

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

**January 18, 2006**

The City Council of the City of Grand Junction convened into regular session on the 18<sup>th</sup> day of January 2006, at 7:03 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 Deputy City Clerk Juanita Peterson.

Council President Hill called the meeting to order. Councilmember Spehar led in the pledge of allegiance. The audience remained standing for the invocation by Jim Hale, Spirit of Life Christian Fellowship.

**APPOINTMENTS**

**TO THE PLANNING COMMISSION/ZONING BOARD OF APPEALS**

Councilmember Beckstein moved to reappoint Roland Cole, Bill Pitts and William Putnam for four year terms until December 2009 and appoint Reginald Wall for a four year term until December 2009 to the Planning Commission and Appoint Patrick Carlow as the 1<sup>st</sup> alternate and Ken Sublett as 2<sup>nd</sup> alternate to the Planning Commission/Zoning Board of Appeals for three years until December 2008. Councilmember Doody seconded the motion. Motion carried.

**CITIZEN COMMENTS**

Matt Sura, Western Colorado Congress, addressed the Council regarding the watershed stipulation and stated it has not been updated since 1987 and passed out a hand-out on the Rifle, Silt, New Castle Community Development Plan.

Mayor Doug Edwards for the Town of Palisade addressed the Council regarding the Town of Palisade's letter and presented a formal request to the City Council for assistance to protect the Town of Palisade's water quality.

Council President Hill said Council will address this under "Other Business" later in the evening.

**CONSENT CALENDAR**

Council President Hill made note that the Bellhouse Annexation has been removed from this agenda and asked if there was anyone present for that item. There was not.

It was moved by Councilmember Spehar, seconded by Councilmember Coons and carried by roll call vote to approve Consent Calendar items #1 through #7.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the Special Meeting January 4, 2006 and the Minutes of the January 4, 2006 Regular Meeting*

2. **Purchase of Police Vehicles**

This purchase is for the replacement of four (4) Ford Crown Victoria and two (2) Ford Expedition Police Patrol vehicles. They are currently scheduled for replacement in 2006 as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Manager to Purchase Four (4) Ford Crown Victoria Police Vehicles and Two (2) Ford Expedition 4x4 XLT's from Lakewood Fordland in the Amount of \$150,418*

3. **Purchase of Survey Equipment**

This is a sole source purchase of Trimble brand survey equipment replacement and software upgrade.

*Action: Authorize the City Purchasing Manager to Purchase Survey Equipment from Vectors Inc., Denver, CO in the Amount of \$89,019.42*

4. **Setting a Hearing for Zoning the Ankarlo Annexation, Located at 385 31 5/8 Road** [File #ANX-2005-194]

Introduction of a proposed zoning ordinance to zone the Ankarlo Annexation RSF-4, located at 385 31 5/8 Road.

Proposed Ordinance Zoning the Ankarlo Annexation to RSF-4, Located at 385 31 5/8 Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for February 1, 2006*

5. **Setting a Hearing for the Mims Annexation, Located at 492 30 Road** [File #ANX-2005-293]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 5.88 acre Mims Annexation consists of 1 parcel.

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

Resolution No. 07-06 – 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, Mims Annexation, Located at 492 30 Road

*Action: Adopt Resolution No. 07-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mims Annexation, Approximately 5.88 Acres, Located at 492 30 Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for March 1, 2006*

6. **Setting a Hearing for Amendments to Chapter 16 of the Code of Ordinances Regarding Weeds**

As part of City Council's Strategic Plan and specifically Goal 17 of the Strategic Plan, and in response to dissatisfaction expressed in a citizen satisfaction survey, a team was formed to review and evaluate weed management issues. Part of Team 4's efforts included a review of Chapter 16, Article II of the Code of Ordinances, Junk, Rubbish and Weeds, to determine if changes to the current ordinance would help increase awareness of the ordinance, clarify responsibilities and thereby improve public satisfaction.

