

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

**NOVEMBER 5, 2003**

The City Council of the City of Grand Junction convened into regular session on the 5<sup>th</sup> day of November 2003, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer, Cindy Enos-Martinez, and President of the Council Jim Spehar. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and Deputy City Clerk Juanita Peterson.

Council President Jim Spehar called the meeting to order. Councilmember Butler led in the pledge of allegiance. The audience remained standing for the invocation by Marla Ross, First Assembly of God Church.

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING NOVEMBER 11, 2003 AS "A SALUTE TO ALL VETERANS 2003"

**APPOINTMENTS**

**APPOINTMENTS TO THE FORESTRY BOARD**

Councilmember Kirtland moved to reappoint Mike Heinz and Ian Gray to the Forestry Board for three-year terms expiring November 2006, and to appoint H.D. "Dutch" Afman for a three-year term expiring November 2006. Councilmember Enos-Martinez seconded the motion. Motion carried.

**APPOINTMENTS TO THE GRAND JUNCTION HOUSING AUTHORITY**

Councilmember Hill moved to reappoint Kathleen Belgard to the Grand Junction Housing Authority for a five-year term expiring October 2008. Councilmember Kirtland seconded the motion. Motion carried.

**APPOINTMENTS TO THE PLANNING COMMISSION BOARD OF APPEALS**

Councilmember Hill moved to reappoint Mark Williams to the Planning Commission Board of Appeals for a three-year term expiring October 2006, and to appoint Tom Lowrey for a three-year term expiring October 2006. Councilmember McCurry seconded the motion. Motion carried.

**SCHEDULED CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

It was moved by Councilmember Enos-Martinez, seconded by Councilmember Palmer, and carried by a roll call vote, to approve Consent Calendar Items #1 through #4.

**1. Minutes of Previous Meetings**

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

**2. Setting a Hearing on Authorizing the Issuance of the City of Grand Junction, Downtown Development Authority Subordinate Tax Increment Revenue Bonds in the Amount of \$3,000,000**

The ordinance authorizes the issuance of \$3,000,000 in subordinate Tax Increment Bonds for improvements in the Downtown Plan of Development area.

Proposed Ordinance Authorizing the Issuance of the City of Grand Junction, Colorado, Downtown Development Authority Tax Increment Revenue Bonds, Series 2003; Pledging the Tax Increment Revenues of the City for the Payment of the Bonds; Providing for the Payment and Discharge of the City's Outstanding Tax Increment Revenue Bonds and Subordinate Tax Increment Revenue Bonds

*Action: Introduction of Proposed Ordinance and Set a Hearing for November 19, 2003*

**3. Setting a Hearing on the Washington Annexation Located at 287 Coulson Drive [File #ANX-2003-200]**

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 1.317 acre Washington Annexation consists of one parcel and Unawep Avenue, Coulson Drive and Capitol Lane rights-of-way. It is in conjunction with a proposed two lot simple subdivision for single-family residential use.

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

Resolution No. 101-03 – 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, Washington Annexation Located at 287 Coulson Drive and Including a Portion of Unawep Avenue, Coulson Drive and Capitol Lane Rights-of-way

*Action: Adopt Resolution No. 101-03*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction Colorado, Washington Annexation, Located at 287 Coulson Drive and Including a Portion of Unawep Avenue, Coulson Drive and Capitol Lane Rights-of-way, Approximately 1.317 Acres

*Action: Introduction of Proposed Ordinance and Set a Hearing for December 17, 2003*

**4. Setting a Hearing on Vacating a 15' Alley Right-of-Way Located 722 Belford Avenue [File # VR-2003-132]**

The petitioner, FMC Properties, LLC, wishes to vacate an existing 15' north/south alley right-of-way located northeast of the intersection of N. 7<sup>th</sup> Street and Belford Avenue in anticipation of future commercial office development. The only utilities that are located in the alley right-of-way are a sanitary sewer line, which is to be abandoned and an overhead utility line, which is to be relocated. The existing eight (8) lots owned by the petitioner will be consolidated into one. The Planning Commission recommended approval at its October 28<sup>th</sup>, 2003 meeting.

