

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

**AUGUST 15, 2001**

The City Council of the City of Grand Junction convened into regular session the 15<sup>th</sup> day of August, 2001 at 7:32 p.m., in the City Auditorium. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Mayor Pro Tem Janet Terry and Reford Theobald. Mayor Cindy Enos-Martinez was absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and Senior Administrative Assistant Chris English.

Mayor Pro Tem Terry called the meeting to order and Councilmember Harry Butler led in the Pledge of Allegiance. The audience remained standing for the invocation by Pastor Scott Hogue of the First Baptist Church.

**CERTIFICATES OF APPOINTMENT**

A Certificate of Appointment was presented to Dennis Pretti, newly appointed board member of the Historic Preservation Board.

Gregg Palmer was not present to accept his Certificate of Appointment for appointment to the Downtown Development Authority Board of Directors.

**CITIZEN COMMENTS**

Ron Stoneburner, 653 Longhorn in Westwood Subdivision, stated that he had previously distributed a letter to Council, which listed problems with the subdivision. He assured Council that he has met with developer and with a City Engineer. He also stated that he has met with the developer three times to solve problems, but there has been no resolution. On 10/31 the warranty runs out. Because of the high water level and alkali there are blacktop problems.

Mayor Pro Tem Terry stated that Engineer Rick Dorris is working on this problem. Councilmember Spehar indicated that it is in the City's interest also to solve this problem. He stated that the City is in this with the homeowners but that legally it can't be tied to a different project.

City Attorney Dan Wilson recommended the homeowners talk to a private attorney to protect their rights, and that the City does not have a role in all issues, specifically property values and alkalinity of soils are not dealt with in the City Code.

Darryl Stokes, 657 Longhorn St., stated that the soil is bad, and can't be planted. The County extension service did a survey of the soil and stated that the results are off the charts where alkali is concerned. Their recommendation is to scrape off

the present soil and bring in new topsoil. He feels the Developer should help with the costs. He also stated that water is backing up underneath his house, some neighbors have five or six inches of water under their house, because of bad drainage and the clay layer.

Councilmember Kirtland asked Mr. Stokes if his house was a slab or crawlspace. Mr. Stokes said his was a crawlspace, which is where the water is accumulating. He stated that he is surprised these houses were given a certificate of occupancy in their present condition.

Mark Wells, 2534 Brenna Way, said his home backs up to the canal. He feels this is not only a resale value issue but a health issue as well. He sells building materials and knows what standing water can do to these materials. The neighborhood needs to know what legal action they can take. Mayor Pro Tem Terry stated that the homeowners should stay in contact with Mr. Stoneburner for current updates. Mr. Wells agreed and stated that Mr. Stoneburner spoke very well for all him and most of the homeowners.

Charles Busell, 2536 Brenna Way, advised that mold is definitely a health issue. The footings will sink and could create a sinkhole. He stated that he has about \$10,000 in his yard. He wondered why the houses were approved with the problem with the water table. He inquired as to whom does the inspector report to.

Sue Love, 661 Longhorn, said her house is next to the corner, which is supposed to be a nature park, instead it is weeds. The City requires it to be Nature Park. She asked if this could be reviewed.

Mayor Pro Tem Terry requested that Public Works Director Mark Relph please summarize what the City has done and what they intend to do in the future on this issue.

Mr. Relph stated that the City trying to work with the developer and Community Development; looking for solutions. This has been on a daily basis and with urgency because of the warranty issue. There have been some leaks in the irrigation system, which it is believed to be part of the problem. There is a pretty solid plan to address these issues. Staff has been available for the homeowners to talk to and will keep them informed.

Councilmember Spehar stated that it is his belief that as a last resort the City needs to make claim before warranty runs out, which will keep the issue current. City Attorney Dan Wilson stated that the City's warranty is with improvements to the infrastructure and not the homes. High water levels are affecting streets and therefore affect the City's infrastructure. The City has no jurisdiction on dampness in homes and the other issues.

Public Works Director Mark Relph indicated that solving the ground water problem would help to lower water table and help with the water in the crawlspaces.

Ron Stoneburner stated that the irrigation system was shut down and there were tests done which indicated that there are no leaks in the system.

