

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

NOVEMBER 3, 1993

The City Council of the City of Grand Junction, Colorado, convened in regular session the 3rd day of November, 1993, at 7:35 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 Ron Maupin led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Herb Ortman, First Church of God.

RECOGNITIONS

CERTIFICATES OF APPRECIATION FOR RIVERFRONT COMMISSION MEMBERS JANE QUIMBY, PAT GORMLEY, BILL GRAHAM, R.T. MANTLO

APPOINTMENTS TO PLANNING COMMISSION

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried, Ron Halsey and John Elmer were reappointed to four-year terms on the Planning Commission, Jeff Vogel was appointed to a 4-year term on the Planning Commission, and Bob Withers was appointed to fill an unexpired term of three years on the Planning Commission.

CONSENT ITEMS

Upon motion by Councilmember Maupin, seconded by Councilmember Bessinger and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item 3, the following Consent Items 1-10 were approved:

1. **Approval** of the minutes of the Regular Meeting October 20, 1993
2. **Proposed Ordinance** - Amending the Water Rates in the City of Grand Junction

Water rates are recommended to increase by 4.5% with the minimum increasing from \$8.57 per month to \$8.98 per month effective January 1, 1994.

- a. **First reading** of proposed Ordinance

3. **Proposed Ordinance** - Amending City of Grand Junction Code of Ordinances, Chapter 14, Garbage, Trash and Weeds, Section 10, Fees

An increase in revenue is recommended for the Solid Waste Fund in 1994 of \$149,554 - \$100,144 to cover landfill cost increase, and \$49,410 to cover an annual increase in inflation, personnel, and costs of goods and supplies to provide solid waste service. An impact of \$.75 per month to residential customers, from \$8.00 to \$8.75, and an impact of 9.38% to commercial customers.

- a. First reading of proposed Ordinance

4. **Proposed Ordinance** - An Ordinance Amending Sewer Rates in the City of Grand Junction

The last rate adjustment for the 201 Joint City-County Sewer System was in January, 1990. Rates are examined each year. It is proposed that rates be increased by 6.2%. The total rate per E.Q.U. will increase from \$10.35/month to \$11.00/month. Contract customers whose rates are for back-bone service only will have their rate increased from \$7.51 per month to \$8.00 per month, or 6.5%.

- a. First reading of proposed Ordinance

5. *** Resolution No. 71-93** - A Joint Resolution of the City of Grand Junction and the Clifton Water District Regarding Wolford Mountain Reservoir

The proposed joint resolution is an effort to outline the City's and Clifton's positions on salinity, trans-mountain diversions, and mitigation for the injury related to Wolford Mountain Reservoir.

6. *** Resolution No. 72-93** - A Resolution Allowing for an Exchange of Animal Units per Month between the City of Grand Junction and Bill Loring

This Resolution authorizes an exchange of AUM's (Animal Units per Month) with Bill Loring, exchanging 137 AUM's in the Whitewater Allotment for 137 AUM's in the North Fork of Kannah Creek Allotment.

7. *** Resolution No. 73-93** - Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create

within said City, Alley Improvement District No. ST-94, Phase B, and Authorizing the City Engineer to Prepare Details and Specifications for the Same

Petitions have been submitted requesting an improvement district to construct the following 2 alleys:

1. 13th to 14th Street between Grand and White Avenue;
2. 12th to 13th Street between Main Street and Rood Avenue.

Both petitions have been signed by more than 50% of the owners of the property to be assessed. The proposed resolution would state Council's intent to create an improvement district and give notice of a hearing to be held on December 15, 1993.

8. *** Resolution No. 74-93** - Authorizing the Community Development Director to Review and Grant Exceptions to the 5' Irrigation and Water Easements along Lot Lines in Various Filings of the Ridges that were Granted to the Ridges Metropolitan District

The plats for several filings of the Ridges include a statement "granting" a 5' irrigation and/or water easement along all lot lines to the Ridges Metropolitan District which may be released by the Ridges Metropolitan District at their discretion. A City process is now needed to review and release those easements on a case-by-case basis.

9. *** Resolution No. 75-93** - Issuing a Revocable Permit to Allow a Sign and Landscaping in Public Right-of-Way at 1525 North First Street

This Resolution will authorize the issuance of a Revocable Permit to allow placement of a sign and landscaping in the public right-of-way for North First Street adjacent to the property at 1525 North First Street.

