

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

SEPTEMBER 5, 2001

The City Council of the City of Grand Junction convened into regular session the 5th day of September, 2001 at 7: 33 p.m. in the City Auditorium. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Janet Terry, Reford Theobold, Jim Spehar and President of the Council Cindy Enos-Martinez. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and City Clerk Stephanie Nye.

Council President Enos-Martinez called the meeting to order and Councilmember Theobold led in the pledge of allegiance. The audience remained standing for the invocation by Reverend Jim Hale, Spirit of Life Christian Fellowship.

PROCLAMATIONS / RECOGNITIONS

PROCLAMATION DECLARING SEPTEMBER 17-24, 2001 AS "CONSTITUTION WEEK" IN THE CITY OF GRAND JUNCTION

APPOINTMENTS

APPOINTMENT TO THE COMMISSION ON ARTS & CULTURE

Councilmember Theobold moved to appoint Doug Clary to the Commission of Arts and Culture until February, 2002. Councilmember McCurry seconded and the motion carried.

REAPPOINTMENT TO THE FORESTRY BOARD

Councilmember Butler moved to reappoint Steve Gerow to the Grand Junction Forestry Board until November, 2003. Councilmember Theobold seconded. Motion carried.

RATIFICATION OF REAPPOINTMENT OF URBAN TRAILS COMMITTEE MEMBERS

Councilmember Terry moved to ratify the reappointments of Clark Rieves, Ken Scissors and Judy Craddock to the Urban Trails Committee for three-year terms. Councilmember Spehar seconded. Motion carried.

CITIZEN COMMENTS

Mr. Lawrence Beagley, 3049 Walnut Ave., was present to address the Council. He explained that he wants to build a new home but he is being required by the City to build 330 feet of curb, gutter and sidewalk before he can build his house. He stated there is no sidewalk in the area to connect from E-1/2 Rd. all the way to F Rd. Therefore, he is strongly protesting this requirement.

Mayor Enos-Martinez assured Mr. Beagley that Council would follow up on the matter with Staff. Councilmember Spehar stated that once Council has an opportunity to meet with Staff and discuss the issue maybe they can make some recommendations. Mayor Enos-Martinez thanked Mr. Beagley for coming to Council.

Ms. Terri Benson, 434 Avenal Lane, was present to address the Council. She stated her issue is similar to Mr. Beagley's. Ms. Benson and her husband moved their business into a new location on Sparn Lane location and have complied with all the requirements except the curb, gutter and sidewalk. The requirement would not benefit anyone, in fact it would probably harm the adjoining properties by diverting the rainwater into the adjoining properties. The Bensons have met with the City Planning Department regarding this requirement and were told by Staff that this requirement is excessive in this instance, but that they should come before Council to discuss reinstating a former program where they would agree to pay in the future when the area is more developed.

Mayor Enos-Martinez also told Ms. Benson that the Council would look into the matter.

James Benson, the Sparn Lane property owner and Ms. Benson's landlord, added that he has received a notice of violation with a fine of \$1000 per day. He asked if the notice would be stayed until the matter is resolved. Mayor Enos-Martinez referred Mr. Benson to the Community Development Department Director who was in the audience.

County Commissioner Jim Baughman, 2579 F Road, was present to address the Council. He said he has Dr. Zucco, a veterinarian, with him. He is representing one of his constituents, not the County Commissioners. He detailed the chronology of the issue. The situation developed due to confusion and misinformation given to the applicant by both the Mesa County planners and the City planners. The result is that the veterinary clinic is being required to pay for half-street improvements, which destroys the cost-effectiveness of this project. Mr. Baughman suggested that the remedy be either that the clinic be allowed to go through Mesa County planning and then be annexed or that the City defer the requirement until such time as the surrounding property is developed and zoned commercial.

Mayor Enos-Martinez stated that Council has not studied this issue. Therefore, it is appropriate that after Council has had a chance to get information from Staff, they would be willing to review it again at a later date.

