

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

April 17, 2002

The City Council of the City of Grand Junction convened into regular session on the 17th day of April 2002, at 7:32 p.m. in the City Auditorium. Those present were Councilmembers Dennis Kirtland, Harry Butler, Bill McCurry, Jim Spehar, Reford Theobald and President of the Council Cindy Enos-Martinez. Councilmember Janet Terry was absent.

President of the Council Cindy Enos-Martinez called the meeting to order. Councilmember Spehar led in the pledge of allegiance. The audience remained standing for the invocation by Miriam Greenwald, Jewish Community Congregation Ohr Shalom.

APPOINTMENTS

APPOINTMENT TO THE PLANNING COMMISSION

Councilmember Kirtland moved to appoint Bill Pitts to the Planning Commission and to move John Paulson up to 1st Alternate for the Planning Commission. Councilmember Spehar seconded. Motion carried.

SCHEDULED CITIZEN COMMENTS

Tracy Rath, residing at 702 25 Road, addressed City Council regarding some flooding on April 5th, 2002 on G and 25 Road. He thanked Council for accepting responsibility and liability, as well as for putting the homeowners in contact with the City's insurance company. He felt, however, that officials disregarded the safety of three homes on G Road. He said a neighbor knocked on his door at 1:05 a.m. and notified him about the flooding. He explained that the water had reached 18 inches by 1:15 a.m. and he didn't understand why the water wasn't diverted into two other canals nearby. When he talked to the Fire Department, he never received an answer to his question.

After talking to his neighbor Hazel Dockery, who's been living at 2524 G Road for the past 32 years, he found out that her house was already flooded after midnight. When she had questioned the Fire Department about opening the floodgates at that time, she was told that the gates would stay closed to avoid flooding of the G Road and 25 Road intersection, which is currently under construction.

Mr. Rath wanted to let City Council know that he didn't understand why a City official didn't notify homeowners and why it was more important trying to save an intersection under construction instead of preventing flooding to residences.

Councilmember Theobold wanted to know if the floodgates stayed closed. Mr. Rath told him no, but wanted to know why they weren't opened sooner. He said he hoped that some procedures would be put in place to prevent future residential flooding.

Councilmember Theobold explained that one of the canals is operated by the Rural Reclamation, the other canal by the Grand Valley Irrigation Company and therefore are governed by two different bodies for each canal.

Councilmember Spehar requested that the people involved and who responded to the site prepare a report for City Council, which would help to establishing guidelines to minimize future damages.

CONSENT CALENDAR

It was moved by Councilmember Theobold, seconded by Councilmember McCurry, and carried by a roll call vote, to approve the Consent Calendar Items 1 through 8 with Councilmember Butler voting NO on Item #3.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the April 3, 2002 Workshop and the Minutes of the April 3, 2002 Regular Meeting

2. **Supplemental Budget Appropriations for 2002**

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.
Proposed Ordinance Making Supplemental Appropriations to the 2002 Budget of the City Of Grand Junction

Action: Adopt Proposed Ordinance on First Reading and Setting a Hearing for May 1, 2002

3. **Downtown Sidewalk Permits**

These changes to the ordinance will allow the issuance of sidewalk permits or those restaurants and cafes fronting on Main Street, between 1st and 7th streets. The 1981 ordinance has been updated, and the new provisions have been included.

Proposed Ordinance Amending Part of Chapter 32 of the City Of Grand Junction Code of Ordinances Relating to Downtown Sidewalk Permits

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 1, 2002

4. **2002 New Sidewalk Construction Contract**

Bids were received and opened on April 2, 2002 for the 2002 New Sidewalk Construction.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
BPS Concrete	Grand Junction	\$182,551.28
Precision Paving	Grand Junction	\$178,093.00
G and G Paving	Grand Junction	\$149,437.00
Vista Paving Corporation	Grand Junction	\$136,383.10
Reyes Construction	Grand Junction	\$129,565.70
Engineer's Estimate		\$141,657.57

Action: Authorize the City Manager to Execute a Construction Contract for the 2002 New Sidewalk Construction with Reyes Construction Inc. in the Amount of \$129,565.70

5. **Seasons Outfall Sewer Construction Contract**

Bids were received and opened on April 2, 2002 for Seasons Outfall Sewer. The low bid was submitted by M.A. Concrete Construction, Inc. in the amount of \$76,748.00.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
M.A. Concrete Construction	Grand Jct	\$76,748.00
Skyline Construction	Grand Jct	\$84,452.80
Taylor Constructors	Grand Jct	\$96,266.00
Oldcastle SW Group (dba United Companies)	Grand Jct	\$131,254.00
Engineer's Estimate		\$77,688.00

