

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

November 2, 1994

The City Council of the City of Grand Junction, Colorado, convened into regular session the 2nd day of November, 1994, at 7:32 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Bill Bessinger, Ron Maupin, Reford Theobald, 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 Baughman led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Keith Bradley, Rescue Mission.

APPRECIATION PLAQUE PRESENTED TO SANDRA BROWN FOR SERVICE ON THE COMMISSION ON ARTS & CULTURE

PROCLAMATION DECLARING NOVEMBER 6-12, 1994, AS "NATIONAL EMPLOYER SUPPORT OF THE GUARD AND RESERVE WEEK" IN THE CITY OF GRAND JUNCTION

CONSENT ITEMS

Upon motion by Councilmember Maupin, seconded by Councilmember Bessinger and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item 4, the following Consent Items 1-10 were approved:

1. **Approving** the minutes of the Regular Meeting October 19, 1994
2. **Award of Contract** for 1994 Street Patching Project
Recommended award: United Companies - \$34,855.15

The following bids were received on October 31, 1994:

United Companies	\$34,855.15
Armendariz Construction	\$37,642.47
Morgan Asphalt	\$38,947.00
G & G Paving	\$42,004.80
Engineer's Estimate	\$36,879.50

3. *** Resolution No. 95-94** - A Resolution Authorizing a One-Year Lease Extension to JESST, Inc., dba Wrigley Field Restaurant, for City Property Located at 1132 North 18th Street

Wrigley Field currently leases this property to comply with off-street parking requirements prescribed by liquor licensing laws. The existing lease expires November 30, 1994. The proposed lease extension would begin December 1, 1994 and expire December 31, 1995. The proposed rent of \$231.50 per month is a 5% increase over the current rental fee.

4. **Proposed Ordinance** - An Ordinance Adopting and Enacting a New Code of Ordinances for the City of Grand Junction, Colorado; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code of Ordinances and Providing When Such Code and This Ordinance Shall Become Effective

The City Clerk, the City Attorney and the Assistant City Attorney have worked in conjunction with other City staff for the last two years to recodify the City's Code of Ordinances.

Staff feels that the document being presented to you is a concise, organized volume that is readable and useable. The public policy goals and enforcement philosophy expressed in the previous Code have not been altered in this revision, rather the goal has been to reduce, organize and clarify the regulations of the City of Grand Junction.

- a. First Reading of Proposed Ordinance

5. **Proposed Ordinance** - An Ordinance Amending the Water Rates in the City of Grand Junction

In late 1991, the decision was reached that rates should be reviewed annually and amended, if necessary, to recover annual cost-of-living expense increase. Rates increased 4.8% in January, 1994. The proposed rate structure for 1995 is estimated to increase revenue by 3.28%.

- a. First Reading of Proposed Ordinance

6. **Proposed Ordinance** - An Ordinance Amending the Sewer Rates of the Joint Sewer System

Rates are examined each year. It is proposed that rates be increased by 3.8%. The total rate per E.Q.U. will increase from \$11.00/month to \$11.42/month.

a. First Reading of Proposed Ordinance

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

The last rate adjustment for solid waste fees was in January, 1994. Rates are examined each year and established based on our ten year financial plan. It is proposed that the rates be increased by 4%. This will bring our residential rate from \$8.75 to \$9.10 per month.

a. First Reading of Proposed Ordinance

8. **Proposed Ordinance** - An Ordinance Making Supplemental Appropriations to the 1994 Budget of the City of Grand Junction

In the revised budget process, adjustments are made to the numerous line items, both increases and decreases. The major adjustments are described in the staff report and include some amounts previously approved by City Council but not yet appropriated. They also include various contingency amounts.

a. First Reading of Proposed Ordinance

9. **Certification of Mill Levies**

The resolutions set the mill levies of the City of Grand Junction, the Ridges Metropolitan Districts #1 and #2, the Grand Junction West Water and Sanitation District and the Downtown Development Authority. The City and the DDA mill levies are for operations. The others are for debt service only.

A. *** Resolution No. 96-94** - A Resolution Levying Taxes for the Year 1994 in the City of Grand Junction, Colorado - 8.071 mills

B. *** Resolution No. 97-94** - A Resolution Levying Taxes for the Year 1994 in the City of Grand Junction, Colorado, Downtown Development Authority - 5 mills

C. *** Resolution No. 98-94** - A Resolution Levying Taxes for the Year 1994 in the Ridges Metropolitan District, a Part of the City of Grand Junction, Colorado - District No. 1 - 17.3

mills, District No. 2 - 271.760

D. *** Resolution No. 99-94** - A Resolution Levying Taxes for the Year 1994 in the Grand Junction West Water and Sanitation District, A Part of the City of Grand Junction, Colorado - 23.749 mills

10. **Proposed Ordinance** - The Annual Appropriation Ordinance Appropriating Certain Sums of Money to Defray the Necessary 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 Year Beginning January 1, 1995 and Ending December 31, 1995
The appropriations requests are the result of the budget preparation and reviews over the last two months as presented and reviewed by city management and the City Council.

a. First Reading of Proposed Ordinance

* * * END OF CONSENT CALENDAR * * *

Due to the public response to the following item, it was moved from Item #13 on the agenda to the first item after approval of the consent calendar. Mayor, R.T. Mantlo stated this was not a Public Hearing.

