

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

February 4, 2004

The City Council of the City of Grand Junction convened into regular session on the 4th day of February 2004, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer, and President of the Council Jim Spehar. Councilmember Bill McCurry was absent. 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 Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Councilmember Harry Butler in the absence of Pastor Scott Hogue, First Baptist Church.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

To Visitors & Convention Bureau Board of Directors

Steve Meyer was not present to receive his certificate.

APPOINTMENTS

To the Planning Commission

Councilmember Hill moved to appoint John Paulson to the Planning Commission to fill an unexpired term until October 2004, to appoint Travis Cox as 1st alternate, and Tom Lowery as 2nd alternate. Councilmember Palmer seconded the motion. Motion carried.

RECOGNITIONS

Sweet Adelines Presents a Check to the Avalon Foundation

Representatives from Sweet Adelines presented a check for \$5,727.41 to Ed Lipton, Chairman of the Avalon Foundation, for theatre reconstruction.

CITIZEN COMMENTS

There were none.

Council President Spehar acknowledged the presence of a news writing class and their instructor Laurena Mayne Davis.

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 #6.

1. Minutes of Previous Meetings

Action: Approve the Summary of the January 19, 2004 Noon Workshop, the January 19, 2004 Workshop, and the Minutes of the January 21, 2004 Regular Meeting

2. Setting a Hearing on the Pellam Annexation Located at 3136 E Road [File #ANX-2004-011]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.808-acre Pellam Annexation consists of one 4.184 ac. parcel and 0.624 ac. in E Road right-of-way. The property is located at 3136 E Road.

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

Resolution No. 10-04 – 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, Pellam Annexation, Located at 3136 E Road and Containing a Portion of E Road Right-of-Way

Action: Adopt Resolution No. 10-04

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pellam Annexation, Approximately 4.808 Acres Located at 3136 E Road and Containing a Portion of E Road Right-of-Way.

Action: Introduction of Proposed Ordinance and Set a Hearing for March 17, 2004

3. **Setting a Hearing on the Summit View Estates Annexation Located at 649 29 ½ Road** [File #ANX-2003-271]

The 10.495-acre Summit View Estates Annexation consists of two parcels and is located at the southwest corner of F ½ Road and 29 ½ Road. A petition for annexation has been signed by the property owner.

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

Resolution No. 11-04 – 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, Summit View Estates Annexation Located at 649 29 ½ Road

Action: Adopt Resolution No. 11-04

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

Proposed Ordinance Annexing Territory to the City of Grand Junction Colorado, Summit View Estates Annexation, Approximately 10.495 Acres Located at 649 29 ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for March 17, 2004

4. **Funding Agreement for 29 Road Phase III Reconstruction Project**

A City Council Resolution authorizing the City Manager to execute a grant funding agreement with the State of Colorado, Department of Transportation for the last of three phases of the improvement of 29 Road (north side of the Grand Valley Canal to Patterson Road).

Resolution No. 12-04 – A Resolution Authorizing the City Manager to Execute a Grant Funding Agreement for 29 Road Phase III Reconstruction Project, STM-M555-022

Action: Adopt Resolution No. 12-04

5. Purchase of Police Vehicles

This purchase is for the replacement of five (5) Police Patrol vehicles. They are currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee.

Action: Authorize the City Purchasing Manager to Purchase Five (5) Crown Victoria Police Vehicles from Ken Garff Automotive Group for the Amount of \$116,183.15

6. Purchase of Street Sweeper

This is for the purchase of a 2004 Elgin Pelican P Street Sweeper. It is currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee.

Action: Authorize the City Purchasing Manager to Purchase One 2004 Elgin Pelican P Street Sweeper from Faris Machinery Company for the Amount of \$98,090.00

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

Amendment to the Design Contract for the Combined Sewer Elimination Project

This amendment is for the Combined Sewer Elimination Project design contract with the engineering firm Sear-Brown in the amount of \$260,417 for additional work associated with additional CSEP design components, additional waterline design components, revisions to existing design components, design of field changes, and additional construction administration. CSEP is a combination of the sanitary and storm sewer separation project and the water line replacements in the downtown area.

Mark Relph, Public Works and Utilities Director, presented this item. He explained that the CSEP project has a total budget of \$15 million and the project includes both separation of sewer and storm sewer lines and the replacement of waterlines. He explained the City added 8,800 additional feet to the storm water replacement project, plus some additional design work, a design of an inlet and a vault of fiber optics. He said the waterline portion of the project includes about 5,500 additional feet. He concluded his presentation by saying the amendment to the contract also includes additional construction administration, inspections, and testing.

