

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

September 4, 1996

The City Council of the City of Grand Junction, Colorado, convened into regular session the 4th day of September, 1996, at 7:31 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, Ron Maupin, Janet Terry, Reford Theobald and President of the Council Linda Afman. David Graham and R.T. Mantlo were absent. Also present were City Manager Mark Achen, Assistant City Attorney John Shaver, and City Clerk Stephanie Nye.

Council President Afman called the meeting to order and Councilmember Terry led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. James Pauls, First Assembly of God.

PROCLAMATIONS / RECOGNITIONS

PROCLAMATION DECLARING SEPTEMBER 17-23, 1996 AS "CONSTITUTION WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING SEPTEMBER 16-22, 1996 AS "POLLUTION PREVENTION WEEK" IN THE CITY OF GRAND JUNCTION

AWARD OF CERTIFICATES OF ACHIEVEMENT TO AMANDA CRESPIN AND JARED SWARTZ AS STATE FINALISTS IN THE CPRA (COLORADO PARKS & RECREATION ASSOCIATION) ROCKIES BASEBALL SKILLS CHALLENGE

PRESENTATION OF CITIZEN'S AWARD TO LANNY KEELING FOR ASSISTING A POLICE OFFICER

PROCLAMATION DECLARING SEPTEMBER 8, 1996 AS "BASIL T. KNIGHT DAY" IN THE CITY OF GRAND JUNCTION

CONSENT ITEMS

Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried by roll call vote, the following Consent Items #1-8 were approved:

1. **Minutes of Previous Meeting**

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

2. **Waterline Construction Materials for the Winters Avenue Project**

The following bids were received on August 30, 1996:

Grand Junction Pipe & Supply	*\$67,485.56	All Items
Waterworks Sales, G.J.	\$66,572.08	No Bid 18" Tapping Saddles Value \$1,535.00
Dana Kepner Co., Denver	\$72,974.00	No Bid 18" Tapping Saddles Value \$1,381.00

* Recommended Award

Action: Award Contract for Waterline Construction Materials for the Winters Avenue Project to Grand Junction Pipe and Supply in the Amount of \$67,485.56

3. **Change Order for 1996 Interceptor Rehabilitations Contract**

Since the low bid for the 1996 Interceptor Rehabilitations Project came in substantially below the 1996 budget for this work, two additional sections of interceptor lines are proposed to be installed to utilize the available funds and take advantage of a competitive price.

Action: Approve Change Order to the Contract with Guildner Pipeline Maintenance, Inc., for the 1996 Interceptor Rehabilitations in the Amount of \$45,763.25

4. **Amend the Grand Junction 201 Sewer Service Area**

Thirty acres of a 70 acre parcel currently in development review, is outside of the existing 201 sewer service area. City Staff believes it should be included in the 201 area and land representing an equivalent amount of projected sewer flow should be removed from the existing 201. In addition, Mesa County desires to add an area located at 30 Road and Highway 50 into the 201. This agreement allows both properties to be served.

Action: Authorize the City Manager to Sign an Agreement with Mesa County to Amend the 201 Sewer Service Area

5. **Independent Rate Review and Rate Study of the Joint Sewer System**

Under resolutions authorizing the sale and issuance of Mesa County, Colorado Sewer Refunding Revenue Bonds, Series 1992, for the 201 Sewer System, the City will undertake, every five years, a periodic independent rate study. The last rate review was completed in 1991. Rick Giardina & Associates, Inc., of Denver, has a strong background in accounting and rate development and proposed a joint project with Camp, Dresser, and McKee to conduct an engineering review of the sewer system's "Backbone" facilities and charges to contract customers.

Action: Award Contract to Conduct a Periodic Independent Rate Study for the 201 Sewer System to Rick Giardina & Associates, Inc., in an Amount Not to Exceed \$22,500

6. **Revocable Permit for Fencing in the Right-of-Way at 604 N. 17th Street** [File #RVP-96-134]

Resolution authorizing the issuance of a Revocable Permit to allow for an existing fence in a portion of the Chipeta Avenue right-of-way.