Mayor Pro Tem Terry thanked everyone for coming to the meeting and giving their input to the Council. She also informed those present for this current issue that when the issue of Rezoning Colonial Heights Subdivision comes up on this agenda, they could be included in the speakers. However, their comments would have to deal only with the Colonial Heights Subdivision and not on the Westwood Ranch Subdivision.

### **CONSENT ITEMS**

Councilmember Terry announced that the next item would be the approval of the Consent Calendar. Councilmember Spehar stated that it was his understanding that Item #14 was to be tabled and therefore moved to approve Consent Items 1 through #13. The motion was seconded by Councilmember Theobold and carried by a roll call vote.

1. **Minutes of Previous Meetings**

*Action: Approved the Summary of the July 30, 2001 Workshop and the Minutes of the August 1, 2001 Regular Meeting*

2. **Country Club Park #2 Sewer Improvement District**

The owners of real estate located in the vicinity south of Highway 340, west of Glade Park Road, and east of Country Club Park Road have petitioned the Mesa County Commissioners to create an improvement district for the installation of sanitary sewer facilities. The public hearing for the proposed resolution to create the sewer improvement district will be held on August 29, 2001 at which time the Mesa County Commissioners will vote on formation of the improvement district. The public hearing and proposed resolution (Mesa County) and contract award (City of Grand Junction) are the final steps in the formal process required to create the proposed improvement district.

The following bids were received on June 12, 2001:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
R.W. Jones	Fruita, CO	\$494,811.33
Palisade Constructors	Palisade, CO	\$502,277.20
Skyline Construction	Grand Jct.	\$556,153.30
Sorter Construction	Grand Jct.	\$595,834.00

M.A. Concrete Construction	Grand Jct.	\$617,502.50
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Engineer's Estimate		\$472,033.50
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*Action: Award Contract for Country Club Park #2 Sewer Improvement District to R.W. Jones Construction in the Amount of \$494,811.33 Contingent on the Formation of Sewer Improvement District by Mesa County Commissioners on August 29, 2001*

3. **Request for Federal Funds for 29 Road, Phase 2**

The Regional Transportation Planning Organization has allocated Federal funds in the amount of \$370,017 in the Statewide Transportation Improvement Program for this project. The grant requires local matching funds in the amount of \$76,929 and local agency non-participation costs of \$14,310.

Resolution No. 76-01 – A Resolution Accepting a Grant for Federal-Aid Funds from the Transportation Equity Act of 1998 for the 21st Century (Tea-21) for the Project Identified as STE M555-016, 29 Road Phase 2, Sub = 13664 for Small Urban Roadway Improvements on 29 Road North of North Avenue to the Grand Valley Canal.

*Action: Adopt Resolution No. 76-01*

4. **Request for Federal Funds for South Camp Trail, Phase 2**

A City Council Resolution is required for the City to enter into a contract with the Colorado Department of Transportation (CDOT) and to participate in a Federally funded project to construct a Bike/Ped Trail on both sides of South Camp Road. The grant includes 80%(\$251,200) Federal-aid funds and requires 20% (\$62,800) local matching funds.

Resolution No. 77-01 – A Resolution Accepting a Grant for Federal-Aid Funds from the Transportation Equity Act of 1998 for the 21st Century (Tea-21) for the Project Identified as STE M555-015, South Camp Phase II, Sub=13659 for a Bike Ped Trail in Various Locations from South Broadway to Monument Road along South Camp Road

*Action: Adopt Resolution No. 77-01*

5. **Accepting the Improvements and Setting a Hearing for the Glen Caro and Northfield Estates No. 2 Sewer Improvement District (SSID SS-44-00)**

Sanitary sewer facilities have been installed as petitioned by the owners of fifty properties located in the vicinity of North 7<sup>th</sup> Street and G Road. The proposed resolution is the required first step in the process to levy assessments against the benefiting properties.

Resolution No. 78-01 – Approving and Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-44-00 and Giving Notice of a Public Hearing

*Action: Adopt Resolution No. 78-01 and Set a Hearing for September 19, 2001*

6. **Accepting the Improvements and Setting a Hearing for Alley Improvement District 2000, Phase B**

Reconstruction of the alley running from 10<sup>th</sup> Street to 11<sup>th</sup> Street between Colorado Avenue and Ute Avenue has been completed as petitioned by a majority of the adjoining property owners. The proposed resolution is the required first step in the process to levy assessments against the benefiting properties.

