

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

DECEMBER 15, 1993

The City Council of the City of Grand Junction, Colorado, convened into regular session the 15th day of December, 1993, at 7:36 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, R.T. Mantlo, Ron Maupin, Dan Rosenthal, and President of the Council Reford Theobold. Bill Bessinger was absent. 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 Councilmember Afman led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Eldon Coffey, Columbus Evangelical Free Church.

APPRECIATION CERTIFICATES TO FORMER GRAND JUNCTION HOUSING AUTHORITY MEMBERS DENNIS SIMON AND CINDY ENOS-MARTINEZ

AWARD BY COMMUNITY POLICE PARTNERSHIP TO GRAND JUNCTION POLICE OFFICER GREG ASSENMACHER FOR INITIATION OF THE DARE (DRUG ABUSE RESISTANCE) PROGRAM IN DISTRICT 51 SCHOOLS - PRESENTED BY AL WEINBERG

APPOINTMENTS TO THE FORESTRY BOARD

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried, Ed Jordan was appointed to a one-year term (until November, 1994) and James Manuel was appointed to a two-year term (until November, 1995) on the Forestry Board.

CONSENT ITEMS

Upon motion by Councilmember Mantlo, seconded by Councilmember Baughman and carried by roll call vote, the following Consent Items 1-9 were approved:

1. **Approval** of the minutes of the Regular Meeting December 1, 1993
2. **Approval** of Funding Requests for Two Special Events in 1994 for a Total Amount of \$11,000

Applications for nine events were received by the November 2 deadline. Upon review of the applications, the VCB Board recommends the following funding awards:

Colorado Mountain Winefest	\$10,000
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- 3. *** Resolution No. 92-93** - A Resolution Accepting a Contract with the Colorado Historical Society for a State Historical Fund Grant

Staff is requesting that Council accept a contract with the Colorado Historical Society for a \$10,000 grant through the State Historical Fund. The grant is to be used to fund the first phase of a Historic Resource Survey which will cover the areas of Main Street and Colorado Avenue between 2nd and 8th Streets and residential neighborhoods between 1st and 12th Streets and Belford and Colorado Avenues.

- 4. *** Resolution No. 93-93** - A Resolution Authorizing the City Manager to Sign Documents Associated with Applications for Reimbursement from the Colorado Underground Storage Tanks Program

Underground fuel storage tanks were removed at four Fire Station locations and three of the locations were found to have fuel contaminated soils which required removal and also necessitated additional testing, construction of monitoring wells and corrective action plans. Funds are available through a State Insurance Fund to assist with cleanup costs when those costs exceed \$10,000 at a given location. The City had three locations which met this criteria and are eligible for reimbursement of up to \$45,767.10. A separate application will be required for each site.

To process the reimbursement applications, the State requires a copy of a Council resolution which authorizes the City Manager to bind the City to a contractual relationship with the State.

- 5. **Authorize** the City Manager to Sign Annual Contracts for Custodial Services Performed in Municipal Buildings - D & R Cleaning and Sunshine Cleaning - \$62,364.00

City buildings are cleaned by independent contractors. With the current contracts expiring at the end of the year, specifications were prepared for a one-year janitorial service contract with a two-year renewal option. The following bids were received:

	Location	D & R Cleaning	Sunshine Cleaning	City Cleaning
Area I	City Hall	\$1,125.*	\$1,800.	\$1,575.
Area II	Munic Serv Center City Shops	\$ 752.*	\$1,180.	\$ 810.

Area III Police Department \$2,045.* \$3,400. no bid
Fire Station
ComCenter

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Area IV Older Amer Center \$1,356. \$1,275.* \$1,310.
Parks Admin
Public Restroom

*** recommended award**

6. **Resolution No. 94-93** - Adopting Definitions for Sewer Rules and Regulations Governing the Management and Operation of the Joint City-County Sewer System

Under the Joint City-County Sewerage Service Agreement, dated May 1, 1980 and as amended, the City of Grand Junction, as co-owner and manager of the Joint System, has the authority "...to do whatever is necessary and proper to administer the joint system which constitutes complete authority...". However, the Joint Sewerage Service Agreement does not address many issues concerning the system, its use or operation. The City adopts these rules to guide and make clear the rules concerning the system.

