

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

**February 16, 2005**

The City Council of the City of Grand Junction convened into regular session on the 16<sup>th</sup> day of February 2005, at 7:31 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Absent was Councilmember Cindy Enos-Martinez. 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 Kirtland led in the pledge of allegiance. The audience remained standing for the invocation by Retired Pastor Eldon Coffey.

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING FEBRUARY 23, 2005 AS "GRAND JUNCTION ROTARY DAY" IN THE CITY OF GRAND JUNCTION

**APPOINTMENTS**

TO THE COMMISSION ON ARTS AND CULTURE

Councilmember Kirtland moved to reappoint Doug Clary to the Commission on Arts and Culture for a 3 year term expiring February 2008, appoint Vera Mulder and Gunilla Bishop to the Commission on Arts and Culture also for a 3 year term expiring February 2008. Councilmember McCurry seconded the motion. Motion Carried.

**CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

Councilmember Palmer drew attention to the two resolutions for defense of City employees. He lauded the training and professionalism of City employees and supported the adoption of the resolutions.

It was moved by Councilmember Palmer, seconded by Councilmember McCurry and carried by roll call vote to approve Consent Calendar items #1 through #13.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the January 31, 2005 Workshop and the Minutes of the February 2, 2005 Regular Meeting*

2. **Lincoln Park-Moyer Pool Re-Plastering**

Prepare and re-plaster the 75' x 50' meter pool and the 45' x 75' instructional pool at Lincoln Park.

*Action: Authorize the City Manager to Execute a Contract with A to Z Pools & Spas, Inc. for the Preparation and Re-Plastering of the Lincoln Park Pools for a Total Price of \$140,095.55*

3. **Mesa County Animal Control Contract FOR 2005**

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 2005 is 40.1% or \$196,247. Payments are made to the County on a quarterly basis.

*Action: Authorize the Mayor to Sign the 2005 Agreement for Animal Control Services in the Amount of \$196,247*

4. **Setting a Hearing for the City Manager's Salary for 2005**

The annual salary for the City Manager of the City of Grand Junction for the year beginning January 1, 2005, and ending December 31, 2005 shall be One Hundred Twenty Thousand Eight Hundred Thirty Two dollars and zero cents (\$120,832.00). This represents a 2.4% increase over the salary for the prior year.

Proposed Ordinance Establishing the Annual Salary for the City Manager for the Year Beginning January 1, 2005, and Ending December 31, 2005

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

5. **Defense and Indemnity of Police Officer Baker**

A resolution is proposed for defense and indemnity of Officer William Baker of the Grand Junction Police Department for a punitive damages claim in County Court Civil Action No. 05-C-235.

Resolution No. 31-05 – A Resolution Acknowledging Defense of Officer William Baker in County Court Action No. 05-C-235

*Action: Adopt Resolution No. 31-05*

6. **Defense and Indemnity of City Employees**

A resolution is proposed for defense and indemnity of Police Officers Eric Janusz, Ryan Piotrowski, Jeremiah Boies, Doug Norcross and Police Chief Greg Morrison and Fire Fighters Brant Butner, Doug Walsh and Fire Chief Rick Beaty in United States District Court Action No. 04-F-2548.

Resolution No. 32-05 – A Resolution Acknowledging Defense of Officers Eric Janusz, Ryan Piotrowski, Jeremiah Boies, Doug Norcross and Police Chief Greg Morrison and Firefighters Brant Butner, Doug Walsh and Fire Chief Rick Beaty in United States District Court Action No. 04-F-2548

*Action: Adopt Resolution No. 32-05*

7. **Setting a Hearing on UnawEEP Heights Annexation No. 4 Located 2861 B  $\frac{3}{4}$  Road and Victoria Drive** [File # ANX-2005-003]

The applicants for the UnawEEP Heights Annexation No. 4, located at 2861 B  $\frac{3}{4}$  Road and Victoria Drive, have presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Resolution referring the annexation petition, consideration of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately. The annexation area consists of 9.84 acres of land.

