

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

November 17, 2004

The City Council of the City of Grand Junction convened into regular session on the 17th 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 Deputy City Clerk Juanita Peterson.

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

APPOINTMENT

APPOINT PATRICK CARLOW AS 2ND ALTERNATE TO THE PLANNING COMMISSION AND TO THE ZONING BOARD OF APPEALS FOR 4 YEAR TERM EXPIRING OCTOBER 2008.

Councilmember Enos-Martinez moved to appoint Patrick Carlow as 2nd Alternate to the Planning Commission and to the Zoning Board of Appeals for a 4 year term expiring October 2008. Councilmember McCurry seconded the motion. Motion carried.

CERTIFICATE OF APPOINTMENTS

TO THE FORESTRY BOARD

David Gave and Vince Urbina were there to receive their certificates.

TO THE HOUSING AUTHORITY

Tisha Petelo was present and received her certificate.

CITIZEN COMMENTS

There were none.

Revised December 6, 2011

**** Indicates New Item*

® Requires Roll Call Vote

CONSENT CALENDAR

It was moved by Councilmember Kirtland, seconded by Councilmember Enos-Martinez and carried by roll call vote to approve Consent Calendar Items #1 through #10

1. Minutes of Previous Meetings

Action: Approve the Minutes of the Special Meeting of August 12, 2004, Summary of the November 1, 2004 Additional Workshop, the Summary of the November 1, 2004 Workshop and the Minutes of the November 3, 2004 Regular Meeting

2. Setting a Hearing on the 2nd Supplemental Appropriation Ordinance 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: Introduction of Proposed Ordinance and Set a Hearing for December 1, 2004

3. Setting a Hearing Regulating Newsracks in the Downtown Shopping Park

The number of newsboxes that have been placed downtown has proliferated in recent months. The legitimate newsracks have been augmented by commercial advertising pieces resulting in as many as 15 boxes in several locations. This ordinance has been developed to address the issue in a manner common to other communities in Colorado by developing a bank of racks that will be made available for lease to legitimate newspapers. The goal is to clean up the visual pollution resulting from this rapid spread of boxes and tidying up the appearance of downtown.

Proposed Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Commercial Activities in the Downtown and Authorizing Publication in Pamphlet Form

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 1, 2004

4. **Vacating Utility and Ingress/Egress Easements Located at 2776 Highway 50**
[File #VE-2004-202]

The applicant proposes to vacate two-20' utility easements, one-30' utility easement and three-60' x 30' ingress/egress easements, located in Meridian Park Subdivision. The Planning Commission recommended approval of this easement vacation request on November 9, 2004, making the Findings of Fact/Conclusion identified in the staff report.

Resolution No. 110-04 – A Resolution Vacating Two 20' Utility Easements, One 30' Utility Easement and Three 60'x30' Ingress/Egress Easements Located at 2776 Highway 50

Action: Adopt Resolution No. 110-04

5. **Setting a Hearing on St. Mary's Rezone Located at 515 Patterson Road** [File # RZ-2004-117]

Request to rezone 1.9 acres located 515 Patterson Road, consisting of one parcel, from the B-1(Neighborhood Business) zone district to PD (Planned Development) zone district. Planning Commission recommended approval at its November 9, 2004 meeting.

Proposed Ordinance Rezoning a Parcel of Land from B-1(Neighborhood Business) Zone District to PD (Planned Development) Zone District Located at 515 Patterson Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 1, 2004

6. **Conveyance of a Nonexclusive Easement Across City Property Located at B ¾ Road (Access to former DOE Compound)**

Public Service Company is requesting an easement across City property adjacent to B ¾ Road to accommodate a new signal being installed at the request of the Union Pacific Railroad.

Resolution No. 111-04 – A Resolution Concerning the Granting of a Non-Exclusive Electric Utility Easement to the Public Service Company of Colorado

Action: Adopt Resolution No.111-04

7. **Setting a Hearing on Zoning the Meyers/Steele Annexation Located at 3020 E ½ Road** [File #ANX-2004-206]

Introduction of a proposed zoning ordinance to zone the Meyers/Steele Annexation RSF-4 (Residential Single Family 4 du/ac) located at 3020 E ½ Road.

