

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

JUNE 15, 1994

The City Council of the City of Grand Junction, Colorado, convened into regular session on the 15th day of June, 1994, at 7:35 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Bill Bessinger, Ron Maupin, Dan Rosenthal, Reford Theobold, and President of the Council R.T. Mantlo. Also present were City Manager Mark Achen, Assistant City Attorney John Shaver, and City Clerk Stephanie Nye.

Council President Mantlo called the meeting to order and Councilmember Rosenthal led in the Pledge of Allegiance. The audience remained standing during the invocation by Councilman Jim Baughman.

PROCLAMATION DECLARING JUNE 20-26, 1994, AS "AMATEUR RADIO WEEK" IN THE CITY OF GRAND JUNCTION

COMMENDATION TO JOSE CANO-HERRERA FOR ASSISTING A POLICE OFFICER IN AN ARREST - PRESENTED BY SERGEANT RICHARD BACHER

APPRECIATION PLAQUE PRESENTED TO JOHN MOSS FOR HIS CONTRIBUTIONS TO THE NEW VISITOR & CONVENTION BUREAU CENTER

APPRECIATION PLAQUE PRESENTED TO DAN ROSENTHAL, PAST COUNCILMAN FOR DISTRICT "D"

APPOINTMENT OF CITY COUNCILMAN FOR DISTRICT "D"

Upon motion by Councilmember Theobold, seconded by Councilmember Bessinger and carried, John Tomlinson was appointed to the Council seat for District D, to fill the unexpired term of Dan Rosenthal, said term to expire in April, 1995. The effective date of the appointment is June 20, 1994.

APPOINTMENT TO FORESTRY BOARD

Upon motion by Councilmember Maupin, seconded by Councilmember Theobold and carried, Donna Haynes was appointed to an unexpired term on the Forestry Board, said term to expire November, 1994.

REAPPOINTMENT OF PARKS AND RECREATION ADVISORY BOARD MEMBERS

Upon motion by Councilmember Theobold, seconded by Councilmember Bessinger and carried, Keith Mumby, Frank Dunn and Karen Madsen were reappointed to three-year terms on the Parks and Recreation Advisory Board.

CONSENT ITEMS

Upon motion by Councilmember Afman, seconded by Councilmember Bessinger and carried by roll call vote with Councilmember **AFMAN** voting **NO** on Item 17 and Councilmember **BAUGHMAN** voting **NO** on Items 5 and 17, the following Consent Items 1-17 were approved:

1. **Approval** of the minutes of the Regular Meeting June 1, 1994.
2. *** Resolution No. 46-94** - A Resolution Authorizing the Lease of 3,000 Acre Feet of Irrigation Water to Kannah Creek-Area Ranchers for 1994 Irrigation Season at a Rate of \$6.25 per Acre Foot.

The City of Grand Junction has excess irrigation water available for lease to area ranchers and farmers in the Kannah Creek area. In the past, the City has offered this water on an annual "as available" basis. The proposed rate for 1994 is \$6.25 per acre foot.

3. **Award of Contract** - Grand Avenue Reconstruction, 1st Street to 7th Street, 1994 - M.A. Concrete - \$1,183,436.40

Bids were opened for this project on Tuesday, June 14, 1994.
Bids were as follows:

United Companies	\$1,447,900.00
M.A. Concrete	\$1,183,436.40*
Parkerson Construction	\$1,295,846.25
Elam Construction	\$1,332,360.25
Engineer's Estimate	\$1,372,815.00
* recommended award	

4. *** Resolution No. 47-94** - A Resolution Authorizing Amendment of the Grand Junction Street and Utility Development Standards

New Standard Drawings and Details for street and utilities construction were adopted on July 1, 1992. The proposed revisions will update Exhibits "C" through "I" of the Standard Drawings to reflect minor changes and improvement to construction details that have been made during the past two years.

5. *** Resolution No. 48-94** - A Resolution Creating the Grand Junction Trails Board

This resolution authorizes the creation of the Trails Board and defines the purpose.

