

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

OCTOBER 15, 2003

The City Council of the City of Grand Junction convened into regular session on the 15th day of October 2003, at 7:31 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Tuin.

Council President Spehar called the meeting to order. Councilmember Hill led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Howard E. Hays, First Church of the Nazarene

Mayor Spehar made an announcement about a lawsuit filed by Grand Valley Irrigation Company (GVIC) against the City of Grand Junction regarding the use of the easements along the ditches for trails purposes. He said the GVIC is seeking an injunction and is asking the court to stop the City from acquiring additional easements along the canals through the development process. Mr. Spehar continued saying the City is trying to work with the GVIC to open the canals for such urban uses. He said the City believes that using the trails along the canals is good for the community and could be done without interfering with canal operations.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING NOVEMBER 2003 AS "HOSPICE MONTH"

SCHEDULED CITIZEN COMMENTS

There were none.

***** CONSENT CALENDAR *****

It was moved by Councilmember Enos-Martinez, seconded by Councilmember McCurry, and carried by a roll call vote, to approve Consent Calendar Items #1 through #9.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the October 1, 2003 Regular Meeting

2. Setting a Hearing for the 2nd Supplemental Appropriation Ordinance for 2003

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 2003 Budget of the City of Grand Junction

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 5, 2003

3. **Setting a Hearing for Zoning the Church on the Rock Annexation, Located at 2170 Broadway** [File #ANX-2003-197]

The Church on the Rock Annexation consists of 5.4946 acres of land that is located at 2170 Broadway and consists of one (1) parcel of unplatted land that contains the church sanctuary, along with a portion of the Rio Hondo Road right-of-way. The petitioner's intent is to annex and then submit a Site Plan Review for a new church building with a proposed zoning of Residential Single Family – 2 (RSF-2). The proposed annexation lies within the Persigo 201 sewer boundary.

Proposed Ordinance Zoning the Church on the Rock Annexation to Residential Single Family – 2 (RSF-2), Located at 2170 Broadway

Action: Introduction of Proposed Ordinance and Set a Hearing for November 5, 2003

4. **Easement Vacation, Red Tail Ridge Subdivision** [File # ANX-2002-230]

The petitioner is requesting approval of the vacation of a water line easement that crosses the property. There are no facilities within the easement, and the easement has been vacated both on the east and west side of the site by Mesa County. The Planning Commission at the September 23, 2003 hearing recommended that the City Council approve the vacation request.

Resolution No. 95-03 – A Resolution Vacating a Water Line Easement Located at 2955 South Highway 50 (Red Tail Ridge Subdivision)

Action: Adopt Resolution No. 95-03

5. **Setting a Hearing for a Vacation of a Portion of the Right-of-Way for Gary Street and B $\frac{3}{4}$ Road** [File #PP-2003-168]

The applicant has requested vacation of a portion of the right-of-way for Gary Street and B $\frac{3}{4}$ Road in conjunction with a subdivision request that will ultimately be developed as affordable housing.

Proposed Ordinance Vacating a Portion of Gary Drive and B $\frac{3}{4}$ Road Located at the Northeast Corner of Linden Avenue and B $\frac{3}{4}$ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for November 5, 2003

6. Easement for Grand Valley Irrigation Company in the Redlands Parkway Right-of-Way

The proposed resolution will authorize the City Manager to sign an acknowledgment of an historic easement relating to the Grand Valley Irrigation Company's Independent Ranchman's Ditch, piped across the Mesa Mall property and the Redlands Parkway right-of-way.

Resolution No. 96-03 – A Resolution Acknowledging a Historical Buried Pipe, and Associated Easement for a Buried Portion of the Ranchmen's Ditch that Crosses a Portion of City Right of Way for the Redlands Parkway

Action: Adopt Resolution No. 96-03

7. Setting a Hearing to Create Alley Improvement District 2004

Successful petitions have been submitted requesting an Alley Improvement District be created to reconstruct the following six alleys:

- East/West Alley from 14th to 15th, between Elm Avenue and Texas Avenue
- East/West Alley, from 2nd to 3rd, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 8th to Cannell, between Mesa Avenue and Hall Avenue
- "T" shaped Alley from 13th to 15th, between Kennedy Avenue and Elm Avenue
- East/West Alley from 2nd to 3rd, between Teller Avenue and Belford Avenue
- "T" shaped Alley from 7th to Cannell, between Kennedy Avenue and Elm Avenue

Resolution No. 97-03 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City Alley Improvement District No. ST-04 and Authorizing the City Engineer to Prepare Details and Specifications for the Same

Action: Adopt Resolution No. 97-03 and Set a Hearing for November 19, 2003

8. Lease of City-Owned Parking Lot at 2nd and Pitkin

City staff has negotiated a contract with Simmons Lock and Key, 322 S. 2nd, to lease a city-owned lot across the street from their business for parking. Because the parcel may be required for future improvements at the curve of Pitkin Avenue, selling the property is not an option.

Resolution No. 98-03 – A Resolution Authorizing the Lease of a City-Owned Lot at 2nd and Pitkin Avenue by Simmons Lock and Key, Inc.

