

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

**May 21, 1997**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 21st day of May, 1997, at 7:35 p.m. in the City/County Auditorium at City Hall. Those present were Cindy Enos-Martinez, Gene Kinsey, Earl Payne, Jack Scott, Mike Sutherland, Reford Theobold, and President of the Council Janet Terry. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and Deputy City Clerk Teddy Martinez.

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

**PROCLAMATION DECLARING THE MONTH OF JUNE, 1997, AS "RECYCLING MONTH" IN THE CITY OF GRAND JUNCTION**

**PROCLAMATION DECLARING JULY 1-7, 1997, AS "ANTI DRUG AND ALCOHOL ABUSE WEEK" IN THE CITY OF GRAND JUNCTION**

**CONSENT ITEMS**

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried by roll call vote, the following Consent Items #1-15 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting May 7, 1997

2. **Setting a Hearing on Adopting Amendments to the City of Grand Junction Section 401(a) Money Purchase Defined Contribution Plans and Section 457 Deferred Compensation Plan**

City employee retirement plans require amendments from time to time to incorporate changes in federal and state laws, changes initiated by plan trustees in their prototype plan documents and changes in plan provisions sought by plan participants and city management.

Proposed Ordinance Adopting Amended Retirement Plans for Specified City of Grand Junction Employees

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 4, 1997

3. **Wing Rotary Mower for the Golf Department**

The following bids were received:

Colo. General Equip. Co. (Howard Price), Henderson	\$33,162*
L.L. Johnson Distributing Co., (Toro), Denver	\$33,605
Mile High Turf Equip., Inc. (Jacobson), Denver	\$39,000

\* Recommended Award

Action: Award Contract for One 1997 Howard Price 1280 Wing Rotary Mower for the Golf Department to Colorado General Equipment Co. in the Amount of \$33,162

4. **Construction of 1.5 Mile Section of the Riverfront Trail, from the Orchard Mesa Pedestrian Bridge on the Climax Mill Site to 5th Street**

The following bids were received:

Sorter Construction, Inc., Grand Junction	\$215,975.42*
Mays Concrete, Grand Junction	\$237,246.90
Bogue Construction, Fruita	\$259,382.30
M.A. Concrete Construction, Grand Junction	\$263,930.95
Atkins & Associates, Meeker	\$325,802.11

\* Recommended Award

Action: Award Contract for Construction of a 1.5 Mile Section of the Riverfront Trail to Sorter Construction, Inc. in the Amount of \$215,975.42

5. **Grand Avenue Bridge Replacement Project**

The 1995 bridge inspection report identified the Grand Avenue Bridge over Indian Wash as functionally obsolete and

structurally deficient resulting in the bridge being posted with load limits. This inspection qualified the bridge for State bridge funds available for replacement of substandard bridges. This funding was applied for and approved in 1996. The project schedule requires completion of design in July, bidding the construction work in August and bridge replacement in September and October of 1997. Grand Avenue will be closed during the construction period.

*Action: Approve Engineering Services Agreement with LONCO, Inc. for Design and Construction Management of the Grand Avenue Bridge Replacement Project for a Maximum Amount of \$32,432*

6. **Change Order to the Contract with Skyline Contracting, Inc. for the 1997 Fire Protection Upgrades**

Since the low bid for the 1997 Fire Protection Upgrades Project came in substantially below the 1997 budget for this work, two additional sections of water line 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 Skyline Contracting, Inc. for the 1997 Fire Protection Upgrades in the Amount of \$100,000*

7. **Extension of a Sewer Trunk Line to Northfield Estates, Located North of F 1/2 Road and West of 26 1/2 Road (N. 7th Street)**

Council approval to authorize \$60,000 from the Sewer Trunk Line Extension Fund (903) for the extension of a trunk sewer line to Northfield Estates located north of F 1/2 Road and west of North 7th Street (26 1/2 Road) across from Roundhill Subdivision. The actual construction of this extension is contingent upon the successful formation of a sewer improvement district for work within Northfield Estates.

