

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

February 1, 2006

The City Council of the City of Grand Junction convened into regular session on the 1st day of February 2006, 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 Pro Tem Palmer led in the pledge of allegiance. The audience remained standing for the invocation by David Varley, Assistant City Manager, in the absence of Howard Hays, First Church of the Nazarene.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

PLANNING COMMISSION/ZONING BOARD OF APPEALS

Bill Pitts was present to receive his certificate for the Planning Commission.

Ken Sublett was present to receive his certificate for the Planning Commission/Board of Appeals.

APPOINTMENTS

TO THE COMMISSION ON ARTS AND CULTURE

Councilmember Beckstein moved to appoint Robert Oppenborn for a three year term until February 2009 to the Commission on Arts and Culture. Councilmember Thomason seconded the motion. Motion carried.

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

Council President Hill explained the purpose for the Consent Calendar. Merlin Schreiner, 3827 South San Miguel Drive representing a group of neighbors for the Vallejo Subdivision, asked that the Bellhouse Annexation item be taken off the Consent Calendar.

Council President Hill granted the request to remove item #2, the Bellhouse Annexation.

It was moved by Council President Pro Tem Palmer, seconded by Councilmember Coons and carried by roll call vote to approve Consent Calendar items #1 through #9 with the exception of item #2, the Bellhouse Annexation.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the January 16, 2006 Additional Workshop, the Summary of the January 16, 2006 Workshop and the Minutes of the January 16, 2006 Special Session, the Minutes of the January 18, 2006 Special Session, and the Minutes of the January 18, 2006 Regular Meeting

2. **Setting a Hearing for the Bellhouse Annexation, Located at 2381 South San Miguel Drive** [File #ANX-2005-264] Moved to Individual Consideration

The applicants for the Bellhouse Annexation, located at 2381 South San Miguel Drive, have presented a petition for annexation as part of a simple subdivision. The applicants request approval of the Resolution referring the annexation petition, consider reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately. The annexation area consists of 3.34 acres of land and right-of-way along E Road, Vallejo Drive and San Miguel Drive.

3. **Setting a Hearing for the Right-of-Way Vacation for Swan Lane** [File #PP-2005-145]

Introduction of a proposed ordinance to vacate excess right-of-way along Swan Lane, associated with the Redlands Valley Subdivision, and set a public hearing for February 15, 2006.

Proposed Ordinance Vacating Undeveloped Right-of-Way Along Swan Lane

Action: Introduction of Proposed Ordinances and Set a Hearing for February 15, 2006

4. **Setting a Hearing for the Vacation of a 20' East/West Alley, Located at 411 West Main Street** [File #VR-2005-012]

The petitioners, City of Grand Junction & Spendrup & Associates Inc., wish to vacate an existing 20' wide east/west alley right-of-way located east of Chuluota Avenue and crossing Lot 2, Block 9, Richard D. Mobley's First Subdivision in

anticipation of future residential development and construction of the Riverside Parkway. There are currently no utilities within the alley right-of-way; however a new 20' Utility Easement will be dedicated through a Subdivision Plat that will reconfigure the existing five (5) properties into four (4) residential lots. Three (3) of the proposed lots each contain an existing single-family home. The Planning Commission recommended approval of the alley vacation at its January 10th, 2006 meeting.

Proposed Ordinance Vacating a 20' Wide Alley Right-of-Way Located East of Chuluota Avenue and Crossing Lot 2, Block 9, Richard D. Mobley's First Subdivision Known as 411 W. Main Street

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 15, 2006

5. **Setting a Hearing for the Autumn Glenn II Annexation, Located at 428 30 Road** [File # ANX-2005-303]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 6.08 acre Autumn Glenn II Annexation consists of 1 parcel.

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

Resolution No. 11-06 – 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, Autumn Glenn II Annexation, Located at 428 30 Road

Action: Adopt Resolution No. 11-06

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Autumn Glenn II Annexation, Approximately 6.08 Acres, Located at 428 30 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 15, 2006

6. **Setting a Hearing on Future Land Use Designation and Zoning for the West Main Parking Lot** [File #RZ-2005-265]

The City proposes to develop a formal public parking lot on the City-owned parcel at 820 West Main Street and on adjacent Colorado Department of Transportation (CDOT) surplus right of way. The City-owned property has never been assigned a Future Land Use category on the Growth Plan Future Land Use map nor has it been zoned. Thus, the application is for designation and zoning for the City-owned parcel. The resolution for the Growth Plan designation will be considered at second reading of the zoning ordinance.

Proposed Ordinance Zoning the Property at 820 West Main Street Community Services and Recreation (CSR)

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 15, 2006

7. **Grant Application for Colorado Safe Routes to School Program**

This is a request that the City Council authorize the application of a grant for \$250,000 from the Colorado Safe Routes to School for the installation of pedestrian routes for the Nisley Elementary School area. The requested funding will allow the project to be completed by June 1, 2008.

