

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

January 6, 1999

The City Council of the City of Grand Junction, Colorado, convened into regular session the 6th day of January, 1999, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Cindy Enos-Martinez, Gene Kinsey, Earl Payne, Mike Sutherland, Reford Theobold, and President of the Council Janet Terry. Jack Scott was absent. 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 Enos-Martinez led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev.

Jim Hale, Spirit of Life Christian Fellowship.

BOY SCOUT TROOP 385

Mayor Terry recognized the presence of Boy Scout Troop 385 attending the meeting as part of their citizenship badge.

PROCLAMATION DECLARING JANUARY 17-23, 1999, AS "JAYCEE WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING JANUARY 15, 1999, AS "JOSH PENRY DAY" IN THE CITY OF GRAND JUNCTION

ADMINISTER OATH OF OFFICE TO POLICE OFFICER MARTIN DONOHUE

Captain Martyn Currie introduced Officer Martin Donohue and his wife.

Mayor Terry administered the Oath of Office to the new Police Officer Martin Donohue.

APPOINTMENTS TO THE VISITOR & CONVENTION BUREAU BOARD OF DIRECTORS

Upon motion by Councilmember Theobold, seconded by Councilmember Enos-Martinez and carried Alan Friedman was appointed to a three year term, Wade Haerle to a one year term and Rich Nicholls and Bill Miears were reappointed to three year terms for the Visitor & Convention Bureau Board of Directors.

Three of the appointees were presented letters and certificates of appointment.

***** CONSENT CALENDAR *****

Upon motion by Councilmember Sutherland, seconded by Councilmember Payne and carried by roll call vote, the following Consent Items #1 through #11 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting December 16, 1998

2. **Posting of Notices and City Council Meeting Schedule**

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 1-99 - A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the City Council Meeting Schedule and the Procedure for Calling of Special Meetings for the City Council

Action: Adopt Resolution No. 1-99

3. **Change of Signatories for Banking Services**

Recent staffing changes have created a need to change the signatories in one section of the agreement for banking services with Alpine Bank.

Resolution No. 2-99 - A Resolution Amending Resolution No 69-98 Passed And Adopted By The City Council November 18, 1998 To Modify Section (D) Relative To Authorized Signatures

Action: Adopt Resolution No. 2-99

4. **Replacement of Platform Lift Truck**

The following bids were received for a Platform Lift Truck for the Traffic Division:

Hanson Equipment, Grand Junction	\$88,934.88
Jim Fuoco, Grand Junction	\$90,037.00

Action: Award Bid to Hanson Equipment for the Replacement Purchase of a Signalier Traffic Platform Lift Truck for the Traffic Division at a Cost of \$88,934.88

5. **Fire Truck Purchases**

Bid invitations for replacement purchase of two (2) fire trucks, a 75' Aerial Ladder-Pumper and a Class "A" Pumper, were distributed to three (3) manufacturer's representatives. Two responsive bids were received and opened on December 15, 1998:

Western Fire Equipment	E-One	\$639,826 (net)
Independent Fire Company	Ferrara	\$578,600 (net)

The low responsible bid for both trucks, \$639,826, was submitted by Western Fire Equipment representing Emergency One, Inc., (E-One) Ocala, Florida.

Action: Award bid to Western Fire Equipment for the Purchase of One 75' Aerial Ladder/Pumper and One Class A Pumper in the Total Amount of \$639,826

6. **1999 S.A.R.A./D.E.R.A. Agreement**

Renewal of the hazardous material intergovernmental agreement between the City of Grand Junction and Mesa County. Proposed funding from the County for 1999 will be \$36,000 for D.E.R.A. and \$26,000 for S.A.R.A. for a total amount of \$62,000.

Action: Authorize the Mayor to Sign the Intergovernmental Agreement with Mesa County for S.A.R.A. and D.E.R.A. Services

7. **Funding for Communications Study**

The City of Grand Junction will manage a project to perform a traffic signal communications study with Mesa County and the Colorado Department of Transportation (CDOT) as partners. CDOT requires a resolution be executed by the City to commit CDOT's share of the project at \$10,000.

Resolution No. 3-99 - A Resolution Accepting Funds In The Amount Of \$10,000 From The Colorado Department Of Transportation For CDOT Project C R300-043,

Traffic Signal Study, For The Purpose Of Conducting A Traffic Communications Study

Action: Adopt Resolution No. 3-99

8. **Setting a Hearing On Rezoning the Hall Property, Approximately 30 Acres Located at 652 24 ½ Road** [File #RZO-1998-192]

The developer of the property located at 652 24 ¼ Road, the Cunningham Investment Company, Inc. is requesting a rezone of approximately 30 acres from Residential Single-Family Rural (RSF-R) to Planned Residential 11.7 units per acre (PR-11.7).

