

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

**FEBRUARY 6, 2002**

The City Council of the City of Grand Junction convened into regular session the 6th day of February 2002, at 7:32 p.m. in the City Auditorium. Those present were Harry Butler, Reford Theobold, Dennis Kirtland, Bill McCurry, Jim Spehar, and President of the Council Cindy Enos-Martinez. Councilmember Janet Terry was absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and City Clerk Stephanie Tuin.

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

**APPOINTMENTS**

**TO PUBLIC FINANCE CORPORATION**

Councilmember Kirtland moved to reappoint Bob Cron to the Public Finance Corporation. Councilmember Spehar seconded. Motion carried.

**TO PLANNING COMMISSION BOARD OF APPEALS**

Councilmember Theobold moved to appoint John Paulson to the Planning Commission Board of Appeals and as 2<sup>nd</sup> alternate to the Planning Commission. Councilmember McCurry seconded. Motion carried.

**TO VISITORS AND CONVENTION BUREAU BOARD OF DIRECTORS**

Councilmember Bill McCurry moved to reappoint Alan Friedman and Peggy Page, and to appoint Jill Eckhard for a 3 year term, and to appoint Michael Somma to fill an unexpired term on the Visitor and Convention Bureau Board of Directors. Councilmember Harry Butler seconded. Motion carried.

**PRESENTATION OF CERTIFICATE OF APPOINTMENT**

**TO PLANNING COMMISSION BOARD OF APPEALS AND 1<sup>ST</sup> ALTERNATE TO THE PLANNING COMMISSION**

Bill Pitts was present and received his certificate of appointment.

**TO THE RIVERVIEW TECHNOLOGY CORPORATION NEW DIRECTORS**

Bonnie Pehl-Peterson and Walid Bou-Matar were present and received their certificates.

## **CITIZEN COMMENTS**

Dean Schoenewald, Commissioner for the United Women's Football League, Inc., addressed the City Council regarding the attendance charge of a \$1 per child and the 15% charge on any merchandise sold. He asked City Council to waive these two charges since the league does not charge children under 13 to attend. Council was not inclined to consider their request.

## **CONSENT CALENDAR**

Councilmember Spehar asked that item #14 be removed for individual consideration.

It was moved by Councilmember Theobald, seconded by Councilmember McCurry and carried to approve the Consent Calendar items #1 through 17, with item #14 being removed to Items Needing Individual Consideration.

### **1. Minutes of Previous Meetings**

*Action: Approve the Summary of the January 14, 2002 Workshop, January 14, 2002 Special Meeting, the Minutes of the January 16, 2002 Regular Meeting and the Minutes from January 28, 2002 and January 30, 2002 Special Meetings*

### **2. Setting a Hearing on the Appeal of the Planning Commission's Recommendation of Denial for the Rezoning Request for Midwest Commercial Subdivision, Located at 2295 Highway 6&50 [File #RZ-2001-227]**

The petitioner is requesting approval to rezone approximately 35.8 acres, consisting of 25 platted lots from the General Industrial (I-2) zone district to the Light Industrial (I-1) zone district. The Planning Commission at their December 11, 2001 hearing recommended denial of the rezoning request to the City Council. The appeal will be heard at second reading of the ordinance.

Proposed Ordinance Zoning 35.8 Acres of Land Located at 2295 Highway 6 & 50

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 20, 2002*

### **3. Setting a Hearing on the Zoning for Webb Crane Annexation from County PC & AFT to City PD (Planned Development) Located at 761 23 ½ Road [File #ANX-2000-158]**

Request for approval of the zone of annexation for approximately 20 acres from County Planned Commercial (PC) and AFT (Agricultural Forestry Transitional) to City PD (Planned Development) zone district. The site was annexed on February 16, 2000.

