

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

November 5, 1997

The City Council of the City of Grand Junction, Colorado, convened into regular session the 5th day of November, 1997, at 7:33 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 Theobald, and President of the Council Janet Terry. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Terry called the meeting to order and Councilmember Kinsey led in the Pledge of Allegiance. The audience remained standing during the invocation by Pastor Ken Nydam, Christian Reformed Church

PROCLAMATIONS/RECOGNITIONS

PROCAMATION DECLARING THE MONTH OF NOVEMBER, 1997, AS "HOSPICE MONTH" IN THE CITY OF GRAND JUNCTION

APPRECIATION PLAQUE PRESENTED TO THE CITY COUNCIL FOR THEIR PARTICIPATION IN THE SPECIAL RECYCLING DAY - PRESENTED BY TIM FLEMING, SPECIAL RECYCLING DAY COMMITTEE

PRESENTATION OF FIRE DEPARTMENT CITIZEN'S RECOGNITION TO CHRIS FORD

Fire Chief Rick Beaty related the March 22, 1997 story of Mr. Gerry Richards at Sutherlands and recognized Chris Ford's heroic efforts in performing CPR on Mr. Richards until paramedics arrived on the scene.

RECOGNITION BY THE NATIONAL PARK SERVICE OF THE FIRE DEPARTMENT FOR RESCUE SUPPORT TO THE COLORADO NATIONAL MONUMENT

Fire Chief Rick Beaty related the story of a picnic at Colorado National Monument where the department was recognized by the Monument for rescue efforts on behalf of the Fire Department.

OATH OF OFFICE ADMINISTERED TO FIREFIGHTER/PARAMEDIC CLARK THOMPSON

Fire Chief Rick Beaty introduced Clark Thompson, and gave a brief review of his background and experience.

Mayor Terry administered the oath of office to newly hired Firefighter/Paramedic Clark Thompson.

Fire Chief Beaty then introduced Mr. Thompson to Councilmembers and staff on the dais.

APPOINTMENTS TO THE GRAND JUNCTION HOUSING AUTHORITY

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried, Kristen Dillon was appointed to a five year term on the Grand Junction Housing Authority; term ending October 31, 2002, and Karen Vogel was appointed to a four year term on the Grand Junction Housing Authority; term ending October 31, 2001.

CONSENT ITEMS

Upon motion by Councilmember Scott, seconded by Councilmember Sutherland and carried by roll call vote, the following Consent Items #1-3 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting October 15, 1997

2. **Law Enforcement Assistance Grant (L.E.A.F.) for 1998**

This \$23,000 grant provides funding for overtime costs associated with the police department D.U.I. enforcement program. This program allows law enforcement agencies to apply for funds for D.U.I. enforcement for three consecutive years. This is the second year of applying for funds in this cycle.

Resolution No. 66-97 - A Resolution Approving the Law Enforcement Assistance Fund (LEAF) Contract #L-19-98

Action: Adopt Resolution No. 66-97

3. **Revocable Permit for 1160 Patterson Road Right-of-Way (St. Mary's Family Practice Center)** [File #RVP-1997-178]

St. Mary's Hospital is requesting a revocable permit to permit the installation of a monument-style business identification sign which is part of the remodeling of the site at 1160 Patterson Road. The location of the sign behind the sidewalk will not conflict with existing or proposed public utilities.

Resolution No. 68-97 - A Resolution Concerning the Issuance of a Revocable Permit to St. Mary's Hospital

Action: Adopt Resolution No. 68-97

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PUBLIC HEARING - AMENDING COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN - RESCHEDULED TO NOVEMBER 19, 1997

PUBLIC HEARING - APPEAL OF PLANNING COMMISSION DENIAL OF FAIRCLOUD SUBDIVISION, LOCATED AT THE NORTHEAST CORNER OF F 1/2 ROAD AND 30 ROAD - APPEAL WITHDRAWN [FILE #PP-1997-103]

Mayor Terry announced the appeal for the Faircloud Subdivision has been withdrawn by the applicant, and will be rescheduled at a later date.

