

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

**August 3, 2005**

The City Council of the City of Grand Junction convened into regular session on the 3<sup>rd</sup> day of August 2005, at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Jim Doody, Jim Spehar, Doug Thomason, Teresa Coons, and President of the Council Bruce Hill. Council President Pro Tem Gregg Palmer was absent. 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 Beckstein led in the pledge of allegiance. The audience remained standing for the invocation by David Eisner, Congregation Ohr Shalom.

**APPOINTMENTS**

**RATIFY BUILDING CODE BOARD OF APPEALS APPOINTMENTS**

Councilmember Beckstein moved to ratify the reappointment of David Reinertsen, Ray Rickard, and Thomas Cronk to the Mesa County Building Code Board of Appeals with terms ending July 1, 2008. Councilmember Spehar seconded the motion. Motion carried.

**CITIZEN COMMENTS**

Tawny Espinoza, Steps to a Healthier Mesa County Coordinator, presented a brief overview of the "Live Well" Initiative that primarily focuses on asthma, obesity, and diabetes. The program "Live Well" is a 13 week challenge where citizens and residents can earn points by making small choices on a daily basis to improve their health and the prize is a car donated by Suzuki. The kickoff event is September 1<sup>st</sup> from 5 to 7 p.m. at Lincoln Park.

Rick Rieger, 261 Willow Brook Road, shared comments regarding the Smoking Ordinance. His concern was the ordinance cites that smoking is dangerous to the health therefore, why is not the same standard applied to bars. He feels the language is contradictive and ask that the Council extend the ordinance to the other establishments. He suggested a survey of the registered voters to see the opinions regarding this matter. An alternative would be to gather signatures to cause a special election.

**CONSENT CALENDAR**

It was moved by Councilmember Coons, seconded by Councilmember Thomason and carried by roll call vote to approve Consent Items #1 through #6.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the July 18, 2005 Workshop, Approve the Minutes of the July 20, 2005 Special Session and the July 20, 2005 Regular Meeting*

2. **Grant for Airport Improvement Program at Walker Field Airport for Ramp Expansion**

The Airport Improvement Program (AIP-30) is for the expansion and rehabilitation of the air carrier ramp north of the Walker Field terminal building. The project will expand the ramp north toward Runway 11/29 to provide more maneuvering room for aircraft around the terminal expansion accomplished last year. The ramp around this expansion will be milled to a depth of 8" and re-laid at the same time. The estimated grant amount is \$3,500,000.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

*Action: Authorize the Mayor to Sign FAA AIP-30 Grant for the Capital Improvements at Walker Field Airport and Authorize the City Manager to Sign the Supplemental Co-sponsorship Agreement for AIP-30*

3. **National Incident Command System**

Under Homeland Security Presidential Directive-5 (HSPD-5) the Secretary of the United States Department of Homeland Security was directed to develop and administer a national incident management system, which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

Resolution No. 136-05 – A Resolution Adopting the National Incident Management System (NIMS)

*Action: Adopt Resolution No. 136-05*

4. **Setting a Hearing for the Loggains Annexation, Located at 2234 Railroad Avenue** [File #ANX-2005-162]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 5.69 acre Loggains Annexation consists of 1 parcel.

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

Resolution No. 137-05 – 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, Loggains Annexation, Located at 2234 Railroad Avenue

*Action: Adopt Resolution No. 137-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Loggains Annexation, Approximately 5.69 Acres, Located at 2234 Railroad Avenue

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005*

**5. Setting a Hearing on Zoning the Water's Edge No. 2 Annexation, Located at 2927 D Road [File #ANX-2005-116]**

Introduction of a proposed zoning ordinance to zone the Water's Edge No. 2 Annexation RMF-8, located at 2927 D Road.

Proposed Ordinance Zoning the Water's Edge No. 2 Annexation to RMF-8, Located at 2927 D Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 17, 2005*

**6. Setting a Hearing for the Pomona Commons Rezone, Located at 589 25 ½ Road [File #RZ-2005-163]**

A request to rezone 1.92 acres from RMF-5 to RMF-12. The property is located at 589 25 ½ Road.

Proposed Ordinance Zoning 1.92 Acres of Land Located at 589 25 ½ Road, Known as Pomona Commons

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 17, 2005*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION****Mesa County School District #51 Agreement for the Construction of a City Gym/Activity Center at Bookcliff Middle School**

Previously the City Council authorized an expenditure of \$81,000 for the development, design and bidding of a second gym at Bookcliff Middle School. On July 14, 2005 bids were opened by the School District, with an overall low bid for the construction of Bookcliff Middle School being submitted by FCI Contractors of Grand Junction, Colorado. The City Council is being asked whether or not to proceed with the construction of a City gymnasium/activity center at Bookcliff Middle School.