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

Resolution No. 33-05 – 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, UnawEEP Heights Annexation No. 4, Located at 2861 B  $\frac{3}{4}$  Road and Victoria Drive

Action: Adopt Resolution No. 33-05

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Unawep Heights Annexation No. 4, Approximately 9.84 Acres, Located at 2861 B  $\frac{3}{4}$  Road and Victoria Drive

Action: Introduction of Proposed Ordinance and Set a Hearing for April 6, 2005

8. **Setting a Hearing on Zoning the Cloverglen Annexation Located at 2938 F  $\frac{1}{2}$  Road** [File # ANX-2004-287]

The applicants for the Cloverglen Annexation located at 2938 F  $\frac{1}{2}$  Road, have presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Zoning Ordinance, designating the property RMF-5, Residential Multi-Family, not to exceed five dwelling units per acre. The property is 7.15 acres in size.

Proposed Ordinance Zoning the Cloverglen Annexation to Residential Multi-Family, Not to Exceed 5 Units Per Acre (RMF-5) Located at 2938 F  $\frac{1}{2}$  Road

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

9. **Setting a Hearing on Vacation of Excess Right-of-Way Along G Road and the Arcadia North Subdivision Located at 2540 G Road** [File # VR-2004-269]

Introduction of a proposed ordinance to vacate excess right-of-way along G Road, associated with the Arcadia North Subdivision, and set a Public Hearing for March 2, 2005.

Proposed Ordinance Vacating a Portion of Undeveloped Right-of-Way Along G Road

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

10. **Setting a Hearing on Rezoning Jacobson Property Located at 738 26 Road from RSF-2 to RMF-5** [File # RZ-2004-304]

A request for approval to rezone 36.97 acres of land from RSF-2 (Residential single-family, not to exceed 2 units per acre) to RMF-5 (Residential multi-family, not to exceed 5 dwelling units per acre). The request precedes an application for a major subdivision. To be in compliance with the Growth Plan, a rezone must be granted. The Growth Plan requires a minimum density of 4 units per acre or a maximum of 8 units per acre. RMF-5 is in the mid range.

Proposed Ordinance Rezoning Approximately 37 Acres of Land Located at 738 26 Road from RSF-2 to RMF-5

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

11. **Setting a Hearing on Sycamore Creek Annexation #1 & #2 Located at 2370 Broadway** [File # ANX-2005-005]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 17.10 acre Sycamore Creek annexation consists of one parcel of land and portions of the Sayre Drive, Pleasant Ridge Drive, and Highway 340 (Broadway) rights-of-way.

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

Resolution No. 34-05 – 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, Sycamore Creek Annexation #1 & #2, Located at 2370 Broadway and Portions of the Sayre Drive, Pleasant Ridge Drive, and Highway 340 (Broadway) Rights-of-Way

*Action: Adopt Resolution No. 34-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sycamore Creek Annexation #1, Approximately 0.6975 Acres, Located in the Sayre Drive, Pleasant Ridge Drive, and Highway 340 Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sycamore Creek Annexation #2, Approximately 16.40 Acres, Located at 2370 Broadway

*Action: Introduction of Proposed Ordinances and Set a Hearing for April 6, 2005*

12. **Setting a Hearing on Zoning the Storage Place II Annexation, Located at 501 Centennial Road to C-1 (Light Commercial)** [File # ANX-2004-263]

Introduction of a proposed zoning ordinance to zone the Storage Place II Annexation C-1 (Light Commercial) located at 501 Centennial Road.

Proposed Ordinance Zoning the Storage Place II Annexation to C-1 (Light Commercial) Located at 501 Centennial Road

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

13. **Setting a Hearing on Zoning the Tezak Annexation, Located at 2397 Sayre Drive to RSF-4 (Residential Single Family 4 du/ac)** [File # ANX-2004-288]

Introduction of a proposed zoning ordinance to zone the Tezak Annexation RSF-4 (Residential Single-Family 4 du/ac), located at 2397 Sayre Drive.

Proposed Ordinance Zoning the Tezak Annexation to RSF-4 (Residential Single-Family 4 du/ac), Located at 2397 Sayre Drive

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

### ITEMS NEEDING INDIVIDUAL CONSIDERATION

**Change Order to the CSEP Basin 9, 13 & 14 Construction Contract for Replacement of 24" Water Line Crossing the Colorado River**

Change Order #4 is required to replace 170' of existing 24" steel pipe underneath the Colorado River with HDPE pipe.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the CSEP project has been closed out and this leak was discovered late last year. He said the bids were solicited for the repair and the bids received were over the engineer's estimate. The department then went back to the contractors that had performed the work

under the CSEP contracts and negotiated a price. Mr. Relph said that Mendez, Inc. submitted a low bid and so it is recommended that they be awarded the bid. The project is quite involved; having to divert the water and excavate under the river. Timing on this project is critical.

