

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

OCTOBER 6, 1993

The City Council of the City of Grand Junction, Colorado, convened in regular session the 6th day of October, 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 City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Theobold called the meeting to order and Council-member Baughman led in the Pledge of Allegiance. The audience remained standing during the invocation by Mike Lyda, Fruitvale Baptist Church.

CONSENT ITEMS

Councilmember Baughman requested that Item 5 be removed from the Consent Calendar for full discussion.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote with Councilmember **BESSINGER** voting **NO** on Item 7, the following Consent Items 1-10 were approved with Item 5 being removed for full discussion:

1. **Approval** of the minutes of the Special Meeting September 7, 1993 and Regular Meeting September 15, 1993
2. **Award of Contract** - Monument Road Bridge Detour Construction
Recommended Award: M.A. Concrete Construction, Inc. -
\$28,058

The following bids were received on September 30, 1993:

M.A. Concrete Construction, Inc.	\$28,058.00
Parkerson Construction, Inc.	\$47,648.50
United Companies of Mesa County, Inc.	\$52,132.00

Engineer's Estimate	\$29,240.00
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3. *** Resolution No. 62-93** Authorizing a Three-Year Lease of Lots 20, 21 and 22 in Block 101 of the City of Grand Junction for Use as a Public Parking Lot

The DDA recommends that the three lots be leased for \$600 per year, that improvements are coordinated with those planned for the adjacent city lots, and paid for through the parking

fund.

4. *** Resolution No. 63-93** Accepting a Petition for the Annexation of Lands to the City of Grand Junction, Colorado, and Setting a Hearing on Such Annexation.

Paradise Hills Annexation is located north and south of H Road from approximately 26-1/4 Road to 27-1/4 Road extending north to the airport. It contains approximately 3/4 of a square mile and contains 323 parcels, 269 of which have granted Powers-of-Attorney for Annexation as a condition of receiving sewer service. This area is part of the North Area annexation proposal.

5. **Approval** of Agreement with the Bureau of Land Management for response to emergency incidents involving hazardous materials on BLM property. **(Removed from Consent Section for full discussion by Council.)**
6. **Ratification** of Contract for advertising services with Tashiro Marketing and Advertising for the period October 1, 1993, to December 31, 1994, and **Approval** of Contract Amount - \$298,000

On April 21, 1993, Council approved an extension of Tashiro Marketing & Advertising's contract from 9-1-93 to 12-31-94. The amount of this contract was determined during the budget process in August and September, and this amount is being presented to Council for approval.

7. *** Resolution No. 64-93** Amending Development Application Fee Schedule

Staff is proposing an amendment to the City of Grand Junction Development Application Fee Schedule to change the fee for a Conditional Use permit application for a fence greater than 6 feet in height or for the keeping of one or more pigs, goats, burros or mules to \$50.00. The current charge for all Conditional Use permit applications is \$350.00.

8. *** Resolution No. 65-93** Concerning the Issuance of a Revocable Permit to C & K Company, a Colorado General Partnership

This Resolution would authorize the issuance of a Revocable Permit to allow the installation of landscape improvements and a 4-foot high by 10-foot wide monument sign in the public right-of-way for 12th Street and Walnut Avenue adjacent to the property at 2020 N. 12th Street.

9. *** Resolution No. 66-93** Concerning the Issuance of a Revocable Permit to K & K, Inc., a Colorado Corporation

City Council Minutes

-3-

October 6, 1993

This Resolution would authorize the issuance of a Revocable Permit to K & K, Inc., to allow the construction and use of a parking area and continued use of a sign and a lighting standard in the public right-of-way for North First Street adjacent to the property at 1105 North First Street.

10. **Proposed Ordinance** Amending Chapter 25, Article X, Pretreatment of Industrial Waste, of the City of Grand Junction Code of Ordinances

This action will correct the pollutant discharge limitations, and provide the City the means to surcharge local industries for a BOD that exceeds 200 mg/l and a TSS that exceeds 250 mg/l when discharging a non-toxic and non-hazardous industrial wastewater. This is an interim action, until the development and implementation of technically based local discharge limitations are re-evaluated, approved by the EPA and implemented by the City.

