

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

January 7, 2004

The City Council of the City of Grand Junction convened into regular session on the 7th day of January 2004, 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, Acting City Attorney John Shaver, and City Clerk Stephanie Tuin.

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 Michael Torphy, Religious Science Church.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO VISITOR AND CONVENTION BUREAU BOARD OF DIRECTORS

Jane Fine Foster and Linda Smith were present and received their certificates.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING "100TH ANNIVERSARY" FOR THE EAGLES LODGE

PROCLAIMING JANUARY 16TH AS "ROCKY MOUNTAIN HEALTH PLANS DAY"

GJHS ORANGE & BLACK

Councilmember McCurry congratulated the students of the Grand Junction High School Orange & Black (the school newspaper) who made it possible to win Hall of Fame status.

APPOINTMENTS

TO HISTORIC PRESERVATION BOARD

Councilmember McCurry moved to reappoint Bill Jones and to appoint David Sundal and Zeb Miracle to the Historic Preservation Board for three-year terms, expiring December 2006. Councilmember Palmer seconded the motion. Motion carried.

SCHEDULED CITIZEN COMMENTS

Tyler Peck, 1152 ½ 23 Road, addressed Council regarding the current ice fishing restrictions at Juniata Reservoir. He said he is an avid fisherman but since 2002 ice fishing has been restricted at the reservoir because of liability concerns by the City. He said he was told another concern was the chance for contaminants in the water supply

but he discounted any manmade contaminants. Lastly he said, understandably there are security concerns since 9/11, but he would like the prohibition relaxed so that he can ice fish there. He said he is willing to sign a waiver relieving the City of any liability in case of an accident. He also suggested posting signs stating the risks. He suggested a citizen task force walk the shores of the lake, pick up litter, and generally keep an eye on the lake. He felt the lake is the only place in western Colorado where one can catch walleye, and that anglers are losing more and more fishing opportunities.

Council President Spehar responded that he would have Public Works and Utilities Director Mark Relph, in conjunction with Utilities Manager Greg Trainor, review the matter, and have them then present their report for Council's review.

Shandie Case, 640 Bean Ranch Road, Whitewater, thanked Council for taking her suggestion to install a traffic signal at 24 and G Road seriously, and she offered her help if it would hasten the installation of the signal. She asked when the signal would be installed.

Public Works and Utilities Director Mark Relph said the parts are ordered and are expected in about three months. Then installation will occur within a month.

CONSENT CALENDAR

It was moved by Councilmember Enos-Martinez, seconded by Councilmember Hill, and carried by a roll call vote, to approve Consent Calendar Items #1 through #8.

1. Minutes of Previous Meeting

Action: Approve the Minutes of the December 17, 2003 Regular Meeting

2. Meeting Schedule and Posting of Notices

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings to be determined annually by resolution.

Resolution No. 01-04 – A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings and Establishing the City Council Meeting Schedule

Action: Adopt Resolution No. 01-04

3. Setting a Hearing on Issuing Bonds for the Riverside Parkway

The City voters overwhelmingly approved the issuance of bonds up to \$80 million at the November 4, 2003 election. This debt is specifically approved for the construction of the Riverside Parkway from 24 Road to 29 Road, together with appropriate connections where needed and the completion of the 29 Road Corridor and new Interchange at 29 Road and I-70.

Proposed Ordinance Authorizing the Issuance of City of Grand Junction, Colorado, General Fund Revenue Bonds, Series 2004, and Pledging Certain Revenues of the City for the Payment of the Bonds

Action: Introduction of Proposed Ordinance and Set a Hearing for January 21, 2004

4. Setting a Hearing on the Valley Meadows North Rezone Located at the North End of Kapota Street [File # RZP-2003-153]

Introduction of a proposed ordinance to rezone the Valley Meadows North property, located at the north end of Kapota Street, from the RSF-R, Residential Single Family Rural to RSF-4, Residential Single Family-4.

Proposed Ordinance Rezoning the Valley Meadows North property, located at the north end of Kapota Street, from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4)

Action: Introduction of Proposed Ordinance and Set a Hearing for January 21, 2004

5. Setting a Hearing on the Amending Ordinance No. 3582 Gowhari Annexation Located at 563 20 ½ Road [File # GPA-2003-183]

Amending Ordinance No. 3582 for the Gowhari Annexation. The legal description in Ordinance No. 3582 is incorrect; the annexation should have been a serial annexation. When amended the annexation will be known as the Gowhari Annexations #1 & #2. The 24.473-acre Gowhari annexation consists of 3 parcels of land and 0.63 acres of 20 ½ Road right-of-way.

