

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

July 17, 2002

The City Council of the City of Grand Junction convened into regular session on the 17th day of July 2002, at 7:33 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Reford Theobald, and President of the Council Cindy Enos-Martinez. Councilmember Janet Terry was absent. Also present were City Manager Kelly Arnold, City Staff Attorney Stephanie Rubenstein and City Clerk Stephanie Tuin.

President of the Council Cindy Enos-Martinez called the meeting to order. Councilmember Kirtland led in the pledge of allegiance. The audience remained standing for the invocation by Gary Cake, More than Words Ministry

APPOINTMENTS

APPOINTMENTS TO DOWNTOWN DEVELOPMENT AUTHORITY

Councilmember Spehar moved to reappoint PJ McGovern and appoint Larry Botkin to the Downtown Development Authority for four-year terms. Councilmember McCurry seconded. Motion carried.

RATIFY REAPPOINTMENTS TO THE BUILDING CODE BOARD OF APPEALS

Councilmember Kirtland moved to ratify the reappointments of Thomas Cronk, David Reinertsen and Ray Rickard to the Building Code Board of Appeals. Councilmember McCurry seconded. Motion carried.

PRESENTATION OF CERTIFICATE OF APPOINTMENT

TO THE PARKS AND RECREATION ADVISORY BOARD

The Mayor presented Certificates of Appointment to Bob Cron and Tom Dixon.

PROCLAMATIONS

PROCLAIMING AUGUST 6, 2002 AS "NATIONAL NIGHT OUT" IN THE CITY OF GRAND JUNCTION

SCHEDULED CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, to approve Consent Items #1 through #14.

1. Minutes of Previous Meetings

Action: Approve the Summary of the June 24, 2002 Workshop and the Minutes of the June 26, 2002 Regular Meeting.

2. Setting a Hearing to Transfer the City's 2002 PAB Allotment to CHFA

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 2002 as a result of the City reaching a 40,000 population level in 1997. The bond authority can be issued on a tax exempt basis for various private purposes. The City can reserve this authority for future housing benefits by ceding the authority to CHFA at this time.

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

Action: Adopt Proposed Ordinance of First Reading and Set a Hearing for August 7, 2002

3. Downtown Development Authority Memorandum of Understanding Regarding Its Relationship with the City

A Memorandum of Understanding between the City of Grand Junction and the Downtown Development Authority which supplements the DDA's bylaws and rules and outlines the relationship between the two parties and the duties and responsibilities of each party.

Action: Authorize the City Manager to Sign the Memorandum of Understanding with the DDA

4. FY 2003 Unified Planning Work Program and FY 2003 Consolidated Planning Grant Annual Certifications and Assurances

Approve and sign a Joint Resolution with Mesa County and the City of Grand Junction adopting 1) the FY 2003 Unified Planning Work Program (UPWP), and 2) the FY 2003 Consolidated Planning Grant Annual Certifications and Assurances.

Resolution No 65-02 - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of the Fiscal Year 2003 Unified Planning Work Program and the Fiscal Year 2003 CPG Certifications and Assurances

Action: Adopt Resolution No. 65-02

5. **Contract for the Signal Communication Project Phase 1A**

The Signal System Communications Phase 1A consists of the installation of fiber optic cable to connect the Transportation Engineering building at the City Shops with 14 signals on Highway 340, I70B and F Road at the mall. This is the first of several projects that will eventually connect the traffic signals as well as provide a fiber optic line between city, county and state facilities. The intent is to permit the City of Grand Junction to control the signal timing from their facilities via a fiber optic connection.

The following bids were opened on July 2, 2002:

Bidder	From	Bid Amount
W.L. Contractors	Arvada, CO	\$398,929.5
Mastec	Colorado Springs, CO	\$303,398.50
Hidden Peak Electric	Murray, UT	\$221,122.00
Sturgeon Electric	Henderson, CO (has GJ Office)	\$173,505.60
Temple & Petty	Grand Junction, CO	\$214,918.80

Action: Authorize the City Manager to Sign a Construction Contract for the Signal System Communications Phase 1A with Sturgeon Electric in the Amount of \$173,505.60

6. **CDOT Grant Contract for Broadway Beautification**

Adoption of a Resolution Accepting \$275,440 in Funds from CDOT (FHWA) to Landscape the Broadway (Hwy. 340) Median from the Colorado River West to E. Mayfield Dr. and for the City and the Broadway Beautification Committee to match those funds with \$40,860 and \$28,000, respectively.

