

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

OCTOBER 5, 2005

The City Council of the City of Grand Junction convened into regular session on the 5th day of October 2005, at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Doug Thomason and President of the Council Bruce Hill. Absent was Councilmember Jim Spehar. Also present were City Manager Kelly Arnold, City Attorney John Shaver and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Council President Hill recognized the presence of students from the "Writing for the Media" class from Mesa State College in the audience.

Councilmember Thomason led in the pledge of allegiance. The audience remained standing for the invocation by Jim Hale, Spirit of Life Christian Fellowship.

PRESENTATION OF CERTIFICATES OF APPOINTMENTS/RECOGNITIONS

TO THE RIVERFRONT COMMISSION

Lesley Blumberg was present to receive her certificate.

TO THE URBAN TRAILS COMMITTEE

Denise McGinnis was present to receive her certificate.

RECOGNITION OF JOE STEVENS

Council President Hill called Parks & Recreation Director Joe Stevens to the podium to be recognized for all his work and his recent award as a Colorado Parks and Recreation Association (CPRA) Fellow. Mr. Stevens in turn commended his staff and the leadership of the City Council. He remembered and recognized the passion of R.T. Mantlo and Jim Robb, both now deceased.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING OCTOBER 2005 AS "NATIONAL HEAD START AWARENESS MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAIMING OCTOBER 2 – 8, 2005 AS "NATIONAL 4-H WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAIMING OCTOBER 9 – 15, 2005 AS “FIRE PREVENTION WEEK” IN THE CITY OF GRAND JUNCTION

RECOGNITION OF NEIGHBORHOOD ORGANIZATION – GRAND VISTA NEIGHBORHOOD

Councilmember Thomason read the recognition certification. Assistant to the City Manager Sheryl Trent reviewed the program, located the neighborhood, identified some of the neighborhood issues and introduced the representative from the Grand Vista Neighborhood, Dan Bunnell. Mr. Bunnell, president of the HOA, thanked the City Council for the neighborhood recognition.

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember Thomason, seconded by Council President Pro Tem Palmer and carried by roll call vote to approve Consent Calendar Items #1 through #9.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the September 21, 2005 Special Session and the Minutes of the September 21, 2005 Regular Meeting

2. **Leases for City-wide Copy Machines**

Approval to lease copy machines utilizing Colorado State Award for use city-wide.

Action: Authorize the Purchasing Department to Lease 25 Copy Machines in the Amount of \$132,805.03 Annually

3. **Award of Construction Contract for the 7th Street and Patterson Road Intersection Improvements**

The 7th and Patterson Intersection Improvements includes the construction of a new right-turn lane for eastbound traffic on Patterson Road at the 7th Street intersection. The new turn lane will help relieve traffic congestion at the intersection in the a.m. and p.m. peak hours.

Action: Authorize the City Manager to Sign a Construction Contract for the 7th and Patterson Intersection Improvements with Reyes Construction, Inc. in the Amount of \$264,210.35

4. **Award of Construction Contract for the 2005 Sewer Interceptor**

The project will utilize “trenchless technology” to install cured-in-place-pipe (CIPP) to rehabilitate 1,146 feet of 24 inch vitrified clay pipe (West Avenue Interceptor) and 544 feet of 8 inch concrete pipe (25 ½ Road Pomona School).

Action: Authorize the City Manager to Sign a Construction Contract for the 2005 Sewer Interceptor Rehabilitations with Western Slope Utilities in the Amount of \$138,164.00

5. **Purchase of an Automated Refuse Truck**

This is for the purchase of a 2006 Mack Truck with a Heil 26-yard automated trash body. This unit is being purchased as an addition to the current Solid Waste Fleet. The lead time on this trash truck is 250 days, which puts the delivery well into 2006. The request is to purchase this truck now, in October 2005, so the company can begin the build process.

Action: Authorize the City Purchasing Manager to Purchase a 2006 Mack Truck with a Heil 26-yard Automated Side Load Trash Body from Western Colorado Truck Center, Grand Junction, CO in the Amount of \$199,123.00

6. **Request to Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation until the December 21, 2005 City Council Meeting** [File #ANX-2005-076] CONTINUED FROM JULY 6, 2005

Request to continue the Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation as previously rescheduled and published for the October 5, 2005 City Council Meeting. The request to continue is due to further research required of the existing legal description and associated land ownership issues regarding the area of the adjacent Grand Valley Canal. City staff is requesting the Annexation Public Hearing be continued until the December 21, 2005 City Council Meeting.