Joe Stevens, Parks and Recreation Director, reviewed this item. He noted a previous comment about an opportunity in partnership with the School District. Discussions have ensued regarding building partnerships at Bookcliff Middle School and Pear Park Elementary School. Tonight, the Council is being asked to consider an agreement with the School District for the use of the gymnasium at Bookcliff Middle School and to agree to the City building a second gymnasium. The agreement is a 99 year agreement. The City, under the agreement, will spend \$525,000 and the remainder would be repaid to the School District in two installments. The maximum amount will not exceed \$1.2 million. The agreement lays out the priority of use of each of the gymnasiums and the maintenance and utilities are also outlined in the agreement. Mr. Stevens expressed that it will be a great amenity and is supported by the Parks and Recreation Advisory Board.

Council President Hill inquired about outside space and has been advised that the site will not lend itself to that with the parking requirements and other school athletic programs. However, the City will have utilization of those facilities, as second priority.

Councilmember Coons inquired about the use of the facility as an activity center for older citizens. Mr. Stevens agreed that there is a growing senior population and he was supportive of addressing that population for activities and activity centers.

Councilmember Spehar supported the request particularly in light of the area being a quickly growing area and agreed with maximizing these opportunities.

Mr. Stevens recognized the School District, the City Manager, the City Attorney and other staff for all of their support and assistance in bringing this opportunity forward.

City Manager Arnold commended the City Council for developing such a good relationship with the School District.

Council President Hill agreed noting that the community wants to see all these organizations working together to maximize the possibilities.

Councilmember Spehar moved to authorize the City Manager to sign an agreement with School District #51 that will authorize the use of the facility as well as lay out the terms for the financing of the construction not to exceed \$1.2 million for the development of a City gymnasium/activity center at Bookcliff Middle School. Councilmember Beckstein seconded the motion. Motion carried.

### **Public Hearing - Reduction of Distance Restriction for Brew Pub Liquor Licenses to College Campuses**

State law requires five hundred feet, using direct pedestrian access, from the property line of a school to the liquor-licensed premise; however, the law also allows local jurisdictions to reduce that distance for a certain class of license for one or more types of schools. In 1987, the Grand Junction City Council reduced the distance for full service restaurant licenses from college campuses to 300 feet and then in 2004, the City Council eliminated the distance restriction from college campuses to full service restaurant licenses. The City Council has now been requested to consider reducing the distance restriction from college campuses to brew pub liquor licenses.

The public hearing was opened at 7:30 p.m.

Stephanie Tuin, City Clerk, reviewed this item. She explained the law and the options for City Council.

Councilmember Coons inquired if the law would allow them to restrict the off-premise provisions. City Attorney John Shaver said the State Law does not give the City that flexibility. The only local options are the distance restrictions and the optional premises licenses.

Jim Jeffryes, the lead partner in an S Corporation considering opening a brew pub across from Mesa State College, said his surveyor came up with 400 feet to the college campus so the building is within the 500 feet. He stated they are a family company, all local residents, with no outside corporate ownership. The property is zoned B-2, so the brew pub would be closed by 11:00 p.m. The neighborhood is underserved with a few fast food restaurants. Mr. Jeffryes believes it is a good fit for the neighborhood. The lunch crowd would be larger than the dinner crowd. Meal pricing would be affordable to the clientele. He wants to make fresh beer, approached like a chef approaching food, with just enough to serve the customers. Fresh sodas would also be made on site. He estimated annual sales to be \$800,000 and that money will stay in the community.

Councilmember Doody asked how long the building has been vacant. Mr. Jeffryes said about ten months. They will spend about \$250,000 for renovations, using local contractors.

Councilmember Coons inquired about the 15% food sales. Attorney Shaver clarified the food provisions of the Liquor Code. Mr. Jeffryes stated he anticipates 23% of his sales to be alcohol. Clerk Tuin advised that Mr. Jeffryes is referring to the provision of the necessity of a conditional use permit if his alcohol sales exceed 25%. City Attorney Shaver added that is a land use provision.

Kerry Youngblood, 2012 J ½ Road, Fruita, has lived here 27 years. He has known Jim Jeffryes and family and his point of a family operation is well taken. Mr. Jeffryes has been brewing beer for many years and is talented in brewing beer. Mr. Youngblood was not representing Mesa State College in any way. He believes this will be a positive business that will be good for the City.

