

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

**December 21, 1994**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 21st day of December, 1994, at 7:35 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Ron Maupin, John Tomlinson and President of the Council Pro Tem Reford Theobold. Councilmember Bill Bessinger, President of the Council R.T. Mantlo, and City Manager Mark Achen were absent. Also present were Assistant City Manager David Varley, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Pro Tem Theobold called the meeting to order and Councilmember Maupin led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Chuck Ross, Wesleyan Church of the Valley.

**APPOINTMENTS TO HISTORIC PRESERVATION BOARD - RESOLUTION NO. 129-94 AND PROPOSED ORDINANCE AMENDING ORDINANCE NO. 2765 CREATING SECTION 5-14, HISTORIC PRESERVATION, IN THE ZONING AND DEVELOPMENT CODE**

Upon motion by Councilmember Maupin, seconded by Councilmember Tomlinson and carried, Resolution No. 129-94 which appointed Ed Chamberlin, Philip Born, Greg Walcher, Dr. Steven Schulte, David Bailey, Dr. Sandra Karhu, and Pat Gormley to the Historic Preservation Board was approved, and an ordinance was proposed amending the membership from five members to a minimum of five/maximum of seven members, at the Council's discretion. Staff was directed to publish the proposed ordinance amending the membership.

City Attorney Dan Wilson stated that when terms expire on this board, appointments will be made by Resolution.

**UPDATE ON CONDITION OF PRESIDENT OF THE COUNCIL R.T. MANTLO**

President of the Council Pro Tem Theobold reported that Mayor Mantlo is now at home under his doctor's orders. He is improving and should be back on the Council in approximately one week.

**CONSENT ITEMS**

Upon motion by Councilmember Tomlinson, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item 20, the following Consent Items 1-24 were approved:

1. **Approving** the minutes of the Regular Meeting December 7, 1994

2. **\* Resolution No. 117-94** - A Resolution of the City Council of the City of Grand Junction Giving Notice That a Tract of Land Known as the North West Enclave Located between 23 Road and 25 Road and Patterson Road and G-1/2 Road Consisting of Approximately 1016.1 Acres will be Considered for Annexation to the City

The Northwest Enclave is located generally within the area between 22 3/4 Road and 25 Road and G 1/2 Road and Patterson Road/Hwy 50. This area is totally surrounded by the City limits and is eligible for annexation under State Statutes.

3. **\* Resolution No. 118-94** - A Resolution Authorizing a One-Year Farm Lease of the Long and Urruty Park Properties to Robert D. Peach

The proposed lease will commence on January 1, 1995 and terminate on December 31, 1995. The proposed rental fee is \$7,238.00 for the entire term based on \$70.00 per farmable acre.

4. **Proposed Ordinance** - An Ordinance Submitting to the Electorate of the City of Grand Junction the Question of Sale or Trade of Certain Lands Owned by the City

Council is being asked to declare certain City owned lands as surplus and not necessary for governmental purposes. The lands being considered consist of approximately 80 acres of vacant land commonly known as the Berry Park property located west of 24 Road and south of the mainline of the Grand Valley Canal, approximately 471 acres of vacant land located south of Whitewater and west of U.S. Highway 50, and the property formerly used as Fire Substation No. 2, located at 1135 North 18th Street. If the ordinance passes, the City electorate will be asked to approve the sale or trade of these properties at the April 4, 1995 municipal election.

a. First Reading of Proposed Ordinance

5. **\* Resolution No. 119-94** - A Resolution Authorizing a One-Year Dry Grazing Lease of 240 Acres of City Property Located South of Whitewater to William Arthur Mertz

The proposed lease will commence on January 1, 1995 and expire on December 31, 1995. The proposed rental fee is \$350.00 for the entire term.

6. **\* Resolution No. 120-94** - A Resolution Authorizing a One-Year Dry Grazing Lease of 191 Acres of City Property Located South of Whitewater to Sally Marie Smith

The proposed lease will commence on January 1, 1995 and expire on December 31, 1995. The proposed rental fee is \$300.00 for the entire term.