Action: Adopt Resolution No. 98-03

9. Letter Supporting Forest Service GOCO Grant

The United States Forest Service is requesting a letter from City Council in support of a GOCO grant application, which will fund the rehabilitation of Kannah Creek Trail and all trails to the South.

Action: Authorize the Mayor to Sign a Letter of Support to GOCO for an Application from the Grand Valley Ranger District of the U. S. Forest Service

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

Construction Contract – Pine Ridge Park Tennis Courts

Demolition, excavation and disposal of existing asphalt tennis courts, fencing and equipment. Construct two new post tensioned concrete tennis courts, with acrylic surface including a new fence and tennis court apparatus per specifications.

Shawn Cooper, Parks Planner, reviewed this item. He explained that the current courts will be demolished and be replaced with post-tension concrete courts. He said the contractor being chosen for this project is experienced in this type of construction.

Councilmember Kirtland moved to authorize the City Manager to execute a construction contract to SRI Sports, Inc. for the removal and replacement of the tennis courts at Pine Ridge Park (in the Ridges) in the amount of \$85,000.00. Councilmember Butler seconded the motion. Motion carried.

Memorandum of Understanding Regarding a Drought Response Plan

Memorandum of Understanding among the City of Grand Junction, Ute Water Conservancy District, Clifton Water District, and the Town of Palisade to implement a unified Drought Response Plan.

Greg Trainor, Utilities Manager, reviewed this item. He explained that the Clifton Water Board initiated the proposal for a drought response plan about 2 ½ years ago. He said the Memorandum of Understanding (MOU) is a way to deal with a drought valley-wide. He said the Ute Water Conservancy District asked to formalize the plan through an MOU. He explained that if there were a shortage in the valley, water would be shared during those shortages among the participating entities. The MOU also describes two stages of drought and what actions will be taken during each stage. He said in addition, there would be various water conservation efforts. He noted one conservation measure that will have budget implications, the demonstration of xeriscaping being planned at First Street and Grand Avenue, south of Quizno's Restaurant.

Councilmember Palmer asked about the vagueness in the language when dealing with a Stage 1 drought. Mr. Trainor explained that there might be a time when the sufficiency of irrigation water is in question; the parties will then meet weekly to keep an eye on the situation.

Councilmember Palmer asked about rate adjustments during drought conditions. Mr. Trainor said those using substantial amounts of water would see an increase in their water rate, those using less water would actually see a decrease in their water rate. Councilmember Palmer asked if the other entities would also raise their rates accordingly. Mr. Trainor said some would, but not in a matching amount, as Ute Water already charges a higher rate.

Councilmember Kirtland moved to authorize the Mayor to sign a Memorandum of Understanding among the parties to implement a Valley-wide Drought Response Plan and on-going Water Conservation Education with those parties being the City of Grand Junction, the Clifton Water District, the Ute Water Conservancy District, and the Town of Palisade. Councilmember Hill seconded the motion. Motion carried.

Expansion of Mosquito Control District

Mesa County and the City of Fruita have consented to the expansion of the Redlands Mosquito Control District. The Town of Palisade will be considering this question on October 14, 2003. The district asks that the City consent to the expansion of the district.

Dan Wilson, City Attorney, asked that this item be heard when the attorney for the Mosquito District, Larry Beckner, arrives.

Council President Spehar moved on to the next item.

Economic Development Incentive Request for Innovative Textiles

The Chamber of Commerce is recommending an economic development incentive in the amount of \$100,000 for an existing industry expansion. Innovative Textiles is purchasing a 210,000 square foot building to expand the company's production of high end fishing line and sport kite string.

Diane Schwenke, Executive Director of the Chamber of Commerce, reviewed the request. She explained the company, Innovative Textiles, is a homegrown company moving into a bigger space to accommodate the growth of the company. She detailed the wages paid by the company and the incentive being recommended.

Councilmember Palmer advised Council that he would vote against it, not because he is against incentives to growing businesses, but that he is not comfortable with cash incentives, he said he would prefer the incentives would be towards infrastructure.

Councilmember Hill said he appreciates the Chamber's role and hard work to get this request to this level, especially since he has participated in economic development incentives. Councilmember Kirtland agreed with Councilmember Hill and added that studies have shown that substantial economic development comes from within. He said this business is a good example of this process, since it exports 99 percent of its products outside Colorado. He noted that the incentive will be the last dollars in, after all financing is in place. Council President Spehar added that it is good for the City to support businesses that will provide jobs to locals and he recognizes the City's role in growing these jobs.

Councilmember McCurry asked Administrative Services Director Lappi if the funds available for this incentive include the amount previously designated for the aircraft company. Mr. Lappi said yes, that incentive has been taken off the table.

Resolution No. 100-03 – A Resolution Authorizing an Economic Development Incentive to Innovative Textiles for \$100,000 for the Benefit of Expanding an Existing Industry in Grand Junction

Councilmember Hill moved to adopt Resolution No. 100-03. Councilmember Butler seconded the motion. Motion carried by a roll call vote.