*** RESOLUTION NO. 109-94 - A RESOLUTION REFERRING A PETITION TO THE CITY COUNCIL FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO, AND SETTING A HEARING ON SUCH ANNEXATION - EASTERN COMMERCIAL/FRUITWOOD SUBDIVISION ANNEXATION [FILE #196-94]**

The City desires to annex lands east of the present City limits. Powers of Attorney (POA's) have been obtained for a couple hundred acres of airport lands to the east of the current City limits and the two hundred and four (204) lot Fruitwood Subdivision Filings 1-7. These POA's, along with adjoining lands, are being considered as part of the Eastern Commercial/Fruitwood Annexation.

Dave Thornton, Community Development Department presented the Council with a proper petition which is in compliance with the rules of annexation according to the State of Colorado.

PUBLIC HEARING - ORDINANCE NO. 2779 AMENDING CHAPTER 25, ARTICLE 9, SECTION 25-44 OF THE CODE OF ORDINANCES REGARDING RESTAURANT GREASE TRAPS AND ASSESSMENT OF FEES FOR NON-COMPLIANCE

This action shall increase the monthly sewer rate for restaurants that are unable to install adequately sized grease traps due to the lack of available space needed for tank placement. It will also offset the additional expense incurred by the City in dealing with grease associated problems in the sewer system, i.e., emergency callouts, additional preventative maintenance, and private citizen damage claims.

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Bessinger, seconded by Councilmember Theobald and carried by roll call vote, Ordinance No. 2779 was adopted, and ordered published.

RESOLUTION NO. 100-94 ESTABLISHING THE FEE IN LIEU OF GREASE INTERCEPTOR INSTALLATION

This action shall establish the monthly fee for those restaurants that are unable to install adequately sized grease traps due to the lack of available space needed for tank placement as authorized by the previous ordinance.

Upon motion by Councilmember Bessinger, seconded by Councilmember Maupin and carried by roll call vote, Resolution No. 100-94 was adopted.

PUBLIC HEARING - ORDINANCE NO. 2780 REZONING LAND LOCATED AT THE NORTH END OF PINE STREET ADJACENT TO THE WEST BOUNDARY OF ORCHARD MESA MIDDLE SCHOOL, FROM RSF-8 TO PZ

Request for a rezone of property located at the north end of Pine Street, west of Orchard Mesa Middle School, from RSF-8 (Residential Single Family, not to exceed 8 units per acre) to PZ (Public Zone). Tom Dixon, Community Development Department, reviewed this item.

A hearing was held after proper notice. There were no other comments. Upon motion by Councilmember Afman, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2780 was adopted, and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2781 ZONING THE WINGATE SCHOOL PROPERTY TO PZ

The South Camp Annexation included the Wingate Elementary School located at 334 South Camp Road adjacent to the Canyon View Subdivision. Since the school is owned by School District 51, a

public entity, and the Public Zone (PZ) provides for uses and facilities in the ownership or control of federal, state, and local governments or political subdivisions, the Public Zone is the most appropriate zoning designation. The City is required to establish a zoning for the annexation. The proposed zoning is PZ.

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. 2781 was adopted, and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2782 ZONING THE SEASONS AT TIARA RADO, PART OF THE SOUTH CAMP 1, 2 AND 3 ANNEXATION, TO PR-4.4

The Seasons at Tiara Rado, located on South Broadway in the Redlands, adjacent to the Tiara Rado Golf Course, was recently annexed into the City. As part of the annexation process, the City must designate zoning for the project within three months of the effective date of the annexation. Staff recommends a Planned Residential (PR) for this property.

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Tomlinson, seconded by Councilmember Baughman and carried by roll call vote, Ordinance No. 2782 was adopted, and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2783 ZONING THE CANYON VIEW SUBDIVISION TO PR-2

The Canyon View Subdivision was the subject of an annexation agreement between the City of Grand Junction and the developer, John Thomas. Terms of that agreement include that the City acknowledge the Outline Development Plan approved by Mesa County and that a 4.5 acre parcel adjoining Wingate Elementary School be deeded to the City no later than January 1, 1998. The ODP was approved by the City of Grand Junction Planning Commission at its hearing on October 11, 1994. A zone of annexation of PR-2 was recommended in conjunction with that approval.

