

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

**APRIL 3, 2002**

The City Council of the City of Grand Junction convened into regular session the 3rd day of April 2002, at 7:33 p.m. in the City Auditorium. Those present were Dennis Kirtland, Harry Butler, Bill McCurry, Jim Spehar, Janet Terry, Reford Theobald and President of the Council Cindy Enos-Martinez. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and Deputy City Clerk Christine English.

President Enos-Martinez called the meeting to order and Councilmember Butler led in the pledge of allegiance. The audience remained standing for the Invocation by Reverend Michael Torphy, Grand Junction Church of Religious Science.

**PROCLAMATIONS / RECOGNITIONS**

PROCLAMATION DECLARING APRIL 18, 2002 AS "ARBOR DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING THE MONTH OF APRIL, 2002 AS "NATIONAL CHILD ABUSE PREVENTION MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING APRIL 7-13, 2002 AS "WEEK OF THE YOUNG CHILD" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING APRIL 11, 2002 AS "ALTRUSA AWARENESS DAY" IN THE CITY OF GRAND JUNCTION

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

TO COMMISSION ON ARTS AND CULTURE MEMBERS

Doug Clary, Priscilla Mangnall, and Jack Delmore were present and received their Certificates of Appointment

**CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

It was moved by Councilmember McCurry, seconded by Councilmember Kirtland and carried by a roll call vote, to approve the Consent Calendar items #1 through 20, with item #4 being moved to Individual Consideration.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the March 18, 2002 Workshop and the Minutes of the March 20, 2002 Regular Meeting*

2. **Setting a Hearing on Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Sewer Improvements**

City Council and County Commissioners have determined that in the best interest of the Joint Sewer Fund and its customers, the sewer system requires line replacement for the combined sewer elimination project. The cost estimate of approximately \$9,500,000, includes design, engineering, legal, financing and administrative costs. The second project funded through this borrowing and totaling \$4,600,000 is the Septic System Elimination Project. Approval of this ordinance would allow the joint system to obtain funding for these improvements through a loan agreement with the Colorado Water Resources and Power Development Authority (CWRPDA).

Proposed Ordinance Authorizing a Loan From the Colorado Water Resources and Power Development Authority to Finance Improvements to the Joint Sewer System; Authorizing the Form and Execution of the Loan Agreement and a Governmental Agency Bond to Evidence Such Loan; Ratifying Prior Determinations of the Council; and Prescribing Other Details in Connection Therewith

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002*

3. **Amending the 2002 Meeting Schedule**

In January, the Council adopted a resolution setting the meeting schedule for 2002 as required by the City's Code of Ordinances, Sec. 2-26. This resolution amends that action by canceling the June 19<sup>th</sup> and July 3<sup>rd</sup> formal meetings and sets a meeting for June 26<sup>th</sup>. The accompanying workshops will also be rescheduled accordingly.

Resolution No. 22-02 - A Resolution of the City of Grand Junction Amending the City Council 2002 Meeting Schedule

*Action: Adopt Resolution No. 22-02.*

4. **Ethical Standards for Members of City Boards and Commissions**  
**[Moved to Individual Consideration]**

The various City boards, committees, commissions and other groups are similar in that the members are typically appointed by the City Council. The power and legal responsibilities of several of such groups rise to the level that their decisions are in

some cases legally equivalent to City Council decisions in many arenas. Other City entities and City Council appointed groups would also benefit from having guidance and conflict of interest rules.

Proposed Resolution Clarifying the Ethical Standards for Members of the City's Boards, Commissions and Other Groups

*Action: Moved to Individual Consideration*

**5. Reappointment of Care' McInnis-Raaum as Associate Municipal Court Judge**

Judge Care' McInnis-Raaum was first appointed as an Associate Municipal Court Judge in 1995. She has been on the bench since that time. Because there is not a current resolution confirming her appointment, it is requested that that City Council adopt the resolution re-appointing Judge McInnis-Raaum and affirming her past service.

Resolution No. 24-02 – A Resolution Reappointing Care McInnis-Raaum as Associate Municipal Court Judge

*Action: Adopt Resolution No. 24-02*

**6. Setting a Hearing for Zoning the Rinderle Annexation Located at the SE Corner of 28 Road and B ½ Road [File #ANX-2002-027]**

The applicant proposes a zone of annexation of RSF-4 for the 11.575 acre Rinderle Annexation. A preliminary plan to subdivide the parcel into 39 single-family lots was approved by the Planning Commission at its March 26, 2002 hearing. The Planning Commission recommends approval of the zone of annexation.

