

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

November 16, 2005

The City Council of the City of Grand Junction convened into regular session on the 16th day of November 2005, at 7:05 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. Council President Pro Tem Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Major Brad Leggett, Salvation Army.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO THE HOUSING AUTHORITY

Erin Ginter and Steve Heinemann were present to receive their certificates.

APPOINTMENTS

TO THE COMMISSION ON ARTS AND CULTURE

Councilmember Thomason moved to appoint Jeanine Howe and Kat Rhein to the Commission on Arts and Culture for a three year term expiring February 2009. Council President Pro Tem Palmer seconded the motion. Motion carried unanimously.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING NOVEMBER 19, 2005 THROUGH DECEMBER 24, 2005 AS
"SALVATION ARMY MIRACLE SEASON" IN THE CITY OF GRAND JUNCTION

CITIZEN COMMENTS

Council President Hill recognized Boy Scout Troop 365 in attendance and Girl Scout Troop 35. Each of the Girl Scouts addressed the Council individually.

Parks and Recreation Director Joe Stevens introduced the new Two Rivers/Avalon Theatre Manager Tim Seeberg to Council.

CONSENT CALENDAR

It was moved by Council President Pro Tem Palmer, seconded by Councilmember Spehar and carried by roll call vote to approve Consent Calendar Items #1 through #16,

continuing item #6 to December 7, 2005. Council President Pro Tem Palmer also disclosed that the hearing on the assessment would apply to him and he also has personal interest in the downtown parking item.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the November 2, 2005 Special Session and the November 2, 2005 Regular Meeting

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

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

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

3. **Setting a Hearing on the Second Supplemental Appropriation Ordinance for 2005**

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.

Proposed Ordinance Making Supplemental Appropriations to the 2005 Budget of the City of Grand Junction

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

4. **Setting a Hearing on the Assessments for the Grand Junction Downtown Business Improvement District**

The recent Special Election authorized the Downtown Grand Junction Business Improvement District Special Assessment. Pursuant to 31-25-1219 C.R.S., the governing body must schedule a public hearing on the question of the imposition

of the assessments. Immediately following that hearing, the Special Assessments will be certified to the County Treasurer for collection in 2006.

The resolution schedules the public hearing for the December 7, 2005 City Council meeting.

Resolution No. 170-05 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, as the Board of Directors for the Downtown Grand Junction Business Improvement District to Impose Special Assessments Upon Real Property Located Within Said District and Setting a Hearing on Said Assessments

A public hearing is scheduled for the December 7, 2005 City Council meeting.

Action: Adopt Resolution No. 170-05

5. **Woodridge Subdivision Preliminary Development Plan Extension** [File # PP-2003-042]

The Woodridge Subdivision is a 29-lot proposal for both attached and detached single family housing on the remaining parcels of land (total 7.8 acres) that were originally part of the Wilson Ranch Planned Development. A Planned Development (PD) zoning ordinance and Preliminary Development Plan were approved by City Council on October 20, 2004. Per the Zoning and Development Code, a Preliminary Plan is valid for one year from the date of approval, during which the time the Final Plat shall be approved. The developer is requesting an extension to this performance period. The Code states that the decision-making body may grant such a request, in this case City Council.

Action: Approval of an Extension for a Previously-Approved Planned Development Preliminary Development Plan

6. **Walnut Water Works Revocable Permit at 300 Cedar Court** [File # RVP-2004-077] **CONTINUED TO DECEMBER 7, 2005**

Petitioner is requesting a revocable permit to allow existing irrigation facilities to remain within the Walnut Avenue right-of-way.

7. **Setting a Hearing on Vacating a Portion of the Elvira Drive Right-of-Way, Located North of G Road and West of 26 Road** [File # PFP-2004-163]

Introduction of a proposed vacation ordinance to vacate a portion of the Elvira Drive right-of-way, located north of G Road and west of 26 Road.

Proposed Ordinance Vacating a Portion of the Elvira Drive Right-of-Way Located North of G Road and West of 26 Road

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

8. **Setting a Hearing for the Hoffman Annexation Located at 3041 D Road** [File # ANX-2005-239]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 9.55 acre Hoffman Annexation consists of 1 parcel.

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

Resolution No. 172-05 – 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, Hoffman Annexation, Located at 3041 D Road

Action: Adopt Resolution No. 172-05

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hoffman Annexation, Approximately 9.55 Acres, Located at 3041 D Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 21, 2005

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

Introduction of a proposed zoning ordinance to zone the Prairie View South Annexation RMF-5, located at 3028 and 3032 D ½ Road.

