

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

**March 6, 1996**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 6th day of March, 1996, at 7:34 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, David Graham, R.T. Mantlo, Janet Terry, Reford Theobald and President of the Council Ron Maupin. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Maupin called the meeting to order and Councilmember Afman led in the Pledge of Allegiance. The audience remained standing during the invocation by Father John Constanza, St. Joseph's Catholic Church.

**APPOINTMENTS TO RIDGES ARCHITECTURAL CONTROL COMMITTEE**

Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried, Glenn Carlsrud and Thomas Zender were appointed to the Ridges Architectural Control Committee. The applicants were interviewed by the Architectural Control Committee which made the foregoing recommendations for appointment.

**REAPPOINTMENTS TO THE COMMISSION ON ARTS & CULTURE**

Upon motion by Councilmember Terry, seconded by Councilmember Mantlo and carried, Peter Ivanov and Richard Leinaweaver were reappointed to three year terms on the Commission on Arts & Culture; said terms to begin February, 1996 and end February, 1999.

**CONSENT ITEMS**

Mayor Maupin announced Dr. Lynn James, Mr. Bob Cron and City Manager Mark Achen will comprise the Board of Directors for the Public Finance Corporation, which is Item 3 on the Consent Calendar.

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item 3, and Councilmember **GRAHAM** voting **NO** on Items 2, 3 and 7, with the individuals comprising the Board of Directors for the Public Finance Corporation being added to Item 3, the following Consent Items 1-11 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the minutes of the Regular Meeting February 21, 1996

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2. **Setting a Hearing on Refunding and Issuing the Downtown Development Authority Tax Increment Fund Bonds**

The first reading of the authorizing bond ordinance is required to be adopted in order for the City to issue new bonds. The original bonds from the 1990 issue that are still outstanding will be refunded by this issue and new capital money will be provided for downtown improvements.

Action: Adopt a Proposed Ordinance Authorizing the Issuance of the City of Grand Junction, Colorado, Downtown Development Authority Tax Increment Revenue Bonds, Series 1996; Providing the Form, Terms and Conditions of the Bonds, the Manner and Terms of Issuance, the Manner of Execution, the Method of Payment and the Security Therefor; Pledging the Tax Increment Revenues of the City for the Payment of the Bonds; Providing Certain Covenants and Other Details and Making Other Provisions Concerning the Bonds and the Tax Increment Revenues; Providing for the Payment and Discharge of the City's Outstanding Tax Increment Bonds; Ratifying Action Previously Taken and Appertaining Thereto; and Repealing All Ordinances in Conflict Herewith and pass on first reading

3. **Creation of The Grand Junction Public Finance Corporation**

This resolution authorizes the creation of the needed non-profit corporation; payment of the costs of issuing the Certificates of Participation; and approves the form of by-laws and articles of incorporation.

Action: Adopt Resolution No. 22-96 - A Resolution Authorizing and Directing the City Attorney to Proceed with the Creation of the Grand Junction Public Finance Corporation with Lynn James, Bob Cron and Mark Achen appointed as the Board of Directors

4. **Contract for Laboratory Information Management System (LIMS) Software Purchase**

The volume of drinking water and wastewater analytical results need modern LIMS computer software for data management. The current method of data management uses paper benchesheets, hand calculations, hand transcriptions and manual retrieval for the generation and reporting of results. Electronic data management will result in more efficient and

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productive use of laboratory time.