6. **Authorization** to Co-Sponsor a Grant from the FAA to Walker Field Airport Authority for Design and Construction of Freight Access Road and Freight Area, Rehabilitation of Runway 11/29 and Grading of Runway 11 Safety Area
7. *** Resolution No. 49-94** - A Resolution Authorizing the City Manager to Execute An Agreement with Mesa County and Fruitvale Sanitation District Concerning Certain Arrearages

In 1980 a new sewer billing system was adopted by the City and County. This billing system established a table of Equivalent Residential Units to be applied to other than single family residences. Fruitvale Sanitation District bills those customers in Fruitvale who are not in the City of Grand Junction (approximately 1800 customers). Fruitvale passed a resolution adopting the new rate structure in 1980.

During our flow monitoring program in 1993 it was discovered that Fruitvale had been incorrectly billing 55 of their customers. These customers were primarily multi-family residential units. This incorrect billing has occurred since 1980. The City, Mesa County and Fruitvale have met on several occasions to discuss the billing error. It is apparent that the error was simply a mistake on Fruitvale's part. The City and Mesa County have agreed not to try to collect for the billing error. Fruitvale has corrected the error and began the correct billing amount on January 1, 1994.

8. *** Resolution No. 50-94** - A Resolution Authorizing the City Manager to Execute an Agreement with Mesa County Regarding the Climax Mill Site
9. **Proposed Ordinance** - An Ordinance Rezoning Property on the North Side of Hill Avenue and East of First Street from RMF-32 to C-1 [File #82-94]

A request from James and Earl Fuoco to rezone four lots from RMF-32 to C-1.

a. First reading of proposed ordinance

10. **Proposed Ordinance** - An Ordinance Rezoning Land Located at 359 Colorado Avenue from C-2 to B-3 [File #84-94]

The owner of the St. Regis Hotel is requesting a rezone from C-2 to B-3 to allow for the option of residential uses in this historic structure.

a. First reading of proposed ordinance

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11. *** Resolution No. 51-94** - A Resolution Issuing a Revocable Permit to C & F Food Store [File #51-94]

This resolution will authorize the issuance of a Revocable Permit to allow landscaping in the Patterson Road right-of-way adjacent to the C & F Food Store located at 596 25 Road.

12. **Proposed Ordinance** - An Ordinance Rezoning Land Located at 2845 Texas from RSF-8 to PR-11 [File #65-94]

A rezone from RSF-8 to PR-11 has been requested for the property at 2845 Texas Avenue to allow the construction of a duplex in addition to an existing tri-plex.

a. First reading of proposed ordinance

13. *** Resolution No. 52-94** - A Resolution Issuing a Revocable Permit to Lowe Development Corporation [File #91-94]

This resolution will authorize the issuance of a Revocable Permit to allow construction of a landscaped entrance feature in the right-of-way of South Rim Drive approximately 1200 feet east of 23 Road.

14. **Approval** of transfer of \$11,958 from the contingency fund to the Community Development budget to enable the City to acquire a 16 concurrent user package of the Oracle database system.

The City's Oracle data base system only allows up to 8 users at a time. In order to allow the City's GIS, CIP and Impact AP software systems to be fully utilized, the City must purchase a 16 user Oracle software package.

15. *** Resolution No. 53-94** - A Resolution Authorizing a Lease to the Botanical Society

Councilmember Theobold announced that there will be a formal signing of the lease ceremony with the Botanical Society in the near future.