Proposed Ordinance Vacating a 15' Wide Alley Right-of-way Located Northeast of the Intersection of North 7<sup>th</sup> Street and Belford Avenue Known as 722 Belford Avenue

*Action: Introduction of Proposed Ordinance and Set a Hearing for November 19, 2003*

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

**Other Business – Riverside Parkway**

Council President Spehar addressed the audience and gave a short review of the items approved by the voters affecting City and County residents. He noted that the voters' approval of the Riverside Parkway Project is a huge responsibility for the City and the City would do everything necessary to ensure the project would be completed as authorized by the voters. He asked Mr. Relph to give an overview of the project.

Mark Relph, Public Works and Utilities Director, gave a PowerPoint presentation outlining the project and the operational steps the City will be taking to complete the project. He explained the City would use a Design/Build Concept, which means the City will hire

one entity under one contract to design and build this project. He next listed some contractors and their projects as samples. Mr. Relph informed Council that the City would create a management team for the project.

Mr. Relph explained the estimated schedule for the 1601 Process and that it should be completed by the end of next year.

Councilmember Palmer asked Mr. Relph to confirm that the City would also be using local contractors and suppliers.

Mr. Relph confirmed Councilmember Palmer's statement and talked about the tradeoffs of additional staff verses using contractors.

Ron Lappi, Administrative Services and Finance Director, gave a short review of the bonding and election issue. He said the preliminary schedule was in place; and that the first wave of the bonds would be issued the 3<sup>rd</sup> week in February 2004. He noted that current bond rates are down again. He informed Council that the first reading of the Bond Ordinance is scheduled for the December 17<sup>th</sup>, 2003 City Council meeting.

#### **2004 LEAF Grant for DUI Enforcement**

The Colorado Department of Transportation has awarded \$27,000 to the Grand Junction Police Department to fund DUI enforcement. The GJPD applied for \$35,000 with Council approval in August of this year.

Resolution No. 102-03 – A Resolution Accepting a Grant and Approving the Law Enforcement Assistance Fund (LEAF) Contract #L-28-04

Greg Morrison, Chief of Police, reviewed this item.

Councilmember Palmer moved to adopt Resolution No. 102-03. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

#### **Parks Classifications and Hours**

Adoption of resolution establishing park classifications and setting the hours in which public use and access to City parks is prohibited, for all City parks, open spaces and cemeteries, whether developed or not.

Joe Stevens, Parks and Recreation Director, reviewed this item. He gave an overview and explained the reason for the proposed changes.

When asked if the games usually end by 10:30 p.m. at Canyon View Park or at Lincoln Park, Mr. Stevens replied that they did, but if necessary an exception to the closing time could be made at that time.

No. 103 -03 - A Resolution Setting Hours of Usage for the City's Parks Based on a New Classification System

Councilmember Palmer moved to adopt Resolution No. 103-03. Councilmember Butler seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Vacating a Portion of the Right-of-Way for Gary Drive and B  $\frac{3}{4}$  Road** [File #PP-2003-168]

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

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

Lisa Cox, Senior Planner, reviewed this item. She said after reviewing the application Staff concluded that the requested vacation of rights-of-way were consistent with the goals and policies of the Growth Plan and met the criteria in Section 2.11.C. of the Zoning and Development Code. Ms. Cox told Council the Planning Commission recommends the following: a) The approval of the requested right-of-way vacation for Gary Drive (by unanimous vote); and b) The denial of the requested right-of-way vacation for B  $\frac{3}{4}$  Road, because the vacation criteria had not been fully satisfied.

Council President Spehar asked Ms. Cox if the proposed vacation of rights-of way would have any effect on emergency services and/or access to businesses and residents for the general public. Ms. Cox displayed a PowerPoint presentation showing the new entrances to the surrounding areas.