Resolution No. 66-02 – A Resolution Authorizing an Agreement between the City of Grand Junction and the Colorado Department of Transportation to utilize FHWA (Federal Highway Administration) Funds to Improve the Median along Broadway (Hwy. 340) from the Colorado River West to E. Mayfield Dr.

Action: Adopt Resolution No. 66-02

7. **Construction Contract for Purdy Mesa By-pass**

Bids were received and opened July 9, 2002. Skyline Contracting, Inc. submitted the only bid in the amount of \$86,000.00. The project generally consists of a re-configuration of the Juniata Reservoir outlet works. Construction will include installation of two concrete vaults, valving and other appurtenances, and installation of approximately 600 lineal feet of 16" C-905 PVC water line. Completion of the project will enable city staff to divert water from the Juniata Reservoir directly to the Purdy Mesa raw water flow line bypassing the Purdy Mesa Reservoir. This will allow for better control of water quality at the water treatment plant.

The following bids were opened on July 9, 2002:

Bidder	From	Bid Amount
Skyline Contracting, Inc.	Grand Junction	\$86,000.00
Engineer's Estimate		\$62,570.00

Action: Authorize the City Manager to Sign a Construction Contract for the Purdy Mesa By-pass with Skyline Contracting, Inc., in the Amount of \$86,000

8. **Use of Xcel Undergrounding Funds for Bookcliff Avenue**

Xcel Energy requests authorization from the City of Grand Junction to use underground funds (one percent funds) to remove the overhead utilities along Bookcliff Ave., between 9th Street and 11th Street, and place them underground.

Resolution 67-02 – A Resolution Authorizing Public Service Company of Colorado dba Xcel Energy to Remove the Overhead Utilities Along Bookcliff Avenue Between 9th Street and 11th Street, and Place Them Underground and to use 1% Funds

Action: Adopt Resolution No. 67-02

9. **Revocable Permit – Proposed Home Loan and Investment located at 205 North 4th Street** [File #SPR-2002-119]

The applicant requests a revocable permit to install streetscape improvements within a portion of the public rights-of-way for North 4th Street and Rood Avenue. The request is made in conjunction with a site plan review to construct a new 39,074 square foot Home Loan and Investment office building at 205 North 4th Street. A streetscape design plan similar to portions of the streetscape on Main Street is proposed on the 4th Street and Rood Avenue frontages in front of the building. Staff recommends approval.

Resolution No. 68-02 – A Resolution Concerning the Issuance of a Revocable Permit to the Home Loan and Investment Company

Action: Adopt Resolution No. 68-02

10. **Vacation of Temporary Turnaround Easement in Brookside Subdivision Filing No. 3 Northwest of F ½ Road and Ox-Bow Road** [File #FPP-2002-052]

The petitioner is requesting to vacate a temporary turnaround easement for the westerly end of Brookside Drive to allow for extension of the street without encumbering adjacent lots with the additional easement.

Resolution No. 69-02 – A Resolution Vacating a Temporary Turnaround Easement for Brookside Drive

Action: Adopt Resolution No. 69-02

11. **Contract to Purchase Natural Gas**

Purchase of Natural Gas for the Two Rivers Convention Center and Orchard Mesa Swimming Pool from AM Gas Marketing Group. This recommendation is a result of a COOP Request For Proposal solicited in behalf of Mesa County, City of Grand Junction and Mesa County School District #51. Three solicitations were received.

- AM Gas Marketing Corp. Aspen, Colorado
- E-prime Energy Marketing, Inc. Denver, Colorado
- Serviceco Denver, Colorado

AM Gas Marketing Corporation was found to be the most responsive/responsible proposer based on price and other criteria considered for award.

Action: Authorize the City Purchasing Manager to Enter into a Contract Agreement with A M Gas Marketing Corporation to Provide Natural Gas for Two Rivers Convention Center and Orchard Mesa Swimming Pool as per the Terms and Conditions of the Cooperative Solicitation Estimated at \$65,000.

