

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

October 6, 1999

The City Council of the City of Grand Junction, Colorado, convened into regular session the 6th day of October, 1999, at 7:30 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 Payne led in the Pledge of Allegiance. The audience remained standing during the invocation by Pastor Steve Johnson, Living Hope Evangelical Free Church.

RECOGNITION OF THE PARKS AND RECREATION DEPARTMENT'S RECEIPT OF 1999 COLUMBINE AWARDS FOR RECREATION PROGRAMS AND MAINTENANCE

Parks and Recreation Director Joe Stevens explained the background of the STARS and Columbine Maintenance awards being recognized, and introduced members of his staff, Rick Manchester and Mike Vendegna.

Rick Manchester explained the STARS (Summertime Arts and Recreation for Students) program. Mike Vendegna, Parks Supervisor, reviewed the maintenance program and introduced his staff, Vicky Beltran, Tom Ziola, Ernie Valencia, Al Lundy and Willie Berg.

PROCLAMATION DECLARING OCTOBER 18-24, 1999, AS "KAFM COMMUNITY RADIO WEEK" IN THE CITY OF GRAND JUNCTION

OATHS OF OFFICE ADMINISTERED TO SIX FIREFIGHTERS

Fire Chief Rick Beaty introduced six new firefighters: Scott White, Jody Hudson, Kevin Kuhlman, Jim Curtis, Jim Houlahan and Brian Kretschman. The Mayor administered the oaths of office and each firefighter had his badge pinned on.

REPORT TO CITY COUNCIL ON CHARTER AMENDMENT PETITION

City Clerk Stephanie Nye reported her findings on the amended petitions for the Charter Amendment. The Charter Amendment petitions were received previously and found to be insufficient as to the number of signatures. Since then the City has received 27 additional petition sections. They have been inspected and the City Clerk concludes that there are now sufficient signatures. The petitioners submitted 698 additional signatures

that could be counted. There are now 2,929 signatures valid signatures on the Charter Amendment petition.

City Attorney Wilson said under the State Statute there is an opportunity for another protest. The City won't know for thirty days whether that will happen. He has talked to Dennis Valentine, the petitioners' counsel, late today about the issue. Mr. Wilson told Mr. Valentine he would recommend that Council receive the report and not take any formal action at tonight's meeting other than accept the report. If a protest is not filed, in two weeks Council could set the ballot title and proceed to select an election date. Mr. Wilson felt it won't matter because the election dates which are likely to occur, with or without a protest, are in January up to the first week of February, excluding the holidays. The Statute will not allow a special election until December. If a protest is filed, such quick action won't be necessary.

Mr. Wilson recommended Council receive the City Clerk's report and schedule determination of an election date for the next City Council meeting on October 20, 1999.

Councilmember Terry asked when the 30 days begins. City Attorney Wilson said he thinks it's 30 days from today, the date of the City Clerk's report, although there was some suggestion it may be 30 days from when she received the signatures. He will verify the time frame in the morning.

CONSENT ITEMS

Upon motion by Councilmember Scott, seconded by Councilmember Spehar and carried by roll call vote with Councilmember **THEOBOLD** voting **NO** on #1, the following Consent Calendar items #1 through #17, except #5 which was pulled from the agenda, were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting September 1, 1999, Special Meeting September 8, 1999, and Regular Meeting September 15, 1999

2. **Setting a Hearing on Supplemental Appropriations to the 1999 Budget**

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.

Proposed Ordinance Making Supplemental Appropriations to the 1999 Budget of the City of Grand Junction

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

3. **Sewer Line and Lift Station Agreement with Red Junction, LLC**

City staff believes that it is in the long term interest of the Persigo Sewer System to have the developer of Redlands Mesa increase the capacity of a proposed lift station and construct a trunk sewer line through a portion of the development (to serve future development to the south). The Persigo System would pay the increased costs to upsize the lift station and to install a sewer line across the golf course/development during the initial construction. The investment would be recovered by charging future users a Trunk Extension Fee. The agreement identifies the duties and responsibilities of the City and the developer. One advantage of this agreement is that it provides for the installation of the line and lift station while the golf course is being built.