Councilmember Palmer asked about the additional design needed for the original project. Mr. Relph explained that the original design was based on a study conducted

by Gerald Williams some years ago but based on the actual fieldwork, the project required more extensive design work prior to completion.

Councilmember Hill asked if only one more contract was to be awarded to finish the project. Mr. Relph said yes, one more contract, the sixth contract for about \$3.3 million, would still be awarded. He told Council after completion of the project some funds would be left over in the storm water sewer replacement account, plus a significant balance would remain in the waterline replacement account.

Councilmember Kirtland moved to authorize the City Manager to execute a design contract amendment in the amount of \$260,417 with Sear-Brown. Councilmember Hill seconded the motion. Motion carried.

Public Hearing – Assessments for the Alley Improvement District No. ST-03

Improvements to the following alleys have been completed as petitioned by a majority of the adjoining property owners:

- “T” Shaped Alley from 2nd to 3rd, between E. Sherwood Avenue and North Avenue
- “Cross” Shaped Alley from 6th to 7th, between Rood Avenue and White Avenue
- East/West Alley from 11th to 12th, between Rood Avenue and White Avenue
- East/West Alley from 13th to 14th, between Main Street and Colorado Avenue
- East/West Alley from 13th to 14th, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 13th to 14th, between Hall Avenue and Orchard Avenue

The public hearing was opened at 7:46 p.m.

Mark Relph, Public Works and Utilities Director, presented this item. He identified the alley locations and explained how the fee is determined.

There were no public comments.

The public hearing was closed at 7:48 p.m.

Ordinance No. 3599 – An Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-03 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Councilmember Enos-Martinez moved to adopt Ordinance No. 3599 on Second Reading and to order it published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

Public Hearing – Rezoning the Tom Foster Property Located at 515 and 517 Kansas Avenue, from PD to RSF-4 [File #RZ-2003-231]

Hold a public hearing and consider final passage of a proposed ordinance to rezone the Tom Foster property, located at 515 and 517 Kansas Avenue, from Planned Development (PD) to RSF-4, Residential Single Family-4.

The public hearing was opened at 7:50 p.m.

Lisa Cox, Senior Planner, reviewed this item. She described the history of the property and the surrounding zoning and uses. She told Council that the property was an enclave when the City annexed the property and the City applied the same zoning as it was in the County. She said the requested rezone conforms to the Growth Plan and the owner plans to subdivide the property into four lots.

Councilmember Hill asked how the existing triplex would be counted. Ms. Cox stated the owner is planning to demolish the structure.

Tom Foster, the applicant, said he purchased the property about ten years ago and wanted to clean it up. He now intends to progress further. He explained the triplex was built in the 1940s and is partially adobe. After he had a structural analysis performed, he was told the structure was not worth repairing. He said his intention is to demolish it and divide the property into three lots.

There were no public comments.

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

Ordinance No. 3600 – An Ordinance Rezoning the Tom Foster property, located at 515 and 517 Kansas Avenue, from Planned Development (PD) to Residential Single Family-4 (RSF-4)

Councilmember Kirtland moved to adopt Ordinance No. 3600 on Second Reading and to order it published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

Public Hearing – Vacate a 10' Strip of Right-of-Way, Located Along the Eastern 10' of Lot 16, Bookcliff Heights Subdivision for St. Mary's Hospital [File #VR-2002-121]

Hold a public hearing and consider final passage of a proposed ordinance to vacate a 10' strip of right-of-way located along the eastern 10' of Lot 16, Bookcliff Heights Subdivision.

The public hearing was opened at 8:01 p.m.

Lisa Cox, Senior Planner, reviewed this item. She described the request and identified the location. She stated that the request satisfies the right-of-way vacation criteria. She said there was a concern that the hospital would still need an additional easement for storm drainage and the requirement for that additional easement, if needed, would be a requirement of the vacation.

Rob Jenkins, project architect for St. Mary's Hospital, noted that the right-of-way was granted when the Bookcliff Heights complex was built. He told Council they do not intend to use the right-of-way and St. Mary's owns the parcel that is known as St. Mary's Park. He stated the hospital does not object to the additional easement requirement.

There were no public comments.