Action: Authorize the City Manager to Execute a Construction Contract for the Seasons Outfall Sewer to M.A. Concrete Construction, Inc. in the Amount of \$76,748.00

6. **Growth Plan Amendment for the Lewis Property Located at 2258 S. Broadway** [File #GPA-2001-178]

At its January 16, 2002 meeting City Council considered a request to redesignate .93 acres of the Lewis property located at 2258 South Broadway from Residential

Low, ½-2 acres per dwelling unit to Commercial. The resolution affirms Council's action.

Resolution No. 30-02 – A Resolution Amending the City of Grand Junction Growth Plan Future Land Use Map to Redesignate .93 acres of the Lewis Property Located at 2258 South Broadway from Residential Low, ½ -2 Acres Per Dwelling Unit, to Commercial

Action: Adopt Resolution No. 30-02

7. **Vacation of Easement for the Kinderhaus Subdivision** [File #VE-2002-012]

The applicant proposes to vacate a utility and irrigation easement in conjunction with a request for approval of a Conditional Use Permit to allow an expansion of an existing day care facility in an RMF-8 zone district. At its hearing of March 26, 2002 the Planning Commission recommended approval.

Resolution No. 31-02 – A Resolution Vacating an Utility/Irrigation Easement Located on the West Side of the Parcel Known as 2880 Elm Avenue

Action: Adopt Resolution No. 31-02

8. **Setting a Hearing for Rezoning Valley Meadows North Located at the North End of Kapota Street** [File #RZP-2002-019]

First reading of the rezoning ordinance to rezone the Valley Meadows North property located at the north end of Kapota Street from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4).

Proposed Ordinance Rezoning the Valley Meadows North Property Located at the North End of Kapota Street from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 1, 2002

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

Juvenile Accountability Incentive Block Grant

In 1999, the City, along with the City of Fruita, Town of Palisade and Mesa County were awarded the Juvenile Accountability Incentive Block Grant. The total grant amount is \$83,350, with \$33,032 allocated to the City and \$50,318 allocated to Mesa County, the City of Fruita, and the Town of Palisade. These three entities have waived their award to the City, who then passes the award on to the Partners program. Since this grant consists of federal dollars, this money will not be calculated as part of TABOR.

Stephanie Rubenstein, Staff City Attorney, reviewed this item.

Joe Higgins, Partners Director, told Council about the philosophy behind having juvenile offenders do community service and how the project works. Ms. Rubenstein handed out a statistical sheet on the program.

Municipal Judge Palmer supported the program and encouraged Council to accept the grant. Associate Judge Care McInnis-Raum concurred.

Resolution No. 32-02 - A Resolution Accepting the Juvenile Accountability Incentive Block Grant

Upon motion made by Councilmember Butler, seconded by Councilmember Kirtland, and carried by a roll call vote, Resolution No. 32-02 was adopted.

Public Hearing - 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).

The public hearing was opened at 7:52 p.m.

Mark Relph, Public Works and Utilities Director, reviewed this item. He stated the amount of the loan and interest rate and encouraged Council to adopt the ordinance.

Councilmember Spehar wanted to verify that this loan would allow the City to accelerate the completion of this program.

Mr. Relph said that it would be beyond ten years to complete a project of this magnitude without affecting other projects. He explained that repayment of the loan would be through the sewer fund.

Councilmember Kirtland stated that based on last summer's events, this would be a good way to get the job done.

There were no public comments.

The public hearing was closed at 7:55 p.m.

Ordinance No. 3421 - An 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

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, Ordinance No. 3421 was adopted on Second Reading and ordered published.

Design Contract for Phase II of Canyon View Park

These design services will complete the schematic design of Canyon View Park, including the approximately 36 acres east of Phase I and the area around the baseball field. The current conceptual master plan for this area includes the addition of trails, open turf sport fields, tennis complex, playgrounds, shelters, vehicle circulation and parking and needed infrastructure. Currently, funds are not available to complete the entire project. Current funding should allow for the development of construction/bidding documents and installation of infrastructure and utilities, as well as some limited surface improvements. The exact extent of the improvements possible with current funding will be determined following the completion of the schematic design.

Shawn Cooper, Parks Planner, reviewed this item. He outlined the plans for Phase II and how the proposed architects had been recommended. He said that Winston & Associates had designed Phase I.