Action: Authorize the City Manager to Sign the Sewer Line and Lift Station Agreement with Red Junction, LLC, at Redlands Mesa, and Authorize the Use of Trunk Extension Funds in the Amount of \$110,300

4. **Agreement with Orchard Mesa Sanitation District on Valle Vista Sewer Line Extension**

Exercise payment option in the October 17, 1995 agreement between City of Grand Junction and the Orchard Mesa Sanitation District, in the amount of \$168,651 for unreimbursed OMSD costs incurred to construct the Valle Vista Sewer Line Extension.

Action: Approve Payment to Orchard Mesa Sanitation District of \$168,651 for Unreimbursed Valle Vista Costs and Exercise Options in the October 17, 1995 Agreement with OMSD

5. **Agreement with Mesa County Regarding Annexation, Maintenance, and Future Improvements to the Redlands Parkway Bridge – PULLED FROM AGENDA**

The agreement allows for the annexation of the Redlands Parkway Bridge structure to the City. The agreement also establishes maintenance responsibilities and outlines future improvements to the bridge. The purpose of the improvements would be to manage the vehicular and pedestrian traffic in the future.

6. **Setting a Hearing on Intent to Create Alley Improvement District No. ST-00, Phase A**

A petition has been submitted requesting a Local Improvement District to reconstruct the following 5 alleys:

2nd to 3rd, Chipeta Avenue to Gunnison Avenue
11th to 12th, Main Street to Colorado Avenue
16th to 17th, Grand Avenue to Ouray Avenue
18th to 19th, Grand Avenue to Ouray Avenue
10th to 11th, Rood Avenue to White Avenue

This petition has been signed by a majority of the property owners of the properties to be assessed. A hearing to allow public comment for or against the proposed Improvement District will be conducted at the November 17, 1999, City Council meeting.

Resolution No. 114–99 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create within Said City Alley Improvement District No. ST-00, Phase A, and Authorizing the City Engineer to Prepare Details and Specifications for the Same

Action: Adopt Resolution No. 114–99 and Set a Hearing for November 17, 1999

7. **Vacating a Temporary Drainage Easement in Canyon View Subdivision, Phase II, Located on Lime Kiln Way, West of South Camp Road**
[File #FPP-1999-181]

The applicant requests to vacate a temporary drainage easement that was dedicated in Canyon View Subdivision, Phase II, on a temporary retention pond. It has been determined that the retention basin pond must remain, so the temporary easement is being vacated and the basin is being replatted and dedicated as a permanent retention facility. At its September 14, 1999 hearing the Planning Commission recommended approval of this request.

Resolution No. 115–99 – A Resolution Vacating a Temporary Drainage Easement in Lot 1, Block 3, Canyon View Filing 2 and adjacent to Lime Kiln Way

Action: Adopt Resolution No. 115–99

8. **Setting a Hearing on Northstar Enclave Annexation Located North and East of Cortland Avenue and 28 Road** [File #ANX-1999-193]

The 39.68 acre Northstar Enclave Annexation area consists of land completely surrounded by existing Grand Junction City limits. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three years.

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Northstar Enclave Annexation, Approximately 39.68 Acres, Located at 28 Road and Cortland Avenue, Including Northstar Drive and Windstar Drive

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

9. **Setting a Hearing on Zoning Northstar Enclave Annexation PAD and RSF-5, Located North and East of Cortland Avenue and 28 Road**
[File #ANX-1999-193]

The 39.68 acre Northstar Enclave Annexation area consists of land completely surrounded by existing Grand Junction City limits. State law requires the City to zone lands annexed into the City within 90 days of the annexation. The proposed zoning includes Residential Single Family with a maximum of 5 units per acre (RSF-5) and Planned Airport Development (PAD) zoning.

Proposed Ordinance Zoning the Northstar Enclave Annexation to a Residential Single Family with a Maximum of 5 Units per Acre (RSF-5) Zone and a Planned Airport Development (PAD) Zone District

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

10. **Setting a Hearing on Zoning Timm Annexation RSF-5, Located at 3121 E Road** [File #ANX-1999-185]

The 16.9 acre Timm Annexation area consists of one parcel of land. Owners of the property have signed a petition for annexation as part of their request for zoning and subdivision of this parcel. The proposed zoning is RSF-5 (Residential Single Family not to exceed a density of 5 units per acre).