- a. First reading of proposed Ordinance

Staff Source: Emily Whittum, Industrial Pretreatment Coordinator

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

APPROVAL OF AGREEMENT WITH THE BUREAU OF LAND MANAGEMENT FOR RESPONSE TO EMERGENCY INCIDENTS INVOLVING HAZARDOUS MATERIALS ON BLM PROPERTY

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 by the fire department at such incidents. All personnel and equipment costs at incidents on BLM property would be the responsibility of the BLM.

Councilmember Baughman felt that the liabilities of this agreement far outweigh the benefits. He feels that the Grand Junction Fire Department would be expanding its service to areas that far exceed its boundaries. President of the Council Theobold stated that

this agreement would promote efficiency and cooperation. Fire Chief Mike Thompson stated that the area of service would be western Colorado only. He discussed cost recovery stating that when there is a responsible party, the costs will be recovered for the operation, personnel costs, materials used on the scene, etc. He hopes to regionalize the operation by contracting with surrounding counties and charging them a cost per year to provide

City Council Minutes

-4-

October 6, 1993

this service to them. Chief Thompson has been approached several times by counties requesting this service. He did not feel it was appropriate because they would be stripping the resources out of Mesa County. That is their first responsibility. With this alternate BLM vehicle, the Fire Department would be able to expand its services without impacting local service. To date, approximately 96% of the emergency response time for hazmat emergencies has been recovered. The responsible party is billed for all man hours, materials, supplies, plus an hourly charge for the vehicles that are used. Chief Thompson stated that specialized training is needed and could be provided by BLM in the area of wild land/urban interface. Some areas surrounding Grand Junction are wild land, requiring specialized training. Other training is available in the spring and could run as much as \$30 to \$50 per student. He stated that 24 people are currently trained at the technician level.

Chief Thompson continued that an alternative would be for the BLM to establish its own hazmat team. They would be duplicating the City's services and spending more for the training and supplies that the City already has.

Upon motion by Councilmember Maupin, seconded by Councilmember Bessinger and carried with Councilmember **BAUGHMAN** voting **NO**, the agreement with the Bureau of Land Management for response to emergency incidents involving hazardous materials on BLM property was approved.

PUBLIC HEARING - ORDINANCE NO. 2705 - VACATING AN ALLEY RIGHT-OF-WAY AT 2651 AND 2659 U.S. HIGHWAY 50

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Baughman, seconded by Councilmember Rosenthal and carried by roll call vote, Ordinance No. 2705 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2706 - SPECIFYING USES ON LOTS 3 AND 4, HILLTOP SUBDIVISION #2, LOCATED ON THE NORTHWEST CORNER OF 15TH AND PATTERSON ROAD

A hearing was held after proper notice. Pat Edwards, 511 Rado Drive, stated that this property was acquired by Hilltop

Foundation in 1983 and was zoned PB with plans for a rehabilitation hospital. The plan was never activated. Plans are to leave the property zoned PB for Lots 3 and 4 without any designation of a plan with the understanding that any use of these lots would be brought back to Planning and a public hearing for approval.

There were no other comments. Upon motion by Councilmember Rosenthal, seconded by Councilmember Baughman and carried by roll call vote, Ordinance No. 2706 was adopted and ordered published.

City Council Minutes

-5-

October 6, 1993

PUBLIC HEARING - ORDINANCE NO. 2707 - REZONING VOLUNTEERS OF AMERICA, INC., ELDERLY HOUSING, NORTHWEST CORNER OF FIRST STREET AND INDEPENDENT AVENUE, FROM B-2 AND P TO PR-23.72

A hearing was held after proper notice. Councilmembers Bessinger and Baughman questioned if a 3-story building is compatible with the area. Councilmember Afman stated that the area residents did not voice an opposition to the planned height during the Planning Commission hearing.

Karl Metzner, Community Development Department, stated that this development is reserved for elderly with separate apartments. It is not similar to Mesa View. It does have an elevator. Communications have reflected no negative comments regarding the height of the building.