Councilmember Palmer moved to authorize the City Manager to execute a construction contract change order in the amount of \$94,111.50 with Mendez, Inc. Councilmember Butler seconded the motion. Motion carried.

**Purchase of Property at 912, 918 and 940 S. 4<sup>th</sup> Street from Gilbert A. Gonzales for the Riverside Parkway Project**

The City has entered into a contract to purchase the property at 912, 918 and 940 S. 4th Street from Gilbert A. Gonzales 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 identified the location of the property and he described the process for negotiating the contract. This is a residential property so a replacement property must be provided cost wise. The total for all three properties, including the relocation and closing costs is \$191,700.

Resolution No. 35-05 – A Resolution Authorizing the Purchase of Real Property at 912, 918 and 940 S. 4<sup>th</sup> Street from the Gilbert A. Gonzales

Councilmember Kirtland moved to adopt Resolution No. 35-05. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

**Purchase of Property at 2501 Highway 6 & 50 from Erasmo and Sandra Muniz for the Riverside Parkway Project**

The City has entered into a contract to purchase two parcels at 2501 Highway 6&50 from Erasmo and Sandra Muniz 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 identified the location of the property and described the process for negotiating the contract. This is a commercial property and a new site has been identified. The new site will also need some preparation. Additionally, the owners want to relocate the buildings to the new site. The City will be paying the property owners to move the buildings, leaving the City

a clean site. The total to be paid is \$555,251. This property is critical to relocate some Xcel transmission lines.

Council President Hill inquired if the right-of-way budget is on track. Mr. Relph said so far they are on track.

Councilmember Palmer inquired about moving forward on the transmission lines with the buildings that are still on the site. Mr. Relph and City Attorney John Shaver assured Council that the site has been surveyed and the work can begin on schedule.

Resolution No. 36-05 – A Resolution Authorizing the Purchase of Real Property at 2501 Highway 6 & 50 from Erasmo and Sandra Muniz

Councilmember Palmer moved to adopt Resolution No. 36-05. Councilmember Butler seconded the motion. Motion carried by roll call vote.

**Public Hearing – Pinnacle Ridge Annexation and Zoning Located Northeast of Monument Road and Mariposa Drive** [File #ANX-2004-236]

Acceptance of petition to annex and consider the annexation and zoning of the Pinnacle Ridge Annexation. The Pinnacle Ridge Annexation is located northeast of Monument Road and Mariposa Drive and consists of one parcel on 45.5 acres. The zoning being requested is RSF-2.

The public hearing was opened at 7:58 p.m.

Tom Volkman, attorney representing the developer, reviewed this item. He began with an overview of the history of the parcel. He said there is a former plat on the property that is not recognized by the City, as so much time has lapsed since its filing and not being built. He said that they will be replatting it. Currently, the developer is requesting an annexation and zoning of RSF-2. The current zoning in the County is RSF-4. The Growth Plan designation is ½ to 2 units per acre. The Persigo Agreement requires a zoning designation of either the current County Zoning or must match the Growth Plan designation. The City Staff has recommended a zoning designation of RSF-E based on the slopes and natural hazards in the area. The developer disagrees that there are natural hazards and they have an expert present to address that.

Regarding hillside development, the Zoning Code has specific standards for developing on steep slopes. The ridgeline standards have setback requirements and other standards that must be met for such development. Another applicable Code section is the environmentally sensitive areas in the Code that will apply, and they will comply with those standards. The topics raised by Staff are policy statements in the Growth Plan, a



set of guidelines. Mitigation of these impacts are being contemplated. He said that there has been numerous discussions with Staff and they feel that the engineering issues cannot be used as a basis for denying the zoning request, if their request is within the Growth Plan designation. He noted that the surrounding densities are urban not rural as the Staff would like this property zoned.