Proposed Ordinance Zoning the Webb Crane Annexation Approximately 20 Acres of Land Located at 761 23 ½ Road

*Action: Proposed Ordinance on First Reading and Set a Hearing for February 20, 2002*

4. **Setting a Hearing on the Gunn Annexations #1 & #2 located at 2981 Gunnison Avenue** [File #ANX-2002-014]

Resolution for Referral of Petition to Annex/First reading of the Annexation ordinance/Exercising land use jurisdiction immediately for the Gunn Annexations located at 2981 Gunnison Avenue. The 0.688-acre Gunn Annexation consists of a serial annexation of one parcel of land.

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

Resolution No. 06-02 – 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

*Action: Adopt Resolution No. 06-02*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Gunn Annexation #1 approximately 0.344-acres located at 2981 Gunnison Avenue

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Gunn Annexation #2 approximately .344-acres located at 2981 Gunnison Avenue

*Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for March 20, 2002*

5. **Renaming Lakeridge Drive to Mariposa Drive** [File #MSC-2002-022]

Request for approval of a resolution to rename the street Lakeridge Drive to Mariposa Drive.

Resolution No. 08-02 – A Resolution Renaming Lakeridge Drive, located in Ridges Filing Three, to Mariposa Drive.

*Action: Adopt Resolution No. 08-02*

6. **Award of Construction Contract for Bookcliff Avenue Reconstruction Storm Drain and Irrigation Project**

Bids were received and opened on January 15, 2002 for the Bookcliff Avenue Utilities Project. United Companies submitted the low bid in the amount of \$160,034.00. The Bookcliff Avenue Utilities construction project is the first phase in a two-phase project that will reconstruct Bookcliff Avenue between 9th Street and 12th Street. The first phase of the project will consist of the installation of approximately 1,100 feet of 12” PVC irrigation pipe and 900 feet of 24” storm sewer pipe.

The following bids were received for this project:

Contractor	From	Bid Amount
Neil’s Excavation Inc.	Ignacio, CO	\$231,706.30
Utilicon, Inc.	Carbondale, CO	\$299,497.60 *
Skyline Contracting, Inc.	Grand Jct., CO	\$187,546.70
RW Jones	Grand Jct., CO	\$234,404.30
MA Concrete Construction	Grand Jct., CO	\$229,649.80
United Companies	Grand Jct., CO	\$160,034.00
Engineers Estimate		\$185,825.00

\* Corrected total bid based on unit prices.

*Action: Authorize the City Manager to Execute a Contract for the Bookcliff Avenue Reconstruction Storm Drain and Irrigation Project to United Companies in the Amount of \$160,034*

7. **Exchange of Water Line Easements to Accommodate the Kannah Creek Flowline Replacement Project**

Elam Construction owns a large tract of vacant land adjacent to the City’s water treatment plant. The existing Kannah Creek Flowline (installed in 1911) and the Purdy Mesa Flowline (installed in 1955) both cross the Elam property.

The new Kannah Creek Flowline will be parallel with and closer in proximity to the Purdy Mesa Flowline. Elam has granted an easement, without compensation, that will provide adequate access for maintaining both Flowlines. In exchange for the newly dedicated easement, staff is proposing that the City release the existing water line easements by Quit Claim deed.

Resolution No. 09-02 – A Resolution Authorizing the Exchange of Waterline Easements with Elam Construction, Inc., to accommodate the Kannah Creek Flowline Replacement Project

Action Adopt Resolution No. 09-02**8. Award of Construction Contract for Kannah Creek Flowline Project**

Bids were received and opened on January 24, 2002, for Kannah Creek Flowline. The low bid was submitted by Claw Construction, Inc. in the amount of \$694,080.00. This project consists of the installation of 30,000 feet (5.7 miles) of 24" pipeline across Orchard Mesa from near the CDOT parking lot on Whitewater Hill to the water treatment plant. The line will replace the 20" cast iron line constructed in 1947. At that time, there were very few homes in Orchard Mesa. Since that time, many homes have been built in the immediate vicinity of the flow line. The line needs to be replaced once again in another location away from homes and other structures, which are jeopardized, every time the line breaks.