Proposed Ordinance Zoning the Rinderle Annexation Residential Single Family-4 (RSF-4) Located at the Southeast Corner of 28 Road and B ½ Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002*

**7. Vacation of Easement – Independence Ranch Filing 9 Located at the Northeast Corner of 20 ½ Road and F ¾ Road [File # VE-2002-008]**

The applicant proposes to vacate a temporary storm water retention easement in conjunction with a request to develop Independence Ranch Filing 9. The Planning Commission recommends approval.

Resolution No. 25-02 – A Resolution Vacating a Temporary Stormwater Retention Easement in Conjunction with Independence Ranch Subdivision Filing 9 Located at 20 ½ and F ¾ Roads

*Action: Adopt Resolution No. 25-02*

8. **Setting a Hearing on the Vacation of Right-of-Way, Fountainhead Blvd. Located in the Fountain Greens Subdivision between 24 <sup>3</sup>/<sub>4</sub> Road and 25 Road North of G Road** [File # FPP-2002-029]

The applicant requests to vacate a portion of Fountainhead Blvd. right-of-way that was dedicated to provide curb returns to future public streets in Filing 3. These streets are now proposed to be private and the public right-of-way is no longer necessary. The Planning Commission recommends approval.

Proposed Ordinance Vacating a Portion of Fountainhead Blvd. in Conjunction with Fountain Greens Filing 3 Subdivision Located Between 24 <sup>3</sup>/<sub>4</sub> and 25 Roads, North of G Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002*

9. **Setting a Hearing on Vacating a Portion of 25 Road Right-of-Way, Located Adjacent to Fountain Greens Filing 3 Subdivision at the North Side of Fountainhead Blvd.** [File # FPP-2002-029]

The applicant requests to vacate a 17-foot wide strip of 25 Road right-of-way adjacent to Fountain Greens Filing 3. The previous developer of this site (Fountainhead Subdivision) had tried to vacate this right-of-way by replat. Adoption of an ordinance is required to vacate the right-of-way correctly. The Planning Commission recommends approval.

Proposed Ordinance Vacating a Portion of 25 Road Adjacent to Fountain Greens Filing 3 Subdivision Located between 24 <sup>3</sup>/<sub>4</sub> and 25 Roads, North of G Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002*

10. **Setting a Hearing on the Zambrano Annexation Located at 657 20 <sup>1</sup>/<sub>2</sub> Road** [File #ANX-2002-053]

Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Zambrano Annexation located at the 657 20 <sup>1</sup>/<sub>2</sub> Road. The 11.282-acre Zambrano Annexation consists of one parcel of land.

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

Resolution No. 26–02 – A Resolution Referring 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 Zambrano Annexation Located at 657 20 ½ Road

*Action: Adopt Resolution No. 26-02*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Zambrano Annexation Approximately 11.282-acres Located at 657 20 ½ Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 15, 2002*

**11. Setting a Hearing on the Larson Annexation Located at 2919 B ½ Road [File #ANX-2002-054]**

Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Larson Annexation located at the 2919 B ½ Road and including portions of the 29 Road, B Road and B ½ Road Rights-of-Way. The 13.562-acre annexation consists of three parcels of land.

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

Resolution No. 27–02 – A Resolution Referring 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 Larson Annexation – A Serial Annexation Comprising of Larson Annexation No.'s 1, 2, and 3

*Action: Adopt Resolution No. 27-02*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Larson Annexation No. 1 approximately 0.015-acres Located in the B Road and 29 Road Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Larson Annexation No. 2 Approximately 1.921-acres, a Portion of the 29 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Larson Annexation No. 3 Approximately 11.626-acres Located at 2919 B ½ Road and Including a Portion of the B ½ Road Right-of-Way

*Action:* Adopt Proposed Ordinances on First Reading and Set a Hearing for May 15, 2002

**12. Setting a Hearing for Zoning the Traver Annexation No. 3 Located at Grand Valley Canal, Northeast of 30 and D Roads [File # ANX-2001-011]**

This annexation area consists of 0.2407 acres (10,484.9 square feet) of land along the northeastern boundary of the Westland Subdivision. State law requires the City to zone newly annexed areas within 90 days of annexation.

