

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

DECEMBER 3, 2003

The City Council of the City of Grand Junction convened into regular session on the 3rd day of December 2003, at 7:30 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, Assistant City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Jim Spehar called the meeting to order. Councilmember McCurry led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Zeke Leija, Zion Assembly of God Church.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

FORESTRY BOARD

Mike Heinz was present and received his certificate.

PROCLAMATIONS

PROCLAIMING DECEMBER 15 AS "BILL OF RIGHTS DAY" IN THE CITY OF GRAND JUNCTION

The Mayor announced that the City would be commemorating the Bill of Rights Day with a ceremony in the City Auditorium on Monday, December 15th, starting at 5:00 p.m. He listed the groups that will be involved in the ceremony and he invited the public to attend.

SCHEDULED CITIZENS COMMENTS

Shandie Case, 640 Bean Ranch Road in Whitewater; addressed Council for the need of a traffic signal at the intersection of 24 and G Roads. Public Works and Utilities Director Mark Relph detailed the process for determining the need for a traffic signal. He believed this intersection does meet the volume warrants for a signal. He explained the reason for postponing the installation of the signal. He said the cost of signalization is approximately \$150,000. He explained that the traffic signal was included in the ten-year plan but is not included in the next two-year budget cycle. He said it might be included when the whole 24 Road Corridor is widened and improved and the City will be trying to coordinate improvements at the intersection with CDOT. Ms. Case asked if a temporary signal could be installed until a permanent improvement can be made. Mayor Spehar replied that the intersection is a concern and the City will continue to monitor the intersection.

Evan Gluckman, owner of the Main Street Café, 504 Main Street, addressed Council regarding the downtown holiday parking issue. He read a statement about his idea for

businesses to sponsor the short-term meters between 4th and 6th Streets from Main Street to Colorado Avenue.

Harold Stalf, DDA Director, felt the initiative of the business owners was to be commended and he agreed that the message for downtown is positive. He noted that last year a lot of complaints were received by the DDA, including complaints from professional offices, that no parking was available to clients because of the free holiday parking. He stated all the spots were filled by 9:00 a.m. He said he did not want to be an obstruction to any goodwill, but he said the DDA has not received very many complaints regarding the cancellation of this year's free parking.

Council asked various questions but in general felt that bagging some meters would lead to confusion and felt it was not a good idea for Council to get in the middle of three downtown organizations disagreeing about the subject. Council President Spehar said Council would like to hear a united voice from downtown. However, the majority of Council saw no problem with allowing merchants to purchase meters and to bag them. Council gave direction to Staff to make it happen.

FINAL ELECTION RESULTS

PRESENTATION OF FINAL CERTIFICATE OF VOTES CAST FOR NOVEMBER, 2003 ELECTION

City Clerk Stephanie Tuin presented a final certificate of votes cast to the City Council regarding the special election held in conjunction with Mesa County on November 4, 2003. The results of the election authorize the issuance of \$80 million in bonds for funding the Riverside Parkway.

CONSENT CALENDAR

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

1. Minutes of Previous Meetings

Action: Approve the Summary of the November 17, 2003 Noon Workshop, November 17, 2003 Workshop, and the Minutes of the November 19, 2003 Regular Meeting

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

The Washington Annexation is comprised of one parcel of land of 1.317 acres and includes Unawep Avenue, Coulson Drive and Capitol Lane rights-of-way.

The petitioner is requesting a zone of Residential Single Family with a density not to exceed four units per acre (RSF-4), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its November 25, 2003 meeting.

Proposed Ordinance Zoning the Washington Annexation to Residential Single Family with a Density not to Exceed Four Units Per Acres (RSF-4) Located at 287 Coulson Drive

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

3. **Vacation of a Portion of a 7' Utility Easement Located 2110 Barberrry Avenue** [File # VE-2002-248]

The petitioner wishes to vacate a portion of a 7' Utility Easement (3' x 15.5' or 46.5 sq. ft.) located along the east property line of Lot 10, Block 4, Spring Valley, Filing Two, in order to accommodate the relocation of a detached patio cover in the back and side yard. The Planning Commission recommended approval at its November 25, 2003 meeting.

