

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

March 3, 2004

The City Council of the City of Grand Junction convened into regular session on the 3rd day of March 2004, 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, Acting City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Jim Spehar called the meeting to order. Councilmember Kirtland led in the pledge of allegiance. The audience remained standing for the invocation by Retired Pastor Eldon Coffey, Central Orchard Mesa Community Church.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

To the Commission on Arts and Culture

APPOINTMENTS

To the Airport Authority

Councilmember Hill moved to appoint Dan Lacy to the Walker Field Airport Authority to complete a term until May, 2005. Councilmember McCurry seconded. Motion carried.

PROCLAMATION

Proclaiming March 7 through March 13, 2004 as "Women in Construction Week" in the City of Grand Junction

Proclaiming the Month of March 2004 as "Purchasing Month" in the City of Grand Junction

SCHEDULED CITIZEN COMMENTS

Dennis Dupont, Little Red Wagon Recyclers, regarding the Annual Christmas Tree Recycling Program addressed the City Council.

Council President Spehar presented Mr. Dupont with an appreciation plaque for all his years of service to the community with recycling Christmas trees.

Mr. Dupont said that when the City stopped recycling Christmas Trees ten years ago he took it upon himself to continue the program. The first year he recycled 150 trees and the program has grown significantly from there. He said the City and Partners have decided

to adopt the program to continue it as long as possible. It will help Partners with the restitution program and it is going to be a win situation for the whole community. He thanked Council for their support. He will now turn his efforts toward at-risk youth.

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 #6.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the February 18, 2004 Noon Special Meeting, the February 18, 2004 Evening Special Meeting and the February 18, 2004 Regular Meeting

2. **Assignment of Agreement Regarding Transit Shelters and Benches from Outdoor Promotions to Colorado West Outdoor Advertising**

Outdoor Promotions, the current owner of the bus benches that provides all of the GVT bus shelters is selling their Grand Junction business. They are requesting that the existing contract between the City of Grand Junction and Outdoor Promotions be transferred to a local company, Colorado West Outdoor Advertising, who is purchasing the Grand Junction business.

Action: Authorize the City Manager to Sign the Consent to Assignment Transferring the Contract with Outdoor Promotions to Colorado West Outdoor Advertising

3. **Vacation of a Portion of a Utility and Irrigation Easement Located 3010 Cloverdale Court** [File # VE-2003-201]

The applicant proposes to vacate the north 6.2 feet of an existing 15 foot utility & irrigation easement for a length of 39.4 feet. This will rectify the existing encroachment that occurred in 1993 with a residential addition. The Planning Commission recommended approval of the easement vacation on February 24, 2004, making the Findings of Fact/Conclusion identified in the staff report.

Resolution No. 19-04 - A Resolution Vacating the North 6.2 Feet of a Fifteen Foot Utility and Irrigation Easement (for a Length of 39.4 Feet) Located at 3010 Cloverdale Court

Action: Adopt Resolution No. 19-04

4. **Setting a Hearing on Rezoning the Geske Property Located at 2656 Patterson Road** [File #RZ-2003-233]

Request to rezone 2656 Patterson Road, comprised of 2.068 acres, from RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) to RO (Residential Office). Planning Commission recommended denial at its February 10, 2004 meeting.

Proposed Ordinance Rezoning a Parcel of Land from Residential Single Family with a Density not to Exceed Four Units per Acre (RSF-4) to Residential Office (RO) Located at 2656 Patterson Road (Geske Property)

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

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

First reading of the zoning ordinance to zone the Summit View Estates Annexation Residential Multi-Family-8 (RMF-8), located at 649 29 ½ Road.

Proposed Ordinance Zoning the Summit View Estates Annexation to Residential Multi-Family-8 (RMF-8), Located at 649 29 1/2 Road

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

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

Introduction of a proposed zoning ordinance to zone the Pellam Annexation to RMF-8 (Residential Multi-Family 8 du/ac), located at 3136 E Road.

Proposed Ordinance Zoning the Pellam Annexation to RMF-8 Located at 3136 E Road

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

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

Purchase of Asphaltic Road Material (Road Oil)

Utilize the State of Colorado contract to purchase road oil for the City chip seal projects for the year 2004. It is estimated that 135,000 gallons of Road Oil will be required. The State allows for cooperative use of this bid by local governments and political subdivisions in the state.

