

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

March 5, 1997

The City Council of the City of Grand Junction, Colorado, convened into regular session the 5th day of March, 1997, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Mike Sutherland, David Graham, R.T. Mantlo, Ron Maupin, Janet Terry, Reford Theobald and President of the Council Linda Afman. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Afman called the meeting to order and Councilmember Janet Terry led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Steve Johnson, Evangelical Free Church

APPRECIATION PLAQUE TO ANN SANDERS FOR SERVICE ON THE GRAND JUNCTION, COLORADO, COMMISSION ON ARTS AND CULTURE

PROCLAMATION DECLARING MARCH, 1997, AS "AMERICAN RED CROSS MONTH" IN THE CITY OF GRAND JUNCTION

RATIFY AT-LARGE APPOINTMENT TO THE WALKER FIELD PUBLIC AIRPORT AUTHORITY (FOUR YEAR TERM)

Upon motion by Councilmember Graham, seconded by Councilmember Mantlo and carried, the At-Large appointment of Miles McCormack to serve a four-year term on the Walker Field Public Airport Authority was ratified. The position has been vacated by Larry Jokerst.

APPOINTMENT OF MAYOR LINDA AFMAN AND COUNCILMEMBER JANET TERRY TO SERVE AS CITY COUNCIL REPRESENTATIVES ON THE MESA COUNTY ENTERPRISE ZONE COMMITTEE

Upon motion by Councilmember Sutherland, seconded by Councilmember Maupin and carried, Linda Afman and Janet Terry were appointed as City Council representatives to serve on the Mesa County Enterprise Zone Committee.

CONSENT ITEMS

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote with Councilmember **GRAHAM**

voting **NO** on Consent Items #3, #4 and #10, the following Consent Items #1-10 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the minutes of the Regular Meeting February 19, 1997

2. **Authorizing City Clerk to Appoint Judges for the April 8, 1997 Municipal Election**

The City Council may delegate the authority to appoint election judges to the City Clerk. Judges must be appointed fifteen days prior to the election.

Resolution No. 21-97 - Resolution Delegating to the City Clerk the Authority and Responsibility to Appoint Judges of Election for the April 8, 1997, Municipal Election

Action: Adopt Resolution No. 21-97

3. **Funding Support for Art and Cultural Events/Projects/Programs**

The Grand Junction Commission on Arts and Culture has reviewed applications for financial support, per criteria, guidelines, and budgeted amounts from City Council, and recommends the Council approve funding for the various art and cultural events/projects/programs.

Action: Approve Funding for Various Art and Cultural Events/Projects/Programs with Allocations Reflected in the Arts Commission's 1997 Budget

4. **Change Order #5 for Canyon View Park**

The amount of the change order is \$14,000.40 for the addition of skylights and photoelectric cells in the public restroom areas, and improvements to the aeration system in the irrigation ponds. Including this change order, the total

increase to date will be \$108,406.59 (1.94%). The revised contract amount will be \$5,675,406.59.

Action: Approve Change Order #5 to the M.A. Concrete Construction Contract at Canyon View Park in the Amount of \$14,000.40

5. **600 Colorado Parking Lot**

At the February 3, 1997 City Council Workshop, the consensus of Council was to amend the Parking Fund to include the 1997 construction of a new parking lot in the 600 block of Colorado Avenue. Staff has updated the revenue projections for the Parking Fund's 10-year plan and has included the additional project.

Action: Approve the Amendment to the Parking Fund to Include the 1997 Construction of the 600 Block of Colorado Avenue Parking Lot at an Estimated Cost of \$83,000

6. **1997 Fire Protection Upgrades**

The following bids were received on February 25, 1997:

Skyline Contracting, G.J.	\$157,769.06
Mountain Valley Contracting, G.J.	\$169,546.50
Bogue Construction, Fruita	\$175,020.00
Parkerson Construction, G.J.	\$179,505.00
Stanley Construction, G.J.	\$179,954.00
M.A. Concrete Construction, G.J.	\$187,412.50
Continental Pipeline, Mesa	\$199,692.25
Mendez, Inc., G.J.	\$200,747.97
Grant Miller, Inc., Breckenridge	\$204,303.00
Banner Associates' Estimate	\$276,557.50

Action: Award Contract for 1997 Fire Protection Upgrades to Skyline Contracting in the Amount of \$157,769.06_

7. **Revocable Permit for 420 Rio Vista Road for a Sewer Line Extension** [File #RVP-1997-048]

Resolution authorizing the issuance of a revocable permit to Trenton and Michelle Prall for a sanitary sewer service line adjacent to 420 Rio Vista Road (Redlands).

Resolution No. 22-97 - A Resolution Concerning the Issuance of a Revocable Permit to Trenton C. Prall and Michelle L. Prall

Action: Adopt Resolution No. 22-97

8. **Production and Broadcast over Cable Television City Council Meetings and Planning and Zoning Commission Meetings**

This agreement is for KRMJ, the local PBS station, to supply the personnel and technical expertise to produce and broadcast the City's Planning and Zoning Commission meetings and City Council meetings. KRMJ will use the City's audio/visual equipment to produce these meetings for broadcast over TCI Cablevision.

Action: Authorize City Manager to Sign the Agreement between the City of Grand Junction and Rocky Mountain Public Broadcasting Inc./KRMJ TV

9. **Amendment to Legal Description for Eminent Domain Action at 2699 Unawep Avenue**

Amending and increasing the square footage of Unawep Avenue right-of-way Parcel No. 153 from 47.30 square feet to 171.12 square feet, amending and increasing the estimated fair market value of the fee simple estate of the property located at 2699 Unawep Avenue from \$2.00 per square foot to \$2.25 per square foot.

