

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

**July 21, 2004**

The City Council of the City of Grand Junction convened into regular session on the 21<sup>st</sup> day of July 2004, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Also present were City Manager Kelly Arnold, City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING JULY 24, 2004 AS "CELEBRATE THE AMERICANS WITH DISABILITIES ACT DAY" IN THE CITY OF GRAND JUNCTION AND MESA COUNTY

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

TO THE RIVERFRONT COMMISSION

Marianne Tilden, Dennis Pretti, Deb McCoy, and David Ludlam were present to receive their certificates.

TO URBAN TRAILS COMMITTEE

Robert Tallarico, Lydia Reynolds, Paul Darr, and Judy Craddock were present to receive their certificates.

**CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

Councilmember Palmer read a statement into the record which outlined his connections to the Grand Mesa Little League and to avoid any appearance of a conflict of interest, he will refrain from any discussion or participation in the item relative to the appeal on the Colorado West Mental Health Facility.

It was moved by Councilmember Kirtland, seconded by Councilmember Spehar and carried by roll call vote to approve Consent Calendar Items #1 through #4 with Councilmember Palmer abstaining from item #3.

Patricia Cookson, an attorney representing the Grand Mesa Little League, asked if there was a possibility that the hearing date could be moved out further to allow for her to prepare, if oral argument will be heard at the hearing, and asked if the written and video record is available.

President of the Council Hill advised Ms. Cookson that the record is a public record and available. Regarding oral argument, the Council would have that option, but they do not have to hear oral argument. The hearing may be a review of the record only. City Attorney Shaver concurred that it is the City Council's option. The date has been set for August 18, 2004. City Attorney Shaver advised that the record has not yet been certified but once it has been and it is available, it will be available to Ms. Cookson.

1. **Minutes of Previous Meeting**

*Action: Approve the Minutes of the July 7, 2004 Regular Meeting*

2. **Setting a Hearing on DDA Tax Increment Funding Extension**

State authorization of TIF funding for DDA's is limited to twenty-five years unless extended. The DDA is requesting Council approval to extend its TIF funding for capital improvements by five years, as authorized by the legislature in 2002, pending local approval.

Proposed Ordinance Submitting to a Vote the Question of Modifying the Purposes of the Grand Junction Downtown Development Authority, Extending the Life Thereof in Accordance with State Law, Authorizing an Increase in Maximum Incurred Debt and Including the Enstrom Property into the Boundary of the District

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 4, 2004*

3. **Setting a Hearing to Appeal a Planning Commission Decision Regarding the Approval of a Conditional Use Permit for an Unlimited Group Living Facility for Colorado West Mental Health Located at 515 28 ¾ Road [File # CUP-2004-019]**

The City received three (3) letters of appeal from various interested parties regarding the Planning Commission's decision to approve a Conditional Use Permit (CUP) for an Unlimited Group Living Facility for Colorado West Mental

Health, which is proposed to be located at 515 28 <sup>3</sup>/<sub>4</sub> Road. The appellants wish to set a hearing date to appeal the Planning Commission's decision regarding the approval of the Conditional Use Permit. On July 13<sup>th</sup>, the Planning Commission also denied one (1) of the appellant's request for a rehearing on the matter. A Conditional Use Permit is required in a C-1, Light Commercial Zoning District for an Unlimited Group Living Facility which is defined in the Zoning & Development Code as a "residence of 12 or more unrelated persons, exclusive of staff." Per Section 2.18 E. 4. g. of the Zoning & Development Code, the appeal shall be scheduled within forty-five (45) calendar days of receipt of the appeal.

*Action: Set a Hearing Date for the Appeal to August 18, 2004*

4. **Grand Valley Circulation Plan Periodic Updates** [File # PLN-2004-029]

Amending the Grand Valley Circulation Plan by changing the classification of various roads in the Urban Area. This proposed update amendment to the Grand Valley Circulation Plan reflects changes in the following categories:

- a. Updating "Proposed" roadways to "Existing" reflecting actual construction progress
- b. Modifying roadway classifications based on changing development patterns, updates to transportation models, and better technical information
- c. Clerical/drafting errors
- d. Reflecting changes in previous approved district maps/amendments
- e. Changes requested by Mesa County Staff outside of the 201 boundary

Resolution No. 65-04 – A Resolution Amending the Grand Valley Circulation Plan by Changing the Classification of Various Roads in the Urban Area

*Action: Adopt Resolution No. 65-04*

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

**West Nile Virus Update from Mesa County**

Dr. Michael Aduddell, Mesa County Health Department, will update City Council on the status of the West Nile Virus and the County's plan for aerial spraying.

