

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

**November 20, 2013**

The City Council of the City of Grand Junction convened into regular session on the 20<sup>th</sup> day of November, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Phyllis Norris, Barbara Traylor Smith, and Council President Sam Susuras. Councilmember Duncan McArthur was absent. Also present were City Manager Rich Englehart, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

Council President Susuras called the meeting to order. Cub Scout Troop #386 posted the colors and led the Pledge of Allegiance, followed by a reflection by Joseph Alaimo, Western Colorado Atheists and Free Thinkers.

**Presentation**

Matt Robbins from the Colorado Lottery presented the City of Grand Junction with a 2013 Starburst Award for the Lincoln Park Arboretum, Trails, and Universally Accessible Playground Project. The Starburst Award recognizes excellence in the use of Lottery funds. Mr. Robbins explained the purpose of the Lottery Funds, which have been available for parks and recreation purposes and protection of open space for 30 years. Over 2.5 billion State lottery dollars have been returned to local governments for those purposes without any expense from the general fund or the taxpayers. The City of Grand Junction has received over \$12 million for distribution over the 30 years. Great Outdoors Colorado is the State's partner, the Department of Local Affairs administers the Conservation Trust Fund along with the Colorado Department of Wildlife. The lottery dollars have been used for many great purposes to enhance the quality of life in Colorado. He noted some of the uses the City has utilized with the Conservation Fund Trust Funds: the enhancement of Lincoln Park, the trails, and the universal playground. He read and honored the Council with a poster from the Conservation Trust Fund. He also presented Council with the engraved Starburst Award. He lauded the Grand Junction Staff for all of their work and thanked the City for its support and vision for moving forward creating these amenities for everyone.

Councilmember Boeschstein, as a Councilmember and as a resident from the Lincoln Park neighborhood, thanked Mr. Robbins for the award.

Councilmembers Norris, Chazen, Traylor Smith, and President of the Council Susuras also thanked Mr. Robbins for the award and for the work the Parks Department does.

**Proclamation****Proclaiming November 20, 2013 as “Grand Junction Daily Sentinel Day” in the City of Grand Junction**

Councilmember Boeschstein read the proclamation. Amy Hamilton, reporter for the Daily Sentinel, accepted the Proclamation and thanked City Council.

President of the Council Susuras recognized the American Government Class from Colorado Mesa University in attendance.

**Council Comments**

Councilmember Traylor Smith thanked the Veterans; she had the pleasure of judging for the Veterans Day Parade and said that the Lieutenant Governor was in Grand Junction visiting the Housing Authority property at Village Park which helps provide transition housing for the homeless veterans. She also commended the T-4 Tree Service men for helping her with a flat tire when she was on her way to the economic meeting the other day. She congratulated the owners and said it is so great to have the Glacier Ice Arena opened again. She said it is inspiring how they pulled through and stuck to finding a way to get it reopened.

Councilmember Chazen attended the Parks and Recreation Board meeting and encouraged anyone to drop in on one of those meetings. He also attended a Forestry Board meeting and they are working hard to make training available and convenient for certification. He attended an Urban Trails Committee meeting and it was an eye opener to see what the challenges are in regards to maintaining the industrial drainage system within the City. He attended the Downtown Development Authority meeting. He also attended the Salvation Army Bell Ringing kick-off and encouraged everybody in the community to support the Salvation Army as they do so much for the community.

Councilmember Norris attended an Incubator Board Meeting and said they are working on an Innovation Center which will really help economic development in the valley. She attended the Manufacturers Association and they are supporting the Innovation Center. The last budget review meeting was November 18<sup>th</sup> and she thanked Staff for all their hard work on the budget.

Councilmember Doody visited George Crawford’s grave with former Mayor Bruce Hill and a committee which has been formed to refurbish that tomb through private funds. One of the committee members is former Daily Sentinel publisher Ken Johnson, who has been very active in the community.

Councilmember Boeschstein advised that at the Horizon Drive Association meeting, the Board has decided to postpone the two roundabouts at the I-70 interchange to the year 2015. He also attended the Riverfront Commission meeting which possible budgeting cuts are creating some stress with them. He attended the Persigo meeting. The Incubator is holding an open house on December 12<sup>th</sup>, and it is a great way to see what they are doing. He really appreciates the ice rink reopening. The State Historic Preservation Conference is in February and some of Grand Junction's historic buildings will be featured including the Wayne Aspinall Federal Building.