Resolution No. 84-96 - A Resolution Concerning the Issuance of a Revocable Permit to Edsel and Donna Swanson

Action: Adopt Resolution No. 84-96

7. **Setting a Hearing on Rezoning Redlands Water and Power Property Located at South Camp Road and South Broadway from RSF-4 to PR-2** [File #RZF-96-116]

A rezone to PR-2 (Planned Residential - 2 units per acre) and final plan and plat for property located southeast of South Camp Road and South Broadway.

Proposed Ordinance Rezoning Land Located Southeast of South Camp Road and South Broadway from RSF-4 to PR-2

Action: Move for Adoption of Proposed Ordinance and Set a Hearing for September 18, 1996

8. High Country Business Park Annexation, Located on River Road West of Highway 340 [File #ANX-96-192]

The owners of the 7 lots surrounding High Country Court signed a power of attorney to join the City as part of a sewer service agreement in February of 1995. Staff requests that City Council approve the resolution for the referral of petition for the 9.9 acre High Country Business Park Annexation, and set a hearing for October 16, 1996.

Resolution No. 85-96 - 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 - High Country Business Park Annexation Located off River Road, West of Highway 340_

Action: Adopt Resolution No. 85-96 and Set a Hearing for October 16, 1996

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PUBLIC HEARING - AMENDMENT REGARDING FIRELINE UPGRADES - ORDINANCE NO. 2942 SECTION 38-194 OF THE CITY CODE RELATING TO UPGRADING WATER LINES FOR FIRE PROTECTION, ESTABLISHING THE REQUIREMENT FOR DOMESTIC WATER PROVIDERS TO MEET CERTAIN MINIMUM STANDARDS AND PROVIDING FOR OWNERS AND NEIGHBORHOODS BEING ABLE TO PETITION TO OBTAIN FIRE PROTECTION UPGRADES

The proposed amendment of Section 38-194 of the General Ordinances of the City of Grand Junction removes the mandatory requirement for fire protection upgrades, modifies the circumstances when a water service provider shall upgrade its water distribution system to meet the standards in amended Section 38-194, provides a financial incentive to upgrade for fire protection, and establishes a flow standard for fire hydrants.

A hearing was held after proper notice. This item was reviewed by Jim Shanks, Public Works & Utilities Director. This amendment would require water providers to update their lines as follows:

1. During the normal course of typical replacement or upgrade programs, the water providers would have to put in lines adequately sized, hydrants adequately placed to meet the current City Code as far as flow for fire protection is concerned;
2. If a neighborhood petitioned for these types of improvements, the improvements could take place and the City would then pay one third of the improvements. Owners will pay one third of the cost while the water companies will pay the balance;
3. In areas that currently do not meet fire flow standards the water providers will provide written notice every five years so people are made aware that their flow and lines may not be adequate to meet the current code for fire flow.

Councilmember Baughman asked if Ute Water has been contacted regarding this amendment? Mr. Shanks said the City has met with Ute Water on a number of occasions, and the amendment includes some of their revisions.

Councilmember Baughman asked if this amendment would apply to the Clifton Water District if the vote in November is favorable for annexation? Mr. Shanks said if annexation takes place, Clifton Water District would be inside the City, and this amendment applies to all water providers inside the City of Grand Junction.

Councilmember Baughman asked what percentage of signatures is required on a petition? Mr. Shanks said over 50%.

Councilmember Theobald said the impact on the area to the east (Clifton Water District) would be minimal. The water lines in the area are of good size and meet standards.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Theobold, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2942 was adopted on second reading and ordered published.

Councilmember Terry thanked Staff for coming up with this ordinance.