Kathy Portner, Planning Manager, noted that Council is considering both annexation and zoning. She identified the location of the property noting that the annexation will create an enclave. The enclave can be annexed within three years and under the Persigo Agreement, it must be annexed within five years. Ms. Portner stated that the property is 45.5 acres and she reviewed that the old plat is not recognized and in fact there is no access to the parcel, it is in landlocked. Staff has been given direction to negotiate with the developer to provide access across City property. This access will not be allowed to Bella Pago, which is a substandard road. She then described the surrounding zoning. Painted Bowl, which is open space belonging to the City, is south of the property. Ms. Portner stated that under the Persigo Agreement, Council has four options to zone the property which are: the same as in the County, RSF-4, or RSF-E, RSF-2 or RSF-1. She said that the property is constrained with topography, ridgelines and slopes, 21% of the property has less than 10% slopes, 24% of the property has 10-20% slopes, and 36% of the property has 20-30% slopes, and 30% slopes make up 19% of the property. She then identified various Growth Plan policies that would limit development on this property. If zoned at RSF-E, the applicant can still come back and submit a Planned Development, and could apply for a higher density if they can show how it works.

Councilmember Palmer inquired if granting an RSF-2, could there be building on 30% slopes. Ms. Portner said no, no matter what zone is applied, they will have to comply with the slope, ridgeline and other topography standards. She stated that the Planning Commission did recommend RSF-2.

Councilmember Spehar asked about the application of ridgeline standards. Ms. Portner said the standards are from a certain view corridor.

Darren Davidson, 686 Country Meadows Drive, a builder/developer, said that he is for RSF-2 and compared it to the Ridges, which is mostly RSF-4 and also has some very high densities and steep slopes throughout. They are only asking for ½ of the County zoning, plus it would be the same infrastructure, whether 20 units or 9 units, it would do the same disturbance to the land. He said with two units per acre, they will have to extend the sewer, and there will also be a need to have five retention ponds, and Mariposa Road will be paved later this year, which will relieve traffic by 20%.

Ted Munkres, 1221 Chipeta Avenue, stated that he owns property in the neighborhood.

He said that the property is not much good for anything except for residential, and definitely it is not good for agriculture. According to City Staff, the Growth Plan goals are not being met. Planned Development is typically discouraged and yet tonight it is being encouraged. If it is zoned RSF-E, and then the developer goes Planned Development, it will be an uphill battle to get an increase in density. He agreed with Mr. Volkman that the Code is in place to protect development on steep slopes, the hillside development and the ridgeline development. He noted it is surrounded by higher densities.

There were no other public comments.

The public hearing was closed at 8:30 p.m.

Mr. Volkman said the Code implements the policies, and that he knows it is not a guarantee of two units per acre.

Councilmember Spehar said it seems that a lot of time has been spent with the Growth Plan and then aligning the Zoning Code to that Growth Plan, in order to provide a consistent process throughout all the various steps. Future actions of this review process will show consistency and so it is appropriate to grant RSF-2 knowing that future steps will reinforce the Code and guidelines.

Councilmember Palmer agrees with Councilmember Spehar, in that RSF-E is on the low end, and is not very practical. They will have to deal with the constraints, which will limit their opportunity to develop.

Councilmember Kirtland agrees, noting it is obviously a sensitive piece of property.

Councilmember Butler stated that given the steep terrain, he hates to see ridgeline development, he agrees with Staff for RSF-E.

Council President Hill stated that Council received citizen comments opposing the RSF-2 zoning and urging Council to use the Growth plan as a guide. But, he feels comfortable with RSF-2.

**a. Accepting Petition**

Resolution No. 37-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Pinnacle Ridge Annexation, Located Northeast of Monument Road and Mariposa Drive, is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3717 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pinnacle Ridge Annexation, Approximately 45.5 Acres, Located Northeast of Monument Road and Mariposa Drive

**c. Zoning Ordinance**

Ordinance No. 3718 – An Ordinance Zoning the Pinnacle Ridge Annexation to Residential Single Family, 2 Units per Acre (RSF-2), Located Northeast of Monument Road and Mariposa Drive

Councilmember Spehar moved to adopt Resolution No. 37-05, Ordinance No. 3717 and Ordinance No. 3718 on second reading and ordered them published. Councilmember Palmer seconded the motion. Motion carried by roll call vote with Councilmember Butler voting NO on the zoning (Ordinance No. 3718).