Resolution No. 23-97 - Amending Resolution No. 10-97 Authorizing the Acquisition by the City, through the Exercise of the Power of Eminent Domain, of Certain Real Property Interests Located at 2699 Unawep Avenue for the Unawep Avenue Improvement Project

Action: Adopt Resolution No. 23-97

10. **Agreement with the Energy Office for a HOME Grant Project**

An intergovernmental agreement between the City of Grand Junction, Mesa County and the towns of Collbran, Palisade, Fruita and De Beque and the Energy Office. This agreement will let the Energy Office develop and administer a federal

government HOME Project. The purpose of this HOME Project is to provide a low and moderate income housing rehabilitation program.

Action: Authorize the City Manager to Sign the Inter-governmental Agreement for the HOME Grant Project

Staff presentation: David Varley, Assistant City Manager
Dan Whalen, Energy Office

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PUBLIC HEARING - BALLOT QUESTION ON THE SALE OR TRADE OF BURKEY PARK PROPERTY - ORDINANCE NO. 2986 SUBMITTING TO THE ELECTORATE OF THE CITY OF GRAND JUNCTION THE QUESTION OF THE SALE OR TRADE OF CERTAIN REAL PROPERTY OWNED BY THE CITY

Declaring approximately 17.5 acres of vacant land located north of Patterson Road and west of 30 Road, commonly known as the "Burkey Park Property", as surplus and not necessary for park, recreation or governmental purposes, submitting the question of the sale or trade of the Burkey Park property to the City electorate at the April 8, 1997 municipal election.

A hearing was held after proper notice. Tim Woodmansee, City Property Agent, reviewed this item. The hearing is to determine if Council would like to declare the Burkey Park property as surplus, and is not necessary for park, recreation or governmental purposes. Council must also determine whether voter approval should be sought at the April 8, 1997 municipal election to sell or trade the property. The property is located in an unincorporated area in Mesa County on the north side of Patterson Road, approximately 1/8 mile west of 30 Road. It is surrounded on three sides by fully built out subdivisions, and on the south by Patterson Road. It contains 17.5 acres and was donated to the City in 1967 by the Burkey family specifically for park, recreation and governmental purposes. The Charter requires Council action first to declare the property surplus, then voter approval if Council chose to dispose of the property. The property has been identified as a future park site contingent upon annexation into the City of Grand Junction. The design for

improving the property as a park site was prepared in 1995 at an estimated cost of \$1.25 million. Public comment has been received both for the sale or trade, and that the City retain the property.

The Parks & Recreation Advisory Board voted at its last board meeting 3-2 to not put the question on the ballot. If the question goes to a vote and is approved, the property could be sold and the proceeds could be placed in the Parks & Recreation Open Space Fund. Other park land could be purchased or improved.

Mr. Woodmansee said the City is not obligated to sell the property even with voter approval.

Joe Stevens, Parks and Recreation Director, said a formal vote was taken by the Parks & Recreation Board on whether to retain the property or to place the question on the ballot. The vote resulted in 3 yes votes and to 2 no votes to retain the property. Two members were absent from the meeting. Mr. Stevens said the two absent board members felt the City should retain the property for park purposes.

Mr. Woodmansee said conveyances to Mesa County or School District #51 would require voter approval. He estimated the value of the property at \$350,000.

Councilmember Graham asked if there are restrictions on the disposition of the funds, or must they be allocated for park purposes. City Attorney Wilson said the way the ballot question is written, the City is restricting the funds for parks purposes.

Mr. Woodmansee said this parcel is approximately one mile east (6,000 feet) of Matchett Park. The City has owned this parcel for 30 years and felt it has been a policy of the City that it not be developed until it becomes part of the City.

Mayor Afman solicited public comments at this time.

Mr. O.F. "Rags" Ragsdale, 2936 Crocus, said selling this property or placing the question on the ballot could set a precedent in future donations to the City. Prospective donators may feel that if they donate property to the City, the City will sell it. The Burkey family is one of the founding families of Grand Junction. He felt it would be difficult to find other large parcels of property within the City's limits. This parcel is not costing the City anything.

Mr. Jim Braden, 2420 N. 1st Street, said he would vote no on the question. He felt the 22 acre park land would be sufficient for an in-line skate park. There are instructors in Aspen that would be willing to come to Grand Junction for two-week courses teaching young people how to use a skate park appropriately. They would also be interested in national competition here which means more tourism and dollars for local businesses. He agreed with Mr. Ragsdale that if people donate land to the City for specific purposes, they expect their wishes to be carried out.

Mr. James Mackley, 2972 F 3/10 Road, resides two blocks from the subject park property. He also agreed with Mr. Ragsdale. He anticipated his subdivision being annexed into the City in the future. He voted against annexation last fall as he could see no advantage to being inside the City. He was opposed to selling the property and would like to see it developed as a park.

Mr. Doug Tucker, 622 Oxbow Road, resides adjacent to the park property. He purchased his property because no one could build behind him as the park property is located there. He did not feel the Burkey family intended that the City sell the land. Mr. Tucker did not want anything other than a park behind his house. He has talked to the County Commissioners who have interest in this property. He also voted against annexation last fall because he did not see advantages to being inside the City.