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Gowhari Annexations #1 & #2, Approximately 25.103 Acres, Located At 563 20 ½

Rd, 573 20 ½ Rd, 2026 S. Broadway and Including a Portion of the 20 ½ Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for January 21, 2004

6. Setting a Hearing on Zoning the Gowhari Annexation, Located at 563 20 ½ Road, 573 20 ½ Road and 2026 S. Broadway [File # GPA-2003-183]

Introduction of a proposed zoning ordinance to zone the Gowhari Annexation consisting of 25.103 acres and 3 parcels, located at 563 20 ½ Rd, 573 20 ½ Rd, 2026 S. Broadway.

Proposed Ordinance Zoning the Gowhari Annexation to RSF-2 Located at 563 20 ½ Rd, 573 20 ½ Rd, 2026 S. Broadway

Action: Introduction of Proposed Ordinance and Set a Hearing for January 21, 2004

7. Lease Extension of the Saccomanno Property, Located at Southwest Corner of 26 ½ Road and H Road

A resolution authorizing a one-year farm lease of the City's Saccomanno Park property, located at the southwest corner of 26 ½ Road and H Road, except the south 5-acres.

Resolution No. 02-04 – A Resolution Authorizing a One-Year Farm Lease of the “Saccomanno Park Property” to Robert H. Murphy

Action: Adopt Resolution No. 02-04

8. Lease Extension of Two Dry Grazing Areas Located South of Whitewater

Two proposed Resolutions will extend the terms of these two existing Dry Grazing Leases located south of Whitewater for William Arthur Mertz and Sally Marie Smith.

Resolution No. 03-04 – A Resolution Authorizing a Dry Grazing Lease of City Property to William Arthur Mertz

Resolution No. 04-04 – A Resolution Authorizing a Dry Grazing Lease of City Property to Sally Marie Smith

Action: Adopt Resolution Nos. 03-04 and 04-04

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

Construction Contract - 29 Road Improvements Phase III Utilities, Grand Valley Canal – Patterson Road

Award of a construction contract for the 29 Road Improvements Phase III Utilities to M. A. Concrete Construction, Inc. in the amount of \$532,234.66.

Mark Relph, Public Works and Utilities Director, reviewed this item and the facilities included in the project. He noted that the bid amount is within budget and below the engineer's estimate. He said the work is scheduled to begin this January if the award of the construction contract is approved. He told Council the utility work completion is anticipated for May with the street construction following.

Council President Spehar asked if the work on this section of 29 Road would be as complicated as the southern portion was last year. Mr. Relph said it is complicated but not at the same magnitude.

Councilmember Palmer wanted confirmation that utilities would be placed underground. Mr. Relph affirmed.

Councilmember Palmer moved to authorize the City Manager to execute a construction contract for the 29 Road Improvements, Phase III Utilities, between the Grand Valley Canal and Patterson Road, with M.A. Concrete Construction, Inc. in the amount of \$532,234.66. Councilmember Kirtland seconded the motion. Motion carried.

Purchase of Property for the Riverside Parkway

The City has entered into a contract to purchase the property at 2529 High Country Court. A portion of the property is needed for Riverside Parkway right-of-way. The building will be used as office space for the Riverside Parkway Team for the duration of the project and then sold at the end of the project.

Mark Relph, Public Works and Utilities Director, reviewed this item. Mr. Relph explained that a portion of this property will be needed for right-of-way for the Riverside Parkway and that the existing building on the property will be used to house the

Riverside Parkway project team including the consultants and the contractors. He said there would be space available for citizens to meet with the project team. He pointed out that after the project is completed, the portion of the property not needed for the Riverside Parkway would then be sold. He said studies showed that this is the most cost effective approach. Mr. Relph explained that there would be a partial demolition of the building for the Riverside Parkway right-of-way.

Councilmember Hill asked how many square feet would be demolished and when the demolition would take place. Mr. Relph said the project team would be moving in prior to demolition and about 1,000 square feet would be eliminated. City Manager Arnold noted that this is now referred to as the garage space, and that the lot size is just over an acre.

Councilmember Palmer asked how much the relocation costs are. Mr. Relph noted the remodeling costs are approximately \$27,000 for wiring and converting the existing structure into an office building, but any relocation costs have not been estimated.