7. **\* Resolution No. 121-94** - A Resolution Approving and Accepting the Improvements Connected with Alley Improvement District 1994, Phase A, and Giving Notice of a Hearing to Consider the Proposed Assessing Ordinance

Reconstruction of the following 6 alleys has been completed in accordance with the Resolution Creating Alley Improvement District 1994, Phase A:

- Grand Ave to Ouray Ave between 17th St & 18th St;
- 8th St to 9th St between Hill Ave & Teller Ave;
- Mesa Ave to Orchard Ave between 19th St & 20th St;
- Bunting Ave to Elm Ave between Cannell Ave & Houston Ave;
- 3rd St to 4th St between Chipeta Ave & Gunnison Ave;
- 11th St to 12th St between Ouray Ave & Chipeta Ave;

8. **\* Resolution No. 122-94** - A Resolution Approving and Accepting the Improvements Connected with Alley Improvement District 1994, Phase B, and Giving Notice of a Hearing to Consider the Proposed Assessing Ordinance

Reconstruction of the following two alleys has been completed in accordance with the Resolution Creating Alley Improvement District 1994, Phase B:

- 12th St to 13th St between Main St and Rood Ave;
- 13th St to 14th St between Grand Ave and White Ave;

9. **\* Resolution No. 123-94** - A Resolution Concerning the Appropriation of Additional Water for Juniata Reservoir and the Juniata Ditch Enlarged

The City intends to appropriate approximately 5950.6 acre feet of additional water for the Juniata Reservoir and 129 c.f.s. for the Juniata Enlarged Ditch.

10. **Proposed Ordinance** - An Ordinance Vacating a Drainage Right-of-Way between 27 Road and Mountain View Street North of Sunshine Lane [File #184-94]

The Orchard Mesa Irrigation District does not claim the property nor does any other utility or public or private entity. Consequently, through this process, the City of Grand Junction is claiming ownership of the right-of-way due to its historic use for public purposes.

a. First Reading of Proposed Ordinance

11. **Proposed Ordinance** - An Ordinance Amending Section 5-10-3 of the Zoning and Development Code Pertaining to Agricultural Animals in Residential Zone Districts [File #1-94(V)]

An amendment to the Zoning and Development Code to clarify the allowance of agricultural animals in the Residential Single Family, 1 unit per 5 acres (RSF-R), zone.

a. First Reading of Proposed Ordinance

12. **Proposed Ordinance** - An Ordinance Amending Section 10-1-1.D of the Zoning and Development Code Clarifying Review Period and Hearing Scheduling for the Board of Appeals [File #1-94(W)]

A proposed amendment to Section 10-1-1.D of the Zoning and Development Code to clarify when an application to the Board of Appeals will be heard following submittal.

a. First Reading of Proposed Ordinance

13. **Proposed Ordinance** - An Ordinance Amending Zoning Ordinance #2718 Zoning Paradise Hills #7 RSF-5 [File #50-93]

Clarification of Zoning Ordinance #2718, zoning Paradise Hills Filing #7 to RSF-5.

a. First Reading of Proposed Ordinance

14. **Proposed Ordinance** - An Ordinance Zoning Lands Recently Annexed to the City of Grand Junction, Cody Subdivision, to Planned Residential (PR-4.4) [File #201-94]

Zoning Cody Subdivision, which was recently annexed to the City, Planned Residential (PR) with a density not to exceed 4.4 units per acre.

