

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

June 6, 2012

The City Council of the City of Grand Junction convened into regular session on the 6th day of June, 2012 at 7:00 p.m. in the in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Tom Kenyon, Sam Susuras, and Council President Pro Tem Laura Luke. Absent was Council President Bill Pitts. Also present were Acting City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pro Tem Luke called the meeting to order. Councilmember Doody led the Pledge of Allegiance, followed by a moment of silence.

Presentation

Fruita Monument High School Students to present information on Play Back Sports Program

Travis Moesser, Michael Harris, Kelin Henke, Logan Pfister, and Gage Lovern were all present to provide information on the Play Back Sports Program. They explained how they collect sporting equipment to provide to kids to play sports who can't afford the equipment. Each of the students explained a facet of the program and named many of the donors. They also talked about the different collections they have done and the various presentations they have made. They are actively pursuing businesses to either sponsor or make a donation towards the program. Some of the events they are planning are a yard sale on July 27th and proceeds from that will be donated to the Program, on June 10th they are having a round-up where they will go door to door asking for either equipment donations or cash donations, and on June 11th, they will be speaking to Mesa County Commissioners. They will have an open house in August right after school starts to put out all the sports equipment to sell at a much reduced price to students in need of equipment.

Council President Luke asked when and how the program got started. The students said they were all involved in organizing the program last summer. Councilmember Luke stated that the program is a great thing and very much appreciated. She thanked the students for coming and making a presentation.

Proclamation

Proclaiming June 2012 as "Adult Protection Awareness Month" in the City of Grand Junction

Councilmember Coons read the proclamation. Loren Couch and Christie Higgins from the Mesa County Department of Human Services Adult Services Division were present to

receive the proclamation. Mr. Couch provided some specific information about adults who are unable to protect themselves in Mesa County. Mesa County Department of Human Services Adult Services Division takes every allegation very seriously and do everything they can to ensure the safety for at-risk adults in the community.

Council Comments

Opposition to Ballot Initiatives 3 and 45 – Councilmember Sam Susuras

Councilmember Susuras is the representative for the City on the Colorado Water Congress. He is presenting opposing views on the ballot initiatives that will undermine current water law. He provided excerpts of an opinion from a former Colorado Judge who had reviewed the initiatives. He explained some of the ramifications of the initiatives if approved.

City Attorney Shaver added that Colorado Water Law is part of the Constitution and there is significant concern that these initiatives will upset Colorado Water Law.

Utilities, Streets, and Facilities Director Greg Trainor said, in times of drought, the main concern is water for the citizens. Initiative 3 has the potential to significantly reduce the amount of water the City could provide to its citizens.

Councilmember Kenyon said he supports the comments made by Councilmember Susuras. If these initiatives were to pass it would be economic disaster to the State. He thanked Councilmember Susuras for bringing this forward.

Councilmember Doody thanked everyone involved in the Stadium project and said the community is extremely proud of the facility.

Councilmember Bennett said he just returned from Africa, Tanzania, and returned to the school he taught at for a number of years. He was gratified at the number of locals who greeted him on his visit.

Citizen Comments

Eric Niederkruger, 629 Ouray Avenue, was present to comment about the homelessness and urban camping. He spoke about Denver passing a law banning urban camping and said they rewrote the law after a few days making enforcement a much lower priority because of the problems the original law created. Colorado Springs spent time and money obtaining low income housing before evicting people from the camps. He said that Grand Junction Housing has a waiting list of 3,000 people for low income housing. He provided information on the number of homeless people in the valley, which also

included students. Mr. Niederkruger said that the homeless people are real and will not be going away. He said that, even though Grand Junction Police Department has not put a ban on urban camping, they are emphasizing certain policies. The homeless people are very instrumental in cleaning up the river banks and could continue to help out. He asked why the evictions are happening now; it is not the answer to the problem. He said that the Las Colonias Park cannot be developed until all the toxic heavy metals and toxic chemicals are removed which are decades older than the oldest homeless person. He asked that the evictions not happen and that the HOT Team continue to monitor the camps as they have been. Mr. Niederkruger stated that the homeless people are exposed and vulnerable. He urged the City Council to put a moratorium in place on the evictions in Grand Junction until at least a new shelter is ready.

Reverend Mike Burr, Kiononia Church of Grand Junction, 730 25 Road, was present to comment on the displacement of homeless camps. He said the shelter is past full and there is no housing.

Diana Dalton, 367 ½ Rosevale Road, expressed her compassion for how hard it is for the homeless and encouraged, not just City Council, but the community to use creativity to do anything that can be done to make the homeless people's life easier.