This contract is for the installation of the pipe only. Materials will be purchased separately by the City. Work is scheduled to begin on or about February 19. The contract documents allow 7 months for the construction, but Claw Construction anticipates completing the work in under 3 months.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Claw Construction	Wales, Utah	\$694,080.00
Downey Excavating	Montrose	\$716,358.50
Mendez, Inc.	Grand Junction	\$753,046.00
R.W. Jones Construction	Fruita	\$868,495.00
High Country Pipeline	Penrose, CO	\$924,223.00
M.A. Concrete Construction	Grand Junction	\$1,043,810.00
Skyline Contracting	Grand Junction	\$1,088,140.20
Precision Excavating	Hayden	\$1,108,771.00
United Companies	Grand Junction	\$1,163,888.50
Gould Construction	Glenwood Spr.	\$1,875,779.00
Engineer's Estimate		\$1,061,715.00

Action: Authorize the City Manager to Execute a Contract for the Kannah Creek Flowline Project to Claw Construction in the Amount of \$694,080

**9. Award of Materials Contract for Kannah Creek Project**

Bids were received and opened on January 29, 2002, for Kannah Creek Flowline Materials Contract. The materials were divided into two bid groups. The first bid group consisted of materials listed in Schedules 1 (Pipe), and 2 (Valves and Fittings). The second group consisted of materials in Schedule 3 (Concrete Vaults). Waterworks Sales/Hughes Supply Company was the responsive low

bidder for both groups. This project consists of supplying materials for the replacement of the Kannah Creek Flow Line. The project entails supplying 30,000 feet (5.7 miles) of 24" pipe and other appurtenances.

This contract is for the supply of materials only. Labor to install the materials was bid out on January 24 and is proposed for award on February 6, 2002 to Claw Construction of Wales, Utah.

The following bids were received for Schedule 1 and 2:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Waterworks Sales	Grand Jct., CO	\$ 1,015,132.88
Grand Junction Pipe and Supply	Grand Jct., CO	\$1,027,037.48
Engineer's Estimate		\$1,225,000.00

The following bids were received for Schedule 3:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Waterworks Sales	Grand Jct., CO	\$16,820.96
Grand Junction Pipe and Supply	Grand Jct., CO	\$24,529.49
Engineer's Estimate		\$25,000.00

*Action: Authorizing the City Manager to Execute a Materials Supply Construction Contract for the Kannah Creek Flowline with Waterworks Sales/Hughes Supply Company for Both Bid Groups for Schedules 1,2 and 3, Total Bid Price of \$1,031,953.84*

10. **Lease/Purchase Agreement for 635 White Avenue**

The proposed Action will authorize the lease and purchase of property located at 635 West White Avenue. The subject property is located immediately north of the Highway 340 Railroad Viaduct. Preliminary designs prepared for the Riverside Bypass indicate this property will eventually be required for right-of-way purposes. Although funding to acquire right-of-way for the Bypass is not programmed until 2003, the property is listed for sale and the owners have agreed to a lease/purchase arrangement that ensures the property will be available for future right-of-way uses. This is a good opportunity to acquire the property from willing sellers and thus avoid an eminent domain acquisition from new owners who could avail themselves to costly relocation benefits.

Resolution No. 10-02 – Authorizing the Lease and Purchase by the City of Certain Real Property owned by Robert W. Kemp and Asenath I. Kemp located at 635 West White Avenue.

*Action: Adopt Resolution No. 10-02*

11. **Combined Sewer Elimination/Water Line Replacement Project Design Services**

This work will develop final plans for the \$8.3 million Combined Sewer Elimination Project as well as \$3.5 million Water Line Replacements. Sear-Brown will be hired to develop detailed plans for the Combined Sewer Elimination Project as well as the \$3.5 million Water Line Replacements. Sear-Brown’s team also includes Rolland Engineering and local geotechnical firm and construction management. Local firms will be responsible for approximately 40% of the work product.

