

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

**February 5, 2003**

The City Council of the City of Grand Junction convened into regular session on the 5<sup>th</sup> day of February 2003, at 7:31 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Bill McCurry, Jim Spehar, Janet Terry, Reford Theobold and President of the Council Cindy Enos-Martinez. Councilmember Dennis Kirtland 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 Terry led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Jim Hale of the Spirit of Life Christian Fellowship.

**PROCLAMATIONS / RECOGNITIONS**

PRESENTATION OF DISTINGUISHED BUDGET AWARD FOR THE 2002-2003 BIENNIAL BUDGET AND CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING IN 2001 TO BUDGETING AND ACCOUNTING MANAGER LANNY PAULSON, ACCOUNTING SUPERVISOR KIM MARTENS AND ACCOUNTANT/ANALYST JAY VALENTINE

PRESENTATION OF COLORADO APA AWARD FOR THE MESA COUNTY SEPARATORS PROJECT

**SCHEDULED CITIZEN COMMENTS**

The Mayor recognized Mesa State College students (American Government class) who were present.

There were also some students from Central and Grand Junction High School present who are interested in serving on the Youth Council. Heather, Whitney, Josie and Karen Franklin, the coordinator, said R-5 might also be included in the Youth Council.

Councilmember Spehar suggested including private and home schools too.

**CONSENT CALENDAR**

It was moved by Councilmember Theobold, seconded by Councilmember McCurry and carried to approve Consent Items #1 through 9.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the January 13, 2003 Workshop, the Minutes of the January 13, 2003 Special Meeting and the Minutes of the January 15, 2003 Regular Meeting*

2. **Notice of Election for the Regular Election to be Held on April 8, 2003**

Both the Charter and the Municipal Election Code have specific publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Resolution No. 10-03 - A Resolution Setting Forth the Notice of Election for the Regular Municipal Election to be Held on April 8, 2003 in the City of Grand Junction

*Action: Adopt Resolution No. 10-03*

3. **Annual Hazardous Materials Agreement with Mesa County**

The Fire Department is requesting renewal of the City of Grand Junction/Mesa County Intergovernmental Agreement for the Grand Junction Fire Department to provide Superfund Amendment Reauthorization Act (SARA) and Designated Emergency Response Authority (DERA) services to Mesa County outside the City of Grand Junction. The DERA services are for response to accidents involving the release of hazardous materials. The SARA program involves collection of information regarding storage, handling, and manufacturing of hazardous materials.

*Action: Authorize the City Manager to Sign the Annual SARA/DERA Agreement*

4. **Setting a Hearing for Zoning the North Avenue Center Annexation Located at 2938 North Avenue** [File #ANX-2002-243]

The North Avenue Center Annexation consists of 5.44 acres of land that is located at 2938 North Avenue and is currently vacant. The petitioner's intent is to annex and then subdivide the property into two (2) lots through the Simple Subdivision Plat process and develop the area as commercial lease retail/office space that would be named Palace Pointe Market Place. The proposed zoning is C-1, Light Commercial.

Proposed Ordinance Zoning the North Avenue Center Annexation to Light Commercial (C-1) Located at 2938 North Avenue

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 19, 2003*

5. **Setting a Hearing on Zoning the Red Tail Ridge Annexation, Located at the South End of Buena Vista Drive** [File # ANX-2002-230]

The Red Tail Ridge Annexation is requesting that a zoning of RSF-4 be applied to the 9.88 acres. The Planning Commission at its January 28, 2003 hearing recommended approval of the zone of annexation.

Proposed Ordinance Zoning the Red Tail Ridge Annexation to the Residential Single Family – 4 Dwelling Units Per Acre (RSF-4) District Located at Southerly End of Buena Vista Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 19, 2003*

6. **Conveyance of a Nonexclusive Easement Across City Property in the Ridges to the Public Service Company of Colorado**

Public Service Company is requesting an easement across City property in the Ridges to accommodate new facilities being installed in conjunction with the Ridges electrical system upgrade.

Resolution No. 11-03 – A Resolution Concerning the Granting of a Non-Exclusive Electric Utility Easement to the Public Service Company of Colorado

*Action: Adopt Resolution No. 11-03*

7. **Conveyance of a Nonexclusive Easement Across the City's Canyon View Park Property to the Grand Junction Drainage District**

The Grand Junction Drainage District has requested an easement across the City's Canyon View Park property to accommodate the piping of an existing open drainage channel known as the Mitchell Drain.

