

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

**November 3, 2004**

The City Council of the City of Grand Junction convened into regular session on the 3<sup>rd</sup> day of November 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 Enos-Martinez led in the pledge of allegiance. The audience remained standing for the invocation by David Eisner, Congregation Ohr Shalom.

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING NOVEMBER 11, 2004 AS "A SALUTE TO ALL VETERANS 2004" IN THE CITY OF GRAND JUNCTION

PROCLAIMING NOVEMBER AS "HOME CARE MONTH" IN THE CITY OF GRAND JUNCTION

**PRESENTATION**

PRESENTATION OF CHECK FROM GRAND VALLEY BEAUTIFICATION COMMITTEE FOR THE BROADWAY BEAUTIFICATION LANDSCAPING PROJECT

Bertie Deering and Curtis Swift of the Grand Valley Beautification Committee announced that a check of \$28,000 was sent to the City as a local match for a federal grant to help with the Broadway Beautification Project recently completed.

**APPOINTMENTS**

TO THE FORESTRY BOARD

Councilmember Spehar moved to reappoint Vince Urbina to the Forestry Board for a 3 year term expiring November 2007 and appoint Dave Gave to the Forestry Board for a 3 year term also expiring November 2007. Councilmember McCurry seconded the motion. Motion carried.

## TO THE HOUSING AUTHORITY

Councilmember Butler moved to appoint Tisha Petelo to the Housing Authority for a 5 year term expiring October 2009. Councilmember Enos-Martinez seconded the motion. Motion carried.

**ELECTION RESULTS**

THE CITY CLERK WILL PRESENT THE CERTIFICATE OF ELECTION SO THAT THE COUNCIL CAN REVIEW AND CANVASS THE ELECTION RETURNS FOR BALLOT ISSUE 5T

City Clerk Stephanie Tuin presented the results of the November 2, 2004 Special Election and asked for Council to review the results. If the results appear to be in order, she asked the City Council to approve the returns by way of a motion followed by the signing of the Certificate of Election.

Councilmember Palmer applauded the efforts of the DDA and specifically the Executive Director Harold Staf. Council President Hill echoed those remarks and also those efforts of the State Legislators to get the measure adopted to allow the extension of the TIF.

Councilmember Spehar moved to accept the result of the election for Ballot Issue 5T. Councilmember Palmer seconded. Motion carried.

The City Council executed the Certificate of Election.

**CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

It was moved by Councilmember McCurry, seconded by Councilmember Enos-Martinez and carried by roll call vote to approve Consent Items #1 through #6.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the October 18, 2004 Workshop and the Minutes of the October 20, 2004 Regular Meeting*

2. **Setting a Hearing on Facilities and Construction in City Rights-of-Way**

The proposed ordinance is to aid the City in the long term management of public Rights-of-Way that is used by utility providers. Proper planning of the location and depth of underground utilities will ensure conflicts between utility providers are minimized. Area utility providers including Xcel Energy, Grand Valley Power, Ute Water, local sanitation districts, Clifton Water, Qwest, Bresnan, Grand Valley Drainage District, Grand Valley Water Users, Orchard Mesa Irrigation District, Associated Builders and Contractors and Western Colorado Contractors Association have all received copies of the draft ordinance.

Proposed Ordinance Adopting Regulations Concerning Facilities and Construction in City Rights-of-Way

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

3. **Setting a Hearing on the Reece/Ice Skating Inc. Annexation Located Along the Colorado River, 2499 River Road** [File # ANX-2004-240]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 75.3 acre Reece/Ice Skating Inc. Annexation consists of three (3) parcels of vacant land along the Colorado River, including a portion of land that will be utilized by Ice Skating Inc. in the development of their site. The petitioner's intent is to annex their property and donate one (1) of their three (3) properties to Ice Skating Inc. A Subdivision Plat will be reviewed with the development of the Ice Skating Inc. site.

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

Resolution No. 106-04 – 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, Reece/Ice Skating Inc., Annexation, Located Along the Colorado River, 2499 River Road

*Action: Adopt Resolution No. 106-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Reece/Ice Skating Inc., Annexation, Approximately 75.3 Acres, Located Along the Colorado River, 2499 River Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for December 15, 2004*

**4. Setting a Hearing on the Arbors Annexation Located at 2910 Orchard Avenue  
[File # ANX-2004-217]**

The applicants for the Arbors Annexation, located at 2910 Orchard Avenue, have presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Resolution referring the annexation petition, consider reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately. The annexation area consists of 22.84 acres of land and right-of-way along Orchard Avenue.