Action: Continue the Public Hearing and Final Consideration of the Annexation Ordinance until the December 21, 2005 City Council Meeting

7. **Setting a Hearing on Zoning the Ace Hardware Annexation, Located at 2140 Broadway** [File #ANX-2005-177]

Introduction of a proposed zoning ordinance to zone the Ace Hardware Annexation B-1, located at 2140 Broadway

Proposed Ordinance Zoning the Ace Hardware Annexation to B-1, Located at 2140 Broadway

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 19, 2005

8. **Setting a Hearing for the Ruckman Annexation, Located at 2903 and 2909 B ½ Road** [File #ANX-2005-210]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 3.47 acre Ruckman Annexation consists of 2 parcels.

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

Resolution No. 158-05 – 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, Ruckman Annexation, Located at 2903 and 2090 B ½ Road

Action: Adopt Resolution No. 158-05

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ruckman Annexation, Approximately 3.47 Acres, Located at 2903 and 2909 B ½ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 16, 2005

9. **Setting a Hearing to Amend the Smoking Ordinance**

Ordinance No. 3540 regulating smoking in public places was adopted on July 2, 2003 and went into effect on January 1, 2004. Since that date, questions have arisen regarding the terms and the intent of the ordinance. Amending the smoking

ordinance as the ordinance was codified is proposed to clarify its intent, its meaning, and its enforcement.

Proposed Ordinance Amending Chapter 16, Article VI, Section 16-127, of the Code of Ordinances (Smoking)

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 19, 2005

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing – An Ordinance Amending the Dog Regulations, Chapter 6 of the Code of Ordinances

Amendments to Article III (Dogs and Cats) of Chapter 6 (Animals) of the Grand Junction Code of Ordinances concerning impoundment and licensing of dogs, control of dangerous dogs, exceptions to the prohibition of dogs at large, a surcharge on fines for dog at large and correction of scriveners' errors are proposed.

The public hearing was opened at 7:24 p.m.

John Shaver, City Attorney, reviewed this item. He noted the staff report detailing the changes. Most of the changes are to account for changes in State Law and then some operational changes with Mesa County who the City contracts for animal control, a relationship that works very well. Regarding the change to the leash law, two versions are being proposed. One option imposes a surcharge on all dogs at-large to help fund the dog park. The other option would only apply the surcharge to dogs at-large in parks.

Council President Hill asked for the definition of dogs at-large. Mr. Shaver said it must be off the owner's premises. There are exemptions when a dog is in an organized training session.

Milton "Tony" Long, 302 Pitkin Avenue, told about a friend who had a dog and was directed to keep her dog tied up.

There were no other comments.

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

Council President Pro Tem Palmer inquired if the fines as stated in the ordinance are what is current. Mr. Shaver responded that the fines remain the same, only the surcharge is additional.

Councilmember Doody inquired about the training provision, would the organized training need to be with a kennel club or would a field trainer also be organized. Mr. Shaver replied a kennel club, a commercial operation, and Parks & Recreation activities would be three examples.

Councilmember Beckstein asked if they could add a provision to require the organized training have a permit. Mr. Shaver advised that the Parks & Recreation Department may not issue a permit for their own classes. City Manager Arnold suggested adding "permitted or sponsored by the City of Grand Junction" to the ordinance.

Council President Hill confirmed that the surcharge does not apply to other violations. Mr. Shaver said that is correct, but at Council's discretion it could be extended.

Councilmember Coons supported the surcharge to support the dog park and applying it to any dogs at-large.

Council President Pro Tem Palmer said he supports the surcharge but was unsure of the application. He decided to support the application to those dogs at-large in public parks rather than city-wide.

Councilmember Thomason supports the surcharge applied to all dogs at-large.

Councilmember Beckstein supports the surcharge and to have it applied to all dogs at-large. She would like to see zero tolerance of dogs at-large for owners that are not complying with the law. She would also like to see a more restrictive provision in the training section.

Councilmember Doody agrees with Councilmember Beckstein that the leash law should be enforced but regarding the surcharge, he agrees with Council President Pro Tem Palmer, that the surcharge should only be applied to dogs at-large in the parks.

Council President Hill said it is frustrating to have a law that is hard to enforce due to its vagueness and regarding the surcharge, he supports its application to all dogs at-large.

Ordinance No. 3827 – An Ordinance Amending Parts of Chapter 6, Article III of the City of Grand Junction Code of Ordinances Relating to Licensing and Impoundment of Dogs, Dogs at Large, Control of Dogs, Dangerous Dogs, A Surcharge on Fines for the Purpose of Funding Dog Park(s) and Correction of Scriveners' Errors and Authorize the Publication in Pamphlet Form

Councilmember Coons moved to adopt the amendments with the exception of Section 6-68 regarding the surcharge. Councilmember Doody seconded the motion.

Councilmember Beckstein requested that the training section be clarified and made more restrictive. There was no motion or second to amend the previous ordinance.