**Public Hearing – Storage Place II Annexation Located at 501 Centennial Road**  
[File #ANX-2004-263]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Storage Place II Annexation, located at 501 Centennial Road. The 1.98 acre annexation consists of one parcel of land and portions of the Centennial Road right-of-way.

The public hearing was opened at 8:38 p.m.

Faye Hall, Planning Technician, reviewed this item. She described the location and the Growth Plan designation of the surrounding properties. She described the surrounding zoning noting the request is for C-1 zoning. She noted the request being considered tonight is just annexation.

There were no public comments

The public hearing was closed at 8:40 p.m.

**a. Accepting Petition**

Resolution No. 38-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Storage Place II Annexation, Located at 501 Centennial Road and a Portion of the Centennial Road Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3719 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Storage Place II Annexation, Approximately 1.98 Acres, Located 501 Centennial Road and a Portion of the Centennial Road Right-of-Way

Councilmember Kirtland moved to adopt Resolution No. 38-05 and Ordinance No. 3719 on second reading and ordered them published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

**Public Hearing – Growth Plan Amendment, Hanson Equipment Relocation to Old Webb Crane Site Located at 763 23 ½ Road** [File # PFP-2002-181]

A request for a Growth Plan Amendment on 2 acres of land located at 763 23 ½ Road. The request is to change the Growth Plan from Commercial Industrial to the Estate designation.

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

Lori V. Bowers, Senior Planner reviewed this item. At Staff's recommendation, the applicants proceeded with the Growth Plan Amendment. The Future Land Use map shows the property as commercial/industrial. The proposal is to return the front two acres to be redesignated as estate. It was changed to commercial and the old owners were to then build two employee housing units. The new property occupants do not intend to do the same plan and would like to revert it back and release the requirement for building housing.

There were no public comments.

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

Resolution No. 39-05 – A Resolution Amending the Growth Plan of the City of Grand Junction 2 Acres on the NE Corner of 763 23 ½ Road

Councilmember Palmer moved to adopt Resolution No. 39-05. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

Council President Hill called a recess at 8:46 p.m.

The meeting reconvened at 8:55 p.m.

**Spy Glass Ridge Special Considerations** [File # PP-2004-169]

The developer of Spy Glass Ridge is requesting that the City Council allow for incursion hillside disturbance between slopes for one lot and allow for sections of two proposed streets to traverse slopes of greater than 30%.

Ted Ciavonne, Ciavonne, Roberts & Associates, representing the developer, lauded the work of the developer SGH Company and the owner Skip Berthorst. He identified other members of the team.

Mr. Ciavonne described the location and the surrounding areas. He said the property has 160 acres. Using an aerial view, he identified old mining roads and described the vegetation and existing road cuts. The plan developed takes into account a number of rock ledges and other geological and topological elements. The two main entries follow the old haul road alignments. They used a number of tools in the Code that created some unusual roads. They utilized clustering, and 90% of the lots are open space. He noted that there will be a lot of open space and a community center. Mr. Ciavonne identified the property into different levels of potential development and then laid the plan over that. They also identified areas that were previously disturbed. A lot of the development in that area has already been disturbed. Slopes were categorized and they capitalized on lot placement based on that. There are four categories for special considerations that the Planning Commission recommended for approval. First the road has two sections that are through the existing haul road, and two other sections cut steep slopes. They plan to terrace and then reslope at 3:1 and revegetate. A request for lot 201 with an approval for one lot at a 21.57% slope. The change from 20% to 21.57% makes the setback requirement twice as much. He stated that the proposal is 225 lots on 160 acres with appropriate road network. The plan considers the unique elements of the site with the hillside incursion for one lot and the road across steep slopes for two sections.

Kathy Portner, Planning Manager, said the Planning Commission has approved the plan with the four exceptions. They approved two and the other two are for Council's approval. The Growth Plan designation is medium to low and it is zoned RSF-2, which is the low end. She identified the Code sections that will allow Council to approve these special considerations.

Councilmember Palmer asked how much greater than 30% slope are the road cuts and will those road sections be traverse. His reason is for emergency and City services. Ms. Portner advised that the road will be at an 8% slope maximum.

Councilmember Kirtland said it is an interesting and creative plan and thought it would be a great subdivision.