Tim Moore, Public Works Manager, introduced this item. Dr. Michael Aduddell reviewed the history of the mosquito that carries this virus. He then reviewed West Nile Virus occurrences in 2003. Dr. Aduddell showed what cases have been reported this year. So far the storm sewer catch basins have been heavily treated. Dr. Steve DeFeyer,

Environmental Director for Mesa County Health Department, stated that every storm sewer around the City Hall building had the larvae present. Looking at the Rosevale test site, the storm sewer catch basin treatment is working for one species. Now, the Health Department is proposing an aerial program. Dr. Aduddell updated the number of cases currently reported in Mesa County. The numbers of bird and horse cases are the highest in the State. Mesa County's rate is higher than many areas were at the end of the season in 2003. Permethrin is the pesticide being proposed to be sprayed. It can be found in many household insecticides. The pesticide will be sprayed in the evening, people should stay indoors and turn swamp coolers off. Dr. DeFeyter said, although they have been tracking mosquitoes for ten years, they have only had one trap in the past. The cases are showing up about six weeks early, which is their concern. The new trap sites are showing up positive. Mesa County met with the aerial applicators and is getting proposals. They will then gauge how much they can afford. The package will be presented to the County Commissioners on Monday. The pesticide to be applied is not petroleum-based. No spraying will be proposed over any crops or orchards. It is toxic to insects and fish so no spraying will be done within 100 feet of any waterway. The spraying will occur early evening when the mosquitoes are active and when the winds are calm. Additional treatments may be requested in August if there is another peak. Dr. DeFeyter assured the Council and the audience of the safeness of the pesticide, due to the small concentration, the fact the droplets will evaporate before reaching the ground and that many insects and animals will not be out at the time the spraying occurs.

The City Council appreciated the information.

### **Construction Contract for Redlands Parkway Trail Replacement Phase 1**

This is the first phase of a project that will replace the existing asphalt trail along Redlands Parkway starting at South Broadway to the Junior Service League Park located on the north side of the Colorado River. The City received five bids for the Redlands Parkway Trail Replacement, Phase 1. Vista Paving Corporation, Grand Junction, was the low bidder in the amount of \$99,893.94.

Tim Moore, Public Works Manager, reviewed this item. The project will pick up from where the approved contract two weeks ago left off. One piece of this trail which is currently asphalt will be replaced with concrete. The rest of the trail, which is currently asphalt, along Redland Parkway, will be replaced with asphalt because the ground still moves some and asphalt is more flexible. There are many obstacles along the first section which will be dealt with.

Councilmember Palmer moved to authorize the City Manager to sign a construction contract for the Redlands Parkway Trail Replacement, Phase 1 with Vista Paving Corporation in the amount of \$99,893.94. Councilmember McCurry seconded the motion. Motion carried.

**Purchase of 1% for the Arts Sculpture for Wingate Park**

The Commission on Arts and Culture recommends to the City Council commissioning a bronze turtle sculpture by Mary Zimmerman for the new Wingate Park through the 1% for the Arts Program.

Allison Sarmo, Cultural Arts Coordinator, introduced the Arts Commission Chair Doug McClary and Commission member Lora Quesenberry. She then reviewed the request. Mr. McClary stated the City is getting this large bronze piece for a good price and the selection is appropriate for this park. The installation will take place close to the completion of the park and it will be mounted onto a concrete pad.

Councilmember Kirtland moved to authorize the City Manager, City Attorney, and the Commission on Arts and Culture to negotiate a contract with Mary Zimmerman for the purchase and installation of a 55" Bronze Sculpture entitled "Turtle". Councilmember Enos-Martinez seconded the motion. Motion carried.

**Mesa State College Contract for Police Services**

This contract is to continue with providing policing services to Mesa State College. Under the agreement, the Grand Junction Police Department provides three officers and one supervisor to Mesa State. In return Mesa State pays 75% of the personnel costs associated with the positions and provides in-kind services such as office space and equipment. During the summer months the employees are available to the Department for deployment as needed throughout the City.

Greg Morrison, Chief of Police, reviewed this item. He explained the exchange of services with the College and the cost of the contract is \$261,298.

Councilmember Spehar asked what the officers do when college is not in session. Chief Morrison said they are placed back into patrol during peak times. These officers can also be pulled from the campus patrol during emergencies. They are also assigned a neighborhood beat in the surrounding neighborhoods.

City Manager Arnold advised that the new college president will be evaluating the program, along with others, prior to the expiration of this contract.

Councilmember Palmer moved to authorize the City Manager to sign a contract with Mesa State College for Police Services on Campus. Councilmember McCurry seconded the motion. Motion carried.

Council President Hill called for a recess at 8:54 p.m. The meeting reconvened at 9:00 p.m.

**Public Hearing – Red Tail Ridge II Annexation and Zoning Located South and West of Buena Vista Drive on Orchard Mesa** [File #ANX-2004-094]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Red Tail Ridge II Annexation, located south and west of Buena Vista Dr. on Orchard Mesa. The 19.7655 acre annexation consists of 2 parcels of land. The applicant is requesting RSF-4 zoning.

The public hearing was opened at 9:00 p.m.

The Council permitted a combined hearing for both annexation and zoning.

Senta Costello, Associate Planner, reviewed this item. She described the site, the surrounding densities (Growth Plan designations), and the current and surrounding zoning. She briefly reviewed the proposed preliminary plan. Planning Commission did recommend approval of the requesting zoning.

