

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

September 18, 2002

The City Council of the City of Grand Junction convened into regular session on the 18th, day of September 2002, at 7:34 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry, and President of the Council Cindy Enos-Martinez. Councilmember Reford Theobald was absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and City Clerk Stephanie Tuin.

President of the Council Cindy Enos-Martinez called the meeting to order. Councilmember Butler led in the pledge of allegiance. The audience remained standing for the invocation by Grant Myers, Associate Pastor of the Sunrise Church of God.

APPOINTMENTS

TO THE STORMWATER STEERING COMMITTEE

Councilmember Kirtland moved to appoint Ron Stoneburner as the City's At Large representative to the Stormwater Steering Committee and to ratify the appointment of Mike Blackburn, Bruce Stahl, Jim Currier, Howard Mizushima, Linda Smith, Modesto Galvin, Harry Mavrakis and Paul Wisecup. Councilmember Butler seconded the motion. Motion carried.

PRESENTATION OF CERTIFICATES OF APPOINTMENTS

TO THE PLANNING COMMISSION BOARD OF APPEALS MEMBER AND 2ND ALTERNATE TO PLANNING COMMISSION

Travis Cox was not present to receive his Certificate of Appointment.

TO URBAN TRAILS COMMITTEE MEMBERS

Timothy Fry and Walid Bou-Matar were not present to receive their Certificates of Appointment.

SCHEDULED CITIZEN COMMENTS

David Cruse, 743 23 Road, addressed Council describing his situation regarding the "Revocation of Planning Clearance" he had received for the same address. City Attorney Dan Wilson stated Staff's perspective and the City's process to resolve the situation.

CONSENT CALENDAR

It was moved by Councilmember Spehar, seconded by Councilmember Kirtland, and carried by a roll call vote, to approve Consent Items #1 through #9.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the September 4, 2002 Regular Meeting

2. Selenium Water Quality Trading Grant and Approval of the Cooperative Agreement

Resolution accepting the award of the EPA Selenium Water Quality Trading Project Grant Application in the amount of \$75,000.

Resolution No. 85-02 – Resolution Authorizing a Cooperative Agreement Between the City of Grand Junction and the United States Environmental Protection Agency Whereby the City of Grand Junction Receives \$75,000 in Grant Funding from the EPA for the Study of Selenium and Other Water Quality Parameters in the Grand Valley

Action: Adopt Resolution No. 85-02

3. Setting a Hearing for Assessing for Alley Improvement District No. 2002

Improvements to the following alleys have been completed as petitioned by a majority of the adjoining property owners:

- East/West Alley from 2nd to 3rd, between Hill Avenue and Gunnison Avenue
- East/West Alley from 3rd to 4th, between Hill Avenue and Teller Avenue
- East/West Alley from 4th to 5th, between Colorado Avenue and Ute Avenue
- East/West Alley from 11th to 12th, between Grand Avenue and Ouray Avenue
- East/West Alley from 12th to 13th, between Kennedy Avenue and Bunting Avenue
- East/West Alley from 15th to 16th, between Hall Avenue and Texas Avenue
- “T” shaped Alley from 7th to Cannell, between Kennedy Avenue and Bunting Avenue

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-02 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 16, 2002

4. **Subrecipient Contract with HomewardBound of the Grand Valley, Inc. for the City's 2002 Program Year Community Development Block Grant Program** [File #CDBG 2002-3]

The Subrecipient Contract formalizes the City's award of \$10,000 to HomewardBound of the Grand Valley, Inc. (HBGV) for purchase of bunk beds for the Community Homeless Shelter located at 2853 North Avenue. These funds were allocated from the City's 2002 Community Development Block Grant (CDBG) Program.

Action: Authorize the City Manager to Sign the Subrecipient Contract with HBGV for the City's 2002 Program Year, Community Development Block Grant Program

5. **Setting a Hearing on ISRE Annexation No. 2 Located at 2980 D-1/2 Road** [File #ANX-2002-176]

Resolution for Referral of Petition to Annex/First Reading of the Annexation Ordinance/Exercising Land Use Jurisdiction immediately for the ISRE Annexation No. 2, a parcel of land located at 2980 D-1/2 Road. This 6.27-acre annexation consists of a single parcel of land and a portion of the D-1/2 Road right-of-way.