Mrs. Sigrid Zucco said that it has been going on for three months and they have been put off. Dr. Zucco has given up his employment in California and moved here thinking they were set for doing business in Grand Junction. They would like to have a decision now. Mayor Enos-Martinez again stated that Council needs more information and can not make a decision tonight.

Councilmember Theobald outlined two issues; one is the jurisdiction question and the second if the applicability for options relative to the half-street improvements. Councilmember Terry stated that she isn't sure why this issue was brought before Council

at this time and that, with proper information the Council would be willing to consider the matter again.

Councilmember Spehar stated that this kind of issue has been a problem before. His recollection is of one property on 25-1/2 road that was excluded from curb, sidewalk and gutter and is now the only property that does not have these improvements. Because of that decision the taxpayers will end up paying the costs because the property was excluded when brought before the County Commissioners some time ago. Mr. Baughman agreed, but stated that this property is different because of the misinformation given to the Zuccos by Staff at the County and at the City.

CONSENT ITEMS

It was moved by Councilmember Theobold, seconded by Councilmember Spehar and carried by a roll call vote to approve Consent Items #1 through #11.

1. Minutes of Previous Meetings

Action: Approve the Summary of the August 13, 2001 Workshop and the Minutes of the August 15, 2001 Regular Meeting

2. Intergovernmental Agreement for the Consolidated Planning Grant and Certifications for the Unified Planning Work Program.

Approve and sign Joint Resolutions with Mesa County and the City of Grand Junction accepting (1) the Intergovernmental Agreement/Consolidated Planning Grant between this MPO and CDOT; and (2) the certifications and assurances for the UPWP.

Resolution No. 88-01 – A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning the Intergovernmental Agreement Between CDOT and the Grand Junction/Mesa County Metropolitan Planning Organization Regarding the FY 2002 Consolidated Planning Grant (CPG)

Resolution No. 89-01 – A Joint Resolution of the County of Mesa and the City of Junction Concerning the Signing of the Fiscal Year 2002 Unified Planning Work Program Certifications and Assurances

Action: Adopt Resolution No. 88-01 and Resolution No. 89-01

3. Use of the 1% Fund to Underground Overhead Utilities for Two Rivers Convention Center

Undergrounding funds have been programmed for undergrounding the power lines on the Two Rivers project beginning 85' east of S. 2nd Street and ending at the northeast corner of 1st Street and the alley.

Resolution No. 90-01 – A Resolution Authorizing the Use of Xcel Energy Undergrounding Funds for the Alley between 1st Street and 2nd Street, and between Colorado Avenue and Ute Avenue

Action: Adopt Resolution No. 90-01

4. **Setting a Hearing on Apportionment of Costs for Alley Improvement District 2000, Phase B**

Reconstruction of the alley running from 10th Street to 11th Street between Colorado Avenue and Ute Avenue has been completed as petitioned by a majority of the owners of the property to be assessed. A public hearing and second reading of the proposed ordinance will be conducted by the City Council on September 19, 2001.

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-00, 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

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 19, 2001

5. **Setting a Hearing on Apportionment of Costs for Alley Improvement District 2001, Phase A**

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

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

A public hearing and second reading of the proposed ordinance will be conducted by the City Council on September 19, 2001.

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-01, 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

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 19, 2001

6. **Setting a Hearing on Apportionment of Costs for Sanitary Sewer Improvement District SS-44-00 for the Northfield Estates/ Glen Caro Subdivisions**

Sanitary sewer facilities have been installed as petitioned by the owners of 50 properties in the vicinity of North 7th Street and G Road (Glen Caro and Northfield Estates). The proposed ordinance will levy assessments in the amount of \$5,620.69 upon each parcel. A public hearing and second reading of the proposed ordinance will be conducted by the City Council on September 19, 2001.

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Sanitary Sewer Improvement District No. SS-44-00, 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

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 19, 2001

7. **Vacation of Drainage and Utility Easement, Rattlesnake Court**

The petitioners are requesting a vacation of a drainage and utility easement that was created with the recording of Lots 31A and 32A, inclusive, Block 25 of The Ridges Filing No. 5 and Lots 48A through 60A, inclusive, Block 25 of the Replat of Lots 22A through 30A, The Ridges Filing No. 5.