16. *** Resolution No. 54-94** - A Resolution Referring a Petition for Annexation of Lands to the City of Grand Junction, Colorado, and Setting a Hearing on Such Annexation - North Valley Annexation Located at 24 3/4 Road, North of G Road
17. **Authorization** of \$2,000 contribution to the W.R.A.P. program

* * * END OF CONSENT CALENDAR * * *

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* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PUBLIC HEARING - DISCOVERY 76 ANNEXATION - RESOLUTION NO. 55-94 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS AND DETERMINING THAT PROPERTY KNOWN AS DISCOVERY 76 ANNEXATION IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - DISCOVERY 76 ANNEXATION, APPROXIMATELY 60 ACRES LOCATED EAST OF 28 ROAD AT HAWTHORNE AVENUE

The Mayor read the following statement amending Resolution No. 55-94:

"Resolution No. 55-94 and the proposed ordinance concerning annexation of land to the City of Grand Junction located generally east of 28 Road at Hawthorne Avenue have been amended. As amended that portion of the proposed annexation lying east and south of the property known as Discovery 76 is excluded from this annexation.

The owners of the Discovery 76 property, which is also now known as Grand View Subdivision, have petitioned for annexation and are proceeding to develop the property in accordance with City processes and standards. By amendment of the annexation area and proceeding with annexation, Grand View will not be subjected to delays that may be occasioned if a legal challenge to the annexation were to be sustained or if other delays to annexation were to occur.

It is the City's expectation that urban or urbanizing areas with urban density development, will be developed in accordance with City processes and to City standards. The City is not and will not abdicate its role of ensuring that development is of consistent quality and is conscientiously planned, including those areas not in the City but soon to be. The continuation and proliferation of both residential and commercial sprawl has an adverse impact on quality, quantity and cost of services and the overall quality of life of the residents in this valley.

The City is committed to utilizing annexation to further enhance

realization of these expectations and to assure proper land development."

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. He stated that the Discovery 76 Annexation, as amended, is eligible to be annexed. It complies with the following:

1. A proper petition has been signed by 100% of the owners and 100% of the property described.
2. Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing city limits.

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3. A community of interest exists between the area to be annexed and the city.
4. The area will be urbanized in the near future.
5. The area is capable of being integrated with the city.
6. No land held in identical ownership is being divided by the proposed annexation.
7. No land held in identical ownership comprising 20 acres or more with a valuation of \$200,000, or more, for tax purposes is included without the owners' consent.

There were no opponents, letters or counterpetitions. Upon motion by Councilmember Theobold, seconded by Councilmember Rosenthal and carried by roll call vote, Resolution No. 55-94 was adopted.

Upon motion by Councilmember Theobold, seconded by Councilmember Afman and carried, the proposed ordinance was approved on first reading, and ordered published.

CONTINUATION OF PUBIC HEARING ON AN APPEAL OF A PLANNING COMMISSION RECOMMENDATION FOR DENIAL OF A REQUEST TO VACATE SAGE COURT RIGHT-OF-WAY, SOUTH OF NORTHACRES ROAD - CONTINUED TO JULY 6, 1994

The hearing was opened. Upon motion by Councilmember Maupin, seconded by Councilmember Bessinger and carried, the hearing was continued to the July 6, 1994, City Council Meeting.

TOURIST LOCATION STREET SIGNS

Councilmember Afman expressed her thanks to Mark Relph, Public Works Manager, the VCB, and City staff for the placement of the new tourist location signs. They look great. Councilmember

Maupin noted that tourists have stated that they are a big help.

COLORADO WATER CONGRESS MEETING

Councilmember Theobald stated that he attended today's Colorado Water Congress Meeting in Denver. He reported that one of the issues facing Grand Junction are hearings by Senator Bill Bradley of New Jersey, to examine how the Colorado River is apportioned to lower basin states. He held hearings last week, by invitation only. The only invitee from the upper basin states was a professor at Colorado University. It was disappointing. There is real concern that with the voting blocks in Congress and Senate, in California and Arizona, in general, that there may be an attempt to upend Colorado Water Law and the Colorado River Compact and other things that would have a devastating impact to Colorado municipalities, water providers, water districts, irrigation

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districts, etc. It is a big issue, and one that the City needs to be very concerned about.

ADJOURNMENT

The President of the Council adjourned the meeting at 8:10 p.m.

Stephanie Nye, CMC
City Clerk