Dan Kirby, 108 Hillcrest Avenue, has known Jim Jeffryes for over ten years, noting the family is fine people, and he supports their plan. They possibly may be competitors of his, a fellow restaurateur. He believes it is a great use of an empty building, and will cause a resurgence in that shopping center. He believes there is a resurgence of family owned restaurants. He understands this is a difficult decision because of changing the law, but precedence has been set already. The zoning of that location will limit the time the business can be open.

Charley Doss, 1820 K 4/10 Road, stated it has been Mr. Jeffryes' dream to have a brew pub restaurant. He questioned the age of the Colorado Law. He feels it has been circumvented already, because of the liquor licenses already closer than the distance of the proposed business.

Rema Dunn, 574 36 5/8 Road, Palisade, has known Jim Jeffryes' family for a long time and they are the type of family people would want as business owners and friends. They do everything well, and their business would be a benefit to the community.

David Berry, 530 Hall Avenue, manager for the property, stated that a number of people tried to lease the building for a bar, the owner of the building did not want to rent it out for a bar. Rather, the owner preferred it to be a family restaurant.

There were no other comments.

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

Councilmember Coons stated that she drove by the property and saw a change and appreciates it so far. She agrees that another quality restaurant is needed in the area.

Her first thought is the proximity to the college campus and the ability to take liquor off campus. The accessibility to liquor makes a big difference. She has concerns about the fact that no individuals opposed appeared tonight. Her biggest concern is that the reduction of distance will not apply just to this license. She would prefer to see a restaurant at that location.

Councilmember Beckstein is concerned that there is not more neighborhood input. She is also concerned that it changes the ordinance for all future businesses and would still like to see a restaurant there.

Councilmember Thomason stated that he doesn't think of the college as 12<sup>th</sup> and Orchard. He is in favor, especially since the owner said it will not turn into a bar. He feels that fresh food and fresh beer would make a nice restaurant in that area.

Councilmember Spehar stated that they have already set the precedent of flexibility for dealing with these licenses and have the zoning regulations that restricts hours of operation. Mr. Jeffryes will still have the liquor licensing process including the neighborhood survey to go through. He can support the 300 foot restriction.

Councilmember Doody is glad to see a business going into that building.

Council President Hill found that the measuring process is interesting but questioned the rationale. He is glad to hear about the integrity of the establishment planned and the hours. He supports the request and he recommended that the distance restriction go to zero to be consistent with the last such request.

Councilmember Beckstein agrees with Council President Hill in reducing the distance restriction to zero to keep it consistent.

Councilmember Spehar believes that because it is a different class of license, the distance restriction should stay at the 300 foot level because of the residential area.

Councilmember Coons is uncomfortable reducing the distance restriction to zero. She feels Council should stay with the 300 feet.

Councilmember Doody is in favor of reducing the distance restriction to zero.

Councilmember Thomason stated for consistency, reduce the distance restriction to zero.

Ordinance No. 3803 – An Ordinance Amending Section 4-52 of the Grand Junction Code of Ordinances Reducing the Distance a Brew Pub Liquor Licensed Premise Must Be from the Principal Campus of a College or University in the City of Grand Junction

Councilmember Beckstein moved to adopt Ordinance No. 3803 reducing the distance but without the distance being determined on second reading and ordered it published. Councilmember Doody seconded the motion. Motion carried.

Councilmember Beckstein moved to reduce the distance from 500 feet to zero. Councilmember Thomason seconded. Motion carried by roll call vote with Councilmember Spehar and Coons voting NO.

**Public Hearing – Vacating a Public Right-of-Way – Forrest Run Subdivision, Located at 641 29 ½ Road** [File #VR-2005-052]

The petitioner is requesting approval of a vacation of a 25 foot wide public road right-of-way located on the west side of Marchun Drain. The road right-of-way was dedicated in the County as part of the Holton's Haciendas Subdivision. There is no improved road or utilities within the right-of-way.

The public hearing was opened at 8:14 p.m.

Bob Blanchard, Community Development Director, reviewed this item. He described the location, the relationship of the request to the Growth Plan, the reason for the request, and the criteria for approval.

There were no public comments.

The public hearing was closed at 8:15 p.m.

Ordinance No. 3813 – An Ordinance Vacating a Public Road Right-of-Way Located at 641 29 ½ Road

Councilmember Doody moved to adopt Ordinance No. 3813 on second reading and ordered it published. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Council President Hill called a recess at 8:16 p.m.

