

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

January 19, 2005

The City Council of the City of Grand Junction convened into regular session on the 19th day of January 2005, 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 Debbie Kemp.

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 Jim Hale, Spirit of Life Christian Fellowship.

Council President Hill recognized the Boy Scout Troops #363 and #345 for their presence at the meeting.

APPOINTMENTS

RATIFICATION OF APPOINTMENT TO THE WALKER FIELD AIRPORT AUTHORITY

Councilmember Palmer moved to ratify the appointment of Doug Simons to the Walker Field Airport Authority for a 4 year term expiring January 2009. Councilmember Spehar seconded the motion. Motion carried.

TO THE VISITOR AND CONVENTION BUREAU BOARD OF DIRECTORS

Councilmember Spehar moved to re-appoint Jill Eckhardt to the Visitors and Convention Bureau Board of Directors for a 3 year term expiring December 2007, appoint Brunella Gualerzi and Eric Feely to the Visitors and Convention Bureau Board of Directors also for 3 year terms expiring December 2007, and appoint W. Steven Bailey to the Visitors and Convention Bureau Board of Directors for an unexpired term until December 2005. Councilmember Enos-Martinez seconded the motion. Motion carried.

TO THE PARKS AND RECREATION ADVISORY BOARD

Councilmember Kirtland moved to appoint Jack Neckels to the Parks and Recreation Advisory Board until June, 2005. Councilmember McCurry seconded the motion. Motion carried.

CERTIFICATE OF APPOINTMENT

TO THE HISTORIC PRESERVATION BOARD

Thomas Streff was not present to receive his certificate of reappointment.

CITIZEN COMMENTS

Mr. Williams thanked the Council for their dedication to the City. He talked about the trails that are located throughout the City. He is concerned about the safety and the conditions that the trails are in. Mr. Williams requested that the City put in some off road bike paths throughout the City. Council President Hill asked if he has approached the Urban Trails Committee. Mr. Williams replied that he has made this request previously to that committee.

CONSENT CALENDAR

It was moved by Councilmember Enos-Martinez, seconded by Councilmember Palmer and carried by roll call vote to approve Consent Calendar Items #1 through #9.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the January 3, 2005 Workshop, the Minutes of the January 5, 2005 Special Meeting and the January 5, 2005 Regular Meeting

2. **Setting a Hearing on an Ordinance Allowing Sampling of Wine and Beer in Retail Liquor Stores**

Last summer, the Colorado General Assembly passed House Bill 04-1021 which included a provision to allow a local government to adopt an ordinance allowing alcohol beverage sampling (tastings) to be conducted in retail liquor stores and liquor-licensed drugstores. This proposal, if adopted, would allow such sampling but would restrict it to beer and wine.

Proposed Ordinance Enacting a New Article IV Within Chapter 4, Concerning Alcoholic Beverages, in the Grand Junction Code of Ordinances Pertaining to the Tasting of Alcoholic Beverages

Action: Introduction of Proposed Ordinance and Set a Hearing for February 2, 2005

3. **Sole Source Purchase for Rain Bird Maxicom Controllers**

The Parks Department currently has several parks with individual automated site based irrigation systems. These systems will be converted to the centralized Maxicom software program that is currently in operation at the Lincoln Park central irrigation control system. The Rain Bird Maxicom brand is the only compatible controller and Grand Junction Pipe and Supply is the only authorized Rain Bird Master Distributor for this area.

Action: Authorize the Purchasing Manager to Purchase the Controllers from Grand Junction Pipe and Supply in the Estimated Amount of \$64,500.00

4. **Annual Hazardous Materials Agreement with Mesa County**

The Fire Department is requesting renewal of the City of Grand Junction/Mesa County Intergovernmental Agreement for the Grand Junction Fire Department to provide Superfund Amendment Reauthorization Act (SARA) and Designated Emergency Response Authority (DERA) services to Mesa County outside the City of Grand Junction. The DERA services are for response to accidents involving the release of hazardous materials. The SARA program involves collection of information regarding storage, handling, and manufacturing of hazardous materials.

Action: Authorize the Mayor to Sign the Annual SARA/DERA Agreement with Mesa County

5. **Extending the Lease of City Property to Donald Fugate Jr., Doing Business as Don's Automotive**

Authorize an extension of the lease, through September 30, 2005, of City property at 545 Noland Avenue to Donald Fugate, Jr., doing business as Don's Automotive.