Resolution No. 110-03 - A Resolution Vacating a Portion of a 7' Wide Utility Easement Lying Along the East Property Line of Lot 10, Block 4, Spring Valley, Filing Two Known As: 2110 Barberrry Avenue

Action: Adopt Resolution No. 110-03

4. **Sole Source Purchase of Rain Bird Maxicom Controllers for Irrigation Systems**

Sole Source purchase of Rain Bird Maxicom Controllers for 2004. The Parks Department currently has several parks with individual automated site based irrigation systems. These systems will be converted to the centralized Maxicom software program that is currently in operation at the Lincoln Park central irrigation control system. The Rain Bird Maxicom brand is the only compatible controller and Grand Junction Pipe and Supply is the only authorized Rain Bird distributor for this area.

Action: Authorize the Purchasing Department Senior Buyer to Issue Purchase Orders to Grand Junction Pipe and Supply in the Estimated Amounts of \$47,800.00 Contingent on Final 04 Budget Approval for Rain Bird Maxicom Controllers

*** ITEMS NEEDING INDIVIDUAL CONSIDERATION ***

Utility Rate Changes for 2004

Proposal to change utility rates for Wastewater and Water Services effective January 1, 2004. 68 percent of City water customers will see a decrease in their water rates and sewer rates are increasing by 5 percent. Irrigation charges for the Ridges will not change for 2004 and trash rates will not change for 2004.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the rate adjustment would actually decrease water rates for 68 percent of the City's customers, but the customers that use more than 20,000 gallons of water in a billing period would be paying a higher rate. He stated the total revenue would stay neutral and the senior discount would be eliminated. He said the reason for requesting changes to the utility rates is to encourage water conservation.

Mr. Relph said the 5 percent proposed increase to the sewer rate would amount to an increase of about 63 cents per month on a residential account. He said the increase would pay for a portion of the CSEP project.

Mr. Relph noted that no changes are proposed for irrigation in the Ridges or to the trash service.

John Bonner, citizen, felt that when 68 percent of the users are using less than 3,000 gallons of water a month there was no incentive to conserve. He asked why the City was spending money to educate the minority of users. He felt there should be an incentive for the 68 percent of the water users. He also encouraged Council to raise the trash rates to discourage volumes of trash.

Councilmember Kirtland thanked Mr. Bonner for making a great point. Councilmember Hill applauded the utility department for their operation and being able to hold rates flat. Mayor Spehar noted that Council directed Staff to make these changes for water conservation purposes only, not to increase revenues.

Resolution No. 111-03 – A Resolution to Adopt Utility Rates for Wastewater and Water Services Effective January 1, 2004

Councilmember Hill moved to adopt Resolution No. 111-03. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

2004 – 2005 Fees & Charges Policy for the Parks and Recreation Department

The Parks & Recreation Advisory Board is recommending that the City Council pass a resolution adopting the 2004 & 2005 Parks & Recreation Fees & Charges Policy. Addi-

tionally, it is also recommended that the City Council adopt the 2004-2005 Fees & Charges Policy for Two Rivers Convention Center and the Avalon Theatre.

Joe Stevens, Parks and Recreation Director, reviewed this item. He noted that a different green fee was proposed for the Tiara Rado Golf Course than for the Lincoln Park Golf Course. He said the requested increase in the user fee for the ball fields was because of higher utility costs.

Mr. Stevens told Council a 3.5 percent increase in cemetery fees is proposed for 2004 and 2005.

Mr. Stevens said regarding resident and non-resident fees, the fees are set on a cost recovery basis and then a resident gets a discount from that. He pointed out there were no discounts on cemetery fees, facility use, or on walk up golf fees. He said discounts were only available for recreation programs. He said regarding revenue, the differentiation was about 20 percent.

Councilmember Hill said he was somewhat uncomfortable by providing a discount for City residents when in his mind all the people living in the valley were residents. He felt that if no discounts were made the rates overall could be reduced. He suggested a study and to provide some other direct benefit to residents that relate to property ownership. Mr. Stevens acknowledged that his point was well taken and said that some current issues are that the surrounding communities have bigger recreation programs than they did have in the past. He said additionally having to deny a resident discount to people that claim Grand Junction as their address could be a public relations issue.