Councilmember Spehar wanted to know from Mr. Cooper if the design work would be done over the summer, and then in fall the actual project would be bid out, for whatever amount that could be afforded at that time.

Mr. Cooper answered yes.

Councilmember Kirtland moved to authorize the City Manager to Negotiate Fees and Enter into Contract for Schematic Design Services for Phase II Master Plan of Canyon View Park with Winston and Associates. Councilmember Butler seconded. Motion carried unanimously.

The Mayor recognized students in the audience from Mesa State College.

Public Hearing – Rinderle Annexation Located at the SE Corner of 28 Road and B ½ Road and Zoning Rinderle Annexation Located at the SE Corner of 28 Road and B ½ Road [File #ANX-2002-027]

Resolution for Acceptance of Petition to Annex/Second reading of the annexation ordinance for the Rinderle Annexation located at the southeast corner of 28 Road and B ½ Road. The 11.575-acre Rinderle Annexation consists of one parcel of land. 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.

The public hearing opened at 8:00 p.m.

Bill Nebeker, Senior Planner, reviewed these items including the zoning request. The applicant was present but had nothing to add, except to concur with the Planner.

There were no public comments.

The public hearing was closed at 8:02 p.m.

a. Accepting Petition

Resolution No. 33-02 - A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Rinderle Annexation is Eligible for Annexation Located at the Southeast Corner of 28 Road and B ½ Road

b. Annexation Ordinance

Ordinance No. 3411 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado Rinderle Annexation Approximately 11.575 Acres Located at the Southeast Corner of 28 Road and B ½ Road

c. Zoning Ordinance

Ordinance No. 3412 – An Ordinance Zoning the Rinderle Annexation Residential Single Family-Four (RSF-4), Located at the Southeast Corner of 28 Road and B ½ Road

Upon motion made by Councilmember Theobald, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 33-02 was adopted, and Ordinances No. 3411 and No. 3412 were adopted on Second Reading and ordered published.

Public Hearing – Vacation of Right-of-Way and Multi-Purpose Easements, Fountainhead Blvd, Located in the Fountain Greens Subdivision between 24 ¾ 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 and multi-purpose easements paralleling this 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.

The public hearing was opened at 8:03 p.m.

Bill Nebeker, Senior Planner, reviewed these items. The applicant was present but had nothing to add except to concur with the Planner.

There were no public comments.

The public was closed at 8:04 p.m.

a. Vacating Ordinance

Ordinance No. 3413 - An Ordinance Vacating a Portion of Fountainhead Blvd. in Conjunction with Fountain Greens Filing 3 Subdivision Located Between 24 $\frac{3}{4}$ and 25 Roads, North of G Road

b. Vacating Resolution

Resolution No. 34-02 – Vacating a portion of a Multi-Purpose Easement Paralleling Fountainhead Blvd, in Conjunction with Fountain Greens Filing 3 Subdivision located between 24 $\frac{3}{4}$ and 25 Roads, North of G Road

Councilmember Spehar moved to adopt Ordinance No. 3413 on Second Reading and order published and adopt Resolution No. 34-02. Councilmember Kirtland seconded. Motion carried by a roll call vote.

Public Hearing – 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.

Public hearing opened at 8:04 p.m.

Bill Nebeker, Senior Planner, reviewed this item.

Councilmember Theobald asked if the Public Works Department can assure Council that the City would never need this piece of right of way. Mr. Nebeker stated that it would be impractical to use this particular piece of right-of-way for any future widening that may occur.

The applicant was present but had nothing to add but concurrence with the Planner.

There were no public comments.

The public hearing closed at 8:10 p.m.

Ordinance No. 3414 - An Ordinance Vacating a Portion of 25 Road Adjacent to Fountain Greens Filing 3 Subdivision Located between 24 $\frac{3}{4}$ and 25 Roads, North of G Road

Upon motion made by Councilmember Kirtland, seconded by Councilmember McCurry, and carried by a roll call vote, Ordinance No. 3414 was adopted on Second Reading and ordered published.

Public Hearing – Staton Annexation Located at 2673 $\frac{1}{2}$ B $\frac{1}{2}$ and Zoning the Staton Annexation Located at 2673 $\frac{1}{2}$ B $\frac{1}{2}$ Road [File #ANX-2002-028]

Resolution for Acceptance of Petition to Annex and Second reading of the annexation ordinance for the Staton Annexation located at 2673 $\frac{1}{2}$ B $\frac{1}{2}$ Road. The 17.329-acre Staton Annexation consists of one parcel of land.

