

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

May 5, 2004

The City Council of the City of Grand Junction convened into regular session on the 5th day of May 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, Bill McCurry, and President of the Council Jim Spehar. Also present were City Manager Kelly Arnold, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Spehar called the meeting to order. Councilmember McCurry led the pledge of allegiance. The audience remained standing for the invocation by Pastor Jim Hale, Spirit of Life Christian Fellowship.

Council President Spehar recognized members of Boy Scout Troop 357 who were attending the meeting as part of earning their badges.

PRESENTATION

Presentation by the Friendship Force of Colorado to Mayor Jim Spehar from the Mayor in Kapiti Coast, New Zealand.

Verna Bunn, Joann Roemer, and Donna Wort thanked the City Council for its support. They told of their overseas trip and presented Council President Spehar with a book from the Mayor of Kapiti, New Zealand.

PROCLAMATIONS / RECOGNITIONS

Proclaiming May 8, 2004 as "Grand Junction Letter Carriers Stamp Out Hunger Day" in the City of Grand Junction

Proclaiming May as "Mental Health Month" in the City of Grand Junction

Rob Wallace addressed the City Council stating urgent action is needed so that all people with mental health problems can receive treatment.

APPOINTMENTS

Election of Mayor and Mayor Pro Tem/Administer Oaths of Office

Councilmember Bruce Hill was elected as President of the Council/Ex Officio Mayor.

Councilmember Gregg Palmer was elected as President of the Council Pro Tem/Ex Officio Mayor Pro Tem

Stephanie Tuin, City Clerk, administered the Oath of Office to incoming Council President Hill and Council President Pro Tem Palmer.

Council President Bruce Hill presided over the remainder of the meeting.

Council Assignments for 2004-2005

Resolution No. 46-04 – A Resolution Appointing and Assigning City Councilmembers to represent the City on Various Boards and Organizations

Councilmember Enos-Martinez moved to adopt Resolution No. 46-04. Councilmember McCurry seconded the motion.

City Clerk Stephanie Tuin read the list of assignments for the benefit of the audience. The question was called and the motion carried.

Reappointment of Judge McInnis Raaum as a Municipal Court Judge

Resolution No. 40-04 – A Resolution Regarding the Reappointment of Care' McInnis-Raaum as a Municipal Court Judge.

Councilmember McCurry moved to adopt Resolution No. 46-04. Councilmember Kirtland seconded the motion. Motion carried.

CITIZEN COMMENTS

Minister for the Spirit of Life Christian Fellowship Jim Hale invited everyone to the National Day of Prayer on Thursday, May 6, 2004.

CONSENT CALENDAR

It was moved by Councilmember Palmer, seconded by Councilmember Enos-Martinez, and carried to approve Consent Calendar Items #1 through #10.

1. Minutes of Previous Meetings

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

2. Setting a Hearing on Supplemental Budget Appropriations for 2004

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.

Proposed Ordinance Making Supplemental Appropriations to the 2004 Budget of the City of Grand Junction

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 19, 2004

3. **Setting a Hearing on Amending Ordinance No. 3264 Annexing the G Road South Enclave Located Between 25 ½ Road and 26 ½ Road and North of Patterson and South of G Road**

Amending Ordinance No. 3264 G Road South Enclave Annexation located between 25 ½ Road and 26 ½ Road and North of Patterson Road and South of G Road.

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Amending the G Road South Enclave Annexation Located in the NW ¼ NE ¼ of Section 3, Township 1 South, Range 1 West, Ute Meridian

Action: Introduction of Proposed Ordinance and Set a Hearing for May 19, 2004

4. **Setting a Hearing on the SGH 27 Road Annexation Located at 215 27 Road**
[File #ANX-2004-036]

The 160.003-acre SGH 27 Road Annexation consists of three parcels and is located at 215 27 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. 41-04 - 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 SGH 27 Road Annexation Located at 215 27 Road

Action: Adopt Resolution No. 41-04

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, SGH 27 Road Annexation, Approximately 160.003 Acres Located at 215 27 Road

Action: Introduction of Proposed Ordinance and Set a Hearing for June 16, 2004

5. **Setting a Hearing on the Bretsel Annexation Located at 3145 E ½ Road**
[File #ANX-2004-065]

The 23.3 acre Bretsel Annexation currently consists of three (3) parcels of vacant land and adjoining right-of-ways that will become two (2) parcels through a Simple Subdivision Plat process, located at 3145 E ½ Road. The petitioner's intent is to annex and then develop the properties in anticipation of future commercial development. A portion of the proposed annexation lies within the Persigo 201 sewer district.