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

Resolution No. 86-02 - 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 ISRE Annexation No. 2, Located at 2980 D-1/2 Road and Including a Portion of the D-1/2 Road Right-Of-Way

Action: Adopt Resolution No. 86-02

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, ISRE Annexation No. 2, Approximately 6.27 Acres Located at 2980 D-1/2 Road and Including a Portion of the D-1/2 Road Right-Of-Way

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 6, 2002

6. **Setting a Hearing on the Dakota West Annexation Located at 3088 and 3090 D ½ Road** [File #ANX-2002-168]

The Dakota West Annexation area consists of three parcels of land, approximately 10.91 acres in size. A petition for annexation has been presented as part of a Preliminary Plan, in accordance with the 1998 Persigo Agreement with Mesa County. The physical addresses for the properties are 3088 and 3090 D ½ Road.

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

Resolution No. 87-02 – 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 Jurisdiction, Dakota West Subdivision, Located at 3088 & 3090 D ½ Road

Action: Adopt Resolution No. 87-02

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Dakota West Subdivision, Approximately 10.9105 Acres, Located at 3088 & 3090 D ½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 6, 2002

7. **Setting a Hearing on Rezoning the Property at the Southeast Corner of Patterson Road and 12th Street for City Market** [File #RZ-2002-118]

City Market is requesting a rezoning of approximately 8.26 acres from the Neighborhood Business (B-1) District and the Residential Multiple Family – 8 (RMF-8) District to the Planned Development (PD) District. The Planning Commission, on August 27, 2002, recommended approval of the zoning to the City Council.

Proposed Ordinance Rezoning 8.26 Acres of Land Located at the Southeast Corner of the Intersection of Patterson Road and 12th Street from B-1 and RMF-8 to PD (City Market)

Action: Adopt Proposed Ordinance and Set a Public Hearing for October 2, 2002

8. **2002 Colorado Methamphetamine Enforcement Program Grant**

The Bureau of Justice Assistance through the Colorado Department of Public Safety is offering grant funding to help law enforcement agencies protect peace officers involved in clandestine methamphetamine (meth) lab investigations against hazardous materials and to provide the tools for effective investigative work. The intent of this program is to address meth problems in Western Colorado.

Action: Authorization to Apply for this Methamphetamine Enforcement Program Grant in the Amount of \$120,933

9. **Setting a Hearing on Issuing \$1.6 Million in Private Activity Bonds**

TOT, LLC has requested the use of the City's Private Activity Bond allocation. The use will allow TOT, LLC to finance a portion of their construction of a manufacturing facility for Pyramid Printing through adjustable rate revenue bonds. This ordinance authorizes the issuance of \$1.6 million in PABs in 2002.

Proposed Ordinance Authorizing the Issuance and Sale of City of Grand Junction, Colorado, Adjustable Rate Revenue Bonds (Pyramid Printing, Inc. Project), Series 2002, in the Aggregate Principal Amount Not to Exceed \$1,600,000 and Series 2003, in the Aggregate Principal Amount Not to Exceed \$1,600,000; Making Determinations as to Sufficiency of Revenues and as to Other Matters Related to the Project and Approving the Form and Authorizing the Execution of Certain Documents Relating Thereto

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 2, 2002

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

The Mayor acknowledged a group of students in the audience who attend an American Government class at Mesa State College.

Setting a Hearing on the Kresin Annexation, 2052 South Broadway [File #ANX-2002-157] **(The Applicant has requested to withdraw petition)**

The Kresin Annexation is an annexation comprised of 1 parcel of land located at 2052 South Broadway, comprising a total of 8.2013 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

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

Resolution No. 88-02 - 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, Kresin Annexation Located at 2052 South Broadway

b. Set a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kresin Annexation, Approximately 8.2013 Acres Located at 2052 South Broadway

Mr. Bruce Kresin, 2052 South Broadway, explained to Council his original plan. He told Council that Staff did not support his plan because his plan was not in conformance with the Growth Plan, and did not meet the City Staff's required improvements. Although his plan is basically a simple subdivision, due to a lot line adjustment in order to accommodate an easement for an adjacent property owner, the plan becomes a major subdivision. That triggers the requirements for conformance with the Growth Plan and the off site improvements. The Growth Plan calls for a much higher density and the improvements are required for both abutting roadways. He advised Council that it is his understanding that the simple subdivision process will be amended and after the amendment he will then be allowed to go forward with his original plan (Simple Subdivision). He asked that until the Code was amended to cancel his project. The possibility of tabling his petition was also discussed.

