

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

June 7, 2000

The City Council of the City of Grand Junction, Colorado, convened into regular session the 7th day of June, 2000, at 7:35 p.m. (late due to technical difficulties) at Two Rivers Convention Center. Those present were Cindy Enos-Martinez, Earl Payne, Jim Spehar, Janet Terry and President of the Council Gene Kinsey. Jack Scott and Reford Theobold were absent. Also present were Assistant City Manager David Varley, 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 Rev. Jim Hale, Spirit of Life Christian Fellowship.

BOY SCOUT TROOP 316

Mayor Kinsey recognized Boy Scout Troop 316 in attendance.

PROCLAMATION DECLARING JUNE 14, 2000 AS "FLAG DAY" IN THE CITY OF GRAND JUNCTION

APPOINTMENTS TO THE COMMISSION ON ARTS & CULTURE

Upon motion by Councilmember Payne, seconded by Councilmember Spehar and carried, Janet Prell was appointed and Leroy Donegan was reappointed to the Commission on Arts and Culture for three-year terms.

CONSENT ITEMS

Upon motion by Councilmember Terry, seconded by Councilmember Enos-Martinez and carried by roll call vote, the following Consent Calendar items #1 through #9 were approved, with item #5 being amended by adding the following condition:

“The utility easement vacation resolution shall not be effective until the existing sewer line is relocated to the satisfaction of the Utility Engineer and a new utility easement is approved by the City and recorded for the relocated sewer line.”

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting May 17, 2000

2. **Street Pavement Overlays**

The following bids were received on May 16, 2000:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Elam Construction, Inc.	Grand Junction	\$569,770
United Companies	Grand Junction	\$575,970
Engineer's Estimate		\$582,625

Action: Award Contract for Street Pavement Overlays to Elam Construction, Inc. in the Amount of \$569,770

3. **Persigo Final Clarifier Addition**

The following bids were received for this project on May 23, 2000:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Moltz Construction	Salida	\$1,555,000
Helm Group	Carbondale	\$1,595,499
Grimm Construction	Louviers, CO	\$1,616,614
Engineer's Estimate		\$1,500,000

Action: Award Contract for Persigo Final Clarifier Addition to Moltz Construction in the Amount of \$1,555,000

4. **Glen Caro/North Field Estates Sewer Design Services**

The following bids were received on May 25, 2000:

<u>Contractor</u>	<u>From</u>	<u>Lump Sum Fee</u>
Williams Engineering	Fruita	\$30,900
Balaz and Associates	Palisade	\$34,600
Atkins and Associates	Grand Junction	\$57,275
Rolland Engineering	Grand Junction	\$67,160

Action: Award Contract for Glen Caro/North Field Estates Sewer Design Services to Williams Engineering in the Amount of \$30,900

5. **Vacation of a Sewer Line Easement for the Proposed Mesa Village Marketplace Project** [File #VE-2000-061]

The project petitioner is requesting the vacation of an existing sewer line easement that crosses through the middle of a proposed building pad. A new easement will be established within a proposed parking area.

Resolution No. 48-00 – A Resolution Vacating a Utility Easement on the Mesa Village Marketplace, Located at the Northeast Corner of Patterson Road and 24 Road

Action: Adopt Resolution No. 48-00

6. **Extension Request for Arrowhead Acres II, Filing 2 Vacation of Temporary Access Easement and Vacation of Cul-de-sac on B.4 Road** [File #FP-2000-008]

Request for approval of an extension to recording ordinances for (1) vacation of a temporary access easement for the cul-de-sac turnaround at the end of B.4 Road; and (2) vacation of the remainder of the cul-de-sac right-of-way at the end of B.4 Road

Action: Approve the Extension Request to Record the Final Plat for Arrowhead Acres II, Filing 2, to February 8, 2001

6. **Setting a Hearing on Zoning The Commons Assisted Living Facility PD, Located at 616 27 ½ Road** [File #RZP-2000-064]

Proposal to rezone approximately 18.8 acres from Residential Multifamily 8 units per acre (RMF-8) to Planned Development (PD) in order to develop an assisted living complex with a 306-bed building, 14 duplex cottages and an 82,126-square foot Senior Enrichment Center.