- a. First Reading of Proposed Ordinance
15. **\* Resolution No. 124-94** - A Resolution Renaming Cody Drive, Located in Cody Subdivision, to Darby Drive [File #C71-93]
- Cody Subdivision, Filing #2 was recently recorded and subsequently annexed into the City. After the plat was recorded it was discovered that the street name "Cody Drive" had been used elsewhere in the County. Therefore, the developer of Filing #2 is proposing to change the name to Darby Drive.
16. **Proposed Ordinance** - An Ordinance Zoning Lands Recently Annexed to the City of Grand Junction, New Beginnings Subdivision, to Planned Residential (PR-3) [File #202-94]
- Zoning New Beginnings Subdivision, which was recently annexed to the City, Planned Residential (PR) with a density not to exceed 3 units per acre.
- a. First Reading of Proposed Ordinance
17. **Proposed Ordinance** - An Ordinance Zoning Lands Recently Annexed to the City of Grand Junction, Scott's Run Subdivision, to Planned Residential (PR-3.3) [File #203-94]
- Staff is proposing a Planned Residential (PR) Zone for the property to accommodate the approved lot sizes and setbacks.
- a. First Reading of Proposed Ordinance
18. **Proposed Ordinance** - An Ordinance Zoning Lands Recently Annexed to the City of Grand Junction, Del Mar Subdivision, to Planned Residential (PR-3) [File #204-94]
- Del Mar Subdivision was annexed into the City as a part of the Darla Jean Annexation which was effective October 23, 1994. Within 90 days of annexation, the City is required to apply a City zoning to properties.
- a. First Reading of Proposed Ordinance
19. **Proposed Ordinance** - An Ordinance Zoning Lands in the Darla Jean Annexation PAD, RSF-R, RSF-1, RSF-4, RSF-5, PB and PZ [File #13-94]

The City recently annexed lands east of the present City limits, an area known as the Darla Jean Annexation. The annexation consisted of several hundred acres of airport lands to the east of the airport runways; the one hundred and two (102) lot Darla Jean Subdivision; and the recently County approved Scott's Run Subdivision, Del Mar Subdivision, New Beginnings Subdivision and Cody Filings 1-4 Subdivision, all under construction. These properties, along with some additional adjoining lands, were included in the Darla Jean Annexation. The City is required by State Statute to establish zoning for the annexation.

a. First Reading of Proposed Ordinance

20. **\* Resolution No. 125-94** - A Resolution Amending Development Application Fee Schedule

A resolution approving an amended fee schedule to include review fees for applications requesting historic designation on the City Register of Historic Sites, Structures and Districts.

21. **Award of Contract** for the 1995 Custodial Service for City-owned Buildings  
Recommended Awards - D & R Cleaning and City Cleaning Service in the Amount of \$72,420.00.

The following bids were opened on December 7, 1994:

Location	City Cleaning	D & R	Sunshine	White Spectra Glove	
Bid City Hall	\$1,575*	\$1,650	\$1,970	\$1,840	No
Bid Mun.Ser.Ctr.	270*	400	550	560	No
Bid City Shops	595*	595	700	775	No Bid
Bid Fire St. #1	425*	395	600	500	No
Bid Older Am. Ctr.	520*	600	550	1,100	No
Bid Parks Adm. Bldg.	<u>225*</u>	275	275	700	\$
660	\$3,610				

Bid	Police/Com Ctr	\$1,720	\$1,775*	No Bid	\$2,260	No
Bid	Dwntwn Restr	\$ 695	<u>\$ 650*</u>	No Bid	\$ 750	No
			\$2,425			

\*recommended award

Low bid is recommended for all areas with the exception of the Police and Fire Buildings. For security reasons, the Police Department recommends contracting with D & R which has provided department cleaning services for several years. The Police Department has been pleased with D & R's work. The Fire Department is not pleased with D & R and requests the services of City Cleaning.

22. **Approving** Change Order No. 2 to the Contract with M.A. Concrete for Construction of Concrete Pathways in the Amount of \$44,943.00

On November 16, 1994, City Council approved a contract and Change Order No. 1 with M.A. Concrete Construction to construct concrete pathways at Lincoln Park. M.A.'s bid of \$1.80 per s.f. was very low when compared to other bids; therefore, Staff recommends Change Order No. 2 to take advantage of the excellent square foot price.