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

Resolution No. 42-04 - 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, Bretsel Annexation Located at 3145 E ½ Road and Including a Portion of E ½ Road, a Portion of I-70 B and the 31 ¼ Road (Warrior Way) Rights-of-Ways

Action: Adopt Resolution No. 42-04

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bretsel Annexation, Approximately 23.382 Acres Located at 3145 E ½ Road and Including a Portion of E ½ Road, a Portion of I-70 B and 31 ¼ Road (Warrior Way) Rights-of-Ways

Action: Introduction of Proposed Ordinance and Set a Hearing for June 16, 2004

6. **Setting a Hearing on Zoning the Chipeta Glenn Annexation Located at 2975 and 2977 B ½ Road** [File #ANX-2004-032]

Introduction of a proposed zoning ordinance to zone the Chipeta Glenn Annexation to RSF-4 (Residential Single Family 4 du/ac), located at 2975 and 2977 B ½ Road.

Proposed Ordinance – An Ordinance Zoning the Chipeta Glenn Annexation to RSF-4 Located at 2975 and 2977 B ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for May 19, 2004

7. **Setting a Hearing on Zoning the Grand Valley Audubon Annexation Located at 605 and 608 Dike Road** [File #ANX-2004-052]

Introduction of a proposed zoning ordinance to zone the Grand Valley Audubon Annexation to the CSR (Community Services and Recreation) zone district, located at 605 and 608 Dike Road.

Proposed Ordinance – An Ordinance Zoning the Grand Valley Audubon Annexation to CSR Located at 605 and 608 Dike Road

Action: Introduction of Proposed Ordinance and Set a Hearing for May 19, 2004

8. **Purchase of Paint Striper Truck**

This purchase is for the replacement of a truck mounted paint striper. The paint striper is currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee. There has been an inordinate increase of 43% in purchase price since the last purchase of the existing unit during 1993. The current life of the old paint striper has been extended and now needs to be replaced.

Action: Authorize the City Purchasing Manager to Purchase One (1) Paint Striper from M-B Company in the Amount of \$174,020

9. **Purchase of 7 Utility Carts**

This purchase is for the replacement of six (6) 4x2 utility carts and one (1) 4x4 utility cart. Five of these units are currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee. One (1) 4x2, Parks Operations and one (1) 4x4, Parks Cemetery are CIP additions to the Fleet approved during the 2004 - 2005 budget process.

Action: Authorize the City Purchasing Manager to Purchase Seven (7) Utility Carts from Delta Implement of Grand Junction in the Amount of \$58,605

10. **Accepting Improvements Connected with Sanitary Sewer Improvement District No. SS-45-03 (26 ½ Road) and Setting a Hearing on the Assessments**

The City has completed the installation of sanitary sewer facilities as requested by a majority of the property owners located east and west of 26 ½ Road, south of Dahlia Drive and north of F ½ Road. The proposed resolution is the required first step in the formal process of levying assessments against properties located in the improvement district. The first reading of a proposed assessing ordinance will be scheduled for the June 2, 2004 Council meeting. A public hearing and second reading of the proposed assessing ordinance will be scheduled for the June 16, 2004 Council meeting.

Resolution No. 43-04 – A Resolution Approving and Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-45-03 and Giving Notice of a Public Hearing

Action: Adopt Resolution No. 43-04 and Set a Hearing for June 16, 2004

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

Contracts

a. Lincoln Park Master Plan

Contract with the professional planning firm, Winston and Associates, to conduct a study of Lincoln Park and prepare a short and long term master plan. This item was tabled at the April 21, 2004 Council meeting and will be formally considered at the May 5 Council meeting pending further discussion at the noon Council workshop on May 3, 2004.