Eric Rechel, 2890 Seely Road, said sometimes the easy route is taken. Getting rid of the homeless is the easy way. It's harder and takes more courage to sit down and talk about it, and it takes time. He asked Council not to blatantly throw these people out of the situation they are in. He encouraged Council to solve the problems in a compassionate way.

William Jones, 2850 Elm Avenue, addressed speeding on motorcycles. He has asked for speed bumps to be put in on 28 ½ Road between Orchard Avenue and North Avenue and was told they couldn't put speed bumps on account of emergency vehicles. He also complained about the loudness of boom boxes.

Philip Hawes, 2852 Elm Avenue, echoed what his neighbor Mr. Jones had to say, i.e., speeding. He has called the Police Department, and he praised the police, but was asked for specifics like make, model, etc. and he didn't know that information. He asked for a visible force out there as people disregard the speed limit signs. He asked about boom boxes, if there was a limit on the decibel level. Sidewalks are also not along the street, and he asked about that.

Councilmember Doody asked Public Works and Planning Director Tim Moore to address some of the concerns expressed.

Public Works and Planning Director Moore said he would like to sit down and have a dialog along with the Police Department and see if some of the concerns can be addressed.

Councilmember Doody asked that the City Council get a follow up email.

CONSENT CALENDAR

Councilmember Kenyon moved to adopt the Consent Calendar and then read the Consent Calendar items #1-10. Councilmember Kenyon noted that on the resolution making Council assignments that Councilmember Susuras will be assigned to the Parks Improvement Advisory Board. Councilmember Doody seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the May 16, 2012 Regular Meeting

2. **Setting a Hearing on Rezoning 9.629 acres Located at 714 and 720 24 ½ Road** [File #RZN-2012-70]

A City initiated request to rezone two parcels totaling 9.629 acres from an R-R (Residential Rural) to an R-5 (Residential 5 du/ac) zone district.

Proposed Ordinance Rezoning Properties at 714 and 720 24 ½ Road from an R-R (Residential Rural) to an R-5 (Residential 5 DU/Ac) Zone District

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for July 18, 2012

3. **Setting a Hearing on Rezoning 488, 490, and 492 Melody Lane; 487, 489 ½, and 491 Sparn Street, and Tax Parcel 2943-181-05-026, Directly South of 487 Sparn Street** [File #RZN-2012-126]

A City initiated request to rezone seven parcels, totaling 1.67 acres, located at 488, 490, and 492 Melody Lane; 487, 489 ½, and 491 Sparn Street, and Tax Parcel 2943-181-05-026, directly South of 487 Sparn Street, from C-2 (General Commercial) to C-1 (Light Commercial) to bring them into conformance with the Comprehensive Plan.

Proposed Ordinance Rezoning Properties from C-2 (General Commercial) to C-1 (Light Commercial), located at 488, 490, and 492 Melody Lane, 487, 489 ½, and

491 Sparn Street, and Tax Parcel 2943-181-05-026, Located Directly South of 487 Sparn Street

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for July 18, 2012

4. **Setting a Hearing on Amendment to the Future Land Use Designation for Four Properties Located at 2886 and 2898 I-70 B and 2892 and 2896 Highway 6 and 24** [File #RZN-2012-74]

A City initiated request to amend an area of the Comprehensive Plan's Future Land Use Map from Commercial to Commercial/Industrial.

Proposed Ordinance Amending the Grand Junction Comprehensive Plan Future Land Use Map for Four Properties Located at 2886 and 2898 I-70 B and 2892 and 2896 Highway 6 and 24

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for July 18, 2012

5. **Vacation of a Portion of a 15' Waterline Easement, Fuoco Motors, Located at 2582 Highway 6 and 50** [File #VAC-2012-272]

The applicant is requesting to vacate a portion of a 15' waterline easement in order to accommodate a new building across the easement area. A new waterline and easement has been constructed at another location on the property that is not encumbered with existing or proposed structures.

Resolution No. 19-12—A Resolution Vacating a Portion of a 15' Waterline Easement Located at 2582 Highway 6 and 50 (Fuoco)

Action: Adopt Resolution No. 19-12

6. **Purchase of Road Oil for Chip Seal Program 2012**

Request the purchase of approximately 202,000 gallons of road oil for the Streets Division Annual Chip Seal Program for 2012.

Action: Authorize the City Purchasing Division to Purchase Approximately 202,000 Gallons of Road Oil from Cobitco, Inc., Denver, Colorado in the Amount of \$549,440

7. **Outdoor Dining Lease for Fins Grill, LLC, dba Fins Grill, Located at 420 Main Street**

Fins Grill, LLC, dba Fins Grill, located at 420 Main Street, is requesting a first-time Outdoor Dining Lease for an area measuring 164.5 square feet directly in front of their building. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area. The dining area will be at grade on the sidewalk.