Councilmember Theobald said the County Commissioners have not expressed an interest in building a park any where in Mesa County for the past quarter century. They disbanded their Parks Department a long time ago. He felt it is a great step forward to hear the County Commissioners are considering building parks. He applauded their decision.

Ms. Paula Emeret, 623 1/2 Broken Spoke, asked what the zoning was for this parcel of land. Mr. Woodmansee said it is zoned PZ (Public Zone) by virtue of the City's ownership. It would take development review before anything could be built on the property. Ms. Emeret asked if it would have to go to a vote of the people in order to give the property to Mesa County. Councilmember Theobald said yes. Dave Thornton, Community Development Department, said the current County zoning on the property is R-2 (Residential Zone). The zone allows approximately 4 units/acre. The zone also allows churches, but no commercial uses. A rezone application through the County is similar to the City's. It goes through the Planning Staff, different review agencies, then to the

Mesa County Planning Commission. The Board of County Commissioners would make the final decision. Councilmember Terry said if the City sold the property, the recipient of the property would not be restricted on its use unless a ballot question addressed it, or a future Council directed to whom it should be sold.

Mr. Steve Johnson, 2998 Country Road, said he moved here two years ago and thought he was moving into the City because of the sign that is posted on the Burkey property saying it is going to be developed by the City as a park. He felt this reeks of payback, telling residents in the area they are not going to have a park in their area because they defeated annexation. He encouraged Council to be thoughtful and kind in all of its actions. He felt Council should wait on resident support for annexation, and to then develop the park.

Councilmember Mantlo did not feel Mesa County is going to get back in the parks business. He and Councilmember Terry have talked to the Mesa County Commissioners and they said they might be interested in contributing some monies to help build the park if the City would develop the park.

Mr. Jim Mackley, 2972 F 3/10 Road, said he is an employee of Mesa County. The County does maintain a number of parks. He did not know if the County built them. There is still some parks activity within the County.

Mr. Richard Emeret, 623 1/2 Broken Spoke Road, said this land was deeded to the City as a gift and should be honored as a gift. It should not be sold for profit or sold to have funds transferred from one operation to another within the City. The land was given to the City, not the County. He felt the City has a responsibility to honor the stewardship of the gift and the wishes of the donor that it be a park or recreational facility. Anything short of that would be a violation of the public's trust as well as the Burkey family's trust. Mr. Emeret does not know the Burkey family. He felt the property will eventually be annexed into the City. He favored annexation of his property.

Ms. Kate Sis, 612 Oxbow Road, said her property abuts the park land. She expects annexation in the near future. She would like to see a park developed there some day. Families in surrounding subdivisions will need parks for a long time. She did not oppose annexation of her area.

Mr. Balbino (Bob) M. Garcia, Jr., 608 Broken Spoke Road, said most of the people in Oxbow Subdivision think annexation will take place at some point in time. He does not favor annexation at the present because of the City's action in annexing other areas. He could see little benefit from annexation. He would like to see a park built on the parcel. It bothers him to see it vacant. If a petition were to be circulated inviting annexation, he would not sign it. He felt he is probably outnumbered in his opinion.

There were no other public comments. The hearing was closed.

Councilmember Graham asked if there is a possibility of a reverter or right of re-entry if the City alienates the property in any way. City Attorney Wilson said yes. Councilmember Graham asked what legal restrictions are placed upon the City with respect to disposing of the property. City Attorney Wilson said there is language in the deed that clearly indicates the grantor's (Mr. Burkey's) intention is that the City use it for a park. It does say "to be used for a park or other purposes". The law tends to allow free transfer and not restrict alienation. City Attorney Wilson felt the City could sell the property without risk of having to lose a claim from the Burkey heirs that it would revert to the Burkey Estate. The language used in the original deed would be advisory only.

Mayor Afman asked if the City has disposed of parklands in the past that have been gifted to the City. Mr. Woodmansee said parklands have been disposed of which were dedicated to the City via subdivision plats, some small lots in Spring Valley Subdivision and Southside Community Park. Councilmember Maupin said the Burkey family donated land to the Botanical Society which was sold to build their gardens in another location. Councilmember Graham wondered how likely these past land transactions would create a deterrent effect for similar land grants to the City. Mr. Woodmansee thought this Burkey parcel is the last parcel that has been bequeathed to the City for parks purposes.

Councilmember Maupin said the City residents speak on the ballot. He asked why the City residents should maintain open space that is located behind residents that do not wish to be annexed. The Burkey family gave a lot of property away for many reasons. He wondered why the Burkey family did not give the parcel to Mesa County since it was located in Mesa County. Mesa County was in the parks business that many years ago. He felt it is important

that the City residents are allowed the opportunity to decide what to do with this potential revenue source. The City already has a park currently being developed 6,000 feet away from the Burkey parcel. There are areas in the City that are still waiting for playground equipment. He felt the City is land rich and cash poor. He felt the citizens want the City to develop the parks it has now.

Councilmember Theobald felt the Burkey parcel was given without being site specific. Some County residents want to come into the City so they can have a park. Yet many others are undecided. He felt the perspective that this parcel will be inside the City any time soon is slim. He felt it is irresponsible to tie up these funds which could be spent for park uses elsewhere. A loss in interest income represents approximately \$25,000/year by having this parcel sitting out there unused. If the County is willing to develop this parcel into a park, the City still needs voter permission to deed the parcel to the County. For that reason, he felt the question should be placed on the ballot for voter decision.