Proposed Ordinance Zoning the Prairie View South Annexation to RMF-5, Located at 3028 and 3032 D ½ Road

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

10. **Setting a Hearing to Create Alley Improvement District 2006**

Successful petitions have been submitted requesting a Local Improvement District be created to reconstruct the following seven alleys:

- East/West Alley from 5th to 6th, between Teller Avenue and Belford Avenue
- East/West Alley from 10th to 11th, between Main Street and Rood Avenue
- East/West Alley from 11th to 12th, between Main Street and Rood Avenue
- North/South Alley from 23rd to 24th, between Grand Avenue and Ouray Avenue
- East/West Alley from 17th to 18th, between Hall Avenue and Orchard Avenue
- North/South Alley from 22nd to Linda Lane, between Orchard Avenue and Walnut Avenue
- North/South Alley from 21st to 22nd, between Walnut Avenue and Bookcliff Avenue

A public hearing is scheduled for the January 4, 2006 City Council meeting.

Resolution No. 173-05 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City Alley Improvement District No. ST-06 and Authorizing the City Engineer to Prepare Details and Specifications for the Same

Action: Adopt Resolution No. 173-05

11. **2005 Sewer Line Replacements at Sherwood Park**

This project is a residential sewer line replacement project for the area north and east of Sherwood Park.

Action: Authorize the City Manager to Sign a Construction Contract for the 2005 Sherwood Park Sewer Line Replacements with Berry Brothers General Contractors in the Amount of \$561,230.50

12. **Change Order to the Construction Contract for the 2005 Waterline Replacements**

This section of water line was not included in the original contract because it required a permit from the Union Pacific Railroad. The permit has come through so the work can proceed. This work includes a 215 LF bore under the Union Pacific Railroad tracks along 4th Avenue.

Action: Authorize the City Manager to Sign a Contract Change Order for the 2005 Waterline Replacements to M.A. Concrete Construction, Inc. in the Amount of \$84,638.00

13. **Acceptance of Grant Award from DOLA for a Mobile Communications Center**

This is a request that the City Council accept a grant award for \$200,000 from the DOLA Energy and Mineral Impact Assistance Grant for the purchase and equipping of a mobile communications vehicle for the Grand Junction Police Department. It will serve nineteen (19) emergency service and law enforcement agencies in Mesa County and serve as the command vehicle for major incidents.

Action: Authorize the Mayor to Sign the Grant Contract for a Mobile Communications Center

14. **Acceptance of Grant Award from DOLA for the El Poso Curb, Gutter, and Sidewalk Construction Project**

This is a request that the City Council accept a grant award for \$500,000 from the DOLA Energy and Mineral Impact Assistance Grant for construction of curb, gutter and sidewalk in the El Poso neighborhood. This grant award is contingent upon the successful passage of a Special Improvement District (SID) by the affected property owners.

Action: Authorize the Mayor to Sign the Grant Contract for a Construction of Curb, Gutter, and Sidewalk in the El Poso Neighborhood

15. **Acceptance of Grant Award from DOLA for the Construction of a Pedestrian Bridge for the Riverside Parkway**

This is a request that the City Council accept a grant award for \$500,000 from the DOLA Energy and Mineral Impact Assistance Grant for the construction of a 525 foot pedestrian bridge crossing seven railroad tracks and the Riverside Parkway in the City of Grand Junction. The bridge will have a terminus in the Riverside

neighborhood as well as the downtown area. This new bridge will replace a 50 year old pedestrian tunnel.

Action: Authorize the Mayor to Sign the Grant Contract for the Construction of a 525 Foot Pedestrian Bridge

16. **Holiday Parking Request for the Downtown**

The Downtown Partnership has requested that parking downtown be free again this year to best position downtown for the holiday shopping season. Although some would prefer to enforce the free, signed spaces along Main St. due to limited cooperation in keeping these spaces open for visitors, the simple policy of "Free Parking" downtown that was implemented last year remains the easiest and simplest to enforce while limiting confusion on the part of the public. City Staff recommends Free Holiday Parking in all of downtown with the exception of government offices, illegal parking areas, and shared-revenue lots.

Action: Authorize Vacation of Parking Enforcement at all Designated Downtown Metered Spaces and Signed Parking from Thanksgiving to New Year's Day, except Loading, No Parking, Handicapped, and Unbagged Meter Spaces Surrounding Government Offices

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing – Ruckman Annexation and Zoning, Located at 2903 and 2909 B ½ Road [File # ANX-2005-210]

Acceptance of a petition to annex and consider the annexation and zoning for the Ruckman Annexation. The Ruckman Annexation is located at 2903 and 2909 B ½ Road and consists of 2 parcels on 3.47 acres. The zoning being requested is RSF-4.

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

Bob Blanchard, Community Development Director, reviewed this item. He described the location, the surrounding uses and zoning as well as the existing use and zoning. He said the Planning Commission recommended RSF-4 zoning in their review.