Resolution No. 05-04 – A Resolution Authorizing the Purchase of Real Property Located at 2529 High Country Court for Use for the Riverside Parkway

Councilmember Kirtland moved to adopt Resolution No. 05-04. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

Citizen Corp Grant Program Application

The Governors Commission on Community Service under Lt. Governor Jane Norton is accepting grant applications for the 2004 Citizen Corp Program. This program supports the establishment of Citizen Corp Councils, Neighborhood Watch, Community Emergency Response Teams, Volunteers in Police Service, and Medical Reserve Corp. The Grand Junction Police Department would like to establish a Citizen Corp Council and obtain funding to support the new Neighborhood Beat System. The Police Department would like to host quarterly meetings in each of the 63 neighborhood beats. Due to high service demands and staff shortages the neighborhood beat officers will be conducting these meetings on an overtime basis rather than pulling from patrol staffing. Additionally, this grant would allow the City to pay overtime to patrol officers to attend a four-hour training block on how to host these neighborhood meetings. The total costs of the proposed project will be \$53,960 all of which would come from the Governors Commission on Community Service.

Greg Morrison, Chief of Police, explained the reason for the request and what the funds would be used for. He advised Council that a Citizen Corps Group would facilitate the

neighborhood meetings and the grant would be used to pay overtime to the police officers participating in the meetings, which would be potentially four meetings per neighborhood.

Councilmember Butler moved to authorize the Grand Junction Police Department to apply for the Citizen Corp Overtime Grant. Councilmember McCurry seconded the motion. Motion carried.

Public Hearing - Vacating Right-of-Way on the Files Property Located at 631 26 ½ Road [File #VR-2003-227]

The petitioners, City of Grand Junction and the current property owners, Shirley Howard, Donald Files & Robert Files, wish to vacate an existing 30' right-of-way located west of 26 ½ Road, between the platted right-of-ways of F ½ Road and North Acres Road that was originally dedicated in 1969 but due to a legal description error, was incorrectly conveyed. The only utility that is located in this right-of-way is a sanitary sewer line that will be covered by the recording of a 20' Public Utilities Easement. The proposed vacation has never been utilized or constructed as a road right-of-way. The Planning Commission recommended approval at its December 16th, 2003 meeting. The petitioners request approval of the Vacation Ordinance.

The public hearing was opened at 8:16 p.m.

Scott Peterson, Associate Planner, reviewed this request. He noted that the request had been initiated by the City to correct a previous error by Mesa County. Mr. Peterson noted that the Files would grant a deed to the City for the utilities easement. He noted that the request is consistent with the Growth Plan and meets the criteria of the Zoning and Development Code.

There were no public comments.

Councilmember Kirtland asked about the condition of the vacation being a corresponding utility easement via a deed. Acting City Attorney Shaver concurred that would be the case.

The public hearing was closed at 8:20 p.m.

Ordinance No. 3593 - An Ordinance Vacating a 30' Wide Right-of-Way Located West of 26 ½ Road and South of the Grand Valley Canal and Reserving a 20' Public Utilities Easement Known as: 631 26 ½ Road

Councilmember Enos-Martinez moved to adopt Ordinance No. 3593 on Second Reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

Public Hearing - Rezoning Blue Heron Meadows, Located at 2587 G ½ Road [File #RZ-2003-212]

A request for approval to rezone 18 acres of land from RSF-2 (Residential single-family, not to exceed 2 units per acre) to RSF-4 (Residential single-family, not to exceed 4 dwelling units per acre) and hold the Public Hearing on January 7, 2004.

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

Lori Bowers, Senior Planner, reviewed this request. She reviewed the history of the property and how it was annexed and zoned originally. She said at annexation the City zoned it to be consistent with the County zoning knowing that when the parcel would be developed in the future it would require a rezone in order to be consistent with the Future Land Use Map. She stated that the request meets the rezone criteria of the Zoning and Development Code. She highlighted that the existing zoning was not in error, but that the parcel was zoned as per State Statute, within 90 days of annexation, and the decision then was made to make the City zoning consistent with the County zoning. She said another important criteria of the Code is that adequate facilities exist to serve the property, and she noted that this criterion has been satisfied.

Councilmember Palmer inquired when access to the property would be available. Ms. Bowers replied at development of the subdivision.

Tom Rolland, Rolland Engineering, representing Mr. Ebe Eslami, the owner, who was present, explained the reason for the request. He said other than the reasons stated by Ms. Bowers to meet the Future Land Use Plan, the higher density was also needed to support the infrastructure on the property. He pointed out specifically, since Leech Creek is transecting the property, this item would have to be dealt with and that there is some unique topography on the site. He said a RSF-4 zoning allows a minimum lot size of 8,000 square feet but they anticipate lot sizes of 10,000 square feet. He said it would be difficult to build more than 2 to 2.5 units per acre due to the topography, and that the Paradise Hills interceptor line would have to be relocated. He said the development of this property also serves a tenet of the Growth Plan to develop smaller parcels where services are available to prevent further sprawl.

