

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

**February 4, 1998**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 4th day of February, 1998, 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, and Reford Theobold. President of the Council Janet Terry was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Pro Tem Payne called the meeting to order and Councilmember Enos-Martinez led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Eldon Coffey, Living Hope Evangelical Free Church.

**PRESENTATION OF APPRECIATION PLAQUE TO RON HALSEY FOR SERVICE ON THE GRAND JUNCTION PLANNING COMMISSION**

**PROCLAMATION DECLARING FEBRUARY, 1998, AS "DENVER BRONCOS' MONTH" IN THE CITY OF GRAND JUNCTION**

**OATH OF OFFICE ADMINISTERED TO FIREFIGHTERS/PARAMEDICS BRENT BUTNER AND DALE KEELING, AND FIREFIGHTER TED WEBER**

City Clerk Stephanie Nye administered the Oath of Office to Firefighters/Paramedics Brent Butner and Dale Keeling, and Firefighter Ted Weber. The City Council welcomed the new employees.

**CONSENT ITEMS**

Consent Item #12 was amended by changing the year from "1998" to "1997", and Consent Item #13 was amended by deleting the word "substantial" in the second line of the recitals.

Upon motion by Councilmember Theobold, seconded by Councilmember Sutherland and carried by roll call vote, the following Consent Items #1-13, as amended, were approved:

1. **Minutes of Previous Meeting**

*Action: Approve the Minutes of the Regular Meeting January 21, 1998*

2. **UnawEEP Avenue Improvements, Phase III - 27 3/8 Road to 28 1/2 Road**

The following bids were received on January 13, 1998:

Stanley Construction, Grand Junction	\$ 898,811.14
M.A. Concrete, Grand Junction	1,012,210.50
Bogue Construction, Fruita	1,141,147.00
United Companies, Grand Junction	1,219,560.00
Elam Construction, Grand Junction	1,307,854.00
Atkins & Associates, Grand Junction	1,499,328.75
McCaffrey Construction, Montrose	1,698,852.25
Engineer's Estimate	1,122,464.00

*Action: Award Contract for UnawEEP Avenue Improvements, Phase III - 27 3/8 Road to 28 1/2 Road, to Stanley Construction in the Amount of \$898,811.14*

3. **Highway 50 Raw Water Line Relocations**

The following bids were received on January 27, 1998:

Wilco, Far West, Salt Lake City, UT	\$498,491
Clayco Construction, Grand Junction	\$511,380
Atkins & Associates, Grand Junction	\$562,700
Trainer Construction, Golden	\$913,398
Engineer's Estimate	\$490,083

*Action: Award Contract for Highway 50 Raw Water Line Relocations to Wilco, Far West, in the Amount of \$498,491*

4. **Setting a Hearing on Amending Chapter 38 of the Code of Ordinances, Industrial Wastewater Discharge Limitations**

Congress, through the Clean Water Act, requires that the City's Industrial Pretreatment Program regulates industrial wastewater contributions that have or may have an adverse effect on the Wastewater Treatment Works.

Proposed Ordinance Amending Chapter 38 by Adopting New Technically Based Local Limits aka Mass Based Limits

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 18, 1998*

5. **Purchase of Property at 230 South 5th Street - Bus Depot**

The City has an option to purchase real property that includes the Greyhound Bus Depot at 230 South 5th Street and 3 vacant lots located east of the depot (Lots 24 through 32, inclusive, Block 126). The proposed contract would serve as the City's notice to exercise the option to purchase. The proposed contract would allow the City to purchase the 3 vacant lots in 1998 for \$39,250, and the depot for \$372,250 following expiration of Greyhound's lease on June 30, 2003. The net purchase price for the depot and 3 vacant lots is estimated to be \$411,500.

Resolution No. 6-98 - A Resolution Authorizing the Purchase of Real Property - Lots 24 through 32, Inclusive, Block 126, and 230 South 5th Street

*Action: Adopt Resolution No. 6-98*

6. **20-Year Transmitting Lease to MBC Grand Broadcasting**

The proposed lease will authorize MBC Grand Broadcasting to continue using 40 acres of City property as a radio broadcast transmitting site for an additional 20 year period. The lease provides an option to extend the lease for one additional 20 year term. The proposed rent is \$1,400 per year for the first 5 years. Rent may be adjusted every 5th year based on the cost of living as indicated in the Consumer Price Index.

Resolution No. 7-98 - A Resolution Authorizing a 20-Year Transmitter Site and Access Road Lease to MBC Grand Broadcasting

*Action: Adopt Resolution No. 7-98*

7. **Amending the Lease for Office Space with Mesa National Bank**

The proposed Lease Amendment will address space needs for three full time project engineers, one half-time realty specialist, the Community Planning Division of Community

Development, a police polygraph testing room and a conference room.

Resolution No. 11-98 - A Resolution Amending the Lease by the City of Office Space Located on the Third Floor of the Mesa National Bank Building at 131 North 6th Street

Action: Adopt Resolution No. 11-98

8. **Amending the City's Offer to Purchase Real Property Owned by the County of Mesa (Old Jail)**

The proposed action will authorize the full price cash offer to purchase property at 655 Ute Avenue for the sum of \$225,000. The property is the former location of the County Jail and Sheriff's Office, adjacent to both Police Headquarters and Fire Station No. 1.

Resolution No. 12-98 - A Resolution Amending the City's Offer to Purchase Certain Real Property Owned by the County of Mesa

Action: Adopt Resolution No. 12-98

9. **Amended Lease Agreement with Bonnie Siminoe**

The proposed resolution will waive rent as set forth in a resolution and lease agreement adopted on December 18, 1996. The lease included 330 acres of agricultural property and a single family residence. The lease stipulated that Ms. Siminoe would pay the City annual rent in the amount of \$1,200 for her use of the residence. The residence was destroyed by fire on February 8, 1997.