12. **Award of Bid for Folding Chairs and Carts – Two Rivers Convention Center**

Bid award to Virco Manufacturing for replacement of Two Rivers Convention Center chairs and storage carts. Two responsive offers were received. Bid details are as follows:

Virco Manufacturing	Torrance, CA	\$98,070
Office Depot	Erie, CO	\$145,620

Action: Authorize the Purchase of 1500 Folding Chairs and 30 Carts from Virco Manufacturing in the Amount of \$98,070.

13. **Amending Resolution No. 37-02 Concerning the Adoption of the Local Match Funding for Grand Valley Transit Public Services for FY 2002-2005**

Both the Town of Palisade and the City of Fruita prefer the formula endorsed by the Grand Junction City Council. This resolution will acknowledge that all three municipalities expect to evaluate future County requests for transit funding based on this revised approach.

Resolution No. 70-02 – A Resolution Amending Resolution No. 37-02 that Stated the City of Grand Junction's Fund Commitment for Grand Valley Transit Services for Fiscal Years 2002-2005

Action: Adopt Resolution No. 70-02

14. **Formation of the Grand Valley Stormwater Steering Committee**

The formation of a Stormwater Management Steering Committee was discussed at a meeting on June 24, 2002. Mesa County, the City of Fruita, the Town of Palisade and the Grand Valley Drainage District all adopted resolutions authorizing the formation of the Grand Valley Steering Committee. The purpose of the Committee is to provide direction for storm water management.

Resolution No. 74-02 – A Resolution of the City Council of the City of Grand Junction to Create a Stormwater Management Steering Committee

Action: Adopt Resolution No. 74-02

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

Mayor Enos-Martinez announced that Item #15 (Legal and Ethical Standards) has been postponed and Item #23 (Valley Meadows North) has been continued to August 7, 2002.

Legal and Ethical Standards for Members Serving on City Boards and Commissions

Resolution adopting standards for advisory boards and City groups, as well as for the members of City Boards and Commissions that have final administrative decision-making duties.

Resolution No. 57-02 - A Resolution Clarifying the Ethical Standards for Members of the City's Boards, Commissions and Other Groups
This item has been postponed.

Public Hearing – Statler Annexations No. 1, 2, and 3 Located at 2134 Buffalo Drive and Zoning the Statler Annexations 1, 2, and 3 Located at 2134 Buffalo Drive [File #ANX-2002-110]

The 5.846-acre Statler Annexation area consists of one parcel of land, approximately 5.775 acres in size. The remaining acreage is comprised of right-of-way along Buffalo Drive, from South Camp Road.

The public hearing was opened at 7:42 p.m.

Lori Bowers, Associate Planner, reviewed the item and the zoning request in one presentation.

The applicant, Rod Statler, 2134 Buffalo Drive, was present. He had no additional information to add.

There were no public comments.

The public hearing was closed at 7:44 p.m.

a. Accepting Petition

Resolution No. 71-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as the Statler Annexation Area is Eligible for Annexation – A Serial Annexation Comprising Statler Annexation No. 1, Statler Annexation No. 2 and Statler Annexation No. 3

b. Annexation Ordinances

Ordinance No. 3441 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Statler Annexation No. 1, Approximately 0.020 Acres Right-of-Way Located along Buffalo Drive

Ordinance No. 3442 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Statler Annexation No. 2, Approximately 0.051 Acres Right-of-Way Located along Buffalo Drive

Ordinance No. 3443 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Statler Annexation No. 3, Approximately 5.775 Acres

c. Zoning Ordinance

Request to zone Statler Annexation, consisting of one parcel of land, approximately 5.775 acres in size. The requested zoning is RSF-E (Residential Single Family- Estate, not to exceed 1 unit per 2 acres). There is a single-family residence on this lot. The applicants are in the simple subdivision process to create a new vacant lot.

Ordinance No. 3444 – An Ordinance Zoning the Statler Annexation to Residential Single Family, Estate (RSF-E) Located at 2134 Buffalo Drive

Upon motion made by Councilmember Spehar, seconded by Councilmember Theobold, and carried by a roll call vote, Resolution No. 71-02 was adopted, and Ordinances No. 3441, 3442, 3443 and No. 3444 were adopted on Second Reading and ordered published.