*Action: Authorize the City Manager to Execute a Contract for the Combined Sewer Elimination/Water Line Replacement Project for Design Services to Sear-Brown of Golden, Colorado in the Amount of \$1,397,689*

12. **Award of Contract for the Steam Plant Demolition Project**

Four bids for the project were received and opened January 22, 2002, with the low submitted by Palisade Constructors, Inc. Bids were submitted for two options: Option 1 was for removal of the structure(s) to a maximum of 2’ above the basement floor level, and Option 2 was for complete removal of the structure and basement except for the north and south basement walls. The project will provide for demolition of the combined structure of the old Steam Plant and Ice Plant at the southeast corner of 5th St. and South Ave. The bid amount includes removal of all asbestos containing materials.

The following bids were received for this project:

<b>Contractor</b>	<b>From</b>	<b>Option 1</b>	<b>Option 2</b>
Palisade Constructors, Inc.	Palisade, Co	\$213,445	\$277,419
M.A. Concrete Construction	Grand Jct., Co.	\$226,800	\$289,580
R.W. Jones Construction, Inc.	Fruita, Co.	\$312,300	\$442,700
Skyline Contracting, Inc.	Grand Jct., Co.	\$587,685	\$715,170

*Action: Authorize the City Manager to Execute a Contract for the Demolition of the Steam Plant to Palisade Constructors, Inc. in the Amount of \$277,419*

13. **Colorado Department of Transportation (CDOT) Maintenance Contract**

The current maintenance contract with CDOT has been in effect since 1991. This contract updates the costs and adds additional lane miles and responsibilities to the existing contract. This contract is one of two that will be brought before City Council. The last contract negotiated with CDOT was signed in July, 1991. The City of Grand Junction has contracted with CDOT for decades for maintenance of state highways within the city limits. Since 1991, city limits have changed due to annexations and this has added miles of state highways within those limits. Activities covered under this contract include removal of snow and plowing,

application of deicing products, minor pot hole patching and repair and replacement of signs and sign posts.

Resolution No. 11-02 – A Resolution Authorizing an Agreement between the City of Grand Junction and the Colorado Department of Transportation for the City to Perform Maintenance Services on State Highways

*Action: Adopt Resolution No. 11-02*

Staff presentation: Tim Moore, Public Works Manager

14. **Line Officer Grant – Colorado Regional Community Policing Institute**

The Police Department is seeking approval to submit for two line-officer grants in the amount of \$2,000 each. These grants are federal dollars as administered by the Colorado Regional Community Policing Institute (CRCPI).

The first grant would provide funding to hire a professional mediator who would work in concert with the Police Department to develop a community mediation process. This process will solicit trained mediators to assist the police department in settling on going neighborhood disputes between residents.

The second grant is for a pilot project where the City would purchase an additional hand-held radar unit. Volunteers from the Seniors and Law Enforcement Together (SALT) group will be trained to take the radar into areas of speeding complaints to monitor traffic and to record license plate numbers from speeding motorists. The registered owner of the vehicle will then be contacted by mail and advised of the violation and asked to adhere more closely to the traffic laws.

**REMOVED FOR INDIVIDUAL CONSIDERATION**

15. **Purchase of Toro Groundsmaster 455 D Replacement Mowers**

This purchase is being made to replace unit #1367 Wide Area Mower and add one additional unit to the Parks fleet.

*Action: Authorize the City Purchasing Manager to Purchase two Toro Wide Area Mowers from L.L. Johnson Distributing Company for the amount of \$71,780, less \$1500 trade in for one used unit. total net cost F.O.B. Grand Junction, Colorado of \$70,280*

16. **Purchase of Five Yard Dump Truck**

This purchase is to replace two single axle, 5-yard dump units #1270 and #1082 1990 GMC Dump Trucks.

