

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

May 19, 1999

The City Council of the City of Grand Junction, Colorado, convened into regular session the 19th day of May, 1999, at 7:35 p.m. at Two Rivers Convention Center. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Gene Kinsey. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Enos-Martinez led in the Pledge of Allegiance. The audience remained standing during the invocation by Bo Miller, Redlands Community Church.

PROCLAMATION DECLARING MAY 16-22, 1999, AS "EMERGENCY MEDICAL SERVICES WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING CENSUS 2000 AS A PRIORITY

RATIFY APPOINTMENTS TO THE URBAN TRAILS COMMITTEE

Upon motion by Councilmember Payne, seconded by Councilmember Theobald and carried, the appointment of Ken Scissors to a two-year term and the reappointments of Bill Findlay and Birgit Bostelman to three-year terms to the Urban Trails Committee were ratified.

APPOINTMENTS TO THE PLANNING COMMISSION

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Terry and carried, Terri Binder was appointed until October, 2001 and Nick Prinster until October, 2000 to the Planning Commission.

APPOINTMENTS TO THE WALKER FIELD PUBLIC AIRPORT AUTHORITY

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried, Steve Ammentorp was appointed to the Walker Field Public Airport Authority Board of Directors for a four-year term.

APPOINTMENT TO ZONING & DEVELOPMENT CODE BOARD OF APPEALS

Upon motion by Councilmember Terry moved, seconded by Councilmember Scott and carried, Paul Dibble was appointed to the Zoning and Development Code Board of Appeals until October, 2001.

CONSENT ITEMS

Items # 5 and #7 were removed from the Consent Calendar, to be rescheduled on the June 2, 1999 agenda. Upon motion by Councilmember Scott, seconded by Councilmember Payne and carried by roll call vote, the following Consent Calendar items #1 through 4, #6, and #8 through #14 were approved:

1. Minutes of Previous Meeting

Action: Approve the Minutes of the Regular Meeting May 5, 1999

2. Reorganization of Council

Resolution No. 61-99 – A Resolution Appointing and Assigning City Councilmembers to Represent the City on Various Boards and Organizations

Action: Adopt Resolution No. 61-99

3. Landscaping Westlake Park

The following bids were received:

WD Yards, Inc., Grand Junction	\$112,303.47
Landscape Design & Construction, Inc., Grand Junction	\$115,056.00
Clarke & Company, Grand Junction	\$121,169.49
Deep Creek Landscaping, Grand Junction	\$143,789.79

Action: Award Contract for Installation of an Irrigation System, Preparation of Soil and Planting of Seed for Westlake Park to WD Yards, Inc. in the Amount of \$112,303.47

4. Playground Equipment for Eagle Rim Park

Five proposals were evaluated by Parks staff and interested residents. Evaluation was based on equipment's quality, durability, range of playability and design/aesthetic compatibility with adjacent properties.

Action: Award Contract for Playground Equipment for Eagle Rim Park to Recreation Plus, Inc. in the Amount of \$50,057.40

5. **Summer Hill Way Road Construction Project (Formerly Paradise Hills Boulevard), East of 26 ½ Road – MOVED TO JUNE 2, 1999 MEETING**

6. **Street Pavement Overlays, 1999**

The following bids were received on May 11, 1999:

Elam Construction, Inc. Grand Junction	\$549,867.00
United Companies, Grand Junction	\$567,446.00

Action: Award Contract for Street Pavement Overlays, 1999 to Elam Construction, Inc. in the Amount of \$549,867.00

7. **Establishing Conditions for Approval of Summer Hill Subdivision – MOVED TO JUNE 2, 1999 MEETING**

8. **Setting a Hearing on Zoning the Cimarron East Subdivision Located at 3060 D ½ Road to PR-3.2** [File #ANX-1999-090]

The petitioner is requesting a Zone of Annexation to permit development of 34 single family units located on approximately 10.63 acres. The project at 3060 D ½ Road has a current (County) zoning of PUD (Planned Unit Development). The petitioner is requesting a zoning of PR-3.3 (Planned Residential with a density of 3.3 units/acre). Staff recommends approval.

