

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

**AUGUST 18, 1993**

The City Council of the City of Grand Junction, Colorado, convened in regular session the 18th day of August, 1993, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Bill Bessinger, R.T. Mantlo, Ron Maupin, Dan Rosenthal, and President of the Council Reford Theobold. Also present were Assistant City Manager David Varley, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Theobold called the meeting to order and Council-member Rosenthal led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Karen Calderon, Koinonia Church.

**SPECIAL RECOGNITION AWARDS TO FRESHAZADAZY CREW TOM FARMER, RICK ALEXANDER, RON BURNETT, GARY SPROTT AND TED MOORHEAD - STREET MAINTENANCE**

**APPOINTMENTS TO BUILDING AND FIRE CODE BOARD OF APPEALS**

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried, Willis Carr, James Brock and Harry McCrary were reappointed to four-year terms on the Building and Fire Code Board of Appeals.

**KENNY FULMER, FIREPLACE WEST, DISCUSSES CITY'S PARTICIPATION IN AN EFFORT TO ENCOURAGE RESIDENTS TO SWITCH FROM WOOD BURNING TO NATURAL GAS STOVES AND FIREPLACES**

Mr. Kenny Fulmer, owner of Fireplace West, 2454 U.S. Highway 6 & 50, was present to discuss the City's participation in an effort to encourage residents to switch from wood burning to natural gas stoves and fireplaces. Mr. Fulmer also introduced other local stove dealers Debbie Shipley, Woodstove Warehouse, Bill Waring, Hearts & Home Products, Dennis Wynn, Colorado West Energy, distributor for wood stoves, pellet stoves, gas fireplaces, etc. Mr. Waring represented the Rocky Mountain Heart Association, the State and Regional membership of the HPA organization which involves wood, gas and pellet appliances in the United States. Mr. Waring stated that the local dealers have been involved with the ALAC (American Lung Association) and addressed some points regarding the brown cloud situation in the area. The "Great Stove Change Out" consists of consumers who have high polluting, non-certified wood burning appliances bringing them into a dealer for a revised EPA Colorado approved gas pellet or wood stove. He requested assistance from Council to help promote this program by

educating the general public. A seminar will be conducted on the  
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28th of September by the Grand Valley Air Quality Control  
 Committee with updates on legislation.

**CONSENT ITEMS**

Upon motion by Councilmember Rosenthal, seconded by Councilmember  
 Afman and carried by roll call vote with Councilmember **BAUGHMAN**  
 voting **NO** on Item 5, and Councilmember **BESSINGER** voting **NO** on Item  
 2, the following Consent Items 1-10 were approved with **Item 4**  
**tabled:**

1. **Approval** of the minutes of the Regular Meeting August 4,  
 1993.
2. **\* Resolution No. 51-93** - A Joint Resolution of the County of  
 Mesa and the City of Grand Junction Concerning Adoption of  
 the 1994-1998 Transportation Improvement Program

The Transportation Improvement Program is a planning document  
 that lists transportation projects within the Metropolitan  
 Planning Area that requires the expenditure of federal  
 highway funds. This document is required for the expenditure  
 of such funds within the Grand Junction/Mesa County MPO.  
 Every year the Transportation Improvement Program is  
 revisited and revised as necessary to reflect the direction  
 of transportation development activities in the MPO.

3. **Award of Contract** for Street Pavement Overlays 1993 to Elam  
 Construction in the amount of \$585,452.50, and **Authorization**  
 to increase the Contract to \$858,566 by Change Orders for  
 additional street overlays.

Bids received on August 10, 1993, are summarized below for  
 both Hot Bituminous Pavement with and without the asphalt  
 additive SOMAT:

<u>Bituminous</u>	<u>Hot Bituminous</u>	<u>Hot</u>
<u>Contractor</u>	<u>Pavement</u> <u>without SOMAT</u>	<u>Pavement</u> <u>with SOMAT</u>
Elam Construction, Inc.	\$585,452.50	
\$664,132.50		
United Companies	\$673,850.00	
\$761,350.00		
Engineer's Estimate	\$865,005.00	
\$917,508.00		

4. **Approval** of BLM Hazardous Materials Memorandum of Under-  
 standing - **TABLED**

The proposed agreement would make available properly trained personnel of the Fire Department for response to releases of hazardous materials on BLM property in western Colorado. In turn, the BLM would purchase equipment for use at such incidents and at incidents within the Fire Department's jurisdiction. All personnel and equipment costs at incidents on BLM property would be the responsibility of the BLM.