Public Hearing - Request for a Variance, Statler Annexation Located at 2134 Buffalo Drive, From Section 6.2E Sanitary Sewer System [File #ANX-2002-110]

Rod Statler, owner of the property known as the Statler Annexation is requesting a variance to the requirement of a sanitary sewer system due to the size of the existing lot(s) and the location of sanitary sewer in this area. There is a single-family residence on this lot serviced by a septic system. The applicants are in the simple subdivision process to create one additional lot. Sewer is currently 1,000 feet away from the subject property.

The public hearing was opened at 7:45 p.m.

Lori Bowers, Associate Planner, reviewed this item. She stated the reason for the request for variance and that Mr. Statler was present to address the recommendation for denial. The Planning Commission and Staff can only recommend denial due to the criteria that needs to be met.

Ms. Bowers stated that the only similar variance request was for the Hill Annexation and even though the variance was granted, a dry sewer line was required and when sewer became available they would have to connect.

Councilmembers asked for clarification since in the past the requirement was only to connect if sewer was within 400 feet. Ms. Bowers stated that in the new Code, it is required if they are annexed into the City.

Councilmember Theobold asked if all the criteria needed to be met. City Staff Attorney Stephanie Rubenstein stated that the Code is written with an “and” and yes all the criteria need to be met.

There was a discussion as to where the 400 feet requirement was and it was unknown until tonight that there was a conflict.

Councilmembers discussed the rationale for installing the dry sewer lines. Councilmember Spehar was concerned that there would come a time when the septic systems would fail and therefore it makes sense to install dry sewer lines.

Rod Statler, 2134 Buffalo Drive, stated that the soil is very conducive for septic systems and the requirement to put in a 1000-foot sewer line would be cost prohibitive but putting in dry lines to the property line would be fine with him.

The public hearing was closed at 8:00 p.m.

Upon motion made by Councilmember Theobold, seconded by Councilmember Spehar, and carried by a roll call vote, Council granted the variance request with the requirement to install dry sewer lines to the property line.

Mayor Enos-Martinez stated that for items #19 and #20, both she and Councilmember Kirtland, would recuse themselves from the discussion. Councilmember Theobold took over presiding over the hearing.

Public Hearing - Mesa County Human Services Annexations 1 & 2 Located at 510 29 ½ Road and Zoning the Mesa County Human Services Annexation Located at 510 29 ½ Road [File #ANX-2002-100]

Resolution for Acceptance of Petition to Annex and Second reading of the annexation ordinance for the Mesa County Human Services Annexation located at 510 29 ½ Road and including a portion of North Avenue and 29 ½ Road rights-of-way. The 7.64-acre Mesa County property consists of three parcels of land.

Councilmember Theobold opened the public hearing at 8:02 p.m.

Ronnie Edwards, Associate Planner, reviewed this item and the zoning request in one presentation.

Nobody representing the County was in attendance.

There were no public comments.

The public hearing was closed at 8:05 p.m.

a. Accepting Petition

Resolution No. 72-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Mesa County Human Services Annexation, A Serial Annexation Comprising Mesa County Human Services Annexation No. 1 and Mesa County Human Services Annexation No. 2 is Eligible for Annexation, Located at 510 29 ½ Road and Including a Portion of 29 1/2 Road and North Avenue Rights-of-Way

b. Annexation Ordinances

Ordinance No. 3445 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa County Human Services Annexation No. 1 Approximately .765 Acres Located on a Portion of 510 29 ½ Road and Includes a Portion of 29 ½ Road and North Avenue Rights-of-Way

Ordinance No. 3446 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa County Human Services Annexation No. 2 Approximately 6.875 Acres Located at 510 29 ½ Road and Includes a Portion of the 29 ½ Road Right-of-Way

c. Zoning Ordinance

The Mesa County Human Services Annexation is three parcels of land consisting of 6.56 acres located at 510 29 ½ Road, and includes a portion of 29 ½ Road and North Avenue rights-of-way. The petitioner is requesting a zone of General Commercial (C-2), which is equivalent to the existing Mesa County Zoning. Planning Commission recommended approval at its June 11, 2002 meeting. The owners have signed a petition for annexation as part of a proposed simple subdivision and site plan review for a new community services building, which is an administrative review.