Resolution No. 79-01 – Approving and Accepting the Improvements Connected with Alley Improvement District No. ST-00, Phase B

*Action: Adopt Resolution No. 79-01 and Set a Hearing for September 19, 2001*

7. **Accepting the Improvements and Setting a Hearing for Alley Improvement District 2001, Phase A**

Reconstruction of the following alleys have been completed as petitioned by a majority of the adjoining property owners:

- East/West Alley from 8<sup>th</sup> Street to 9<sup>th</sup> Street between Chipeta Avenue and Ouray Avenue
- East/West Alley from 9<sup>th</sup> Street to 10<sup>th</sup> Street between Colorado Avenue and Ute Avenue
- East/West Alley from 10<sup>th</sup> Street to 11<sup>th</sup> Street between Main Street and Colorado Avenue
- East/West Alley from 10<sup>th</sup> Street to 11<sup>th</sup> Street between Hill Avenue and Teller Avenue
- “T” shaped Alley from 18<sup>th</sup> to 19<sup>th</sup> and Elm Avenue to Bunting Avenue

Resolution No. 80-01 – Approving and Accepting the Improvements Connected with Alley Improvement District No. ST-01, Phase A

*Action: Adopt Resolution No. 80-01 and Set a Hearing for September 19, 2001*

8. **Issuance of a Revocable Permit Located at the Southeast Corner of Unawep Avenue and State Highway 50** [File #RVP-2001-090]

The petitioner is requesting approval and issuance of a revocable permit for a chain link fence being constructed within the City right-of-way for Unawep Avenue and a portion of an unimproved alley.

Resolution No. 81-01 – A Resolution Concerning the Issuance of a Revocable Permit to Barbara J. Martinez

*Action: Adopt Resolution No. 81-01*

9. **Setting a Hearing on Zoning the Appleton Corners Veterinary Clinic Annexation No. 1, No. 2 and No. 3, Located at 797 24 Road, to RSF-R** [File #ANX-2001-154]

The 2.731-acre Appleton Corners Veterinary Clinic Annexation area located at 797 24 Road consists of 1 parcel of land. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning is identical to the current Mesa County zoning for this property and conforms to the Growth Plan's Future Land Use map and recommendation for Estate, residential land uses between 2 and 5 acres per dwelling unit for this area.

Proposed Ordinance Zoning the Appleton Corners Veterinary Clinic Annexation to Residential Single Family Rural (RSF-R), Located at 797 24 Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 5, 2001*

10. **Setting a Hearing on the Ruby Meadows Annexation, Located at 3063 Gunnison Avenue** [File #ANX-2001-147]

Referral of petition to annex, first reading of the annexation ordinance and exercising land use authority immediately for the Ruby Meadows Annexation located at 3063 Gunnison Avenue. The Ruby Meadows Annexation consists of 5.666 acres.

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

Resolution No. 82-01 – 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 – Ruby Meadows Annexation Located at 3063 Gunnison Avenue

*Action: Adopt Resolution No. 82-01*

**b. Set a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ruby Meadows Annexation, Approximately 5.666 Acres, Located at 3063 Gunnison Avenue

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 3, 2001*

11. **Designating the Kaiser Residence Located at 1685 Clymer Way in the City Register of Historic Sites, Structures and Districts**

David and Connie Kaiser, owners of the home at 1685 Clymer Way, are requesting that the residence be designated as historic in the City Register of Historic Sites, Structures and Districts.

Resolution No. 83-01 - A Resolution Designating the Residence at 1685 Clymer Way in the City Register of Historic Sites, Structures and Districts

*Action: Adopt Resolution No. 83-01*

12. **Setting a Hearing on an Ordinance Transferring the City's 2001 Private Activity Bond Allotment**

The City of Grand Junction received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the fifth time in 2001 as a result of the City reaching a 40,000-population level in 1997. The bond authority can be issued on a tax-exempt basis for various private purposes. The City can reserve this authority for future housing benefits by ceding the authority to CHFA at this time.

Proposed Ordinance Authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of City of Grand Junction Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 5, 2001*

13. **Recommendation for the Purchase of a Sculpture for the New Traffic Engineering Building**

After reviewing slides and proposals from four local artists for eight different works of art, the Grand Junction Commission on Arts and Culture recommends the City Council approve the purchase of "Wire Jamb I" by GJ sculptor David Berry for the new Traffic Engineering Building on River Road.