PUBLIC HEARING - VACATION OF RIGHT-OF-WAY AT 27 1/4 ROAD (WALKER FIELD) - ORDINANCE NO. 2943 VACATING APPROXIMATELY 4800 FEET OF 27 1/4 ROAD, NORTH OF H ROAD [FILE #VR-96-153]

The Walker Field Airport Authority desires to vacate a section of the 27 1/4 Road right-of-way north of H Road that crosses over into a safety area at the end of the airport runway. The vacation is necessary to meet funding conditions of the Federal Aviation Administration. The road has been re-routed around the safety area.

A hearing was held after proper notice. Mike Pelletier, Community Development Department, reviewed this item. He said the Airport Authority has approved the dedication of the new right-of-way for this road, and will submit the approval in writing.

Councilmember Theobold said the FAA has standards for runway length and certain criteria. The vacation will allow the extension of the runway to meet FAA standards.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Baughman, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 2943 was adopted on second reading and ordered published.

PUBLIC HEARING - REZONING 1301 AND 1305 N. 7TH STREET PROFESSIONAL OFFICES TO PB [FILE #PDR-96-159] - CONTINUED TO SEPTEMBER 18, 1996 COUNCIL MEETING

A request to rezone the property at 1301 and 1305 N. 7th Street from RMF-32 to PB and final plan for an office building. The request was denied by Planning Commission and the applicant has appealed.

The hearing was opened for the rezone of 1301 and 1305 N. 7th Street professional offices to PB.

Mr. Paul Coleman, the applicant, 1901 N. 7th Street, requested this item be tabled to a later date when a full Council can be present. Council President Afman said the rezone will be rescheduled for September 18, 1996.

Mr. Richard Dewey, 2236 Tiffany Court, stated he had no objection to the delay.

There were no other comments.

Upon motion by Councilmember Theobold, seconded by Councilmember Baughman and carried, appeal of the Planning Commission denial of the rezone of 1301 and 1305 N. 7th Street professional offices to PB was continued to September 18, 1996.

**PUBLIC HEARING - AMENDMENT TO ZONING & DEVELOPMENT CODE REGARDING
IMPOUND LOTS - ORDINANCE NO. 2945 AMENDING SECTION 4-3-4 AND
CHAPTER 12 OF THE ZONING AND DEVELOPMENT CODE, IMPOUND LOTS [FILE
#TAC-96-1.11]**

Amending Chapter 12 and Section 4-3-4 of the Zoning and Development Code to add a definition for impound lot and allow them in certain zone districts.

A hearing was held after proper notice. This item was reviewed by Michael Drollinger, Community Development Department. The amendment permits impound lots in certain zone districts and adds a definition for impound lots. An impound lot is a lot for the temporary storage of publicly or privately towed vehicles. Three changes are:

1. Section 4-3-4, the Zone Use Matrix, add the use of impound lot to the Use Zone Matrix within the industrial storage/outside category and establish the use as allowed in C-2, I-1 and I-2 zones, and as a special use in the PZ zone district;

2. Chapter 12, add a definition of impound lot, "the temporary storage of vehicles for a period not to exceed that permitted in 42-4-1806 C.R.S. in which no vehicle dismantling or repair work occurs. The reason the definition was tied to a Colorado Statute is, should there be changes in Colorado law related to the temporary storage of vehicles, this definition would automatically change to reflect those changes;

3. Amend the definition of junk yard in Chapter 12. Presently, impound lots are within the definition of junk yard, and junk yards are only permitted in the I-2 zone. Currently, persons who wish to establish a legal impound lot would only be able to do that in an I-2 zone since impound lots are classified under junk yards. Since that is being taken out of the junk yard classification, the proposal is to remove any reference to automobile impound lot.

Assistant City Attorney John Shaver said Colorado Statute 42-4-1806 specifically deals with impound lots and yards which are under the jurisdiction of the Colorado Public Utilities Commission. It is detailed and discusses the kinds of things that occur for public and private tow, notices, etc. Mr. Shaver said there are only two locations that are zoned PZ, those being the Mesa County Jail and the City's shops area on River Road.