Councilmember Hill asked who the owner of the park area to the north of the parcel is. Ms. Cox said the park is privately owned and currently leased by the City.

She explained to Council that the proposed ordinance is for both rights-of-way, but the ordinance could easily be split, if Council would prefer individual ordinances. She said under the current ordinance, the intersection of B  $\frac{3}{4}$  Road and Linden Avenue would be abandoned. She said the plan is to build 90 residential units of affordable housing on the three lots.

Tim Moore, Public Works Manager, and Rick Dorris, Development Engineer, gave an additional presentation of the vacation request to Council.

Council President Spehar asked about the accident history for that intersection. He was told that eight accidents had occurred since 2002, and that the Public Works Department had partnered with the Grand Junction Housing Authority and together they reviewed several designs with Staff.

Mike Smith, Transportation Manager with CDOT, Region 3, explained that this particular intersection is similar to the B ½ Road intersection, which has been re-designed, and he said the new design is working fine. He said a traffic study was not done at this intersection because CDOT decided five years ago that there was a problem with this intersection. He said CDOT looked at the proposal presented tonight and is very comfortable with this design.

Councilmember Palmer asked for a five-minute recess at 8:50 p.m.

The meeting was back in session and the public hearing was re-opened at 8:58 p.m.

Connie Cass, an Orchard Mesa Resident, representing the Southern Gateway Corridor Association handed out a copy of her letter (see attached Exhibit "A") to Council, asking Council to delay the vacation of right-of-way of B ¾ Road. She assured Council that her Association and the neighbors aren't opposed to the Housing Authority's project, but closing access to B ¾ Road not only has an impact on businesses and residents, but also raises safety concerns.

Ray Vollinder who operates the Wild Awakenings Coffee Shop on B ¾ Road, which is in close proximity to the Linden Avenue/Highway 50 intersection, told Council that if access to B ¾ Road is eliminated, and therefore denies public access to his shop, it would negatively affect his business.

William Earnheart, who owns C&D Shipping, said if B ¾ Road closes he would lose 60% of the access to his business. Mr. Earnheart said he recently hired someone to stand outside for two days to count cars. He said easy access in and out is what his customers want and what makes his business successful. He asked Council to reconsider the request.

Jim Fraser, 1931 Linden Avenue, discussed the access along Highway 50 and talked about deliveries made by commercial vehicles, which usually use the backside (B ¾ Road) of these businesses. He said the section between David Drive and Unawep Avenue is in very poor condition. He said there have been a dozen of accidents at that intersection since 1999, and he asked Council to reconsider before making a decision.

Robert A. Brown, 2686 B ¾ Road, agreed with Mr. Fraser's comments and reiterated that all freight comes into that shopping center from B ¾ Road. He said he too is opposed to closing B ¾ Road.

The public hearing was closed at 9:33 p.m.

Councilmember Enos-Martinez asked if any neighborhood meetings were held.

Greg Hancock with the Grand Junction Grand Junction Housing Authority replied that there was one neighborhood meeting in July. He said they went beyond the 500-foot required radius and invited neighbors living within 1500-feet. He said the Grand Junction Housing Authority wanted the public's involvement early on. He said so far they have gone through 25 to 30 different site plans to accommodate and mitigate the neighbors concerns. He stated that in none of the 25 to 30 site plans reviewed, did they ever consider B  $\frac{3}{4}$  Road staying open. He said he could not recall any neighbors in support of closing the road. He estimate that about 30 to 50 people attended the first meeting; at the second meeting, which was more formal, about 30 some people attended that meeting.

Councilmember Enos-Martinez asked Mr. Dorris why the Public Works Department is recommending closure of B  $\frac{3}{4}$  Road. Mr. Dorris replied that whenever there are five legs to an intersection, it is a bad idea to keep that intersection that way. He said City Staff looks to the future as well as the past when development is considered.

Mark Relph, Public Works and Utilities Director, said this type of design is no longer acceptable by today's standards.