Proposed Ordinance Amending Chapter 16, Article II, Junk, Rubbish and Weeds, of the Code of Ordinances, City of Grand Junction, Specifically Section 16-26, Definitions; Section 16-27, Duties of Property Owner and Lessee, Unlawful Accumulations, Inspections, Section 16-30, Notice to Abate; Cutting, Removal by City, Section 16-31, Assessing Costs, and Section 16-33, Collection of Assessments

*Action: Introduction of a Proposed Ordinance and Set a Hearing for February 1, 2006*

7. **2006 Enforcement of Underage Drinking Laws Grant**

The Colorado Liquor Enforcement Division (LED), of the Colorado Department of Revenue, is accepting applications until January 31, 2006 for funding under the terms of a federal grant from the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. The grant would be for the purposes of enforcing the underage drinking laws.

*Action: Authorize the Police Department to Apply for the 2006 Enforcement of Underage Drinking Laws Grant in the Amount of \$52,018.00, \$16,593.00 of Which will be Allocated to Mesa State College and Authorize the City Manager to Sign the Grant Contract in the Event the Grant is Awarded*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Change Order to the 2005 Interceptor Rehab Project**

This work includes rehabilitation of deteriorated existing sewer lines utilizing a Cured in Place Pipe (CIPP) process. The sewer lines are located within the Panorama subdivision, and along the Riverside Parkway. This change order, to the 2005 Interceptor Sewer Rehabilitation Project with Western Slope Utilities, Inc., is in the amount of \$95,029.50.

Mark Relph, Public Works and Utilities Director, reviewed this item. He said this change order includes work to rehabilitate the Panorama Subdivision Sewer System and said the other portion of this change order is related to the Phase 2 Construction of the Riverside Parkway.

Council President Pro Tem Palmer asked if he felt that going out to bid on this would be a cost savings. Mr. Relph stated no, that Western Slope Utilities has submitted a great price and wished to include this so the work would be done by the end of January.

Councilmember Beckstein moved to authorize the City Manager to sign Change Order #1 to the 2005 Sewer Interceptor Rehabilitations Construction Contract with Western Slope Utilities in the amount of \$95,029.50. Councilmember Coons seconded the motion. Motion carried.

**Public Hearing - Appoint Board of Directors for the Downtown BID**

Council has indicated that once the Downtown BID was passed by the electorate that it would appoint a permanent Board of Directors for the Downtown BID. According to the Colorado State Statutes, the DDA Board may be appointed to fill this role.

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

Harold Stalf, DDA Executive Director, reviewed this item and asked Council if there were any additional questions.

Councilmember Coons stated she believed this was very reasonable to appoint the Grand Junction Downtown Development Authority Board as the Downtown Grand Junction Business Improvement District Board.

There were no public comments.

The public hearing was closed at 7:27 p.m.

Ordinance No. 3856 – An Ordinance Naming the Grand Junction Downtown Development Authority Board as the Downtown Grand Junction Business Improvement District Board

Council President Pro Tem Palmer moved to adopt Ordinance No. 3856 on Second Reading and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

**Public Hearing - Petition for Exclusion from the Downtown Grand Junction Business Improvement District**

The Downtown Grand Junction Business Improvement District was formed on August 17, 2005. The ballot question regarding a Special Assessment for said District was approved on November 1, 2005. The City Council then held a hearing on the assessments on December 7, 2005 and there were no objections voiced at the hearing. On December 16, 2005, Mr. Paul Parker filed a petition and the required deposit to initiate consideration of the exclusion of his property from the Downtown Grand Junction Business Improvement District at 741 Main Street and the adjacent parking lots.

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

John Shaver, City Attorney, reviewed this item and gave Council two options to consider.

He said the first option is that Council could proceed with Mr. Parker's request, or the second option is to refer this to the newly appointed Downtown Grand Junction Business Improvement District Board to try to work out the issues, then the request would be referred back to Council.

Councilmember Coons stated that she would like this to be referred to the newly appointed Downtown Grand Junction Business Improvement District Board to work on the issues and refer it back to Council.

Councilmember Beckstein agreed with Councilmember Coons.

Council President Pro Tem Palmer had no strong feelings either way, but believed Mr. Parker expected to be heard in front of Council tonight.

Councilmember Doody stated he could go either way.

Councilmember Thomason said he would like to refer this to the newly appointed board.

Council President Hill wanted to be consistent and remove himself as he did in the beginning being a property owner in the downtown area.