*Action: Authorize the Design and Construction of the Northfield Estates Trunk Line Extension in the Amount of \$60,000*

8. **Amend Unawep Avenue Reconstruction Project**

The total requested contract amendment to the engineering services agreement is for \$60,149.36. Of that amount, \$16,382.50 is for additional services required by staff and, clearly beyond the original scope of work.

The balance of the request at \$43,766.86 is for the cost to coordinate and redefine the sequencing and schedule of the work from the two (2) construction contract concept to three (3) construction contracts.

*Action: Approve Amendment to the Engineering Services Contract with Rolland Engineering for the Unawep Avenue Reconstruction Project in the Amount of \$60,149.36*

9. **Cooperative Use Agreement between the City of Grand Junction and the Colorado Division of Parks and Outdoor Recreation for Use of City Water at the Colorado River State Park ("Connected Lakes")**

In 1994, the City sought a change in its Redlands Tailrace Water Right in order to facilitate a beneficial use of a portion of that water right by the Colorado Division of Parks and Outdoor Recreation at the Colorado River State Park ("Connected Lakes").

State Parks wishes to use a portion of the City's water right to maintain lake levels at Connected Lakes and, periodically, up to 18 c.f.s. to fill the Lakes.

*Action: Approve Cooperative Use Agreement between the Colorado Division of Parks and Outdoor Recreation and the City of Grand Junction*

10. **Agreement on Customer Trades between the City of Grand Junction and Ute Water Conservancy District in the West Orchard Mesa Area**

There are 95 Ute Water customers that will become part of the City's West Orchard Mesa Bulk Water Customer Base. There are 65 City customers that will become Ute Water customers in this area.

*Action: Authorize the City Manager to Sign the Agreement with Ute Water Conservancy District*

11. **Amending the Community Development Block Grant (CDBG) Contract between the City and the State of Colorado for the 5th Street Lighting and Streetscape Project**

In December, 1995, the City entered into a contract for a \$500,000 Community Development Block Grant with the Colorado Department of Local Affairs to build the 5th Street Lighting and Streetscape Project from South Avenue, north to Grand Avenue. The Colorado Department of Transportation has requested the City to postpone any construction on 5th Street from South Avenue to Ute Avenue until after the viaduct reconstruction project is complete. The contract amendment will extend the contract date until January 31, 1999.

*Action: Approve Amendment #1 to the Grand Junction Lighting and Streetscape Project (CDBG #94-811) to Extend the Final Completion Date to January 31, 1999*

12. **Setting a Hearing on Easement Vacation at 605 Meander Drive**  
[File #VE-1997-076]

A request to vacate a 20' ingress/egress easement between Meander Drive and Lot 3, Tomkins Subdivision at 2582 Patterson Road. The easement was originally dedicated to provide access to Lot 3 which fronted, but did not have approved access to Patterson Road. With the platting of Redstone Business Park located on Patterson Road, required access was provided. The Planning Commission has recommended approval of the vacation request.

Proposed Ordinance Vacating a 20 Foot Ingress/Egress Easement Located on Lot 1, Tomkins Subdivision, at 605 Meander Drive

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 4, 1997*

13. **Setting a Hearing on Zoning the Westwood Ranch Annexation, Located at the Northwest Corner of 25 1/2 Road and F 1/2 Road, to RSF-4** [File #ANX-96-267]

A proposal to zone the recently annexed 22.55 acre Westwood Ranch Annexation located at the northwest corner of F 1/2 Road and 25 1/2 Road to Residential Single-Family with a maximum of 4 units per acre (RSF-4).

Proposed Ordinance Zoning the Westwood Ranch Annexation RSF-4

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 4, 1997*

14. **Contract between the City and the State of Colorado for an Energy/Mineral Impact Assistance Grant for the Museum of Western Colorado**

The Museum of Western Colorado has been awarded an Energy Impact/Mineral Assistance grant of \$300,000 to help with their expansion project.

