

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

**August 3, 1994**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 3rd day of August, 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, Reford Theobold, John Tomlinson and President of the Council R.T. Mantlo. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Mantlo called the meeting to order and Councilmember Theobold led in the Pledge of Allegiance. The audience remained standing during the invocation by Ed Jones, First Christian Church.

**CERTIFICATE OF APPRECIATION FOR WAYNE PACE FOR VOLUNTEER WORK WITH MUNICIPAL COURT PRESENTED BY MUNICIPAL COURT JUDGE DAVID PALMER**

**PRESENTATION OF LIFE SAVING AWARD TO OFFICER RON STILES BY POLICE CHIEF DAROLD SLOAN**

**APPOINTMENTS AND RATIFICATION OF CURRENT BOARD MEMBER TERMS FOR THE DOWNTOWN DEVELOPMENT AUTHORITY**

Upon motion by Councilmember Afman, seconded by Councilmember Baughman and carried, Karen Hayashi and Chris Launer were appointed to the Downtown Development Authority to four-year terms expiring in June 30, 1998, and Pat Gormley was appointed to an unexpired term on the Authority; said term to expire June 30, 1996, along with the ratification of the current board member terms. The current members are Mark Hermunstad, expires June 30, 1996, Jean Sewell, expires June 30, 1997, Bruce Hill, June 30, 1995, Glen Dennis, June 30, 1997, William Petty, June 30, 1995.

**CONSENT ITEMS**

Item 8 was removed from the consent calendar for full discussion.

Councilmember Baughman requested that Items 5 and 6 be removed from the consent calendar for full discussion.

Upon motion by Councilmember Maupin, seconded by Councilmember Theobold and carried with Councilmember **BAUGHMAN** voting **NO** on Items 7 and 9, and Councilmember **BESSINGER** voting **NO** on Item 3, Items 5, 6 and 8 were removed from the consent agenda for full discussion, Item 2 was amended to change the total contract amount to \$191,075.00; Item 10 was amended to change the contract cost to \$76,700.00; and the following Consent Items 1 through 4, 7, 9 and 10 were approved:

1. **Approval** of the minutes of the Regular Meeting July 20, 1994
2. **Authorization** for the City Manager to Sign the Contract for Professional Planning Services with Freilich, Leitner & Carlisle for the City of Grand Junction Growth Plan Project and Authorize the Transfer of \$134,895 from General Fund Contingency to the Community Development Special Project Account.

The Grand Junction Growth Plan Project will consist of a land use and growth management plan for the City and areas anticipated to be annexed within the near future. Following a rigorous consultant selection process, the Consultant Selection Committee recommended the firm of Freilich, Leitner & Carlisle, of Kansas City, Missouri, as the most qualified consultant for this project. The planning project is expected to take 18 months.

3. **Approval** of Change Order No. 3 to Blue Heron Trail Phase II Project - \$39,950.66

On June 1, 1994, Council was advised of the preparation of change order no. 3 - Blue Heron Trail Phase II. At this time the change order was estimated to be \$36,815.00. On July 17th the project architect (Ciavonne) and the contractor (M.A. Concrete) completed the change order. The 18 changes result in a contract increase of \$39,950.66. The new contract sum will be \$293,530.66.

4. **Award of Contract** for 1994 Fire Protection Upgrades - Recommended Award: Parkerson Construction - \$133,445.00

The following bids were received on July 28, 1994:

Parkerson Construction	\$133,445.00
Lyle States Construction	\$155,203.20
Palisade Constructors	\$169,999.00
United Companies	\$193,537.00
M.A. Concrete	\$209,844.00
Atkins & Associates	\$229,097.50
Engineer's Estimate	\$164,150.00

5. **\* Resolution No. 63-94** - A Resolution Referring a Petition to the City Council for the Annexation of Lands in a Series to the City of Grand Junction, Colorado, and Setting a Hearing on Such Annexation, Darla Jean No. 1 Annexation and Darla Jean No. 2 Annexation, Approximately 495 Acres Including the