Councilmember Terry said the parcel is not in the City and does not feel money should be put toward development of a park until such time as it is annexed to the City. She felt the property will eventually be in the City. To forego the possibility of open space in this location which is such an integral part of that quadrant of the City, is adverse to everything this Council has talked about since she has been on Council. There is potential in the future for this property to be park space. She could not support this Council leaving that decision in the hands of other Councils that may not be as cognizant of the importance of park space.

Councilmember Mantlo said he knew Mr. John Burkey personally, and he was very civic minded. He felt Mr. Burkey's reason for gifting the parcel to the City was because Mesa County is not, and has never been, in the parks business. Mr. Burkey felt the City would be the only one that would develop a park there. Cities are supposed to provide services such as fire, police, street lights, curbs, gutters and sidewalks, etc. The gift did not cost the City anything at the time and it does not cost the City anything now. Eventually some City Council will convince the Fruitvale area residents that annexation is desirable. He is not in favor of selling a piece of property that was intended for parks purposes. Neighborhood and community parks are needed in Grand Junction.

Councilmember Sutherland said the residential development in the area of this parcel is very dense, and a park is needed in the area. He supported the vote of the Parks & Recreation Advisory Board. He felt the purpose of boards is to look at issues in more depth than the City Council, and make findings. He appreciated the majority vote saying no to the sale of this property. He felt there needs to be flexibility in assessing the needs and uses of the resources in the area. Most of the public comment this evening was given by Mesa County residents who do not want to be a part of the City, but do want a park. He felt the City residents should be allowed a vote on whether to retain the property or not.

Councilmember Graham stated he feels there is a disproportionate parks budget compared with the need for capital improvements. There is no evidence of any broad popular support for this as a ballot issue. Unless the people of the City come forward with their own petition requesting Council to put this property up for sale, the Council does not have the need to initiate this action.

Mayor Afman felt this may be an opportunity for Council to direct future Councils in that this property would remain as a buffer or as a greenbelt along Patterson, if Council had some direction from the voters as to how they felt.

Upon motion by Councilmember Maupin, seconded by Councilmember Theobald and carried by roll call vote with Councilmembers **GRAHAM, MANTLO** and **TERRY** voting **NO**, Ordinance No. 2986 was adopted on second reading.

BALLOT QUESTION INCREASING CITY COUNCIL SALARIES - RESOLUTION NO. 24-97 - A RESOLUTION SUBMITTING TO THE ELECTORATE APRIL 8, 1997, AN AMENDMENT TO THE CITY CHARTER, ARTICLE II, SECTION 38, SALARIES

Any change to City Council salaries requires an amendment to the City Charter, Section 38. This resolution will refer a measure to the ballot to amend Section 38 of the City Charter to increase City Council salaries from \$200/month to \$500/month and increase the Mayor's salary from \$250/month to \$600/month.

Councilmember Graham questioned when this would become effective. City Attorney Wilson stated it would be effective in May, 1997. Mr. James Braden, 2426 North 1st Street, stated he felt people who come to testify before the Council are belittled and made to feel their testimony isn't worthwhile. Why should he vote to increase

the Council's salary? Mayor Afman stated this issue will go before the voters.

Councilmember Terry stated she is conflicted on this issue. She felt she should not benefit financially from the experience of being a councilmember.

Councilmember Maupin stated he would like to see everyone have the opportunity to serve on Council. An increase in the salary might allow others to serve. He noted there has been no increase in Council's salary since 1987.

Mayor Afman stated the average time involved is between 20 to 25 hours a week, with the mayor's position being even more demanding. The pay is really a token and it should not be a barrier preventing good, qualified people from serving on the Council. The salary should help to offset any compensation lost by serving. She stated this would be the citizens' decision and not Council's.

Councilmember Graham stated he felt service on the Council should be both an honor and a sacrifice. He recommends against this, especially since no popular support has been manifested in favor of this. He feels it is inappropriate.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin with Councilmembers **TERRY** and **GRAHAM** voting **NO**, Resolution No. 24-97 was adopted.

RECESS

Mayor Afman declared a 7-minute recess at 9:10 p.m. Upon reconvening, all members of Council were present.

PUBLIC HEARING - WESTWOOD RANCH ANNEXATION, LOCATED AT THE NORTHWEST CORNER OF 25 1/2 ROAD AND F 1/2 ROAD - ORDINANCE NO. 2987 - AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, WESTWOOD RANCH ANNEXATION, APPROXIMATELY 22 ACRES LOCATED AT THE NORTHWEST CORNER OF 25 1/2 ROAD AND F 1/2 ROAD [FILE #ANX-96-267]

The property owner, Robert G. Wilson, and the developer for Westwood Ranch Subdivision, Castle Homes, are requesting annexation of the 22.55 acre parcel of land located at the northwest corner of F 1/2 Road and 25 1/2 Road.

A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department.

Councilmember Graham questioned if the developers had appealed this through the Planning Commission yet. Mr. Thornton stated he has heard they do not plan to appeal but they will be resubmitting this project through the Planning Commission.

Councilmember Graham questioned if the density will remain at 3.3 per acre. Mr. Thornton stated this would be adjusted based on what was proposed and what Planning Commission would then recommend.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2987 was adopted on second reading and ordered published.