The item before the Council on December 15, 1993 is the "Definitions" section.

7. *** Resolution No. 97-93** - A Resolution Accepting a Contract for Real Estate Purchase for Property Located at 233 S. 5th Street, Consisting of a Building and Land for a Purchase Price of \$500,000, Ratifying the City Manager's Signature Thereon, and Authorizing the City Manager to Execute the Closing Documents

This resolution authorizes the purchase of the C.D. Smith building for use by the Museum of Western Colorado.

8. *** Resolution No. 98-93** - A Resolution Concerning Changes of Water Rights and the Appropriation of Additional Water

This resolution states the intent to change some of the City's water rights by changing the amount of 1993 municipal storage, the 1993 direct diversion, changing some conditional decrees to absolute and transference of 1.37 cfs from Juniata Ditch Enlarged to the Kannah Creek Highline Ditch as an alternate point of diversion.

9. **Approval** of Two Grant Contracts with the State of Colorado for the Blue Heron, Phase II Trail

The City of Grand Junction has been awarded a Land and Water

Conservation Fund grant in the amount of \$30,500 and a State Trails grant in the amount of \$10,000 for the construction of the Blue Heron, Phase II section of the Colorado River Trail. The Council is being asked to approve resolutions authorizing the City to enter into the contracts for the grants.

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- a. **Resolution No. 99-93** - A Resolution Accepting a Contract with the State of Colorado for Land and Water Conservation Fund Grant
- b. **Resolution No. 100-93** - A Resolution Accepting a Contract with the State of Colorado for Colorado Greenways-State Trails Grant

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

VARIANCE REQUEST FROM SECTION 5-4-5.B OF THE ZONING AND DEVELOPMENT CODE REGARDING THE SEWER SYSTEM REQUIREMENTS SUBMITTED BY McDONALD HARLEY-DAVIDSON AT 2571 HIGHWAY 6 & 50

The petitioner is requesting a temporary waiver on sewer hook-up for their proposed addition on the McDonald Harley Davidson Dealership at 2571 Highway 6 & 50 as required by the Zoning and Development Code.

Councilmember Maupin withdrew himself from any consideration of this item or a vote on the matter due to conflict of interest as Mr. McDonald is his cousin.

This item was reviewed by Kathy Portner, Community Development Department. The reason that the petitioner was required to go through the hearing process is for the request for a variance to the Code requirement which states "A public sanitary sewer system and treatment facility shall be required for all development." This particular piece of property is currently serviced by an on-site septic system. The new addition will be used for storage area increasing the size of the facility. Future plans for the addition include a customer waiting area and a diner. The nearest sewer line to this property is in 25-1/2 Road right-of-way, approximately 800 feet to the west. Extending a service line from 25-1/2 Road to McDonald Harley-Davidson will require an easement across private property. The petitioner desires to hook onto sewer eventually when the diner is open for business, but desires a temporary waiver allowing the addition to be constructed now while the petitioner works on securing an easement for the service line. A time table of approximately two years has been discussed.

Based on new information, Staff recommends that McDonald Harley Davidson not be required to hook onto sewer at this time, subject to the following conditions:

1. Approval by the Mesa County Health Department to use the existing septic system. The applicant still needs to get his plans into Mesa County Health before the Health Department can

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make a determination as to whether or not the existing system will be adequate;

2. Any plumbing associated with the addition be roughed in only;
3. The petitioner will be required to pay now for the cost of a future sewer extension to 25-1/2 Road - the amount to be determined by the Public Works Director. The current estimated amount is \$7,000;
4. The property owner will be required to sign a Power of Attorney for the future improvement district formation;
5. At the time the diner is used as a restaurant, the petitioner will be required to hook on to the public sewer system. If the improvement district has not been formed by that time, the petitioner will be responsible for the entire cost of the line extension with provisions for future paybacks to the petitioner as others hook into the line. The money that had already been escrowed by the petitioner, as required by the third condition, will be applied toward the total cost of the extension.