*Action: Authorize the City Purchasing Manager to Purchase one 2002 Mack Tandem Axle Dump Truck for the Net Bid Amount of \$67,872.00, F.O.B. Grand Junction, Colorado.*

17. **Purchase of 2002 E450 Life Line Superliner Ambulance**

This purchase is to replace unit #2038, 1993 Ford Rescue Unit.

*Action: Authorize the City Purchasing Manager to Purchase One 2002 Lifeline Superliner Ambulance on Ford F-450 chassis for the bid amount of \$95,947.00 F.O.B. Grand Junction, Colorado.*

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

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Police Chief Morrison reviewed this item, noting that Councilmember Spehar was referring to the second grant request by removing this item from consent. Chief Morrison explained that volunteers could respond to complaints in low traffic areas when complaints arise. The volunteers would record the vehicle speed, license plate number, and time of day.

Councilmember Spehar inquired about training of volunteers and expressed concern about the effectiveness that letters done by volunteers would have on the offenders. He felt it would be an inadequate response to a complaint. Chief Morrison explained that volunteers would receive basic training on the use of the radar gun.

Councilmember Spehar was concerned that the City would be giving an illusion of response, and that staff time would be used to do letters that eventually would have no

affect. He questioned if it would not be better if actual tickets were issued instead of letters, which would have no real affect on speeders.

Chief Morrison disagreed, stating that letters may give parents an opportunity to discuss the matter with teens who are violating the speed limit laws. Also, the volunteers would be drafting the letters and no officer time would be used. The program would also encourage residents to volunteer and solve neighborhood problems.

Upon motion by Councilmember Kirtland, seconded by Councilmember Butler, and carried by a roll call vote, with Councilmember Spehar voting NO, it was moved to approve the police department to submit applications for two line-officer grants, for \$2,000 each, to the Colorado Regional Community Policing Institute.

### **Setting a Hearing on the Ordinance Setting the Salary of the City Manager**

Article VII, Section 57 of the Charter states the City Manager's salary is to be fixed by the council by ordinance. Based on the market survey comparing similar communities, the City Council has determined the 2002 salary for the Grand Junction City Manager.

An Ordinance Amending Ordinance No. 3387, Section 3, Setting the Salary of the City Manager.

Councilmember Spehar and Councilmember Kirtland explained the reason for the increase, and how and why the City Manager's salary is set.

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry and carried by a roll call vote, the proposed ordinance Amending Ordinance 3387, Section 3, Setting the Salary of the City Manager, was adopted on First Reading and a hearing was set for February 20, 2002. Motion carried.

### **Public Hearing – The Pines Subdivision** [File #RZP-2001-225]

Approval of a rezoning application to change the zoning of the project site from the RSF-1 (Residential Single Family-1 dwelling unit per acre) to the RSF-2 (Residential Single Family-2 dwelling units per acre) in conjunction with a 10-lot subdivision of approximately 5.07 acres.

The public hearing was opened at 8:06 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item.

There were no public comments.

The public hearing was closed at 8:09 p.m.

Ordinance No. 3397 – An Ordinance Zoning the Pine Subdivision, 5.07 acres of Land Located at 2645 F ½ Road.

Upon motion made by Councilmember Butler, seconded by Councilmember Kirtland, and carried by a roll call vote, Ordinance No. 3397 was adopted on Second Reading and ordered published.

**Public Hearing – Amending the Zoning and Development Code, Adding Sections 4.1.I.2.c and 4.3.D, Salvage Yards, Recyclers and Impound Lots** [File# TAC-2001-203]

On December 19<sup>th</sup> the City Council approved Ordinance No. 3390, the Revised Zoning and Development Code, and asked that section 4.3.D and 4.1.I.2.c pertaining to new and existing salvage yards, recyclers and impound lots be brought back for further discussion.

The public hearing was opened at 8:09 p.m.