Joe Stevens, Parks and Recreation Director, presented this item. He noted the City Council did table this item at the last City Council Meeting and had discussed the matter further at the Monday, May 3rd noon workshop.

Councilmember Kirtland noted that City Council discussed having the Parks Board prioritize parks projects to determine where Lincoln Park projects should be.

Mr. Stevens said the Parks and Recreation Advisory Board (PRAB) unanimously support the development of a Lincoln Park Master Plan. They feel that support, particularly financial, is better solicited if there is a Master Plan in place and they would support placing Lincoln Park Improvements in Tier One of the Park's Master Plan.

Councilmember Enos-Martinez echoed that statement and said the Board is anxious to locate grants for such improvements.

Councilmember Palmer expressed his concern that any currently prepared Master Plan may become outdated before any funding for the improvements is available.

Mr. Stevens advised that the Master Plan for Stocker Stadium will be included into an overall Master Plan and will be of value.

Councilmember Spehar expressed that a Master Plan will allow the City to go forward updating many of the facilities that need updating. He felt a Master Plan is needed to prioritize.

Councilmember Palmer said that Lincoln Park is not on the priority list at this time. Councilmember Spehar countered that it cannot be prioritized without having a Master Plan.

Councilmember Butler agreed with the previous comments and that a plan needs to be implemented. He stated Lincoln Park is widely used by the nearly 120,000 valley residents.

Councilmember Enos-Martinez said she could support a study as long as it stays as a park in its entirety.

Councilmember Kirtland noted the discussions City Council has had have been valuable.

Council President Hill pointed out that the Stadium Plan is not being implemented because of lack of funding. He asked if the Stadium were to be rebuilt, would that not trigger other possible improvement requirements, i.e.: landscaping etc.: and then that might require facility improvements to the maintenance building. He said if the study is done now the Plan may sit a while, and he questioned if awarding this contract with Winston and Associates could wait.

Mr. Stevens said he cannot predict the future, but a Master Plan may be a catalyst to partnerships and funding opportunities. He said he does not know when grants may become available but, if no Master Plan is in place, the application would even be considered.

Councilmember Palmer felt if going forward with a Master Plan would make it a priority, then it is fine, if that is the case.

Councilmember Spehar said a Master Plan gives City Council the information needed to decide if a project is a priority. Mr. Stevens said priorities are sometimes determined when funds become available.

Councilmember Kirtland moved to authorize the City Manager to sign a contract with Winston and Associates to conduct a study and complete the Lincoln Park Master Plan. Councilmember Spehar seconded the motion. Motion carried with Councilmember Palmer voting **NO**.

City Manager Kelly Arnold advised that he met with Mesa State College representatives today and told them of Council's position on the Lincoln Park issue. He said because of that meeting the College desires going forward with their Master Plan.

b. Jarvis Property Master Plan

Contract with the Professional Planning Firm, Winter & Company to complete a Master Plan for the Jarvis Property

Kathy Portner, Planning Manager, presented this item. She reviewed the Request for Qualification (RFQ) process and the purpose of the Master Plan. She noted a resource

panel is an option the Planning Commission would like the City Council to consider. The cost for such a panel would be between \$7,500 and \$12,000.

Councilmember Spehar asked where the funding would come from. City Manager Kelly Arnold said he does not know where the funds would come from. Councilmember Spehar felt a resource panel would be valuable.

Councilmember Kirtland asked if the panel could be phased in. Ms. Portner said it could be. City Manager Arnold noted the goal was to finish the Plan this year.

Councilmember Palmer asked what the purpose of the resource panel is. Ms. Portner said the panel would conduct focus groups both locally and throughout the state to determine what needs to be added or subtracted from the Plan in order to make it feasible.

Councilmember Spehar's concern was without such input the Plan may be completed and then will not be viable, thus wasting the cost of developing the Plan.