Proposed Ordinance Zoning the Cimarron East Annexation No. 1 and No. 2 Located at 3060 D ½ Road to PR-3.3

Action: Adopt Proposed Ordinance and Set a Hearing for June 16, 1999

9. **Setting a Hearing to Vacate the East-West Alley between 2nd and 3rd, between Main and Colorado to Accommodate New Construction of the Hawthorn Suites Hotel** [File #VR-1999-084]

The petitioner, Kevin Reimer, acting as representative of Reimer Development, for the proposed Hawthorn Suites Hotel, is requesting to vacate the east-west alley right-of-way from 2nd to 3rd Streets, between Main Street and Colorado Avenue.

Proposed Ordinance Vacating of the East-West Alley Located between 2nd and 3rd, between Main Street and Colorado Avenue (to Accommodate New Construction of the Hawthorn Suites Hotel)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 16, 1999

10. **Setting a Hearing on Rezoning Valley Meadows West Subdivision Located at the West End of Westwood Drive, West of 25 1/2 Road and North and East of the Grand Valley Canal, from PR-7.8 to PR-2.7** [File #RZP-1999-087]

The petitioner is requesting a rezone from Planned Residential with a maximum density of 7.8 units per acre (PR-7.8) to Planned Residential with a maximum of 2.7 units per acre (PR-2.7) for the proposed Valley Meadows West Subdivision. Valley Meadows West is proposed as an 8-lot subdivision on 3 acres.

Proposed Ordinance Rezoning a Three Acre Property Located at the West End of Westwood Drive, West of 25 1/2 Road and North and East of the Grand Valley Canal from PR 7.8 to PR 2.7

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 2, 1999

11. **Setting a Hearing on Rezoning Approximately 5.12 Acres Located North of the Northwest Corner of 29 and F Roads (Indian Wash II)** [File #RZP-1999-088]

The petitioner is requesting a Rezone and Waiver of Public Street Standard to develop 15 single family units located on approximately 5.12 acres. The project is located west of 29 Road and north of F Road with a current zoning of PR-8.4 (Planned Residential with a density of 8 units per acre); the petitioner is requesting a zoning of PR-2.9 (Planned Residential with a density of 2.9 units/acre). Staff recommends approval. A request for a waiver to the Public Street Standard will be considered at the public hearing June 2, 1999.

Proposed Ordinance Rezoning Land West of 29 Road and North of F Road (Indian Wash II) from PR-8.4 to PR-2.9

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 2, 1999

12. **Setting a Hearing on Rezoning the Vostatek Property Located at 2558 F Road from PR-9.1 to PB** [File #GPA-1999-092]

Request to rezone the Vostatek property from PR-9.1 to PB for office uses.

Proposed Ordinance Rezoning 2558 F Road PR-9.1 to PB

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 2, 1999

13. **Setting a Hearing on Rezoning Brach's Subdivision from RSF-8 to C-1 and Right-of-Way Vacation, Located at the Northwest Corner of Highway 340 (Broadway) and Power Road** [File #RZ-1999-086]

In conjunction with a proposal to replat two parcels owned by Louis Brach, the applicant requests to rezone a portion of the site from RSF-8 to C-1 and vacate an unneeded right-of-way. Both requests conform to applicable criteria established in the Zoning and Development Code and staff recommends approval.

a. Rezoning Ordinance

Proposed Ordinance Rezoning Property in Brach's Subdivision Located on the South Side of Power Road, West of Dike Road from RSF-8 to C-1

Action: Adopt Ordinance on First Reading and Set a Hearing for June 2, 1999

b. Vacating Ordinance

Proposed Ordinance Vacating an Unnamed Right-of-Way Located South of Power Road, East of Dike Road