Planning Manager Kathy Portner reviewed this item. She outlined the history of this proposed regulation, starting with the direction to Staff from City Council to inventory all outdoor storage areas to see what the possible impact of such regulations might be. She referred to a table that compared the earlier proposal and the current proposal. Staff recommends approval of the current proposal.

Dick Ennis, whose son owns Double D Services, stated that the regulations the salvage yard and recyclers put together previously are less ambiguous. The new proposal includes all storage lots. He then detailed the history of appliance disposal as well as the illegal dumping of appliances just outside his son's lot.

Dave Murphy, 244 Sherman Drive, Orchard Mesa, Any Auto Wrecking, 549 Nolan Avenue, addressed Council regarding the possibility of his property being condemned due to the bypass. His business subsequently will have to relocate and he will be required to meet the new code. He questioned Council if the City will pay his moving costs to relocate.

Butch Jarvis, American Auto Salvage, supported Mr. Murphy's comments about the cost of relocating a salvage yard. He then reminded Council of the 14-pages the group had put together. Now the new proposal has been reduced to only 2-pages. Mr. Murphy and he both felt that their proposal was simpler. He also felt that end recyclers could not operate under the new proposal; they should not be included in these regulations.

Dean Van Gundy, who operates Van Gundy's, which has been in business at the current location for over 72 years, explained the very repressed business climate. He is afraid the new regulations are the best way to put his type of operation out of business. He stated there is no way for his business to meet the proposed regulations. He asked for clarification on what constitutes an existing versus a new business.

Ms. Portner said the new regulations include a requirement for screening/fencing along street frontages, and fifty feet back along the sides, if the adjacent property is not zoned heavy commercial or industrial. Existing end recyclers can exceed height requirements. New and expanded businesses would have to meet the new standards; the expanded business threshold is 35% increase in land area. A new business would be required to erect a 6 foot or 8 foot fence or wall, have street frontage landscaping, comply with height restrictions for type of operations with the exception of approved shelving and/or integral unit of machinery, and noise minimizers. Ms. Portner added that under the previous code a Conditional Use Permit was also required.

Norma Ennis, whose son owns Double D Service, asked if Dan Wilson could speak on behalf of the salvage owners to shed some light on what was discussed at their meetings with him in regards to the proposed amendment to the ordinance. Councilmember Theobold stated that would put Mr. Wilson in an awkward position and the request was declined.

Dean Van Gundy, Van Gundy's, again requested a clear and distinct definition between new yards and existing yards. He asked for further clarification in case he would have to relocate.

Councilmember Spehar referred and repeated Ms. Portner's earlier comments and explanations. His relocated business would be subject to the new code.

John Bier, 2930 Highway 50, pointed out that Mr. Van Gundy's concern is that if he is compelled to move, rather than choosing to move, will he have to comply.

Councilmember Spehar said Mr. Van Gundy would have to comply under the current proposal even if it was a compelled move.

The public hearing was closed at 8:52 p.m.

Councilmember Theobold read Section 6 under 4.1.1.2.c of the ordinance and wanted to verify with Ms. Portner, that if the City gives no notice, there is no violation of the ordinance if an appliance is left outside the fence. Ms. Portner confirmed that no violation exists for the first 5 days. Councilmember Theobold reiterated if there is no notice from the City there is no violation. If there is a notice, there are 5 more days to comply. He also commented that the wording is confusing. Ms. Portner agreed that the wording is confusing, but the intent is to establish a grace period.

Councilmember Theobold asked if the new code is specific to salvage yards mentioned and does not apply to other outdoor storage.

Ms. Portner replied that outdoor storage is already covered in the Code, going back to the early 80's, and they do not proactively look for violations.

Councilmember Theobold inquired as to what other significant changes are included in the amended ordinance besides the requirement for screening walls or fences.

Ms. Portner replied that the amended ordinance is actually more lenient for salvage yards. Recyclers can exceed height restrictions in some cases, and that tire storage is already in the code. This amendment is more specific to wrapping of tires.