Action: Award Contract for Laboratory Information Management System (LIMS) Software Purchase to Automated Technology Laboratories in the Amount of \$32,022.50

5. **Contract for Design Services for the 1996 Sanitary Sewer Line Replacements**

The following qualified bids were received on February 26, 1996:

<u>Engineering Firm</u>	<u>Location</u>	<u>Estimated Lump Sum Fee</u>
Williams Engineering	Fruita	\$29,400
RG Consultants	Denver	\$42,100
RBD Consultants	Denver	\$48,905
Banner & Associates	Grand Junction	\$50,000

Action: Award Contract for Design Services for the 1996 Sanitary Sewer Line Replacements to Williams Engineering in the Amount of \$29,400

6. **Contract for Crushing Asphalt Pile at the City Shops**

The following bids were opened February 16, 1996 for the crushing of 11,500 cubic yards of stockpiled asphalt:

Braser Company, Montrose	\$68,540
United Companies of Mesa County, G.J.	\$57,500

Public Works identified an additional 1,600 cubic yards of material to be included and have adjusted the bids accordingly making United Companies' total bid \$65,500.

Action: Award Contract for the Crushing of the Asphalt Pile at the City Shops to United Companies in the Amount of \$65,500

7. **Contract for Design Services for the 5th Street Urban Renewal Project**

In response to the City's Request for Proposals, two firms submitted proposals: Chimney Rock Engineering Inc. of Montrose and Ciavonne & Associates, Inc., (in conjunction with Langford-Thompson Corp.) of Grand Junction. After

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review of the proposals, it is recommended the contract be awarded to Ciavonne & Associates, Inc. for a maximum amount of \$28,500.

Action: Award Contract for the Design Services on the 5th Street Urban Renewal Project to Ciavonne and Associates, Inc., hourly rates, not to exceed \$28,500

8. **Easement to Public Service Company for Undergrounding of Overhead Power Facilities for the 5th Street Urban Renewal Project**

At the joint request of the City and the Colorado Department of Transportation (CDOT), the Public Service Company of Colorado will be converting electric lines from overhead to underground in conjunction with the City's 5th Street Lighting and Street-Scape Project and CDOT's 5th Street Viaduct Replacement Project. These easements will authorize PSCo to install, operate and maintain the new electric lines.

Action: Adopt Resolution No. 23-96 - A Resolution Authorizing the Conveyance of Underground Electric Line Easements to Public Service Company of Colorado across Four City Owned Properties on South 5th Street

9. **Setting a Hearing on Rezoning Salvation Army Properties Located at 903 and 915 Grand Avenue from PZ to RMF-64 to Allow Garage Replacement** [File #RZ-96-32]

The properties located at 903 and 915 Grand Avenue owned by the Salvation Army are currently zoned for public use to be under public ownership. The Salvation Army has owned these properties for over 15 years, yet the zoning has never been reverted to a non-public zone. Staff is proposing to rezone these properties to Residential Multifamily 64 units per acre (RMF-64) in order for the zoning to be more consistent with the neighborhood.

Action: Adopt a Proposed Ordinance Rezoning Properties Located at 903 and 915 Grand Avenue from Public Zone (PZ) to Residential Multifamily 64 Units Per Acre (RMF-64) on first reading and order published

10. **Setting a Hearing on the Valley Meadows East Annexation** [File #ANX-96-40]

G.W.H.C., Inc., property owners, have signed a POA for

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annexation and are requesting to be annexed into the City limits. Staff requests that City Council approve the resolution for the referral of petition for the 16.2 acres Valley Meadows East Annexation.

Action: Adopt Resolution No. 24-96 - 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 - Valley Meadows East Annexation Located on 25 1/2 Road at Westwood Drive

11. Setting a Hearing on the Euler Annexation  
[File #ANX-96-41]

George and Carrie Euler, property owners, have signed a POA for annexation and are requesting to be annexed into the City limits. Staff requests that City Council approve the resolution for the referral of petition for the 4.09 acres Euler Annexation.

Action: Adopt Resolution No. 25-96 - 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 - Euler Annexation Located at 720 24 3/4 Road

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

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

PUBLIC HEARING - REZONE FOR THE BELFORD APARTMENTS - ORDINANCE NO. 2898 REZONING A PARCEL OF LAND LOCATED ON THE NORTHEAST CORNER OF BELFORD AVENUE AND 11TH STREET FROM PLANNED BUSINESS (PB) TO PLANNED RESIDENTIAL (PR) [FILE #RZP-95-212]

The petitioner is proposing to rezone a vacant parcel of land on the northeast corner of Belford Avenue and 11th Street from Planned Business (PB) to Planned Residential 28 units per acre (PR-28) in order to develop an eight-unit apartment complex.