*Action: Approve the Purchase of "Wire Jamb I" Sculpture by David Berry for \$2,000 through the 1% for the Arts Program for the New Traffic Engineering Building*

14. **Mariposa Road Reimbursement Agreement**

In 1999 the City and the Developer entered into a road reimbursement agreement as a part of the approval of the Redlands Mesa development. That agreement needs to be updated to reflect the work that has occurred on Mariposa and to provide for the second stage of Mariposa improvements.

*Action: This item was removed from this agenda.*

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

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

**Public Hearing - Rezoning Colonial Heights Subdivision, Located at SE Corner of 25 Road and G Road to RMF-5 [File #RZP-2001-034]**

Rezone the Colonial Heights Subdivision from Planned Development, 4.4 units per acre (PD 4.4) zone district, to Residential Multi-Family-5 (RMF-5), located at SE corner of 25 Road and G Road.

Mayor Pro Tem Terry opened the public hearing.

Senior Planner Lisa Gerstenberger reviewed this item. She stated that the criteria have been met and it is eligible for rezone. Staff recommends approval.

Mayor Pro Tem Terry asked if there were any comments from the audience.

Rich Livingston was present representing the petitioner. This project was before the Council a couple of years ago. At that time there was a lot of



neighborhood opposition to this plan, in particular the multi-family dwellings. The Growth Plan suggested that this was an area that could be considered for both higher density and multi-family zoning. Neighborhood opposition was rather significant. Since then the developer has spent better than a year working with Staff and the neighborhood, and at the Planning Commission meeting there was no opposition. From a zoning perspective, all criteria for the Code has been addressed, and the neighborhood is supportive of rezone that limits this area to the 4.4 units per acre area and the single family residence development.

Councilmember Theobald inquired why the zoning proposed is multi-family when the development is all single family.

Senior Planner Lisa Gerstenberger responded that the zoning allows for mixed use, including attached and detached dwelling units and a transition from single-family to multi-family with medium density and lower impact multi-family. Mr. Livingston stated that in order to get the number of units that both the developer and the Growth Plan needed in this area, RMF-5 was the only zoning that qualified. No single-family zoning was available that would work.

Councilmember Theobald questioned the method of manipulating zoning of the new Code that was supposed to be modern and efficient and yet it is being manipulated just to cover this type of development. Mr. Livingston stated that while this does constitute manipulation, it does, if read carefully, allow for this development.

Mayor Pro Tem Terry asked if there were any other comments from the audience, either for or against this proposal. There were no further comments.

The hearing was closed.

Ordinance No. 3362-A Ordinance Rezoning the Colonial Heights Subdivision from Planned Development, 4.4 units per acre (PD 4.4) to Residential Multi-Family-5 (RMF-5), Located at SE Corner of 25 Road and G Road.

Upon motion by Councilmember Spehar, seconded by Councilmember McCurry, and carried by roll call vote Ordinance No. 3362 was adopted on second reading.

**Public Hearing - Zoning the Parham Annexation, Located at 2960 D Road to RMF-8 [File #ANX-2001-061]**

Second reading of the Zoning Ordinance to zone the Parham Annexation Residential Multi-Family-8 (RMF-8) located at 2960 D Road.

Mayor Pro Tem Terry opened the public hearing.

Senior Planner Lisa Gerstenberger reviewed this item. This annexation meets all of the criteria set forth in the Zoning and Development Code. The density will be 6.3 units per acre. Staff recommends approval of this zoning.

Councilmember Theobald asked what the zoning is on the Travers Annexation. Ms. Gerstenberger stated that the zoning on the Travers annexation is RMF-4, and is located to the east of this annexation. Councilmember Theobald also asked about the zoning for the Scottish Range. Ms. Gerstenberger replied that the Scottish Range is zoned in Mesa County.

Mayor Pro Tem Terry asked what the growth plan shows on the east and west of this area. Ms. Gerstenberger stated that it shows a residential medium zoning. In 1999 it showed a lower density, but the growth plan was amended at that time. The development trend was for a higher density and it was recommended by both the County and City Staff that the zoning be changed and it was changed by Council.

Mayor Pro Tem Terry asked for comments from Mr. Atkinson, the project representative.

Richard Atkinson of Atkinson & Associates of Grand Junction, Colorado. This zoning is in compliance with the Growth Plan and meets the basic requirements.

Councilmember Terry asked if these are attached units on individual lots. Mr. Atkinson answered that they are attached units.

