

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

**November 2, 2005**

The City Council of the City of Grand Junction convened into regular session on the 2<sup>nd</sup> day of November 2005, at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Bruce Hill. 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 Spehar led in the pledge of allegiance. The audience remained standing for the invocation by Miriam Greenwald, Congregation Ohr Shalom.

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING NOVEMBER, 2005 AS MARCH OF DIMES "PREMATURITY AWARENESS MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAIMING NOVEMBER 11, 2005 AS "A SALUTE TO ALL VETERANS 2005" IN THE CITY OF GRAND JUNCTION

**APPOINTMENTS**

TO THE HOUSING AUTHORITY

Councilmember Beckstein moved to reappoint Steve Heinemann and Erin Ginter to the Housing Authority for a five year term expiring October 2010. Councilmember Coons seconded the motion. Motion carried.

**ELECTION RESULTS**

THE CITY CLERK WILL PRESENT THE CERTIFICATE OF ELECTION SO THAT THE COUNCIL CAN REVIEW AND CANVASS THE ELECTION RETURNS FOR BALLOT ISSUE 5B

City Clerk Stephanie Tuin presented the results of the November 1, 2005 Special Election and asked for Council to review the results. If the results appear to be in order, she asked the City Council to approve the returns by way of a motion followed by the signing of the Certificate of Election.

Council President Pro Tem Palmer advised that he was a voter in this election as a business lessee. Council President Hill acknowledged the same. The rest of Council had no problem with their participation in the canvass.

Councilmember Coons moved to accept the results of the election for Ballot Issue 5B. Councilmember Spehar seconded. Motion carried.

The City Council executed the Certificate of Election (see attached).

Council President Hill thanked City Clerk Tuin for her and her staff's work on the election.

**CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

It was moved by Councilmember Spehar, seconded by Council President Pro Tem Palmer and carried by roll call vote to approve Consent Calendar Items #1 through #3.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the August 10, 2005 Annual Joint Persigo Board Meeting, the Summary of the October 17, 2005 Workshop, and the October 19, 2005 Regular Meeting*

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

Introduction of a proposed zoning ordinance to zone the Ruckman Annexation RSF-4, located at 2903 and 2909 B ½ Road.

Proposed Ordinance Zoning the Ruckman Annexation to RSF-4, Located at 2903 and 2909 B ½ Road

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

3. **Setting a Hearing for the Prairie View South Annexation Located at 3028 and 3032 D ½ Road** [File #ANX-2005-233]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 7.68 acre Prairie View South Annexation consists of 2 parcels.

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

Resolution No. 166-05 – 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, Prairie View South Annexation, Located at 3028 and 3032 D ½ Road

*Action: Adopt Resolution No. 166-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Prairie View South Annexation, Approximately 7.68 Acres, Located at 3028 and 3032 D ½ Road

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

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Contract for Banking Services with Alpine Bank**

Based on the request for proposals for City banking services, which are solicited for every four years, staff recommends the selection of Alpine Bank for a four-year banking services contract as being in the City's best interest.

Ron Lappi, Administrative Services and Finance Director, reviewed this item. He advised that he received six proposals and several were very competitive. There was one other bid that was so close to Alpine Bank there was virtually no difference. However, there was no real incentive to change and go to the expense since the bids were so close. American National Bank was that bidder and they were explained the reasons for staff not recommending the change.

Council President Pro Tem Palmer inquired if there is a termination clause in the contract in case there are any problems in the future. Mr. Lappi said there is.

Resolution No. 167-05 - A Resolution Designating a Depository and Approving an Agreement for Banking Services Between the City of Grand Junction, Colorado, and Alpine Bank, Grand Junction

Council President Pro Tem Palmer moved to adopt Resolution No. 167-05.  
Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Public Hearing – Amendments to the Municipal Code Regarding Unclaimed and Contraband Property**

Chapter 20, Section 29 of the Grand Junction Code of Ordinances governs whether and how the police department may retain, hold or dispose of objects and articles of property that come into its custody. Subsection (3) deals with potentially harmful or contraband items. This provision is outdated, referring to items which are no longer considered contraband, dangerous or illegal, and failing to make reference to more modern contraband. The proposed amendment updates the Code.