Council President Hill noted that a piece of this is marketing.

Councilmember Spehar suggested using contingency funds for the resource panel.

When asked, Mr. Lappi, the City's Finance Director, responded that there is a sizeable amount in contingency.

Councilmember Kirtland asked if the panel cost could be kept closer to the \$7,000 estimate. Ms. Portner said much of the difference in cost would be because of travel costs. City Manager Arnold said he suggests Option Two.

It was moved by Councilmember Spehar to authorize the City Manager a) to sign a contract with Winter & Company to complete a Master Plan for the Jarvis Property not to exceed \$31,172 and a maximum of \$12,000 for the Resource Panel, b) have the resource panel on site, and c) have Staff keep Council apprised of expenditures. Councilmember Enos-Martinez seconded the motion. Motion carried.

City Manager Arnold noted the consultants would like to meet with City Council around July 7th to 9th.

c. 29 Road Improvements, Phase III Streets

Award a construction contract for the 29 Road Improvements, Phase III Streets, between Pinyon Street and Patterson Road, to Elam Construction in the amount of \$698,837.05

Mark Relph, Public Works and Utilities Director, presented this item. He reviewed the bids, the scope of the work, and how the project of 29 Road is in conjunction with the County.

It was moved by Councilmember Kirtland to authorize the City Manager to sign a construction contract for the 29 Road Improvements, Phase III Streets, with Elam Construction for \$698,837.05. Councilmember McCurry seconded the motion. Motion carried.

City Manager Kelly Arnold said he will be asking City Council if the City Council is interested in improving Pinyon Street, perhaps as part of this contract. Public Works and Utility Director Mark Relph clarified that it is part of the 25 ½ Road contract not the 29 Road contract.

Councilmember Spehar asked if after completion of this part of the 29 Road project, is the project moving south. Mr. Relph said yes the viaduct over the railroad and the bridge over the Colorado River would be next.

Property Purchase for Riverside Parkway - 1005 South 5th Street

The City has entered a contract to purchase the property at 1005 South 5th Street from Mary Resendiz for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, presented this item. He identified the property in question and said an offer has been made contingent on City Council's decision. He noted it is not known exactly where the Highway 50 crossing will be at this time but it is likely this property will be needed either for the road or the adjacent structures.

He explained that for residential acquisitions, the City would typically find equivalent housing for the resident. Since the owner has the property currently up for sale, which would not be the case in this situation, if the property were to be purchased by the City now.

City Attorney John Shaver said the closing date could be extended so the owner could continue occupying the home.

Resolution No. 44-04 - A Resolution Authorizing the Purchase of Real Property at 1005 South 5th Street from Mary Resendiz

Councilmember Palmer moved to adopt Resolution 44-04. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

2004 Mesa County Animal Control Agreement

The City of Grand Junction has an ongoing, annually renewable agreement with Mesa County for the control of dogs within the city limits. The City pays the county a percentage of the Animal Control budget based upon the City's percentage of total calls for service. The City's share of the budget for 2004 is 41.4% or \$249,687. Payments are made to the County on a quarterly basis.

Greg Morrison, Chief of Police, presented this item. He briefed City Council on the history of animal control in Grand Junction.

Councilmember Palmer asked if the participation percentage changes every year. Chief Morrison said the previous calls for service are reviewed and the amount is extrapolated from previous year's data.

Chief Morrison mentioned the City might be asked to participate in future capital improvements.

Councilmember Kirtland moved to authorize the Mayor to sign the 2004 Agreement for Animal Control Services for \$249,687. Councilmember Palmer seconded the motion. Motion carried.

Council President Hill called for a recess at 8:55 p.m.

The meeting was back in session at 9:02 p.m.