Resolution No. 20-12—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Fins Grill, LLC, dba Fins Grill

Action: Adopt Resolution No. 20-12

8. **Council Assignments for 2012 – 2013**

City Council considers the appointments and assignments for its members to various boards, committees, commissions, and organizations.

Resolution No. 21-12—A Resolution Appointing and Assigning City Councilmembers to Represent the City on Various Boards, Committees, Commissions, and Organizations

Action: Adopt Resolution No. 21-12

9. **Contract for Design/Build Fleet CNG Maintenance Facility and Retrofit Existing Fleet Service Bays**

Request to enter into a contract with FCI Constructors, Inc., Grand Junction, CO to design and construct a new CNG Maintenance Facility for the Fleet Division, and to retrofit the recent fleet addition to provide CNG maintenance facilities.

Action: Authorize the City Purchasing Division to Enter into a Contract with FCI Constructors, Inc., Grand Junction, CO in an Amount of Approximately \$490,849

10. **Resolution Opposing Ballot Initiatives 3 and 45 Regarding Changes to Water Law**

The measures put forward, instead of the prior appropriation doctrine, an undefined doctrine of certain public mandates, control and trust. Colorado's prior appropriation structure has proven itself to be successful; it is flexible and reliable

in meeting the needs of the users and protecting the water resources and the values attached to those resources.

Resolution No. 22-12—A Resolution Opposing Initiatives 3 and 45

Action: Adopt Resolution No. 22-12

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Ratify the Acquisition of the Three Sisters Property

The presenters request and recommend that the City Council consider and adopt a resolution ratifying the acquisition of the Three Sisters property located south and west of Monument Road and the conveyance of the North River subdivision as partial consideration for the acquisition of the Three Sisters parcel.

Rob Bleiberg, Mesa Land Trust, was present to encourage the City Council to adopt the resolution ratifying the action taken the prior day to transfer the Three Sisters property to the City of Grand Junction. He thanked the City Council, the Tuckers of Conquest Development, and the community for all of their support.

Councilmember Kenyon thanked Mr. Bleiberg. He recognized him as being the king linchpin to the project and he looks forward to the continued relationship with his organization.

Councilmember Coons said she was on Council when the zoning of this land was discussed which was very difficult. She was appreciative of the outcome and she is excited on how this property will be a benefit to the community.

Councilmember Boeschstein thanked Mr. Bleiberg. He is a member of Mesa Land Trust. He is glad this property will be used for recreation and open space. The area needs to be protected; it is a multi-use area.

Council President Pro Tem Luke said she was grateful to be a part of this and was appreciative of the hard work.

Councilmember Kenyon asked Rob Schoeber, Parks and Recreation Director, to tell the Council what is next for the property.

Rob Schoeber, Parks and Recreation Director, said a public planning process will now begin. Then that will go the Parks and Recreation Advisory Board for recommendations.

Council President Pro Tem Luke asked when the first meeting will be. Mr. Schoeber replied that the Parks and Recreation Advisory Board will see it Thursday, June 14th.

Resolution No. 23-12—A Resolution Ratifying the Acquisition of the Property Known as the Three Sisters Located South and West of Monument Road and Authorizing the Conveyance of the North River Subdivision as Partial Consideration for the Acquisition

Councilmember Kenyon moved to adopt Resolution No. 23-12. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Amending the Comprehensive Plan and Rezoning the Property Located at 3000 Patterson Road [File #RZN-2012-193]

Property owner request to amend the Comprehensive Plan future land use designation from Residential Medium to Commercial and rezone property located at 3000 Patterson Road from R-O (Residential Office) to B-1 (Neighborhood Business).

The public hearing was opened at 8:12 p.m.

Tim Moore, Public Works and Planning Director, introduced this item. He said the request comes from a developer that wants to develop in that area. Notices were sent out to surrounding property owners. The Planning Commission forwarded a recommendation of approval at its April 10, 2012 meeting.