Proposed Ordinance Zoning the Meyers/Steele Annexation to RSF-4 (Residential Single Family 4 du/ac) Located at 3020 E ½ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 1, 2004

8. **Setting a Hearing for the Campbell/Hyde Annexation Located at 351 & 353 30 Road** [File #ANX-2004-225]

Resolution referring a petition for annexation and introduction of proposed ordinances. The 23.31 acre Campbell / Hyde annexation consists of two parcels.

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

Resolution No. 112-04 – 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, Campbell/Hyde Annexation Located at 351 & 353 30 Road

Action: Adopt Resolution No. 112-04

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #1, Approximately 0.26 Acres, Located within 30 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #2, Approximately 0.56 Acres, Located within 30 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #3, Approximately 1.09 Acres, Located within 30 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #4, Approximately 21.39 Acres, Located at 351 & 353 30 Road

Action: Introduction of Proposed Ordinances and Set a Hearing for January 5, 2005

9. **Setting a Hearing for the Water's Edge Annexation Located at 2935 D Road**
[File #ANX-2004-221]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.91 acre Water's Edge annexation consists of one parcel.

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

Resolution No. 113-04 – 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, Water's Edge Annexation Located at 2935 D Road

Action: Adopt Resolution No. 113-04

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Water's Edge Annexation, Approximately 4.91 Acres, Located at 2935 D Road

Action: Introduction of Proposed Ordinance and Set a Hearing for January 5, 2005

10. **Setting a Hearing for the Vacation of an East/West Alley Right-of-Way Located between 9th and 10th Streets and D Road and Third Avenue** [File #VR-2004-183]

Petitioner is requesting to vacate the east/west alley right-of-way located between 9th and 10th Streets and D Road and Third Avenue in anticipation of future expansion of the commercial laundry operation. The Planning Commission

recommended approval for the vacation of right-of-way at its November 9th, 2004 meeting.

Proposed Ordinance Vacating Right-of-Way Located within Block 13 of the Milldale Subdivision

Action: Introduction of Proposed Ordinance and Set a Hearing for December 1, 2004

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Ratify City & County Memorandum of Agreement for Operation and Maintenance of the Employee Parking Garage

City Council Ratification of a Memorandum of Agreement between the City and Mesa County for operation and maintenance of the employee parking garage located in the 500 block of White Avenue.

Mark Relph, Public Works and Utilities Director, reviewed this item. Mr. Relph gave an overview of the context of the agreement.

Councilmember Kirtland moved to ratify the Memorandum of Agreement for Operation and Maintenance of the Mesa County-City of Grand Junction Parking Garage. Councilmember Spehar seconded the motion. Motion carried.

Holiday Parking Request for the Downtown

The Downtown Association (DTA) has requested that all parking downtown be free this year to best position downtown for the holiday shopping season. This matter has been recommended by the DTA and forwarded and endorsed by the DDA. City staff recommends a slight variation of this (i.e. free Holiday Parking in all of downtown with the exception of government offices, illegal parking areas and shared-revenue lots.) Metered spaces will be designated by covering the meter with the well-known "Seasons Greetings-Free Parking" red plastic bag.

Harold Staf, DDA Executive Director, along with Sharme Perucchini, DTA Board Member, reviewed this item. Ms. Perucchini reviewed the last several years and stated their goal is to take the confusion out of the free parking. This year is to offer free unlimited parking and only enforce the unbagged meters around the City/County Buildings. Letters will be sent out to businesses from the DTA this week encouraging them to not have their employees use these spaces.

Councilmember Palmer asked if there would be an ethics conflict with him voting on this issue since he is a business owner downtown. City Attorney Shaver clarified it would not.