Pat Cecil, Development Services Supervisor said that a lot line adjustment is not affected by the Growth Plan.

Mr. Kresin asked Council to either table his petition, so he does not have to resubmit his plan and again pay all the fees or to cancel the entire project.

City Attorney Dan Wilson said the State Annexation law does not allow a withdrawal of the request and the Persigo Agreement compels annexation. He informed Council that they can continue both items, but to keep in mind that the signature on the petition is only good for 180 days. He told Council that another option is to go forward with the annexation but delay the second part of petitioner's request.

Mr. Kresin argued that he had to sign a petition for annexation before his subdivision plan would be accepted by Staff. Mr. Wilson said that this is the agreement the City has with the County. Mr. Kresin preferred to table the annexation also.

Upon motion made by Councilmember Terry, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 88-02 and the proposed Ordinance of Annexation were continued to March 19, 2003.

Change Order to Construction Contract for Redlands Village Northwest Sewer Improvement District for Relocation of Proposed Sewer Lift Station

Change order on the current contract with Sorter Construction for Redlands Village Northwest Sewer Improvement District in the amount of \$75,335.50 for relocation of the currently proposed Redlands Village North lift station to a point that will allow the station to serve a much larger drainage basin as well as appropriate funds for future extension of sewer up Limekiln Gulch.

Trent Prall, Utilities Engineer, reviewed this item. He pointed out the proposed construction area for the relocation of the new lift station. He explained that the new lift station will eliminate the existing Desert Hills and Panorama Lift Stations. He said Council had approved the concept when the contract was awarded at the meeting on January 16, 2002. Mr. Prall informed Council that many of the concerns from surrounding residents have been addressed and that there are some adjacent property owners that support the relocation.

John McGee, 2204 Crestline Court, identified his property location on the map. He said the original plan was to put the lift station at a different location. He pointed out that the revision is adding about 1600 homes whose sewage will flow through Limekiln Gulch. He was concerned that the line will de-stabilize the slope, similar to what happened along the bluffs that can be seen from the Redlands Parkway. The engineer's estimate to put in the sewer line is \$225,000, but Sorter's Construction's bid is \$370,000, which is a 64% increase. It would cost only \$60,000 to bring the Panorama Lift Station up to date. Mr. McGee said that Mr. Fisher no longer supports the original proposal. He pointed out that no geo-technical analysis has been done on these bottomlands.

Councilmember Terry asked if there are comparable studies for this property as with the property which can be seen from Redlands Parkway. Mr. McGee said he only assumes so.

Councilmember Kirtland asked if easements have been obtained. Mr. McGee's reply was that they have not been negotiated.

Jim Gelsomini, 627 Rushmore Drive, also pointed out his property location on the map. He made reference to the limited access into the nearby Walker Wildlife Area. He was concerned that a failure of a station in the original proposal would be of less impact whereas a failure of the new lift station would affect 800 plus homes and it would also impact a very pristine area. Mr. Gelsomini was also concerned about the access road that would be used weekly to maintain the lift station.

Larry Feather, 631 Rushmore Drive, said his house is directly on the bluff, and when there was high water, the area was flooded. He said he had erosion issues and he had to modify watering, eliminate some landscaping and he also had to do some erosion control. He was concerned that with construction down that gulch and with a road being built that it would loosen an already very sensitive soil.

Councilmember Kirtland asked the Utilities Engineer, Mr. Trent Prall, about the costs of the easements. Mr. Prall replied that they do need to obtain easements and the cost of

the easements has been considered as well as the financial analysis. He said the Public Works Department has not seen the information which Mr. McGee provided to Council. Mr. Prall asked for an opportunity to review the figures. He said the 825 units figure sounds right, originally the lift station was to serve about 450 homes or so. In the new proposal, the station would serve about 1,000 homes. Mr. Prall said the impact from each individual lift station would be less than that from the one big station. He pointed out that a breach in the Desert Hills Lift Station would cause a flow-down Limekiln Gulch whereas the new station is closer to the river and therefore would avoid most of the Gulch in the case of a failure.