The 17.329-acre Staton Annexation area located at 2673 $\frac{1}{2}$ B $\frac{1}{2}$ Road consists of one parcel of land. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning of 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.

The public hearing was opened at 8:10 p.m.

Ronnie Edwards, Associate Planner, reviewed these items along with the zoning request.

The applicant was present but had nothing to add but concurrence with the Planner.

There were no public comments.

The public hearing was closed at 8:12 p.m.

Councilmember Spehar asked about telecommunication sites and about the requirement for co-location.

Kathy Portner, Planning Manager, said that the Planning Department had looked at several options including a Master Plan, which would be expensive and there was no money budgeted at this time. The Community Development Department suggested a section on Telecommunication sites be included in the Growth Plan Update with amendments to be added to the next Zoning Department Code update.

a. Accepting Petition

Resolution No. 35-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Staton Annexation is Eligible for Annexation Located at 2673 ½ B ½ Road and Including a Portion of the Linden Avenue Right-of-Way

b. Annexation Ordinance

Ordinance No. 3415 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado Staton Annexation Approximately 17.329 Acres Located at 2673 ½ B ½ Road and Including a Portion of the Linden Avenue Right-of-Way

c. Zoning Ordinance

Ordinance No. 3416 – An 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

Upon motion made by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by a roll call vote, Resolution No. 35-02 was adopted, and Ordinances No. 3415 and No. 3416 were adopted on Second Reading and ordered published.

Public Hearing – Dettmer Annexation Located at 2916 D ½ and Zoning the Dettmer Annexation Located at 2916 D ½ Road [File #ANX-2002-013]

Resolution for Acceptance of Petition to Annex and Second Reading of the annexation ordinance for the Dettmer Annexation located at 2916 D-1/2 Road. This 0.861-acre (37,506.2 square feet) annexation consists of a single parcel of land.

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.

The public hearing was opened at 8:15 p.m.

Kristen Ashbeck, Senior Planner, reviewed these items. The applicant was not present.

There were no public comments.

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

a. Accepting Petition

Resolution No. 36-02 - A Resolution Accepting a Petition to Annex, Making Certain Findings, Determining that Property Known as Dettmer Annexation Located at 2916 D-1/2 Road Is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3417 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Dettmer Annexation Approximately 0.861 Acres Located at 2916 D-1/2 Road

c. Zoning Ordinance

Ordinance No. 3418 – 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

Upon motion made by Councilmember Theobold, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 36-02 was adopted, and Ordinances No. 3416 and No. 3417 were adopted on Second Reading and ordered published.

Public Hearing – Traver Annexation No. 3 Located Along the Grand Valley Irrigation Canal, NE of 30 and D Roads and Zoning the Traver Annexation No. 3 Located Along the Grand Valley Irrigation Canal, NE of 30 and D Roads

[File #ANX-2001-011]

Resolution for Acceptance of Petition to Annex and Second Reading of the annexation ordinance for the Traver Annexation No. 3, a parcel of land lying along the Grand Valley Irrigation Company canal situated north of the Traver Annexation No. 2 and east of D and 30 Roads. This 0.2407-acre (10,484.9 square feet) annexation consists of a single parcel of land.

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 with residential land uses between 4 and 8 units per acre for this area. The remainder of the Westland Estates Subdivision was zoned RSF-4 when it was annexed in 2001.

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

Kristen Ashbeck, Senior Planner, reviewed these items. She related there was an error in the original survey resulting in an error in the legal description. This piece of property therefore did not get annexed with the original annexation. The applicant was not present.

There were no public comments.

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

a. Accepting Petition

Resolution No. 23-02 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Traver Annexation No. 3 Located at the Grand Valley Irrigation Canal, Northeast of D And 30 Roads is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3419 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Traver Annexation No. 3 Approximately 0.2407 Acres, Located at the Grand Valley Irrigation Canal, NE of D and 30 Roads

c. Zoning Ordinance

Ordinance No. 3420 - Zoning the Traver Annexation No. 3 to Residential Single Family with a Maximum Density of 4 units per acre (RSF-4) Located at the Grand Valley Canal, Northeast of 30 and D Roads

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 23-02 was adopted, and Ordinances No. 3419 and No. 3420 were adopted on Second Reading and ordered published.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

The City Council meeting adjourned at 8:20 p.m.

Stephanie Tuin, CMC
City Clerk