Rick Dorris next displayed some slides, taken from his car from different locations at this intersection, showing accesses to Highway 50, pointing out all the safety concerns.

Councilmember McCurry said he appreciates Mr. Dorris's concerns, but he believes a traffic light would be the best solution for that intersection, and he would have to vote against closing B  $\frac{3}{4}$  Road.

Councilmember Kirtland stated that he believes that the five-legged intersection will be closed in the future, and he agrees that the Corridor Plan needs to be done.

Mike Smith, Transportation Manager with CDOT, said as far as CDOT is concerned, access to B  $\frac{3}{4}$  Road is already closed, and any development and/or any increase in traffic will automatically trigger the closure of B  $\frac{3}{4}$  Road.

Councilmember Hill asked City Attorney Wilson what the process would be for Council to deny this request. Mr. Wilson said if the City doesn't vacate the right-of-way tonight, the Grand Junction Housing Authority would have to go back to the drawing board. He pointed out to Council that it might receive additional vacation requests in the future.

Councilmember Palmer felt that by listening to the residents he believes that there is no reason to vacate the right-of-way for B  $\frac{3}{4}$  Road.

Councilmember Hill said his real concern is the confusing intersection, but routing commercial traffic through residential areas is also a big concern and creates a safety issue.

Council President Spehar agreed with Councilmember Kirtland regarding the closure of access to B  $\frac{3}{4}$  Road. He said the closure at this intersection is a “when” not “if” problem.

Ordinance No. 3579 – An 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

Councilmember Kirtland moved to adopt Ordinance No. 3579 on Second Reading. Councilmember Enos-Martinez seconded the motion. Motion **failed** by a roll call vote 2 to 5. Councilmembers Spehar and Kirtland voted yes.

Councilmember Butler stated that he is a board member of the Grand Junction Housing Authority. He said it doesn't look like a safe situation and he felt that he couldn't support the vacation of right-of-way of B  $\frac{3}{4}$  Road at this time.

Councilmember Enos-Martinez moved to adopt Ordinance No. 3579 on Second Reading and ordered it published only vacating a portion of Gary Drive. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Public Hearing - Church on the Rock Annexation and Zoning of the Church on the Rock Located at 2170 Broadway** [File #ANX-2003-197]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Church on the Rock Annexation, located at 2170 Broadway. The 5.4946-acre annexation consists of one (1) parcel of unplatted land 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 (gymnasium) with a proposed zoning of Residential Single Family – 2 (RSF-2). The proposed annexation lies within the Persigo 201 sewer district.

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 (gymnasium) with a proposed zoning of Residential Single Family – 2 (RSF-2). The Planning Commission recommended approval at its October 14, 2003 meeting.



The public hearing was opened at 10:19 p.m.

Scott Peterson, Associate Planner, reviewed the annexation and zoning request in one presentation.

There were no public comments.

The public hearing was closed at 10:20 p.m.

**a. Accepting Petition**

Resolution No. 104-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Church on the Rock Annexation, Located at 2170 Broadway and Including a Portion of the Rio Hondo Road Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3580 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Church on the Rock Annexation, Approximately 5.4946 Acres, Located at 2170 Broadway and Including a Portion of the Rio Hondo Road Right-of-Way

**c. Zoning Ordinance**

Ordinance No. 3581 – An Ordinance Zoning the Church on the Rock Annexation to Residential Single Family – 2 (RSF-2), Located at 2170 Broadway

Councilmember Kirtland moved to adopt Resolution No. 104-03, Ordinances No. 3580 and No. 3581 on Second Reading and ordered them published. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

**Public Hearing - Gowhari Annexation Located at 563 20 ½ Road** [File #GPA-2003-183]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Gowhari Annexation, located at 563 20 ½ Rd. The 25.103-acre Gowhari Annexation consists of 3 parcel(s). This annexation is part of a requested Growth Plan Amendment to change 24.503 acres on the Future Land Use Map from Rural 5-35 ac/du to Residential Low 1/2 – 2 ac/du. The Growth Plan Amendment request will be heard at a later date.