Darla Jean Subdivision, Lands to the Northeast Including Airport Lands, and Lands to the Southeast on Both Sides of F Road [File #13-94] - **REMOVED FOR FULL DISCUSSION**

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6. **\* Resolution No. 64-94** - A Resolution of the City Council of the City of Grand Junction Giving Notice That a Tract of Land Known as the Climax Mill Enclave No. 2 Located South of Kimball Avenue between 9th and 15th Streets, East of South 9th Street, Will Be Considered for Annexation to the City - **REMOVED FOR FULL DISCUSSION**
7. **\* Resolution No. 65-94** - A Resolution Authorizing the Conveyance of Rights-of-Ways and Easements across City Lands for the Colorado River Flood Control Levee Project

The City has entered into a Project Cooperation Agreement with the Army Corps of Engineers to construct a flood control levee between the D&RGW Railroad bridge and the old Climax Uranium Mill Site at South 9th Street. The agreement requires the City to furnish all lands, rights-of-way and easements necessary for the installation, operation and maintenance of the levee. The proposed resolution will authorize the conveyance of rights-of-ways and easements for the portion of the project that crosses City lands.

8. **Proposed Ordinance** - An Ordinance Creating Section 5-14, "Historic Preservation," in the City of Grand Junction Zoning and Development Code [File #1-94 J.] - **REMOVED FOR FULL DISCUSSION**
9. **Resolutions** regarding Community Development Block Grant
  - a. **\* Resolution No. 66-94** - A Resolution Accepting Community Development Block Grant Funds from the State of Colorado, Department of Local Affairs

The Energy Office is requesting that the Council adopt the resolution accepting a \$225,000 low and moderate income housing rehabilitation grant from the State of Colorado, Department of Local Affairs.

- b. **\* Resolution No. 67-94** - A Resolution Authorizing a Contract with the Energy Office for the Administration of Certain Community Development Block Grant (CDBG) Funds

Staff is requesting that the Council adopt the resolution authorizing a contract with the Energy Office for the administration of the above referenced grant.

10. **Authorization** for the City Manager to Sign the Contract for Professional Services with Freilich, Leitner & Carlisle for the City Zoning and Development Code Revision Project and Authorize the Transfer of \$76,980 from General Fund Contingency to the Community Development Special Project Fund.

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The City's Zoning and Development Code is in need of revisions, both in the short term to address immediate concerns, and following completion of the Growth Plan Project so that the Code actually works to implement the Plan. Following a rigorous consultant selection process, the Consultant Selection Committee recommended the firm of Freilich, Leitner & Carlisle, of Kansas City, Missouri, as the most qualified consultant for this project. The Code revisions which are needed in the near term will be made in approximately 6 months from now, the remainder of the project will be carried out in approximately six months following completion for the Growth Plan Project.

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

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

**RESOLUTION NO. 63-94 REFERRING A PETITION TO THE CITY COUNCIL FOR THE ANNEXATION OF LANDS IN A SERIES TO THE CITY OF GRAND JUNCTION, COLORADO, AND SETTING A HEARING ON SUCH ANNEXATION, DARLA JEAN NO. 1 ANNEXATION AND DARLA JEAN NO. 2 ANNEXATION, APPROXIMATELY 495 ACRES INCLUDING THE DARLA JEAN SUBDIVISION, LANDS TO THE NORTHEAST INCLUDING AIRPORT LANDS, AND LANDS TO THE SOUTHEAST ON BOTH SIDES OF F ROAD**

The City desires to annex lands east of the present City limits. Powers of Attorney (POA's) have been obtained for several hundred acres of airport lands to the east of the current City limits; the one hundred and two (102) lot Darla Jean Subdivision; and the recently County approved Scott's Run Subdivision currently under construction. These POA's along with adjoining lands, are being considered as part of the Darla Jean Annexation. Staff requests that City Council approve the resolution accepting the submittal of annexation petitions and schedule a public hearing on the sufficiency of the petitions.