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Theobald, seconded by Councilmember Baughman and carried by roll call vote, Ordinance No. 2783 was adopted, and ordered published.

Motion to grant an exception to reduce the minimum pavement width of a pedestrian/bicycle easement from eight (8) to six (6) feet within the Canyon View Subdivision.

The Planning Commission approval included the condition that all pedestrian/bicycle easements be improved with only six feet of hard surface. The minimum City standard for such improvements is eight (8) feet. A motion must be passed by the City Council to allow this exception.

Tom Dixon, Community Development Department, explained that the easements within the proposed Canyon View Subdivision are 10 feet wide. The standards for easements are a minimum of 8 feet of concrete with 10 feet of paved area desired. Because these are only pedestrian/bicycle easements between residential lots, the Planning Commission felt that adhering to the established City standard, the 10-foot typical or at least the 8-foot minimum width of a concrete path, would create the appearance that there was actually a narrow roadway or alleyway going between the lots in the subdivision. The Planning Commission felt it was more reasonable to use a 6-foot standard which would be more compatible with the subdivision. The Commission acknowledged that it was adopting something that was less than the City established standard, and therefore, must be approved by a motion of the City Council. Their concern was the scale and what the appearance of a 6-foot versus an 8 or 10-foot width would make on this subdivision. City Staff recommends the typical 10-foot paved area.

Councilmember Baughman asked if a 6-foot width had been approved by the County zoning at the time this subdivision was in the County. Tom Dixon stated that the ODP indicated some desirable placement of easements between lots, but the specifics were left somewhat open particularly with the later filings so that the petitioner would have some flexibility. The exact locations of the easements were somewhat ill defined. This is the subdivision that is required to deed the 4 1/2 acre parcel over to the City for a future park by January 1, 1998. Part of the thinking was that they wanted to allow John Thomas, the petitioner, enough flexibility so that if he reconfigured that park area somewhat differently, it would be acceptable but the pedestrian access to that future park would be retained.

Tom Dixon stated that the staff recommendation was the typical 10-foot paved area which is typical of what is within the City.

Councilmember Maupin stated that he thought 6 feet was too narrow, and questioned how many houses would be in the subdivision. Tom Dixon responded that under the ODP there would be 49 lots. There are 26 platted currently.

Tom Dixon advised that the typical river trail width is between 8 and 10 feet with the actual easements being 12 feet wide. The length of the proposed path would be 200 feet at most.

City Manager Mark Achen noted that this would be low volume traffic, not like a long trail with a lot of activity.

Councilmember Baughman wanted to know if it could be widened in the future to which Mr. Dixon replied affirmatively, but pointed out the difficulties that might be encountered with widening the path later after adjacent property owners have landscaped around the path area. City Manager Mark Achen added that if a wider path is desired, it makes more sense to do it now.

Mark Relph, Public Works Manager, estimated the difference in cost of a 6-foot versus an 8-foot path to be \$2,000. Councilmember Afman felt the City should establish some type of consistency with building trails.

There were no opponents, letters, or counter petitions. Upon motion by Councilmember Theobold, seconded by Councilmember Baughman and carried by roll call vote, Ordinance No. 2783 was adopted.

Councilmember Theobold made a motion to deny the request for an exception on the pedestrian path and approve an 8-foot concrete trail, seconded by Councilmember Baughman and with Councilmember **Tomlinson** and Mayor **Mantlo** voting **No**, the motion passed.

PUBLIC HEARING - ORDINANCE NO. 2784 ZONING CLIMAX MILL ENCLAVE #1 ANNEXATION TO PC

The Climax Mill Enclave is located along the south side of Kimball Avenue between 9th Street and 15th Street. The area is surrounded by Heavy Industrial (I-2) to the north, west and east. Directly to the south is the State of Colorado property where Colorado State Parks is planning to construct a park along the Colorado River. The City is required to establish zoning for the annexation. The proposed zoning is Planned Commercial (PC).

A hearing was held after proper notice. There were no opponents, letters, or counter petitions. Upon motion by Councilmember Baughman and seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2784 was adopted.

PUBLIC HEARING - ORDINANCE NO. 2785 AMENDING SECTION 5-4-15 OF THE

ZONING AND DEVELOPMENT CODE, LANDSCAPING IN THE RIGHT-OF-WAY

A proposed amendment to the Zoning and Development Code regarding landscaping the right-of-way. This item was referred back to staff for further study at the August 3, 1994 City Council meeting.

Michael Drollinger from the Community Development Department stated that this item had been referred back to him in August, 1994 for further study of an allowance of up to 15% of the required landscaped area to be placed in the right-of-way, whereas the original ordinance required the right-of-way be landscaped but no credit was given to a petitioner to landscape the right-of-way. There is now a credit allowance in the revised ordinance.