Councilmember Kirtland moved to authorize the Vacation of Parking Enforcement at all Designated Downtown Metered Spaces and Signed Parking from Thanksgiving to New Year's Day, except Loading, No Parking, Handicapped, and unbagged meter spaces surrounding government offices. Councilmember McCurry seconded the motion. Motion carried.

Authorizing the Submittal of an Application for an Energy and Mineral Impact Assistance Grant for the Purchase of a Mobile Communications Center

A City Council Resolution authorizing the submission of a grant application to assist in the funding of the purchase of a Mobile Communications Center.

Sheryl Trent, Assistant to the City Manager, and Greg Morrison, Chief of Police, reviewed this item. Ms. Trent explained this is one of two grants before Council tonight and in ranking of these grants with DOLA, this would rank second. Ms. Trent explained that if the City's current communications center would go down, the valley would be without emergency communication. Chief Morrison indicated emergency communication would then operate out of the back of a patrol car.

Councilmember Enos-Martinez asked if this could be used at Country and Rock Jams and where would the other funds come from. Chief Morrison stated yes and for search and rescue, forest fires, and the other funds would come from the E911 funds.

Councilmember McCurry was in favor of this.

Councilmember Palmer stated that if this grant is not approved is this something the City should be considering in the near future and asked about storage of the unit.

Ms. Trent explained that there are several locations it could be housed, but a covered structure is preferred. Finding a spot will not be a problem.

Resolution No. 114 -04 – A Resolution Authorizing the Submission of a Grant Application to Assist in the Funding of the Purchase of a Mobile Communications Center

Councilmember Palmer moved to adopt Resolution No. 114-04. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

Authorizing the Submittal of an Application for an Energy and Mineral Impact Assistance Grant for the Construction of a Pedestrian Overpass

A City Council Resolution authorizing the submission of a grant application to assist in the funding of the construction of a pedestrian overpass.

Sheryl Trent, Assistant to the City Manager, and Mark Relph, Public Works and Utilities Director, reviewed this item. Ms. Trent explained that this is one of two grants before Council tonight and in ranking of these grants with DOLA, this would rank first. Mr. Relph explained the pedestrian overpass would replace the current tunnel across the railroad tracks. The overpass has been considered in the Riverside Parkway Project but with the high cost of steel, this could be on the chopping block with the grant.

Councilmember Kirtland asked if the overpass would be built quickly or would it be an element of the design/build contract. Mr. Relph stated it would be put into the design/build contract.

Councilmember Enos-Martinez hoped this can be accomplished as there are many seniors that are not comfortable walking into the tunnel even though the City maintains the tunnel very well.

Council President Hill stated this overpass fits the area and citizens will feel safer on a bridge.

Resolution No. 115-04 - A Resolution Authorizing the Submission of a Grant Application to Assist in the Funding of the Construction of a Pedestrian Overpass

Councilmember Kirtland moved to adopt Resolution No. 115-04. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

Purchase of Property at 404 Noland Avenue for the Riverside Parkway Project

The City has entered a contract to purchase the property at 404 Noland Avenue, from Terry Gangle, 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, reviewed this item. This is the first business acquisition for the Riverside Parkway Project. Mr. Relph explained how the appraisal was done. The total price being paid is \$377,189. Mr. Relph also stated they have given Mr. Gangle the opportunity to remove the existing metal building. Mr. Relph indicated the closing date is November 18, 2004.

City Attorney John Shaver advised the closing date has been rescheduled.

Councilmember Butler asked about the price if the City gave Mr. Gangle the opportunity to have the building. Mr. Relph said that the City looks at giving the building back as cost avoidance to the City. Councilmember Butler asked if the City could use this building at all. Mr. Relph indicated no due to the age of the building but there are several others the City is looking at.

Resolution No. 116-04 – A Resolution Authorizing the Purchase of Real Property at 404 Noland Avenue from Terry A. Gangle

Councilmember Enos-Martinez moved to adopt Resolution No. 116-04. Councilmember Butler seconded the motion. Motion carried by roll call vote.