Councilmember Baughman questioned why the majority annexation was used in this particular annexation procedure.

Dave Thornton, Community Development Department, explained that South Camp #1, #2 and #3 Annexations were handled similarly with this annexation. Councilmember Theobald stated that few annexations receive 100% signed petitions. Majority annexation is used on a regular basis.

Upon motion by Councilmember Maupin, seconded by Councilmember Afman and carried with Councilmember **BAUGHMAN** voting **NO**, Resolution No. 63-94 was adopted.

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**RESOLUTION NO. 64-94 OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION GIVING NOTICE THAT A TRACT OF LAND KNOWN AS THE CLIMAX MILL ENCLAVE NO.2 LOCATED SOUTH OF KIMBALL AVENUE BETWEEN 9TH AND 15TH STREETS, EAST OF SOUTH 9TH STREET, WILL BE CONSIDERED FOR ANNEXATION TO THE CITY**

The subject area has been enclaved by the City of Grand Junction in excess of three years. It is the City's desire to exercise land use jurisdiction over the area. An agreement has been prepared between the City and Mesa County which would provide the City with land use jurisdiction over this area without annexation at this time, and leaving the administration of the conditional use permit that pertains to the mill tailings removal project with Mesa County. However, as of this date, the County has not signed the agreement. Therefore, the City is proceeding with annexation on the presumption that the County will not sign the proposed agreement.

Councilmember Baughman stated that Council needs to make sure to inform Mesa County that this annexation does not include land use planning at the present time. It was determined that at some point down the line, the County will be notified of such.

Upon motion by Councilmember Afman, seconded by Councilmember Bessinger and carried by roll call vote, Resolution No. 64-94 was adopted.

**PROPOSED ORDINANCE CREATING SECTION 5-14, "HISTORIC PRESERVATION," IN THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE**

The Downtown Development Authority is proposing a text amendment to add Section 5-14, Historic Preservation, in order to enhance the community's local historic resources by providing some protection and preservation of the City's architectural, historic and cultural heritage, establishing a City Register listing designated sites, structures and district, and providing educational opportunities to increase public appreciation of Grand Junction's unique heritage.

City Attorney Dan Wilson reviewed this item. This ordinance only

provides for a City register. It does not have enforcement authority. Other historic preservation ordinances around the country and the state could go so far as not allowing, within a defined district or certain buildings within a district, any alterations to the exterior without a formal approval process, including paints and windows, to make sure that the style is consistent. The recommendation from the DDA is not to do that at this time, but to simply provide for economic benefits if grants are available. That is the policy of this ordinance at this point.

Mr. Wilson continued by discussing Section 5-14.2., subparagraph A. As is proposed currently, the board consists of five members.

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Three of the members are professionals or people with expertise in the area of historic preservation, one is a representative from the Downtown Development Authority. He asked if Council's intent is that the fifth member be a board member from the DDA or simply that the DDA board be able to appoint someone who would serve on the board. There are no qualifications described for the fifth member of the board and he suggested that Council deliberately leave that open.

Councilmember Theobald assumed that if the fifth member is undescribed, it could be anyone, including a Council member or anyone else. If there is a member to represent the DDA who also qualifies, for example, as one who has a background in architecture, that then frees up two to be without restriction.

Councilmember Theobald assumes that the reason they want a DDA representative on this board is because of the close relationship that is anticipated between the two organizations. He thought that it would not be someone appointed by the DDA, but someone who is a part of the DDA board. A DDA person may also fulfill the qualifications of the other category, which means there are two slots that can be open to anyone anywhere. That also means that if Council, or whoever appoints this board, chooses, there could be more than one member from the DDA board just because they represent the best choices available. He saw no reason to restrict it to only three people from history, architecture, and planned archeology backgrounds, but it must be at least three. He did not feel it needs to be restricted to only one person from the DDA board.

