

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

September 16, 1998

The City Council of the City of Grand Junction, Colorado, convened into regular session the 16th day of September, 1998, at 7:30 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 President Pro Tempore Reford Theobald. President of the Council Janet Terry was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and Acting City Clerk Christine English.

Council President Pro Tem Theobald called the meeting to order and Councilmember Kinsey led in the Pledge of Allegiance. The audience remained standing during the invocation by Dee Raff, Youth Pastor of Sunrise Church of God.

INTRODUCTION OF MONTENEGRIN VISITORS - KRISTIN WINN

PROCLAMATIONS / RECOGNITIONS

PRESENTATION OF RECOGNITION PLAQUES TO SPONSORS OF THE 1998 SUMMERTIME ARTS AND RECREATION FOR STUDENTS [S.T.A.R.S.] PROGRAM - GRAND JUNCTION POLICE DEPARTMENT, ORCHARD MESA LIONS CLUB, SCHOOL DISTRICT 51 AND OKAGAWA FARMS (INTRODUCTION BY RICK MANCHESTER, RECREATION SUPERVISOR)

CONSENT ITEMS

Upon motion by Councilmember Scott, seconded by Councilmember Payne and carried by roll call vote, the following Consent Items #1-17 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting September 2, 1998

2. **Playground Equipment and Safety Surfacing for Paradise Hills and Hawthorne Parks**

Six regional vendors of playground equipment submitted proposals and blueprints. Churchich Recreation, Inc. is the

recommended vendor for Paradise Hills Park; Recreation Plus, Ltd. is recommended for Hawthorne Park.

Action: Award Contract for Playground Equipment and Safety Surfacing for Paradise Hills Park to Churchich Recreation, Inc. in the Amount of \$43,656; and Award Contract for Playground Equipment and Safety Surfacing for Hawthorne Park to Recreation Plus, Ltd. in the Amount of \$33,295

3. **Elm Avenue Sidewalk Construction Project from 15th to 17th Street**

The following bids were received on September 8, 1998:

G & G Paving, Grand Junction	\$99,999.20
R.W. Jones Construction, Inc., Grand Junction	\$97,426.00
Precision Paving & Constr., Grand Junction	\$77,774.95
City's Estimate	\$63,604.10

Action: Award Contract for the Elm Avenue Sidewalk Construction Project, 15th Street to 17th Street, to Precision Paving & Construction in the Amount of \$77,774.95 and Authorize a Transfer from General Fund Contingency of \$23,859

4. **1998 Alley Improvement District, Phase B and Change Order No. 1**

The following bids were received on July 28, 1998:

Mays Concrete, Inc., Grand Junction	\$173,496.82
Colorado West Leasing, Grand Junction	\$235,778.33
Engineer's Estimate	\$139,933.30

Due to the project cost exceeding remaining fund balance, staff is recommending award of the construction contract to the low bidder, Mays Concrete, and approval of Change Order No. 1 reducing the scope of work to two alleys instead of four thereby reducing the contract amount from \$173,496.82 to \$73,664.80.

Action: Award Contract for the 1998 Alley Improvement District, Phase B, to Mays Concrete, Inc., in the Amount of \$173,496.82 and Approve Change Order No. 1 in the Amount of \$99,832.20, with a Revised Contract Amount of \$73,664.80.

5. **Setting a Hearing on the Proposed Assessments for Northfield Sanitary Sewer Improvement District No. SS-42-97**

The installation of sanitary sewer improvements for the specific benefit of thirteen lots in the Northfield Estates Subdivision and Northfield West Minor Subdivision have been completed and accepted by the City Council in accordance with Resolution No. 45-98, passed and adopted on August 19, 1998.

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and For Sanitary Sewer Improvement District No. SS-42-97, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Proposed Ordinance and Set a Hearing for October 7, 1998

6. **Setting a Hearing on the Proposed Assessments for Alley Improvement District 1997, Phase A**

Reconstruction of the following alleys has been completed in accordance with the Resolution Creating Alley Improvement District 1997, Phase A:

E/W alley, 8th to 9th St between Ute & Colorado Ave
E/W alley, 9th to 10th St between Main St & Colorado Ave
E/W alley, 13th to 14th St between Ute & Colorado Ave
E/W alley, 14th to 17th St between Rood Ave & Main St
"I" shaped alley, 18th to 19th St between Elm & Orchard Ave

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and For Alley Improvement District No.

ST-97, Phase A, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 7, 1998

7. **Sale of Berry Property to the Ward Beecher Studt III Irrevocable Property Trust**

A private party has submitted a bona fide offer to purchase approximately 57 acres of City property located in the Appleton area west of 24 Road and north of H Road, property known as the Berry Property.