Mayor Pro Tem Terry asked if there were any more comments or questions. There were none. She closed the hearing.

Ordinance No. 3363 - An Ordinance Zoning the Parham Annexation Located at 2960 D Road to RMF-8

Upon motion by Councilmember McCurry, seconded by Councilmember Kirtland, and carried by roll call vote, Ordinance No. 3363 was approved on second reading.

**Public Hearing - Zoning the Grand Meadows Annexation, Located at 30 Road and Gunnison Way to RMF-5** [File #ANX-2001-080]

Zoning the Grand Meadows Annexation located at 30 Road, south of Gunnison Way, from County RSF-R to City RMF-5 (Residential Multi-Family-5).

The public hearing was opened.

Senior Planner Lisa Gerstenberger reviewed this item. The annexation criteria have been met. Staff recommends approval.

Councilmember Theobald asked why there is a plat map attached if this only deals with zoning. Ms. Gerstenberger stated that it was included for information only.

Mayor Pro Tem Terry asked about the County RSF-4 zone on the properties to the south and east. Ms. Gerstenberger stated that it is converted from the County AFT and is the equivalent of the City zone Single Family Rural.

Mayor Pro Tem Terry asked if there were any further comments. There were none. The hearing was closed.

Ordinance No. 3364 - Zoning the Grand Meadows Annexation to Residential Multi-Family-5 (RMF-5), Located at 30 Road South of Gunnison Way

Upon motion by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by roll call vote, Ordinance No. 3364 was approved on second reading.

**Public Hearing - Monument Valley, Filing 7 Annexation, Located on the East Side of South Camp Road East of Wingate Elementary School** [File #ANX-2001-125]

The 56.789-acre Monument Valley, Filing 7 Annexation consists of one parcel of land located on the East Side of South Camp Road east of Wingate Elementary School.

The hearing was opened.

Senior Planner Bill Nebeker reviewed this item and stated that it meets all criteria. Staff recommends approval of Ordinance No. 3365.

Mayo Pro Tem Terry asked if there were any comments on annexation only. There were no comments. The public hearing was closed.

Resolution No. 84-01 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Monument Valley, Filing 7 Annexation is Eligible for Annexation, Located on the East Side of South Camp Road East of Wingate Elementary School

Ordinance No. 3365 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Valley Filing 7 Annexation, Approximately 56.789 Acres Located on the East Side of South Camp Road East of Wingate Elementary School

Upon motion by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by roll call vote, Resolution 84-01 was adopted and Ordinance No. 3365 was approved on second reading.

**Public Hearing – Zoning of Monument Valley, Filing 7 to RSF-2**  
[File #ANX-2001-125]

The applicant proposes a zone of annexation from County PD to City RSF-2 for the 56.7 acre Monument Valley, Filing 7 Annexation. A preliminary plan to subdivide the parcel into 87 single-family lots was approved by the Planning Commission at its July 24, 2001 hearing. The Planning Commission recommends approval.

The public hearing was opened.

Senior Planner Bill Nebeker reviewed this item. The ordinance meets the criteria. Staff recommends approval.

Councilmember Theobald asked about the zoning on the south, east and west. Mr. Nebeker stated that the south is the same as is proposed by the Growth Plan. Property around this area is privately owned although the map shows it as a park.

City Attorney Dan Wilson clarified that the land to the north is privately owned.

Councilmember Spehar noted that this proposal is actually a reduction in the number of lots. Mr. Nebeker said that it is a reduction in the number of lots from the original, but matches the Growth Plan.

Councilmember Kirtland asked if this plan addresses the rain concerns. This particular area has some opportunity for problems.

John Thomas, 325 Wheel Drive, Grand Junction and the developer were present. One of the benefits of this project is that in the past flooding from the east side of the road overflowed South Camp Road and caused damage to some public facilities and also private driveways. Crews have been out repairing driveways during these monsoon rains. A benefit of this project is that it will be able to control the drainage from this site. The County allowed the drainage problems to be pushed forward from one filing to the next. This property is impacted by those drainage problems. The developer has hired a consulting hydrologist to help solve the drainage problem.

Mayor Pro Tem Terry stated that it is not a part of the zoning decision, but what, if any, thought has gone into the pedestrian traffic issue. Mr. Thomas stated that in the proposed plan there are concrete pedestrian urban trails on the east side for a half-mile of path then from the pedestrian path along a historic path to Wingate School. Then they will be participating with the City to build a school crossing from the east side of the path to the west side.