Proposed Ordinance Zoning a Parcel of Land at 652 24 ½ Road from RSF-R to PR-11.7

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 20, 1999

9. **Amending the Public Hearing Process for Annexations**

Discussion of a proposal which minimizes the confusion of the annexation process and implements the October 1998 Persigo Agreement.

Action: Approve the Revised Annexation Process and Procedures

10. **Setting a Hearing for Steel, Inc. Annexation**

The 4.2 acre Steel, Inc. Annexation area consists of one parcel of land and portions of the U.S. Highway 6 & 50, D&RGW Railroad and River Road rights-of-way. Owners of the Steel, Inc. property have signed a petition for annexation.

a. **Referral of Petition for Annexation, Set a Hearing and Exercise Land Use Jurisdiction**

Resolution No. 4-99 – A Resolution Referring a Petition to the City Council for the Annexation of Land to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation for the Steel, Inc. Annexation Located at 2189 River Road and Portions of the Rights-of-Way of U.S. Highway 50, D&RGW Railroad, and River Road

**Action: Adopt Resolution No. 4-99 and Set a Hearing for February 17, 1999*

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado – Steel, Inc. Annexation, 4.2 Acres Located at 2189 River Road and Portions of the Rights-of-Way of U.S. Highway 50, D&RGW Railroad, and River Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 17, 1999

11. Setting a Hearing for Wells Annexation

The 1.49 acre Wells Annexation area consists of one parcel of land at 545 Hoover Drive and a portion of the I-70 Business Loop right-of-way. Owners of the Wells Annexation property have signed a petition for annexation as part of their request to construct a new commercial building greater than 10,000 square feet in size, pursuant to the 1998 Persigo Agreement. The building is currently under construction.

a. Referral of Petition for Annexation, Set a Hearing and Determine When the City will Exercise Land Use Jurisdiction

Resolution No. 5-99 – A Resolution Referring a Petition to the City Council for the Annexation of Land to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation for the Wells Annexation and Determining When the City will Exercise Land Use Control and Jurisdiction

**Action: Adopt Resolution No. 5-99 and Set a Hearing for February 17, 1999*

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado – Wells Annexation, 1.49 Acres Located at 535 Hoover Drive and a Portion of the I-70 Business Loop Right-of-way.

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 17, 1999

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

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

PUBLIC HEARING - SONRISE CHURCH ANNEXATIONS NO. 1 AND 2 LOCATED ON THE SOUTHWEST CORNER OF 30 ROAD AND TELLER COURT (483 30 ROAD) – CONTINUED TO JANUARY 20, 1999 [FILE #ANX-1998-201]

The 19.43 acre Sunrise Church Annexation area consists of one parcel of land and a portion of the I-70B right-of-way and 30 Road right-of-way. Owners of Sunrise Church have signed a petition for annexation as part of their request to construct an addition to their existing church facility, pursuant to the 1998 Persigo Agreement. The 30 day notice requirement has not been met, therefore staff is requesting a continuance.

A hearing was held after proper notice. Mayor Terry opened the public hearing at 7:45 p.m. to take comments on the continuance and explained the reason for staff's request to continue. There were no comments. The hearing was closed at 7:46 p.m.

Upon motion by Councilmember Theobald, seconded by Councilmember Payne and carried by roll call vote, the Public Hearing for accepting the petition was continued to January 20, 1999.

PUBLIC HEARING - REZONING THE NORTHWEST CORNER OF 12TH STREET AND BOOKCLIFF AVENUE (BOOKCLIFF SQUARE) FROM RMF-64 TO B-1 - ORDINANCE NO. 3086 REZONING PROPERTY AT THE NORTHWEST CORNER OF 12TH STREET AND BOOKCLIFF AVENUE FROM RMF-64 TO B-1
[FILE #RZ-1998-194]

A request for a rezone from RMF-64 (Residential Multi-Family with a density not to exceed 64 units per acre) to B-1 (Limited Business).

Councilmember Sutherland disclosed that Keystone Custom Builders is representing the owner on this item. He shares an office with Keystone Custom Builders and assured Council he has no financial interest in this item and has not discussed it with the owner.

A hearing was held after proper notice. Mayor Terry opened the public hearing at 7:47 p.m.

Greg Halper, Keystone Custom Builders, was present to represent the petitioner Scott Howard. He said he was present to seek approval of the rezone to B-1. The request

follows the 12th Street Corridor Guidelines and the community Growth Plan. He identified the surrounding zones as B-1, PB and RMF-64. Because of the property's location on a major thoroughfare, where commuters travel to and from the downtown district, and because of the current surrounding zoning, he felt the site rezone to B-1 would be a better use than the current zone of RMF-64. He continued to summarize why the project is right for this site.

Kathy Portner, Community Development Department, reviewed this item and stated that the request does meet the rezone criteria set forth in Section 4-4-4 of the Zoning & Development Code, and it is recommend for approval. A B-1 zone is the limited business zone, which is an office type business use.