Resolution No. 15-05 – A Resolution Extending the Lease of City Property at 545 Noland Avenue to Donald Fugate, Jr., doing business as Don's Automotive

Action: Adopt Resolution No. 15-05

6. **Vacating Easements at 202 N. 7th Street, Located Within Lot 1, Seventh Street Simple Subdivision** [File # VE-2004-226]

The applicant wishes to vacate a 14' Multi-Purpose Easement and a 15' Utility & Drainage Easement located within Lot 1, Seventh Street Simple Subdivision in

anticipation of future commercial development to accommodate a proposed office building. The Planning Commission recommended approval at its January 11, 2005 meeting.

Resolution No. 16-05 – A Resolution Vacating a 14' Multi-Purpose Easement and a 15' Utility & Drainage Easement Located Within Lot 1, Seventh Street Simple Subdivision Known as: 202 N. 7th Street

Action: Adopt Resolution No. 16-05

7. **Setting a Hearing on the Tezak Annexation Located at 2397 Sayre Drive** [File # ANX-2004-288]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 1.23 acre Tezak Annexation consists of one parcel of land.

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

Resolution No. 17-05 – 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, Tezak Annexation, Located at 2397 Sayre Drive

Action: Adopt Resolution No. 17-05

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Tezak Annexation, Approximately 1.23 Acres, Located at 2397 Sayre Drive

Action: Introduction of Proposed Ordinance and Set a Hearing for March 2, 2005

8. **Setting a Hearing on the Cloverglen Annexation Located at 2938 F ½ Road** [File # ANX-2004-287]

The applicants for the Cloverglen Annexation, located at 2938 F ½ Road, 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 7.153 acres of land and right-of-way along F ½ Road.

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

Resolution No. 18-05 – 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, Cloverglenn Annexation, Located at 2938 F ½ Road

Action: *Adopt Resolution No. 18-05*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cloverglenn Annexation, Approximately 7.1536 Acres, Located at 2938 F ½ Road and Including a Portion of the F ½ Road Right-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for March 2, 2005*

**9. Continue Public Hearing – Regulating Newsboxes in the Downtown
(TO BE CONTINUED TO FEBRUARY 16, 2005)**

The number of newsboxes that have been placed downtown has proliferated in recent months. The legitimate newsboxes 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.

The ordinance is being redrafted for presentation to the DDA board prior to final consideration by Council.

Action: *Continue Public Hearing until February 16, 2005*

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Purchase of Property Located at 2502 Highway 6&50 for the Riverside Parkway

The City has entered into a contract to purchase right of way from the McCallum Family LLC 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. He explained that the property owner is not ready to close this deal. Therefore, the applicant is requesting to postpone this item to the next Council meeting on February 2, 2005.

Councilmember Spehar moved to pull Item #10 from the agenda and reschedule it for the next City Council Meeting to be held on February 2, 2005. Councilmember McCurry seconded the motion. Motion carried.

D Road Undergrounding Phase I for the Riverside Parkway

The construction of the Riverside Parkway will require the relocation of many overhead power lines. This first phase will underground approximately one mile of double power lines from approximately 15th Street and D Road to the Regional Center. The "invoice" from Xcel Energy states that the undergrounding cost is estimated at \$746,305.46.

Mark Relph, Public Works and Utilities Director, reviewed this item. He said upon the approval of an executed purchase order to Xcel Energy, there is a section of existing overhead utility lines that need to be placed underground. Mr. Relph presented a map to show the area along D Road that needs to have the utilities placed underground. He stated that the City has a franchise agreement with Xcel. The City will get a credit of \$135,435.35 to relocate the lines, which results in a total amount of \$746,305.46.

Councilmember Palmer thanked Mr. Relph for all of the hard work on this and appreciates it when the utility lines go underground.

Councilmember Palmer moved to authorize the City Manager to sign a purchase order with Xcel Energy to relocate the existing overhead power lines underground between 15th Street and D Road easterly to the regional center along the Riverside Parkway. Councilmember Kirtland seconded the motion. Motion carried.

Memorandum of Understanding with Mesa County for 29 Road from D Road South the Colorado River Bridge

The proposed Memorandum of Understanding with Mesa County covers the funding and project management of the design and construction of 29 Road from D Road south to the Colorado River Bridge.

Mark Relph, Public Works and Utilities Director, reviewed this item. He stated that the City's main challenge is raising the grade from south 29 Road to the highway and also the traffic will need to be managed very carefully. Mr. Relph stated that the City's current Design/Build Contract states that no major reconstruction can be done until the 29 Road Bridge is in place. Mr. Relph asked Council to ratify that agreement which would allow the City's project of the construction south of 29 Road to coordinate with

Mesa County's project of the Colorado River Bridge and 29 Road project. This would allow the Design/Build Team to have control of this section and make sure that they will come together with the Riverside Parkway project. Council President Hill questioned if the 29 Road Bridge and the connection to Hwy 50 will be completed at the same time. Mr. Relph stated yes.