Proposed Ordinance Zoning Three Parcels of Land Located North of Patterson Road between North 15th Street and 27 ½ Road (The Commons Assisted Living Facility) to PD

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 21, 2000

7. **Animal Control Regulations**

a. Repeal of Fee Resolution

On May 17, 2000, the City Council passed Resolution No. 47-00 regarding Animal Control Fees. However, the language of this Resolution was such that it sought to amend the City of Grand Junction Code of Ordinances. The Code of Ordinances can be amended only by ordinance after public hearing. Resolution 47-00, as it was not adopted by the correct procedure, has no effect. This new resolution repeals Resolution 47-00 to ensure that there is no confusion as to the effect of Resolution 47-00. The Fees are currently in effect, so no additional resolution will need to be adopted.

Resolution No. 52-00 – A Resolution Repealing Resolution No. 47-00

Action: Adopt Resolution No. 52-00

b. Setting a Hearing on Proposed Ordinance Amending Chapter 6, Animals, of the City Code of Ordinances

In Ordinance 3248, Animal Control, adopted by Council on May 17, 2000 Section 6-63 arguably repealed four subsections instead of one. This ordinance seeks to correct those changes. No substantive changes have been made.

Proposed Ordinance Amending Chapter 6, Article III of the Code of Ordinances of the City of Grand Junction, Colorado

Action: Adopt Proposed Ordinance on first reading and Set a Hearing for June 21, 2000

9. **Appointment of David A. Varley as Interim City Manager**

City Manager Mark Achen is resigning his position effective July 7, 2000. Mr. Varley will serve as interim City Manager until such time as a permanent replacement for Mr. Achen is named.

Resolution No. 56-00 Appointing David A. Varley as City Manager

Action: Adopt Resolution No. 56-00

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

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *******PUBLIC HEARING - ALLEY IMPROVEMENT DISTRICT NO. ST-00, PHASE B**

A petition has been submitted requesting a Local Improvement District be created to reconstruct the east-west alley from 10th to 11th between Colorado to Ute Avenues. This petition has been signed by 59% of the owners of the properties that would be assessed. The City Council passed a resolution on May 3, 2000, stating its intent to create the proposed improvement district. Notice of a public hearing was published in the Daily Sentinel and copies of the publication were delivered by certified mail to all owners of the property within the limits of the proposed district.

A public hearing was opened at 7:45 p.m.

Rick Marcus, Real Estate Technician, reviewed this item. The estimated cost for this improvement district is \$40,500.

There were no public comments. The hearing was closed at 7:46 p.m.

Resolution No. 53-00 – A Resolution Creating and Establishing Alley Improvement District No. ST-00, Phase B, within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for the Payment Thereof

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 53-00 was adopted.

PUBLIC HEARING – CITY’S ANNUAL UPDATE TO THE CONSOLIDATED PLAN AND 2000 ACTION PLAN

This public hearing is to receive public input regarding the City’s Annual Update to its Five-Year Consolidated Plan which must be submitted to HUD prior to the start of the City’s 2000 CDBG Program Year.

A public hearing was opened at 7:47 p.m.

David Varley, Acting Community Development Director, reviewed this item. He outlined the purpose of the public hearing which is to get input from the public on the spending of the funds as per the Action Plan or the five-year plan. The program year begins September 31, 2000.

There were no public comments. The hearing was closed at 7:48 p.m.

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried, the City's Annual Update to the Consolidated Plan and 2000 Action Plan was approved.

PUBLIC HEARING - HEADSTART ANNEXATION LOCATED AT 3093 E 1/4 ROAD
[FILE #ANX-2000-062]

The 0.88-acre Headstart Annexation area consists of one parcel. There are no existing structures on the site. The applicant is proposing a day school for the children of migrant workers. The owners of the property have signed a petition for annexation.