Architect Gary Pragger, 5200 DTC Parkway, Englewood, Colorado, answered questions of Council. He stated that sixty units are planned in an L-shape (180' length and 152' length). This is an elderly housing project and will not allow families. This is a 202 Program which is low-income subsidized elderly with an age limit of 62 or 65. Each 1-bedroom unit will be 540 square feet.

There were no other comments. Upon motion by Councilmember Mantlo, seconded by Councilmember Rosenthal and carried by roll call vote with Councilmember **BESSINGER** voting **NO**, Ordinance No. 2707 was adopted and ordered published.

PUBLIC HEARING - EMERGENCY ORDINANCE NO. 2708E - AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF GRAND JUNCTION, COLORADO, INDUSTRIAL DEVELOPMENT REVENUE REFUNDING BONDS, SERIES 1993 (DAYTON-HUDSON COMPANY PROJECT), IN THE AGGREGATE PRINCIPAL AMOUNT OF \$5,500,000 TO FINANCE A REFUNDING PROJECT; RATIFYING CERTAIN ACTION HERETOFORE TAKEN; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A LOAN AGREEMENT, INDENTURE OF TRUST, BOND PURCHASE AGREEMENT, SUCH BONDS, AND CLOSING DOCUMENTS IN CONNECTION THEREWITH; MAKING DETERMINATIONS AS TO THE SUFFICIENCY OF REVENUES AND AS TO OTHER MATTERS RELATED TO THE PROJECT; REPEALING ACTION HERETOFORE TAKEN IN CONFLICT HERewith; AND

DECLARING AN EMERGENCY

A hearing was held after proper notice. Discussion ensued regarding the liability of the sewer line servicing the Target store. City Manager Mark Achen stated that the City is receiving a dramatic improvement in the risk that the City is presently under with the present pipe. It is costing \$30,000 to dramatically reduce the City's risk as opposed to \$85,000 by the sewer line being lined with a plastic sleeve. Councilman Baughman still had concerns regarding the City's liability with the sewer line remaining under the building rather than being re-routed around the building.

City Council Minutes

-6-

October 6, 1993

Public Works Director Jim Shanks stated that the probability of the failure of the line is minuscule when a plastic sleeve is inserted into the iron pipe so that the line can be cameraed and maintained.

There were no other comments. Upon motion by Councilmember Bessinger, seconded by Councilmember Mantlo and carried by roll call vote, Ordinance No. 2708E was adopted as an emergency and ordered published.

RESOLUTION NO. 67-93 ACCEPTING CONTRACTS FOR LAND PURCHASE FOR PROPERTY SOUTH OF I-70 AND EAST OF 24 ROAD CONSISTING OF APPROXIMATELY 73 ACRES FOR A PURCHASE PRICE OF \$582,000, RATIFYING THE CITY MANAGER'S SIGNATURE THEREON, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CLOSING DOCUMENTS

City Manager Mark Achen stated that this is acquisition of a significant piece of park land in the area that had been targeted by Council adjacent to I-70 and 24 Road and 24-1/2 Road. It gives the City a parcel of land that meets Council's expectations for constructing a major sports complex. The issues of access have been resolved as there is good access on to 24 Road, and will also have access at 24-1/2 and even 24-1/4 Road. Councilmember Bessinger still feels due consideration has not been given to the traffic problem.

Parks & Recreation Director Ted Novack stated the Parks & Recreation Board gave support to look in the general area of this location. The plan for the sports complex (lighted) is to have at least two 4-diamond complexes for softball, twelve tennis courts and eight to ten soccer fields.

Upon motion by Councilmember Mantlo, seconded by Councilmember Rosenthal and carried by roll call vote with Councilmember **BESSINGER** voting **NO**, Resolution No. 67-93 was adopted.

ADJOURNMENT

Upon motion by Councilmember Bessinger, seconded by Councilmember Maupin and carried, the meeting was adjourned at 8:30 p.m.

Stephanie Nye, CMC
City Clerk