APPEAL OF PLANNING COMMISSION CONDITION OF APPROVAL FOR OFFICE BUILDING AT 123 N. 7TH STREET [FILE #FP-1997-008]

The Grand Junction Planning Commission approved the Final Plan for 123 North 7th Street for approximately 15,000 square feet of office/retail space and a parking lot in a Planned Business (PB) zone with a condition regarding reconfiguration of the parking lot to provide additional landscape/buffer area along 7th Street. The petitioner is appealing that condition to City Council. Councilmember Sutherland stated he must recuse himself from this hearing. He had unknowingly contacted one of the owners regarding a lease before he knew this would be appealed through the City Council.

Ed Chamberlain, Chamberlain Architects and part owner in the project, came forward to speak. Mr. Chamberlain stated he has been working on the project for some time. The old U.S. West building will be fixed up with the building next door being demolished and converted into a parking lot with an agreement with the DDA to be leased back for after hours parking. He would like to move on the project as soon as possible. He

disagreed with the aisle width being required saying it is in excess of what is needed. Diagonal parking is not desirable since there would be a loss of 5 spaces. One of the requirements of the planned zone is for the parking lot be screened with hedges, fences or walls from 2-1/2 to 3-1/2 feet in height. This requirement is only in parking lots of over 50 cars. This parking lot is for 26 cars. The parking stall requirement is 18-1/2 feet. The aisle is the distance between the stalls. The current aisle width is 9-1/2 by 24 feet, the proposed would be 10 x 23 feet. This makes it 5 inches short. An elevator, stairwell and entry are being added to the front of the building along with a handicapped access ramp.

Mayor Afman questioned how many parking spaces are being allowed per suite? Mr. Chamberlain stated there is 15,000 square feet and 26 parking spaces. It is anticipated that 1/3 of the parking spaces will dedicated for each floor, then, after hours, these parking spaces would become public. It is planned to use ash trees with tree grates for plantings and colored concrete, helping to create a visual effect along 7th Street. There are two issues involved: 1. 5 inches on the aisle width and the need to calculate the area where the cars overhang the curb; 2. The quantity of the landscaped area. Staff calculated 895 square feet and 1340 is required. They calculated over 900 square feet on-site which is still short of the 1340, but if the off-site areas are included, this brings it to 1500 square feet. This way the quantity of the landscaping is being met.

Councilmember Theobold said it is the parking design which is preferred by the petitioner that has made the height of the shrubbery an issue.

Michael Drollinger, Community Development Department, clarified the history and alternatives using an overhead presentation. The two major issues are the parking lot design and the landscaping. The preliminary approval included a rezone to PB. The Planned Business zone was intended to allow for an increase in height, which is no longer part of that proposal. One of the conditions of approval by the Planning Commission, with the preliminary plan, was there be landscaping provided. The detailed wording from the minutes says "Landscaping that provides an immediate, effective visual screening of the vehicles parking on the property and buffer area between the parking lot and pedestrians in the right-of-way." The major concern of both Staff and the Planning Commission was that this is a very visual corridor, and

they wanted to make sure the landscaping plan for this property effectively screened cars.

Mr. Drollinger said the second major issue is the parking design. It was brought up at the preliminary plan, but when Mr. Chamberlain incorporated what he felt was an appropriate landscaping scenario with the final plan, it became a substantial issue because of the significant deficiency in the widths of the parking spaces provided, not 5" as Mr. Chamberlain described. The critical dimension for parking lot design is the addition of the depth of the space, the aisle width (the space between parking spaces) and the space of the other parking space on the other side of the aisle. Adding the three together comes to 53'. The requirement in the present Zoning & Development Code is 61'. The difference is 8' rather than 5". He said Mr. Chamberlain measured distance, using the landscape buffer, all the way to the property line, and the distance increases to 56', still well short of the 61' Zoning & Development Code standard. Staff considered other standards that could possibly work as an acceptable parking lot design. The Transportation Engineering Design Standards (TEDS) Manual list some alternatives. It contains dimensions that are more commonly used these days. The Manual allows the distance to be reduced to 60' which is still 7' greater than Mr. Chamberlain's proposal. Measurement of parking distances does not include a landscape strip. Staff considered these alternatives and determined the plan is still deficient. Staff suggested an angled parking design with a one-way aisle. Mr. Drollinger addressed the circulation issue. If the alley is designed as a one-way, it will force the six end spaces to have to go into the alley. The alley is one-way headed west. There are substantial numbers of trucks in the alley during many times of the day. Staff is comfortable with permitting the alley, for the first short stretch, to be a two-way alley to allow people to exit onto 7th Street. The vast majority of the spaces on the lot would still have two-way circulation and could still use the Rood Avenue entrance and exit. City Attorney Wilson asked if the Zoning & Development Code factors in the compact vehicle. Mr. Drollinger said yes. The Transportation Engineering Design Standards Manual has contemplated a compact space. The width would then be 58' rather than 60' which is somewhat closer to the requirement, but still short. Staff feels the reasonable standards in the TEDS Manual should be considered an absolute minimum for parking lot design. A further variation downward would not allow for a safe and useful parking lot.