Councilmember Kirtland asked if there would be any conflicts in No. 2 of the MOU procedures, where the City is acquiring a right-of-way for which the County is paying. Mr. Relph stated that the City has hired Carter & Burgess, Inc. as the consultant, and they will be responsible for preparing all right-of-way acquisition paperwork. No conflict is foreseen.

Councilmember Spehar asked if the \$4,000,000 plus will be in addition to \$8,000,000 in the contract. Mr. Relph stated yes.

Councilmember Kirtland moved to authorize the Mayor to sign a Memorandum of Understanding with Mesa County for construction of 29 Road from D Road South to the Colorado River Bridge. Councilmember Spehar seconded the motion. Motion carried.

Public Hearing – Creation of Alley Improvement District 2005, Phase B

A successful petition has been submitted requesting a Local Improvement District be created as part of the Alley Improvement District 2005, Phase B, for the alley located in the South ½ of the North/South Alley, 6th Street to 7th Street, between Grand Avenue and Ouray Avenue. The remainder of this alley was built previously as part of alley improvements in 1990.

The public hearing was opened at 7:55 p.m.

Mark Relph, Public Works and Utilities Director, reviewed this item. He stated that this is a short section of alley located between 6th & 7th Street, then north to Grand. The proposal completes a crossed alley that exists in the neighborhood. There are only two affected property owners. Mr. Relph said he will come back to Council with a construction contract and will eventually assess cost to the property owners.

Councilmember Palmer asked what is the criteria for the Alley Improvement District. Mr. Relph said one criteria is looking for any unimproved alley or one in need of serious maintenance. Councilmember Palmer asked if the property owners typically approach the City. Mr. Relph stated yes and there is a 2 to 3 year waiting list. Mr. Relph said that the property owners come to the City with a petition. Councilmember Palmer asked if there is any attempt to prioritize the requests. Mr. Relph said no, it is on a first come, first serve basis.

Council President Hill noted that one owner is surrounded by two alleys and finds it unusual.

The public hearing was closed at 8:00 p.m.

Resolution No. 20-05 – A Resolution Creating and Establishing Alley Improvement District No. ST-05, Phase B Within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for the Payment Thereof

Councilmember Enos-Martinez moved to adopt Resolution No. 20-05. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

Public Hearing – Facilities and Construction in City Rights-of-Way Ordinance (CONTINUED FROM 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.

The public hearing was opened at 8:01 p.m.

Tim Moore, Public Works Manager, reviewed this item. He explained the proposed ordinance in detail.

Councilmember Palmer asked about section 38-208 of the Ordinance; he said that it talks about the City to give notice to each of the providers. Mr. Moore stated that they currently have a list of those providers.

Council President Hill had a question about the 38-207, the Directors' review. How different is it in comparison to what the City is doing right now. Mr. Moore stated that this is being done now; the Ordinance formalizes it. Council President Hill asked Mr. Moore what is more significant to the utilities process. Mr. Moore stated that the most significant item would be the removal of items that were causing conflict with other facility providers.

Councilmember Spehar stated that it will benefit the City as well as all contractors.

Dick Proctor, Manager of Grand Valley Waters Users Association, stated that this proposal has come a long way since it was first proposed. Mr. Proctor also appreciates the City's cooperation and he referred to his letter that he had sent to Council dated December 10th. He stated that the Ordinance is pretty concise. Mr. Proctor appreciates

the City's desires to control the facilities. He pointed out that in paragraph L of the recitals and in section 38-203, the word "entity" is showing up but is not defined in the Ordinance. The word entity can provide confusion instead of provider. He stated that Palisade Irrigation District and Mesa County Irrigation District also provides lateral irrigation lines that need to be included in the list. Mr. Proctor stated that Colorado Revised State Statutes 38-51-106 (b) (I) states that all recorded and apparent right-of-ways should be shown on a plat. He stated that it seems once developed, the easements do not show up in the plat. When other utilities come in, it does not show the pipe any longer.

Councilmember Kirtland asked if it was his easement to which he was referring. Mr. Proctor stated yes.

Council President Hill asked why the easement does show up on the plat. Mr. Proctor stated that some surveys fail to put recorded easements on some plats.

Gale Lyman, Western Colorado Contractors Association, thanked Mr. Moore and Council for giving him the opportunity to review the Ordinance and make comments. He feels that if providers are provided with facilities information, this should reduce delays in construction. He thanked Mr. Moore for his comments suggesting an annual review. Mr. Lyman supports the City adopting this Ordinance.

John Ballagh, Grand Mesa Irrigation District Drainage Manager, thanked Council. He stated that he has a different interpretation of section 38-212 and he reads it differently than staff but will be looking at it upon review.