The public hearing was opened at 7:49 p.m.

Joe Carter, Associate Planner, Community Development Department, reviewed this item. He stated the location of the annexation and the Growth Plan designation. The petition is in compliance with State Law, and Staff recommended approval of the petition to annex.

Tere Keller-Amaya, Director of the Migrant Headstart Program, the petitioner, thanked Council for their consideration.

Mary Huber, 590 1/2 Melrose Court, had concerns. She could not find a signed petition for annexation in the staff reports on this item. She questioned the rationale for Weld County doing Headstart in Mesa County for migrant service. She asked why this location.

Mayor Kinsey clarified that the annexation is the only issue, whether the owner has requested annexation and that all the papers are in order.

Ms. Huber asked if the Mayor has seen the signed petition. Joe Carter had the petition and offered to share it with Ms. Huber.

Councilmember Terry clarified that this is not a consent item. Tonight a full hearing is being conducted.

Ms. Huber had other comments about several inconsistencies on the annexation map.

Councilmember Terry asked Staff to check the map for accuracy.

Councilmember Enos-Martinez asked about the ownership of the Headstart program. Ms. Keller-Amaya explained that this migrant program is a specialized component of the Headstart program and the Federal Government has determined that the best use of the funds is to have two grantees in the State of Colorado, i.e., Weld County and Otero Community College. She clarified that her organization wants to enhance and work with the existing community program.

The Mayor reminded Council and the audience that annexation is the only issue at this time.

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

a. Resolution Accepting Petition

Resolution No. 54-00 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Headstart Annexation is Eligible for Annexation, Located at 3093 E ¼ Road

b. Annexation Ordinance

Ordinance No. 3249 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Headstart Annexation, Approximately 0.88 Acres Located at 3093 E ¼ Road

Upon motion by Councilmember, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 54-00 was adopted and Ordinance No. 3249 was adopted on second reading and ordered published.

PUBLIC HEARING - ZONING HEADSTART ANNEXATION TO C-1, LOCATED AT 3093 E 1/4 ROAD [FILE #ANX-2000-062]

Request for a Zone of Annexation from County ILCB (Limited Industrial) to C-1 (Light Commercial). The 0.88-acre Headstart Annexation area consists of one parcel. There are no existing structures on the site. The applicant is proposing a day school for the children of migrant workers. State law requires the City to zone newly annexed areas within 90 days of the annexation.

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

Joe Carter, Associate Planner, reviewed this item. This 0.88-acre parcel is located north of the I-70 Business Loop and west of 31 Road. The zone request meets the criteria of Section 4-11 of the old Zoning & Development Code. Staff recommended approval.

The petitioner declined the opportunity for additional comment.

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

Ordinance No. 3250 – An Ordinance Zoning the Headstart Annexation to C-1 (Light Commercial)

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 3250 was adopted on second reading and ordered published.

PUBLIC HEARING - GODBY ANNEXATIONS NO. 1 AND NO. 2, LOCATED AT THE NORTHWEST CORNER OF F 1/2 AND 30 1/2 ROADS (3048 F 1/2 ROAD)

[FILE #ANX-2000-063]

The applicant proposes to annex a 9.3-acre parcel into the City of Grand Junction. The annexation consists of one parcel of land and portions of F 1/2 Road. The application has been filed in conjunction with a minor subdivision request for two lots.

The public hearing opened at 7:59 p.m.

Joe Carter, Associate Planner, reviewed this item on behalf of Bill Nebeker. This serial annexation is in compliance with State Law and Staff recommends acceptance of the petition to annex and adoption of the annexation ordinances.

Mike McGinnis, representing the petitioner, was present and had no comment.