Councilmember Theobold asked what the standard would be for just the one parking space and the aisle without the opposite row of spaces. Mr. Drollinger said 18-1/2' would be required in the space, and 24' in the aisle. The aisle remains constant whether there are parking spaces across the way or not because the vehicle still needs to get out of the space and maneuver to make a turn. Staff understands Mr. Chamberlain's concern regarding the loss of spaces through Staff's design, however there are still other possibilities depending on who Mr. Chamberlain feels will be using the parking spaces on site. There are spaces on both 7th Street and Rood Avenue which are currently 2-hour parking spaces. Taking some employees off-site and allowing some of the spaces on-site to be freed up for customers, the Public Works Department would consider making the 2-hour spaces 10-hour spaces, depending on the parking demand in that area. There is an excess of spaces on 7th Street during the day. Mark Relph, Public Works Department, said typically a complete block around a subject project is considered when determining excess parking. The demand is determined depending on the time of day. The Parking Model compares the actual spaces that were occupied and those that were open. Some adjustments were made. The demand is being met, but when the Avalon Theatre has an event, the demand for parking will be at a real premium. Councilmember Theobold said there is a lot of parking available to the east, although it is private or available on a monthly basis. Councilmember Maupin said there is little parking available in the area.

Mr. Drollinger said the landscaping requirement in a B-3 zone would be 5' deep. Mr. Chamberlain is proposing 3' deep. Staff feels the 3' can work if it's designed to provide a decent screen. This is a very visible corridor and development of this corner is going to set a tone for this immediate area. The landscaping along the frontage is very important in this area.

In summary, Mr. Drollinger said the parking plan, as proposed, does not meet the City's standard. It does not meet the Planning Commission's requirement for the landscaping. Staff is concerned that with the significant deficiency in the aisle, in the parking lot cannot work as proposed by Mr. Chamberlain. The loss of five spaces resulting from a redesign would not be significant. If designed as presently proposed, it would not function well, and if the spaces cannot be used when designed in a substandard way, Staff can see no gain achieved. Staff recommends upholding the decision of the Planning Commission with the condition regarding

reconfiguration of the parking lot to provide additional landscape/buffer area along 7th Street.

Mr. Drollinger said a Planned Zone should provide a design that is superior to what is required in a straight zone. He could see no reason for any type of a variance as this project is a standard type of development. The Zoning & Development Code requires both on-site landscaping and landscaping of the right-of-way. However, in special circumstances, the Code allows up to 15% of the required landscaping to be in the right-of-way. The proposed right-of-way improvements in this project go right to the property line.

Councilmember Graham read from Section 4-2-12(c) of the Zoning & Development Code: "A minimum of 75% of the required front yard setback shall be landscaped on any street where the required setback is less than 5', the landscaping requirement shall be 75% of the first 5' along that street. The administrator may allow landscaping to be located in areas other than the setback or first 5' so long as the total required square footage is provided and the intent of this Code are met." If landscaping is done on the right-of-way, Councilmember Graham asked if there is a basis for compromise based upon landscaping that is being done on the right-of-way. Mr. Drollinger said not as proposed by Mr. Chamberlain. He does not see the on-site landscaping meets the intent and purpose of the Code. The Planning Commission condition called for an immediate effective visual screen. Furthermore, Section 5-5-1(f) of the Zoning & Development Code, Parking Lots, Landscaping and Lighting, contains a general purpose statement for landscaping requirements for parking lots. Staff has concluded these criteria have not been satisfied with this proposed landscaping design. Councilmember Terry asked how tall the hedges grow that are designated in the landscape design. Mr. Drollinger said typically between 2-1/2' and 4' which would minimally meet the requirement of the Planning Commission. Mr. Chamberlain's proposal is for low growth landscaping in the area where cars will overhang, and will not provide the green feel nor screening. Staff is trying to achieve visual compatibility along 7th Street. Councilmember Maupin asked if the Planning Commission dictated to Council that the City should screen the parking lot immediately to the west of this project, to screen vehicles. The City parking lot touches this parking lot and the cars in the City lot are not going to be screened. Mr. Drollinger said in the retrofit of City lots, the City is going to be very sensitive in trying to reconfigure them, and will be

faced with some tightness as well. The City is designing its own parking lots to meet the standards that a private development would also need to meet. There is a lot of catching up to do in the downtown area for both private and public parking lots.

Ms. Barbara Creasman, Downtown Development Authority Director, said the DDA Board has not been supportive of the screening requirement, noting security concerns. She did not think there was going to be screening in the Avalon parking lot. She contacted Ted Ciavonne, local architect who has designed other parking lots in the area, who said the Avalon parking lot does not meet a lot of City standards and many compromises were made. The DDA wants to see the parking lot landscaped. They want to see the tree line consistent along 7th Street. The issue of a 2' high shrub was unsatisfactory. The DDA Board is concerned about how many parking spaces will be lost as they see this area as very tight. The Board wants to maximize parking within reasonable boundaries. Ms. Creasman said the Board is not in favor of changing 2-hour meters to 10-hour. She hoped City Council could meet with the DDA Board and come up with some compromises.

Councilmember Graham asked if Ms. Creasman felt the screening and parking issues could be resolved independently of the Council having to make a decision on tonight's appeal. Ms. Creasman said the downtown people feel the screening is a detriment. City Manager Achen stated Council has received mixed messages from the DDA on previous policies regarding parking lots in the downtown area. Ms. Creasman agreed there needs to be more policy discussion regarding parking lots. She said every existing lot and building that is dealt with is going to run into other issues that will be unique. Basically, the DDA does not want to require parking for existing building envelopes because so many buildings would not have the opportunity to go find that parking. However, when there's an opportunity for parking, the DDA wants to be able to maximize that parking within reason.