Councilmember Spehar voiced his concern to Mr. Wilson and asked about the standard operating procedure when a business is being forced to move.

Mr. Wilson explained that if federal funds are involved, then relocation costs are plugged in; there are some concessions in the state law, but not much. If the City appraises the land for purchase, relocation costs are not contemplated.

Councilmember Kirtland commented that whatever happens in the future, or if a business has to relocate, and he does not foresee any business moving for a while, it will be addressed at that time. He asked if there have been any tickets written for dropped off appliances. (After noticing shaking heads: yes, he suggested the need to work together and to move on.)

Councilmember Spehar agreed and repeated that it is time to move on and that he does not want to continue this any more. Council will address the situation of a business moving when it actually happens.

Councilmember Theobold acknowledged that the community, regardless of appearance, needs these services and it is not the intent of the City Council to run anyone out of business. He doesn't believe by passing this ordinance anyone will be losing his or her business.

Ordinance No. 3398 – An Ordinance Amending the Zoning and Development Code, Adding Sections 4.1.1.2.c and 4.3.D, Salvage Yards, Recyclers and Impound Lots

Upon motion made by Councilmember Theobold, seconded by Councilmember Spehar, and carried by a roll call vote, with Councilmember Butler voting NO, Ordinance No. 3398 Adding Sections 4.1.1.2.c and 4.3.D, Salvage Yards, Recyclers and Impound Lots was adopted with exception of Section 4.1.1.2.c. Sub-Section 6 to read: "A recycler shall have a 5 working day grace period to remove items placed outside the perimeter fence. If the City gives notice after the 5<sup>th</sup> working day, the recycler shall remove such items within 5 working days.", as amended on Second Reading and ordered published. Motion carried.

Councilmember Janet Terry entered the meeting at 9:11 p.m.

**Mesa County Public Library District, Central Library Master Plan, Located at 530 Grand Avenue** [File #PLN-2001-243]

Mesa County Public Library District has proposed a new master plan for the Central Library, which allows for the replacement and expansion of the existing Library facility. The new Library will be approximately 70,000 square feet. An additional 30,000 square feet will be allotted for expansion by the years 2025 to 2030. The architects will attempt to design the new library to allow it to remain in the existing building during construction, but this is only a secondary objective. The Library District does not want to sacrifice neither the plan nor the aesthetics of the new building just to avoid relocation. If approved, an application to vacate Ouray Avenue in the 500 block, a Conditional Use Permit, and a Simple Subdivision for consolidation of the lot should be forthcoming.

Lori Bowers, Associate Planner, reviewed this item. She pointed out what buildings are proposed to be torn down, the street that is to be vacated and the placement of parking lots and access points.

Daniel Gardner of Chamberlin Architects added some details. He explained why there is only one entrance/exit, besides emergency exits. The parking tries to be sympathetic to the adjacent residential neighborhoods. The entrance may be relocated to the northwest corner of the building.

Councilmember Theobold wanted to know where the transformers and dumpsters would be located.

Mr. Gardner replied that they would be placed on the southeast side of the building. They are also providing more parking spaces than required by code in order to accommodate the Grey Gourmet and the Senior Recreation Center.

Councilmember Theobold asked Mr. Gardner if the library is counting any spaces on land it does not own. Mr. Gardner replied no.

Councilmember Kirtland raised the question about underground parking. Mr. Gardner replied there have been some discussions on using the existing basement, but underground parking costs are seven times more expensive than surface parking.

Councilmember Spehar voiced his concern about parking being so far away from the building.

Mr. Gardner acknowledged Councilmember Spehar's concern as valid. He mentioned the abundance of available parking, and suggested that point may be still addressed at a later date.

Councilmember Theobold pointed out that the Master Plan clearly requires the vacation of Ouray and asked Ms. Bowers if Council adopts the Master Plan, are they required to vacate it. Ms. Bowers replied if Council approves this Master Plan they are saying that they are not opposed to vacating Ouray.