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

Resolution No. 107-04 – 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, the Arbors Annexation, Located at 2910 Orchard Avenue

*Action: Adopt Resolution No. 107-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, the Arbors Annexation, Approximately 22.84 Acres Located at 2910 Orchard Avenue

*Action: Introduction of Proposed Ordinance and Set a Hearing for December 15, 2004*

5. **Setting a Hearing Zoning the Kronvall Annexation Located at 2263 Greenbelt Drive** [File #ANX-2004-175]

Introduction of a proposed zoning ordinance to zone the Kronvall Annexation RSF-4 (Residential Single Family 4 du/ac), located at 2263 Greenbelt Drive. Proposed Ordinance Zoning the Kronvall Annexation to RSF-4 (Residential Single Family 4 du/ac), Located at 2263 Greenbelt Drive

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

6. **Setting a Hearing to Amend the Planned Development for Meadowlark Gardens** [File #PDR-2003-229]

Meadowlark Garden is a 7.55 acre mixed use development located at the southern quadrant of Highway 340 and Redlands Parkway. Originally approved as Planned Business (PB) in July, 1999 under the 1997 Zoning and Development Code, the zoning was changed to Planned Development (PD) in 2000 when the area-wide rezoning was completed after the Zoning and Development Code was adopted. The proposed amendments clarify the signage, parking and pedestrian circulation requirements contained in the original approval.

Proposed Ordinance Amending the Planned Development Zoning and Preliminary Plan for Meadowlark Garden Planned Development to be Published in Pamphlet Form

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

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

**Economic Development Incentive to Jobsite**

A Resolution of the City of Grand Junction authorizing the expenditure of up to \$45,000 from the Economic Development Fund in support of the creation of 18 additional jobs at Jobsite.

**It was announced that this item was pulled from the agenda prior to the start of the meeting.**

**Contract for Steam Plant Soil Removal Located at 531 South Avenue**

Award of a contract to DLM, Inc. in the amount of \$131,631 for the removal of asbestos contaminated soil from the foundation area of the steam plant at 531 South Avenue. The work will be conducted through the oversight of the City's consultant, Walsh Environmental Scientists and Engineers, LLC under a work permit issued by the Colorado Department of Health and Environment (CDPHE).

Mark Relph, Public Works and Utilities Director, reviewed this item. He noted that eight bids were received. To determine the true low bid, there is an air monitoring requirement that must be figured in.

Councilmember Kirtland asked if there is any notification needed to the surrounding properties to ensure their safety. Mr. Relph said there are some requirements but they can go the extra step and make contact with all surrounding property owners.

City Attorney John Shaver noted that in earlier testing there were no emissions detected at the property line so emissions are not anticipated. All precautions will be taken when removing the pockets of solid asbestos.

Councilmember Kirtland moved to authorize the City Manager to sign a contract for the Steam Plant Asbestos Contaminated Soil Removal with DLM, Inc., in the amount of \$131,631. Councilmember Palmer seconded the motion. Motion Carried.

**Hazard Elimination Funding Contract for Intersection Improvements at 7<sup>th</sup> & Patterson**

Approve a contract with CDOT for a Federal Hazard Elimination Grant of \$60,000 to pay for design work and utility relocations required for construction of an east bound right turn lane on Patterson Road approaching 7<sup>th</sup> Street.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the project and advised that they are moving a portion of the work up to coordinate with improvements at St. Mary's. The other portion of the work will come back under another contract. The alignment at that intersection will also be corrected.

Councilmember Palmer asked for clarification on the location. Mr. Relph said it is a right turn lane off of Patterson from the west; it will also improve the site distance.

City Manager Arnold asked if pedestrian safety will be kept in mind. Mr. Relph assured him it will. City Manager Arnold asked about the funding available when such federal funds (enhancement funds) have not been reauthorized. Mr. Relph said he does not

have all those answers but this funding is available for this project. City Manager Arnold noted that if additional federal funds are not reauthorized, the remainder of the project may be delayed. Mr. Relph said that is possible but only a small chance of that.

Resolution 108-04 – A Resolution Accepting a Grant of Federal Funds for the 7<sup>th</sup> and Patterson Right Turn Lane Hazard Elimination Project

Councilmember Enos-Martinez moved to adopt Resolution No. 108-04. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

**Purchase of Property at 1001 South 5<sup>th</sup> Street for the Riverside Parkway Project**

The City has entered into a contract to purchase the property at 1001 South 5<sup>th</sup> Street from Angelita and Ernesto Hernandez for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon the Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. He noted that this acquisition is the first property where a relocation of the residents is required. He explained the process, how the appraisal came out and what the relocation policy will do to pay the residents a housing supplement to allow them to purchase replacement housing. Supplemental costs also include closing costs, moving costs, and the total being \$136,081.84.

Councilmember Palmer applauded the policy that goes beyond just the purchase of the property, but finds the residents equal or better housing and assists them in moving and with the closing costs.

Councilmember Spehar said a discussion of this is appropriate, especially in light of the afternoon's open house on the lower downtown alignment.

Council President Hill was pleased with the application of the policy but noted that the total amount may be in error. Mr. Relph made note of that and will check the figures.