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.

Kelly Arnold, City Manager, reviewed this item. This is a follow-up from a previous workshop where the original proposal was presented. Nothing has changed. The County authorized an incentive yesterday with the condition if sewer became available, the Jobsite has 5 years to put the property on sewer, along with capital investment and the jobs. City Manager Arnold explained in 1997 the incentive to them was \$125,000 for start-up to relocate to Grand Junction and they were not at this existing site.

Councilmember Kirtland voiced his support.

Councilmember Spehar appreciates the County's efforts but believes it is inappropriate for the City to support expansion outside of the Persigo area.

Councilmember Palmer does not believe the incentives should be given repetitively.

Councilmember Butler would support for the jobs with the salaries of \$36,000 which will help support our City.

Council President Hill stated this is not an easy one; there is leverage with the County and State dollars which makes it different than in 1997. It is cloudy blending in all of the other criteria, but he can support it because there will be other steps that must take place before this can happen.

Resolution No. 120-04 – A Resolution Authorizing an Economic Incentive to Jobsite for \$45,000 for the Benefit of Expanding an Existing Business

Councilmember Kirtland moved to adopt Resolution No. 120-04. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote with Councilmember Palmer, Enos-Martinez and Spehar voting NO.

Public Hearing – Facilities and Construction in City Rights-of-Way Ordinance (TO BE CONTINUED TO DECEMBER 15, 2004)

The proposed ordinance is to aid the City in the long term management of public Rights-of-Way that are 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 Excel Energy, Grand Valley Power, Ute Water, local sanitation districts, Clifton Water, Qwest, Brendan, 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.

Mark Relph, Public Works and Utilities Director, stated they have received comments late from Qwest and would like to continue until December 15, 2004.

Councilmember Palmer moved to continue Public Hearing for the Facilities and Construction in City Right-of-Way ordinance to December 15, 2004. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

Public Hearing – Zoning the Kronvall Annexation Located at 2263 Greenbelt Drive [File #ANX-2004-175]

Hold a public hearing and consider final passage of the zoning ordinance to zone the Kronvall Annexation RSF-4 (Residential Single Family 4 du/ac), located at 2263 Greenbelt Drive. The 4.274 acre annexation consists of two parcels of land.

The public hearing opened at 8:40 p.m.

Faye Hall, Planning Technician, reviewed this item. She described the surrounding zoning and noted the request meets the criteria of the Zoning and Development Code and the Growth Plan.

There were no public comments.

The public hearing was closed at 8:42 p.m.

Ordinance No. 3685 – An Ordinance Zoning the Kronvall Annexation to RSF-4 (Residential Single Family 4 du/ac), Located at 2263 Greenbelt Drive

Councilmember Spehar moved to adopt Ordinance No. 3685 on Second Reading and order it published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

Public Hearing – Fisher Annexation Located at 104 29 ¾ Road [File #GPA-2004-191]

Resolution for acceptance of petition to annex and hold a public hearing to consider final passage of the annexation ordinance for the Fisher Annexation, located at 104 29 ¾ Road. The 18.013 acre Fisher annexation consists of one parcel.

The public hearing opened at 8:44 p.m.

Faye Hall, Planning Technician, reviewed this item. She described the surrounding zoning and noted the request meets the criteria of the Zoning and Development Code and will require a Growth Plan Amendment in the future.

Councilmember Kirtland asked when the Growth Plan Amendment will occur. Ms. Hall said they are done twice a year and should come before the Council before the end of the year.

There were no public comments.

