done in a PUD development complex. The RSF-4 zone does not meet that criteria and could be considered somewhat erroneous in establishment of the RSF-2 zone. There has been a substantial change in the neighborhood over the years. The development of 400 new single-family homes in some cases exceed densities that his petitioners are proposing. Sewer and water lines have been extended into the area. A major employment and service center has developed along Horizon Drive.

Those speaking in favor of this development were:

Jeffrey Williams, 2645 Central Drive
Dennis Edson, 734 26-1/2 Road

Joe Crocker, representing the developer, requested clarification on the required vote of City Council to override a Planning Commission decision.

President of the Council Theobald responded that a superior majority is required (at least 5-2), five votes rather than four.

Mr. Crocker wished to go on record as objecting to that interpretation and felt that it can be interpreted otherwise.

Those speaking against the proposal were:

1. Jeff Little, 2647 Central Drive, concerned about traffic
2. Tom Tadvick, 713 Centauri Drive, concerned about safety factor on 7th Street, a drainage factor, size of the internal lots, and cooperation

- with neighboring residents (public notice of intention to develop)
3. Ted Street, 721 Galaxy Drive, concerned with a greater noise factor
 4. Susan Talbot, 2649 Central Drive, concerned with drainage, traffic, noise level, aesthetic appearance, open space
 5. Bill Smith, 2651 Central Drive, concerned with access problems, traffic and density
 6. J.D. Snodgrass, 704 Galaxy Drive, concerned about density and consideration of the current neighborhood development (2.0 units per acre)
 7. Irwin Stewart, 714 Galaxy Drive, concerned with density
 8. Mrs. Sullivan, 732 26-1/2 Road, concerned with drainage (flooding), sewer hookups, traffic at 7th and Central
 9. Jacki Howard, 730 26-1/2 Road, concerned with drainage and sewer backup.

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Karl Metzner stated that the legal advertisement requirement for this hearing is seven days prior to the meeting. In addition, for the Planning Commission hearing, individual notices are sent to owners within 200 feet of the subject property (approximately two lots deep). At the Planning Commission meeting, the Chairman announces that should anyone desire to know about the City Council hearing, date, time, whether the petitioner has appealed, or not, they should contact the Community Development Department within three days after the Planning Commission hearing. The petitioner submitted written appeal on this item.

Mr. Logue stated that his petitioner elected to notify people within 500 feet of the subject property because of the amount of interest that was indicated on this application during some of the previous hearings. Mr. Cranston placed a copy of the official Development Plan on a sign that is posted on the property immediately above the Public Notice sign. Written correspondence was also mailed to all of the adjoining owners requesting input from those individuals. He felt there has been adequate notice.

Mr. Logue addressed some of the concerns regarding density, drainage, and access to the property. He also addressed options under the PR-1.9 zoning that is being requested (setbacks, garage requirements, etc.).

Mr. Gregg Cranston, 308 Willowbrook Road, realtor, stated that only four people have called him with input regarding this proposed rezone. He felt that the applicant has done everything possible to promote a good project that is commensurate with the existing neighborhood.

Those submitting written opposition:

1. C.R. and Marian Bottinelli, 714 Galaxy Drive
2. Melvin and Dorothy Cooper, 707 Galaxy Drive
3. Penny Stewart, 715 Galaxy Drive.

Councilman Bennett could see no problem in selling lots in this subdivision. Many lots all over the surrounding area are selling quickly.

Councilman Nelson felt the request to increase the density is modest compared to most of the increases in density that he has witnessed over the years while serving on the Planning Commission as well as City Council.

Councilman Baughman stated he would not be able to support this petition. He felt that the homes on the north, the south, and the east at the 2.0 density are the neighborhood. He felt that this project needs to be kept in the character of the present neighborhood.

President Theobold did agree that the request is a relatively small increase compared to some others, but others also tend to be different situations in that they are undeveloped, surrounded by undeveloped, and they are setting the standard rather than trying to adhere to a standard.

It was moved by Councilman Nelson that the proposed Northcrest Village development at Outline Development Plan stage be approved with the following changes:

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1. That the density of the Sunset Terrace nearby be calculated and that the density that is approved for Northcrest Village be equal to or no higher than the density of Sunset Terrace (no higher than 2.5 units per acre);
2. That the petitioner be asked to replat the proposed subdivision so that there would be then that number of lots which would be some over 20, and some less than 29;
3. That between now and the preliminary plan stage the petitioner work with the City Engineering Department to determine whether or not a single access point would be a better solution for access.

The motion lost for lack of a second.

It was moved by Councilman McCurry and seconded by Councilman Bessinger that the request to rezone from RSF-2 to PR-2.9 and Outline Development Plan for Northcrest Village, located at 7th Street and G Road, be approved.

The motion lost by a vote of 6-1 (6 NO, 1 YES).

President Theobold appreciated the fairness and respect shown by the proponents and opponents. He noted that this particular lot will not remain vacant forever.

Councilman Shepherd encouraged the City Staff to investigate the 12" drain located under 7th Street to see if something can be done to remedy the problem.

RECESS

The President declared a five-minute recess. Upon reconvening, all members of Council were present.

HEARING - PROPOSED ORDINANCE - ALLEY IMPROVEMENT DISTRICT 1992, PHASE A, ASSESSMENTS

There was no one present wishing to speak on this item. Upon motion by Councilman Bennett, seconded by Councilman Bessinger and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - ALLEY IMPROVEMENT DISTRICT 1992, PHASE B, ASSESSMENTS

There was no one present wishing to speak on this item. Upon motion by Councilman Bennett, seconded by Councilman Bessinger and carried, the proposed ordinance was passed for publication.

ORDINANCE NO. 2654 REPEALING AND REENACTING WITH AMENDMENTS ORDINANCE NO. 1301 AND ORDINANCE NO. 1851 PROVIDING FOR CHARGES FOR TRANSPORTING PERSONS IN THE CITY OF GRAND JUNCTION FIRE DEPARTMENT RESCUE UNIT OR ON OTHER UNITS OF THE FIRE DEPARTMENT

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. 2654 was passed and adopted, and ordered published.

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ORDINANCE NO. 2655 EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY

A hearing was held after proper notice. Dan Rosenthal, representing the Downtown Development Authority, was present stating that there has been no opposition to this expansion.

There were no other comments. Upon motion by Councilman McCurry, seconded by Councilman Bessinger and carried by roll call vote, Ordinance No. 2655 was passed and adopted, and ordered published.

ADJOURN TO EXECUTIVE SESSION

Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried, the meeting was adjourned to executive session to discuss a proposal to purchase land for a Regional Park.

It was announced that tonight's session will be continued on Thursday, March 25, 1993, 5:30 p.m., in the City-County Auditorium at City Hall, at which time it may be opened up to a public meeting.

Sandra Glaze
Acting City Clerk