Senta Costello, Senior Planner, presented this item. The property owners are requesting a rezone. She described the sites, the location, and the request. She described the surrounding uses as well as other uses in the vicinity. There was no conflict created as with the other types of actions the City Council has seen lately. There was a neighborhood meeting held December 11, 2011. At that time the proposal was to rezone the property to the MXG-3 zone district. Six neighbors attended the meeting and voiced concerns regarding the potential uses and site layout that the MXG-3 zone district could generate. Other zone districts were discussed and the neighbors preferred either the existing R-O or the B-1 zone districts to the MXG-3. The neighbors would like a buffer between their residential and any commercial activity. Another meeting was held with the developer. The developers agreed to rezone to B-1. Although B-1 is not one of the zones that implement the current future land use designation, the adjacency rule allows an amendment to a commercial designation. Therefore the applicant seeks to amend the Comprehensive Plan from Residential Medium to Commercial, which allows a B-1 zone district, using the adjacency rule. The neighborhood would still rather have RO but will accept B-1 if some issues can be resolved. Specifically, the neighbors would like a wall along the property line. Ms. Costello said she assumed an agreement had been reached as no neighbors were present. B-1 is neighborhood business. It limits hours of operation

and is created to be compatible with residential neighborhood. The Planning Commission forwarded a recommendation of approval at its April 10, 2012 meeting. Ms. Costello said that the requested Comprehensive Plan future land use designation and rezone are consistent with the goals and policies of the Comprehensive Plan and the review criteria in Sections 21.02.130(e)(1) and 21.02.140 of the Grand Junction Municipal Code have all been met.

Councilmember Boeschstein asked if the Patterson Road Policy is still in effect. The purpose is to avoid a continuous strip of commercial development along Patterson Road.

Ms. Costello said she believes the policy is still in place. This request will not violate or override that policy; it is a primary corner and there is residential both east and west of this location.

There were no public comments.

The public hearing was closed at 8:25 p.m.

Councilmember Susuras noted the property owner has made the request and it meets goals 3, 5, 7, and 12 of the Comprehensive Plan.

Ordinance No. 4534—An Ordinance Amending the Comprehensive Plan Designation on One Parcel from Residential Medium to Commercial, Located at 3000 Patterson Road

Ordinance No. 4535—An Ordinance Rezoning One Parcel from R-O (Residential Office) to B-1 (Neighborhood Business), Located at 3000 Patterson Road

Councilmember Susuras moved to adopt Ordinance Nos. 4534 and 4535 and ordered them published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezoning Nine Properties Located at 492, 490, 488, 488 ½, 486, 486 ½, 482 Harris Road, Plus Two Other Un-Addressed Parcels [File #RZN-2012-85]

A City initiated request to rezone nine properties totaling 3.02 +/- acres located at 492, 490, 488, 488 ½, 486, 486 ½, 482 Harris Road, plus two other un-addressed parcels from C-2 (General Commercial) and I-2 (General Industrial) to R-O (Residential Office) and I-1 (Light Industrial).

The public hearing was opened at 8:27 p.m.

Tim Moore, Public Works and Planning Director, introduced this item and the next three items. All four projects are City initiated rezones and come forward with a recommendation of approval from the Planning Commission. He introduced Senior Planner Scott Peterson.

Scott Peterson, Senior Planner, presented this item. He described the site, the location, and the request, which is a request from the City. The Planning Commission recommended approval at their April 10, 2012 meeting. The City adopted the Comprehensive Plan in 2010 and that resulted in this property not being in conformance with the Future Land Use Designation. The request will bring the zoning into conformance with the Zoning Code and the Future Land Use designation. The proposed zone changes to R-O and I-1 would provide the opportunity for future multi-family residential, general office, and light industrial land uses, etc., for this area of the community. The property owners were notified of the proposed rezone and an open house was held on February 8, 2012. Mr. Peterson said he has heard from only one property owner via phone and email. Several other adjacent property owners have contacted Staff inquiring with questions about any potential land use changes or development proposals at this time. No opposition to the proposed rezones has been recorded from adjacent property owners. Some of the properties were initially slated to be rezoned to C-1 but upon further review it was determined that R-O would be more appropriate since they are already developed. R-O will allow single family and multi-family detached dwelling units. The rezone on the other properties will not affect the current uses as they are allowed uses. The requested rezone meets goals 3, 5, 7, and 12 of the Comprehensive Plan and the review criteria of the Grand Junction Municipal Code. The rezone will allow for future multi-family, general office, and light industrial for two of the designations and continue to transition and buffer future development from the existing light commercial to the east and the residential properties to the west.

Councilmember Boeschstein asked about Harris Road having insufficient right-of-way and how that will be rectified. Mr. Peterson said that will be changed if the property is developed or Harris Road is connected further.

Ordinance No. 4536—An Ordinance Rezoning Nine Properties from C-2 (General Commercial) and I-2 (General Industrial) to R-O (Residential Office) and I-1 (Light Industrial), Located at 492, 490, 488, 488 ½, 486, 486 ½, 482 Harris Road, Plus Two Other Un-Addressed Parcels

There were no public comments.