Councilmember Theobald asked if this is the area of Bookcliff Avenue where the street is narrow. It was stated that widening in this area is on the capital improvement plan. Ms. Portner said at the time of site plan submittal, any required right-of-way for widening will be required. Access onto 12th Street will be reviewed at the time of site plan submittal. Councilmember Sutherland asked about a shared driveway with the adjoining mortuary. Ms. Portner said it could be considered but that has not been looked at specifically at this time.

Mayor Terry inquired as to a time frame for the site plan. Ms. Portner said it could come in anytime and would only be subject to staff level review.

Mayor Terry asked for public comments. There were none. The hearing was closed at 7:55 p.m.

Councilmember Sutherland asked that any homes being moved from the property should be done at night creating the least amount of inconvenience on 12th Street, a major arterial. Councilmember Theobald asked that the Housing Authority be contacted regarding any homes that are to be relocated.

Mayor Terry was concerned with the additional traffic access onto 12th Street, and appreciated Staff's concern regarding this matter in the site plan review.

Upon motion by Councilmember Payne, seconded by Councilmember Theobald and carried by roll call vote, Ordinance No. 3086 was adopted on second reading and ordered published.

PUBLIC HEARING - REZONING APPROXIMATELY 3.87 ACRES LOCATED AT 1800 EAST MAIN STREET (MAURICE ARMS APARTMENTS) FROM RMF-32 TO RMF-64 -

ORDINANCE NO. 3087 – AN ORDINANCE REZONING 1800 MAIN STREET FROM RMF-32 TO RMF-64 [FILE #RZ-1998-193]

The petitioner is requesting a rezone from RMF-32 (Residential Multi-Family, 32 units per acre) to RMF-64 (Residential Multi-Family, 64 units per acre) for the Maurice Arms Apartments at 1800 East Main Street. Planning Commission recommended approval of this request on December 9, 1998.

Eric Robinson with Henderson & Partners, 1050 17th Street, Suite 1930, Denver, Colorado, spoke representing Maurice Arms Apartments. He introduced Clarence Russ Anderson, general partner of Maurice Arms, 2600 S. Parker Road, Building #3, Suite 236, Aurora, Colorado. Mr. Robinson stated he was not requesting the rezone for building purposes, but because of an obscure provision in RMF-32 zoning which has resulted in a non-conforming structure on the property. He gave a history of the property and reasons for the request. HUD insured the construction loan and permanent financing to the property. When it was built, the structures were conforming and the zoning was R-2. At some point in time, a blanket rezoning occurred which rezoned the property to the current zoning of RMF-32. This zoning happened unbeknownst to the owner or the professional management company, or to HUD or the mortgagee. This property is a HUD subsidized project. Over the years, the owner has received a nominal return on his investment in providing the affordable housing to the citizens of Grand Junction. HUD guidelines have changed and the housing subsidy is at risk so the owner must act immediately to refinance or sell. The owner is unable to either sell or refinance the property because of this zoning issue. The owner is willing to adopt the deed restrictions proposed which prohibits the construction of additional apartment units if the rezone is granted. The reason is to guarantee that if anything happens to the building that it can be rebuilt as is. HUD is satisfied with the deed restriction. Once RMF-24 zoning is available through the new Zoning and Development Code, the property would be rezoned again.

Previous zoning was discussed and how the zone had changed. When the building permit was obtained, the property was zoned County R-2. Mr. Anderson said it has not been determined when the change to RMF-32 zoning occurred. City Attorney Wilson noted that when an annexation occurs, properties are rezoned by the City.

Mayor Terry asked for clarification on the protection of the current low income residents. Mr. Anderson said that the current contract with HUD is expired. The tenant status will change to Section 8 and the tenants will be issued vouchers.

Mr. Robinson affirmed that the vouchers will take over.

Mayor Terry asked for public comments. There were none. The hearing was closed at 8:10 p.m.

Mayor Terry disclosed that she discussed an emergency ordinance with the petitioner in November but at no time did she have any policy-making comments. Councilmember Payne said he had the same disclosure to make.

City Attorney Wilson asked that any motion for approval include a condition that the deed restrictions be executed and recorded.

Councilmember Sutherland pointed out a typographical error in the first bullet of the Ordinance and said it should be changed from "zoning to B-1" to "zoning to RMF-64."

Councilmember Theobald stated his feelings on the creation of a non-conforming use is serious, and apologized to the petitioners. Mayor Terry agreed. Councilmember Sutherland added Council and Staff should try to ensure it does not occur with the new code.

Upon motion by Councilmember Payne, seconded by Councilmember Kinsey and carried by roll call vote, Ordinance No. 3087 was adopted on second reading and ordered published.

ADJOURNMENT

Mayor Terry adjourned the meeting at 8:20 p.m.

Stephanie Nye, CMC/AE
City Clerk