*Action: Authorize the Mayor to Sign the Contract between the City of Grand Junction and the State of Colorado, Department of Local Affairs in the Amount of \$300,000*

15. **Subrecipient Contract with the Grand Junction Housing Authority for Receipt and Use of \$312,000 of the City's 1996 CDBG Funds for Acquisition of Low Income Rental Property**

This contract between the City and the Grand Junction Housing Authority outlines the duties and responsibilities of each party pertaining to the use of City Community Development Block Grant funds by the Housing Authority.

*Action: Authorize the City Manger to Sign the Contract with the Grand Junction Housing Authority for Receipt and Use of \$312,000 of the City's 1996 CDBG Funds for Acquisition of Low Income Rental Property*

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

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

**PUBLIC HEARING - AMENDING THE ZONING & DEVELOPMENT CODE REGARDING THE APPEALS PROCESS - CONTINUED FROM APRIL 16, 1997, CITY COUNCIL MEETING** [FILE #TAC-1997-001.2] - **TABLED INDEFINITELY**

Amending various sections of the Zoning & Development Code of the City of Grand Junction, including 2-2-2.C, 4-4-2, 6-8-1, 7-5-4.C and 7-5-5.B to revise the process for appeals of Planning Commission decisions.

Mayor Terry announced this item will be tabled indefinitely. City Council needs further workshop discussions with the Planning Commission, the development community and citizens. It is anticipated the item will be revisited toward the end of the summer, 1997. The proposed ordinance will be readvertised for first and second readings.

**PUBLIC HEARING - CITY'S 1997 ACTION PLAN AND FUNDING REQUESTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

This public hearing is to discuss the City's Community Development Block Grant Program. Specifically, the Council will listen to public comments about the program and review the projects which have been recommended for 1997 funding by the Council Committee.

A hearing was held after proper notice. Assistant City Manager David Varley reviewed this item. A meeting was held earlier with public input to discuss the application process and what the funds could be used for. Interested groups asked questions about applying for these funds.

The purpose of this hearing is to receive public comment on the 1997 CDBG program, beginning September, 1997, in which the City expects to receive approximately \$477,000. Approximately \$47,000 is budgeted for administration and program costs, leaving a balance of \$430,000 which can be used on projects and activities. The City received three applications for projects totaling \$495,000. The Council Committee met on May 12, 1997, and recommended the following funding:

\$10,000	Grand Valley Catholic Outreach for the Day Center
\$90,000	Marillac Clinic for construction of an elevator
\$330,000	City of Grand Junction for the 5th Street project
\$430,000	Total Funding

Councilmember Sutherland explained the above. The first request from the Grand Valley Catholic Outreach was \$30,000. It was decided \$10,000 would easily get them through the coming year, and their requests in the future will certainly be considered. The City of Grand Junction had planned to set aside \$375,000 for the 5th Street Lighting and Streetscape. The Committee suggested funding the project at \$330,000, and paring down the project by shortening the distance of the project. The Committee felt it was important to fund the Marillac Clinic construction of an elevator at the full \$90,000.

Ms. Janet Cameron, 3940 G 2/10 Road, Palisade, Director of the Marillac Clinic, thanked Council for reviewing the proposals and its support.

Ms. Marilee Wood, 2117 Yellowstone Road, Mesa Developmental Services, also thanked Council for the funding. She commended Council for committing a portion of the CDBG funds to low income housing and housing for the disabled.

The hearing was closed. There were no other comments.

Councilmember Theobald noted these funds are Federal projects and under constant threat of being cut by the government as a part of balancing the budget. These funds could disappear at any time.

Upon motion by Councilmember Scott, seconded by Councilmember Sutherland and carried, the above recommended projects for funding under the City's 1997 CDBG Program Year were approved.