Mr. Stevens said the Parks and Recreation Advisory Board reviews all rates except the rates for the Two Rivers Convention Center and the Avalon Theater.

Councilmember Hill asked if the management at Two Rivers had the ability to adjust fees, specifically on food items so the rate would be compatible with the market. Mr. Stevens replied that while private facilities do have that ability, the only available flexibility to the Two Rivers management were fees regarding the room rents, type of the group, and if there was repeat business.

Resolution No. 112-03 – A Resolution Establishing the 2004 – 2005 Fees and Charges Policy for the Grand Junction Parks and Recreation Department

Councilmember Enos-Martinez moved to adopt Resolution No. 112-03. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Levying Property Taxes for the Year 2003 for Collection in the Year 2004

The resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District #1, Grand Junction West Water and Sanitation District (GJWWSD), and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations, the others are for debt service only. The City is also establishing a temporary credit mill levy for the General Fund for the purpose of refunding revenue collected in 2002 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution. The temporary credit is pursuant to CRS 39-5-121- (SB 93-255). The City will levy a temporary credit of 0.630 mills for the purpose of refunding \$320,273.

Ron Lappi, Administrative Services and Finance Director, reviewed this item. Specifically he identified the mill levy for each taxing authority, noting the enormous reduction that has occurred over the years in the Ridges since the City took over. He pointed out the amount of refund under TABOR would only be a very small amount on the property tax bill.

- a. Resolution No. 113-03 – A Resolution Levying Taxes for the Year 2003 in the City of Grand Junction, Colorado
- b. Resolution No. 114-03 – A Resolution Levying Temporary Credit Taxes for the Year 2003 in the City of Grand Junction, Colorado
- c. Resolution No. 115-03 – A Resolution Levying Taxes for the Year 2003 in the City of Grand Junction, Colorado, Downtown Development Authority
- d. Resolution No. 116-03 – A Resolution Levying Taxes for the Year 2003 in the Ridges Metropolitan District a Part of the City of Grand Junction, Colorado
- e. Resolution No. 117-03 – A Resolution Levying Taxes for the Year 2003 the Grand Junction West Water and Sanitation District a Part of the City of Grand Junction, Colorado

Councilmember Kirtland moved to adopt Resolutions No. 113-03, 114-03, 115-03, 116-03, and 117-03. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

Public Hearing - 2004 Annual Appropriation

The total appropriation for all thirty-four accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) for the fiscal year beginning January 1, 2004 is \$115,484,715. Although not a planned expenditure, an additional \$2,500,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

The public hearing was opened at 8:58 p.m.

Ron Lappi, Administrative Services and Finance Director, reviewed these items. He explained that one of the items was the annual appropriation ordinance and the second item was the resolution adopting the two-year budget.

There were no public comments.

The public hearing was closed at 8:59 p.m.

a. Appropriation Ordinance

Ordinance No. 3587 - An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District for the Year Beginning January 1, 2004 and Ending December 31, 2004

b. Budget Resolution

Resolution No. 118-03 - A Resolution Adopting the Budget for the Purpose of Defraying the Expenses and Liabilities for the Fiscal Years Ending December 31, 2004 and 2005

Councilmember Enos-Martinez moved to adopt Ordinance No. 3587 on Second Reading and ordered it published and to adopt Resolution No. 118-03. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

Designating Property Tax Revenue for Neighborhood Improvements

A resolution for the City Council consideration that declares the Council's intent to annually commit the growth in property taxes to support neighborhood capital improvements and operating costs of neighborhoods beginning in 2006.

Ron Lappi, Administrative Services and Finance Director, reviewed this item. He explained the proposal was a result of a discussion that took place at the budget presentation in October. He said the designation specifically identified in this resolution would begin in 2006. He pointed out that the current two-year budget already had substantial funding for neighborhoods in the next cycle.

Mayor Spehar suggested the resolution needed to be discussed further as the proposed \$300,000 identified for 2006 was smaller than he had envisioned.

City Manager Kelly Arnold said that resolution was only a proposal and if more discussion was needed a workshop discussion could be scheduled.