### **Citizen Comments**

Bill Pitts, 2626 H Road, said in 1971 the Walker Field Airport Authority was established. He addressed the bylaws and the method of appointing members of the Authority. He said the system is not working because no one is responsible for the actions by the Authority. He proposed replacing the Airport Authority with a Municipal Airport under the direction of Mesa County and the City, similar to the Persigo combined board agreement. He said the number of airports he visits annually are all directed by the City or County directly.

Dennis Simpson, 2306 E. Piazza Place, spoke about the Council meetings that occur other than the regular Wednesday meetings. He has spoken before regarding his concern about too much that happens beyond the public eye. He feels that the public meetings that do happen are not controversial or meaningful. He has listened to some of the budget meetings and said at least something has been accomplished, however it could be better. He thanked the Council for recording the workshops especially Councilmember Norris. He appreciated the assistance of the City Clerk, her Staff, and Carol in Information Technology for getting him the recordings. He's concerned with the process of the meetings when it comes to the budget. He feels that the budget information should be made more available to the public. He said that there could be a different process for public comment on the budget. He feels the process is insulting for the public.

### **CONSENT CALENDAR**

Councilmember Norris read Consent Calendar items #1-5 and then moved to adopt the Consent Calendar. Councilmember Doody seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

*Action: Approve the Minutes of the November 6, 2013 Regular Meeting*

2. **Setting a Hearing for the 2013 Supplemental Appropriation Ordinance and the 2014 Budget Appropriation Ordinance**

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2013 amended and 2014 proposed budgets.

Proposed Ordinance Making Supplemental Appropriations to the 2013 Budget of the City of Grand Junction

Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, and the Ridges Metropolitan District for the Year Beginning January 1, 2014, and Ending December 31, 2014

*Action: Introduction of Proposed Ordinances and Set a Hearing for December 4, 2013*

3. **CDBG Subrecipient Contract with Rocky Mountain SER Head Start for Previously Allocated Funds within the 2013 Community Development Block Grant (CDBG) Program Year** [File #CDBG 2013-10]

The Subrecipient Contract formalizes the City's award of \$28,050 to Rocky Mountain SER Head Start allocated from the City's 2013 CDBG Program as previously approved by Council. The grant funds will be used for security upgrades to 3 buildings utilized for the Head Start program.

*Action: Authorize the City Manager to Sign the Subrecipient Contract with Rocky Mountain SER Head Start Facility Security Upgrades for \$28,050 for the City's 2013 Program Year Funds*

4. **2014 Mesa County Animal Control Services Agreement**

The City has an ongoing, annually renewable agreement with Mesa County for animal control services within the City limits. The City pays the County a percentage of the Mesa County Animal Services' budget based upon the City's percentage of total calls for service.

*Action: Approve and Authorize the Mayor to Sign the 2014 Agreement between Mesa County and the City of Grand Junction Pertaining to Animal Services*

**5. CNG Fueling Facility Expansion and Vehicle Purchase Grant Request**

This is a request to authorize the City Manager to submit a request to the Colorado Department of Local Affairs for a \$200,000 grant for expansion of the Compressed Natural Gas (CNG) fueling facility and to fund the cost difference of Compressed Natural Gas option for the replacement of three pickup trucks.

Resolution No. 71-13—A Resolution Authorizing the City Manager to Submit a Grant Request to the Colorado Department of Local Affairs' (DOLA) Energy and Mineral Impact Assistance Program for CNG Fueling Facility and Vehicles

*Action: Adopt Resolution No. 71-13*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION****Public Hearing—Bonito Avenue Alley Right-of-Way Vacation, Located between 1220 and 1224 Bonito Avenue [File #VAC-2013-415]**

This is a request made by the property owner of 1224 Bonito Avenue to vacate the public right-of-way, located between 1220 Bonito Avenue and 1224 Bonito Avenue. The right-of-way is approximately 12-foot wide and 123.37 feet long. It runs in a north/south direction between 1220 and 1224 Bonito Avenue, and functions as an alley for these two properties.

The public hearing opened at 7:36 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the site, the location, and the request. It was annexed into the City in 1966. Future Land Use designated the property as business park/mixed use. The homes were built in 1955. The home at 1224 Bonito has a detached garage which encroaches the alley right-of-way. There is street parking available on Bonito. There has been numerous verbal arguments between the two neighbors where emergency calls have been made. Prior to 2011, there were no problems. The twelve feet of right-of-way functions as an alley. City Staff tried to work with both owners to no avail. The request does not meet the goals of the Comprehensive Plan. The criteria of the Zoning and Development Code must be met. Ms. Bowers reviewed each of the six criteria which must be met. Five out of the six criteria would not be met. She entered in the Staff report and all documents into the record. The Planning Commission on October 8, 2013 forwarded a recommendation of denial of the request.