Mark Relph, Public Works and Utilities Director, reviewed this item. The road oil will be used for the City's chip seal projects throughout the year.

Councilmember Butler moved to authorize the Purchase of Asphaltic Road Materials on an As-needed Basis not to Exceed the Budgeted Amount of \$113,740.00 from Koch Performance Asphalt of Grand Junction Utilizing the CDOT Asphaltic Road Material Contract. Councilmember Hill seconded. Motion carried.

Funding Recommendations for Arts and Cultural Events and Projects

Recommendations to City Council to support cultural events, projects, and programs in Grand Junction as a means of improving both the quality and quantity of cultural activities and opportunities for local citizens.

Organizations & Events/Projects	Award
Mesa Co. Valley School District #51 Artists-In-Residence Program	\$8,000
KAFM Public Radio Arts & Entertainment Calendar/Radio Room	\$3,200
KRMJ-TV Rocky Mt. PBS "Western Bounty" programs	\$2,500
Western Colo. Center for the Arts Summer Art Camp	\$2,000
MESA Youth "Fiddler on the Roof" children's production	\$2,000
GJ Musical Arts Association/GJ Symphony music purchase	\$1,500
Downtown Association/DDA Art & Jazz Festival	\$1,500
St. Andrews Guild Grand Valley Renaissance Festival	\$1,000
Mesa State College Unity Fest Native American Day	\$1,000
Mesa State Foundation Music at Mesa Guest Artist Series concert	\$1,000
Mesa County Public Library "One Book One Community"	\$1,000
Western CO Botanical Gardens Friday Night Concert Series	\$1,000
Cinema at the Avalon Senior Matinee Film Series	\$1,000
JABOA (Just A Bunch Of Artists) Artists Studio Tour	\$300

Allison Sarmo, Cultural Arts Coordinator, introduced members of the Commission, Chair Doug Clary and Priscilla Mangnall. She then thanked the Council for their support and

reviewed what their focus was in the recommendations this year. Mr. Clary and Ms. Mangnall read thank you letters from students who benefited last year from awards.

The list of recommendations was displayed and Ms. Sarmo noted that 53,000 people were touched by the program last year.

Councilmember Palmer moved to approve recommendations from the Commission on Arts and Culture for Funding of Arts and Cultural Events and Projects. Councilmember Kirtland seconded. Motion carried.

Public Hearing – Create Alley Improvement District No. ST-2004, Phase B

A successful petition has been submitted requesting the creation of an Alley Improvement District to reconstruct the East-West Alley from 8th to Cannell Avenue between Mesa Avenue and Hall Avenue.

The public hearing was opened at 7:51 p.m.

Mark Relph, Public Works and Utilities Director reviewed this item. He explained that this property was pulled from the first improvement district as there were some questions on the piece adjacent to the Seventh Day Adventist Church. Following discussions, the church asked that the alley improvement district be formed with the caveat that an appraiser will value the benefit after completion. Once the appraiser's value has been determined, the City Council will then decide what to assess the church.

Gi Moon, 885 Hall Ave, on the alley, said she is in favor of the alley improvement. She stated the alley needs improvements because it is full of potholes.

The public hearing was closed at 7:56 p.m.

Resolution No. 20-04 – A Resolution Creating and Establishing Alley Improvement District No. ST-04, Phase B within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for Payment Thereof

Councilmember Hill moved to adopt Resolution No. 20-04. Councilmember Enos-Martinez seconded. Motion carried by roll call vote.

Public Hearing – Vacation of 10’ of the 100’ Width Right-of-Way on Horizon Drive Located Adjacent to Lots 2 & 3, Foursquare Minor Subdivision at 638/640 Horizon Drive [File #VR-2003-182]

The petitioners, Ronald & Lee Ann Unfred, are requesting approval to vacate ten feet (10’) of a 100’ width right-of-way adjacent to Lots 2 & 3, Foursquare Minor Subdivision in order to improve the internal vehicular circulation on their lots for their proposed Bed & Breakfast Inn. A 20’ Multi-Purpose Easement will be dedicated to cover the existing underground utilities in the area. The Planning Commission recommended approval at its February 10th, 2004 meeting.

The public hearing was opened at 7:58 p.m.