The public hearing was opened at 7:25 p.m.

John Shaver, City Attorney, reviewed this item. He explained that the purpose of the ordinance is basically housekeeping. The matter came to their attention when the Police Department recovered counterfeit money and wanted to use it for training purposes but the City's Code did not allow for that. Mr. Shaver said that in reviewing the Code, there were other items that needed to be corrected.

Council President Pro Tem Palmer asked if the ordinance affects confiscated drugs. Mr. Shaver advised it does not affect confiscated drugs but they, along with paraphernalia, will be disposed of properly.

Councilmember Beckstein asked for confirmation that the counterfeit bills will be kept in police custody. Mr. Shaver said the bills will be wrapped in plastic and other safeguards will be in place to insure that it does.

There were no public comments.

The public hearing was closed at 7:28 p.m.

Ordinance No. 3837 – An Ordinance Amending Part of Chapter 20 of the City of Grand Junction Code of Ordinances Relating to Conversion and Disposal of Property by the Police Department

Councilmember Coons moved to adopt Ordinance No. 3837 on Second Reading and order it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

**Public Hearing – Revising and Refining the Zoning and Development Code**

The Zoning and Development Code ("Code") was updated in January 2002 and has been amended by various ordinances since that time. With the passing of each ordinance the Code was codified. It was determined that not all printings of the Code after codification were the same. Three (3) different versions of the Code were found to be printed and in circulation for use. Each purported to have the most recent updates. This ordinance is to revise the Code to conform to the ordinances that have passed since January 2002 with some changes for clarification.

The public hearing was opened at 7:29 p.m.

John Shaver, City Attorney, reviewed this item. He advised the ordinance reconciles the Zoning and Development Code since its adoption in 2000. Over the years, amendments made were not accurately and consistently incorporated. No new amendments to the Code are proposed; all ordinances being incorporated into the Code were previously considered and adopted by the City Council.

Council President Pro Tem Palmer asked in the future if this will have to be reviewed again. Mr. Shaver said that should not be the case; the City has hired a codification company to keep the Code up to date in the future and this ordinance will give them a clean baseline to start from.

City Manager Kelly Arnold added that incompatibility of software also played into the situation. This new process will allow for updates to be done to the Code on a more regular and current basis.

Council President Hill thanked Staff and expressed his appreciation of the process and the method of presenting it to Council.

The public hearing was closed at 7:35 p.m.

Ordinance No. 3838 – An Ordinance Revising the Zoning and Development Code for the City of Grand Junction to be Published in Pamphlet Form

Councilmember Thomason moved to adopt Ordinance No. 3838 on Second Reading and order it published. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

**Public Hearing – Ankarlo Annexation Located at 385 31 5/8 Road** [File #ANX-2005-194]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Ankarlo Annexation, located at 385 31 5/8 Road. The 10.31 acre Ankarlo Annexation consists of 1 parcel.

The public hearing was opened at 7:36 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the location, the site, the parcel size, and the current use of the property. The review tonight is only on the annexation; the zoning request will be presented at a later time.

There were no public comments.

The public hearing was closed at 7:38 p.m.

**a. Accepting Petition**

Resolution No. 168-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Ankarlo Annexation, Located at 385 31 5/8 Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3839 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ankarlo Annexation, Approximately 10.31 Acres, Located at 385 31 5/8 Road and a Portion of the 31 5/8 Road Right-of-Way

Council President Pro Tem Palmer moved to adopt Resolution No. 168-05 and Ordinance No. 3839 on Second Reading and ordered them published. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

**Public Hearing – Emmanuel Baptist Church Annexation and Zoning Located at 395 31 5/8 Road** [File #ANX-2005-215]

Acceptance of a petition to annex and consider the annexation and zoning for the Emmanuel Baptist Church Annexation. The Emmanuel Baptist Church Annexation is located at 395 31 5/8 Road and consists of 1 parcel on 4.36 acres. The zoning being requested is RSF-4.

The public hearing was opened at 7:39 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the location, the parcel, and the current use of the parcel which is vacant. The Future Land Use designation is residential medium and the surrounding zoning and land use designations were described. The request is a zoning of RSF-4 which meets the criteria.