Barbara Creasman, DDA Director, stated that the idea of having one person representing the DDA is to insure that downtown would always have a representative regardless of the other individuals in the other positions. She did think it would be one of the board members or herself, as a staff person, that would be appointed representing the DDA. Downtown has the majority of historical buildings and sites.

City Attorney Wilson continued by noting Section 5-14.2, subparagraph B, No Term Limitation. The second sentence talks about a limit of two terms. The last sentence talks about no limit. This is a contradiction. There had been some discussion in the past about wanting some turnover. Barbara Creasman stated that the committee discussed that and decided again it should be a decision of the Council. There was a majority of people that recommended there be a term limit. On the other hand, it is important to have good members on volunteer boards. That should be the decision of Council.

It was determined that the words "after date of appointment" would be stricken from the ordinance, which leaves it open to discretion.

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Mr. Wilson also discussed the second paragraph of subparagraph B. He gave Council another option which states that removal of a board member "without cause being stated", so that Council has total discretion if it does not like the direction of the board. He recommended that Council not limit itself, but retain the right to change its mind.

Mr. Wilson also discussed questions such as special meetings, and how they are called, how quickly can they be called, etc. He suggested that the ordinance read "subject to the open meetings laws, subject to the open records laws, subject to the conflict laws that apply to all the governments." It is probably implied, but he suggested, for Board members in the future, that it be made implicit. These amendments could be incorporated by second reading of the ordinance.

Mr. Wilson discussed Section 5-14.7. The original draft had a process whereby if an alteration were made to a building that was designated, the individual was supposed to get a planning clearance, then the Board would have a hearing, and Council would make a decision on whether or not to grant the alteration. Mr. Wilson viewed that as generating paper, work, and hearings for no real purpose because this is intended specifically not to have any real authority. It is intended to say "It is advisory. Please, owners, do that to help us maintain the downtown." But it is not a criminal penalty, and there is no civil penalty. He recommended language that says "We request the owner to consult with the Board." He also proposed for the next couple of years instead of a hearing process, language such as "Any alteration which is not approved in advance by the Board shall cause a designation to terminate." If a person has obtained the economic benefit, then alters, they should lose a designation, and should not be entitled to getting another benefit. Without a State agency or the DDA knowing, in theory, the designation is still in place. It seems

inconsistent if they've altered the building contrary to the historic purposes, and have not provided for a public hearing process to alter it, revoke it, or terminate it. That would eliminate the question of vested property rights. This change will be incorporated before the final reading of this ordinance.

Upon motion by Councilmember Maupin, seconded by Councilmember Theobold and carried with Councilmember **BESSINGER** voting **NO**, the proposed ordinance was passed for publication on first reading.

**PUBLIC HEARING - ORDINANCE NO. 2761 AMENDING SECTIONS 5-4, 5-5 AND CHAPTER 12 OF THE ZONING AND DEVELOPMENT CODE, PARKING LOT LANDSCAPING AND LIGHTING**

A hearing was held after proper notice. This item was reviewed by Michael Drollinger, Community Development Department. This Ordinance will amend the Zoning and Development Code to add standards for lighting and landscaping for surface parking lots of  
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50 spaces, or greater. It also includes other amendments to the general landscaping requirements regarding landscaping in the right-of-way and the provision of street trees. It also amends Chapter 12 which is the definitions section which provides the definition of the word "landscape" and adds the definition of the word "xeriscape."

This ordinance will impact many of the larger developments with larger parking lots. Larger developments such as Wal-Mart, Sam's Club, K-Mart, Red Lobster, generally are required to provide parking area landscaping. This proposed ordinance, in comparison to other cities, is less restrictive. It is a substantial improvement over the current code.

Landscaping of public right-of-way was discussed at length. It was recommended by City Attorney Wilson that Section 5-4-15.G be continued to September 7, 1994, and that the balance of the ordinance be adopted.