Proposed Ordinance Zoning the Timm Annexation RSF-5

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

11. **Setting a Hearing on Zoning Chipeta Pines Annexation No. 1 and No. 2 to PR-3.9, Located at 2984 B Road** [File #ANX-1999-195]

The 26.36 acre Chipeta Pines Annexation area consists of two parcels of land. Owners of the property have signed a petition for annexation as part of a proposed development for 80 residential housing units approved by Mesa County Commissioners as part of the Chipeta Pines Subdivision. State law requires the City to zone newly annexed areas within 90 days of annexation.

Proposed Ordinance Zoning the Chipeta Pines Annexation No. 1 and No. 2 to a Planned Residential with a Maximum of 3.9 Units per Acre (PR-3.9) Zone District

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

12. **Setting a Hearing on Text Amendment to Zoning and Development Code** [File #TAC-1999-01.01]

Amending the Zoning and Development Code to add an RSF-E (Residential Single Family-Estate with a density not to exceed 1 unit per 2 acres) zone district.

Proposed Ordinance Amending the Grand Junction Zoning and Development Code to Add an RSF-E Zone District

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

13. **Setting a Hearing on Davidson Annexation Located at 2871 D Road** [File #ANX-1999-186]

The 10.65 acre Davidson Annexation area consists of land owned solely by the applicant, Darren Davidson, and a portion of D Road right-of-way. The applicant has signed a petition for annexation.

a. **Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction**

Resolution No. 116–99 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing

on Such Annexation and Exercising Land Use Control – Davidson Annexation Located at 2871 D Road and Including a Portion of D Road Right-of-Way

**Action: Adopt Resolution No. 116–99 and Set a Hearing for November 17, 1999*

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Davidson Annexation, Approximately 10.65 Acres, Located at 2871 D Road, and Including a Portion of D Road Right-of-Way

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

14. **Intent to Annex Indian Village/The Vistas Enclave Annexation Located in the 28 ¾ Road and F Road Area, Including the Indian Village Subdivision**
[File #ANX-1999-221]

The 109.03 acre Indian Village/The Vistas Enclave Annexation area consists of land completely surrounded by existing Grand Junction city limits. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three years.

Resolution No. 117–99 – A Resolution of the City Council of Grand Junction Giving Notice that a Tract of Land Known as Indian Village/The Vistas Enclave Located Generally on Both Sides of F Road and 28 ¾ Road between 28 ½ Road and 29 Road and Including 28 ¾ Road, F Road, and the Streets in the Indian Village Subdivision, Consisting of Approximately 109.03 Acres, Will be Considered for Annexation to the City of Grand Junction, and Exercising Land Use Control

**Action: Adopt Resolution No. 117–99*

15. **Setting a Hearing on Uhaul Annexation Located at 2949 and 2951 North Avenue** [File #ANX-1999-214]

The 5.05 acre Uhaul Annexation area consists of two parcels of land. Owners of the property have signed a petition for annexation as part of a proposed development for mini-storage units.

a. Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction

Resolution No. 118–99 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Uhaul Annexation Located at 2949 and 2951 North Avenue and Including Portions of the North Avenue and I-70B Rights-of-Way

**Action: Adopt Resolution No. 118–99 and Set a Hearing for November 17, 1999*

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Uhaul Annexation, Approximately 5.05 Acres, Located at 2949 and 2951 North Avenue and Including Portions of the North Avenue and I-70B Rights-of-way

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

16. **Teen Court Grant**

The City of Grand Junction has been awarded a \$20,000 federal grant for the purpose of funding a part-time administrator for the Teen Court program.

Action: Approve \$20,000 Federal Grant for a Part-Time Administrator for the Teen Court Program

17. **Riverview Technology Corporation Articles and Bylaws**

The City Council and the County Commissioners jointly appointed the Joint Utilization Commission (JUC) to address the possibility of the community's re-use of the DOE property located next to the Gunnison River. For liability purposes, the JUC has been incorporated as the Riverview Technology Corporation (RTC), a Colorado non-profit corporation. The articles and bylaws of the RTC are proposed for formal approval by the City Council.