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

Ordinance No. 3601 – An Ordinance Vacating a 10' strip of Right-of-Way Located along the Eastern 10' of Lot 16, Bookcliff Heights Subdivision

Councilmember Palmer moved to adopt Ordinance No. 3601 on Second Reading and to order it published. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

Public Hearing – Tomkins Annexation and Zoning Located at 2835 & 2837 D Road [File #ANX-2003-235]

Acceptance of the petition for annexation and hold a public hearing and consider final passage of the annexation ordinance for the Tomkins Annexation, consisting of 13.360 acres on 2 parcels of land. A petition for annexation was presented as part of a Preliminary Plan, in accordance with the 1998 Persigo Agreement with Mesa County.

Hold a Public Hearing and Consider Final Passage of a proposed zoning ordinance for the Tomkins annexation; request for RMF-8 zoning; located at 2835 and 2837 D Road.

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

Lisa Cox, Senior Planner and filling in for Lori Bowers, reviewed the requests for annexation and zoning. She described the surrounding uses and stated the area is a medium transition area between industrial use and a lower residential density. She then identified the surrounding zoning and the densities as identified on the Future Land Use Map.

Ms. Cox noted that the petition and the annexation request met all State requirements and that the requested rezone is RMF-8, which is at the upper end of the land use designation. She pointed out that the current County zone designation did not meet the Growth Plan.

Councilmember Hill asked what the minimum density in that zone district is. Ms. Cox stated RSF-4 is the minimum allowable density designation.

There were no public comments.

The public hearing was closed at 8:17 p.m.

a. Accepting Petition

Resolution No. 13-04 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as the Tomkins Annexation is Eligible for Annexation, Located at 2835 and 2837 D Road

b. Annexation Ordinance

Ordinance No. 3602 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Tomkins Annexation, Approximately 13.360 Acres, Located at 2835 and 2837 D Road

c. Zoning Ordinance

Ordinance No. 3603 – An Ordinance Zoning the Tomkins Annexation to RMF-8 Located at 2835 and 2837 D Road

Councilmember Hill moved to adopt Resolution No. 13-04, and to adopt Ordinances No. 3602, and No. 3603 on Second Reading and to order them published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

Public Hearing – Bogart Annexation and Zoning Located at 563 22 ½ Road [File #ANX-2003-254]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Bogart Annexation, located at 563 22 ½ Road. The 1.409-acre annexation consists of 1 parcel of land.

Hold a public hearing and consider final passage of the zoning ordinance to zone the Bogart Annexation to RSF-2 located at 563 22 ½ Road. The property consists of 1.409 acres and is requesting annexation in conjunction with a request for a Simple Subdivision.

The public hearing was opened at 8:19 p.m.

Senta Costello, Associate Planner, reviewed this item. She described the location of the property, the reason for the request, the size of the property, the Future Land Use designation, and the surrounding area. She identified the surrounding zoning and the existing County zoning. Ms. Costello advised Council that the original request was for an RSF-4 zoning but Code requirements and compatibility with the surrounding areas dictated an RSF-2 designation and it would be a better fit. She said the request meets the criteria of the Zoning and Development Code, as well as the goals and policies of the Future Land Use Plan.

Councilmember Hill asked for clarification on compatibility. Ms. Costello agreed that although the zoning is RSF-4, the area is built more in line with RSF-2, thus the compatibility opinion.

There were no public comments.

The public hearing was closed at 8:22 p.m.

a. Accepting Petition

Resolution No. 14-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Bogart Annexation Located at 563 22 ½ Road and Including a Portion of the 22 ½ Road and Hwy 340 Rights-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3604 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bogart Annexation, Approximately 4.791 Acres, Located at 563 22 ½ Road and Including a Portion of the 22 ½ Road and Hwy 340 Rights-of-Way

c. Zoning Ordinance

Ordinance No. 3605 – An Ordinance Zoning the Bogart Annexation to RSF-2 Located at 563 22 ½ Road

Councilmember Enos-Martinez moved to adopt Resolution No. 14-04, and Ordinances No. 3604, and No. 3605 on Second Reading and to order them published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

Public Hearing – Zoning the Grand Bud Annexation Located at the NW Corner of 28 ½ Road and Highway 50 [File #GPA-2003-184]

Hold a public hearing and consider final passage of an ordinance zoning the Grand Bud Annexation, located at the NW corner of 28 ½ Road and Highway 50, RMF-8 (Residential Multi-family, 8 units per acre).