Councilmember Terry asked if there were any comments on zoning only. There were no comments. The hearing was closed.

Ordinance No. 3366 - An Ordinance Zoning the Monument Valley, Filing 7 Annexation Residential Single Family – 2 (RSF-2), Located on the East Side of South Camp Road, East of Wingate School

Upon motion by Councilmember Spehar, seconded by Councilmember Kirtland, and carried by roll call vote, Ordinance No. 3366 was approved.

**Public Hearing - Rezoning Elm Avenue PD to Allow an Additional Use**  
[File #RZ-2001-124]

The applicant/owner requests to amend the final plan for the site at 704 Elm Avenue to add a beauty salon as an approved use. Currently only office use is allowed in this Planned Development zone. The Planning Commission recommends approval.

The public hearing was opened.

Doug Skelton, 706 Eider Place, was present. Mr. Skelton owns the property at 704 Elm Avenue and has decided to sell. He would like to change the zoning to accommodate a Beauty Shop since that is what the potential buyer prefers to do with the property.

Senior Planner Bill Nebeker reviewed the proposal. The property does meet the rezone criteria.

Councilmember Theobold asked about the history of this property and if there was a less intense use available. Mr. Nebeker said that in the past uses requested have been granted.

Mayor Pro Tem Terry asked about the Residential/Office (RO) Zone, if it allows a variety of uses. Mr. Nebeker indicated that it does. The zoning is residential to the north and south. Community Development prefers to keep a narrow focus under the PD zone so that the east side of 7<sup>th</sup> street does not expand. Mayor Pro Tem Terry stated that she thought the whole corridor was zoned RO. Mr. Nebeker indicated that only the west side is.

Mayor Pro Tem Terry asked if there were any comments on this rezoning. There were no comments. She closed the hearing.

Ordinance No. 3367 - Zoning a Planned Development Located at 704 Elm Avenue to Add an Additional Allowed Use

Upon motion by Councilmember Kirtland, seconded by Councilmember Theobold, and carried by roll call vote, Ordinance No. 3367 was approved on second reading.

**Conveyance of a Utilities Easement Across Columbine Park to the Public Service Company of Colorado**

The Public Service Company of Colorado is requesting an easement for an existing overhead facility located along the northern boundary of Columbine Park. The proposed easement will allow Public Service to install a lateral underground crossing for the purposes of providing electric power to Garden Grove Subdivision, located on the north side of Orchard Avenue.

Public Works Director Mark Relph reviewed this item.

Councilmember Theobold asked what the City would get in consideration of the easement. Mr. Relph replied there is no consideration. Councilmember Theobold asked if there is anything the City might want in exchange for the easement in Orchard Mesa.

Mayor Pro Tem Terry stated that her position would be to keep this issue separate from other transactions. There could be a request for some compensation or trade in the future.

Mayor Pro Tem Terry asked if there were any comments on annexation only. There were no comments.

Resolution 85-01 – Concerning the Granting of a Nonexclusive Electric Utility Easement to the Public Service Company of Colorado

Upon motion by Councilmember Kirtland, seconded by Councilmember Theobold, and carried by roll call vote to adopt Resolution 85-01.

**Conveyance of Two Utilities Easements Across District Open Space in the Ridges to the Public Service Company of Colorado**

Public Service Company is requesting two small easements to accommodate new facilities being installed in conjunction with the Ridges electrical system upgrade.

Public Works Director Mark Relph reviewed this item. Staff recommends approval.

Mayor Pro Tem Terry stated that Councilmember Harry Butler raised the question of whether the company is Public Service or XCel as both names are being used.

Public Works Director Mark Relph explained that XCel is the parent company but they go by both names. XCel bought Public Service.

Councilmember Kirtland asked what exactly was to be placed on the property.

Mr. Relph answered that it would be a transformer. Mayor Pro Tem Terry asked about the number of transformers and the placement of the transformers. Mr. Relph stated that some of the green boxes perceived as transformers are, in reality, telephone company switching cabinets.

Mayor Pro Tem Terry asked how the placement of the transformers is regulated. Mr. Relph stated that Public Service has always been willing to adjust the location of the transformers if requested.