City Attorney Shaver addressed Council and said before they called the question Council could hear from the applicant.

Council President Hill asked if the applicant would like to come forward and address the Council.

The applicant was present but did not wish to address the Council.

There were no public comments.

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

Councilmember Coons moved to refer the request for exclusion from the Downtown Grand Junction Business Improvement District properties owned by Paul Parker to the newly formed Downtown Grand Junction Business Improvement District Board.

Councilmember Beckstein seconded the motion. Motion carried by roll call vote with Council President Pro Tem Palmer and Councilmember Doody voting NO.

### **Bookcliff Technology Park Assignment of Interest**

Industrial Developments Incorporated (IDI, doing business as Colorado West Improvements, Inc, or CWI) has requested that the City Council release its right to the

Bookcliff Technology Park property located at H Road and 27  $\frac{3}{4}$  Road. In 1996 the City and CWI purchased two parcels of property for \$302,000. The City paid \$200,000 and CWI paid \$102,000 according to the purchase agreement. The City retained a right to 2/3 of the proceeds if the property was sold. IDI recently requested that the City sign an assignment of interest for the property and thereby relinquish any and all right, title, and interest in the property.

Sheryl Trent, Assistant to the City Manager, reviewed this item. She reviewed the history behind the undeveloped parcel and the information received regarding the grant applied for with DOLA.

Councilmember Spehar asked if the City has a deed to this property. Ms. Trent stated the City is not on the deed to this property.

Rob Bickley, President of IDI, 688 26  $\frac{1}{2}$  Road, gave a background of the City's 2/3's ownership and request. He said at a workshop in December, Council gave Staff direction to work with IDI and to bring this item back to Council. He said IDI is currently developing the land known as Air Tech Park and would like to use the proceeds from that land to help place the infrastructure in Bookcliff Technology Park.

City Manager Kelly Arnold explained to Council the context of the information that was just received from DOLA. He stated it would not be fair to have IDI react and said this could be continued with IDI's approval regarding the grant.

Council President Pro Tem Palmer said that IDI has been handling the economic development for land use and real estate since 1959.

Mr. Bickley stated that he did not believe the new information from DOLA would alter the request being presented to Council tonight.

Council President Hill stated it is not IDI's business to compete with the private sector and if the City did not sign an assignment of interest for the property and relinquish any and all right, title, and interest in the property, the City would become a developer.

Diane Schwenke, 528 Greenbelt Court, is the Administrative Support to IDI with the Chamber of Commerce. She said IDI is not requesting any funds from Council at this time and it is not their intention to sell the property for a profit, but to develop the infrastructure. Ms. Schwenke said IDI is looking at other funding, such as loans with the financial community and said they will use Foresight Park as a model. She said these are larger lots, 10-20 acres in size and there aren't any other lots that size available. Ms. Schwenke said if there were proceeds from this project, it would go into a revolving loan fund.

Councilmember Spehar said with the history of IDI, he believes proceeding as presented is appropriate and delaying the project will not change the success.

Robert Bray, 2660 G Road, was a part of the IDI Board 10 years ago. He gave the history of how the 2/3 investment from the Council seated at that time. Mr. Bray said it was a decision that needed to be made quickly, and that Council at the time wanted a guarantee to receive 2/3 proceeds if the property were to be sold.

Council President Pro Tem Palmer thanked Mr. Bray for the historical background.

Councilmember Beckstein moved to continue item #11 to a Council Workshop for further discussion. Motion failed for lack of a second.

Councilmember Spehar moved to approve the decision on the request from IDI as presented. Councilmember Doody seconded the motion. Motion carried.

### **Economic Development Financial Participation Agreements**

The City Council directed staff to prepare agreements for the Business Incubator Center and the Grand Junction Economic Partnership (GJEP) regarding the expenditure of City funding. The agreements for both of those agencies detail the budget, goals, policies, and performance measures, as well as reporting requirements.

Sheryl Trent, Assistant to the City Manager, reviewed this item and stated Mr. Rich Emerson, GJEP Board Member and Ms. Ann Driggers, GJEP President are both in the audience to answer any questions the Council might have. Ms. Trent said there are two separate agreements before the Council and the first one is with the Business Incubator Center in the amount of \$40,000 and the second is with Grand Junction Economic Partnership in the amounts of \$40,000 and \$60,000, for a total of \$100,000.