Mr. Chamberlain said a new drawing was given to City Staff with changes. Mr. Drollinger did not use the new drawing. The sidewalk is about 2' further from the parking lot which allows for a 5' wide planting strip instead of 3'. The curb was moved out to gain additional footage in the aisles. The new drawing shows only 5" short on the aisle dimension. The green strip which goes around the perimeter is 5' instead of 3', and the cars overhang 3'. The 2' that has been added is off-site. The curb

is now 3' out from the building. When backing up, the tires hit the curb instead of the steps that go into the building. The aisle width requirement is important (page 5.46 of the Zoning & Development Code). The stall width causes narrower aisle requirements.

Council did not have copies of the new drawing as Staff has not had the opportunity to review the new drawing. Mr. Drollinger said Staff would like to review it and see if, based on the different design, there is an ability to come to an agreement between Staff and the petitioner.

Councilmember Terry felt some of tonight's requirements are ridiculous. The property is going to be a prime corner, well developed, and she would like to see an approach from Staff that is workable, and come to a decision without taking an inordinate amount of time. Councilmember Maupin concurred with Councilmember Terry. He did not understand the requirement for screening.

Councilmember Graham would like to see the DDA get involved more in the review of this application. He did not feel it is fair to Staff for Council to ratify a new plan which is being presented for the first time. He did not wish to cause delay, but felt this needs to be worked out before making a decision.

Councilmember Theobald said everyone tonight is very happy with the project. It is unfair, on the other hand, to imply criticism of Staff for what they are requiring of the petitioner, because they are following the Code. He felt that is Staff's obligation and expects them to tell Council what the Code says. In spite of the fact it is great to have parking spaces that are needed, even though Council thinks the tight configuration is acceptable, he wants to hear Staff tell Council what the standards are and what Council is giving up. Perhaps the Code needs to be reexamined for landscaping in the downtown area. He felt Michael Drollinger has done a good job of presenting the situation. He felt Council is fussing over small details (parking and landscaping) when the big picture is pretty well accepted.

Mayor Afman suggested Staff review the petitioner's new plan, and report back to Council by the next Council meeting. Council should be able to make a decision at that time. City Manager Achen sensed the majority of Council is satisfied with surface green, but does not want screening. He did not sense a strong

objection to the parking overhang. With the parking space wider, a narrower aisle width could possibly be considered. The aisle width would be 23 1/2'. If Council feels the issues are acceptable, he suggested Staff and the developer go back to the final plan to make sure the final plan comports with that, and not have to bring it back to Council and go through another hearing on the matter.

City Attorney Wilson said if the parking lot is going to be owned and managed by a partnership, the eight parking assignments on the south half could be reserved according to types and sizes of vehicles. Council was not concerned about the overhang of cars.

Councilmember Graham was still concerned about whether all the parties understand all the possible configurations for the parking lot, and whether a design can be agreed upon which is functional and safe. He felt on the basis of some of Staff's input tonight, there is still unresolved issues of the screening and landscaping which may be compromised. City Manager Achen was concerned that Staff is not in a very good position to carry this discussion on with the developer when Council has already expressed its acceptance of these issues. Council concurred.

Councilmember Theobald felt the Code needs to be revisited in the near future regarding these issues. It puts Staff in an awkward position.

Upon motion by Councilmember Maupin, seconded by Councilmember Terry and carried by roll call vote, the applicant's appeal of the Planning Commission conditions was approved based on the following:

1. No screening of the parking lot is necessary;
2. Parking stalls can be calculated to overhang into the landscaped area by 3';
3. The aisle width can be considered a grace of up to 6" based upon the additional 6" in width of the parking spaces - if more aisle width is needed, the parking space should be an additional 6" wider. One parking space might be lost, but at least a car could get in and out.
4. The last step of the building entryway is not where the aisle is measured from, but the second step.

DDA Director Barbara Creasman noted the DDA had sent Council a letter on February 11, 1997. Mayor Afman confirmed Council did receive the letter.

Councilmember Sutherland returned to his seat on Council at this time.

PUBLIC HEARING - AMENDING CHAPTER 30, SOLID WASTE, OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES - ORDINANCE NO. 2988 AMENDING THE CITY OF GRAND JUNCTION CODE OF ORDINANCES CHAPTER 30, SOLID WASTE

With the change of picking up refuse with automated trucks, there are some changes needed to the current ordinances. These changes are needed so the ordinances are relevant with the operation of the automated vehicles and the automated containers being furnished by the City.

A hearing was held after proper notice. This item was reviewed by Darren Starr, Public Works Superintendent. As a result of the recent changeover to automated trash collection, a lot of things in Chapter 30 pertain to the old type containers which were provided by the residents. The changes coincide with automation and the new containers (placement of containers, who provides containers, appropriate size, maintenance, etc.).

Councilmember Graham discussed the convenience and the continuation of the same level of service that has been provided in the past. He referred to Section 30-31(d), Designation of Volume. Mr. Starr said if the container is overloaded, there is a problem with the mechanized arm lifting the container. If the container is overloaded it will begin to spill. If the lid is at a 45 degree angle, the garbage is in the containers, but if it's loaded where the lid is up or completely open, there will be a problem.

Councilmember Graham also referred to Section 30-37. When an extra accumulation of trimmings is requested for special pickup, how is it handled. Mr. Starr said the customer calls the department in advance. Some of the older trucks make stops at customers' homes to pick up extra accumulation. A person moving to Grand Junction area with a lot of moving boxes, etc. is not charged for the pickup service. Currently, the additional accumulation is not picked up by the automated driver. If

previous arrangements have been made, the extra truck goes out and collects for an additional fee based upon the volume which is determined by the driver. Any accumulation outside the specified container is charged for pickup. Mr. Starr has received no complaints regarding the volume based service.