Public Hearing – Reduction of Distance Restriction for Hotel and Restaurant Liquor Licenses to College Campuses

CONTINUED FROM APRIL 21, 2004

State law requires five hundred feet, using direct pedestrian access, from the property line of a school to the liquor-licensed premise; however, the law also allows local jurisdictions to reduce that distance for a certain class of license for one or more types of schools. In 1987, the Grand Junction City Council reduced the distance for full service restaurant licenses from college campuses to 300 feet. A property owner near Mesa State College has requested that City Council consider further reducing or eliminating the distance restriction for hotel/ restaurant liquor licenses for principal college campuses.

The public hearing was opened at 9:03 p.m.

Stephanie Tuin, City Clerk, reviewed this item. She reviewed the law governing liquor licenses, the regulation regarding how the measurement of distance is done, and the history of the previous reduction. She displayed a map of the area showing the restaurants affected and identified the options available to City Council.

Councilmember Enos-Martinez questioned why the liquor license applicant is not making the request. City Clerk Tuin advised that any change will not automatically grant a liquor license. The applicant will still need to go through that process. However, the property owner is present and could perhaps explain why he is making the request.

John Bellio, the property owner on North Avenue who initiated the request, explained the reason for the request. He expressed that it is unfair that this property does not qualify

under the current requirements for a liquor license when property next door does. In response to Councilmember Enos-Martinez's questions, he explained his tenant has very limited knowledge of the English language and he is trying to help him out.

Councilmember Palmer asked how long El Tapatio has been his tenant. Mr. Bellio replied all of 2003, and the business is really struggling.

There were no other public comments.

The public hearing was closed at 9:14 p.m.

Councilmember Kirtland noted it was ironic that Chef's Restaurant is exempt from the regulation because its license was issued prior to Mesa State College purchasing the adjacent property. He felt as the College continues to grow it may affect others too. He said given the nature of the hotel/restaurant license, he would support a reduction or elimination of the distance restriction since Mesa State College is identified as a principal college campus.

Councilmember Palmer said since he now is familiar with the requirements for hotel/restaurant liquor licenses, he is more supportive of the request.

Councilmember Butler said he has a problem with the request since he felt there already is a problem with alcohol consumption and is therefore against the request.

Councilmember Enos-Martinez stated she'd rather have the students go to a restaurant than have a party at a house.

Councilmember Spehar noted that no input or requests were received from the community, and he would like to receive the request for a change from the licensee instead of the property owner. He felt if City Council begins to do requests by piecemeal; it would only open up additional requests. Before making any changes to the existing ordinance, he would like to see a broader demand for change requested by the community. He felt comfortable the way the distance is measured and therefore cannot support the request.

Councilmember McCurry noted most people enjoy a cocktail with their meal and he is generally supportive of the request.

Council President Hill stated the inconsistency of measuring the distance is a concern to him. He suggested reducing the distance to 100 feet, and reminded all Councilmembers that the request is not granting a license, which is another process altogether. He said if the distance requirement were reduced to 100 feet, he would support the request.

Councilmember Kirtland asked if City Council would approve a zero distance requirement and that elimination only would apply to the College.

Councilmember Butler asked if the 300-foot distance would be eliminated, could a liquor store do business in that location or would the change only be applicable when applying for a hotel/restaurant license. City Clerk Tuin replied the restriction change only applies to a hotel/restaurant license.

Ordinance No. 3620 – An Ordinance Amending Section 4-52 of the Grand Junction Code of Ordinances Reducing the Distance a Hotel and Restaurant Liquor Licensed Premise Must be from the Principal Campus of a College or University in the City of Grand Junction

Councilmember Kirtland moved to adopted Ordinance No. 3620 on Second Reading and ordered it published. Councilmember McCurry seconded the motion. Motion carried by roll call vote with Councilmembers Butler and Spehar voting **NO**.

Public Hearing – Rezoning the Old Orchard Estates Property Located at 774 Old Orchard Road [File #RZ-2004-023]

Holding a public hearing and consideration of a proposed ordinance to rezone the Old Orchard Estates property, located at 774 Old Orchard Road, from the RSF-R, Residential Single Family Rural to RSF-2, Residential Single Family-2.

The public hearing was opened at 9:25 p.m.