Action: Adopt Ordinance on First Reading and Set a Hearing for June 2, 1999

14. **Setting a Hearing on Vacating an Alley Right-of-Way Located at 200 S. 7th Street for Enstrom Candies, Inc.** [File #VR-1999-083]

The petitioner is requesting vacation of all the remaining alleys (east-west and north-south) in the block located between 7th and 8th Streets and between Colorado and Ute Avenues. The petitioner owns all the property on the block except for two lots in the northeast corner of the block. The petitioner has indicated that these two properties will be acquired very soon. The vacation is desired to allow for the expansion of the Enstrom Candies business. All utilities will be relocated to allow for the new construction. The request meets the vacation criteria and Staff recommends approval with the condition that utility relocation concerns are met and access issues are satisfactorily dealt with if the other two properties on the property are not acquired.

Proposed Ordinance Vacating the East-West and North-South Alleys in the Block Located between 7th and 8th Streets and between Colorado and Ute Avenues

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 2, 1999

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

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

PUBLIC HEARING – FUNDING PROJECTS FOR THE CITY’S 1999 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR

Public Hearing to receive input regarding the use of the City’s 1999 CDBG Program Year funds and to discuss the funding recommendations made by the City Council CDBG Committee.

Mayor Kinsey opened the public hearing at 7:45 p.m.

David Varley, Assistant City Manager, reviewed this item and the purpose of tonight’s hearing being to discuss the funding options for the CDBG funds. The City goes through this process every year. Applications were solicited earlier this program year. \$1.8 million was requested, expecting to receive \$472,000 this year. The Committee discussed the requests and made a recommendation as follows:

1. Grand Valley Catholic Outreach Homeless Day Center be funded \$16,000 for monthly rental expenses at the homeless day center (third year);
2. Housing Authority Project – a homeless shelter acquisition for overnight stays - \$259,000 was requested, funding of \$205,000 is recommended and covers acquisition, with the remaining amount for rehabilitation;
3. Hope House Shelter – provides needed service to women and children - \$30,000 request, recommended funding is \$25,000;
4. Riverside Drainage Improvements, Phase 1 – project will separate the storm water system from the sanitary sewer system – approximately \$400,000 – recommended is \$200,000, and expects to fund the second phase next year with CDBG funds;

Councilmember Scott asked about carryover funds. Mr. Varley said some funds are left over from previous years (admin costs) which must be spent first so the City is able to give more out for other projects.

Councilmember Payne asked if the Riverside Drainage Improvements could be tied into one complete project, or will it have to be done in two separate phases. Mr. Varley said they are trying to make it one actual construction project.

Councilmember Spehar asked if all of the projects meet the requirements of the funds. Mr. Varley said before any funds can be expended, a contract will be signed with the receiving agencies guaranteeing they will comply with the rules and regulations.

Councilmember Enos-Martinez asked if the Homeless Shelter qualifies for the rehabilitation funding. Jody Kole, Division of Housing, said they have not yet applied, although they thought it would qualify. They haven't decided where to apply yet, as there are different requirements from other agencies.

Councilmember Enos-Martinez asked if the Energy Office Rehabilitation Program had been contacted. Ms. Kole said no. Councilmember Theobald asked Ms. Kole to try other funds first.

Mr. Varley said another public hearing will be held at the next Council meeting. It will include any updates to the Consolidated Plan, and will require formal adoption at that time.

Sister Caroline Conway, 580 Bookcliff Avenue, Catholic Outreach, said funds for the Day Center have been well used. Over 600 people have found jobs through the use of the shelter.

Lt. Kim Williams, Salvation Army, 1235 N. 5th Street, said 1000 nights of shelter were provided in one year's time for women and children at the Hope House. The funds have been put to good use and are appreciated.

Ms. Kole thanked Council for the recommendation to fund their shelter. They served 146 individuals in one winter (over 2040 shelter nights). They were only able to serve homeless men this past year.

There were no other comments. The Mayor closed the hearing at 7:55 p.m.