Council President Pro Tem Palmer asked what is done with the unused money for the next year. Ms. Trent explained this is an annual contract and it is not the intent to have any unused money, but sometimes this happens.

Rich Emerson, 246 Little Park Road, wanted to thank the Staff and Council on behalf of the Board of Directors for the Business Incubator.

Ann Driggers, 220 Rimrock Road, President of the Grand Junction Economic Partnership, was present and said that she looks forward to working with the City Council.

Councilmember Spehar appreciates all the efforts with the Business Incubator, Grand Junction Economic Partnership, and Staff working through issues that relate to each



contract with details, duties, responsibilities, and measurement of the accomplishments for each agency.

Councilmember Coons moved to authorize the City Manager to sign the Financial Participation Agreement with the Business Incubator Center in the amount of \$40,000. Council President Pro Tem Palmer seconded the motion. Motion carried.

Councilmember Coons moved to authorize the City Manager to sign the Financial Participation Agreement with Grand Junction Economic Partnership in the amounts of \$40,000 and \$60,000, for a total of \$100,000. Council President Pro Tem Palmer seconded the motion. Motion carried.

Council President Hill called a recess at 8:33 p.m.

The meeting reconvened at 8:44 p.m.

**Public Hearing - Hammer-Whitt Annexation and Zoning Located at 29 ½ Road and Ronda Lee Road** [File #ANX-2005-107]

Acceptance of a petition to annex and consider the annexation and zoning for the Hammer-Whitt Annexation. The Hammer-Whitt Annexation is located at 29 ½ Road and Ronda Lee Road, and contains a portion of the Ronda Lee Road, Jon Hall Drive, and 29 ½ Road rights-of-way, and consists of 3 parcels on 6.20 acres. The zoning being requested is RSF-4.

The public hearing was opened at 8:50 p.m.

Senta L. Costello, Associate Planner, reviewed this item. Ms. Costello described the site, the location, the uses and surrounding uses. She explained the items that are reviewed and the criteria that need to be met in order to garner Staff's recommendation of approval. Ms. Costello said the Planning Commission has forwarded a recommendation of approval.

There were no public comments.

The public hearing was closed at 8:51 p.m.

**a. Accepting Petition**

Resolution No. 09-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Hammer-Whitt Annexation,

Located at 29 ½ Road and Ronda Lee Road, and Contains a Portion of the Ronda Lee Road, Jon Hall Drive, and 29 ½ Road Rights-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3858 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hammer-Whitt Annexation, Approximately 6.20 Acres, Located at 29 ½ Road and Ronda Lee Road and a Portion of the Ronda Lee Road, Jon Hall Drive, and 29 ½ Road Rights-of-Way

**c. Zoning Ordinance**

Ordinance No. 3859 – An Ordinance Zoning the Hammer-Whitt Annexation to RSF-4, Located at 29 ½ Road and Ronda Lee Road

Councilmember Spehar moved to adopt Resolution No. 09-06 and Ordinance Nos. 3858 and 3859 on Second Reading and ordered them published. Council Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

**Public Hearing - Ward-Mudge Annexation and Zoning Located at 3113 and 3117 E ½ Road** [File #ANX-2005-256]

Acceptance of a petition to annex and consider the annexation and zoning for the Ward-Mudge Annexation. The Ward-Mudge Annexation is located at 3113 and 3117 E ½ Road and consists of 2 parcels on 3.68 acres. The zoning being requested is C-1.

The public hearing was opened at 8:54 p.m.

Senta L. Costello, Associate Planner, reviewed this item. Ms. Costello described the site, the location, the uses and surrounding uses. She explained the items that are being reviewed and the criteria that need to be met in order to garner Staff's recommendation of approval. Ms. Costello said the Planning Commission has forwarded a recommendation of approval.

The applicant's representative Heather Pace with Fortex Engineering gave a short presentation but had nothing new to add.

There were no public comments.

The public hearing was closed at 8:55 p.m.