10. **Award of Contract** for Tank Removal, Clean Closure and Reinstallation of Two Fuel Storage Tanks at Tiara Rado and One Waste Oil Containment Tank at the Municipal Service Center - Recommended Award: Enviro 25 Environmental Services, Inc. - \$32,148.82

Old tanks are 10-12 years old and do not meet Federal EPA regulations. The project will cost \$32,148.82 providing no soil contamination is uncovered. Proposals were received October 13, 1993. The following quotes reflect the fixed cost of disposal of old tanks and the installation of new

tanks and associated testing/monitoring systems in compliance with applicable government regulations:

Enviro 25 Environmental Service	\$32,148.82
Walsh & Associates	\$32,313.00
Storage Tank Technology	\$45,050.00

* * * END OF CONSENT CALENDAR * * *

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* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PUBLIC HEARING - ORDINANCE NO. 2711 - AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 1993 BUDGET OF THE CITY OF GRAND JUNCTION

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Bessinger, seconded by Councilmember Rosenthal and carried by roll call vote, Ordinance No. 2711 was adopted, and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2712 - REZONING PROPERTY LOCATED AT 128 TELLER AVENUE FROM PB TO RMF-32

A hearing was held after proper notice. Kathy Portner, Community Development Department, reviewed this item. Staff and Planning Commission recommended approval of the rezone.

There were no other comments. Upon motion by Councilmember Baughman, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2712 was adopted, and ordered published.

REQUEST FOR VARIANCE TO SECTION 5-4-5.B OF THE ZONING AND DEVELOPMENT CODE TO ALLOW CONSTRUCTION OF AN ADDITION TO SUNDANCE MARINE, 2490 HIGHWAY 6 & 50, TO BE SERVED BY AN EXISTING ON-SITE SEPTIC SYSTEM - APPROVED WITH CONDITIONS

Kathy Portner, Community Development Department, reviewed this item. The owner of Sundance Marine at 2490 Highway 6 & 50 is requesting a variance of Section 5-4-5.B of the Zoning and Development Code to allow a 2,000 square foot addition to the business to be served by the existing on-site septic system. Two issues were presented by Staff:

1. Water line size for fire flow purposes - The petitioner has agreed to extend the water line from 25 Road and is working out a contract with Ute Water for that extension.
2. Existing development is served by an on-site septic system - Section 5-4-5.B of the Zoning and Development Code requires that a public sanitary sewer collection system and treatment facility be provided for all development. Development is broadly defined as "construction, improvement or placement of

a use on a parcel of land." Therefore, the proposed addition would require that the development obtain sewer service from the public sewer system. The nearest sewer system is approximately 320 feet from the northeast corner of the property. Extending the service line from 25 Road to Sundance Marine property would require an easement across private property. Mr. McCallum has requested an easement from the property owner who made the following response in writing: "We have decided we are not interested in allowing you to cross our property.

If there is no other solution to your problem, we would consider the requested easement for the price of \$20,000." The petitioner feels that amount is unreasonable, and is requesting a variance from the requirement for sewer service until such time as sewer lines are extended and available to the property. Section 5-4-16 of the Zoning and Development Code lists the following criteria for considering variances to this section of the Code:

- a. There are exceptional topographic, soil, or other sub-surface conditions, or other conditions that are peculiar to the site;
- b. An undue hardship would be created by the strict application of the provisions of this section;
- c. Such hardship is not created by an action of the applicant;
- d. Such variance would not be detrimental to the public welfare or impair the intent and purpose of this section.

Staff feels that Item "a" is not applicable to the request. Staff agrees that "b", an undue hardship would be created for the petitioner with the strict application of the provision given the lack of existing sewer service in the area, and the inability to get the necessary easement at a reasonable price. Further, the addition of a 2000 square foot showroom to an existing 4900 square foot business would not seem to significantly impact the existing septic system or be detrimental to the public welfare. Staff feels that when sewer service is made available to the property, Sundance Marine should be required to hook in. Staff recommends approval of the variance request subject to the following conditions:

1. Approval by the Mesa County Health Department to use the existing septic system;
2. The property owner will connect to the public sewer system

when it becomes available to the property;

3. The petitioner will be required to pay now for a percentage of the cost for future sewer extension to the property, the amount to be determined by the Public Works Director;
4. The property owner will be required to sign a Power of Attorney for future improvement district formation.