There were no public comments.

The public hearing was closed at 7:40 p.m.

The applicant was present but had nothing to add.

**a. Accepting Petition**

Resolution No. 169-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Emmanuel Baptist Church Annexation, Located at 395 31 5/8 Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3840 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Emmanuel Baptist Church Annexation, Approximately 4.36 Acres, Located at 395 31 5/8 Road

**c. Zoning Ordinance**

Ordinance No. 3841 – An Ordinance Zoning the Emmanuel Baptist Church Annexation to RSF-4, Located at 395 31 5/8 Road

Councilmember Doody moved to adopt Resolution No. 169-05 and Ordinances No. 3840 and No. 3841 on Second Reading and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Infill/Redevelopment Incentive Request – 832 Rood Avenue**

This is a request for infill/redevelopment incentives for a residential duplex to be built at 832 Rood Avenue. Requested incentives include deferral of the Transportation Capacity Fee (TCP), plant investment fees for sewer, school impact fee and the open space fee; financial assistance that would allow for architectural and site improvement upgrades; financial assistance for construction costs; and assistance finding a site to locate excavated dirt.

Bob Blanchard, Community Development Director, reviewed this item. This is the second incentive assistance request under this program. He located the site and described the requests for assistance for a total of \$36,000. The property is one lot which is zoned to allow for multiple dwelling units (RO). Council President Hill asked if it is currently zoned RO. Mr. Blanchard said it is.

Mr. Blanchard showed a picture of the existing home and where the proposed duplex will be built. The application has received site plan approval and a Victorian style duplex is proposed. Mr. Blanchard said the first incentive request is for direct financial assistance; financial institutions are unwilling to provide adequate financing so the applicant is asking for \$25,000. He is asking for facade improvements for \$6,000 and upgrade the parking area to concrete for an amount of \$1,700. Additionally, the applicant is asking for assistance with the water service, including the tap. The utilities department has estimated the water meter installation to be \$2,000. Lastly, the applicant is looking for a location to place the extra dirt. The City has found a location to be available at Monument Road and Mariposa. Mr. Blanchard said the Infill/Redevelopment Review Committee reviewed the request and recommends that the assistance be for the infrastructure improvements up to \$3,000 for the water meter and to allow the dirt placement to be on City property. The other items are not recommended as the applicant will receive private benefit from the rental income.

City Manager Arnold asked if the applicant intends to use the property for low income housing. Mr. Blanchard said he does not; that would have added a density bonus.

Council President Hill asked about the City's share of the property tax. Administrative Services and Finance Director Ron Lappi said about 8% of the total property tax bill is City property tax.

Councilmember Coons asked about the financial participation request. Mr. Blanchard gave Council some examples of where that might be appropriate such as commercial or a larger multi-family or low income housing that meets City's goals. He said clearly, the City wants to encourage infill. Councilmember Coons asked if the reason is to stabilize and beautify that area. Mr. Blanchard said that and in addition to meeting the goal of encouraging development where services, infrastructure and facilities are available.

Council President Pro Tem Palmer added it is also to allow development at locations that might be difficult to develop.

Councilmember Coons disclosed that she lives in that neighborhood and asked for guidance on participating. City Attorney Shaver said there is no legal reason for her to be recused. Council had no problem with her participation.



Councilmember Spehar said some of the Code requirements may hinder development on smaller lots and in those cases assistance with the water meter and other infrastructure assistance is appropriate, but he is opposed to assistance for finishing, facade and other upgrades.

Councilmember Beckstein agreed.

Councilmember Doody asked if most of the parking areas in downtown are concrete. Councilmember Spehar said there are a number of concrete driveways but there is a mix of gravel and asphalt too.

Council President Hill said an example of where it would be appropriate to assist with parking upgrades is if the parking could be used by the public some of the time.

Councilmember Spehar agreed that it is appropriate when it is a public use.

Councilmember Coons said it is desirable to develop and stabilize that area and it appears that other incentives are moot if there is not financial assistance. She supports the recommended requests.

Councilmember Thomason agreed saying it would be hard to support the incentives that do not provide public or City benefit.

Councilmember Doody supported the upgrade on the parking area too.