Scott D. Peterson, Associate Planner, reviewed this item. He explained the request and the reason for the request. The owner of an existing single family home wishes to convert the property into a Bed and Breakfast. The vacation will allow better circulation on the property. There were no objections from the utility companies as long as the existing easement is maintained. Mr. Peterson noted that all criteria for approval of the request have been met. Staff recommended approval as did the Planning Commission.

Councilmember Palmer asked if the Bed and Breakfast will be in the existing structure. Mr. Peterson answered affirmatively.

Council President Spehar asked if a Bed and Breakfast is an allowed use for that property. Mr. Peterson said yes and advised that the applicant did have to go through the Conditional Use Permit process.

There were questions on the road width right-of-way. Public Works & Utilities Director Mark Relph stated that 80 feet for this classification of road is sufficient. There are no plans to build to that width but that right-of-way will be maintained. Currently roadway plans only require 60 feet of width. If bridges or structures are needed, then a wider width might be required but not at this location.

City Manager Arnold noted that it is common practice in other jurisdictions to put a value on the piece of property being vacated.

Mike Joyce, Development Concepts, representing the applicant, noted that the right-of-way was originally acquired during the subdivision process and not paid for by the City.

Council President Spehar asked for assurance that this additional right-of-way will not be needed, even for design purposes. Mr. Relph replied he could not see that it would be needed.

There were no additional public comments.

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

Ordinance No. 3607 – An Ordinance Vacating 10' of the 100' Width Right-of-Way on Horizon Drive Located Adjacent to Lots 2 & 3, Foursquare Minor Subdivision Known as 638 & 640 Horizon Drive

Councilmember Palmer moved to adopt Ordinance No. 3607. Councilmember McCurry seconded. Motion carried by roll call vote.

Public Hearing – Rezoning the Proietti Property Located at 2558 & 2560 Patterson Road [File #RZ-2003-278]

The petitioners, Dave & Lisa Proietti, are requesting approval to rezone two (2) properties located at 2558 & 2560 Patterson Road from PD & RMF-8 to RO. The two (2) properties total 0.95 acres. The Planning Commission recommended approval at its February 10th, 2004 meeting.

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

Scott D. Peterson, Associate Planner, reviewed this item. He explained the reason for the request and the future proposal for the property. The plans are for dental offices. The current zoning is Planned Development. The proposal meets the criteria and is consistent with the Growth Plan. There were no comments received in opposition. The Planning Commission recommends approval.

Councilmember Butler inquired about access to the apartments along side the property. Mr. Peterson responded that access to that property is off of Patterson Road.

Councilmember Hill asked about other property in that area that is zoned RO (Residential Office). Mr. Peterson said there was no other property zoned RO in the immediate area. However, RO was a new zone district created in 2000. Councilmember Hill asked if the same uses can be built in a B-1 zone district. Mr. Peterson said yes, however, an RO zone district requires any building to look residential.

Community Development Director Blanchard said that when this RO zone district was created, the change over was not done for that area when the Growth Plan was developed. The RO zone district has only been used very limitedly.

Councilmember Palmer inquired about the Patterson Road Corridor Guidelines and when they came out. Mr. Blanchard responded early 1980's, noting they are guidelines not regulations. They are also somewhat outdated.

Councilmember Palmer pointed out the conflict in the Guidelines that access on the north side of Patterson is supposed to be limited. Mr. Blanchard said some of those concerns will be addressed at development but again the Patterson Road Corridor Guidelines are only guidelines.

Councilmember Enos-Martinez noted that it is possible that one access will actually be eliminated.

Councilmember Hill asked if the parcels could be sold separately and developed separately. Mr. Blanchard said yes but that does not preclude a single access point.

John Benay, R. G. Consulting Engineers, Inc., representing the applicant, stated that the access issue has been discussed. The adjacent property is a Seventh Day Adventist Church service building and is next to a five unit townhome. There have been some access issues for the townhomes. There are agreements in process to combine access points and to share parking. The adjacent property owners are in favor of the proposal as it will improve the area. The engineers are proposing a single access for all four properties.

There were no public comments.

Councilmember Hill asked if a secondary access would be required onto Dewey Lane. Mr. Relph said typically if there is another possibility, it will connect to another roadway, and it would preclude access onto Patterson. That does not appear to be the case.

Councilmember Palmer asked if the zoning could be reverted back to the existing zoning. It was noted that could only occur with a rezone process.

The public hearing was closed at 8:25 p.m.