The public hearing was opened at 8:23 p.m.

Kathy Portner, Planning Manager, reviewed this item. She described the surrounding uses and zoning designations. She explained residential areas, both in and outside the City limits that are adjacent to the property. She said the fairgrounds are across the highway and the applicant originally requested a Growth Plan amendment to commercial, which was denied. She said the applicant was asking for an RMF-8 zone designation, which would allow more design flexibility, and Staff recommends an RMF-8 designation for this parcel. She said this designation would allow a transition from the RSF-4 zone designation of the Arrowhead Subdivision to the commercial designation to the west of the property.

Councilmember Hill asked Ms. Portner to clarify how an RMF-8 zoning would allow more design flexibility. Ms. Portner said this designation could be used for attached homes and multi-family homes, as well as single-family homes, and since the setback requirement is less for patio homes, they too would be allowed. She said there also would be a heavy screening requirement between the housing development and the commercial area to the west. Councilmember Hill asked if buffering along the busy highway side would be required. Ms. Portner replied the City does not have such a requirement but Staff would highly recommend it.

Councilmember Hill next asked about the support she'd mentioned by the Orchard Mesa Plan for the request and how any CDOT plans would work with this request. Ms. Portner said the developer would have to address safe access to the property, and she was not aware of any CDOT plans to make improvements in that area.

Councilmember Butler asked about the intersection. Public Works Director Mark Relph confirmed no formal plan for this intersection exists, but knows Staff has started discussing this area.

Councilmember Kirtland asked if there were any height restrictions. Ms. Portner responded the height restriction is 35 feet.

Fred Aldrich, the attorney representing the petitioner, said he wanted to address two issues that drive the zone request. He explained the location of the site would require a great deal of flexibility in developing the site. He said traffic has been concern, as it was in the first request. He said any development of this site would impact traffic and a preliminary plan must be developed before traffic impact could be assessed. He said mitigation of any impact would be addressed as the property is designed.

Dwayne Jackson, a citizen, asked if any consideration was given to use this property for an interchange for 29 Road. Mr. Relph addressed Council and explained that portion of the road is a County project and 29 Road would be a major signalized intersection. He stated early access management discussions are just beginning.

The public hearing was closed at 8:39 p.m.

Ordinance No. 3606 – An Ordinance Zoning the Grand Bud Annexation to RMF-8
Located at the NW Corner of 28 ½ Road and Highway 50

Councilmember Palmer moved to adopt Ordinance No. 3606 on Second Reading and to order it published. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

Interim Update on Riverside Parkway Bonds

Ron Lappi, Administrative Services and Finance Director, updated Council on the bond issuance for the Riverside Parkway project. He distributed a four-page memorandum that described in detail the interim report.

Mr. Lappi gave a short history of the project and the process used for selecting an underwriter and investment banker. He said the two firms, Kirkpatrick-Pettis and George K. Baum, were selected based on their expertise and experience. He said the process used for selecting the firms complied with the Purchasing Policy of the City as well as following the process that is used statewide by other cities and other public organizations. He credited the expertise and experience of these firms and said they were instrumental in the City receiving a two-step increase in its bond rating and also receiving a better insurance rating.

Mr. Lappi concluded his presentation by detailing the steps left in the process. He said Council had completed all of its part. He said the final fee to the underwriters has been negotiated to be 68 basis points, which is in the lower half of their competitive proposal. He said therefore the City saved \$897,000 and \$531,861 in insurance costs. He explained that the underwriters were paid about \$100,000 more than the other firms that had applied, but because of their expertise, they had saved the City a great deal of money in the long run.

Councilmember Hill said justifying costs for professional services can be difficult, but the City finance team deserves credit for being able to hire a firm at 68% of their normal fee.

Councilmember Palmer agreed with Councilmember Hill noting it was prudent to select an experienced company that also saved the City money.

Councilmember Kirtland appreciated the detailed report and echoed his praise for all the work done by Mr. Lappi and Staff.

Council President Spehar asked about the \$2 million amount of savings, which had been reported earlier. Mr. Lappi explained that the difference in the amounts was due to market rate fluctuations that had occurred since the previous report was given. Mr. Lappi explained to Council that the process selected for the sale and issuance of the bonds allows the City to choose a day for the sale of the first bond issue rather than having the sale of the bonds at a certain date.

ADJOURNMENT

The meeting adjourned at 9:02 p.m.

Stephanie Tuin, MMC
City Clerk