City Manager Mark Achen commended the Community Development Staff for tackling this issue, and responding to the community with this amendment.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Baughman, seconded by Councilmember Theobald and carried by roll call vote, Ordinance No. 2945 was adopted on second reading and ordered published.

PUBLIC HEARING - ZONING OF BOOKCLIFF TECHNOLOGICAL PARK TO PI -
ORDINANCE NO. 2946 (AMENDED) ZONING BOOKCLIFF TECHNOLOGICAL PARK
ANNEXATION PI [FILE #ANX-96-128]

Staff recommends Planned Industrial (PI) zoning for the Bookcliff Technological Park Annexation. The zoning is currently PI in Mesa County and has received official Development Plan approval.

A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department. The area is a 55 acre parcel located at H and 27 1/4 Roads. It is owned by Colorado West Improvements. The previous County zoning was Planned Industrial. Previous to that zone, it was Residential Development and quite controversial. The zone has now been changed to a Planned Industrial Zone allowing commercial and industrial uses. The City is proposing to use the County's Planned Zone concept and make it a Planned Industrial Zone with the same requirements placed on it by the County. Each use in the

area will have to come in with the preliminary and final planned development to be reviewed by the Planning Commission.

Councilmember Theobold noted the developer is IDI for economic development. Mayor Afman said the EDC is working on some guidelines and covenants for this area, and will help direct the development.

Councilmember Maupin felt another commercial zone should not be created in this area. If development will include factories and high tech businesses, Councilmember Maupin felt it should be located in the area of Horizon Drive.

Mayor Afman said EDC would like to have this as a high tech area. Councilmember Theobold said retail business is not the kind of tenant EDC wants to attract.

City Manager Mark Achen questioned if the uses are vaguely described as commercial and industrial, does City Council or the Planning Commission have any basis to reject a commercial application. He recommended taking action at this point to make that clear, either specifying "non-retail" or saying covenants are required with the project. Mr. Achen felt the current language in the proposed ordinance does not strictly accomplish that.

Assistant City Attorney Shaver said the Planning Commission was also concerned about this issue. He encouraged specific, defined types of uses be named. He said Staff tried to craft in this ordinance the best of both worlds between the straight zone and planned zone, knowing there is no specific plan at this time.

Mr. Thornton said industrial zones have a wide range of uses. Restrictions can be made with reviewing the covenants that are determined by IDI and EDC through the process.

City Manager Mark Achen suggested amending the third paragraph by adding a paranthetical expression after "industrial/commercial uses" saying "consistent with the current selection criteria of the Mesa County Economic Development Council for relocation prospects." That is the reason Council supported the acquisition of the land.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Theobold, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2946, as

amended, reflecting the City Manager's recommendation in the third paragraph in the Recitals, was adopted on second reading and ordered published.

PUBLIC HEARING - ZONING 3D SYSTEMS ANNEXATION TO I-1 [FILE #ANX-96-104] - CONTINUED TO OCTOBER 2, 1996, COUNCIL MEETING

Staff recommends zoning the 3D Systems Annexation Light Industrial (I-1). The character of this area is most appropriately suited for light industrial (manufacturing) due to the nature of the existing businesses in the area and the proximity of the Walker Field Airport.

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. The area is just east of Bookcliff Technological Park, on the corner of Falcon Way and H Road. There is a plan in the current development review process for 3D Systems to use half the parcel (10 acres) and the other half (10 acres) will be going to the EDC. The area was zoned Commercial in the County. Staff felt a Light Industrial Zone meets the criteria for that area. Staff felt, as part of the Code amendment, a new business park zone designation would be appropriate.

Mr. Thornton said in trying to establish a zone close to the previous straight Commercial zone in the County which allowed many different uses, Staff focused on the straight zones. An Outline Development Plan was approved on the Bookcliff Technological property which designated the configuration of the lots, landscaping and open space areas, etc.