Councilmember Butler inquired as to the number of lots in Red Tail Ridge I. Ms. Costello said 37 lots.

Council President Hill asked why the current proposal did not come in at the same time as Red Tail Ridge I. Ms. Costello said it was not prepared at that time.

Councilmember Palmer voiced concerns regarding the street design. He asked if any issues will be addressed. City Attorney Shaver said they are working on those matters. Ms. Costello said the Fire Department had no objections to the annexation or zoning.

Ted Ciavonne, Ciavonne & Associates, representing the applicant, clarified the differentiation between Red Tail Ridge I and Red Tail Ridge II. He assured the Council on the road completions. The surrounding zoning is RSF-4. The Growth Plan recommends 2 to 4 units per acre. Red Tail Ridge I was 36 lots. Red Tail Ridge II will be less than 3 units per acre due to topographical constraints. The applicant is seeking RSF-4 as that is the closest zoning. This project meets the Orchard Mesa Plan in that areas south of Hwy 50 should have an average of 3.5 units per acre.

There were no public comments.

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

Councilmember Kirtland noted that one can see how things are changing in that area, i.e., urbanization. Council will need to make sure that they work closely with the current residents and CDOT to ensure traffic safety out there. As development occurs, there will be access issues to address. He supports the application.

Councilmember Butler said his concern is with traffic in and out, and he is not in favor of the proposed zoning.

**a. Accepting Petition**

Resolution No. 66-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Red Tail Ridge II Annexation Located South and West of Buena Vista Drive on Orchard Mesa is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3651 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Red Tail Ridge II Annexation, Approximately 19.7655 Acres Located South and West of Buena Vista Drive

**c. Zoning Ordinance**

Ordinance No. 3652 – An Ordinance Zoning the Red Tail Ridge II Annexation to RSF-4 Located South and West of Buena Vista Dr. on Orchard Mesa

Councilmember Kirtland moved to adopt Resolution No. 66-04, Ordinances No. 3651 and No. 3652 on Second Reading and ordered them published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote with Councilmember Butler voting NO.

**Intergovernmental Agreement with Mesa County School District 51 for Parking Lot Construction at Pomona School**

In conjunction with the reconstruction of 25 ½ Road, the School District and the City have determined that parking lots at Pomona School are inadequate and additional parking is required. The intergovernmental agreement sets forth the terms by which the City and School District will work together to construct said parking lot.

Kelly Arnold, City Manager, reviewed this item. He explained why this item is being brought before Council late and after the construction project for 25 ½ Road had begun. The hope is to complete the parking lot, at least mostly, by the time school starts.

The parking lot will displace much of the on-street parking being used for drop off and pickup and will displace a park shelter which will be relocated to the southeast corner of the new parking lot.

City Manager Arnold reviewed the financial terms of the agreement, that is, the School District's participation by way of initial payment and reimbursement. Mr. Arnold cautioned Council that the timing is very tight with school starting but he is confident that the parking lot will be complete within a week of the date that school starts.

City Attorney Shaver advised that there is a clause in the contract that does not financially obligate the School District past this fiscal year, as provided by law. The School District has already paid for the engineering and design work.

Council President Hill asked if there is a drop off area designed in the parking lot. Tim Moore, Public Works Manager stated there is.

Councilmember Kirtland applauded the efforts and the cooperation accomplished between the two entities to resolve the problem.

Councilmember Spehar noted the value of using a contractor on-site. It is a worthwhile project.

Councilmember Spehar moved to authorize the City Manager to sign the Intergovernmental Agreement with Mesa County School District 51 for parking lot construction at Pomona School. Councilmember Palmer seconded the motion. Motion carried.

### **Change Order to 25 ½ Road Reconstruction Phase II Streets Project**

This change order is to construct the Pomona School parking lot for School District #51. M. A. Concrete Construction, Inc. has agreed to construct the improvements for \$179,997.00. A second change order will be brought forward at a later time for the irrigation, landscaping, and lighting to be constructed.

City Manager Kelly Arnold reviewed this item and its' relation to the previous item. Since M.A. Concrete is on-site, the City was able to negotiate the same unit price for this change order to construct the aforesaid parking lot. He noted that this is the parking lot, but does not include landscaping, lighting and irrigation. It does include moving the shelter. Another change order will be brought to Council, probably at the next meeting, for those remaining items.



Councilmember Palmer moved to authorize the City Manager to sign a change order for the 25 ½ Road Reconstruction Phase II Streets Project to M. A. Concrete Construction, Inc. in the amount of \$179,997.00. Councilmember Kirtland seconded the motion.

Councilmember Spehar noted that the City has every intention of completing those items as required by Code.

Motion carried.

**NON-SCHEDULED CITIZENS & VISITORS**

There were none.

**OTHER BUSINESS**

There was none.

**ADJOURNMENT**

The meeting adjourned at 9:37 p.m.

Stephanie Tuin, MMC  
City Clerk