Council President Hill called for the roll. The motion carried by roll call vote with Councilmember Beckstein voting NO.

Councilmember Coons moved to adopt Section 6-68 which provides that a \$25 surcharge would be to any dog running at-large. Councilmember Beckstein seconded.

Council President Pro Tem Palmer stated he will vote no as he feels it should be applied only to dogs at-large in parks. Councilmember Beckstein supports the application to all dogs running at-large based on her experience.

Council President Hill called for the roll. The motion carried by roll call vote with Council President Pro Tem Palmer and Councilmember Doody voting NO.

Ordinance No. 3827 was therefore passed on Second Reading and ordered published.

Council President Hill asked the City Manager to bring a dog park update to Council.

Council President Pro Tem Palmer added he would like information on the water feature proposed for the new dog park.

Public Hearing – Rezone Lots 1 & 2, Chiroconnection Simple Subdivision from RMF-8, Residential Multi-Family – 8 Units/acre to RO, Residential Office, Located at 1705 & 1715 N. 1st Street [File # RZ-2005-153]

The petitioner, William C. Weimer, is requesting approval to rezone two (2) properties located at 1705 & 1715 N. 1st Street from RMF-8 to RO. The two (2) properties total 0.41 acres. The Planning Commission recommended approval at its September 13, 2005 meeting.

The public hearing was opened at 7:57 p.m.

Scott D. Peterson, Associate Planner, reviewed this item. He described the request, the location, the site, the surrounding land use designation and the surrounding uses and zoning. He noted that Planning Commission recommended approval. There were no public comments submitted. He concluded that the request is consistent with the Growth Plan and meets the criteria for a rezone.

Councilmember Thomason inquired about the vacant lot to the south. Mr. Peterson noted that the aerial photo was in 2002 and since then there has been a rezone and a duplex has been constructed on the site.

Kurt Weimer, the applicant, supported Mr. Peterson's presentation. He advised the duplex to the south faces Mesa Avenue.

There were no public comments.

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

Ordinance No. 3828 – An Ordinance Rezoning the Property Known as the Weimer Properties Rezone from Residential Multi-Family – 8 units/acre (RMF-8) to Residential Office (RO), Located at 1705 & 1715 N. 1st Street

Council President Pro Tem Palmer moved to adopt Ordinance No. 3828 on Second Reading and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Amendment #4 of Engineering Services Contract with Carter & Burgess for Riverside Parkway

This amendment is the fourth of five planned amendments to the existing contract with the engineering firm of Carter & Burgess. This scope of services covers the construction engineering and field inspection for the Riverside Parkway Phase I.

Mark Relph, Public Works and Utilities Director, reviewed this item. He noted the amendment is to oversee Phase I, the contract for this was just awarded last meeting. He said part of the contractor services will be a field inspector and a construction inspector on site throughout the project. Mr. Relph said staff is trying to offset some of the costs by using some of the City's staff for the construction inspection on Phase I. He said Trent Prall will be the Project Manager and Randy Pope, with his experience with construction of sewer lines, will be on site due to the Central Grand Valley sewer line.

Councilmember Thomason asked about all the previous amendments.

Mr. Relph explained why the contract with Carter & Burgess has been broken down in the manner it has. Mr. Shaver noted that it is really an addendum to the contract.

Councilmember Beckstein moved to authorize the City Manager to amend the existing contract with Carter & Burgess for a total fee of \$9,380,440. Councilmember Coons seconded the motion. Motion carried.

Intergovernmental Agreement with CDOT for the Construction of the US-50/Riverside Parkway Interchange

The City has completed a Feasibility Study and Environmental Assessment for the proposed interchange connection of Riverside Parkway and US-50 Highway according to CDOT's 1601 Interchange Approval Process earlier this year. The 1601 process requires that the City and CDOT enter into an Intergovernmental Agreement (IGA) to define the responsibilities for the construction and maintenance of the facilities associated with this interchange.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the purpose of the agreement. He said as part of the 1601 processes for building an interchange, maintenance agreements are required. The agreement allows the City to avoid the responsibility of maintaining the bridge and interchange structures, and in contrast CDOT will not have to maintain lane miles, specifically North Avenue. Mr. Relph said the agreement provides for an exchange of the responsibilities. He then referred to a list of each entities' obligations under the agreement.