Resolution No. 109-04 – A Resolution Authorizing the Purchase of Real Property at 1001 South 5<sup>th</sup> Street from Angelita and Ernesto Hernandez

Councilmember Butler moved to adopt Resolution No. 109-04. Councilmember Spehar seconded the motion. Motion carried by a roll call vote. The amount will be subject to the math being verified.

**Request to Apply for a Lion's Club Grant for Kiddie Pool Improvements at Lincoln Park – Moyer Pool**

The Parks and Recreation Department is requesting City Council authorization to apply for a \$40,000 grant from the Grand Junction Lions Club for the construction of a water playground at Lincoln Park-Moyer Pool.

Councilmember Palmer stated that he serves on the Lion's committee that will review this grant so he will recuse himself from the discussion. He stepped down from the dais.

Joe Stevens, Director of Parks and Recreation, reviewed this item. He explained the plans for the wading pool improvements. If the grant is successful, the pool will also receive some interactive water features that will attract new users and capture the imagination of the existing users. They hope to have it completed by Memorial Day.

Councilmember Spehar, as a member of Lion's Club, stated that the Club collaborates with many agencies and it is not unusual for the Lion's Club to consider grants to public agencies.

Councilmember Kirtland moved to authorize the Parks and Recreation Department to apply for a \$40,000 grant from the Grand Junction Lions Club for the construction of a zero depth (beach-like access) water experience for toddlers, mom's, dad's etc. at Lincoln Park-Moyer Pool. Councilmember Enos-Martinez seconded the motion. Motion carried.

**NON-SCHEDULED CITIZENS & VISITORS**

There were none.

**OTHER BUSINESS**

There was none.

**EXECUTIVE SESSION**

Councilmember Butler moved to go into Executive Session for discussion of personnel matters under Section 402 (4)(f)(I) of the Open Meetings Law relative to City Council employees and to determine the City's position and to instruct the City's negotiators regarding the Fire District contact pursuant to section 402 (4) (e) of the Colorado's Open Meetings Law.

**ADJOURNMENT**

The meeting adjourned at 8:24 p.m.

Stephanie Tuin, MMC  
City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**CERTIFICATE OF ELECTION**

**NOVEMBER 2, 2004**

I, Stephanie Tuin, City Clerk of the City of Grand Junction, Colorado, do hereby certify that the results of the Special Municipal Election held in the City on Tuesday, November 2, 2004, were as follows:

**TOTAL BALLOTS CAST                    301**

SHALL CITY OF GRAND JUNCTION DEBT BE INCREASED \$18,000,000.00 WITH A REPAYMENT COST OF \$20,000,000.00, WITHOUT RAISING ADDITIONAL TAXES, TO FINANCE STREETS, PARKS, PLAZAS, PARKING FACILITIES, PLAYGROUNDS, CAPITAL FACILITIES, PEDESTRIAN MALLS, RIGHTS-OF-WAY, STRUCTURES, WATERWAYS, BRIDGES, ACCESS ROUTES TO ANY OF THE FOREGOING, DESIGNED FOR USE BY THE PUBLIC GENERALLY OR USED BY ANY PUBLIC AGENCY WITH OR WITHOUT CHARGE; SUCH DEBT TO BE EVIDENCED BY BONDS, LOANS, ADVANCES OR INDEBTEDNESS PROVIDED THAT THE SPECIFIC TERMS OF THE DEBT, INCLUDING A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM, AND THE PRICE AT WHICH IT WILL BE SOLD SHALL BE DETERMINED BY THE CITY AS NECESSARY AND PRUDENT; AND SHALL THE PLEDGE OF THE TAX INCREMENT FUND TO SUCH DEBT BE AUTHORIZED FOR A PERIOD NOT TO EXCEED THE MAXIMUM TIME PERMITTED BY LAW?

Yes	267
No	33
Under vote	1

We, the undersigned Canvassing Board, have reviewed the results of the Special Municipal Election held November 2, 2004, and do hereby conclude:

That Ballot Issue 5T passed by the greater number of votes.

Certified this 3<sup>rd</sup> day of November, 2004.

/s/: Stephanie Tuin  
Stephanie Tuin, MMC  
City Clerk

Dated this 3<sup>rd</sup> day of November, 2004.

/s/: Cindy Enos-Martinez  
Cindy Enos-Martinez  
Councilmember, District A

/s/: Jim Spehar  
Jim Spehar  
Councilmember, District B

/s/: Gregg Palmer  
Gregg Palmer  
Councilmember, District C

/s/: Bill McCurry  
Bill McCurry  
Councilmember, District D

/s/: Harry Butler  
Harry Butler  
Councilmember, District E

/s/: Dennis Kirtland  
Dennis Kirtland  
Councilmember, At-Large

/s/: Bruce Hill  
Bruce Hill  
Councilmember, At-Large