Change Order No. 2 requires the construction of a six-foot wide concrete path around Sherwood Park and installation of three (3) handicap ramps at existing parking lots at a cost of \$44,943.00.

23. **Proposed Ordinance** - An Ordinance Amending Article IV, Emergency Medical Services, Sections 18-90 and 18-94 of the Code of Ordinances

In order to facilitate quality paramedic service to the City, an agreement with Premier Services Ambulance Company has been negotiated. Some elements of The Code need to be changed to accommodate a new public/private partnership for paramedic services.

a. First Reading of Proposed Ordinance

24. **Approving** Funding of Six Special Events in 1995 for a Total Amount of \$12,420

Applications for eight events were received by the November 1

deadline. Upon review of the applications, the VCB Board recommends the following funding awards:

Colorado West Duathlon	\$3,000
The Nutcracker (advertising only)	\$2,000
Real Wild West Show (advertising only)	\$2,000
Moonlight Classic Bicycle Tour	\$2,000
Art on the Corner Arts & Crafts Festival	\$3,000
Mesa County Little Britches Rodeo	\$ 420

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

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

PUBLIC HEARING - GRISIER-RITTER ANNEXATION - RESOLUTION NO. 126-94 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE GRISIER-RITTER ANNEXATION IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - GRISIER-RITTER, ANNEXATION APPROXIMATELY 12 ACRES, LOCATED AT 698 25-1/2 ROAD - PROPOSED ORDINANCE ZONING A PARCEL OF LAND KNOWN AS THE GRISIER-RITTER MINOR SUBDIVISION TO RSF-1 [FILE #183-94]

J. Raymond Hiatt and Donna M. Hiatt have signed a Power of Attorney for annexation to allow for the development of their property. They have requested that they be allowed to develop to City standards and through the City review process. The Petition for

Annexation is now being referred to City Council. Staff requests that City Council approve by resolution the Acceptance of Petition and approve on first reading the annexation ordinance for the Grisier-Ritter Annexation.

A hearing was held after proper notice. There were no opponents, letters or counterpetitions. Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried by roll call vote, Resolution No. 126-94 was adopted.

Proposed zoning of Residential Single Family 1 unit per acre (RSF-1) for a parcel of land being annexed to the City of Grand Junction known as the Grisier-Ritter Minor Subdivision.

Upon motion by Councilmember Afman, seconded by Councilmember Maupin and carried, the proposed ordinances annexing Grisier-Ritter property to the City of Grand Junction, and zoning Grisier-

Ritter Minor Subdivision to RSF-1 were passed for publication.

**PUBLIC HEARING - WILLOW RIDGE ANNEXATION - RESOLUTION NO. 127-94 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE WILLOW RIDGE ANNEXATION, IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - WILLOW RIDGE, ANNEXATION, APPROXIMATELY 4.5 ACRES, LANDS LOCATED ON THE NORTH SIDE OF HIGHWAY 340, SOUTH OF THE REDLANDS CANAL AND EAST OF MAY'S SUBDIVISION**

Oliver Frascona has signed a Power of Attorney for annexation to allow for the development of his property by Ken Schmohe, developer. They have requested that they be allowed to develop to City standards and through the City review process. The Petition for Annexation is now being referred to City Council. Staff requests that City Council approve by resolution the Acceptance of Petition and approve on first reading the annexation ordinance for the Willow Ridge Annexation.

A hearing was held after proper notice. There were no opponents, letters or counterpetitions. It was moved by Councilmember Maupin and seconded by Councilmember Afman that Resolution No. 127-94 be adopted.

Councilmember Baughman questioned how close the current City limits are located in reference to both sides of the subject property, particularly where it's located to the south. City Attorney Wilson explained that the contiguity is part of the Redlands Power Canal. The Statute deems that property to be actually "touching" even though it is physically distant. Mr. Wilson stated that this does not create an enclave.