Councilmember Theobald questioned why if nothing existed on the property, the City would be more likely to do a Planned Zone, but since it's already there, the City is more inclined to do a straight zone? Mr. Thornton said it is the character of the way it has been developed. 3D Systems is concerned that the zone would not allow them to continue their business. The north half of the property will go back to Colorado West Improvements or IDI. The concern is zoning the entire 20 acres knowing that ten acres is vacant and could have a multiple number of uses proposed for the parcel.

Mr. Thornton said some possibilities in the I-1 (Light Industrial) zone would include cultural education and recreation-

al facilities, membership clubs and community activity buildings. In contrast, the I-2 zone allows some of the heavier industries like smokestacks, etc.

Councilmember Terry asked if there was a way to place some restrictions on this zone? Assistant City Attorney John Shaver said it would be through a planned zone because there are designated acceptable uses in the Matrix. Councilmember Terry was not comfortable with Staff's recommendation since she had just found out about splitting the property into two lots with part of it yet to be developed. Councilmember Maupin reminded Council the annexation must be zoned within 90 days of the effective date of the annexation.

City Manager Mark Achen suggested Staff make sure the property owners and future owners are aware of what is happening by specifying a zone and identifying those uses that apply.

Mr. Thornton questioned whether this needs to go back to Planning Commission or if Council can make the decision? Assistant City Attorney John Shaver said Council has discretion to modify anything that comes from the Planning Commission in terms of a recommendation. If Council is modifying the recommendation, it does not have to go back to the Planning Commission.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Theobald, seconded by Councilmember Maupin and carried by roll call vote, this item was continued to the October 2, 1996, City Council Meeting.

PUBLIC HEARING - FLORAL ANNEXATION, 264 26 1/4 ROAD - ORDINANCE NO. 2948 - AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - FLORAL ANNEXATION, APPROXIMATELY 2.9 ACRES, LOCATED AT 264 26 1/4 ROAD [File #ANX-96-163]

Walter and Catherine Larsen have signed a Power of Attorney to join their property at 264 26 1/4 Road to the City. Staff requests that City Council approve on second reading the annexation ordinance for the 2.9 acres Floral Annexation.

A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department. The property is located on Orchard Mesa across from the City cemetery at 264 26 1/4 Road. The property owners are happy to be annexed.

Councilmember Baughman asked if there is a problem with the present structures on the property (greenhouses). Mr. Thornton said they are phasing out their floral business, and have no plans to continue the business. The City has no plans to request the removal of the structures if the property is annexed. Assistant City Attorney John Shaver said there is an abatement code in the City which allows the Chief Building Official discretion over such structures. If it constitutes a life safety hazard, it can be abated.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried by roll call vote, Ordinance No. 2948 was adopted on second reading and ordered published.

PUBLIC HEARING - HETZEL ANNEXATION, SOUTHEAST CORNER OF 25 1/2 ROAD AND F 1/2 ROAD [FILE #ANX-96-58] - CONTINUED TO OCTOBER 2, 1996 COUNCIL MEETING

The property owner, Kenneth M. Hetzel, ETAL is requesting to join their property to the City as part of a residential development plan. Staff requests that City Council continue second reading of the Hetzel Annexation until October 2, 1996.

A hearing was opened after proper notice.

Upon motion by Councilmember Theobald, seconded by Councilmember Maupin and carried by roll call vote, the hearing was continued to October 2, 1996, City Council Meeting.

OTHER BUSINESS

Citizen Complaints

Councilmember Maupin reported he has received complaints regarding the clean-up of the equipment and storage shed at Tiara Rado golf course. The City will have authority to enforce City Codes regarding clean-up if and when the area is annexed into the City.

ADJOURNMENT

Upon motion by Councilmember Theobold, seconded by Councilmember Baughman and carried, the meeting was adjourned at 8:53 p.m.

Stephanie Nye, CMC/AAE
City Clerk