Ordinance No. 3447 - An Ordinance Zoning the Mesa County Human Services Annexation to General Commercial (C-2) Located at 510 29 ½ Road

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 72-02 was adopted, and Ordinances No. 3445, 3446 and No. 3447 were adopted on Second Reading and ordered published.

Mayor Enos-Martinez and Councilmember Kirtland returned to their seats at the dais.

Public Hearing - Feix Annexations No. 1, 2, and 3, Located at 229 Jacquie Road and Zoning the Feix Annexation, Located at 229 Jacquie Road [File # ANX-2002-114]

The Feix Annexations No. 1, 2 and 3 is a serial annexation comprising 3 parcels of land including portions of the right-of-way for Kathy Jo Lane and Jacquie Road along with acreage located at 229 Jacquie Road, comprising a total of 5.386 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

Mayor Enos-Martinez opened the public hearing at 8:06 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item and the zoning request in one presentation.

The applicant was not in attendance.

There were no public comments.

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

a. Accepting Petition

Resolution No. 73-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as the Feix Annexation (A Serial Annexation Comprising of Feix Annexation No's 1, 2 And 3) is Eligible for Annexation Located at 229 Jacquie Road and Containing Portions of the Kathy Jo Lane and Jacquie Road Rights-Of-Way

b. Annexation Ordinances

Ordinance No. 3448 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Feix Annexation No. 1, Approximately 0.063 Acres, Located in the Kathy Jo Lane Right-of-Way

Ordinance No. 3449 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Feix Annexation No. 2, Approximately 0.102 Acres, a Portion of the Kathy Jo Lane Right-of-Way

Ordinance No. 3450 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Feix Annexation No. 3, Approximately 5.221 Acres, Located at 229 Jacquie Road and Including a Portion of the Kathy Jo Lane and Jacquie Road Rights-of-Way

c. Zoning Ordinance

The Feix Annexation, comprised of 4.68 acres, is located at 229 Jacquie Road. The petitioner is requesting a zone of RSF-4, which conforms to existing County zoning and the Growth Plan Land Use designation for the site. The Planning Commission, on June 11, 2002, recommended approval of the zoning to the City Council.

Ordinance No. 3451 – An Ordinance Zoning the Feix Annexation to Residential Single Family-4 Dwelling Units per acre to (RSF-4) District, Located at 229 Jacquie Road

Upon motion made by Councilmember Kirtland, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 73-02 was adopted, and Ordinances No. 3448, 3449, 3450 and No. 3451 were adopted on Second Reading and ordered published.

Public Hearing - Reconsidering the Rezone Request for Valley Meadows North Development [File #RZP-2002-019]

A request to continue this item to August 7, 2002 has been received.

Reconsideration and second reading of the Rezoning Ordinance for 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).

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

Upon motion made by Councilmember Theobold, seconded by Councilmember McCurry, and carried, Council approved the request to continue this item to August 7, 2002.

The hearing was closed at 8:11 p.m.

Policy for Use of City Hall Grounds

In order to address requests to use the grounds of City Hall for non-governmental activities, the City Council will consider adopting a policy.

City Manager Kelly Arnold reviewed this item. He explained the Policy has been drafted as a result of a recent request from the First Baptist Church to hold a four-day vigil to memorialize the September 11 event on City Hall grounds. After reviewing the law, Staff has submitted the proposal for Council's consideration.

Jan Hogue, First Baptist Church, stated that the ceremony would also include City Fire and Police Officers reading from the Bible.

Councilmembers expressed their regret that although they appreciate the church's desire, they cannot approve their request.

Councilmember Butler asked if they could still assemble on the sidewalk. Staff advised that an organized event requires a right-of-way permit.

Resolution No. 75-02 – A Resolution Adopting a Policy for the Use of City Hall Grounds for Other than Governmental Functions

Upon motion made by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by a roll call vote, Resolution No. 75-02 was adopted with the stipulation that the memo prepared by the City Attorney would be attached to the Resolution and made a part thereof.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

Upon motion made by Councilmember McCurry, seconded by Councilmember Spehar the meeting was adjourned at 8:20 p.m.

Stephanie Tuin, CMC
City Clerk