Ordinance No. 3608 – An Ordinance Rezoning the Property Known as the Proietti Rezone Located at 2558 & 2560 Patterson Road from Residential Multi-Family (RMF-8) to Residential Office (RO)

Councilmember Kirtland moved to adopt Ordinance No. 3608. Councilmember Enos-Martinez seconded. Motion carried by roll call vote.

Public Hearing – Amending the Ordinance on Activity Permits in the Downtown Shopping Park

Amending the Code in regards to activities in the Downtown Shopping Park relative to types of permits and fees charged. Some of the fees are being reduced to encourage more outdoor activity along Main Street during the summer months.

The public hearing was opened at 8:29 p.m.

Harold Stalf, Downtown Development Authority Executive Director, reviewed this item. He focused on sidewalk dining and how the proposal will make the downtown a better atmosphere for that activity. The ordinance will also allow a recurring activity permit to allow the Farmer's Market on one permit. The mobile vendor fee will be reduced. The pedestrian vendor permit fee is also proposed to be reduced.

Council President Spehar voiced concern about the five feet of space being along the rough cobbled portion of the sidewalk. He would rather see handicapped have their access along the smooth portion of the sidewalk. Mr. Stalf deferred the suitability of that surface for disabled to Public Works & Utilities Director Mark Relph. Councilmember Hill inquired if the ordinance will allow the placement of tables on the cobbled portion. Mr. Stalf said that the ordinance will. Councilmember Enos-Martinez noted that separating the tables from the building will affect any request for modification of premises for serving of alcoholic beverages.

Councilmember Palmer advised that those coming out of the on-street parking area would be blocked from entering the sidewalk at that point if tables are located on the cobbled portion. Councilmember Hill said what is needed is flexibility; each location should be addressed individually.

Council President Spehar stated that the café is a secondary use of the sidewalk; the primary use is pedestrian access. Mr. Stalf suggested that the ordinance be amended to maintain a six foot pathway which would solve Council President Spehar's concerns.

Councilmember Kirtland asked why the fee was an option rather than a requirement in the ordinance. Acting City Attorney Shaver said the DDA wanted flexibility for waivers of fees.

Councilmember Kirtland asked if there will be a requirement for taking the tables inside. Acting City Attorney Shaver said each permit can address that situation individually.

Councilmember Kirtland asked if there will be control on the condition of the tables. Mr. Stalf said the permit is revocable and authority is given to the director to address those things.

Doug Clary, 2691 Kimberly Drive, believes that the proposal is an excellent use of the sidewalk area downtown. He noted that it won't be solid tables along the sidewalk and he feels that five feet is enough room.

There were no other comments.

The public hearing was closed at 8:55 p.m.

Councilmember Hill was in favor of the changes. He felt that the more opportunities for outdoor dining experiences in the downtown area, the better, and is comfortable with five feet clearance.

Ordinance No. 3609 – An Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Permits for Activities in the Downtown

Councilmember Hill moved to adopt Ordinance No. 3609. Councilmember McCurry seconded. Motion carried by roll call vote with Council President Spehar voting **NO** explaining the reason was due to the manner of implementation, not the concept.

NON-SCHEDULED CITIZENS & VISITORS

There was none.

OTHER BUSINESS

Final Report on Riverside Park Bond Issue

Ron Lappi, Administrative Services and Finance Director, advised that the City sold the bonds a week ago in about 3 ½ hours. \$58 million in bonds were sold at 22 basis points less than what was predicted two weeks ago. Also, upon comparison of the ratings, a savings of \$1.4 million occurred. The closing took place the day before and the funds were immediately transferred into an investment program, which the expected return is the cash flow for the construction project. The City will earn \$1.9 million on the funds invested over the next two years. The final interest rate was 4.29%. Local retailers were offered the bonds; three did receive the bonds – AG Edwards, Colby and Securities and Wells Fargo Trust Services.

The Council praised the staff for their work on the project.

EXECUTIVE SESSION

Councilmember Hill moved to go into executive session 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 and for a conference with legal counsel for the purpose of receiving legal advice concerning the contract with the Rural Fire Protection District under C.R.S. Section 24-6-402(4)(b) and will not be returning to public session. Councilmember Enos-Martinez seconded. Motion carried.

ADJOURNMENT

The City Council adjourned into executive session at 9:07 p.m.

Stephanie Tuin, MMC
City Clerk