**PUBLIC HEARING - APPLEWOOD HEIGHTS ANNEXATION LOCATED BETWEEN MAUREEN COURT AND 28 ROAD, SOUTH OF THE HIGHLINE CANAL AND INCLUDING LESLEE MINOR SUBDIVISION - RESOLUTION NO. 39-97 - ACCEPTING A PETITION FOR ANNEXATION, MAKING CERTAIN FINDINGS AND DETERMINING THAT PROPERTY KNOWN AS APPLEWOOD HEIGHTS ANNEXATION IS ELIGIBLE FOR ANNEXATION - APPLEWOOD HEIGHTS ANNEXATION LOCATED BETWEEN MAUREEN COURT AND 28 ROAD, SOUTH OF THE HIGHLINE CANAL, AND INCLUDING LESLEE MINOR SUBDIVISION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, APPLEWOOD HEIGHTS ANNEXATION, APPROXIMATELY 6.03 ACRES LOCATED BETWEEN MAUREEN COURT AND 28 ROAD, SOUTH OF THE HIGHLINE CANAL AND INCLUDING LESLEE MINOR SUBDIVISION - PROPOSED ORDINANCE ZONING THE APPLEWOOD HEIGHTS ANNEXATION RSF-4 AND PR-4.4 [FILE #ANX-1997-078]**



The 6.03 acre Applewood Heights Annexation consists of five parcels of land. The property owners, Leo and Helen Warren, have requested to join the City and have signed a petition for annexation. Colorado State Statutes requires the City to zone newly annexed areas within 90 days of the effective date of the annexation. It is recommended that the Residential Single Family with a maximum of 4 units per acre (RSF-4) and the Planned Residential with a maximum of 4.4 units per acre (PR-4.4) be established.

A hearing was held after proper notice. Mr. Dave Thornton, Community Development Department, reviewed this item. The annexation petition is a 100% petition as both owners for all five parcels signed the petition. He reviewed the statement of compliance for Applewood Heights Annexation and submitted a copy to the Deputy City Clerk.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Sutherland, seconded by Councilmember Scott and carried by roll call vote, Resolution No. 39-97 was adopted, and the proposed ordinances annexing and zoning Applewood Heights Annexation were adopted on first reading, setting hearings for June 4, 1997.

**PUBLIC HEARING - AMENDING THE ZONING AND DEVELOPMENT CODE REGARDING COMMUNITY CORRECTIONS FACILITIES - CONTINUED FROM MAY 7, 1997 - ORDINANCE NO. 3010 AMENDING SECTION 4-3-4, USE/ZONE MATRIX, SECTION 4-8-2, SPECIFIC CRITERIA MATRIX, AND CHAPTER 12, DEFINITIONS, OF THE ZONING AND DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION, COMMUNITY CORRECTIONS FACILITY**

[FILE #TAC-1997-001.1]

The Grand Junction Zoning and Development Code is outdated in its reference to facilities that provide rehabilitative services for criminal offenders. Such services are provided under the direction of Community Corrections Programs or other state programs. The Zoning and Development Code is to be amended to delete the outdated definition, "Law Enforcement Rehabilitation Centers" and replace it with the new definition, "Community Corrections Facility." Such uses will be allowed in B-1, B-3, C-1, C-2 and PZ zones with a Special Use Permit.

A hearing was held after proper notice. This item was reviewed by Bill Nebeker, Community Development Department. This text amendment addresses facilities which can locate in the City that are generally used for integrating criminal offenders back into society. The proposed ordinance replaces an outdated definition with one that more clearly defines these facilities. The ordinance also dictates where they can locate. Staff found these centers are not usually operated under the direction of a law enforcement agency. The new term "Community Corrections Facility" is found in Article 27 of the Colorado Revised Statutes which addresses two types of facilities. The first type would be run under the direction of the Mesa County Community Corrections Program and Board. This subject has been discussed with Marty Currie, Grand Junction Police Department, who serves on the Board, and Board Member Dennis Berry, Director, Mesa County Criminal Justice Services Department. The other type would not be under the Mesa County Community Corrections Program and Board, but would operate under the direction of another state agency and provides similar services. Either type of facility would be under the direction of a state agency for monitoring activities.