The public hearing was opened at 10:20 p.m.

Senta Costello, Associate Planner, reviewed this item.

There were no public comments.

The public hearing was closed at 10:21 p.m.

**a. Accepting Petition**

Resolution No. 105-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Gowhari Annexation, Located at 563 20 ½ Road, 573 20 ½ Road, 2026 S. Broadway and Including a Portion of the 20 ½ Road Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3582 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Gowhari Annexation, Approximately 25.103 Acres, Located at 563 20 ½ Road, 573 20 ½ Road, 2026 S. Broadway and Including a Portion of the 20 ½ Road Right-of-Way

Councilmember Hill moved to adopt Resolution No. 105-03 and Ordinance No. 3583 on Second Reading and ordered them published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

**Public Hearing - Grand Bud Annexation Located at 28 ½ Road at Hwy. 50** [File #GPA-2003-184]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Grand Bud Annexation, located at 28 ½ Road at Highway 50. The 24.153 acre Grand Bud Annexation consists of 1 parcel. This project is part of a requested Growth Plan Amendment for the southwest 9.948 acres of the property to change the Future Land Use Map from Residential Medium 4-8 du/ac to Commercial. The Growth Plan Amendment request will be heard at a later date.

The public hearing was opened at 10:23 p.m.

Senta Costello, Associate Planner, reviewed this item.

There were no public comments.

The public hearing was closed at 10:24 p.m.

**a. Accepting Petition**

Resolution No. 106-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Grand Bud Annexation, Located at the Northwest Corner of 28 ½ Road and Highway 50 and Including a Portion of the 28 ½ Road Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3583 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Grand Bud Annexation, Approximately 24.153 Acres, Located at the Northwest Corner of 28 ½ Road and Hwy. 50 and Including a Portion of the 28 ½ Road Right-of-Way

Councilmember Hill moved to adopt Resolution No. 106-03 and Ordinance No. 3583 on Second Reading and ordered them published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

**Public Hearing - 2<sup>nd</sup> 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.

The public hearing was opened at 10:28 p.m.

Ron Lappi, Administrative Services and Financial Director, reviewed this item.

There were no public comments.

The public hearing was closed at 10:29 p.m.

Ordinance No. 3584 – An Ordinance Making Supplemental Appropriations to the 2003 Budget of the City of Grand Junction

Councilmember Kirtland moved to adopt Ordinance No. 3584 on Second Reading and ordered it published. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

**NON-SCHEDULED CITIZENS & VISITORS**

Milton "Tony" Long, 302 Pitkin, said he is homeless and has done research at the Mesa County Public Library regarding the Colorado Constitution, the Bill of Rights, and property rights. He said sleeping in cars may be sometimes appropriate.

Councilmember Hill asked if the shelters were over-loaded. Mr. Long replied that he didn't know, but said one of the shelters charges a daily fee and the other one wakes one up at 7:45 a.m.

Council moved on to the next agenda item.

### **OTHER BUSINESS**

Other business was discussed earlier as the first item under "Items Needing Individual Consideration".

### **EXECUTIVE SESSION**

It was moved by Councilmember Kirtland, seconded by Councilmember Hill, and the motion carried to go into executive session:

- a. For the purpose of an update on positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e), relative to land easements for future storm water improvements,
- b. To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a) relative to Riverside Parkway,
- c. For conference with the city attorney for the purposes of receiving legal advice on the pending GVIC lawsuit under C.R. 24-6-402 (4) (c), and
- d. For the discussion of personnel matters under C.R.S. Section 24-6-402(4)(f)(i) relative to city council employees.

It was stated that Council would not return to open session.

### **ADJOURNMENT**

City Council adjourned at 10:35 p.m. into executive session to the Administration Conference Room.

Juanita Peterson  
Deputy City Clerk