Councilmember Spehar asked Mr. Prall about a history of failures of the lift stations. Mr. Prall said prior to Y2K, the main cause of failure was the lack of backup power. He said eight lift stations were upgraded to include backup generators; other potential failures are due to seals but redundancies cover those. He explained the wet wells have additional capacity to catch any failure for a certain amount of time and backup power will be provided for the new station with an ultra quiet generator.

Councilmember Spehar asked about the frequency and length of the power outages. Mr. Prall replied the power outages usually last 45 minutes to 1 hour and the response time is about the same. He said there were no lift station failures in the last year.

Mark Relph, Public Works Director, said he was not aware of any failures since the use of backup power. Mr. Prall said the last raw sewage flow was in 1999 prior to the backup power installation.

Councilmember Terry had questions about the mitigation of the construction impact on erosion and maintenance of the new lift station. Mr. Prall explained that a road will be built with underneath drainage as a 12 to 15 foot wide access road, which will be gated and it will appear that it is a part of private property. Council could request a USGS review.

Mr. Prall said that in regards to the soil, the studies have not been done because of the distance from the toe of the slopes, but the Public Works Department could have them done. Mr. Prall said there is no floodplain issue, because the lift station is outside of the 100-Year-Floodplain, but Limekiln Gulch has not been mapped. He said the Public Works Department is proposing cinderblock walls around the facility for flood control and for sound proofing.

Councilmember Terry wanted to know about the long term mitigation on vegetation and wildlife impacts.

Mr. Prall replied that the Department of Wildlife (DOW) feels that the deer population will "hang-out" in the Wildlife Refuge, but the DOW has discovered that the deer come back into the Gulch at night. Mr. Prall informed Council that since the young are born in spring, the construction schedule could be moved up to avoid any impact on breeding. Also larger tree plantings would obstruct the view of the lift station.

Mr. Relph said any approval should be made contingent on Staff working with the USGS to address any concerns rather than postpone consideration. He also said Staff believes it is a sound design, but they are willing to confirm with other entities for the sake of the property owners.

Upon motion made by Councilmember Terry, seconded by Councilmember McCurry, and carried by a roll call vote, Council authorized the City Manager to execute a Change Order to the Redlands Village Northwest Sewer Improvement District Construction Contract with Sorter Construction for \$75,335.50. The motion is conditioned upon satisfactory soils investigation by Staff with a report back to Council.

Public Hearing – Gerick Annexation, Located at 324 Quail Drive and Zoning the Gerick Annexation Located at 324 Quail Drive [File #ANX-2002-136]

Resolution for acceptance of the petition to annex and for Second Reading of the Annexation Ordinance for the Gerick Annexation located at 324 Quail Drive. The annexation consists of 4.5293 acres of one parcel of land.

The petitioner is seeking annexation as part of their request for an administrative review of a simple subdivision, pursuant to the 1998 Persigo Agreement with Mesa County.

The public hearing was opened at 9:03 p.m.

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

The applicant was not present.

There were no public comments.

The public hearing was closed at 9:05 p.m.

a. Accepting Petition

Resolution No. 89-02 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Gerick Annexation is Eligible for Annexation Located at 324 Quail Drive

b. Annexation Ordinance

Ordinance No. 3452 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Gerick Annexation Approximately 4.5293 Acres Located at 324 Quail Drive

c. Zoning Ordinance

Ordinance No. 3453 - An Ordinance Zoning the Gerick Annexation to Residential Single Family with a Density Not to Exceed One Unit Per Acre (RSF-1) Located at 324 Quail Drive

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 89-02 was adopted and Ordinances No. 3452 and No. 3453 were adopted on Second Reading and ordered published.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

EXECUTIVE SESSION

To discuss 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) and to consult with the City Attorney under C.R.S. 24-6-402(4)(b) and to receive legal advice in regards to the Persigo Agreement.

It was moved by Councilmember Spehar, seconded by Councilmember Kirtland to go into executive session, to discuss the purpose of determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations, and/or instructing negotiators, relative to amending existing contracts under C.R.S. Section 24-6-402(4)(e), and to consult with the City Attorney under C.R.S. 24-6-402(4)(b) and to receive legal advice in regards to the Persigo Agreement. Councilmember Terry voted against going into executive session. Motion carried.

ADJOURNMENT

City Council President Enos-Martinez called for the meeting to be adjourned. City Council adjourned into executive session at 9:07 p.m. and stating they will not return after the session.

Stephanie Tuin, CMC
City Clerk