Upon roll call vote on the motion, all members present voted AYE.

Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried, the proposed ordinance annexing Willow Ridge property to the City was passed for publication.

**PUBLIC HEARING - EASTERN COMMERCIAL/FRUITWOOD SUBDIVISION ANNEXATION - RESOLUTION NO. 128-94 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTIES KNOWN AS EASTERN COMMERCIAL/ FRUITWOOD SUBDIVISION ANNEXATION IS ELIGIBLE FOR ANNEXATION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - EASTERN COMMERCIAL/FRUITWOOD SUBDIVISION, CONSISTING OF APPROXIMATELY 655 ACRES OF LAND, LYING**

TO THE EAST AND SOUTHEAST OF THE CITY OF GRAND JUNCTION

The City desires to annex lands east of the present City limits. Powers of Attorney 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. Staff requests that City Council approve the resolution accepting the annexation petition and approve on first reading the annexation ordinance for the Eastern Commercial Corridor/Fruitwood Annexation.

President of the Council Pro Tem Theobald announced that the proposed ordinance will be delayed until May, 1995, initially, and then delayed until November, 1995, if the Clifton incorporation is placed on the ballot.

A hearing was held after proper notice. There were no opponents, letters or counterpetitions. Upon motion by Councilmember Tomlinson, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO**, Resolution No. 128-94 was adopted.

President of the Council Pro Tem Theobald announced that the second reading of the proposed ordinance will need to be tabled to a date specific.

Upon motion by Councilmember Tomlinson, seconded by Councilmember Afman and carried with Councilmember **BAUGHMAN** voting **NO**, the proposed ordinance annexing Eastern Commercial/Fruitwood Subdivision property to the City was passed for publication, with second reading of the proposed ordinance scheduled for 7:30 p.m. on May 17, 1995.

CITIZEN COMPLAINT REGARDING VARIANCE OF SETBACK

Mr. Gerald N. Miller, 3320 Northridge, Northridge Estates, voiced a concern with the inconsistency in the required setback in his zoning area. His home was constructed in 1978 with the required 30-foot setback required by the covenants. An 18 x 24 foot redwood deck was built on the back side of the house, extending 10 feet from the house. He now proposes to convert the deck into a sun room and place a roof over it. A building permit was issued, but then immediately voided because the building would be 23'5" from the fence line. He had to request a variance to the Board of Appeals. Eleven of his neighbors signed a written statement

saying they had absolutely no problem with the planned addition. The list of signatures was submitted to the Planning Commission. The Planning Commission mailed 29 postcards to residents as far over as First Street to see if there might be any objections to the construction. Only one person objected on First Street which is 2-1/2 blocks away from Mr. Miller. His request for a variance was denied.

Mr. Miller questioned why there is such an inconsistency in the setbacks in his area. Many homes in his area are set back 20 feet. Mr. Miller's home sets back 30 feet. He is asking for only 7 feet and requested that Council consider the setbacks in Northridge Estates and change the setback to a consistent 20 feet.

Councilmember Baughman stated that the homes built in Northridge Estates were built out of compliance with the setback regulations. He could not understand why City Staff would deny Mr. Miller's request for variance.

Assistant City Attorney John Shaver stated that it is his understanding that it is a Planned Residential Zone, and that the setbacks are a part of the Northridge plan.

President of the Council Theobald assured Mr. Miller that Council and Staff will look into the matter in a timely manner allowing Mr. Miller to file an appeal within the 30-day limit, if necessary.

Mr. Joseph Marie, 2863 Hill Avenue, member of the Appeals Board, stated that Mr. Miller's request was denied at the variance meeting in order to maintain zoning consistency.

**ADJOURN INTO EXECUTIVE SESSION.**

Upon motion by Councilmember Baughman, seconded by Councilmember  
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Stephanie Nye, CMC  
City Clerk