Upon motion by Councilmember Payne, seconded by Councilmember Theobald and carried, the Committee's recommendation to fund the projects for the 1999 CDBG Program Year was approved.

**PUBLIC HEARING - WHEELING CORRUGATED ANNEXATION AND ZONING
LOCATED AT 2749 HIGHWAY 50 - RESOLUTION NO. 69-99 ACCEPTING
PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING**

THAT PROPERTY KNOWN AS WHEELING CORRUGATED ANNEXATION LOCATED AT 2749 HIGHWAY 50 IS ELIGIBLE FOR ANNEXATION - ORDINANCE NO. 3145 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, WHEELING CORRUGATED ANNEXATION, APPROXIMATELY 16.31 ACRES, LOCATED AT 2749 HIGHWAY 50 - ORDINANCE NO. 3146 ZONING THE WHEELING CORRUGATED ANNEXATION TO A HEAVY COMMERCIAL ZONE DISTRICT (C-2) File #ANX-1999-072]

The 16.31-acre Wheeling Corrugated Annexation area consists of one parcel of land (approximately 8.98 acres) and the entire width of U.S. Highway 50 extending for 1,176.75 feet; and the north half of the right-of-way of B ¼ Road, for a distance of 588 feet. B ¼ Road is existing, but not yet dedicated. Owners of the property have signed a petition for annexation.

The Mayor opened the public hearing at 7:56 p.m.

Tom Lynch, Operations Manager for Wheeling Corrugated, petitioner, explained his company manufactures metal roofing and siding. They plan to construct a 125' x 50' building to accommodate an overhead crane and an addition to the manufacturing plant. He wants to get started right away because they are a seasonal product.

Lori Bowers, Community Development Department, reviewed this item. She stated that the petition was signed and delivered to the City Clerk. It is Community Development Department's opinion that the petitioner does meet the statutes. Pursuant to the Persigo agreement, the annexation petition was signed. Ms. Bowers stated that the zoning meets Zoning & Development Code criteria and the Growth Plan.

There were no public comments. The Mayor closed the hearing at 8:01 p.m.

Upon motion by Councilmember Theobold, seconded by Councilmember Enos-Martinez and carried by roll call vote, Resolution No. 69-99 was adopted and Ordinance No. 3145 was adopted on second reading and ordered published.

The Mayor opened the public hearing on the zoning ordinance at 8:03 p.m.

There were no comments. The hearing was closed at 8:04 p.m.

Upon motion by Councilmember Payne, seconded by Councilmember Spehar and carried by a roll call vote to adopt Ordinance No. 3146 on second reading and ordered published.

OTHER BUSINESS**Amendment to Lease Terms for Red Cliff Pointe (Temporary City Hall)**

City Attorney Wilson updated Council on an amendment to the lease of Red Cliff Pointe. The landlord has underestimated his expenses, and he wants the City to pay the contractors and technically pre-pay rents. Promises were made to pay the remodeling contractors quickly in order to expedite improvements to the property. He is requesting the City Manager be authorized to sign the amendment. The landlord will pay 15% interest to the City. Better terms have been negotiated for any holdover periods.

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried, the City Manager was authorized to conclude negotiations with the landlord and sign a lease amendment for the City premises at Red Cliff Pointe.

Growth Policy Statement

Mayor Kinsey distributed a new draft version of the Growth and Development Policy Statements for Council review and discussion.

After an in depth discussion, one paragraph, especially crucial to the document, was identified as needing perhaps other options put forth by Staff and Council to ensure the language cannot be misunderstood. The paragraph was the second paragraph on page 4 regarding the cost of development.

Mayor Kinsey said he did not intend that Council would complete the policy statement at this point. He suggested the section in question be deleted until finalized and that they release this document as it exists now to the public.

Councilmember Payne asked that the new version be provided to Council well in advance of the next discussion.

Councilmember Theobald asked if there is value in sending out a memo with a section missing or should they agree on Section 5 and send it out all at once.