Keith Roberts with Ciavonne, Roberts and Associates was present representing the applicant. He had no additional comments but was present to answer questions.

There were no public comments.

The public hearing was closed at 7:26 p.m.

Councilmember Beckstein stated that Ciavonne, Roberts & Associates is a client of the firm she works for.

Council had no problem with that.

a. Accepting Petition

Resolution No. 174-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Ruckman Annexation, Located at 2903 and 2909 B ½ Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3842 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ruckman Annexation, Approximately 3.47 Acres, Located at 2903 and 2909 B ½ Road

c. Zoning Ordinance

Ordinance No. 3843 – An Ordinance Zoning the Ruckman Annexation to RSF-4, Located at 2903 and 2909 B ½ Road

Council President Pro Tem Palmer moved to adopt Resolution No. 174-05, Ordinance No. 3842 and Ordinance No. 3843 on Second Reading and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Infill/Redevelopment Incentive Request – 2048 N. 12th Street

This is a request for infill/redevelopment incentives for a multifamily project located at 2048 North 12th Street, the northeast corner of 12th Street and Walnut Avenue. Requested incentives include deferral of fees, deferral of guarantees for project landscaping and off-site City improvements (i.e. undergrounding of utility lines).

Bob Blanchard, Community Development Director, reviewed this item. He described the incentives being requested for the Fairmount Subdivision for a total of \$43,000. He advised the existing dwelling will be removed once all the phases are completed. Mr. Blanchard said the location is located at the corner of 12th Street and Walnut Avenue and said the incentive review committee felt the project met the intent of the policy.

Assistant to City Manager Sheryl Trent further described the specific incentive requests. She said the developer is asking for underground utilities and said the committee recommends that the City contribute \$17,000 for that part of the project. She said the applicant is also asking for deferral of fees and the committee is recommending that be approved at the 2005 fee level as long as the project is completed by 2007. Ms. Trent said the developer asked that the Development Improvement Agreement guarantee be waived but the committee is recommending against that incentive.

Council President Hill asked what the value of the deferred fees would be. Mr. Blanchard said the incentive is allowing the applicant to pay at completion rather than at the time of the application. Mr. Blanchard did not have a figure on the difference. Council President Hill asked if the City will make an accounting adjustment to account for the difference. The committee did not recommend an adjustment be made.

Councilmember Coons asked if the incentive amount will increase if the cost for undergrounding turns out to be more. Ms. Trent said that is why staff is recommending a set amount of \$17,000.

Councilmember Thomason asked why the TEDS exception for an additional access point was denied and who made that determination. Mr. Blanchard answered it is a committee that reviews those requests. Councilmember Thomason asked if that is a matter for consideration now. Mr. Blanchard answered that the site plan review is administrative and will not come before Council.

Council President Hill summarized staff's recommendation that Council pay \$17,000 from Economic Development for the underground utilities, and an administrative adjustment on how the fees will be paid, holding them to a 2005 rate, with a completion date of August 2007.

Council President Pro Tem Palmer noted that the infill program is new so the Council is still working through it. He favors the underground utilities but is concerned about freezing the fees and how that might set a precedent.

Councilmember Coons said she might have a concern if it was a regular development request but infill requests will be limited. She favored staff's recommendation.

Councilmember Spehar agreed since the deadline is an incentive to complete the project.

Councilmember Thomason agreed noting the projects in this program are looked at on a case by case basis.

Councilmember Doody agreed noting previous comments that the infill program needs to be streamlined as they go forward.

Councilmember Beckstein asked about the occupancy for the building. Ms. Trent said it will not address affordable housing. Councilmember Beckstein had reservations for the fee deferral since it does not meet affordable housing needs, however she will support staff's recommendation.

Councilmember Spehar said the purpose is to encourage redevelopment and infill.

Councilmember Spehar moved to approve the incentive requests as recommended by staff. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Approval of DOLA Grant Application for Railroad Crossing Improvements

This is a request that the City Council authorize the application of a grant for \$358,000 from the DOLA Energy and Mineral Impact Assistance Grant for the installation of railroad crossing safety equipment at a crossing on River Road between Sandhill Lane and 24 $\frac{3}{4}$ Road. This crossing is currently unmarked and the growth in the oil and gas industry has caused a significant increase in rail, automobile, and truck traffic at this location, placing the public at risk both in terms of a significant accident and a hazardous materials spill.

Sheryl Trent, Assistant to the City Manager, reviewed this item. She explained the reason for the grant's to improve safety at a railroad crossing where traffic has increased due to the oil and gas industry and there is a safety concern. She said since it is part of the Riverside Parkway project the City's share will be through the Riverside Parkway fund. Ms. Trent said staff is recommending this project be given number one priority for purposes of grant consideration.