Councilmember Kirtland moved to approve the incursion hillside disturbance between slopes for one lot and allow for two proposed streets to traverse slopes of greater than 30%, subject to section 7.2.G, Hillside Development, of the Zoning and Development Code. Councilmember McCurry seconded the motion.

Council President Hill complimented the subdivision and was pleased to see a plan come back.

Motion carried.

**Public Hearing – Regulating Newsboxes in the Downtown**  
**(CONTINUED FROM DECEMBER 15, 2004)**

The number of news boxes that have been placed downtown has proliferated in recent months. As many as 15 newspaper distributing machines and commercial advertising pieces are circulated in several locations downtown. This ordinance has been developed to so that a bank of racks will be made available for publication distribution. The goal is to clean up the visual pollution resulting from this rapid spread of boxes and tidying up the appearance of downtown.

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

Harold Stalf, DDA Executive Director, reviewed this item. He explained the genesis of the proposal. The method to address the issue is quite standard throughout Colorado and the country. It will improve the appearance of downtown. The news publications are supportive as long as it is done in a fair and equitable way.

Councilmember Spehar disclosed that he works for one of the publications involved.

Mr. Stalf identified the locations proposed for the new news box banks. He then displayed the photos that showed the various locations.

Council was pleased that this plan will greatly improve the downtown's appearance.

Mr. Stalf then showed a photo of the news box bank in a Chicago Blue color. The banks should be installed by May 1<sup>st</sup>, depending on equipment availability.

Council President Hill said this issue came up at the Mayor and City Manager Coffee, the solution was already in process.

There were no public comments.

The public hearing was closed at 9:33 p.m.

Ordinance No. 3720 – An 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

Councilmember Spehar moved to approve Ordinance No. 3720 on second reading and ordered it published in pamphlet form. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

### **Public Hearing - Alcoholic Beverage Ordinance**

Amendments to Chapter 32 of the Code of Ordinances are proposed to correct scrivener's errors, to create consistency in the Code and to facilitate the continued consistent enforcement of Code provisions regarding alcoholic beverages in public areas.

The public hearing was opened at 9:35 p.m.

John Shaver, City Attorney, reviewed this item. He stated that, although minor but important, that the ordinance add a couple of words to the Alcoholic Beverage Code section. It is a housekeeping matter that the prior ordinance only referred to malt and vinous liquors but did not include spirituous.

There were no public comments.

The public hearing was closed at 9:36 p.m.

Ordinance No. 3721 – An Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Drinking Alcoholic Beverages in Public Ways

Councilmember Butler objected to alcohol in the public rights-of-way and will vote no.

Councilmember Palmer moved to approve Ordinance No. 3721 on second reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by roll call vote with Councilmember Butler voting NO.

### **Public Hearing - Amending Chapter 38, Utilities, Concerning Industrial Pretreatment**

The proposed Ordinance amends Article II of Chapter 38 of the City's Code of Ordinances. The Industrial Pretreatment Program is audited by the Environmental Protection Agency ("EPA") on an annual basis. The EPA has indicated that additional changes are needed to conform with its requirements. The proposed amendments

mainly concern defining terms pursuant to definitions of the same or similar terms used within the United States Code and with the Code of Federal Regulations ("CFR"). Additional changes are made to clarify reference to the CFR. The changes to the definitions do not change the program's operational procedures. Other minor changes have been made for clarification purposes.

The public hearing was opened at 9:37 p.m.

John Shaver, City Attorney, reviewed this item. He explained that the ordinance is a result of an audit by the EPA and these changes are a result of their recommendations. He stated that it creates consistency in the references to the United States Code and it is important that it satisfies the EPA and also for the purpose of enforcement.

There were no public comments.

The public hearing was closed at 9:39 p.m.

Ordinance No. 3722 – An Ordinance Amending Sections and/or Portions of Sections of Article II of Chapter 38, Utilities, of the Code of Ordinances

Councilmember Kirtland moved to approve Ordinance No. 3722 on second reading and ordered it published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

### **NON-SCHEDULED CITIZENS & VISITORS**

There were none.

### **OTHER BUSINESS**

There were none.

### **ADJOURNMENT**

The meeting adjourned at 9:40 p.m.

Stephanie Tuin, MMC  
City Clerk