A hearing was held after proper notice. This item was reviewed by Kristen Ashbeck, Community Development Department. The parcel was zoned approximately 15 years ago for an office project that was never developed. The petitioner is proposing a rezone to Planned Residential of a density of approximately 28 units per acre. He

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is proposing the Planned Zone versus a straight zone in order to take advantage of an existing foundation on the site. The foundation has a 15-foot front yard setback. In a straight zone the front yard setback would be 20 feet. A Planned Zone would allow the applicant the flexibility to work with the existing foundation. Staff feels this is a good infill project in the downtown area. The proposal is consistent with the Downtown Residential Neighborhood Guidelines. It provides a good transition from the commercial development facing North Avenue and the single family residential which prevails on the south side of Belford Avenue. It is consistent with the rezone criteria outlined in Section 4-4-4 of the Zoning & Development Code. Planning Commission recommended approval with the stated bulk requirements. Staff feels there will be no adverse impacts of this rezone. Off-street parking is being provided by the petitioner as on-street parking by Mesa State College students is a current problem in the area. Ms. Ashbeck felt the area of community need, subsection (c) of the zoning criteria, was also being met. Mesa State College is supportive of this project.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Theobald, seconded by Councilmember Afman and carried by roll call vote, Ordinance No. 2898 was adopted on second reading and ordered published.

**PUBLIC HEARING - ORDINANCE NO. 2899 ZONING VILLA CORONADO ANNEXATION #1, #2 AND #3 PR-5 AND PAD [FILE #ANX-94-172]**

The Villa Coronado Annexation #1, #2 and #3 has been annexed into the City. The City is required to zone all property annexed into the City within 90 days of the annexation. Staff recommends approval of the proposed zoning of Planned Residential with a maximum of 5 units per acre (PR-5) for the four lots on Villa Street and Planned Airport Development (PAD) for the Walker Field Airport properties.

A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department. The above recommendations were noted.

Councilmember Graham asked what the outside deadline would be for the second reading for the rezone in order to comply with the Statute. City Attorney Dan Wilson stated it would be 90 days from the effective date of the annexation ordinance (January 25, 1996) which would be April 25, 1996. Councilmember Graham noted the Motions for Reconsideration that have been filed on this

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annexation and the potential lawsuits that may develop. He asked City Attorney Dan Wilson if he foresees any prejudice to the City if this item is deferred? City Attorney Wilson said no, as long as it was completed by April 25, 1996.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried by roll call vote with Councilmember **GRAHAM ABSTAINING** and Councilmember **BAUGHMAN** voting **NO**, Ordinance No. 2899 was adopted on second reading and ordered published.

**PUBLIC HEARING - ORDINANCE NO. 2900 ZONING CASCADE ENCLAVE ANNEXATION TO RSF-1 AND RSF-2 [FILE #ANX-95-204]**

Staff recommends zoning the Cascade Enclave Annexation with the most equivalent City zones to the previous County zones. The proposed zoning includes RSF-1 and RSF-2 (Residential Single Family with a density not to exceed 1 unit per acre and 2 units per acre).

A hearing was held after proper notice. Dave Thornton, Community Development Department, was present to answer questions of Council. Mr. Thornton stated there is little change from the previous County zoning. The general intent of the criteria of Section 4-4-4 would be met.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Baughman, seconded by Councilmember Mantlo and carried by roll call vote, Ordinance No. 2900 was adopted on second reading and ordered published.