An Ordinance Zoning the Traver Annexation No. 3 to Residential Single Family with the Maximum Density of 4 units per acre (RSF-4) located at the Grand Valley Canal, Northeast of 30 and D Roads

*Action:* Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002

**13. Setting a Hearing for Zoning the Dettmer Annexation Located at 2916 D ½ Road [File # ANX-2002-013]**

This annexation area consists of annexing 0.861 acres (37,506.2 square feet) and is located at 2916 D ½ Road. The property owner has requested annexation into the City as the result of proposing to rezone the property so that the existing single family residence conforms to the zoning. Under the 1998 Persigo Agreement all such types of development require annexation and processing in the City.

State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning conforms to the Growth Plan's Future Land Use Map and recommendation for Residential Medium Low, with residential land uses between 2 and 4 units per acre for this area.

An Ordinance Zoning the Dettmer Annexation to Residential Single Family with a Maximum Density of 4 units per acre (RSF-4) Located at 2916 D ½ Road

*Action:* Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002

**14. Setting a Hearing on the ISRE Annexation Located at 2990 D ½ Road [File #ANX-2002-049]**

Resolution for Referral of Petition to Annex/First Reading of the annexation ordinance/Exercising land use jurisdiction immediately for the ISRE Annexation,

a parcel of land located at 2990 D-1/2 Road. This 14.149-acre annexation consists of a single parcel of land.

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

Resolution No. 28-02 – A Resolution Referring 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 ISRE Annexation Located at 2990 D ½ Road

*Action: Adopt Resolution No. 28-02*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado ISRE Annexation Approximately 14.149 Acres Located at 2990 D ½ Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 15, 2002*

**15. Setting a Hearing for Zoning the Staton Annexation Located at 2673 ½ B ½ Road [File # ANX-2002-028]**

The 17.329-acre Staton Annexation area located at 2673 ½ B ½ Road consists of one parcel of land. Owners of the property have signed a petition for annexation as part of proposed development for construction of a telecommunications tower. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning of (RSF-2) conforms to the Growth Plan Future Land Use map and is a lesser density than the existing Mesa County zoning of RSF-4. The Petitioner and Staff find that the land configuration would not support higher density.

Proposed Ordinance Zoning the Staton Annexation to Residential Single Family with a Density not to Exceed Two Units per Acre (RSF-2) Located at 2673 ½ B ½ Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002*

**16. Purchase of Bucket Truck for the Traffic Division**

This request is to replace one Aerial Bucket Truck per City of Grand Junction minimum specifications. The current unit will be surplus and will be sold by the City through a competitive bid disposal process. The City Equipment Manager

and the City Purchasing Manager agree that the City will receive more value for the old unit than the trade-in price offered by the bidders.

|                                |                             |              |
|--------------------------------|-----------------------------|--------------|
| Teague Equip.<br>Phoenix, AZ   | 2003 Ford F-750 w/Versalift | \$101,225.00 |
| Altec Equip.<br>St. Joseph, MO | 2003 International w/Altec  | \$99,451.00  |

The International chassis and all warranty/service work will be provided through Hanson Equipment, Grand Junction, Colorado.

*Action: Authorize the City Purchasing Manager to Procure one International Chassis with Altec TA37M Aerial Lift Bucket for the Amount of \$99,451.00 from Altec Equipment, St. Joseph, Missouri*

**17. Purchase of 3 Service Trucks for Parks Department**

This request is to replace 3 one-ton service trucks per City of Grand Junction minimum specifications. The current units will be surplus and will be sold by the City through a competitive bid disposal process. The City Equipment Manager and the City Purchasing Manager agree that the City will receive more value for the old units than the trade-in price offered by the bidders.

|                                     |   |             |
|-------------------------------------|---|-------------|
| Hellman Motor Co., Delta, CO        | Ford F-350 w/utility body                     | \$97,920.00 |
| Western Slope Auto Co. Grand Junct. | Ford F-350 w/utility body                     | \$67,722.00 |
| Fuoco Motor Co., Grand Junction     | Non-responsive – Does not meet specifications |             |

*Action: Authorize the City Purchasing Manager to Procure Three 2002 Ford F-350 Trucks with T-6080 Rawson-Koenig Service Bodies for the Amount of \$67,722.00 from Western Slope Auto Co., Grand Junction, Colorado*

**18. Sole Source Purchase of a Paging Terminal for Fire Department**

The Fire Department is seeking approval for the single source purchase of a Zetron Paging Terminal. The paging terminal will be used for numeric, alphanumeric and voice paging.