Council President Hill acknowledged the program being a work-in-progress and he appreciated the comments as well as Staff's recommendation and their rationale.

Councilmember Spehar moved to approve the infill/redevelopment incentive request as recommended in the staff report (water meter installation in an amount not to exceed \$3,000 and a dumpsite for the clean excavated material). Council President Pro Tem Palmer seconded the motion. Motion carried.

Councilmember Spehar said the Council may need to have a discussion on the financial incentives outlined in the program. Other members of Council agreed, as did the City Manager.

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

There were none.

**OTHER BUSINESS**

There was none.

**ADJOURNMENT**

The meeting adjourned at 8:15 p.m.

Stephanie Tuin, MMC  
City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**CERTIFICATE OF ELECTION**

**NOVEMBER 1, 2005**

I, Stephanie Tuin, City Clerk of the City of Grand Junction, Colorado, do hereby certify that the results of the Special Municipal Election held in the City on Tuesday, November 1, 2005, were as follows:

**TOTAL BALLOTS CAST                    187**

**BALLOT ISSUE 5B**

SHALL DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND EXPEND FOR PUBLIC PURPOSES THE FULL AMOUNT RECEIVED BY THE DISTRICT FROM SPECIAL ASSESSMENTS ON COMMERCIAL PROPERTY WITHIN THE DISTRICT; SUCH ASSESSMENTS TO BE COLLECTED AT RATES NOT TO EXCEED \$0.026 PER SQUARE FOOT OF LAND ON MAIN STREET, \$0.019 PER SQUARE FOOT OF LAND OFF MAIN STREET, \$0.076 PER SQUARE FOOT OF FIRST FLOOR OF BUILDINGS ON MAIN STREET, AND \$0.057 PER SQUARE FOOT OF FIRST FLOOR OF BUILDINGS OFF MAIN STREET; SUCH ASSESSMENT RATES TO INCREASE BY NOT MORE THAN FIVE PERCENT ANNUALLY AS DETERMINED BY THE BOARD OF DIRECTORS OF THE DISTRICT, BUT MAY BE COMPUTED ON A RUNNING CUMULATIVE BASIS FROM 2005 UNTIL THE YEAR ANY INCREASE IS MADE; AS DESCRIBED IN THE "PETITION FOR THE ORGANIZATION OF THE DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT (BID)" ON FILE IN THE OFFICE OF THE CITY CLERK OF THE CITY OF GRAND JUNCTION, AND SHALL THE DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND EXPEND FOR PUBLIC PURPOSES THE FULL AMOUNT RECEIVED BY THE DISTRICT FROM STATE AND LOCAL GRANTS AND ANY OTHER REVENUE SOURCES OTHER THAN ASSESSMENTS, NOTWITHSTANDING ANY SPENDING, REVENUE RAISING OR OTHER LIMITS IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Yes	100
No	87
Under votes	0
Over votes	0

We, the undersigned Canvassing Board, have reviewed the results of the Special Municipal Election held November 1, 2005, and do hereby conclude:


That Ballot Issue 5B passed by the greater number of votes.


Certified this 2<sup>nd</sup> day of November, 2005.

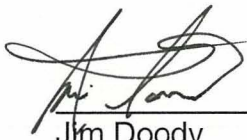
  
Stephanie Tuin, MMC  
City Clerk




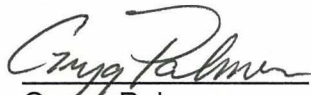
Dated this 2<sup>nd</sup> day of November, 2005.

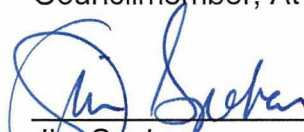
  
Bonnie Beckstein  
Councilmember, District D

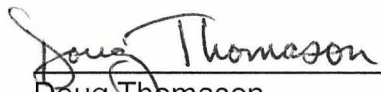
  
Teresa Coons  
Councilmember, District E

  
Jim Doody  
Councilmember, District A

  
Bruce Hill  
Councilmember, At-Large

  
Gregg Palmer  
Councilmember, District C

  
Jim Spehar  
Councilmember, District B

  
Doug Thomason  
Councilmember, At-Large