There were no public comments.

The public hearing was closed at 8:32 p.m.

Councilmember Hill asked about the adjacent property. Ms. Bowers responded that the parcel is platted but not developed. Councilmember Kirtland asked about green space on the map; and Ms. Bowers pointed that out in adjacent areas.

Ordinance No. 3594 – An Ordinance Rezoning Blue Heron Meadows, 18 Acres of Land Located at 2587 G ½ Road from RSF-2 to RSF-4

Councilmember Hill moved to adopt Ordinance No. 3594 on Second Reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

Public Hearing - Westside Downtown Redevelopment Plan [File #PLN-2003-247]

Request to adopt the Westside Downtown Redevelopment Plan for the area generally bounded by Main Street, 5th Street and the Railroad.

The public hearing was opened at 8:36 p.m.

Kathy Portner, Planning Manager, reviewed the proposed plan and indicated that the proposal has both a short-term and long-term plan. She stated the City had held several Open Houses and charrettes, and obtained public input in a variety of ways in order to develop the plan with the surrounding property owners.

Ms. Portner explained that the short-term plan has very little in the way of structural changes but does change some uses in the area and implementation could include design standards and guidelines.

She said the long-term plan is a vision of consolidating Ute and Pitkin Avenues into one parkway through downtown. She said if that were to happen transitions would have to be looked at. She explained that this plan optimized the land available for redevelopment and it would provide adequate pedestrian and vehicle access to the transportation node. She said if the plan were to be adopted, an overlay zone would be brought back for Council's review with specific uses and guidelines.

Harold Stalf, Executive Director of the DDA, told Council that the DDA board unanimously supports the plan, and that the plan has been a key element in the long-range goal setting. He felt this area is now underutilized and has a lot of potential. He said the DDA feels the roadway is an important part of the development plan and the plan has been presented to CDOT for their consideration.

Councilmember Enos-Martinez asked if there is any affect on existing businesses. Ms. Portner said no, it would only affect any new development.

Councilmember Palmer asked if Council adopted the Westside Downtown Redevelopment Plan as presented, would Council commit to both the short and long-term plan. Ms. Portner said yes. She noted that adoption also embraces the idea for guidelines and standards, which would be brought back later for Council's review.

Councilmember Hill confirmed that this proposal is similar to the Future Land Use Plan for this specific area, and he said some of the housing designations are different in the long-term versus short-term plan. Ms. Portner agreed with Councilmember Hill and said some of the new uses might occur by use of incentives, perhaps through the DDA. She explained that this proposal is more detailed than the Future Land Use Plan, and it is more akin to the 24 Road Corridor Plan. She said the implementation of the overlay zone would actually implement the plan, which would have specific zone designations, but that would occur later.

Councilmember Kirtland asked about the time frame for the overlay plan. Ms. Portner responded it would happen quickly so that the property owners would stay involved. Councilmember Kirtland next asked about some of the feedback received from the property owners. Ms. Portner said there is support for the higher standards, and that they are looking for the potential for redevelopment.

Councilmember Butler inquired about how it would affect some of the businesses located between Ute Avenue and Pitkin Avenue. Ms. Portner said there would have to be some property acquisitions.

Councilmember Palmer asked if and what kind of affect the redevelopment plan would have on enterprise zones and historical designations. Ms. Portner said the plan would enhance those properties. Councilmember Palmer asked if adoption of the plan commits the City to the vacation of Ute Avenue. Ms. Portner said no, the plan addresses how that might occur.

Louis Nolan, DeBeque, said his family has held property south of Pitkin Avenue for generations and he felt that some miscommunication exists on what is going to happen and regarding property acquisitions. He reminded Council that some folks do live there, and he requested Council ask Staff to ensure communication is taking place. He requested Council to do that before adopting the plan.

Council President Spehar asked Acting City Attorney Shaver to explain how acquisitions would occur. Mr. Shaver said the City must enter into good faith negotiations before any eminent domain action can be initiated.

There were no other public comments.

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

Councilmember Kirtland stated the plan as presented is a long-term plan, 20 years or so, therefore the City would not be pushing anyone out of his or her neighborhood. He would urge Staff to address the concerns brought forth by Mr. Nolan and to make sure those fears are laid aside. He noted that the already planned Riverside Parkway would change the look of that area significantly.