Tom Dixon, representing the applicant presented this item. He reviewed the surrounding zoning and the request. He identified the location of the site and the surrounding land use. He showed the property is adjacent to the Saccomanno Park Property. He reviewed the history of the property and addressed the rezone criteria. He explained the area is no longer rural but is now suburban.

Mr. Dixon displayed photos of the site and properties surrounding the property in question. He noted the property's proximity to the Interstate. He also showed a picture of the existing pond and assured City Council that the pond would remain with any kind of development.

Mr. Dixon concluded saying the rezone request has Staff's support and the Planning Commission recommends approval.

Lisa Cox, Senior Planner, presented this item. She noted the request of the property is at the higher end of the zoning range as allowed under the Future Land Use Plan. She said the current zoning designation is not consistent with the Future Land Use Plan. She next reviewed the rezone criteria and her findings. She informed City Council that the Planning Commission found the request met the rezone criteria. She showed a map indicating the size of the surrounding properties and Ms. Cox noted that there are properties in the area that could be redeveloped.

Richard Stenmark, 2633 Clarkdell Court, said he owns the property immediately south of the property and has been there for 11 plus years. He said when showing pictures earlier none showed their property. He felt any road improvements would affect their utilities. He preferred keeping larger lots, seeing the Bookcliffs from their property, and encourages City Council to keep larger lots.

Charles Roy, 2635 H Road, said he is directly north of the site and their parcel is a 2.38-acre parcel and he agrees with Mr. Stenmark's comments.

Tom Dixon said he read the Stenmark's letters and is aware of their concerns. He explained he did not include the picture of their property in order to shorten his PowerPoint presentation. He agreed that any activity on Clarkdell Court might compromise the utilities but would be the responsibility of the developer. He said if that does occur the owner would be notified ahead of time. Besides, when utility companies go in they usually make improvements and those may benefit the Stenmarks also.

Another issue for the Planning Commission was trying to decide if RSF-2 or RSF-1 was more appropriate for the site. He said all RSF-1 properties are built with septic tanks and septic tanks would not really work on this property. He noted the build out would not be at maximum capacity, the design would be accommodating to the surrounding neighborhood.

Tom Rolland, Rolland Engineering, added the slides did not accurately depict the neighborhood, and from 1st Street to 12th Street, many types of residential uses and densities are in place. He said on this property, zoned as RSF-2, the minimum lot is 17,000-square feet, which is a sizeable lot, and this density is needed to support the infrastructure. He noted a large employer was nearby and this would be the proper zoning for the parcel.

The public hearing was closed at 10:00 p.m.

Ordinance No. 3624 – An Ordinance Rezoning the Old Orchard Estates Property Located at 774 Old Orchard Road, from Residential Single Family Rural (RSF-R) to Residential Single Family-2 (RSF-2)

Councilmember Enos-Martinez moved to adopted Ordinance No. 3624 on Second Reading and ordered it published. Councilmember McCurry seconded the motion.

Councilmember Kirtland said it is very difficult to build the maximum number of lots on a site such as this, and it is important to understand that while it is an urbanizing area, it is an area with mostly larger lots. He felt having the future park availability supports the densities being proposed.

Councilmember Palmer said he visited the site today and access off of 26 ½ Road makes some sense. He felt the property lends itself to a minimum density.

Motion carried by roll call vote with Councilmember Butler voting **NO**.

Public Hearing – Amendments to Section 6.5 of the Zoning and Development Code, Landscaping, Buffering and Screening Standards [File #TAC-2004-040]

Hold a Public Hearing and Consider Final Passage of an ordinance amending Section 6.5 of the Zoning and Development Code, including landscape standards in Industrial zone districts, modifying the required perimeter enclosure landscape requirement, clarifying requirements and credits, and allowing the use of hardscape, xeriscape and public art as a part of the landscape requirement.

The public hearing was opened at 10:05 p.m.

Kathy Portner, Planning Manager, presented this item. She noted tonight's presentation was the same presentation, which was given at a workshop a couple of weeks ago. She described the review process, the outreach efforts, and the comparisons made to other landscaping code requirements.