PUBLIC HEARING - NORTHFIELD ESTATES ENCLAVE ANNEXATION, LARKSPUR LANE AND F 1/2 ROAD - RESOLUTION NO. 69-97 - A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS NORTHFIELD ESTATES ENCLAVE IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, NORTHFIELD ESTATES ENCLAVE, APPROXIMATELY 19.94 ACRES, LOCATED AT LARKSPUR LANE AND F 1/2 ROAD - HEARING SET FOR NOVEMBER 19, 1997 [FILE #ANX-1997-150]
[CONTINUED FROM OCTOBER 1, 1997 CITY COUNCIL MEETING]

The 19.94 acre Northfield Estates Enclave Annexation consists of 16 parcels of land. The majority of property owners have requested to join the City and have signed a petition for annexation concurrent with their request to form a neighborhood

special improvement district for construction of sewer service. The public hearing for this annexation is being scheduled for November 19, 1997 to allow the annexation hearing to occur at the same time as the public hearing for the proposed Sewer Improvement District.

A public hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department. He stated the petition is in substantial compliance with statutory requirements and entered an oath as such. He detailed how the area meets eligibility for annexation and a majority in three ways: (1) more than half of the properties (75%) are represented by the petition signers; (2) a majority of the property owners have signed the petition (74% actually signed); and (3) the majority of the acreage in the area has been signed for (64% has been signed for, excluding right-of-way).

Councilmember Enos-Martinez asked about the three properties to the south. Mr. Thornton said the properties are owned by Mr. Curley who was the only owner who did not sign petition.

Councilmember Payne asked about the four vacant lots. Mr. Thornton said one owner, Mr. Curley, is already on sewer. Mr. Curley signed a power of attorney when he hooked onto the sewer but that is not being used to calculate the majority. It was not needed for a majority. Mr. Curley was not included in the sewer improvement district.

Councilmember Enos-Martinez asked why Mr. Curley is being annexed if he does not want to be. Mr. Thornton said Mr. Curley's property is not necessary, but leaving him out would leave a donut hole within a larger donut hole.

Ms. Mary Huber, 580 1/2 Melrose Court, said the petition was circulated last spring, and asked why it's necessary since the area is an enclave. Mr. Thornton said it's required because the three years has not elapsed, and a unilateral annexation requires the petition.

Councilmember Theobald explained the reason for the annexation is the need for a special improvement district for sewer, and the area must be inside the City limits for such an improvement district to be created.

Ms. Huber was concerned with the study between the City and County as to who has the right to be on sewer. She wondered if something was being pushed through before the study has been completed.

Mayor Terry said these people want a special improvement district for sewer. The City can only work with the property owners after they are inside the boundaries of the City.

There were no other public comments.

Mayor Terry asked if Mr. Curley could be excluded from the annexation. City Attorney Wilson said Council can direct staff to exclude Mr. Curley.

Councilmember Theobald felt a hearing should be conducted first. Councilmember Sutherland said he would like to hear from Mr. Curley. City Manager Mark Achen said Council can have staff solicit Mr. Curley's presence at the hearing.

Upon motion by Councilmember Scott, seconded by Councilmember Sutherland and carried by roll call vote, Resolution No. 69-97 accepting the petition for annexation was adopted.

Upon motion by Councilmember Sutherland, seconded by Councilmember Scott and carried by roll call vote, the proposed ordinance for annexation was approved on first reading and ordered published, and a hearing was set for November 19, 1997.

**PUBLIC HEARING - 1997 SUPPLEMENTAL APPROPRIATIONS ORDINANCE -
ORDINANCE NO. 3032 MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 1997
BUDGET OF THE CITY OF GRAND JUNCTION**

The requests are to appropriate amounts for contingencies, grants, changes in enterprise fund activity, additional resources received, additional capital projects, and the increase in inventory. Contingencies are added to cover the possibility of higher than budgeted activities in the DDA operating, community development, storm drainage development, solid waste, Two Rivers Convention Center, golf course, irrigation, equipment, stores, and cemetery perpetual care funds.

A hearing was held after proper notice. Finance Director Ron Lappi reviewed this item.

There were no comments or questions. The hearing was closed.

Upon motion by Councilmember Kinsey, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3032 was adopted on second reading and ordered published.

PUBLIC HEARING - REZONING PROPERTY LOCATED AT 2702 PATTERSON ROAD FROM RSF-8 TO P (PARKING) FOR THE EXPANSION OF A PARKING LOT - ORDINANCE NO. 3033 ZONING A PORTION OF A PARCEL OF LAND ON THE NORTHWEST CORNER OF 12TH STREET AND PATTERSON ROAD FROM RSF-8 TO P (PARKING) [FILE #RZ-1997-159]

Rezone from Residential Single Family 8 units per acre (RSF-8) to Parking, Off-Street (P) to allow construction of a parking lot on a vacant portion of the Bookcliff Baptist Church property on the northeast corner of 12th Street and Patterson Road.