5. **Award of Contract** for construction of the New Visitor Center, 740 Horizon Drive, to Alpine C.M., Inc., in the amount of \$397,444, and **Approval** of contract change orders to reduce construction costs by \$40,100.

Bids were opened July 26, 1993, for construction of a new visitor center at 740 Horizon Drive. The following responsive bids were received:

	<u>Base Bid</u>	<u>Add Deck</u>	<u>Total</u>
Alpine C.M.:	\$387,794	\$ 9,650	\$397,444**
Marcal Construction:	\$389,900	\$19,500	\$409,400
Classic Constructors:	\$397,000	\$17,287	\$414,287
Keystone Construction:	\$495,000	\$24,576	\$519,576

\*\* recommended award

The recommended award has been approved by the Visitor and Convention Bureau Board of Directors for presentation to City Council.

If the contract award is approved in the amount of \$397,444, change orders resulting in a cost reduction of **\$40,100** will be processed per contract documents.

6. **Proposed Ordinance** - An Ordinance Amending Chapter 25, Article X, Pretreatment of Industrial Waste, of the City of Grand Junction Code of Ordinances
- a. First reading of proposed Ordinance
7. **Proposed Ordinance** - An Ordinance Vacating an Easement at 2454 Highway 6 & 50

The existing structure located at 2454 Highway 6 & 50 was constructed on top of the easement which is requested to be

vacated. The easement is not utilized by any utility, nor are there plans to do so. The easement is simply an encumbrance on the property. The proposed vacation of the easement through the site meets the criteria set forth in Section 8-3 of the Zoning and Development Code.

a. First reading of proposed Ordinance

8. **Proposed Ordinance** - An Ordinance Amending Section 5-5-1, Off-Street Parking, and Chapter 12, Definitions and Limitations of the Zoning & Development Code

Staff is proposing an amendment to the Zoning and Development Code to clarify portions of Section 5-5-1, Off-Street Parking, and add to Chapter 12, Definitions and Limitations, to update certain existing standards which do not reflect changes in

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parking patterns that have occurred over the last decade, and add standards for uses which are typical of current and expected future development patterns.

a. First reading of proposed Ordinance

9. **\* Resolution No. 52-93** - A Resolution Concerning the Issuance of a Revocable Permit to Ray A. Meacham

Resolution authorizing the issuance of a Revocable Permit to allow the installation of landscape improvements in the public right-of-way for Belford Avenue adjacent to the property at 865 North Avenue (American Furniture).

10. **Proposed Ordinance** - An Ordinance Vacating Street and Alley Rights-of-Way in Block 25 and 26, Orchard Mesa Heights Subdivision, lying South of Highway 50

The petitioners are requesting the vacation of a right-of-way for Palisade Street and two alley rights-of-way platted as part of the Orchard Mesa Heights Subdivision in the late 1800's. These rights-of-way have never been developed and there are no plans for future development of the street or alleys. This request is part of a subdivision proposal approved by Planning Commission.

a. First reading of proposed Ordinance

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

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

PUBLIC HEARING - RESOLUTION NO. 53-93 CREATING AND ESTABLISHING ALLEY IMPROVEMENT DISTRICT NO. ST-94, PHASE A, WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE RECONSTRUCTION OF CERTAIN ALLEYS, ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE PAVING THEREON AND PROVIDING FOR THE PAYMENT THEREOF - APPROVED

Petitions have been submitted requesting an improvement district to construct the following 6 alleys:

1. Grand to Ouray Avenue between 17th and 18th Street;
2. 8th to 9th Street between Hill and Teller Avenues;
3. Mesa to Orchard Avenue between 19th and 20th Street;
4. Bunting to Elm Avenue between Cannell and Houston Avenue;
5. 3rd to 4th Street between Chipeta and Gunnison Avenue;
6. 11th to 12th Street between Ouray and Chipeta Avenue;

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A hearing was held after proper notice. City Attorney Dan Wilson stated that this district is to be funded out of the 1994 Capital Improvement Projects to be adopted later this year. Tim Woodmansee, City Property Agent, was present to review this item. He explained that approximately \$250,000 is budgeted on an annual basis for alley improvements. Since 1986 the City has paid for the projects out of the CIP fund. The City is then reimbursed for a portion of the cost by special assessments. The property owners pay approximately \$6/ft to \$22.50/ft depending on their zoning and the use of their property.

The President opened the hearing. Those speaking were:

1. Gail Atkinson, 1925 Orchard Avenue, requesting that her garden area, which encroaches on the alleyway, be spared the improvement, and only the alley area that is driven upon be improved.
2. Ed Hawkins, 1701 N. 20th Street, spoke in favor of the improvement district.