The Planning Commission recommended approval of the sewer variance with a vote of 6-1, but only until the proposed diner is used as a public restaurant. At the time the restaurant is set up for the service, the developer will be required to hook on to sewer. It was also recommended that there be a statement on the Building Permit that would only allow the plumbing to be roughed in, and not allow any final plumbing installation or hook-up of fixtures.

When asked how the sewer extension cost was estimated, Public Works Director Jim Shanks explained that the area to be served was determined, a preliminary plan drafted based on topography, the cost estimated and Mr. McDonald's percentage determined. There has been discussion about other developments in this area. When those areas develop, they will be a part of this sewer line construction.

Mr. Steve McCallum, 379 South Camp Road, spoke representing McDonald's Harley-Davidson. He stated that the petitioner is not opposed to helping create the infrastructure along that portion of the highway, and not opposed to paying his share. He stated that the Public Works Director desires that the petitioner install a system that will obviously serve more than one property. In the event that the petitioner has to utilize a lift station, he will probably install a 2" main as opposed to a 4" main. Mr. Bill Cheney, City Utilities Engineer, has indicated a 4" or 8" main would work in a gravity situation. If the petitioner were to use a 2" pressure main it would service only his property.

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He questioned if, at that point, would the \$7,000 be applicable to that single user facility. Public Works Director Jim Shanks indicated yes. Mr. McCallum estimated that the diner would open in 12-24 months.

Upon motion by Councilmember Baughman, seconded by Councilmember Afman and carried, the variance from Section 5-4-5.B of the Zoning and Development Code was granted, subject to the above staff recommendations.

PUBLIC HEARING - RESOLUTION NO. 95-93 CREATING THE ALLEY IMPROVEMENT DISTRICT ST-94, PHASE B

A hearing was held after proper notice. City Property Agent Tim Woodmansee was present to review this item. Petitions have been submitted requesting an improvement district to construct the following two alleys:

1. 13th St to 14th St between Grand Avenue and White Avenue;
2. 12th St to 13th St between Main St 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 create the 1994, Phase B, improvement district.

There were no other comments. Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote, Resolution No. 95-93 was adopted.

PUBLIC HEARING - ORDINANCE NO. 2722 APPROPRIATING MONEY TO PAY THE EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, THE RIDGES METROPOLITAN DISTRICT AND THE GRAND JUNCTION WEST WATER AND SANITATION DISTRICT FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1994 AND ENDING DECEMBER 31, 1994

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Mantlo, seconded by Councilmember

Baughman and carried by roll call vote, Ordinance No. 2722 was adopted and ordered published.

RESOLUTION NO. 96-93 ADOPTING A BUDGET FOR THE PURPOSE OF DEFRAYING THE EXPENSES AND LIABILITIES FOR THE FISCAL YEARS ENDING DECEMBER 31, 1994 AND 1995

Administrative Services and Finance Director Ron Lappi stated that this Resolution adopts the budget plan that has been worked on for the past six months by staff and City Council. This budget resolution differs from the past in that it adopts a two year plan for 1994 and 1995.

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City Manager Mark Achen stated that many items will come back for Council's consideration and approval, particularly items that are bid and require Council approval, items that have money set aside, yet not specifically agreed upon for Council approval.

There were no other comments. Upon motion by Councilmember Afman, seconded by Councilmember Rosenthal and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO**, Resolution No. 96-93 was adopted.

PUBLIC HEARING - ORDINANCE NO. 2723 DESIGNATING UNSPENT REVENUES AND UNSPENT FUND BALANCES IN THE CITY OF GRAND JUNCTION COLORADO AS RESERVES

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote, Ordinance No. 2723 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2724 MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 1993 BUDGET OF THE CITY OF GRAND JUNCTION

The request includes debt service amounts for Grand Junction West Water and Sanitation District not included in the previous appropriation.

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Rosenthal, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2724 was adopted and ordered published.

ADJOURNMENT

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried, the meeting was adjourned at 8:08 p.m.

Stephanie Nye, CMC
City Clerk