Charlie Plessick, 771 27 Road, stated that the developer across 27 Road to the east of him, has encroached on the right-of-way to the extent that the mailboxes are almost impossible to get to. They did come back and move the cobble rock off of the edge of the walkway, but there is still cobble rock on the landscaping on the embankment. There should be a 40-foot center line out to the east line, 40-foot out to the west line and he is sure that it isn't there. He has called the City Planning Department several times, but they are still landscaping up on the right-of-way, and the water system is out on the street right-of-way.

Councilmember Tomlinson stated this was the Settles property.

City Attorney Dan Wilson suggested that the City do some follow up and investigate to see what the situation is.

Mr. Plessick also asked what access was to be used.

Councilmember Tomlinson stated the access would be through the Settles driveway which has all ready been put in. It was decided this was a separate issue which would be looked into by Michael Drollinger.

There were no further comments, opponents, letters or counter petitions. Upon motion by Councilmember Maupin, seconded by Councilmember Tomlinson and carried by roll call vote, Ordinance No. 2785 was adopted.

PUBLIC HEARING - ORDINANCE NO. 2786 AMENDING SECTION 5-1-9 OF THE ZONING AND DEVELOPMENT CODE, HOME OCCUPATIONS

A proposed amendment to the Zoning and Development Code regarding

the frequency of customer/client visits, traffic and deliveries to home occupations.

Michael Drollinger, Community Development Department, stated that some text has been added to the Ordinance which will provide some guidance regarding the frequency of delivery vehicles and deliveries to home occupations. Currently the Code does not address traffic volume or delivery frequencies to home occupations. Code Enforcement therefore has no guidance as to enforcement nor is there any guidance to someone who would like to start a home occupation as to what parameters they have to work in with regards to deliveries to their home occupation.

Councilmember Baughman felt there to be a problem with a maximum number of 6 visits per day of customers or clients to a home occupation. Mr. Drollinger responded that the language has been modified but has not changed the limit of 6 visits per day associated with the home occupation. The Council has recognized that home occupations are important but this provision tries to limit the intensity of the home occupation, drawing the line between a home occupation and something more intense which should rightfully be in a business zone.

City Attorney Dan Wilson advised that this Ordinance could be sent back to staff to clarify the language or, a second alternative would be, as authorized by the new Code, to direct the department head when there are questions on code interpretations, to promulgate an "Administrative Regulation" thereby establishing the history of how the provision has been interpreted. Using day care as an example, City Attorney Wilson said the Administrative Regulation might interpret one visit as both dropping the child off and picking the child up, if that is Council's direction. City Manager Mark Achen added that if another business where conducting business requires 2 trips in one day, that could be viewed as one visit also. Councilmember Bessinger wanted it to be clarified.

City Attorney Dan Wilson noted that it would be easier to do it through Administrative Regulation with a copy to Council.

Charlie Plsek asked if the amount of visits to his garage would be affected. City Attorney Dan Wilson stated that if the garage pre-existed the zoning, then the level of business can continue indefinitely. This rule would have nothing to do with that activity. Mr. Plsek also stated he has a good volume of produce business.

There were no opponents, letters, or counter petitions. Upon motion by Councilmember Tomlinson and seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2786 was adopted with the provision that the Community Development Department Director be directed to adopt Administrative Regulations to clarify these provisions.

PUBLIC HEARING - ORDINANCE NO. 2787 AMENDING SECTIONS 4-3-4, 4-13-1.A, 4-13-1.G., 5-7-3, AND 5-7-4 OF THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE PERTAINING TO TEMPORARY USES AND TEMPORARY SIGNS

Community Development Department staff is proposing amendments to the Zoning and Development Code to clarify elements of the temporary use and temporary sign regulations.

Kristen Ashbeck, Community Development Department, was present to answer questions.

Charlie Plsek wished to speak against the Ordinance. He read the legal notice in the paper and thought the proposal would require a permit for the kind of business he has had for 40 or 50 years, selling produce. Would he need a permit to sell produce and how much would it cost? Will hay, grain, beans, corn and beets be classified as produce off of the farm? He feels the City Council's approach is wrong. He stated that on 29 Road, between North Avenue and Orchard Avenue on the west side of the Road, people are selling produce that was not produced on the property. If this causes congestion, penalize them for that but don't penalize the farmer that has to do this for a living.

Kristen Ashbeck stated that the Code did read that produce could be sold in a residential zone if it was produced on premises before the text amendment for temporary uses. This provision was inadvertently removed during the text amendment, and it is now being put back in. The intent is not to require a temporary use permit in a residential zone. If required, the fee for a permit would be \$25.00.

There were no other opponents, letters, or counter petitions. Upon motion by Councilmember Maupin and seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2787 was adopted.

ADJOURNMENT

**City Council Minutes
1994**

November 2,

The meeting adjourned into executive session to discuss pending litigation at 8:54 p.m.

Stephanie Nye, CMC
City Clerk