**a. Accepting Petition**

Resolution No. 10-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Ward-Mudge Annexation Located at 3113 and 3117 E ½ Road Including a Portion of E ½ Road Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3860 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ward-Mudge Annexation, Approximately 3.68 Acres, Located at 3113 and 3117 E ½ Road and a Portion of the E ½ Road Right-of-Way

**c. Zoning Ordinance**

Ordinance No. 3861– An Ordinance Zoning the Ward-Mudge Annexation to C-1, Located at 3113 and 3117 E ½ Road

Council President Pro Tem Palmer moved to adopt Resolution No. 10-06 and Ordinance Nos. 3860 and 3861 on Second Reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing - Vacate the Right-of-Way and Vacate a 10' Utility Easement and Rezoning Two Lots in the Taurus Subdivision to I-1 and C-2, Located at the Corner of G Road and 23 Road** [File #VR-2005-243]

A request to vacate right-of-way and utilities easements in the Midwest Commercial Subdivision on the southwest corner of G Road and 23 Road. The applicant would like to develop this and another parcel. The City will retain a 15' utility easement.

The public hearing was opened at 9:03 p.m.

Lisa E. Cox, Senior Planner, reviewed this item along with the rezoning of two lots in the Taurus Subdivision to I-1 and C-2, located at the southwest corner of G Road and 23 Road. Ms. Cox said she would like to combine items #15 and #16 but would require two separate motions, if Council did not object. Council agreed to this request. Ms. Cox described the site, the location, and the uses and surrounding uses and made note of a parcel that should be excluded from the request. Ms. Cox explained the utility easements and location in relation to the two new lots. She reviewed the criteria that needs to be met in order to garner Staff's recommendation of approval. Ms. Cox said the Planning Commission has forwarded a recommendation of approval.

Councilmember Coons asked what is on the parcel that has been excluded. Ms. Cox responded a quonset hut.

Mark Austin, Austin Civil Group, representing the applicant, located at 330 Main Street, was present to entertain any questions Council might have. There were none.

There were no public comments.

The public hearing was closed at 9:04 p.m.

Ordinance No. 3862 – An Ordinance Vacating the Right-of-Way Dedicated on the Midwest Commercial Subdivision Plat for 22 ¾ Road while Retaining a 15' Utility Easement along the South Edge of the Right-of-Way Line for G Road, and Vacating the Ten Foot (10') Utility Easements Lying on Either Side of the 22 ¾ Road as the Easements were Dedicated on the Midwest Commercial Subdivision Plat as it was Recorded in Book 13 and Page 48 of the Mesa County Clerk and Recorder's Records, Located at the Southwest Corner of G Road and 23 Road

Councilmember Coons moved to adopt Ordinance No. 3862 on Second Reading and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Ordinance No. 3863 – An Ordinance Rezoning Two Parcels in the Taurus Subdivision from I-2 to I-1 and C-2, Located at the Southwest Corner of G Road and 23 Road

Councilmember Coons moved to adopt Ordinance No. 3863 on Second Reading and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

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

President of the Council Hill recognized Boy Scout Troop #384 in the audience.

### **OTHER BUSINESS**

The watershed request from the Town of Palisade was addressed.

Councilmember Coons said it is not the intent to stop oil and gas development in this area, but to look at options and believes that with the deadline of next week the issue should be revisited.

Councilmember Spehar agreed that along with the Town of Palisade, it would be a matter of buying some time.

Council President Pro Tem Palmer said that past Councilmembers have been very careful with the City's watershed and said the existing MOU has been in place and worked.

Council President Hill said that he has spent many hours understanding the City's watershed and believes the relationship with the BLM, which is a multi-use agency, the City should continue the best practices with regard to the watershed on the Mesa.

Councilmember Spehar made a motion to join with the Town of Palisade and contact congressional delegates asking that the parcels in the watershed be removed from the pending lease options in a letter drafted by City Staff. Councilmember Coons seconded the motion. Motion carried by roll call vote with Council President Hill and Councilmember Beckstein voting NO.

### **ADJOURNMENT**

The meeting adjourned at 9:43 p.m.

Juanita Peterson, CMC  
Deputy City Clerk