The public hearing was closed at 8:35 p.m.

Councilmember Susuras said the rezone eliminates the conflict between the zoning and the Comprehensive Land Use Plan and meets goals 3, 5, 7, and 12 of the Comprehensive Plan.

Councilmember Susuras moved to adopt Ordinance No. 4536 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezoning One Property Located on the West Side of Bass Street between W. Hall Avenue and W. Mesa Avenue [File #RZN-2012-27]

A City initiated request to rezone 0.275 acres, located on the west side of Bass Street between W. Hall Avenue and W. Mesa Avenue from R-8 (Residential 8 du/ac) to CSR (Community Services and Recreation).

The public hearing was opened at 8:37 p.m.

Senta Costello, Senior Planner, presented this item. It is a City initiated rezone request. She described the site, the location, and the request. She described the surrounding uses as well as other uses in the vicinity. The property is mostly used by kids to ride their bikes on. The current zoning does not meet the Park designation of the Future Land Use Map. The property is just over a quarter acre. It will likely not be developed. It could be sold for a single family house. The topography is such that it is not conducive to development. The request will bring the zoning into conformance with the Future Land Use designations. The current zonings do not meet those designations. There was an open house on January 25, 2012. The property owners were notified. Two neighbors attended, but did not submit comments. The Planning Commission forwarded a recommendation of approval at its March 27, 2012 meeting.

Councilmember Coons asked about W. Hall separating the parcel from the Park. She asked if there is any thought to vacate W. Hall Avenue for safety reasons. Ms. Costello said it could be looked at.

There were no public comments.

The public hearing was closed at 8:41 p.m.

Ordinance No. 4537—An Ordinance Rezoning 0.275 Acres from R-8 (Residential 8 DU/Ac) to CSR (Community Services and Recreation), Located on the West Side of Bass Street Between W. Hall Avenue and W. Mesa Avenue

Councilmember Coons moved at adopt Ordinance No. 4537. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezoning One Parcel Located at 140 Power Road [File #RZN-2012-69]

A City initiated request to rezone one parcel totaling 14.81 acres from an I-1 (Light Industrial) to a C-2 (General Commercial) zone district.

The public hearing was opened at 8:43 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. He also described the current use, which is the Pepsi Distribution facility, and the ownership. There is no bottling on the site but that would be an allowed use. The change to the area to primarily a commercial node happened in 1996. The proposed zoning will be allowed under the land use designation under the Comprehensive Plan. The request does meet the criteria of the Grand Junction Municipal Code and the goals and policies of the Comprehensive Plan. The Planning Commission forwarded a recommendation of approval on April 10, 2012.

There were no public comments.

The public hearing was closed at 8:46 p.m.

Ordinance No. 4538—An Ordinance Rezoning Properties at 140 Power Road from an I-1 (Light Industrial) to a C-2 (General Commercial) Zone District

Councilmember Doody moved at adopt Ordinance No. 4538 and ordered it published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezoning One Parcel Located at 681 23 Road [File #RZN-2012-82]

A City initiated request to rezone 0.99 acres, located at 681 23 Road, from I-2 (General Industrial) zone district to I-1 (Light Industrial) zone district and bring it into conformance with the Comprehensive Plan. This area is referred to as the “Yellow Area 3” rezone.

The public hearing was opened at 8:47 p.m.

Senta Costello, Senior Planner, presented this item. It is a City initiated rezone request. She described the site, the location, and the request. She described the current use as well as other uses in the vicinity. The request will bring the zoning into conformance

with the Future Land Use designations. The current zonings do not meet those designations. There was an open house on February 8, 2012. No one at the open house spoke about the proposed rezone. The owner of the property did contact the Planning Department on April 4, 2012. The I-1 zone district was the property owner's preference to give him the most flexibility in the future and would not impact the current use. The request meets the goals and polices of the Comprehensive Plan and the criteria of the Zoning Code have been met. Planning Commission forwarded a recommendation of approval at its April 10, 2012 meeting.

There were no public comments.

The public hearing was closed at 8:52 p.m.

Councilmember Susuras stated the request meets goals 1 and 6 of the Comprehensive Plan and the Planning Commission approved it on their consent agenda on April 10th.

Ordinance No. 4539—An Ordinance Rezoning One Parcel from I-2 (General Industrial) to I-1 (Light Industrial), Located at 681 23 Road

Councilmember Susuras moved to adopt Ordinance No. 4539 and ordered it published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:52 p.m.

Stephanie Tuin, MMC
City Clerk