City's Obligations

- Construct interchange, and lower downtown section of Riverside Parkway at City cost (estimated at \$28 million; from just west of Koch Asphalt to 27 ½ Road).
- City to fund and construct connection between existing US-50 bridges over the Colorado River (estimated cost \$533,000. Only 1/3 of this cost is necessary because of the Riverside Parkway ramp connection to US-50).
- City to apply for CDOT access permit.
- City to construct all improvements in CDOT right-of-way to CDOT standards.
- City will acquire all necessary right-of-way. All new right-of-way will be City right-of-way.
- City will install and maintain all landscaping.
- City will provide all quality control, quality assurance, and independent assurance testing.
- City will assume maintenance of North Avenue from Motor Street to I-70B. Presently CDOT pays the City \$32,821 per year to maintain North Avenue. North Avenue will become a City street and City will control all access.

CDOT's Obligations

- CDOT will pay for their administrative costs which CDOT estimates to be \$161,663.
- CDOT will assume ownership of the 3 bridges in the interchange (1 over US-50, 2 over the Union Pacific Railroad). Estimated cost to replace these bridges in 50 years (\$5 million present value, 5% interest) is \$273,884 per year.
- CDOT will maintain interchange area (pavement, signs, striping, snow & ice. Subsequently CDOT may contract with the City to provide this maintenance).
- CDOT will review plans for improvements within their right-of-way and participate in design and construction coordination with the City and the design-builder.
- CDOT will participate in the review of the methods for handling traffic during construction.

Council President Pro Tem Palmer lauded the agreement and the benefits to the City including control over North Avenue and annual financial savings.

Resolution No. 159-05 – A Resolution Authorizing an Intergovernmental Agreement Between the City of Grand Junction and the Colorado Department of Transportation (CDOT) Regarding US-50/Riverside Parkway Interchange

Council President Pro Tem Palmer moved to adopt Resolution No. 159-05. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Mr. Relph said the agreement will not be effective until 2008, once the interchange at Highway 50 is built.

Purchase of Property at 2499 Highway 6&50 for the Riverside Parkway Project

The City has entered into a contract to purchase a portion of the property at 2499 Highway 6&50 from Velva V. Carnes. 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 proposed for purchase. The property will allow the City to construct a connecting road from River Road to Highway 6 & 50. He said since the proposed road will be located very close to the existing building, the City is paying a proximity damage cost. Mr. Relph said the property owner did not acquire their own appraisal.

Council President Pro Tem Palmer questioned the payment of the proximity damage when the new road will actually benefit the property owner. Mr. Shaver advised that proximity damage is really based on future value of the land.

Resolution No. 160-05 – A Resolution Authorizing the Purchase of Real Property at 2499 Highway 6 & 50 from Velva V. Carnes

Councilmember Thomason moved to adopt Resolution No. 160-05. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Purchase of Property at 620 Noland Avenue for the Riverside Parkway Project

The City has entered into a contract to purchase right-of-way at 620 Noland Avenue from 3P Development 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 which is near the 5th Street interchange. He said both the City and the owner acquired appraisals and the difference between the two appraisals was the result of the value of the remnant and the existing building. He said staff supports the City's appraisal and the property will be needed in the third phase of the construction.

Council President Pro Tem Palmer explained that he is not particularly fond of the City's policy which provides the owner to be paid the higher City's appraisal. However the City must be able to defend its price, the fair market price, if the City had to go forward in condemning the property. Mr. Relph agreed.

Council President Hill inquired if any of the building will be left standing. Mr. Relph replied probably not.

Councilmember Doody inquired about the right-of-way acquisition balance. Mr. Relph said the budget is sufficient for the remainder of this year. He said there is additional money budgeted for next year in which there are several large parcels to be acquired.

Resolution No. 161-05 – A Resolution Authorizing the Purchase of Right-of-Way at 620 Noland Avenue from 3P Development Company

Councilmember Thomason moved to adopt Resolution No. 161-05. Councilmember Doody seconded the motion. Motion carried by roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

Volunteer Board Vacancies

City Clerk Stephanie Tuin reviewed the memo regarding volunteer board vacancies and got direction from the City Council to re-advertise for the Planning Commission. She will collect Council's top six for interviews for the Housing Authority.

24 Road Subarea Plan Steering Committee

City Manager Kelly Arnold reviewed the reason for this item. The City Council had directed Staff to attempt to reconstitute the previous committee that had worked on the 24 Road Subarea Plan. City Manager Arnold provided Council with a list of those still willing, a list of those entities whose representative has changed, those that are no longer available and those that served on the prior committee representing an entity but want to serve as a citizen.

Councilmember Coons noted that the committee included a Planning Commissioner and inquired if having a City Council representative was possible. City Attorney Shaver advised it is possible; nothing precludes a Councilmember being on the committee, but whether appropriate is another question. He recommended they do not because the City Council makes the final decision.

The City Council agreed with the recommendations for members put forth by the City Manager.

ADJOURNMENT

The meeting adjourned at 8:44 p.m.

Stephanie Tuin, MMC
City Clerk