Councilmember Graham referred to Section 33, Duty to Provide and Maintain a Sanitary Condition. The previous language to be stricken was "any container containing a nuisance with stench or insect infestation, or which does not conform to the provision of this article, or that has ragged or sharp edges, or any other defect liable to hamper or injure the person collecting the contents therefor shall be promptly replaced by the owner or producer." He felt it set up a specific standard for unsafe or unsanitary refuse containers. That has now been replaced with "every refuse producer shall maintain his refuse containers in a good and sanitary condition." It no longer defines a "good and sanitary condition". Since the operator does not have to come in contact with an unsafe or unsanitary container, why is the ordinance changing from a very narrow definition to a very broad definition. Mr. Starr said the City now owns the containers. The responsibility should be on the City of Grand Junction to maintain the container and keep it sanitary. This amendment places a little responsibility on the customer asking them to rinse the container from time to time to keep it somewhat clean. City Manager Achen suggested eliminating the words "good and".

Mr. Starr said a two-part card is filled out by the drivers when a re-occurring problems exist. One copy is left with the container and the other is brought back to the office. Less than 100 cards have been issued over a six-month period.

None of these regulations will have any affect on the Freshasadaisy (spring cleanup) program. Mr. Starr's department is working in conjunction with the Street Department on the Fresh-asadaisy program.

There were no public comments. The hearing was closed. Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote, Ordinance No. 2988 was adopted, as amended by deleting "good and" in Section 33, leaving "containers in a sanitary condition", on second reading and ordered published.

PUBLIC HEARING - AMENDMENTS TO SECTION 5-8, FLOOD DAMAGE PREVENTION REGULATION, OF THE ZONING & DEVELOPMENT CODE - ORDINANCE NO. 2989 AMENDING SECTION 5-8 OF THE ZONING & DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION PERTAINING TO FLOOD DAMAGE PREVENTION REGULATIONS [FILE #TAC-1996-1.14]

This text amendment modifies certain sections of the City's Flood Damage Prevention Regulations, bringing them in conformance with state and federal law regulating flood damage and flood hazard reduction.

A hearing was held after proper notice. This item was reviewed by Bill Nebeker, Community Development Department. The City's Code has been reviewed by the Colorado Water Conservation Board approximately one year ago which found a couple of areas that are not included in the Code. The maps were updated several years ago and added Zones AO and AH. This amendment adds a definition of an "Area of Shallow Flooding" which is an AH or AO Zone, and adding some requirements on the residential and commercial structures that develop within those zones. The amendment also clarifies some other sections that were found to be incomplete.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Theobold, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2989 was adopted on second reading and ordered published.

PUBLIC HEARING - ZONING TIARA RADO GOLF COURSE ANNEXATION, LOCATED AT 2063 SOUTH BROADWAY - ORDINANCE NO. 2990 ZONING TIARA RADO GOLF COURSE ANNEXATION PZ [FILE #ANX-1997-009]

The Tiara Rado Golf Course property (2063 South Broadway) was recently annexed by the City. Colorado State Statutes require the City to zone newly annexed areas within 90 days of the effective date of the annexation. It is recommended that the Public Zone (PZ) be applied to the Tiara Rado Annexation.

A hearing was held after proper notice. Dave Thornton, Community Development Department, was available to answer questions of Council. There were no questions.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Theobold and carried by roll call vote, Ordinance No. 2990 was adopted on second reading and ordered published.

PUBLIC HEARING - ZONING EAST TIARA RADO GOLF COURSE #1 AND #2 ANNEXATIONS, LOCATED AT THE NORTHEAST CORNER OF SOUTH BROADWAY AND 20 1/2 ROAD - ORDINANCE NO. 2991 ZONING EAST TIARA RADO GOLF COURSE #1 PZ - ORDINANCE NO. 2992 ZONING EAST TIARA RADO GOLF COURSE #2 PZ [FILE #ANX-1997-010]

The City recently annexed an 80.72 acre City owned property located on the northeast corner of South Broadway and 20 1/2 Road (east of the Tiara Rado Golf Course) known as the East Tiara Rado Golf Course Annexations #1 and #2. A City zone district must be applied within 90 days of the effective date of the annexation. It is recommended that the Public Zone (PZ) be applied to the East Tiara Rado Golf Course Annexations #1 and #2.

A hearing was held after proper notice. Dave Thornton, Community Development Department, was available to answer questions of Council. There were no questions.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Theobold, seconded by Councilmember Mantlo and carried by roll call vote, Ordinances No. 2991 and 2992 were adopted on second reading and ordered published.

NON-SCHEDULED CITIZENS & VISITORS

Mr. Jim Braden, 2420 N. 1st Street, said only ten miles of trails are going to be opened up on the Grand Mesa. He suggested a joint resolution be passed by the City Council and Mesa County, addressed to the Bureau of Land Management or Parks Services, requesting the expansion of the walking trails on the Grand Mesa. He felt it is important that newcomers to the area get the same exercise and enjoyment from Colorado's trails as those in Utah.

Mayor Afman suggested Mr. Braden contact Catherine Roberts and Carlos Sabache regarding this issue.

ADJOURNMENT

Upon motion by Councilmember Maupin, seconded by Councilmember Afman and carried, the meeting was adjourned into executive session at 11:20 p.m. to discuss pending litigation.

Stephanie Nye, CMC/AAE
City Clerk