Wayne Bain, Palisade Irrigation District, stated that he concurs with most of the remarks made by Mr. Proctor. He stated that they have piggy-backed irrigation and dealing with Mesa County and the City has been efficient. He also stated that the City received a letter from their attorney today which stated that they are put in a position that can help them but also pinch them. He said that they are worried about enforcement and the cost.

Councilmember Kirtland hopes that the City knows how to get in contact with him, so future discussions can include him.

Councilmember Spehar found it a necessity to formalize the facility guidelines, create additional processes and be good neighbors.

There public hearing was closed at 8:43 p.m.

Councilmember Kirtland stated that he understands the timeliness of the 10 business days to review and make comments. He asked Mr. Moore if he is planning any

educational follow up and beyond the annual review. Mr. Moore stated that more people are aware of this now and the City will be contacting people as the year goes on.

Councilmember Kirtland asked if the Utility Locate Service has been a part of this process. Mr. Moore responded somewhat.

Council President Hill affirmed that he hopes the Council is open to feedback and possible review if need be, more than once a year.

Councilmember Kirtland added that it is hard to add discipline and create something long term. Council hopes that people will work through that so, in the long run, the City will have a better policy to work with.

City Attorney Shaver stated that he received the letter from Palisade Irrigation District's attorney. They asked for an exemption but further review is necessary.

Councilmember Spehar agrees with Mr. Shaver's analysis regarding the exemption requests and the appeal process.

Ordinance No. 3715 – An Ordinance Adopting Regulations Concerning Facilities and Construction in City Rights-of-Way

Councilmember Spehar moved to adopt Ordinance No. 3715 with the understanding that the City will schedule and provide notification to providers, contractors and other interested groups of an annual review as a provision of this ordinance. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

Riverside Task Force Community Center Roof Project

The original grant to the State Historical Society was written for \$27,350, and the City had committed (but has not yet spent) \$15,000 as a match to that grant, for a total of \$42,350. Two responsive and responsible bids were received for the re-roof project. The lowest bid out of two received was for \$80,000, which leaves a gap of \$37,650. Staff is requesting an additional \$47,650 which includes \$10,000 for contingency.

Councilmember Palmer disclosed that he is involved with Betterment Committee (Lions Club) that provides funds from fund raising activities to the Riverside Community Project. Mr. Palmer stated that he had spoke with the City Attorney to see if there could be a conflict of interest, which Mr. Shaver said there would not be, however Councilmember Palmer asked Council if they have concerns with conflict of interest. Council stated that they did not.

Sheryl Trent, Assistant to the City Manager, reviewed this item. She stated that the City has been working closely with the Riverside Task Force and noted this is a historical building which has major exterior and interior issues that need to be corrected. Ms. Trent stated that the re-roofing was decided by the Task Force. She informed Council that there are no additional grant funds available from the Historical Society for this type of project but believes HUD will agree to consider the rest of the funding which could immediately expedite the project.

Council President Hill noted he is concerned about the public process and expediting the project immediately. Ms. Trent stated the Task Force has half of the funding to start the project and that other options could be available should something go wrong with the public process.

Councilmember Spehar asked if the construction process is allowed to start. City Manager Arnold confirmed that they are.

Councilmember Kirtland asked if the project could be divided into two processes, just in case it takes awhile to get the funds needed to complete the project. City Manager Kelly Arnold stated that the City will make the contractor aware of the funding concerns.

City Attorney John Shaver asked if the City would be willing to fund the project in the event HUD does not approve the funding.

Councilmember Spehar stated it is important that it is understood that once the contract is signed, it is an obligation to pay.

Councilmember Spehar moved to authorize the expenditure of up to \$47,650 from the 2004 Neighborhood Program CDBG Funds and authorize the City Manager to sign a contract with Kruger Roofing of Grand Junction, Colorado in the amount of \$80,000 to construct a roof on the Riverside Community Center and with the exception that if funding does not come through, General Funds could be used. Councilmember Enos-Martinez seconded the motion. Motion carried.

Councilmember Palmer commented that the decision tonight reconfirms that this will better the community by making these improvements to the building.

Councilmember Spehar noted that this is part of a much larger project in this area.

City Manager Arnold advised that the City is filing for a redevelopment project for that area.

NON-SCHEDULED CITIZENS & VISITORS

Sally Shaefer, Coordinator for the Riverside Task Force, wanted to say thank you for the Council's tremendous support and for the City's interest in this historical building. There are many individuals and organizations that are happy to see this being completed.

OTHER BUSINESS

There were none.

ADJOURNMENT

The meeting adjourned at 9:16 p.m.

Debbie Kemp, CMC
Deputy City Clerk