Ms. Portner described the proposed changes to the Code. She pointed out one of the main recommendations for change is landscaping on industrial sites. She said the percentage of the property to be landscaped required in Grand Junction is a huge burden for the property owner. The recommendation is for a new calculation based on street frontage, fifty feet back on both sides of the property, and the parking areas. She said the new proposal suggests a huge reduction in plantings but will have the same visual impact.

Ms. Portner said the change is to increase the strip outside the perimeter fencing from five feet to 14 feet with a tree required every forty feet plus ground cover. She explained that in an area with detached sidewalks, a landscaped strip with trees would be required. The change also encourages xeriscape, including a clear definition of xeriscape. True xeriscape is a whole different design concept for the grouping of plants. She said the new Code would also allow discretion by the Community Development Director for more desert landscape. Ms. Portner noted a consideration for an incentive for using xeriscape such as reducing the number of plantings were considered since xeriscape will cost more to design. However, there will be long-term savings to the owner. Allowing fewer plants is counter to goals and policies so such incentives are not recommended.

Ms. Portner said other options are:

1. Landscaping orchard style islands, which retain space for parking, yet still provide tree canopy for shade;
2. Provisions for public art to count up to ten percent toward landscaping;

3. Increase tree size at planting;
4. Two types of trees were identified, shade and ornamental (conifers);
5. Other trades and credits should make sense;
6. All plans should be reviewed by a landscape professional. She wanted City Council to know that this is not being recommended — although there is no professional landscaper or landscape architect on staff in the Community Development Department now. She said the Department felt it has the expertise and if needed can rely on the parks personnel and their expertise. She said regarding the exception process, there are already enough variance options in the Code, so they are not recommending any change. Lastly,
7. Water taps for landscaping when the property is on Ute Water and the owner cannot get a water tap. She said these are rare instances but frustrating for the developer because they cannot meet the City's requirements.

In conclusion, Ms. Portner advised City Council that the Planning Commission looked closely at the 14-foot landscaping strip and an addendum was provided to City Council clarifying provisions in the amendment.

Councilmember Enos-Martinez recommended the Planning Department add some landscape experts to its staff.

Councilmember Spehar suggested parks' staff be utilized for that expertise. Ms. Portner responded that additional expertise might be required on occasion.

Council President Hill asked about encouraging the use of xeriscape. Ms. Portner replied that the suggestion was made to reduce the number of plantings required when using xeriscape, but it was decided not to be included as an incentive. She identified ways other jurisdictions encourage xeriscape.

Councilmember Butler expressed his observation of areas where it seems there are too many trees. Ms. Portner answered the number of plantings is based on the size of the parcel. Sometimes this requirement is not considered until the end of the planning of the development and the required trees and shrubs are then crammed into a small area.

Don Haines, 610 Foresight, said he could speak from experience. He felt the requirement of the number of plantings is too high. He said he was told up front about the requirements and that his property has an unusual configuration. He noted Ted Ciavonne did the landscape design for his business. He thought City Council was legislating people's taste.

Councilmember Kirtland reminded Mr. Haines that the example given in the presentation is the reason City Council is trying to modify the requirements.

Ms. Portner advised City Council that the proposed changes would not affect Mr. Haines' property and besides the Foresight Subdivision has its own covenants, which may be more restrictive than the City's requirements. Mr. Haines said he has a problem with the landscaping requirements for this desert area. He wished the Code were more reasonable.

Councilmember Kirtland noted the large contributed amount of public input on this proposal and he felt the recommended changes are a positive move.

Council President Hill asked Ms. Portner if xeriscape would be encouraged and if another way for review would be having a landscape professional on staff. Ms. Portner said that was just one suggestion, as was hiring a consultant when needed.

City Manager Kelly Arnold noted the City might want to fill such a position in the future.

The public hearing was closed at 10:42 p.m.

Council President Hill noted the provisions for fences, walls, and berms did not change. Ms. Portner said those issues would be brought back later.

Mr. Arnold said an acknowledgement of cross-references would be done if there were conflicts in the Codes until that section is changed.