Resolution No. 55-98 - A Resolution Authorizing the Acceptance of an Offer and Contract to Buy and Sell Real Estate for the City Owned Berry Property

Action: Adopt Resolution No. 55-98

8. **Amendment to the August, 1990 Water Purchase Agreement between the City of Grand Junction and Clifton Water District**

The amended agreement eliminates the transfer of funds between the City and Clifton Water District for water usage. Each entity retains its right to obtain 250 million gallons of water each year. Any amount over the 250 million gallons is charged at a rate of \$.30 per thousand gallons.

Resolution No. 56-98 - A Resolution Amending the August, 1990, Water Purchase Agreement between the City of Grand Junction and Clifton Water District Adopted by Resolution No. 49-90

Action: Adopt Resolution No. 56-98

9. Second Amendment to the CDBG Contract for Grand Junction Fifth Street Renewal Project

The City requested an extension to the "Time of Performance" for the 5th Street Renewal project. The original contract completion date was amended from May 30, 1997 to January 31, 1999 with the first contract amendment. The City requested a revised completion date to December 31, 1999. The State responded by preparing a second amended contract to extend the date to January 31, 2000.

Action: *Approve Second Amendment to the CDBG Contract for the Grand Junction Fifth Street Renewal Project*

10. Historic Designation of the Reed Building Located at 362 Main Street [File #HBD-1998-02.4]

The Downtown Development Authority, owner of the Reed Building (Dinosaur Valley) Located at 362 Main Street, is requesting the building be designated in the City Register of Historic Sites, Structures and Districts.

Resolution No. 57-98 - A Resolution Designating the Reed Building (Located at 362 Main Street) in the City Register of Historic Sites, Structures and Districts

Action: *Adopt Resolution No. 57-98*

11. Revocable Permit to Provide Legal Access for 726 24 Road to Connect to Sewer Within Canyon View Park
[File #RVP-1998-158]

Consideration of a resolution authorizing the issuance of a Revocable Permit to allow the petitioners to construct a private sanitary sewer line to access public sewer within Canyon View Park.

Resolution No. 58-98 - A Resolution Concerning the Issuance of a Revocable Permit to the Leonard Long Residence Trust

Action: *Adopt Resolution No. 58-98*

12. Setting a Hearing on Rezoning Land at 24 Road and Monument Road to PR to Allow a Single Family Residence on Approximately 40 Acres [File #PDR-1998-144]

A request to approve a proposed single family residence on approximately 40 acres in a PR (Planned Residential) zone district. The applicant is also requesting a variance to Sections 5-4-4 and 5-4-5 of the Zoning and Development Code to allow an individual well for potable water, a sprinkler system for fire protection and an individual sewage disposal system. The variance request will be heard with the second reading of the rezoning ordinance.

Proposed Ordinance Rezoning a Parcel of Land on the South Side of Monument Road, Adjacent to the Tabaguach Trailhead from PR-4 to PR

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 7, 1998

13. Setting a Hearing on Vacating the East/West Alley Right-of-Way from 11th to 12th Streets between Colorado and Ute Avenues [File #VR-1998-142]

The petitioner, Hilltop Health Services Corporation, is requesting to vacate an east/west alley right-of-way from 11th to 12th, between Colorado and Ute Avenues.

Proposed Ordinance Vacating the East/West Alley Right-of-Way between 11th and 12th Streets and between Colorado and Ute Avenues

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 7, 1998

14. Vacation of a Sewer Easement Located in the South Half of the North/South Alley between 6th and 7th Streets and Pitkin and South Avenues [File #VR-1998-071.2]

The petitioner is requesting vacation of a sewer easement located in the previously vacated north/south alley between Pitkin and South Avenues and between 6th and 7th Streets. The easement is not needed and will facilitate the expansion

of the Mesa County's Work-Release Program. Staff recommends approval.

Resolution No. 59-98 - A Resolution Vacating a Sewer Easement Located in the Previously Vacated North/South Alley between Pitkin and South Avenues and between 6th and 7th Streets

Action: Adopt Resolution No. 59-98

15. **Grant of Easement for Existing Public Service Power Line**
[File #VE-1998-073]

A grant of easement is requested for an existing public service power line located on a parcel recently dedicated to the City through the recording of Graff Minor Subdivision. The easement for the power line was mistakenly omitted from the plat.

Resolution No. 60-98 - A Resolution Concerning the Granting of a Utility Easement across City Property to the Public Service Company of Colorado

Action: Adopt Resolution No. 60-98

16. **Referring a Petition for the Village Park Enclave Annexation Located at the Northwest Corner of 28 1/4 Road and F Road**[File #ANX-1998-155]

The 22.41 acre Village Park Enclave Annexation area consists of one parcel of land and sections of the F Road right-of-way and 28 1/4 Road right-of-way. The three owners of the property have signed a petition for annexation. The developer, Peak Properties & Development, has submitted to the City a development application for the property that is being reviewed concurrent with the annexation process.