Resolution No. 12-03 – A Resolution Concerning the Granting of a Non-Exclusive Drainage Easement to the Grand Junction Drainage District

*Action: Adopt Resolution No. 12-03*

**8. Water Conservation Grant Applications**

Request for authorization to apply with the Bureau of Reclamation for two (2) water conservation grants for Water Year 2003. Deadline is February 15, 2003.

*Action: Authorize the City Manager to Sign the Grant Applications*

**9. Setting a Hearing on the City Manager's Salary for 2003**

Article VII, Section 57 of the Charter states the City Manager's salary is to be fixed by the Council by ordinance. The City Council has determined the salary for the Grand Junction City Manager shall be increased the same as the pay plan for most city employees for 2003, 2.7%.

Proposed Ordinance Amending Ordinance 3481, Section 3, Setting the Salary of the City Manager

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing on the Ordinance for February 19, 2003*

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

**Commitment to the Grand Junction Downtown Partnership**

The Downtown Development Authority (DDA) and the Downtown Association (DTA) are joining in forming a Downtown Partnership to work together in building a program to promote vitality and economic activity in the downtown area.

Doug Simons, DDA Chair, and Leneé Grisier, DTA Vice Chair were present to address Council. Mr. Simons advised Council of their application to the Main Street Program and that the application was denied. He said the two groups have decided to form a partnership to accomplish the same goals. They were requesting that the City Council reaffirm its financial commitment of \$75,000 for three years.

Mr. Simons and Ms. Grisier explained that additional funding would come from the downtown merchants, the DDA, and from DTA dues, and that the Partnership wants to promote a vital downtown.

Councilmember Terry asked about the proposal to hire a program director. Ms. Grisier replied they are anxious to start the program by April 1<sup>st</sup> and therefore they will be moving forward right away to hire a program director.

Mr. Simons advised Council that there is a National Main Street program. The Partnership is looking into their program and plans to apply for membership. He said it was okay not to be accepted into the state program and a local program might be even better.

Resolution No. 13-03 – A Resolution Endorsing the Grand Junction Downtown Partnership Program

Upon motion made by Councilmember Terry, seconded by Councilmember Spehar, and carried by a roll call vote, Council confirmed its \$75,000 one-year commitment and adopted Resolution No. 13-03.

### **Construction of Park Restrooms**

New construction of new restrooms at Riverside and Columbine Parks. The structure will consist of concrete masonry block walls, hipped tile roof, new plumbing and light fixtures per DKO Architect design.

|                      |                |              |
|----------------------|----------------|--------------|
| Classic Constructors | Grand Junction | \$81,647.00  |
| Alpine C. M.         | Grand Junction | \$83,680.00  |
| FCI Constructors     | Grand Junction | \$84,395.00  |
| Tusca II             | Grand Junction | \$98,163.00  |
| Phipps Newell Const. | Grand Junction | \$103,000.00 |
| Groves Masonry       | Grand Junction | \$115,400.00 |
| Brown Construction   | Westminster    | \$129,600.00 |

Joe Stevens, Director of Parks & Recreation, reviewed this item. He noted that the remaining \$75,000 from the Legacy Grant could be transferred to the Riverside Restroom project. Mr. Stevens said the contractor has also agreed to build a second restroom facility at Columbine Park for the same price.

Councilmember Theobald asked about the Parks Board recommendation. Mr. Stevens said the five members he was able to contact concurred.

Councilmember Terry asked for clarification on the additional attachment in the package. Mr. Stevens explained that it summarizes the discussion with the Parks Board at the budget review meeting.

Councilmember Spehar clarified that once the bids for Canyon View are completed, the Parks Board will review the other items in the Canyon View Park Improvements Plan to prioritize them. He also asked for assurance that the improvements to the area adjacent to the Urruty handball court are included in the Canyon View Improvements Plan. Mr. Stevens affirmed that they are.

City Manager Kelly Arnold recommended the motion include the award of the bid to Classic Constructors and extending the bid to Classic Constructors to build the second restroom at Columbine Park and for partial funding from the GOCO Legacy Grant.

Upon motion made by Councilmember Theobald, seconded by Councilmember Spehar, and carried by a roll call vote, Council approved funding of \$75,000 from the GOCO Legacy Grant and authorized the City Manager to execute a contract with Classic Constructors to build a restroom at Riverside Park and to extend the bid for construction of a restroom at Columbine Park.