Council President Hill questioned the safety issue; he asked if this crossing will be closed once the Riverside Parkway is built. Ms. Trent said no, this is the spur near Coorstek and will not be closed. She said the nearby businesses support the grant application.

Councilmember Doody said that he has seen the issues as he works at Coorstek.

City Manager Kelly Arnold said the traffic has hit a threshold where Public Utilities Commission will require the improvements be made.

Councilmember Coons inquired if the grant will help the City offset the costs of the improvements. Ms. Trent confirmed that to be so.

Council President Hill asked if the total cost of the project is \$440,000. Ms. Trent said that is the estimate from Carter & Burgess at this time.

Council President Hill asked if the City's contribution is high enough to complete the project. Ms. Trent said yes, that they are asking DOLA for the whole grant amount and will know what Union Pacific's contribution will be by the time the grant is awarded from DOLA.

Councilmember Spehar moved to authorize the Mayor to sign the grant application for Railroad Crossing Improvements. Councilmember Thomason seconded the motion. Motion carried.

Approval of DOLA Grant Application for Air Tech Park Infrastructure

This is a request that the City Council authorize the application of a grant for \$297,000 from the DOLA Energy and Mineral Impact Assistance Grant for the installation of infrastructure into five (5) lots located on approximately ten (10) acres of industrial land at 825 Landing View Lane in Grand Junction, Colorado. This land will then be used as much needed industrial locations, either on the retail market or as incentives for economic development organizations during recruitment of new businesses. The requested funding will allow the project to be completed in one phase within 2006.

Sheryl Trent, Assistant to the City Manager, reviewed this item. She said this will be the number two priority in grant requests. She reviewed the history of the property owner and the parcel located at 825 Landing View Lane being developed by IDI and said it is near the 3D Systems site. Ms. Trent said the grant request is to help with the improvements needed on the site to make it developable and attract new business. The City's match will support the program in this area including its ownership and purchase of Bookcliff Technology Park. She said the site plan is in the review process and if approved it should be completed in 2006 and ready to be used.

Council President Pro Tem Palmer asked if there are known occupants for the property. Ms. Trent said possibly a state agency but that is not confirmed yet.

Council President Pro Tem Palmer moved to authorize the Mayor to sign the grant application for Air Tech Park infrastructure. Councilmember Thomason seconded the motion. Motion carried.

Purchase of Property at 902 -1030 S. 5th Street for the Riverside Parkway Project

The City has entered a contract to purchase right-of-way at 902 -1030 S. 5th Street from Dean H. VanGundy. Mr. VanGundy owns an 80% interest in the majority of the property and a 100% interest in one lot. The City's obligation to purchase this right-of-way is contingent upon Council's ratification of the purchase contract.

Jim Shanks, Riverside Parkway Program Manager, reviewed this item. He described the request to purchase 80% of the ownership from Dean VanGundy. The other 20% is owned by Eldon VanGundy. He said the property is a critical piece for the Riverside Parkway project and possession is by August 2006. Mr. Shanks said the closing will be prior to December 15, 2005 and the property will be leased back to Mr. VanGundy to allow him time for cleanup and relocation. The entire tract is 5.32 acres but not all of the property is needed for the parkway, 1.5 acres will be a remnant. Mr. Shanks said there will be an option for Mr. VanGundy to purchase that property back, expiring January 1, 2007 at a set amount of \$575,000. He said in addition to the purchase of the land, there will be relocation costs of \$1,727,950 for moving the business and Mr. VanGundy's home which is also located on the property. It is anticipated that Mr. VanGundy will move himself.

Councilmember Doody asked if the property has a rail spur on it. Mr. Shanks said yes there is but the Parkway will cut part of that rail spur off. Councilmember Doody asked if that added value to the property. Mr. Shanks said yes and Mr. VanGundy is being compensated for that.

Council President Pro Tem Palmer recognized all of the hard work from Mr. Shanks and the realization by Mr. VanGundy that progress was coming.

Councilmember Spehar also recognized all of staff's work and the importance of this piece is for the Riverside Parkway.

Council President Hill noted that there is 23 important pieces, describing the difficulty of negotiating property purchases in the public sector and the need to ensure the owner is getting paid a fair market price.

Councilmember Coons agreed that the purchase is important in terms of aesthetics but acknowledged the VanGundy family and their role in recycling in this community.

Resolution No. 175-05 – A Resolution Authorizing the Purchase of Right-of-Way at 1018 S. 5th Street from Dean H. VanGundy

Councilmember Thomason moved to adopt Resolution No. 175-05. Council President Pro Tem Palmer seconded the motion. Motion Carried by roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 8:27 p.m.

Stephanie Tuin, MMC
City Clerk