A hearing was held after proper notice. Mr. Ralph Jenkins, Architect, 1000 N. 9th Street, representing St. Mary's Hospital and Bookcliff Baptist Church, briefly reviewed this item stating this lot has always been used as a parking lot. This is not an expansion of the parking lot, but a reconstruction of the existing parking lot. This is a joint effort between St. Mary's Hospital and Bookcliff Baptist Church to rebuild, resurface and landscape the parking lot in accordance with City ordinances.

Councilmember Sutherland asked if progress has been made with the Grand Valley Water Users Association on the drainage into the ditch. Mr. Jenkins said the logical direction for the surface water is into the concrete ditch and down to the drain source at 12th and Patterson. There is no other end user of that. If they bar the use of the concrete ditch for the water that is going into it anyway, the applicant will pipe from the parking lot to that point, which is a waste of resources.

Kristen Ashbeck, Community Development Department, stated the plan meets the criteria of the Growth Plan and the Zoning & Development Code. Staff recommends approval with a few technical conditions regarding landscaping and drainage.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Scott, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3033 was adopted on second reading and ordered published.

Mr. Ralph Jenkins noted the address on the agenda for the revocable permit for St. Mary's Hospital was incorrect - it should be 1160 Patterson Road. The correction was so noted.

PUBLIC HEARING - REZONING PAYTON II SUBDIVISION LOCATED AT 717 24 3/4 ROAD FROM RSF-2 TO RSF-4 - ORDINANCE NO. 3034 REZONING PROPERTY TO BE KNOWN AS PAYTON II SUBDIVISION, LOCATED ON THE WEST SIDE OF 24 3/4 ROAD, NORTH OF G ROAD, FROM RSF-2 TO RSF-4 [FILE #RZP-1997-123]

The applicant proposes to rezone a 3.5 acre parcel from RSF-2 to RSF-4 for the Payton II Subdivision, an 11 lot residential subdivision located approximately 300' north of the northwest corner of 24 3/4 Road and G Road. The RSF-4 zoning is in conformance with the Growth Plan Map which shows this area developing at a density of 4-7.9 dwellings per acre. At its October 7, 1997 hearing, the Planning Commission recommended approval.

A hearing was held after proper notice. Mr. David Hartman, 604 Serenade Drive, Project Engineer with developers Nichols & Associates, was present representing the petitioner. He reviewed the request. The plan addresses drainage extensively. The historic runoff path runs south across G Road to Leach Creek, and the storm water will be piped along that path. Half street improvements along 24 3/4 Road will be built with this project.

Mr. Scott Harrington, Community Development Director, stated the application met the criteria of Section 4-4-4 of the Zoning & Development Code, the Growth Plan, and the Planning Commission approved the application unanimously.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Payne, seconded by Councilmember Theobald and carried by roll call vote, Ordinance No. 3034 was adopted and ordered published.

PUBLIC HEARING - VACATING A UTILITY EASEMENT LOCATED AT 2806 3/4 BOOKCLIFF AVENUE - ORDINANCE NO. 3035 VACATING A UTILITY EASEMENT ON SOUTHERN EDGE OF LOT 7, BLOCK 2 OF NORTHSTAR SUBDIVISION [FILE #VE-1997-147]

The petitioner is requesting to vacate a 5' wide utility easement along the southerly border of Lot 7, Block 2 of Northstar

Subdivision to accommodate an existing garage which extends approximately 6" into the easement. Staff supports the vacation request because no utilities exist in the easement and none are anticipated.

A hearing was held after proper notice. Petitioner Ken Heitt, 2239 Rimrock Road, reviewed the vacation. He said a corner of the garage extends into the easement causing problems for future resale and title insurance. There are no utilities in the easement and would not conflict with public interest or cause a detrimental situation.

Councilmember Theobald asked who built the garage. Mr. Heitt answered Casas del Tierra, Inc., and it was approved by the Mesa County Building Department.

Mike Pelletier, Community Development Department, stated there are no utilities in the easement nor are there any planned. The request meets the criteria for vacation in the Zoning & Development Code.

Councilmember Theobald asked if the ordinance vacates just the portion under the garage, or the entire easement. Mr. Pelletier said the entire easement. He said the neighbors and property owners were notified of the proposed vacation and there was no reaction from any of them.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried, Ordinance No. 3035 was adopted on second reading and ordered published.

ADJOURNMENT

The meeting was adjourned into Executive Session at 8:24 p.m. to discuss ongoing negotiations on the Drain "D" Storm Drain System.

Stephanie Nye, CMC/AAE
City Clerk

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