The single source procurement is required for compatibility issues with the Printrak CAD system. All paging systems in the Communications Center are Zetron brand. Legacy Communications is the local Zetron Distributor and is our local service center.

*Action: Authorize the City Purchasing Manager to Purchase the Zetron Paging Terminal from Legacy Communications for \$37,639*



**19. FEMA Grant for Purchase of Thermal Imaging Cameras**

The Fire Department has four older helmet mounted thermal imaging cameras. The technology of the cameras is dated. The vendor of the existing helmets no longer produces the helmet model and repair of current units is difficult and expensive. Current units are requiring an increasing amount of maintenance and repair with unit(s) out-of-service for prolonged periods of time. This technology provides fire fighters with the upper hand in low visibility conditions, which allows personnel to locate fire victims and identify hot spots.

*Action: Approve the Grant Submittal for the Purchase of New Thermal Imaging Cameras, City's Amount is \$14,400*

**20. Award of Maintenance Contract with Colorado Department of Transportation (CDOT) for Traffic Signals, Striping and Markings within the City Limits**

The current maintenance contract with CDOT has been in effect since 1991. This contract updates the costs and adds signal locations and responsibilities to the existing contract.

Resolution No. 29-02 – 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. 29-02*

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

**Ethical Standards for Members of City Boards and Commissions**

The various City boards, committees, commissions and other groups are similar in that the members are typically appointed by the City Council. The power and legal responsibilities of several of these groups rise to the level that their decisions are in some cases legally equivalent to City Council decisions in many arenas. Other City entities and City Council appointed groups will also benefit from having guidance and conflict-of-interest rules.

Resolution No. 23-02 – A Resolution Clarifying the Ethical Standards for Members of the City's Boards, Commissions and Other Groups

City Attorney Dan Wilson reviewed this item. He explained that the purpose of the proposed resolution is to establish standards and rules for the City advisory boards and similar groups. He said that those rules should be more rigorous and the standards should be equivalent to those that apply to the City Councilmembers, especially for City

groups with decision-making duties. He explained the two general types of boards as “Authoritative” and “Advisory” boards. Currently there are no rules for people who felt they might have a conflict of interest, or where there might be the appearance of impropriety; especially in groups who make fiscal and final decisions for the City.

Mr. Wilson listed some of the duties and powers of an “Authoritative” board: spend money; make final decisions; adopt a budget; buy or sell land; make fiscal and final policy decisions. He mentioned the Planning Commission, the Walker Field Public Airport Authority (which is appointed by City Council), and the Visitor and Convention Bureau Board of Directors. He referred to a previous memo that gave the impression that an “advisory” board is of lesser importance. He said those boards are equally important, but have different duties. He went on to say that he would like a better word for “Authoritative”, but doesn’t have a better one to suggest. He would prepare a memo and asked for input of a better term.

Councilmember Theobald stated some members on an “Authoritative” board have appointees from other than the City.

Mr. Wilson affirmed that statement.

Councilmember Theobald used the Walker Field Public Airport Authority Board as an example. He wanted to know if the County appointed a member to the Walker Field Airport Authority Board if that member would then fall under the new restrictions and could not contract with the City?

Mr. Wilson stated that only those members who were appointed by the City Council could not contract with the City.

Councilmember Terry wanted to know which rules would apply to members of a board like the Riverview Technology Corporation, where City Council and the County jointly appoints the members.

A discussion between Mr. Wilson, Councilmembers Terry and Theobald followed. It was determined that Mr. Wilson would discuss the matter, for clarification purposes, with the County and the Riverview Technology Corporation and report their response to City Council.

After further debate of the various duties and types of appointees, it was decided to reclassify various boards and have the new standards under the proposed resolution apply to City Council appointees only.

Councilmember Terry requested a clarification and rewording of Section 4 (a)(c).

Councilmember Theobald agreed and suggested that due to all the proposed changes, a redraft of the proposed resolution should be prepared.