Councilmember Doody asked about XCEL and Hospice, is Hospice concerned about damage to their property if access is gained through their property? Ms. Bowers said yes.

Councilmember Norris asked if there is currently a right-of-way through Hospice. Ms. Bowers said there is not.

Michael Day, 1224 Bonito Avenue, is the petitioner, and spoke in favor of the vacation. Mr. Day showed a photo and pointed out the encroachment. He said his neighbor planted a tree and he advised the neighbor to move the tree. He wrote a note when the tree was not removed. He mentioned emails that he has from various people who do not object to the vacation of this right-of-way. He said Hospice should have put in a drive access for utility providers. He then showed pictures that showed what this area looked like before everything started. He asked for and has not received information requested regarding the placement of the storm drain. He read a letter from XCEL Energy responding to the vacation request and pointed out that they have no objection to the vacation request. Another picture showed the easement, and one of the storm drain pipe locations. He showed more pictures to indicate there is other access to the property. He said that the best access to utilities is from 13<sup>th</sup> Street, not 12<sup>th</sup> Street. He pointed out in one picture that XCEL's power pole is inside the neighbor's property. He said no one has utilized the right-of-way for any kind of maintenance. He has maintained the right-of-way. Ute Water and the Fire Department also emailed and said that they have no objection to the vacation. He believes the request meets all the criteria in the Statutes and the Comprehensive Plan. The shared use with the neighbor is not working and the City has no need for it. He hopes that Council will overturn the recommendation from the Planning Commission.

Annette Collier, 1220 Bonito Avenue, said she is confused with a lot of previous pictures shown. She said the right-of-way is not surplus right-of-way. She uses it to access the garage several times a day. It has been used this way since the 1950's. There is a water line that runs through there. She said the utility companies will need access through an easement if the right-of-way is vacated. She showed pictures which showed that she does not have access to her garage through the front. She has lived in that house for over 10 years. She showed a picture of the access from the back where the right-of-way is. She showed pictures of the Hospice construction. She herself had checked into vacation of the right-of-way with the City and was denied. She told a couple of stories about her neighbor, Mr. Day, and how access has always been a problem. She feels Mr. Day should respect the boundaries. Mr. Day moved the fence three times. She requested vacation for access. She suggested that he use his own property or find a suitable property that works for him. She requested leaving the property as a right-of-way so that it can be used.

Joni Beckner, 1220 Bonito Avenue, opposes the request. She mentioned a letter that was signed by neighbors. She is appreciative Staff members Lori Bowers, Shelly Dackonish, and Eric Hahn, for their disclosure and assistance going through this process. She read a letter from Lori Bowers when one time parking was a problem and a meeting with the Planning Department in 2011 where they received a denial letter for the vacation (attached). The ten foot easement runs north and south. She held up three police reports where they have called for assistance when they felt unsafe. She read another letter from Public Works, Utilities, and Planning Director Greg Trainor from April 2, 2013 (attached).

Mr. Day said the work he did to prevent the swale was undone by the neighbor. He showed more pictures. There is reason the right-of-way should be for public access. He again stated shared use of the right-of-way will not work. He read a letter to City Council which he also showed on the overhead camera. He said that the vacation would not prevent Ms. Collier access to her garage. He advised he knows people who had more than one access on their own property who were forced to close all but one. He said that the City should follow the Code. He begged the Council to hear the wisdom and vote yes for the right-of-way to make the best use of the land. He would like it vacated and split between the two of them with a fence down the center of it.

Ms. Collier asked the Council to see that the request does not meet the Statutes or the criteria. She said fences do not make good neighbors, neighbors make good neighbors.

Council President Susuras asked City Attorney Shaver if approval of the vacation would make Ms. Collier's property landlocked. City Attorney Shaver said it would not because there is other access. Council President Susuras asked if the access would handle automobiles. Mr. Shaver said although he would defer to the Planner for this question, he would advise that Council focus on the specific criteria and evidence in the Staff report for this decision even though there has been personal testimony.

Councilmember Doody asked how long the garage has been in place. Ms. Bowers said probably since the 1950's. Councilmember Doody asked how long the access statute has been in place. Ms. Bowers said the access statute that Mr. Day refers to is for new subdivisions and not to this specific neighborhood. This statute was not in place when this area was subdivided.

Councilmember Chazen asked if the garage was originally part of the property. Ms. Bowers said as far back as the evidence goes, it seems as though the garage was there since the house was constructed. Councilmember Chazen asked if there was a conversion on the house. Ms. Bowers said she did not know. Ms. Collier said it was the front yard.