There were no public comments. The hearing was closed at 8:00 p.m.

a. Resolution Accepting Petition

Resolution No. 55-00 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Godby Annexation, a Serial Annexation Comprising Godby Annexation No. 1 and Godby Annexation No. 2, is Eligible for Annexation, Located at the Northwest Corner of F 1/2 and 30 1/2 Road (3048 F 1/2 Road) and Including Portions of the F 1/2 Road Right-of-Way

b. Annexation Ordinances

- (1) Ordinance No. 3259 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Godby Annexation No. 1, Approximately 0.50 Acres Located Exclusively in the F 1/2 Road Right-of-way East of 30 Road
- (2) Ordinance No. 3260 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Godby Annexation No. 2, Approximately 10.11 Acres Located at the Northwest Corner of F 1/2 Road and 30 1/2 Road, Including Portions of the F 1/2 Road and Unplatted 30 1/2 Road Rights-of-Way

Upon motion by Councilmember Terry, seconded by Councilmember Enos-Martinez and carried by roll call vote, Resolution No. 55-00 was adopted and Ordinances No. 3259 and 3260 were adopted on second reading and ordered published.

PUBLIC HEARING - ZONING GODBY ANNEXATION TO RSF-R AND RSF-E, LOCATED AT THE NORTHWEST CORNER OF F 1/2 AND 30 1/2 ROADS (3048 F 1/2 ROAD) [FILE #ANX-2000-063]

The applicant proposes to annex a 9.3-acre parcel into the City of Grand Junction to allow for a 2-lot minor subdivision. Requested zoning of RSF-R and RSF-E is in conformance with zoning in Airport Critical Zone, which transverses this property. The Planning Commission recommends approval of this request.

A public hearing was opened at 8:00 p.m.

Mike McGinnis, representing the petitioner, said the owners accept the proposed zoning.

Associate Planner Joe Carter reviewed this item, noting it is in the airport critical zone. The proposed zoning is configured to comply with critical zone regulations.

There were no public comments. The hearing was closed at 8:03 p.m.

Ordinance No. 3261 – An Ordinance Zoning the Godby Annexation to RSF-R and RSF-E, Located at the Northwest Corner of F½ Road and 30½ Road (3048 F½ Road)

Upon motion by Councilmember Terry, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3261 was adopted on second reading and ordered published.

SEWER AND FIRE HYDRANT WAIVER FOR GODBY ANNEXATION
[FILE #ANX-2000-063]

The applicant requests to waive the requirement to provide sewer and a fire hydrant for the Godby Minor Subdivision. At its May 9, 2000 hearing, the Planning Commission recommended approval of this request.

Joe Carter, Associate Planner, explained the reason for the request. The annexation triggers the requirement for sewer and a fire hydrant, but there is no sewer within 400 feet of the parcel. The Planning Commission is supportive of the waiver of the sewer requirement. The site will support septic and there is room for replacement septic in case of failure in the future.

Regarding the fire hydrant waiver, Clifton Water District estimates the cost of a fire hydrant will exceed \$10,000. The waiver of the fire hydrant requirement is recommended if other fire suppression is installed in any new structure.

Councilmember Terry questioned the waiver with the existing septic elimination program going on. Pat Cecil, Development Services Supervisor, stated that the septic systems in the ground are working and there is sufficient room for replacement systems. It has been the policy in the past when sewer is over 400 feet away, there is lot size sufficiency, and the ability to replace, a waiver is considered.

David Varley, Acting Community Development Director, added that having two existing dwellings and no new development also played a part in the recommendation.

Councilmember Spehar clarified that a fire suppression system would be required in any new structure on either lot. Joe Carter said that is correct and the system must be approved by the City's Fire Department.

Mike McGinnis, representing the petitioner, clarified that the property owners are aware of the fire suppression requirement. They would want sewer but hooking up to the closest sewer at Stonegate Subdivision would require a lift station.

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried, the Sewer and Fire Hydrant Waiver for Godby Annexation was approved.

EXECUTIVE SESSION

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried, Council went into executive session at 8:10 p.m. to discuss property negotiations, legal issues and pending litigation, with no intention of returning to open session.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Stephanie Nye, CMC
City Clerk