Councilmember Palmer echoed Mr. Kirtland's comments. He felt the plan is a long-term vision for an area that has not had a vision for a long time, and he is glad to see the redevelopment plan.

Councilmember Hill said he attended the charettes, and he was part of the process when he was on the DDA board. He felt redevelopment could really change that lower area so it becomes part of downtown. He respects the neighbors there and explained the area is near his business. He said from his perspective, Staff has taken the time and effort to get input from the people who would be affected by the redevelopment plan.

Councilmember Butler agreed with the previous comments and asked Staff to make sure residents have their fears put to rest.

Council President Spehar stated that it would be at least six to eight years, at minimum and beyond that, before the plan would be implemented. He said the interim period might be of benefit to the existing property owners, as their property values would increase and be considered by the public and private sector for purchase for future development. He said he favored adoption of the redevelopment plan, as it would enhance the opportunity for appreciation of the properties.

Resolution No. 06-04 – A Resolution Adopting the Westside Downtown Redevelopment Plan

Councilmember Hill moved to adopt Resolution No. 06-04. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

The Council President called a recess at 9:10 p.m.

The meeting reconvened at 9:20 p.m.

Agreements with Sanitation Districts

Over the course of the last six months, the staffs and attorneys of three sanitation districts (Fruitvale, Central Grand Valley, and Orchard Mesa), Mesa County, and City of Grand Junction have been negotiating Intergovernmental Agreements (IGA) and Total Service Agreements (TSA) for a period of years that clearly delineates roles and responsibilities of each agency. This effort comes from the last Persigo Board meeting in July which the board authorized the use of a third party to help facilitate negotiations.

Kelly Arnold, City Manager, reviewed the history of the agreements. He explained that at the Joint Persigo meeting in July, Staff was authorized to involve a third party facilitator to help negotiate these agreements. He said, as a result, an expert from Denver was brought in. He then detailed the agreements and advised Council that the City would manage the systems, but the boards would stay in existence, if they cannot get dissolution passed by the voters. He said some districts have one opportunity and some have two opportunities to get the dissolutions passed by the voters. He said there are financial commitments and capital improvement commitments. He pointed out that if the dissolutions do not occur then the TSA (Total Service Agreement) goes into effect. He said the County has indicated its support. Once the City approves the agreements, the separate Special Districts would need to approve them too, but the indication is that the boards support the agreements.

Councilmember Hill asked for clarification on what would happen after the six years of payments have occurred. It was clarified that the Districts can dissolve at any time. Acting City Attorney Shaver compared the relationship between the various agencies to the current relationship the City has with the Rural Fire District.

Larry Beckner, attorney for the Special Districts, pointed out his long-term relationship with the Special Districts and the goal to eventually dissolve the remaining Districts. He said the Fruitvale Sanitation District may not do any improvements but instead would bank the funds to be returned once dissolution occurs. Mr. Beckner told Council he was pleased with the agreements and stated the Boards would approve them within the next couple of months.

Councilmember Hill moved to authorize the Mayor to execute the IGAs and TSAs with the Fruitvale Sanitation District, the Central Grand Valley Sanitation District, the

Orchard Mesa Sanitation District, and Mesa County. Councilmember McCurry seconded the motion. Motion passed.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

Letter from Clifton Sanitation District #2

The City had received a letter from the Clifton Sanitation District #2 asking for a decision on inclusion in the 201 by January 26th. The City made a request for an extension of time. Mr. Larry Beckner, their attorney, advised that no extension will be granted because of some time frames the District must meet. Mr. Arnold was directed to try to schedule a meeting with the Commissioners prior to that date. A time on January 21st was to be considered.

Discussion of the process for filling the position of City Attorney

Claudia Hazelhurst, Human Resources Manager, explained the job requirements and the options available to Council to fill the open City Attorney position. She explained the City Attorney is appointed directly by the City Council.

Ms. Hazelhurst provided a detailed schedule of the recruitment process and the selection process. She informed Council they could utilize both panel interviews and assessment centers, or a combination. Citizen involvement can be included in the process.

Council President Spehar favored a combination with some citizen involvement. Council favored the recruitment be handled by Human Resources. Ms. Hazelhurst asked that Council review the applicable dates so they could be included in the published advertisements. Council President Spehar stated he would like to review the job description prior to advertising.

Councilmember Hill expressed the \$4,000 in hard costs to fill such an extremely important position was very reasonable. Council President Spehar echoed that statement and noted it also gave reassurance to the City and its citizens that a process took place to ensure the best possible candidate is selected.

ADJOURNMENT

The meeting adjourned at 9:58 p.m.

Stephanie Tuin, MMC
City Clerk