Councilmember Traylor Smith asked Ms. Bowers about the conflict regarding the letters from Mr. Trainor and XCEL stating the vacation was fine. Ms. Bowers said the letter from XCEL that Mr. Day provided was received well after the public comment review at the Planning Commission meeting. The comment Ms. Bowers received from XCEL stated they would not support the vacation.

Councilmember Boeschstein asked Ms. Bowers if the east/west swale is an easement. Ms. Bowers said it is an east/west utility easement and it doesn't allow a person to drive through it.

There were no other public comments.

The public hearing was closed at 8:56 p.m.

Ordinance No. 4609—An Ordinance Vacating Right-of-Way for Bonito Avenue Alley, Located between 1220 and 1224 Bonito Avenue

Councilmember Chazen moved to adopt Ordinance No. 4609 and ordered it published in pamphlet form. Councilmember Doody seconded the motion. Motion failed unanimously 6-0 by roll call vote. Several Councilmembers stated the reasons they voted no.

The meeting recessed at 9:00 p.m.

The meeting reconvened at 9:07 p.m.

**Public Hearing—Addition of City Property to the Downtown Development Authority District (DDA)**

The City and DDA Staff are recommending the addition of a number of City-owned parcels into the DDA district.

The public hearing was opened at 9:07 p.m.

John Shaver, City Attorney introduced this item. He said the purpose is to allow the standardization of the boundary and to allow DDA to expend its funds for projects that are within the boundary. There are no separate petitions for any other properties within the boundary.

Harry Weiss, DDA, Executive Director, added that these are City properties that are tax exempt and there will be no financial change by adding the properties.

Councilmember Norris said she appreciates the updating and all the work.



There were no public comments.

The public hearing closed at 9:10 p.m.

Councilmember Doody moved to adopt Ordinance No. 4610 and ordered it published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Public Hearing—Elementary Enclave Annexation and Zoning, Located at 2977 B Road** [File #ANX-2013-316]

A request to annex 1.0 acres of enclaved property, located at 2977 B Road, and to zone the annexation, which consists of a one acre (1.0 ac) parcel, to an R-4 (Residential 4 du/ac) zone district.

The public hearing was opened at 9:12 p.m.

Brian Rusche, Senior Planner presented this item. He described the site, the location, and the request. He showed a time line of the property and described it over the years. Adjacent properties were annexed for future developments which created the enclave. The request is consistent with the Comprehensive Plan as well as the existing subdivisions. The Planning Commission has recommended approval.

Councilmember Norris asked if the new owners sold the property could new owners have livestock. Mr. Rusche said yes.

Councilmember Boeschstein asked if the numbers of livestock currently are allowable under the Code. Mr. Rusche said there is a bit more livestock than allowed but it can continue as long as it does not decrease or go away.

There were no other public comments.

The public hearing was closed at 9:15.

Ordinance No. 4611—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Elementary Enclave Annexation, Located at 2977 B Road, Consisting of Approximately One Acre

Ordinance No. 4612—An Ordinance Zoning the Elementary Enclave Annexation to R-4 (Residential 4 DU/AC), Located at 2977 B Road

Councilmember Doody moved to adopt Ordinance Nos. 4611 and 4612 and ordered them published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Public Hearing—Twenty Nine Thirty Enclave Annexation and Zoning, Located on the North and South Side of B ½ Road at Crista Lee Way** [File #ANX-2013-377]

A request to annex 12.08 acres of enclaved property, located on the north and south side of B ½ Road at Crista Lee Way, and to zone the annexation, which consists of six parcels, to an R-4 (Residential 4 du/ac) zone district.

The public hearing opened at 9:17 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. It is consistent with State law requirements. This property was formerly farmed as an orchard. Adjacent properties were annexed for development and created the enclaves. The Comprehensive Plan designates this as residential and R-4 zoning is consistent. The Planning Commission recommends approval.

Councilmember Traylor Smith asked if this property was close to the solar farm. Mr. Rusche said no.

There were no public comments.

The public hearing was closed at 9:18 p.m.

Ordinance No. 4613—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Twenty Nine Thirty Enclave Annexation, Located on Both Sides of B ½ Road at Crista Lee Way, Consisting of Approximately 12.08 Acres

Ordinance No. 4614—An Ordinance Zoning the Twenty Nine Thirty Enclave Annexation to R-4 (Residential 4 DU/AC), Located on Both Sides of B ½ Road at Crista Lee Way

Councilmember Traylor Smith moved to adopt Ordinance Nos. 4613 and 4614 and ordered them published in pamphlet form. Councilmember Norris seconded the motion. Motion carried by roll call vote.