The hearing was closed. Upon motion by Councilmember Bessinger, seconded by Councilmember Maupin and carried by roll call vote, Resolution No. 53-93 was adopted.

APPEAL OF PLANNING COMMISSION APPROVAL ON FINAL DEVELOPMENT PLAN AND FINAL SUBDIVISION PLAT ON THE ATRIUM AT GRAND VALLEY - DENIED

Dr. John W. Bull is appealing the Planning Commission's approval of a final plan and plat for a retirement center consisting of 102 retirement units and 20 assisted care units. This proposal is Phase 1 of an approved outline development plan for a total of 116 retirement units and 80 assisted care units.

Karl Metzner, Community Development Department, was present to review this item. He stated that the Planning Commission did approve the site plan and the zoning and outline development plan two months ago. Phase 1 generally follows that outline development plan as approved. The appeal is in reference to the height and mass of the proposed building. A traffic analysis in the area has been completed. If 12th Street were to remain in its present condition and add a future Phase, which is an additional 60 care units, it would warrant acceleration/deceleration lanes on 12th Street.

Mr. Pat Edwards, 511 Rado Drive, Unit B, was present. He deferred to the appealing party, and delayed his comments for rebuttal.

Dr. John Bull, 3150 N. 12th Street, owner of property abutting the south of this development, was present. He stated that there is on record the public relations presentation, and the presentation to the Grand Junction Planning Commission (minutes), that the height

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of the 3-story section of this building is going to be 35 feet. The 2-story section of this building is going to be 22 feet. He stated that there are many inconsistencies in the height noted on various site plans. He stated that the real plans call for a 41'9" building, which is inconsistent with what has been presented to the public. Dr. Bull felt this building is inappropriate and offensive in its height compared to the neighborhood that they plan to erect it in. Dr. Bull stated that this building would make a very institutional edifice of a residential neighborhood. It is significantly higher than the other buildings in the area. He felt the developer has given incorrect information when answering questions regarding the development. He objects to the height and impact of the building. Dr. Bull requested that one of the following actions be taken:

1. That this be disapproved; or
2. That it be approved conditional to plans that conform with the neighborhood.

Mr. Pat Edwards, 511 Rado Drive, Unit B, submitted for the record photographs and maps of the area. He discussed definitions of height from the Zoning & Development Code as "the height of a structure is defined as the vertical distance from the grade to

the highest point of any portion of a structure." There is an exception to that where it says "the height limitations of this code shall not apply to church spires, belfries, copulas, antennas, domes, electronic or other communication towers, water tanks, mechanical penthouses not used for keeping occupancy as long as they do not interfere with avigation." He discussed a planned zone versus a straight zone. He reviewed maps of the building elevation. He also discussed sewer line extensions. He stated that he can adequately serve approximately 40 acres of property with the sewer line extension versus 20 acres that would have been served with the 12th Street sewer line. He stated that they are now back to the 4690 elevation and they are going to maintain that elevation.

Mr. Edwards continued that the Northwood Apartments property consists of 5 buildings, one fronts on 12th Street. The ridge of that building (peak elevation) is 4726. Mr. Edwards' building is 6 feet higher than the building that fronts on 12th Street. The building that is located west of that building has an elevation of 4729 feet so the ridge of his building is 3 feet higher than the second building back off of 12th Street. The farthest building away from 12th Street is 4732 feet high. Therefore, the ridge of Mr. Edwards' building is the same elevation as the highest building in Northwood Apartments. Some other numbers that were mentioned were approximately 66 feet lower than the highest point on Horizon Towers. His building was approximately 11 feet lower than the church steeple on the Pentecostal Holiness Church. The church

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adjoins his property just across F Road on the same side of 12th Street. Mr. Edwards also noted that the elevation of the street entry is 4688. The finished floor elevation of The Atrium is 4690.

Mr. Edwards also discussed landscaping of the project.

City Attorney Wilson reiterated that when the future Phase takes place the traffic will be reviewed again. The traffic impacts considered will be the cumulative impacts of both Phases 1 and 2, to determine the need of 12th Street improvements, such as acceleration/deceleration lanes. Mr. Edwards indicated that he understood Mr. Wilson's statement.

Mr. Dennis Stahl, Hilltop Health Services Corporation, stated that he respects Dr. Bull's perception concerning this property. He felt that his own perception is equal to Dr. Bull's. Mr. Stahl read into the record a letter addressed to City Council stating his strong support of this project (attached).

Mr. Dale Hollingsworth, 3135B Lakeside Drive, President of Hilltop

Foundation, voiced his concern for the need for extended care facilities in Grand Junction, and support for this project.