The Planning Commission recommended approval subject to the Staff recommendation.

It was clarified that regarding Item 2 above, the sewer connection availability requirement would be along Highway 6 & 50.

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Petitioner Mike McCallum, 579 Rio Linda Lane, owner of Sundance Marine, stated that on or about July 15, 1993, the permit process was begun to build a 40x50 shop addition to 2490 Highway 6 & 50. There is no plumbing, no bathrooms, no floor drains, no impact on current septic systems, and no increase in employees over what is currently at the facility. The projected cost of the addition is \$35,000 for the entire project. The cost of compliance is where most of his concerns come in. Landscaping is estimated at \$2500.

Fire protection requires that he run a 1000 foot 8" water main from All Sports Honda down 25 Road to the south, up the frontage road to the West, which would supply All Sports Honda, Yellow Freight, Commonwealth Carriage, Grand Mesa Marine, Inland Oil Company at the Metro Gas Station, and Mr. McCallum. This program is currently under review by Ute Water and the City of Grand Junction on a 1/3, 1/3, 1/3 basis, of the landowner, the City, and Ute Water. That proposal is to run the 8" water main down either side of the frontage road. Mr. McCallum stated that when he was annexed to the City he was assured fire protection and sewer, that these would be provided by the City in a timely basis. The current proposal is that Mr. McCallum pay \$25,000 to get a fire hydrant in front of his business when there is already one next door at Inland Oil Company, which is currently on too small of main to meet current code requirements.

The next point made by Mr. McCallum was regarding the sewer. In order that he get a building permit, he was originally told by Staff that if he applied for an easement from the owner of All Sports Honda, and could not get it at a reasonable price, he would be issued a waiver if he would, in fact, agree to hook up to the sewer at the time it was provided. He stated that he would hook up to the sewer today if it was there. He has no problems with that. It is probably going to cost Mr. McCallum \$12,000. Total costs will be \$39,500, \$25,000 for the water main, \$12,000 for the sewer, and \$2,500 for landscaping, a cost of \$39,500 to purchase a building permit to build a \$35,000 open steel metal building. He

stated that his business currently does \$3.5 to \$4 million in retail sales in Mesa County and the City of Grand Junction. Sixty-five percent of his business comes from people who do not live in Mesa County. If he cannot meet the service demands from Grand Mesa Marine and a few other companies going out of business, with a larger shop, those customers will go to Salt Lake City or Denver to get their boats worked on, or buy them. Mr. McCallum's business contributes a large amount of money to the tax base here.

Mr. McCallum stated that he was faced with some options:

1. Pay \$74,500 for a 50x40 square foot building. If the County Commissioners or the City Council was asked to do that with taxpayers' money, there would be a real problem.
2. Secondly, do not grow. Just stay the way he is currently. Live with the constraints that he has been faced with.

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3. He can pay \$79,500 to move out of the City of Grand Junction. That will buy about two acres.

He is willing to pay his apportioned share of the fire protection and his apportioned share of the sewer in order to get the building permit. He does not feel it is fair that he pay for the entire water line, and then \$12,000 for the sewer just to be able to build a shop to unclutter his store.

President of the Council Theobald explained that the water line is not the City's. The City cannot control Ute Water's policy on how their water lines are paid for.

Mr. McCallum requested that Council allow him to obtain a building permit based upon the Health Department's inspection of his sewer system. He would agree to pay his portion of the sewer even though he will not have any use of it. He would agree to pay his apportioned share of the 8" water line before he obtains the permit.

The way it stands now he will be required to pay all of the cost to bring the water line from All Sports Honda to his business, and he will give a Power of Attorney and pay approximately \$12,000 for a sewer that does not exist yet. He could not see the logic in these requirements.

President Theobald clarified that the City's responsibility is requiring adequate fire protection, and Ute Water has inadequate fire lines in that area. The City is requiring Ute Water to upgrade the lines.

Steve McCallum, 379 South Camp Road, stated that Ute Water's plans are to cross Highway 6 & 50 at 23 Road, and at Brewer Tire. That could be part of the problem. Their plans are now to loop the north side into those two crosses of Highway 6 & 50. He stated

that Mike McCallum has been waiting for a building permit for several months. He has ordered the building and it will arrive on November 4, 1993. He asked if a permit could be issued to allow a concrete foundation now to get it in before winter.