Action: Approve the Articles and Bylaws for the Riverview Technology Corporation

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

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *******PUBLIC HEARING – ASSESSMENTS FOR ALLEY IMPROVEMENT DISTRICT NO. ST-98, PHASE B**

Public hearing and second reading of a Proposed Assessing Ordinance for the apportionment of costs connected with Alley Improvement District 1998, Phase B.

8th to 9th, between White and Rood
9th to 10th, between Grand and White
10th to 11th between Grand and White
6th to 7th, between Walnut and Orchard

The public hearing was opened at 7:55 p.m. Rick Marcus, Real Estate Technician, reviewed this item and the next item. He noted the actual cost for ID ST-98, Phase B, was \$113,330. Some of the expense was in Phase A because half of the alleys were designed in Phase A.

There were no public comments. The hearing was closed at 7:56 p.m.

Ordinance No. 3182 – An Ordinance Approving the Assessable Cost of the Improvements Made in and For Alley Improvement District No. ST-98, Phase B, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3182 on was adopted on second reading and ordered published.

PUBLIC HEARING – ASSESSMENTS FOR ALLEY IMPROVEMENT DISTRICT NO. ST-99, PHASE A

Public hearing and second reading of a Proposed Assessing Ordinance for the apportionment of costs connected with Alley Improvement District 1999, Phase A.

13th to 15th, Walnut to Cedar
17th to 19th, Grand to White

The public hearing was opened at 7:57 p.m. There were no public comments. The hearing was closed at 7:58 p.m.

Ordinance No. 3183 – An Ordinance Approving the Assessable Cost of the Improvements Made in and For Alley Improvement District No. ST-99, Phase A, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Upon motion by Councilmember Scott, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 3183 was adopted on second reading and ordered published.

APPEAL OF PLANNING COMMISSION DECISION ON CONDITIONAL USE PERMIT FOR OVERHEIGHT FENCE AT 725 HILL AVENUE [FILE #CUP-1999-177]

The petitioner is requesting a Conditional Use Permit for a 7 ½' fence (18" retaining wall with a 6' solid wood fence on top) in an RMF-32 Zone. The alley was built 18" lower than the grade of the lot. There are other surrounding lots that have remedied the situation in a similar manner. Staff recommends approval due to the constraints of the site.

A public hearing was opened at 7:59 p.m.

Kim DeCoursey, 725 Hill Avenue, addressed Council on the request. She and Richard McCracken, the property owners, are having erosion problems near the alley and want to build an 18" retaining wall with a 6' fence on top.

Tricia Parish, Associate Planner, Community Development Department, reviewed this item. Erosion and privacy are the reasons for the fence request. There are some commercial properties behind the petitioners and there is a need for privacy. Staff believes the application meets the criteria for a conditional use permit. There are some sight distance problems. Staff believes there are unique characteristics for this property. The Planning Commission denied the request (3 to 3). There was no protest at the September 14, 1999 Planning Commission hearing. There are similar properties in the area where the property is higher than the grade of the alley.

The applicant distributed photographs of the property and surrounding properties.

There were no public comments. The hearing was closed at 8:05 p.m.

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried by voice vote, the appeal was granted in the matter of Conditional Use Permit #1999-177 allowing the construction of a 6' wooden fence on top of an 18" retaining wall.

EXECUTIVE SESSION ADJOURNMENT

Upon motion by Councilmember Payne, seconded by Councilmember Theobald and carried, the meeting was adjourned into executive session at 8:10 p.m. to discuss the following:

- a. Pending litigation
 - (1) Personnel matter
 - (2) Condemnation of storm water easement

- b. Property negotiations
 - (1) Contract negotiations with Purdy Mesa Livestock Water Company
 - (2) Negotiations with Van Gundy
 - (3) Negotiations with Etter/Epstein

Items a(2) and b(1) were postponed. Councilmember Payne noted that Council will not reconvene into regular session.

Stephanie Nye, CMC/AE
City Clerk