Mr. Nebeker said "Law Enforcement Rehabilitation Centers" are currently permitted in RMF-64, (residential multi-family), B-1, B-3 and PZ, with a Special Use Permit required in all four zones. However, the areas in the City which are zoned B-1 and B-3 are mostly downtown and contain predominantly residential neighborhoods. Staff is proposing deleting the RMF-64 zone as these facilities should not be located in residential areas. The proposed ordinance still allows, with a Special Use Permit, these facilities in B-1 and B-3 zones, and adds C-1 and C-2 zones, giving these facilities more flexibility in locating in areas of the City which are not predominately residential. Staff recommends adoption of the ordinance.

City Attorney Wilson said there are circumstances where the State could contract with an agency which would be a "pass-through" agency which could then contract with another agency who could administer the program for profit. The language was written to make it equivalent to a "Community Correction Facility" even though it is not directly under such a Board. The term "program audits" was added under which the State will check annually to see if those receiving funds are complying with the standards.

Councilmember Enos-Martinez asked where current C-1 and C-2 zones are located in the City. Mr. Nebeker said First Street between

Grand and North Avenues, areas near Mesa Mall, Sam's Club, Westgate Park, and Independent Avenue. C-1 and C-2 zones are the heavier commercial and industrial areas.

Councilmember Kinsey said the proposed ordinance refers to "offenders" only and not those "offenders over 18 years of age." He felt the ordinance should include juvenile delinquents and apply to homes which are operated by the Division of Youth Corrections. City Attorney Wilson said Staff wanted supervision for persons accused. This ordinance would work if juvenile programs would meet the same supervision and monitoring standards of the adults. Mr. Kinsey definitely wanted this included in the ordinance.

Councilmember Kinsey asked if there any non-conforming uses created by this ordinance. Mr. Wilson said the existing programs are able to continue. This ordinance was written specifically to allow one particular program to come in which does not fall under the defined "Community Correction Facility", but is under the same standards. An example would be Mesa Developmental Services. This particular for profit group received their funding via a contract with MDS which is supervised by the State. Mr. Nebeker said non-conformity is unknown because the only facility Staff is aware of is located at 6th and Ute. They are actually being brought into conformance because they are currently zoned PZ and he did not know if they have a Special Use Permit. Staff is not aware of any current facilities meeting this definition that have a Special Use Permit.

Mayor Terry asked how the City will handle the non-conformity of a facility which is currently in a zone where the facility was previously allowed. City Attorney Wilson said the non-conformance would be legal. There would be no action by the City to force the operation to cease its current activities. It could continue indefinitely until there was some change in the facility program, or moving its location, which would then trigger the requirement of conformance. Mr. Wilson said most of the situations will be new programs or enough change in a program that facilities would be expected to adhere to the new provisions.

City Manager Achen clarified that if an existing facility which is located in a residential zone desires to expand, that would not be allowed under this ordinance. Mr. Nebeker said a rezone or text amendment would be required. Councilmember Sutherland said a

facility could continue to operate indefinitely as long as they do not try to expand in that zone.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Kinsey, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3010 was adopted on second reading and ordered published.

**OTHER BUSINESS**

**Rewrite of Zoning & Development Code**

Kathy Portner, Acting Community Development Director, requested a meeting be scheduled between the City Council and the Grand Junction Planning Commission to discuss the Zoning and Development Code rewrite. The meeting would allow Staff to bring everyone up to date regarding the issues that are being considered as the Code is reviewed. Ms. Portner felt Staff needs some direction on the re-write before they spend more time and effort on the it. They would like to discuss the zone district conversion chart. Mayor Terry said Council will check the calendar and get back with Ms. Portner for a meeting date.

**ADJOURNMENT**

Upon motion by Councilmember Payne, seconded by Councilmember Sutherland and carried, the meeting was adjourned at 8:30 p.m.

Theresa F. Martinez, CMC  
Deputy City Clerk