Mr. Michael Krasnow was present to speak on behalf of the H.C. Peterson Family Trust, owners of the property located east of this development. He stated that Lola Peterson does not object to the proposed facility, but does object to the height of the building. He questioned whether anyone really knows what the height of this building is going to be.

The President closed the hearing. Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote with Councilmembers **BAUGHMAN** and **BESSINGER** voting **NO**, the appeal of the Planning Commission approval on Final Development Plan and Final Subdivision Plat on the Atrium at Grand Valley was denied.

President of the Council Theobold clarified that the motion approves the development with the staff stipulations as identified by the Planning Commission.

**REQUEST FOR VARIANCE OF THE HALF-STREET IMPROVEMENTS REQUIREMENT FOR MIKE'S AUTO SALES, 2559 HIGHWAY 50 - DENIED - IMPROVEMENTS DEFERRED**

Petitioner Michael Gregg of Mike's Auto, a used car dealership, proposed at 2559 Hwy 50, is requesting a waiver of the half-street improvements required by Section 5-4 of the Zoning and Development Code. Section 5-4 requires the developer of all developments (except for one single family house on a single parcel of land) to be responsible for one-half road improvements to the centerline of

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all exterior abutting rights-of-way. The petitioner is requesting the road improvements for the 25-1/2 Road frontage be waived.

Dave Thornton, Community Development Department, reviewed this item.

Mr. Mike Gregg stated that he is not subdividing his property. He is merely using the corner property. There is no street in existence at this location.

Upon motion by Councilmember Maupin, seconded by Councilmember Afman and carried, the request for waiver of the half-street improvements at 2559 Highway 50 was denied, and the half-street improvements were deferred until future development.

**PUBLIC HEARING - ORDINANCE NO. 2700 REZONING A PORTION OF BLOCK 120, CITY OF GRAND JUNCTION**

A request to rezone City and DDA-owned property on the south side of the 200 block of Main Street and the north side of the 200 block of Colorado Avenue from Retail Business (B-3) and Heavy Commercial (C-2) to Planned Business (PB) to allow for the development of a five-story mixed use (office and retail) building and a parking structure.

A hearing was held after proper notice. Kristen Ashbeck reviewed this item. The petitioner has addressed the parking issue. The total parking requirement is 296 spaces - 261 of those spaces are being provided on-site. The remainder of the spaces can be absorbed by the general downtown parking.

Barbara Creasman, Downtown Development Authority Director, stated that the downtown development strategy calls for planned zones in general. Straight zoning is not compatible with the types of multi use projects that are generally done in a downtown area. The DDA is supportive of a planned zone which is much more in line with its planning strategy overall.

Petitioner Mr. Lee Talbot, Salt Lake City, stated that he feels there is a great benefit to Two Rivers Convention Center as far as his parking. At times there is an overflow parking need for Two Rivers Convention Center. His project would provide 261 additional parking spaces. He feels this is an asset to the community. He sees a great need for additional office space in downtown Grand Junction. The approximate cost of his building is \$7.5 million.

Mr. Stanley Seligman, President of HASCO Western, Inc., the owner of the former Valley Federal building, now the Alpine Bank building, also a resident of Mesa County, spoke in favor of the rezone. He agreed that reasonably priced office space is needed in Grand Junction. His company offers office space as low as \$5.90

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per square foot. He felt that the building proposed would require higher rents due to the cost of construction. He expressed a concern that the City taxpayer will be footing a portion of the parking costs at an investment of approximately \$250,000 (tax increment financing).

Mr. Robert Bray, realtor, spoke in favor of the construction of this building. He was also in favor of the rezone of this property.

Mr. Talbot agreed that he will need to have a rate very comparable to what Mr. Seligman is suggesting in his building in order to succeed. He encouraged Council's approval of this rezone.

Councilman Baughman questioned whether the street vacation is included in this item. Kristen Ashbeck assured him it was not.

Planner Kristen Ashbeck explained that the C-2 Zone leads toward the industrial uses. It allows some outdoor storage, etc. The Industrial Park area just east of Mesa Mall has heavy C-2 zoning. She stated that it really is not appropriate for a downtown area. She reiterated that Staff is comfortable with the parking situation.

There were no other comments. Upon motion by Councilmember Rosenthal, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2700 was adopted and ordered published.

Councilmember Afman clarified that she is not endorsing this particular project at this particular time. Her vote was YES for the zoning only.

### **EXECUTIVE SESSION**

Upon motion by Councilmember Bessinger, seconded by Councilmember Baughman and carried, the City Council adjourned into Executive Session at 10:00 p.m. to discuss pending litigation.

Stephanie Nye, CMC  
City Clerk