Public Hearing – Holton Annexation and Zoning of the Holton Annexation Located at 641 29 ½ Road [File #ANX-2003-169]

Hold a public hearing and consider final passage of a Resolution for Acceptance of Petition to Annex and Annexation Ordinance for the Holton Annexation, located at 641 29 ½ Road.

Hold a public hearing and consider final passage of an ordinance to zone the Holton Annexation, Residential Multi-Family-5 (RMF-5), located at 641 29 ½ Road.

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

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

The petitioner's representative, Mike Joyce, Development Concepts, 2764 Compass Drive, addressed Council and said he and his client support Staff's presentation and its recommendations.

There were no public comments.

The public hearing was closed at 8:07 p.m.

a. Accepting Petition

Resolution No. 99-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Holton Annexation Area is Eligible for Annexation Located at 641 29 ½ Road

b. Annexation Ordinance

Ordinance No. 3576 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Holton Annexation, Approximately 6.2142 Acres, Located at 641 29 ½ Road

c. Zoning Ordinance

Ordinance No. 3577 – An Ordinance Zoning the Holton Annexation to Residential Multi-Family-5 (RMF-5), Located at 641 29 ½ Road

Councilmember Kirtland moved to adopt Resolution No. 99-03, Ordinances No. 3576 and No. 3577 on Second Reading and ordered them published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

Expansion of Mosquito Control District

Mesa County and the City of Fruita have consented to the expansion of the Redlands Mosquito Control District. The Town of Palisade will be considering this question on October 14, 2003. The district asks that the City consent to the expansion of the district.

Larry Beckner, attorney for the Mosquito District, explained that the request is to expand the district. He pointed out the two areas that are being asked to be included in the district on the November 4, 2003 ballot. He noted that entities that provide mosquito protection services have standing to object. If the City is not interested in providing those services, the district asks that the entity file consent with the court so the judge will enter the order a few days early.

Councilmember Hill clarified that the consent is to place the issue on the ballot. Mr. Beckner answered affirmatively; he said the voters would decide the question.

Mr. Beckner told Council about the Town of Palisade's concerns. He explained what chemicals are used and how they are applied. He said the treatment is very specific and site specific to the breeding areas; that one of the agents works for a month, another agent is applied via plane. He said spraying with malathion is only done over the river and is highly regulated. He said malathion is not sprayed over any agricultural areas. He explained that the Town of Palisade wants a guarantee that there would be no spraying of malathion in Palisade in order to protect its orchards. Mr. Beckner said the District does not want to damage anyone's property.

Councilmember Hill moved to authorize the Mayor to acknowledge that the City consents to the expansion of the Mosquito Control District. Councilmember Kirtland seconded the motion. Motion carried.

Public Hearing - Rezoning the Sander Property from RSF-R to RSF-E Located at 2611 Kelley Drive [File #RZ-2003-139]

Request to rezone 2611 Kelley Drive, comprised of 5.317 acres, from RSF-R (Residential Single Family with a density not to exceed 1 unit per 5 acres) to RSF-E (Residential Single Family Estate with a density not to exceed 1 unit per 2 acres). Planning Commission recommended approval at its September 9, 2003 meeting.

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

Ronnie Edwards, Associate Planner, reviewed this item. She explained that the higher density zone of RSF-E is still less dense than RSF-1, which had been originally requested; and that this request is still in conformance with the Growth Plan.

The petitioner, Dieter Sander, owner, explained that all he wanted to do is to build a garage, but the setbacks in the current zone district, was fifty feet. He assured Council and his neighbors that he has no plans to subdivide his property; he reiterated that he just wants to build a garage.

There were no public comments.

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

Ordinance No. 3578 – An Ordinance Rezoning a Parcel of Land from Residential Single Family Rural with a Density not to Exceed One Unit per Five Acres (RSF-R to Residential Single Family Estate with a Density not to Exceed One Unit per Two Acres (RSF-E), Located at 2611 Kelley Drive

Councilmember Enos-Martinez moved to adopt Ordinance No. 3578 on Second Reading and ordered it published. Councilmember Butler seconded the motion. Motion carried.

Agreement Regarding Water Rights and Usage in the Whitewater Creek Area

An Agreement (Whitewater Creek Agreement) among the City of Grand Junction, the Lumbardy Trust(s), Unawep Land LLC, Cutting Fruit and Callow Creek Homeowners Associations concerning water rights in the Whitewater Creek Basin.

Greg Trainor, Utilities Manager, reviewed this item. He explained how this agreement would benefit the ranchers and the City. He said the ranchers would get their water piped to their stockwater tanks and the City would receive more water for storage. He said this agreement is the culmination of a lot of work done by Water Superintendent Terry Franklin.

Councilmember Butler moved to authorize the City Manager to sign the “Whitewater Creek Agreement”. Councilmember Hill seconded the motion. Motion carried.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

EXECUTIVE SESSION

Councilmember Kirtland moved to go into executive session for discussion of personnel matters under C.R.S. 24-6-402(4)(f)(i) relative to City Council employees and that Council would not return to regular session. Councilmember Palmer seconded the motion. Motion carried.

ADJOURNMENT

City Council adjourned to the Administration Conference Room to go into executive session at 8:28 p.m.

Stephanie Tuin, MMC
City Clerk