Resolution No. 61-98 - A Resolution Referring a Petition to the City Council for the Annexation of Land to the City of Grand Junction, Colorado, and Setting a Hearing on Such Annexation, Village Park Enclave Annexation Located at the Northwest Corner of 28 1/4 Road and Patterson Road

Action: Adopt Resolution No. 61-98

17. Amending Residency Requirement for the Housing Authority

In 1975 City Council adopted a resolution requiring City residency for members of the Housing Authority. This action rescinds that resolution.

Resolution No. 62-98 - A Resolution Repealing the Requirement that Members of the Housing Authority be City Residents

Action: Adopt Resolution No. 62-98

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PUBLIC HEARING - REZONING LAND, VACATING A PORTION OF BONITO AVENUE RIGHT-OF-WAY, AND VACATING A TEMPORARY DRAINAGE EASEMENT IN DEL-MAR SUBDIVISION FILING 4 - ORDINANCE NO. 3071 ZONING A PARCEL OF LAND IN THE PROXIMITY OF 29 3/8 ROAD AND F ROAD FROM RSF-4 TO PR-3.4 - ORDINANCE NO. 3072 VACATING A PORTION OF THE BONITO AVENUE RIGHT-OF-WAY - RESOLUTION NO. 63-98 VACATING A TEMPORARY DRAINAGE EASEMENT [FILE #RZF-1998-127]

Request to: 1) rezone the parcel from Residential Single Family 4 units per acre to PR-3.4; 2) vacate a portion of the Bonito Avenue right-of-way; and 3) vacate a drainage easement.

A hearing was held after proper notice.

David Chase, Banner Associates, 2777 Crossroads Boulevard, representing the petitioner Del-Mar Construction, was present. He stated the .56 acre parcel has been subdivided into 4 lots being part of Filing #4 of Del-Mar Subdivision. Three of the lots created will be vacant and will have new residences constructed on them. Lot 6, the fourth lot, has an existing residence which will remain intact and have access off Patterson Road. They are

requesting to rezone this parcel to PR-3.4. Regarding the vacation of Bonito Avenue, there is a temporary turnaround which was platted with Filing #1. Filing #1 was accessed from the west through Cris Mar Subdivision. A portion of the Bonito Avenue turnaround right-of-way was vacated when Filing #2 was platted; however, the remainder is a recorded right-of-way which will become Lot 1 of Filing #4. They are requesting the vacation of the remainder of the temporary turnaround which is no longer required now that there is full access into the subdivision. Regarding the vacation of a drainage easement, Mr. Chase said the easement was platted with Filing #3 until such time as Filing #4 was developed. It was to provide a conveyance swale from Bonito Avenue carrying the storm water to a detention pond. This location is now being replaced by Landon Court. The storm water will be conveyed via curb/gutter which will be constructed as part of the improvements for Filing #4. The easement will not be required once the road improvements are in place. Outlot A is being platted as part of Filing #4 which will still be the location of the detention facility. The detention facility was to be constructed as part of Filing #3, but to date, has not been constructed. The improvements agreement for Filing #3 has been revised as the applicant wishes to construct the detention pond when the contractor comes in to do earth work, road excavation and grading. This will help minimize mobilization costs associated with Filing #4. The construction of the detention pond will take place concurrently with Filing #4. The plan was approved by the Planning Commission in August, 1998. The applicant has agreed to all conditions for approval.

President of the Council Pro Tem Theobold asked about the outlot B. Mr. Chase said the outlot was originally proposed to be a utility easement. It is a corridor where sanitary sewer provides access to Landon Court from 29 3/4 Road to the east. The outlot provides a better corridor for providing sewer. It will also be designated as a pedestrian walkway providing access from 29 3/8 Road to Landon Court.

Councilmember Sutherland asked if there will be a Homeowners Association that will maintain the easement. Mr. Chase said there is a Homeowners Association which will maintain the surface. Maintenance of the sewer line will be the responsibility of Central Grand Valley Sewer District.

Michael Drollinger, Community Development Department, stated the rezone request meets the criteria of Section 4-4-4 of the Zoning &

Development Code and will allow for continued development and completion of this subdivision. The request is consistent with the character of the previous three filings, and is consistent with the future Land Use Map and the Growth Plan. Regarding the vacation request, there are no conflicts with any of the criteria listed in Section 8-3 of the Zoning & Development Code.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Payne, seconded by Councilmember Sutherland and carried by roll call vote, Ordinances No. 3071 and 3072 were adopted on final reading and ordered published, and Resolution No. 63-98 was adopted.

ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

Christine English
Acting City Clerk