Resolution No. 91-01 - A Resolution Vacating a Drainage and Utility Easement Located Along the Southerly Boundaries of Lots 31A and 32A, Inclusive, Block 25 of the Ridges Filing No. 5 and Lots 48A Through 60A, Inclusive, Block 25 of the Replat of Lots 22A Through 30A, The Ridges Filing No. 5

Action: Adopt Resolution No. 91-01

8. **Vacation of a Portion of a Utility Easement, Northgate Drive**

Vacation of a 1.5-Foot portion of a dedicated 6-foot wide utility easement that was created with the recording of the Plat for the Westgate Park No. 2 subdivision on the north side of the subject property adjacent to the Grand Valley Irrigation Co. ditch that parallels Patterson Road in this location.

Resolution No. 92-01 – Vacating a 1.5 foot Portion of a 6 Foot Wide Easement Located East of Northgate Drive and South of the Grand Valley Irrigation Company Ditch

Action: Adopt Resolution No. 92-01

9. **Grant and Co-sponsorship Agreement for Electrical Equipment Building and Runway End Lights at Walker Field Airport**

The Walker Field Airport Authority has applied for an FAA Airport Improvement Program Grant, AIP-22, to help fund the Construction of an Airfield Electrical Equipment Building and the installation of Runway End Identifier Lights system (REILs) on Runway 4/22. This is an AIP grant with FAA picking up \$649,800 (90% of the total project cost of \$722,000) and the Airport Authority picking up the required 10%, or \$72,200, using Authority Funds.

Action: Approve the Grant and Co-sponsorship Agreement for the Equipment Building and Runway End Lights

10. **Intergovernmental Agreement with Mesa County for Participating in the November 6, 2001 Coordinated Election.**

On August 24, 2001, the City Clerk finalized the inspection of the Initiative Petition for the Recreation Center, initiated by Jack Scott. The petitions had the requisite number of signatures to require a special election (1493 were required, 1602 were verified). The most cost-effective way of getting this ballot initiative to the voters is to place the matter on the general election ballot for November 6, 2001.

Action: Authorize the City Clerk as the City's Election Official to Sign the Intergovernmental Agreement with Mesa County for the Coordinated November 6, 2001 Mail Ballot Election and Certify the Ballot Title to the County Clerk

11. **Purchase of a Sculpture for the Two Rivers Convention Center through the 1% for the Arts Program**

The Commission on Arts and Culture recommends that City Council authorize the City Manager and the Commission to enter into negotiations with sculptor Ivan Kosta to create and install his sculpture "The Song of Two Rivers" as the 1% for the Arts purchase at Two Rivers Convention Center.

Action: Authorize the City Manager and the Commission on Arts and Culture to enter into negotiations with sculptor Ivan Kosta to create and install his sculpture "The Song of Two Rivers" through the 1% for the Arts program at Two Rivers Convention Center for \$36,000.

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

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

Public Hearing – Appleton Corners Veterinary Clinic Annexations No. 1, No. 2 and No. 3 Located at 797 24 Road and Including a Portion of the 24 Road Right-of-Way
[File #ANX-2001-154]

Resolution for Acceptance of Petition to Annex and second reading of the annexation ordinance for the Appleton Corners Veterinary Clinic Annexation located at 797 24 Road and including a portion of the 24 Road right-of-way. The 2.731-acre Appleton Corners Veterinary Clinic Annexation consists of one parcel of land.

Mayor Enos-Martinez opened the public hearing at 8:13 p.m.

David Thornton, Principal Planner, reviewed this item. He stated that the annexation meets all statutory requirements for annexation.

There were no public comments.

Councilmember Kirtland asked if this is the same property previously being discussed under Citizen Comments. That was confirmed. However, City Attorney Dan Wilson stated that the annexation itself does not impose those requirements.

The public hearing was closed at 8:14 p.m.