Councilmember Spehar wanted to verify that the library is an allowed use in a residential area with a Conditional Use Permit. Ms. Bowers answered yes.

Councilmember Theobald requested some legal clarification prior to approval of the Master Plan and request for vacation.

Mr. Wilson stated the vacation of Ouray would have to be an independent decision and will not amend the Master Plan.

Councilmember Theobald requested confirmation that the vacation of Ouray is not a pre-decision. Mr. Wilson responded that Council has all the discretion on that night of consideration of the vacation. However, certainly the adoption of the resolution says that this Council tonight looks favorably on that issue.

Resolution No. 12-02 – A Resolution Approving the Master Plan for Mesa County Public Library, District Central Library, Located at 530 Grand Avenue

Upon motion made by Councilmember Terry, seconded by Councilmember Spehar, and carried by a roll call vote, Resolution No. 12-02 was adopted.

### **Approving I-70B Access Management Study Contract**

This contract is for a total of \$96,000. Of this amount, two developers along I-70B (Grand Mesa and Rim Rock) have already contributed \$10,000 each. The City will provide \$35,000 to fund this work. CDOT will pay \$41,000. This study will recommend means and methods of controlling access along this corridor to optimize traffic capacity in that area.

Mark Relph, Public Works Director, reviewed this item. The contract is a partnership between the City and CDOT for a study of traffic signals, crossovers from access roads, and he detailed the funding sources. The City is managing the project for CDOT.

Councilmember Kirtland moved to approve the City Manager to Execute a Contract for the I-70B Access Management Study. Councilmember McCurry seconded. Motion carried.

### **Funding for Hilltop's Senior Enrichment Center**

Last year Hilltop Community Resources, Inc. submitted a letter to the City Council requesting that the City help fund the Senior Enrichment Center they plan to build. They requested a commitment from the City to contribute \$250,000 per year for ten years.

Kelly Arnold, City Manager, reviewed this item. The item was a result of direction made by Council at the Monday workshop.

Councilmember Spehar stated he prefers that Council not do multi-year commitments, but supports this project, and reminded everyone that funds are limited.

Councilmember Terry said she knows this is a concern, but Council is trying to balance this request, as it was made 6 months ago. She felt the City has to compromise this time but not do it in the future.

Councilmember Kirtland agreed with the merits of the project, but beyond that, it should be done on an annual basis.

Councilmember Theobald replied the allocation was set aside and is not an expenditure. Benefits to city residents have not been worked out yet. Hilltop Community Resources, Inc. will present additional requests at a later date.

Councilmember Terry added that Council would be holding the funds until they are actually needed and Hilltop requests funds.

Mayor Enos-Martinez informed Council that her niece works in the accounting department at Hilltop but she does not think this creates a conflict of interest.

Councilmember Butler informed Council that he has a brother enrolled in a program at Hilltop but he does not think this creates a conflict of interest.

Upon motion made by Councilmember Terry, seconded by Councilmember Spehar, and carried by a roll call vote, it was moved to approve an allocation of \$100,000 from the City's 2002 budget and \$100,000 from its 2003 budget for the benefit of the Senior Enrichment Center to be built by Hilltop Community Resources, Inc. and that the City work with Hilltop to explore benefits that can be offered to Grand Junction residents.

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

There were none.

### **OTHER BUSINESS**

There was none.

### **EXECUTIVE SESSION**

For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators relative to amending existing contracts, under C.R.S. section 24-6-402(4)(e).

It was moved by Councilmember Spehar, seconded by Councilmember Kirtland to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing

negotiators relative to amending existing contracts, under C.R.S. section 24-6-402(4)(e). Motion carried.

**ADJOURNMENT**

The City Council adjourned into executive session in the Administration Conference Room at 10:00 p.m.

Stephanie Tuin, CMC  
City Clerk