**PUBLIC HEARING - ORDINANCE NO. 2901 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - RIVER ROAD ANNEXATION, APPROXIMATELY 390.48 ACRES LOCATED BETWEEN HIGHWAY 6 & 50 AND THE COLORADO RIVER, NORTH OF THE REDLANDS PARKWAY AND SOUTH OF RAILROAD AVENUE [FILE #ANX-96-13]**

A majority of the property owners north of the Redlands Parkway and south of the Railhead Industrial Park between River Road and the Colorado River have signed an annexation petition to be annexed into the City limits. Staff requests that City Council approve on second reading the 390.48 acre River Road Annexation.

A hearing was held after proper notice. Dave Thornton, Community Development Department was present to answer questions of Council.

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Mr. Dan Roberts, 2399 River Road, represented the property owners filing the petition for annexation. He said the property owners feel this is the best course of action and requested the City proceed with the annexation.

Councilmember Theobold inquired if consideration had been given to annexation along the river damaging some duck hunting areas. The conflict is discharging of firearms within the city limits. The Police Department is working on language to provide exclusion areas for the "no shooting" restriction so hunting can remain in the area.

Assistant City Attorney John Shaver stated there is an exclusion section in the Code of Ordinances which allows the Police Department to authorize the discharge of firearms in excluded areas. There is current authority for those interested in continuing waterfowl hunting.

Councilmember Theobold suggested sending letters to owners of property along the river regarding the situation and see if they would want to be excluded from the restriction.

Assistant City Attorney John Shaver suggested that some of the hunting organizations could disseminate the information to property owners in the area.

Mr. Thornton stated a "Welcome to the City" letter is mailed to newly annexed properties with final annexation information. Contacts could be listed in the letter for various questions.

Councilmember Graham requested the City Clerk enter into the record the Estimate of Direct Fiscal Budgetary Impacts statement on this annexation item (attached).

There were no other comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote with Councilmember **GRAHAM** voting **NO**, Ordinance No. 2901 was adopted on second reading and ordered published.

**ANNEXATION AGREEMENT WITH JOHN DAVIS REGARDING RESIDENTIAL DEVELOPMENT SOUTH OF F 1/2 ROAD AND EAST OF 25 1/2 ROAD**

City Attorney Dan Wilson reviewed the agreement. He pointed out some of the changes suggested by the developer (annexor) on pages



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one, three, four and five. He had no objections to any of the language changes. Mr. Wilson added a new paragraph 22 stating "Developer acknowledges the City's obligations to annex are subject to the then existing provisions of Law." He recommended Council's approval of the agreement.

Councilmember Graham questioned the density listed in paragraph 6.e. on page three. City Attorney Wilson stated it is intended to be a maximum density for the Planned Residential. Councilmember Graham asked Mr. Wilson what he would characterize is the consideration supporting this agreement which inures in favor of the City. Mr. Wilson replied annexation.

City Attorney Wilson said this agreement is necessary for the developer as he intends to combine his property which is currently inside the city limits and a portion of his property which is in the unincorporated area, and develop them as an integrated whole.

Councilmember Theobald mentioned the former owners of this property are related to his wife's parents. It did not affect him financially or his family.

Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried by roll call vote with Councilmembers **BAUGHMAN** and **GRAHAM** voting **NO**, the Annexation Agreement between the City and John Davis regarding a residential development (not to exceed 10 units per acre) south of F 1/2 Road and east of 25 1/2 Road was approved.

**OTHER BUSINESS**

Councilmember Mantlo noted an addition on S. 5th Street where the old Clymer Dairy used to be located. There is now a wooden cow and calf mailbox at that location which was made by someone from the Orchard Mesa Beautification group. He felt it was a nice addition.

**ADJOURNMENT**

Mayor Maupin adjourned the meeting into Executive Session at 8:00 p.m. to discuss pending litigation.

**CONVENE BACK INTO REGULAR SESSION**

Upon reconvening back into regular session at 9:05 p.m., all members of Council were present.