The meeting reconvened at 8:22 p.m.

**Public Hearing – Zoning the Pear Park School Annexation, Located at 2927 and 2927 ½ D ½ Road to CSR** [File # ANX-2005-125]

Hold a public hearing and consider the final passage of the zoning ordinance to zone the Pear Park School Annexation CSR, located at 2927 and 2927 ½ D ½ Road. The Pear



Park School Annexation consists of 2 parcels on 20.42 acres and zoning being requested is CSR.

The public hearing was opened at 8:22 p.m.

Bob Blanchard, Community Development Director, reviewed this item. He described the location, noting the property was annexed earlier this year. He said the recommendation for zoning is CSR. Under the Persigo Agreement, the Council can zone with the Growth Plan or go with the existing County zoning which is PUD. Staff recommends against that since there is no plan. He described the surrounding zoning and stated what the future surrounding zoning will be. The other criteria for zoning is that adequate public services and facilities are available or will be available, and that the School District will be required to provide such facilities. The Planning Commission recommended approval.

City Manager Kelly Arnold asked if Mr. Blanchard could verify that various uses being proposed for the site such as a school, park, fire station, and other civic uses are eligible for this type of zoning. Mr. Blanchard said yes.

There were no public comments.

The public hearing was closed at 8:25 p.m.

Ordinance No. 3814 – An Ordinance Zoning the Pear Park School Annexation to CSR, Located at 2927 and 2927 ½ D ½ Road

Councilmember Spehar moved to adopt Ordinance No. 3814 on second reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

### **Purchase of Property at 600 Noland Avenue for the Riverside Parkway Project**

The City has entered into a contract to purchase right-of-way at 600 Noland Avenue from The Sterling Company. The City's obligation to purchase this right-of-way is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the location. Two parcels are affected by this purchase needed for the Parkway construction. An appraisal was obtained and that price is the agreed upon price. One business is existing and the owner lives there also. Therefore, there are relocation and rent supplement costs. A closing can take place on August 31<sup>st</sup> if approved.

Resolution No. 138-05 – A Resolution Authorizing the Purchase of Right-of-Way at 600 Noland Avenue from The Sterling Company

Councilmember Coons moved to adopt Resolution No. 138-05. Councilmember Doody seconded the motion. Motion carried by roll call vote.

**Purchase of Property at 912 Struthers Avenue for the Riverside Parkway Project**

The City has entered into a contract to purchase the property at 912 Struthers Avenue from James P. Jeffryes. 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 described the location of the property. It is owned by James P. Jeffryes. The City's negotiated price was \$84,000. There are no moving costs as the parcel is vacant.

Council President Hill asked about the parcel to the north, if that is owned by the City. Mr. Relph said it is and the structures have been removed.

Resolution No. 139-05 – A Resolution Authorizing the Purchase of Real Property at 912 Struthers Avenue from James P. Jeffryes

Councilmember Thomason moved to adopt Resolution No. 139-05. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Initiation of Condemnation Proceedings for the Acquisition of 2403 River Road for the Riverside Parkway Project**

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire a portion of a parcel at 2403 River Road. The City needs 348 sq. ft. of right-of-way at the northwest corner of the property for the Parkway project and a 2,001 sq. ft. multipurpose easement.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the location. The needed property is actually a small corner of the property and an easement is also needed. A driveway access will need to be relocated at the City's cost. The property owner wanted \$60,000 in paving improvements. The value of the corner piece is \$2,360. The City made a final offer of \$2,360.

Councilmember Coons asked if the offer also included relocating the access. Mr. Relph said it did.

City Manager Arnold said the offer was made in April. He asked if there was a counter offer.

Mr. Relph said the owners have indicated they needed the City to pave the parking area. The City's response was no, there is no obligation and the request was unreasonable. Formal response to the City's offer has been requested and there has been no response.

Resolution No. 140-05 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Property, by Either Negotiation or Condemnation, for Municipal Public Facilities

Councilmember Coons moved to adopt Resolution No. 140-05. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

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

There were none.

### **OTHER BUSINESS**

City Manager Arnold reminded Council that August 10<sup>th</sup> is the next formal meeting, the Annual Persigo meeting at Holiday Inn starting at 11:30 am. The first part of the agenda is informational items; there are three other requests for inclusion, then formal hearings and taking action as a formal Persigo Board.

### **ADJOURNMENT**

The meeting adjourned at 8:40 p.m.

Stephanie Tuin, MMC  
City Clerk