Councilmember Kirtland stated that this could be considered a seed for those projects and more could certainly be added. Mayor Spehar still felt it premature. Councilmember Kirtland suggested it be discussed at the Strategic Plan Update meeting.

No action was taken and the proposed resolution was deferred to a workshop meeting.

Public Hearing - Bond Ordinance for Community Hospital

This is an ordinance authorizing the issuance of \$3,420,000 of hospital revenue refunding bonds on behalf of Community Hospital.

The public hearing was opened at 9:08 p.m.

Ron Lappi, Administrative Services and Finance Director, reviewed this item. He explained the issue of the bonds for Community Hospital would pay off the current bonds and reissue the bonds at a lower interest rate. He said although the City's name would be on the bonds, the City would not be obligated in any way.

Don Callahan, Chief Financial Officer of Community Hospital, thanked Council for its assistance in helping the hospital lower their cost of repaying the bonds

There were no public comments.

The public hearing was closed at 9:10 p.m.

Ordinance No. 3588 - An Ordinance Authorizing the Issuance and Sale of \$3,420,000 Hospital Revenue Refunding Bond (Community Hospital Project) Series 2004 of the City of Grand Junction, Colorado for the Purpose of Refunding all of the Outstanding City of Grand Junction, Colorado Hospital Revenue Refunding and Improvement Bonds (Community Hospital Corporation Project) Series 1993; Approving and Authorizing Execution of a Financing Agreement and Escrow Agreement with Respect to the Bond; Making Findings and Determinations with Respect to the Refunding Project and the Bond; Authorizing the Execution and Delivery of Related Documents; and Repealing all Action Heretofore Taken in Conflict Herewith

Councilmember Butler moved to adopt Ordinance No. 3588 on Second Reading and ordered it published. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Public Hearing – Amending the Barking Dog Ordinance

Changes are made to the elements for the prosecution of an owner who has failed to prevent a dog from disturbing the peace of another, warning requirements have been

eliminated, and penalties have been increased for a first and second offense for violating any section of Article III of Chapter 6 of the Code of Ordinances.

The public hearing was opened at 9:11 p.m.

John Shaver, Assistant City Attorney, reviewed this item. He explained that the proposed ordinance changes: a) the number of complainants required for prosecution of a violation, b) raises the fines, and c) would bring the City Ordinance and the County Ordinance in alignment for consistent enforcement.

John Bonner, citizen, asked how the ordinance would work with one person's word against another's. He said his experience was and he was told he needed two complainants to authenticate the disturbance, and he asked why couldn't the dispatched animal control officer be one of the witnesses. He was told the dog owner could use as a defense that the presence of the officer caused the dog to bark.

Mr. Shaver said the complainants do have some responsibility to make it a substantive complaint and it is a personal claim and it is the complainant's peace being disturbed. He said there always was the ability of the responsible dog owner working out the problem in pre-trial or in a plea bargain agreement. He said usually the irresponsible dog owner is the problem and in that case both parties appear in front a judge and the judge then makes a decision.

The public hearing was closed at 9:21 p.m.

Ordinance No. 3589 - An Ordinance Repealing and Reenacting Section 6-61 of the Code of Ordinances ("Code") Concerning an Owner's Failure to Prevent a Dog From Disturbing the Peace and Quiet of Another, Repealing and Reenacting Section 6-68 of the Code Establishing the Penalties for Violating any Article of Section 6 of Chapter 6 of the Code, and Repealing Certain Ordinances in Conflict with the Amendments

Councilmember Palmer moved to adopt Ordinance No. 3589 on Second Reading and ordered it published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

EXECUTIVE SESSION

It was moved by Councilmember Enos-Martinez, seconded by Councilmember Kirtland, and carried to go into executive session for discussion of personnel matters under Section 402(4)(f)(i) of the Open Meeting Law relative to City Council employees, and to confer with and receive legal advice from the City Attorney regarding strategies about and our positions relative to the storm water master plan under section 402 (4)(b) of the Open Meetings Law and will not be returning to open session.

ADJOURNMENT

City Council adjourned at 9:22 p.m. to the Administration Conference Room for executive session.

Stephanie Tuin, MMC
City Clerk