Kathy Portner stated that the Building Department has issued "foundation only" permits in the past. She does not know if the policy has been changed.

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried, the request for variance was approved subject to the following staff recommendations 1-4 with additional recommendations 5 and 6:

1. Approval by the Mesa County Health Department to use the existing septic system;

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2. The property owner will connect to the public sewer system when it becomes available to the property;
3. The petitioner will be required to pay now for a percentage of the cost for future sewer extension to the property, the amount to be determined by the Public Works Director;
4. The property owner will be required to sign a Power of Attorney for future improvement district formation.
5. Issuance of a building permit for a foundation permit only;
6. Authorize the City Manager to pay the City's 1/3 share for north side extension of the Ute fire line;

and clarification that regarding Item 2 of Staff recommendations, the sewer connection would be along Highway 6 & 50.

REQUEST FROM MCEDC TO PARTICIPATE IN WATER LINE CONSTRUCTION FOR REYNOLDS POLYMER AT AN APPROXIMATE COST OF \$14,000 - APPROVED

This is a request to utilize MCEDC funds to upgrade water lines for fire protection purposes in front of the Reynolds plant. Ute Water Conservancy District has agreed to pay 1/3 of the cost.

It was moved by Councilmember Mantlo and seconded by Councilmember Afman that the request to utilize MCEDC funds to upgrade water lines for fire protection purposes in front of the Reynolds plant be approved.

Councilmember Maupin stated that MCEDC has given Reynolds Polymer approximately \$168,000 to date. Other property owners are paying \$6,000 to \$8,000 each for their fire line upgrades. He did not

feel it is the City's responsibility to pay half of the \$14,000 cost. He also pointed out that he sees no hardship in this case. Councilmember Maupin moved that the City pay 1/3, Ute Water pay 1/3, and Reynolds Polymer pay 1/3 of the cost. Motion lost for lack of a second.

Mr. Ron Kraft MCEDC Director, stated that these funds would come out of the City's Contingency Fund for economic development. It is not General Fund monies. The original estimate of what it would cost to do this project came in several hundred thousand dollars higher than expected. Inflation within the past 9-12 months has contributed also. Councilmember Rosenthal felt the City is obligated to help because when Reynolds Polymer was lured to this area it was assured good fire protection, etc.

Councilmember Mantlo amended his motion stating that 1/3 of the cost be paid out of City waterline extension fund, and pay the other 1/3 out of the MCEDC incentive fund, with Ute Water paying 1/3. Councilmember Afman seconded the amendment.

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A vote was taken on the amended motion. The motion carried with Councilmember **MAUPIN** voting **NO**.

RESOLUTION NO. 76-93 REGARDING THE CITY OF GRAND JUNCTION MUSEUM CONTRIBUTION - \$500,000

This Resolution would authorize the purchase of the C.D. Smith Building and contains the associated terms and conditions.

City Finance Director/Administrative Services Director Ron Lappi stated that the annual contribution will be approximately \$170,000 over three years. There are resources available either in the General Fund directly or through the additional resources which could be transferred from the General Fund to the CIP Fund.

Councilmember Bessinger expressed concerns that this purchase would affect projects in the CIP Plan. Mr. Lappi advised that this purchase will not affect those capital projects.

Upon motion by Councilmember Maupin, seconded by Councilmember Rosenthal and carried by roll call vote with Councilmember **BESSINGER** voting **NO**, Resolution No. 76-93 was adopted with the addition of nine free days per year for City residents.

EXECUTIVE SESSION - CANCELED

BOTANICAL GARDEN

Councilmember Rosenthal stated that he feels the Botanical Garden is a viable project, and encouraged Council to consider some sort

of guarantee to the Botanical Society that they will have a place on the riverfront. President Theobald stated that months ago Council gave the Botanical Society assurance by a signed letter that they will have a piece of property in the area. They are now requesting a specific piece of property.

City Attorney Dan Wilson stated that a lease with the Botanical Society for property on the riverfront is currently being considered. Mr. Wilson stated that within a week he could provide a proposed lease agreement identifying terms and conditions to the Botanical Society for its consideration. The legal description identifying the specific location could be attached at a later date. City Council concurred.

ADJOURNMENT

Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried, the meeting was adjourned at 9:25 p.m.

Stephanie Nye, CMC
City Clerk