**RECONSIDERATION OF THE COMMERCIAL ANNEXATION OF CLIFTON**

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by a unanimous roll call vote, Council reconsidered the commercial annexations of Clifton, and notified the public that Council intends to conduct an election regarding said annexations and the "wedge" that was in the original agreement that is covered by the Commercial Annexation. The election is to be held during the regular November election.

Staff was directed to work on this effort. Councilmember Terry felt there are issues that need to be resolved with Mesa County regarding its assistance that has been offered.

**ADJOURNMENT**

Upon motion by Councilmember Theobald, seconded by Councilmember Terry and carried, the meeting was adjourned at 9:09 p.m.

Stephanie Nye, CMC/AAE  
City Clerk

ATTACHMENT

RIVER ROAD ANNEXATION

Estimate of Direct Fiscal/Budgetary Impacts  
2/29/96

RIVER ROAD ANNEXATION	Year 1	Year 2	Year 3	Year 4	Year 5
<u>REVENUE</u>					
City Property Tax	-	-	3,793	3,868	3,946
Use Tax	11,974	12,633	13,328	14,061	14,834
Rural Fire District Contract (3,714)	-	-	(3,569)	(3,641)	-
Other Revenue	-	8,079	8,275	8,477	8,684
<b>TOTAL REVENUE</b>	<b>11,974</b>	<b>20,712</b>	<b>21,826</b>	<b>22,765</b>	<b>23,751</b>
<u>OPERATING EXPENSE</u>					
General & Administrative	-	-	-	-	-
Community Development	225	234	243	253	263
Police Services	-	-	-	-	-
Fire Department	-	-	-	-	-
Public Works	2,584	5,287	8,099	8,423	8,760
Parks & Recreation	-	-	-	-	-
<b>Subtotal</b>	<b>2,809</b>	<b>5,521</b>	<b>8,342</b>	<b>8,676</b>	<b>9,023</b>
<u>CAPITAL EXPENDITURES</u>					
Police: Bldgs & Equip	-	-	-	-	-
Fire: Bldgs & Equip	-	-	-	-	-
Parks & Rec: Bldgs & Equip	-	-	-	-	-
Park Development	-	-	-	-	-
Public Works: Bldgs & Equip	-	-	-	-	-
Street Light Installations	19,383	20,158	20,965	-	-
Contract Street Maintenance	-	-	-	-	-
Major Street Construction	-	-	-	-	-
Water Line Upgrades	50,400	50,400	50,400	-	-
Other	240	-	-	-	-
<b>Subtotal</b>	<b>70,023</b>	<b>70,558</b>	<b>71,365</b>	<b>-</b>	<b>-</b>
<b>TOTAL EXPENSE</b>	<b>72,832</b>	<b>76,080</b>	<b>79,707</b>	<b>8,676</b>	<b>9,023</b>
<b>ANNUAL VARIANCE</b>	<b>(60,858)</b>	<b>(55,368)</b>	<b>(57,881)</b>	<b>14,089</b>	<b>-</b>
<b>14,728</b>	<b>(60,858)</b>	<b>(116,226)</b>	<b>(174,107)</b>	<b>(160,017)</b>	<b>-</b>
<b>CUMULATIVE</b>	<b>(145,290)</b>	<b>(116,226)</b>	<b>(174,107)</b>	<b>(160,017)</b>	<b>-</b>
<b>PRESENT VALUE of the Annual Variance</b>	<b>(57,413)</b>	<b>(49,277)</b>	<b>(48,598)</b>	<b>11,160</b>	<b>-</b>
<b>11,005</b>	<b>(57,413)</b>	<b>(106,690)</b>	<b>(155,288)</b>	<b>(144,128)</b>	<b>-</b>
<b>NET PRESENT VALUE</b>	<b>(133,123)</b>	<b>(106,690)</b>	<b>(155,288)</b>	<b>(144,128)</b>	<b>-</b>