Mr. Wilson agreed. He said he would be back in two weeks with an updated resolution, including the outcome of his meetings with the County and the Riverview Technology Corporation.

Councilmember Terry stated that these new and stringent standards should be disclosed to anyone applying as a board member on any of the two types of board

The resolution will be modified and presented to City Council in two weeks. No action will be taken at this time.

**Public Hearing – Rezoning the Heinbaugh Property Located at 513 28 ¼ Road** [File # RZ-2002-024]

Petitioner is requesting to rezone a 12,500 square foot lot from PD (Planned Development) to RMF-8 (Residential Multi-Family not to exceed 8 units/acre).

The public hearing was opened at 8:13 p.m.

Ms. Senta Costello, Associate Planner, presented this item. She stated that the Applicant addressed and complied with all criteria of the Zoning and Development Code. The Planning Commission therefore recommends approval of the rezoning request.

There were no public comments.

The public hearing was closed at 8:16 p.m.

Ordinance No. 3409 – An Ordinance Rezoning the Heinbaugh Property Located at 513 28 ¼ Road to RMF-8 (Residential Multi-Family)

Upon motion made by Councilmember Theobold, seconded by Councilmember Kirtland, and carried by a roll call vote, Ordinance No. 3409 was adopted on Second Reading and ordered published.

**Public Hearing – Emergency Ordinance Amending Ordinance No. 3403; Prescribing Other Details in Connection Therewith; and Declaring a Special Emergency**

Previously adopted Ordinance No. 3403, approved by the City Council on March 6, 2002 needs to be amended to increase the principal amount of the Loan Agreement. The previous Ordinance provided that the maximum principal amount of the loan would not exceed \$3,500,000. The City's share of the costs of issuance of the Colorado Water Resources and Power Development Authority's bonds, issued in part to finance the loan, needs to be rolled into the Loan Agreement. The amended amount of the Loan Agreement would be \$3,566,521.69.

Proposed Emergency Ordinance Amending Ordinance No. 3403; Prescribing Other Details In Connection Therewith; and Declaring A Special Emergency

The public hearing opened at 8:18 p.m.

Ron Lappi, Director of Administrative Services, reviewed this item. Mr. Lappi explained the different handling procedure in the issuance costs of the Colorado Water Resources and Power Development Authority Bonds by the issuer and the City. The issuance costs need to be added to the loan amount and therefore require an amended Loan Agreement in the amount of \$3,566,521.69.

There were no public comments.

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

Upon motion made by Councilmember Butler, seconded by Councilmember Spehar, and carried by a roll call vote, Emergency Ordinance No. 3410 was adopted and ordered published in pamphlet form.

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

There were none.

### **OTHER BUSINESS – PLAQUE AT TWO RIVERS PLAZA**

City Council President Enos-Martinez requested, prior to going into Executive Session, the need to discuss the Two Rivers Plaza Plaque. The ensuing discussion was about the issued plaque recognizing the \$600,000 contribution that was made by Tillie Bishop. Councilmember Terry suggested the issuance of a second plaque recognizing all contributors. After some debate, the Councilmembers agreed to the issuance of a second plaque, alphabetically recognizing all contributors, including contributions made prior to construction of Two Rivers Plaza.

Upon motion made by Councilmember Spehar and seconded by Councilmember Butler, the issuance of a second plaque was approved. Motion carried.

### **EXECUTIVE SESSION – PROPERTY NEGOTIATIONS**

To discuss the Purchase, Acquisition, Lease, Transfer, or Sale of Real, Personal or other Property Interest under C.R.S. Section 24-6-402(4)(a) on two separate properties.

- a. Click Property Conservation Easement
- b. Oil and Gas Leases on City Property on the Grand Mesa

It was moved by Councilmember Spehar, seconded by Councilmember Butler to go into executive session, to discuss the Purchase, Acquisition, Lease, Transfer, or Sale of Real, Personal or other Property Interest under C.R.S. Section 24-6-402(4)(a) on two separate properties; (a) Click Property Conservation Easement; and (b) Oil and Gas Leases on City Property on the Grand Mesa.

**ADJOURNMENT**

City Council President Enos-Martinez called for the meeting to be adjourned. The City Council adjourned into executive session at 8:29 p.m.

Christine English  
Deputy City Clerk