#### **Public Hearing – Amendment to Retirement Plans to Conform to Changes in Federal Law**

The City of Grand Junction, Colorado Employees Retirement Plan, the New Hire Fire Money Purchase Plan and the New Hire Police Money Purchase Plan are being amended to incorporate Internal Revenue Code (IRC) amendments that have recently been passed by Congress. These amendments must be incorporated into the aforementioned Plans.

The public hearing was opened at 8:08 p.m.

Ron Lappi, Administrative Services Director, reviewed this item.

There were no public comments.

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

Ordinance No. 3496 - An Ordinance Adopting Amendments to Retirement Plans for Specified City of Grand Junction Employee Groups

Upon motion made by Councilmember Spehar, seconded by Councilmember Terry, and carried by a roll call vote, Ordinance No. 3496 was adopted on Second Reading and ordered published.

#### **Public Hearing – Rice Annexation #1 & #2 at 135 Burns Drive and Zoning Rice Annexations #1 & #2 at 135 Burns Drive** [File #ANX-2002-214]

Resolution for Acceptance of Petition to Annex/Second Reading of the Annexation Ordinance. The 4.8673-acre Rice Annexation is a serial annexation consisting of one parcel of land and a portion of the B Road, 29 ½ Road, 30 Road, Hwy 50, and Burns Drive right-of-way.

Second Reading of the Zoning Ordinance for the Rice Annexations #1 & #2 located at 135 Burns Drive. The 4.8673-acre Rice Annexation is a serial annexation consisting of one parcel of land and a portion of the B Road, 29 ½ Road, 30 Road, Hwy 50, and Burns Drive rights-of-way.

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

Senta Costello, Associate Planner, started to review this item. She stated the property owner was present earlier but had left the room. The hearings on these items were tabled in order to locate the applicant.

**Public Hearing – Siena View No. 1 and No. 2 – Annexation Located at 2495 D ½ Road and Zoning the Siena View Annexation, 2945 D ½ Road** [File #ANX-2002-228]

Siena View Annexation, a serial annexation comprised of 4.6 acres, located at 2945 D ½ Road, has presented a petition for annexation as part of a preliminary plan. The applicants request acceptance of the Annexation Petition, and second reading of the Annexation Ordinance.

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

Lori V. Bowers, Senior Planner, reviewed this item and the zoning request in one presentation. She explained the requests and showed the location of the proposed higher density. She said the Planning Commission recommended the zoning designation of RMF-8 and found that the property is consistent with the Growth Plan and the Zoning and Development Code.

Councilmember Terry asked about proposed densities in the area and the work being done by the Growth Plan committee. Community Development Director Bob Blanchard said the committee's recommendation would be finalized in April.

Paul Bibeau, who lives at 2108 Orchard Avenue, said he agrees with Councilmember Terry that the area is a hodgepodge mess. He said a zoning of RSF-4 would be environmentally friendly, that he is opposed to the higher density, and so are other neighbors. He pointed out that many items like irrigation have not been addressed, railroad

yards are farther to the west, and that commercial development should be done west of 30 Road.

Councilmember Spehar clarified that the zoning being requested is RSF-8 and that details such as irrigation will be addressed later on in the process.

Councilmember Terry asked about the surrounding growth plan. Ms. Bowers displayed the Growth Plan on the screen.

Councilmember Terry requested that the annexation and zoning motions be separate motions.

The public hearing was closed at 8:21 p.m.

**a. Accepting Petition**

Resolution No. 15-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Siena View Annexation No. 1, and Siena View Annexation No. 2, is Eligible for Annexation Located at 2945 D ½ Road

**b. Annexation Ordinance**

Ordinance No. 3500 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Siena View Annexation No. 1, Approximately 0.377 Acres Located at 2945 D ½ Road

Ordinance No. 3501 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Siena View Annexation No. 2, Approximately 4.47 Acres Located at 2945 D ½ Road

Resolution for Acceptance of Petition to Annex/Second reading of the annexation ordinance. The 4.8673-acre Rice Annexation is a serial annexation consisting of one parcel of land and a portion of the B Road, 29 ½ Road, 30 Road, Hwy 50, and Burns Drive right-of-way.