Parking requirements were also discussed. City Attorney Wilson read paragraph 8 and recommended adding the underscored words, "In instances where the strict interpretation of this section will seriously limit the function of the parking lot, or the use, the Administrator may permit a portion of the required landscaping to be located near the perimeter of the lot, or may allow such other variation as he deems reasonable". He felt this would build in some flexibility for the Administrator.

Community Development Director Larry Timm stated that the City does have the capability to vary the parking requirement in the Code. If the City finds that the needs of the use are met with a certain number of parking spaces, it can be varied from the Code.



Councilmember Baughman did not see a need for adding so many new restrictions on parking lot lighting and landscaping. The cost to the business owners to meet these requirements and maintain them is excessive.

There were no other comments. Upon motion by Councilmember Theobald, seconded by Councilmember Afman and carried by roll call vote with Councilmembers **BAUGHMAN** and **BESSINGER** voting **NO**, Ordinance No. 2761 was adopted and ordered published with the item listed below being sent back to the Community Development Department for revision and presented to Council on September 7, 1994:

1. Section 5-4-15.G. to reflect cost compensation, curb differences in right-of-way (curb versus non-curb) and the revocable permit process but leaving the first sentence "Landscaping in the right-of-way does not count toward the required landscaping." as is.

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and amending Section 5-5-1F.2.c.(8) as recommended by the City Attorney to broaden the Administrator's ability to allow variations as deemed reasonable.

**PUBLIC HEARING - ORDINANCE NO. 2762 REZONING LANDS AT 1002, 1010, 1014, 1020 AND 1024 UTE AVENUE FROM C-2 TO B-1**

A hearing was held after proper notice. Michael Drollinger, Community Development Department, reviewed this item. He stated that the owners of these properties have requested this rezone since presently their single-family homes are not permitted uses in a C-2 zone, whereas a rezone to B-1 would permit the homes to be conforming uses. Staff and the Planning Commission recommend approval of this rezone.

There were no other comments. Upon motion by Councilmember Baughman, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2762 was adopted and ordered published.

**PUBLIC HEARING - ORDINANCE NO. 2763 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - NORTH VALLEY ANNEXATION, APPROXIMATELY 9.31 ACRES, LOCATED AT 24-3/4 ROAD, NORTH OF G ROAD**

A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department, stating that this 9.6 acre tract received a 100% petition for annexation.

There were no other comments. Upon motion by Councilmember Maupin, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2763 was adopted and ordered published.

**PUBLIC HEARING - ORDINANCE NO. 2764 ZONING THE NORTH VALLEY  
ANNEXATION TO PR-4.1**

A hearing was held after proper notice. There were no comments.

Upon motion by Councilmember Maupin, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2764 was adopted and ordered published.

**WEEDS ON CITY PROPERTY**

Councilmember Baughman stated that the City is enforcing the weed ordinance, and needs to be sure that all City property is kept weed free first before it tries to enforce the ordinance on the rest of the City. He presented a list of City owned properties that are in violation of the weed ordinance. He stated that the highest weeds he has found are over six feet high and on City property located at 557 Noland, the property that was purchased for the Riverfront project. Superior Saddle Tree is now located at that address.

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Community Development Director Larry Timm said that the City currently has five part-time people that enforce the weed ordinance on private properties, and one weed contractor to take care of cutting the weeds on City property.

Councilmember Theobold felt that City properties that are not in compliance with the weed ordinance should be called to the attention of the Code Enforcement Division, and taken care of. He agreed with Councilmember Baughman that the City needs to set a good example.

**ADJOURN TO EXECUTIVE SESSION**

Upon motion by Councilmember Theobold, seconded by Councilmember Bessinger and carried, the meeting was adjourned into executive session at 9:20 p.m. to discuss pending litigation.

Stephanie Nye, CMC  
City Clerk