The public hearing closed at 8:45 p.m.

a. Accepting Petition

Resolution No. 117-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Fisher Annexation, Located at 104 29 ¾ Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3686 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fisher Annexation #1, Approximately 0.127 Acres, Located within US Hwy 50 and 29 ¾ Road Rights-of-Way

Ordinance No. 3687 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fisher Annexation #2, Approximately 17.886 Acres, Located at 104 29 ¾ Road

Councilmember Spehar moved to adopt Resolution No. 117-04, Ordinance No. 3686 and No. 3687 on Second Reading and ordered them published. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

Public Hearing – Meyers/Steele Annexation Located at 3020 E ½ Road and Portions of 30 Road and Orchard Avenue Rights-of-Way [File #ANX-2004-206]

Resolution for acceptance of petition to annex and hold a public hearing to consider final passage of the annexation ordinance for the Meyers/Steele Annexation, located at 3020 E ½ Road. The 2.7559 acre Meyers/Steele annexation consists of one parcel of land and portions of 30 Road and Orchard Avenue rights-of-way.

The public hearing opened at 8:47 p.m.

Faye Hall, Planning Technician, reviewed this item. She described the surrounding zoning and noted the request meets the criteria of the Zoning and Development Code.

There were no public comments.

The public hearing closed at 8:49 p.m.

a. Accepting Petition

Resolution No. 118-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Meyers/Steele Annexation, Located at 3020 E ½ Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3688 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Meyers/Steele Annexation #1, Approximately .2559 Acres, Located Within 30 Road Right-of-Way

Ordinance No. 3689 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Meyers/Steele Annexation #2, Approximately 2.500 Acres, Located at 3020 E ½ Road

Councilmember Kirtland moved to adopt Resolution No. 118-04, and Ordinance No. 3688 and No. 3689 on Second Reading and ordered them published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

Public Hearing – Manor Annexation Located at the NE Corner of 26 ½ Road & I Road [File #GPA-2004-205]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Manor Annexation, located at the NE corner of 26 ½ Road & I Road. The 11.753 acre Manor Annexation consists of one parcel.

The public hearing opened at 8:50 p.m.

Faye Hall, Planning Technician, reviewed this item. She described the surrounding zoning and noted the request meets the criteria of the Zoning and Development Code and will require a Growth Plan Amendment in the future.

There were no public comments.

The public hearing closed at 8:49 p.m.

a. Accepting Petition

Resolution No. 119-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Manor Annexation, Located on the NE Corner of 26 ½ Road and I Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3690 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Manor Annexation, Approximately 11.753 Acres, Located on the NE Corner of 26 ½ Road and I Road

Councilmember Enos-Martinez moved to adopt Resolution No. 119-04 and Ordinance No. 3690 on Second Reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

Public Hearing – Amend the Planned Development for Meadowlark Garden [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.

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

Bob Blanchard, Community Development Director, reviewed this item. Mr. Blanchard clarified items were originally approved in July, 1999 under the 1997 Zoning and Development Code. It was changed to Planned Development (PD) in 2000 when the area-wide rezoning was completed after the Zoning and Development Code was adopted. This amendment clarifies the signage, parking and pedestrian circulation requirements contained in the original approval.

Councilmember Palmer asked about the shared parking. Mr. Blanchard stated every single space on the site is shared parking except the handicap spaces and it has been proven to work at this location.

The applicants were present but did not have any comments but were there to answer questions.

There were no public comments.

The public hearing closed at 9:04 p.m.

Ordinance No. 3691 – An Ordinance Amending Ordinance No. 3162 Pertaining to a Planned Development Zoning and Preliminary Plan for Meadowlark Garden Planned Development to be Published in Pamphlet Form

Councilmember Enos-Martinez moved to adopt Ordinance No. 3691 on Second Reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There were none.

EXECUTIVE SESSION

COUNCILMEMBER SPEHAR MOVED TO GO INTO EXECUTIVE SEESION FOR DISCUSSION OF PERSONNEL MATTERS UNDER SECTION 402 (4)(F)(I) OF THE OPEN MEETINGS LAW RELATIVE TO CITY COUNCIL EMPLOYEES AND THAT COUNCIL WILL NOT RETURN TO OPEN SESSION. COUNCILMEMBER PALMER SECONDED THE MOTION. MOTION CARRIED.

ADJOURNMENT

The meeting adjourned to executive session at 9:13 p.m.

Juanita Peterson
Deputy City Clerk