Resolution No. 13-98 - A Resolution Authorizing an Amended Lease of City Property to Bonnie Louise Siminoe

Action: Adopt Resolution No. 13-98

10. **Setting a Hearing on Vacating a Portion of Ridge Drive Right-of-Way Located in Grand View Subdivision Filing #2**

[File #VR-1997-202]

Ridge Drive within Grand View Subdivision Filing #2 was originally proposed as a boulevard with a center landscaped median. With land use changes in the area, the boulevard

idea was discontinued and the street built to a narrower standard. The resulting unneeded right-of-way is requested to be vacated. Staff recommends approval with the condition that a multi-purpose easement be retained for access to public utilities.

Proposed Ordinance Vacating a Portion of Ridge Drive within Grand View Subdivision Filing #2

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 18, 1998*

11. **Change in Project Funding for the City's 1997 Program Year CDBG Funds**

This proposal moves the City's funding of \$330,000 in Community Development Block Grant Funds for the 1997 Program Year from the Fifth Street Project to the South Avenue Project.

*Action: Approve Reallocation of \$330,000 in 1997 CDBG Funds from the Fifth Street Project to the South Avenue Project*

12. **Use of Tax Increment Fund Bond Proceeds**

The Downtown Development Authority has requested approval to use additional TIF Bond proceeds to offset the costs of project administration and project overhead.

*Action: Approve the Transfer of Tax Increment Fund Bond Proceeds without Limitation by the Downtown Development Authority for Authorized Purposes, Require the DDA to Make an Annual Budget Presentation to City Council and to Effect These Changes January 1, 1997*

13. **Setting a Hearing on an Ordinance Submitting to the Electorate the Question of the Sale or Trade of a Portion of Lilac Park to Bozarth Chevrolet, Inc., for \$150,000**

Ed Bozarth Chevrolet, Inc., desires to expand its business in its present location. To do so, it has asked that the City sell it a substantial portion of Lilac Park for \$150,000. Section 48 of the City Charter requires that before any sale of real property shall be made, the question of such sale and

the terms and consideration thereof shall be submitted to and approved by a majority of the voters.

Proposed Ordinance Submitting to the Electorate of the City of Grand Junction the Question of the Sale or Trade of a Portion of Lilac Park to Bozarth Chevrolet, Inc., for \$150,000

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 18, 1998*

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

---

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

**PUBLIC HEARING - REZONING JENKINS MINOR SUBDIVISION FROM PB TO RSF-5 - ORDINANCE NO. 3042 REZONING 2802 AND 2806 UNAWEEP AVENUE FROM PB TO RSF-5 [FILE #RZ-1997-196]**

This application is for a rezone from Planned Business to RSF-5 at 2802 and 2806 UnawEEP Avenue. This is in conformance with the Growth Plan which recommends 4-7.9 residential units per acre and the Orchard Mesa Neighborhood Plan which recommends single family development at 5 units per acre.

A hearing was held after proper notice.

Mr. David Smuin, HydroTerra, 4221 Purdy Mesa Road, was present representing property owner Mark Jenkins. He stated the petitioner is requesting a rezone from PB to RSF-4, approval of a 2-lot minor subdivision and a conditional use permit for an existing nursery. The rezone has been requested by City Staff to bring it into compliance with the Growth Plan. The property currently consists of one parcel containing a residence and the Jenkins Floral Nursery. A minor subdivision would be created by splitting the parcel into two lots. Mary Jenkins would like to separate the property and turn the business over to her daughter. Lot 1 would be .44 acres and Lot 2 would be 1.63 acres and encompass the existing Jenkins Floral Nursery and the cultivated planting areas. The surrounding zoning is RSF-8, with the Growth Plan recommending zoning from 4-7.9 residential units per acre, thus the City has recommended adoption of RSF-5 zoning. No new development is proposed for either lot.

Mike Pelletier, Community Development Department, said in January the Planning Commission approved a minor subdivision and conditional use permit for the business which is conditioned on the rezone request. Staff has recommended RSF-5 zoning, based on the Orchard Mesa Plan which recommends 5 units/acre for this area. The rezone meets the criteria of Section 4-4-4 of the Zoning & Development Code.

Councilmember Theobald asked why the business is being rezoned to residential which requires a special use permit. Community Development Director Scott Harrington said the Orchard Mesa Neighborhood Plan and the Growth Plan both indicate a residential zone for this property. The business has operated at this location for many years, although the two plans indicate future business in this area is not deemed compatible. The developers of the Orchard Mesa Neighborhood Plan indicated that there is no objection to the existing nursery continuing, however, any other business allowed by a business or commercial zoning might be objectionable in this area. Residential zoning has been selected, and is agreeable to the applicant.

Councilmember Theobald asked if the applicant was charged a fee for the rezone since it was initiated by the City. Mr. Pelletier said the applicant received a conditional use permit, a minor subdivision, and the rezone. Normally, an applicant is charged the greater of the three. A minor subdivision is the highest of the three, so the applicant was charged that fee only.

There were no public comments. The hearing was closed. Upon motion by Councilmember Kinsey, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3042 was adopted on second reading and ordered published.

**ADJOURNMENT**

Upon motion by Councilmember Scott, seconded by Councilmember Sutherland carried, the meeting was adjourned at 7:58 p.m.

Stephanie Nye, CMC/AAE  
City Clerk