The Mayor said it is more a communication rather than a formal motion and that getting this information to the planners would be helpful. It states this at the beginning of the document and that more items will be added later.

Councilmember Terry felt this is more of a philosophy than a policy. A policy statement needs to be more specific.

Councilmember Theobald agreed, and recommended changing the name of the document to "Growth and Development Philosophy."

Mayor Kinsey suggested leaving the heading of #5 and leave out the details.

Four councilmembers wanted to leave the heading in and the statements as amended.

Mayor Kinsey suggested the word "policy" be deleted throughout the document.

Councilmember Spehar suggested Council actively distribute this. Councilmember Terry felt the City Communications Director could possibly do a press release to help in this area.

City Manager Mark Achen asked if Council wanted to present it to the Chamber of Commerce. Council said yes, and the Chamber can make suggestions on sharing it with the rest of world.

Petition for Proposed Charter Amendment

City Manager Mark Achen distributed copies of the proposed charter amendment that has been certified by the City Clerk's office for petition circulation. Additional information will be provided at a later date.

Councilmember Enos-Martinez asked about the process regarding the petition. The petition is to be reviewed as to form, but not as to the substance of the proposed amendment. Once it is amended or corrected by the petitioner, it will be verified by the City Clerk and it would go to Council for placement on the ballot. The number of signatures required was discussed, and a special election versus a regular election.

Mayor Kinsey explained to the audience the 8-page petition from the Grand Junction Fire Department and the Grand Junction Police Department addresses whether or not to amend the City Charter and allow collective bargaining for the Police and Fire Department personnel. It lays out in great detail the collective bargaining process. City Attorney Wilson said the voter would have to address the philosophy of the question. The voter would have to spend a lot of time reading the amendment and considering the impacts.

Mayor Kinsey said the proposed amendment has some significant impacts financially to the City, how the City relates to its employees, how the City operates its workforce, etc. He felt Council should discuss this proposed amendment in public and represent its viewpoint to the citizens of Grand Junction.

City Attorney Wilson said if the petition is filed by July, 1999, it could be on the November, 1999 ballot.

Summerhill Way Road Reconstruction

Public Works & Utilities Director Mark Relph introduced Tim Moore, the new Public Works Manager, who was in attendance at the meeting.

Tim Moore stated he met last night with the property owners adjacent to the section of Lanai that has no sidewalks. The meeting focused on traffic calming. The neighborhood is interested in pursuing additional traffic calming. Another meeting will be scheduled in mid-July for more discussion to include the rest of the subdivision.

The second item was a petition with 25 signatures against the sidewalk as proposed. That group said it would rather have the sidewalk on just one side within the current roadway width, and eliminate parking on one side.

Councilmember Theobald asked if the residents understood which side the sidewalk would be on. Mr. Moore said yes, but probably will have to go on the other side due to the Ute water line.

Mr. Moore said they now know that sidewalks and traffic calming are two different issues. The road is not big enough to have sidewalks on both sides. Council felt Mr. Moore needs to talk to the entire neighborhood about traffic calming,

Councilmember Terry suggested incorporating the traffic calming and sidewalks into one project. Mr. Moore said not all the residents are interested in both.

Mark Relph agreed with Councilmember Terry that both should be considered as one larger project. It's not as simple as Staff had hoped. It's more complicated now. Staff will be meeting with them to discuss traffic calming, and the sidewalk is now part of that. They will try to come up with a plan that addresses both.

Councilmember Spehar asked if the proposal from the persons Staff met with is to narrow the pavement width and take sidewalk out of existing pavement, or to put sidewalk on the right-of-way on one side or the other. Mr. Relph said they want the sidewalk in the existing pavement, so they would be narrowing the streets from 30' to 24'.

ADJOURNMENT

The meeting adjourned into executive session to discuss personnel at 9:10 p.m.

Stephanie Nye, CMC/AAE
City Clerk