**Public Hearing—Ray Annexation and Zoning, Located at 416 29 Road** [File #ANX-2013-403]

A request to annex and zone the Ray Annexation, located at 416 29 Road. The Ray Annexation consists of one parcel and approximately 0.144 acres (6,261 square feet) of

the 29 Road right-of-way. The requested zoning is a C-1 (Light Commercial) zone district.

The public hearing was opened at 9:21 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. This request is to allow expansion of the business and pursuant to the Persigo Agreement, annexation is required. The current code would allow business use. The request is consistent with the Comprehensive Plan. A neighborhood meeting was held and there were no objections. The site improvements are under review. This meets the criteria of the Municipal Code and the Planning Commission recommends approval.

Councilmember Norris asked if other properties wanted, could they convert to commercial use. Mr. Rusche said they would have to petition separately.

Councilmember Traylor Smith asked if there were any objections by surrounding residents. Mr. Rusche said there were not.

There were no public comments.

The public hearing was closed at 9:26 p.m.

Resolution No. 70-13—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Ray Annexation, Located at 416 29 Road and Including Portions of the 29 Road Right-of-Way, is Eligible for Annexation

Ordinance No. 4615—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ray Annexation, Approximately 1.14 Acres, Located at 416 29 Road and Including Portions of the 29 Road Right-of-Way

Ordinance No. 4616—An Ordinance Zoning the Ray Annexation to C-1 (Light Commercial), Located at 416 29 Road

Councilmember Doody said this is a perfect example of what the City does and to work toward its vision.

Councilmember Doody moved to adopt Resolution No. 70-13 and Ordinance Nos. 4615 and 4616 and ordered them published in pamphlet form. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

### **Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

Councilmember Boeschstein thanked Staff for bringing the annexations forward to Council.

**Adjournment**

The meeting was adjourned at 9:28 p.m.

Debbie Kemp, MMC  
Deputy City Clerk



PUBLIC WORKS & PLANNING

December 6, 2011

Ms. Annette Collier  
1220 Bonito Avenue  
Grand Junction, CO 81506

RE: Possible Vacation of Right-of-Way

Dear Annette:

Thank you for taking the time to meet with us on Monday, November 21, 2011. I have been able to research your request a little further and have found out the City cannot support your request for a vacation of the subject alley right-of-way.

There is a 60" storm line at the rear of the lots on the North side of Bonito Avenue. The existing 12' alley adjacent to the East side of your property located at 1220 Bonito, is the City's major access point for maintenance and or replacement of the storm sewer. Our engineers are not in favor of vacating that alley. At best, it would be retained as an access and utility easement, but that generally creates problems in the future. Not necessarily by you, but by future property owners who inadvertently place improvements over the easement such as such as hard-surfaced driveways, patios, landscaping, etc....

You can continue to use the alley as the main access to your garage, as it is public right-of-way, but you cannot store items in public right-of-way. This also applies to your next door neighbor. He may use the area to access his property but he may not store items, fence, landscape, etc. the subject alley right-of-way.

I hope this answers your questions about the alley and it's use. If I may be of further assistance, please feel free to contact me.

Sincerely,

City of Grand Junction

A handwritten signature in cursive script that reads "Lori V. Bowers".

Lori V. Bowers, Senior Planner



April 2, 2013

Ms. Annette Collier  
1220 Bonito Avenue  
Grand Junction, CO 81506

Dear Ms. Collier:

I am writing to inform you that the City of Grand Junction Public Works, Utilities and Planning Department have determined that the request to vacate the alley right-of-way adjacent to your property located at 1220 Bonito Avenue will not proceed forward. As a result of comments from review agencies, City staff has determined that the right-of-way cannot be vacated. The subject right-of-way serves as access to public utilities along the north side of the lots on your block for Xcel Energy, which needs access its overhead lines, and for the City, which needs access to the covered drainage pipe located on the Hospice property. The subject right-of-way serves as the best access to these facilities because of the landscaping improvements that have been made on the Hospice property at 12th and 13th Streets.

The City considered several alternatives for easements in order to vacate the alley but there were no workable solutions that protected all of the interests involved, including yours, your neighbors', Xcel Energy's and the City's. Because of the likelihood that you and/or your neighbor would install a fence on the property line, any split of the existing twelve foot ROW width would not accommodate Xcel Energy's service equipment and City maintenance vehicles.

We have thoroughly explored all the possibilities for vacating the ROW but we see no viable alternative for vacating this public right-of-way.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Trainor", is written over a light blue horizontal line.

Greg Trainor, Director  
Public Works, Utilities and Planning Department

File #VAC-2013-83