A. Acceptance of Petitions

Resolution No. 93-01 - A Resolution Accepting Petitions for Annexation, Making Certain Findings and Determining that Appleton Corners Veterinary Clinic Annexations No. 1, No. 2 and No. 3. A Serial Annexation, are Eligible for Annexation Located at 797 24 Road and including a Portion of the 24 Road Right-of-way

B. Annexation Ordinances

Ordinance No. 3368 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Appleton Corners Veterinary Clinic Annexation No. 1, Approximately 0.004 Acres, Located in the 24 Road Right-of-Way South of 797 24 Road

Ordinance No. 3369 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Appleton Corners Veterinary Clinic Annexation No. 2, Approximately 0.008 Acres, Located in the 24 Road Right-of-Way South of 797 24 Road

Ordinance No. 3370 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Appleton Corners Veterinary Clinic Annexation No. 3, Approximately 2.719 Acres, Located at 797 24 Road and Including a Portion of the 24 Road Right-of-Way

Upon motion by Councilmember Terry, seconded by Councilmember McCurry, and carried by roll call vote, Resolution No. 93-01 and Ordinance Nos. 3368, 3369 and 3370 were approved.

Public 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.

Mayor Enos-Martinez opened the public hearing at 8:16 p.m.

David Thornton, Principal Planner, reviewed this item.

There were no public comments.

The hearing was closed at 8:17 p.m.

City Attorney Wilson asked if anyone had asked about a Veterinary Clinic going into an area that is not zoned for one. Mr. Thornton assured him that it is an allowed use under the current zoning.

Ordinance No. 3371 - An Ordinance Zoning the Appleton Corners Veterinary Clinic Annexation to Residential Single Family Rural (RSF-R), Located at 797 24 Road

Upon motion by Councilmember Theobald, seconded by Councilmember McCurry, and carried by roll call vote, Ordinance No. 3371 was approved on second reading.

Public Hearing on 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.

Mayor Enos-Martinez opened the public hearing at 8:18 p.m.

Ron Lappi, Administrative Services Director, reviewed this item. He said this is the fifth year the City has received this allocation. It is also the fifth year that the City has ceded it allocation.

There were no public comments.

The public hearing was closed at 8:20 p.m.

Ordinance No. 3372 - An 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

Upon motion by Councilmember McCurry, seconded by Councilmember Butler, and carried by roll call vote, Ordinance No. 3372 was approved on second reading.

NON-SCHEDULED CITIZENS & VISITORS

There were no non-scheduled citizens or visitors.

OTHER BUSINESS

At this time, the Council convened as the Board of Directors for the Rimrock Marketplace General Improvement District.

A. Rimrock Marketplace General Improvement District Board of Directors Meeting: City Council will convene as the Board of Directors for the Rimrock Marketplace General Improvement District created in August.

Ron Lappi, Administrative Services Director, reviewed these items with City Council acting as the Board of Directors for the GID.

- i. Calling a Special Mail Ballot Election and Setting a Ballot Title
- ii. Approving an Intergovernmental Agreement with Mesa County for Coordinating the TABOR Notice
- iii. Approving a Mail Ballot Plan for a Special Election

Upon motion by Councilmember Terry, seconded by Councilmember Kirtland, and carried by roll call vote, Resolution Nos. 94-01 and 95-01 were approved.

The Council reconvened as the City Council.

EXECUTIVE SESSION to Discuss Personnel: Discussion of an evaluation process regarding the City Manager, the City Attorney and the Municipal Judge's positions. The evaluation will occur later. No staff will be present.

It was moved by Councilmember Theobald, seconded by Councilmember Spehar and carried by a 2/3 majority for discussion of a personnel matter under C.R.S. 24-6-402(4)(f)(i) not involving any specific employee, any member of this body or any elected official; the appointment of any person or personnel policies that do not require the discussion of matters personal to particular employees. Specifically the discussion will be of an evaluation process regarding the City Manager, the City Attorney and the Municipal Judge's positions. The evaluation will occur later. No staff will be present.

ADJOURNMENT

The City Council adjourned into executive session at 8:30 p.m., and moved to the Municipal Hearing Room.

Stephanie Nye, CMC
City Clerk