Councilmember Theobold noted that they are an eyesore and there seems to be a large number of them. There have been some cases where some landscaping was done to screen these cabinets.

City Attorney Dan Wilson stated that Public Service tends to be responsive to this issue, but other local utility companies are not.

Councilmember Spehar wondered if this issue is one that can be researched and possibly a precedent set on the aesthetics of these utility boxes, but did not want to hold up a decision on this particular item.

Resolution 86-01 – Concerning the Granting of Two Nonexclusive Electrical Utility Easements to the Public Service Company of Colorado

Upon motion by Councilmember Spehar, seconded by Councilmember McCurry, and carried by roll call to approve Resolution 89-01.

**Authorization for Staff to Apply for a Colorado Water Conservation Board Construction Loan to Fund the Combined Sewer Elimination Program**

Staff is proposing to apply for a loan to help fund the Combined Sewer Elimination Project. Although the level of funding is yet to be determined by City Council, a loan would allow the improvements to be constructed now rather than later. The deadline to apply to the Colorado Water Conservation Board for any 2002 loan funds is August 31, 2001. This does not commit the City to the loan, only allows Staff to apply for it.

Councilmember McCurry asked if there is federal funding to mitigate this problem. Mr. Relph stated that federal funding is much more difficult to come by. There is a possibility that by 2004 there will be some changes, but that the Federal Government has not offered funding in long time for these types of projects.

City Manager Kelly Arnold indicated that other options are being explored.

Councilmember Spehar indicated that finding funding could shorten the time considerably for accomplishing the separation of these sewer lines. He inquired what impact this would have on the TABOR funds.

City Manager Kelly Arnold stated that Staff simply doesn't know all the variables yet and discussion will probably begin in September at the CIP meetings.

City Manager Arnold asked Mr. Relph to sketch as close as possible where the combined lines run. He then asked if they were in the alleys or on major streets would there be paving rehabilitation.

Public Works Director Mark Relph stated that they would leave the current lines in the alleys then run new lines for the storm drains through the streets to the catch basins, thereby, leaving the alleys intact. All of the work would be in the streets.

Councilmember Spehar stated if there was success in this funding it would leave the money already budgeted to do that project earlier and still have the budgeted money available. The project would then be two-thirds done instead of one-third. Mr. Relph said that Staff needs to spend some time on



this issue before coming to any conclusions. City Manager Arnold said there needs to be multiple options discussed before a decision is made.

Councilmember Spehar asked if the storm water would still go out to Persigo. Mr. Relph stated that the new lines would not go to Persigo but instead would go down 8<sup>th</sup> Street to Los Colonias Park and into the Colorado River. Federal regulations are forthcoming that will require water quality basins before discharging into the river. There will be meetings with the Corps of Engineers and the Division of Wildlife before a final decision is made.

Resolution No. 87-01 – A Resolution Authorizing an Application for a Loan of State Funds for the Project Identified as the Combined Sewer Elimination Project

Upon motion by Councilmember Butler, seconded by Councilmember Kirtland, and carried by roll call vote to approve Resolution 87-01.

### **NON-SCHEDULED CITIZENS & VISITORS**

Mayor Pro Tem Terry asked that statements be limited to five minutes.

Gerald McKeel, 1512 County Road 129, Glenwood Springs, asked about the progress report on Judge David Palmer. Mr. McKeel was promised a letter from City Attorney Dan Wilson regarding Mr. McKeel's motion to return items seized without a warrant. The real problem with Judge Palmer is the lack of an Oath of Office, which should give the citizens a method to correct errors made by court personnel. Judge Palmer's denial of access to the court system to resolve a serious problem was Mr. McKeel's primary concern.

Mayor Pro Tem Terry stated that, as Mr. McKeel has been informed before, the Council has no jurisdiction in this matter and Judge Palmer has no jurisdiction to deal with the case. Mayor Pro Tem Terry stated that this fact should be put in writing to Mr. McKeel for clarification. The City Council hopes that Mr. McKeel can, through the aid of his attorney, find a satisfactory solution to the problem.

City Attorney Dan Wilson stated that his office would write down Council's position in a letter to Mr. McKeel. Mr. Wilson also requested that Mr. McKeel's attorney contact his office.

### **OTHER BUSINESS**

There was no other business.

**ADJOURNMENT**

The meeting was adjourned at 9:22 p.m.

Stephanie Nye, CMC  
City Clerk