Upon motion made by Councilmember Theobald, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 15-03 was approved and Ordinances No. 3500 and No. 3501 were approved on Second Reading and ordered published.



**c. Zoning Ordinance**

The Siena View Annexation area consists of one parcel of land, approximately 4.6 acres in size. A petition for annexation has been presented as part of a Preliminary Plan. The requested zoning for the property is RMF-8 (Residential Multi-family, not to exceed 8 units per acre). The physical address for the property is 2945 D ½ Road.

Ordinance No. 3502 - An Ordinance Zoning the Siena View Annexation to Residential Multi-Family, Not to Exceed 8 Dwelling Units Per Acre (RMF-8) Located at 2945 D ½ Road

Upon motion made by Councilmember Theobold, seconded by Councilmember Spehar, and carried by a roll call vote, with Councilmember Terry voting no, Ordinance No. 3502 was adopted on Second Reading and ordered published.

**Public Hearing – Rice Annexation #1 & #2 at 135 Burns Drive** [File #ANX-2002-214]

Resolution for Acceptance of Petition to Annex/Second reading of the annexation ordinance. The 4.8673-acre Rice Annexation is a serial annexation consisting of one parcel of land and a portion of the B Road, 29 ½ Road, 30 Road, Hwy 50, and Burns Drive right-of-way.

The public hearing on this item was reopened at 8:22 p.m.

Senta Costello, Associate Planner, reviewed this item. She stated the property owner had requested a Simple Subdivision, which resulted in an annexation petition. However due to the review comments, the applicant has requested the withdrawal of the annexation petition.

Councilmember Theobold asked if the situation was a result of the subdivision or the development. Ms. Costello explained that in order for the subdivision to be approved, a fire hydrant would have to be installed or the house must be built with sprinklers. She said the current fire hydrant is over 250 feet away. Councilmember McCurry explained that Ute Water's lines are not big enough to carry the water farther than that distance at the required pressure.

The applicant had left the meeting. Councilmember Spehar felt that since the annexation is based on development of the property and if the petitioner is not going to develop the parcel, the petition to annex can be withdrawn.

Councilmember Theobold asked City Attorney Dan Wilson if Council has the ability to grant the withdrawal request.

Mr. Wilson advised the Council that they could under a “not now” scenario. He recommended Council accept the withdrawal request rather than deny the annexation.

The public hearing was closed at 8:30 p.m.

**a. Accepting Petition**

Resolution No. 14-03 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Rice Annexation, a Serial Annexation Comprising Rice Annexation No. 1 and Rice Annexation No. 2 is Eligible for Annexation Located at 135 Burns Drive

**b. Annexation Ordinance**

Ordinance No. 3497 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rice Annexation #1, Approximately 3.1399 Acres Located Near 135 Burns Drive Within the B Road, 29 ½ Road Rights-of-Way

Ordinance No. 3498 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rice Annexation #2, Approximately 1.7278 Acres Located at 135 Burns Drive and Includes a Portion of 29 ½ Road, 30 Road, Hwy 50, and Burns Drive Rights-Of-Way

Upon motion made by Councilmember Spehar, seconded by Councilmember Terry, and carried by a roll call vote, the petitioner’s request for withdrawal of the annexation request was accepted; Resolution No. 14-03, and Ordinances No. 3497 and No. 3498 were not adopted.

**Public Hearing - Zoning Rice Annexations #1 & #2 at 135 Burns Drive** [File #ANX-2002-214]

Second reading of the Zoning Ordinance for the Rice Annexations #1 & #2 located at 135 Burns Drive. The 4.8673-acre Rice Annexation is a serial annexation consisting of one parcel of land and a portion of the B Road, 29 ½ Road, 30 Road, Hwy 50, and Burns Drive rights-of-way.

Ordinance No. 3499 - An Ordinance Zoning the Rice Annexation to RSF-4 (Residential Single Family Not to Exceed 4 Units/Acre) Located at 135 Burns Drive

Ordinance No. 3499 was not adopted on Second Reading because petitioner withdrew annexation request and Council accepted the withdrawal request.

**NON-SCHEDULED CITIZENS & VISITORS**

There were none.

**OTHER BUSINESS**

There was none.

**ADJOURNMENT**

City Council President Enos-Martinez called for the meeting to be adjourned. The meeting was adjourned at 8:31 p.m.

Stephanie Tuin, CMC  
City Clerk