Councilmember Kirtland said the changes are for the better, but may still need some work.

Councilmember Palmer explained the purpose is trying not to create an undue burden for the property owner and balancing the community's desire not to have acres of parking lots. He said these changes probably would not be the final solution.

Ordinance No. 3625 – An Ordinance Amending Section 6.5 of the Zoning and Development Code, Landscaping, Buffering and Screening Standards to be Published in Pamphlet Form

Councilmember Spehar moved to adopted Ordinance No. 3625 on Second Reading and ordered it published. With the amendments amending Section 6.5.B.18.e to read:

“If the total amount of required landscaping is provided, the Director may allow the owner to place the landscaping on another appropriate part of the lot.”

And adding to Section 6.5.H.2.b to read:

“A minimum of 75 percent of the parking lot perimeter landscape shall be covered by plant material at maturity.”

Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Public Hearing – Amending the Grand Junction City Code Regarding Sales and Use Tax and Adopting a Policy on Enforcement

The Ordinance amends the City's Code of Ordinances relative to Sales and Use Tax to provide for the Levy or Garnishment of accounts and money, as part of the enforcement procedures on delinquent taxes in a similar manner as the State of Colorado.

The public hearing was opened at 10:50 p.m.

Ron Lappi, Administrative Services and Finance Director, presented this item. He noted that Jodi Romero, Customer Service Manager and Supervisor of the Sales Tax Collection Department were also present. He explained the changes and noted the change; will move up the time frame when collections will be pursued. He mentioned the idea to hire an enforcement officer. He said several cities have field enforcement officers. He recommended using the new policy for a while and perhaps request an officer later.

Councilmember Spehar asked how many businesses are past due. Mr. Lappi replied one to five accounts were past due. Councilmember Spehar asked if those accounts were collectable. Mr. Lappi said it depends if the businesses are still open. Ms. Romero said only one is still open. Mr. Lappi explained with these new tools, the City could have delinquent customer's bank accounts attached.

Councilmember Butler asked if there are any businesses operating without licenses. Mr. Lappi said that does happen, and an enforcement officer might uncover others. City Manager Kelly Arnold said the competitors will many times report any unlicensed businesses to the authorities.

Councilmember Palmer said this is aimed at the chronically late customers and there are not a big number of offenders. However, the money owed is public money and needs to be paid.

There were no public comments.

The public hearing was closed at 11:00 p.m.

Ordinance No. 3626 – An Ordinance Amending Section 154 of Chapter 34 of the City of Grand Junction Code of Ordinances Concerning Sales and Use Tax

Resolution No. 45-04 – A Resolution Adopting a Sales Tax Enforcement, Collection and Delinquency Policy for the City of Grand Junction

Councilmember Kirtland moved to adopted Ordinance No. 3626 on Second Reading and ordered it published and to adopt Resolution No. 45-04. Councilmember Palmer seconded the motion.

Councilmember Butler asked about when having a vending machine license with zero income, does the holder still need to file a zero return. Mr. Lappi said yes.

Motion carried by a roll call vote.

Intergovernmental Agreement with Mesa County for Mosquito Control

Council will consider an Intergovernmental Agreement (IGA) with Mesa County that outlines efforts each agency will undertake to implement a mosquito control program to reduce the risk of West Nile Virus (WNV).

Tim Moore, Public Works Manager, presented this item. He explained the purpose of the program and the agreement. He said it is anticipated that the West Nile situation will be worse this year. One area the City will be attacking will be the catch basins for the storm sewers. The City will provide the labor and half the materials for the project. He said larvicide briquettes will be dropped in the storm sewers once a month and other activities are planned too.

Councilmember Palmer advised those who have ponds that size does not really matter, the water being stagnant will attract the mosquitoes.

Mr. Moore informed City Council that the backyard kits would be given away by the Health Department starting next month.

Councilmember Palmer moved to authorize the Mayor to sign an Intergovernmental Agreement with Mesa County regarding Mosquito Control. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 11:09 p.m.

Stephanie Tuin, MMC
City Clerk