Action: Authorize the Application for a Grant in the Amount of \$250,000 with the Colorado Safe Routes to School

8. **Setting a Hearing for Amending the Contractors Insurance Requirement**

A review and analysis of the City's licensing requirements for contractors, in particular the general liability insurance requirements, resulted in City and County staff concluding that the time and effort spent on reviewing, approving and maintaining insurance certificates may not be cost effective, given the large volume of licenses. Additionally, it was found that the current liability and property damage insurance limits within the licensing requirements are insufficient to provide meaningful relief to an aggrieved homeowner, and add significant cost to the development of homes.

It is staff's recommendation that these general liability insurance requirements be stricken from the Code of Ordinances. As part of this recommendation it should be noted that homeowners are protected under the Colorado Construction

Defect Reform Act and may seek relief by filing a claim for defective work and materials thereunder.

Additionally, it is recommended that the license and permit (L & P) bond requirement be stricken from the Code. The L & P bond requirement has not been imposed for some time and therefore staff would recommend it be deleted.

Proposed Ordinance Amending Chapter 10, Businesses, Article IV, Contractors, of the City of Grand Junction Code of Ordinances, Specifically Section 10-87, Duties of Building Official; Requirements for Issuance of License

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 15, 2006

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Setting a Hearing for the Bellhouse Annexation, Located at 2381 South San Miguel Drive [File #ANX-2005-264]

The applicants for the Bellhouse Annexation, located at 2381 South San Miguel Drive, have presented a petition for annexation as part of a simple subdivision. The applicants request approval of the Resolution referring the annexation petition, consider reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately. The annexation area consists of 3.34 acres of land and right-of-way along E Road, Vallejo Drive and San Miguel Drive.

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

Resolution No. 08-06 – 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, Bellhouse Annexation, Located at 2381 South San Miguel Drive and Including portions of the E Road, Vallejo Drive, and South San Miguel Drive Rights-of-Way

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #1, Approximately 0.10 Acres, Located within the E Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #2, Approximately 0.16 Acres, Located within the E Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #3, Approximately 1.71 Acres, Located within the E Road, Vallejo Drive, and South San Miguel Drive Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bellhouse Annexation #4, Approximately 1.37 Acres, Located at 2381 South San Miguel Drive and Including Portions of South San Miguel Drive

Council President Hill explained that two members (himself and Councilmember Beckstein) will be absent on the scheduled hearing date of March 15, 2006 so they have proposed to change the public hearing to April 5, 2006. The agenda item tonight is to schedule the hearing and advertise the public hearing which then allows anyone and everyone who is interested in this item to come and speak to the matter.

City Attorney Shaver concurred and offered to speak to anyone in attendance to answer any additional questions regarding the process.

Councilmember Doody moved to adopt Resolution No. 08-06 and Set a Hearing on the Proposed Ordinances for April 5, 2006. Councilmember Thomason seconded. Motion carried.

Purchase of Chevy Silverado 1500 Pick-ups

This purchase is for a total of eleven (11) 2006 Chevy Silverado 1500 pickups. Nine (9) of these pickups are currently scheduled for replacement in 2006 as identified by the annual review of the fleet replacement committee. Two (2) units are new 2006 additions to the Fleet; one for Fire Code Enforcement and the other for the Public Works Development Inspector.

Ronald Watkins, Purchasing Manager, reviewed this item. He explained that due to the questions on the pricing that came up Monday at the workshop regarding the best value for the City, the Purchasing Department contacted all the local dealers with the specifications for the pickups to be purchased and is presenting the result of that information gathering to the City Council.

Council President Pro Tem Palmer advised that he talked to Bob Fuoco and Western Slope Chrysler and both had only received the request yesterday afternoon and felt

more time was needed to get accurate pricing. He said Bozarth indicated they did not receive a solicitation.

Council President Hill asked if servicing can still be done locally if the trucks are purchased in Denver. Mr. Watkins answered affirmatively.

Council President Hill suggested that a formal bid process be followed. City Manager Kelly Arnold clarified that in the formal bid process, the solicitation list will include both regional and statewide dealers. Mr. Watkins concurred.

Councilmember Coons inquired if all of the local dealers had the opportunity to bid on the State contract. Mr. Watkins said they would have had the opportunity and said that he could find out if they actually did bid or not.

Council President Pro Tem Palmer moved to direct the Purchasing Manager to initiate a formal bid process for the purchase of the pickup trucks. The motion died due to lack of a second.

Councilmember Coons moved to authorize the City Purchasing Manager to purchase eleven (11) Chevy Silverado 1500 Pickup Trucks from Dallenbach Chevrolet for the amount of \$168,481.00. Councilmember Doody seconded the motion.

A discussion ensued. Councilmember Coons said that although she agrees with buying locally, the State bid process took place and the local dealers had the opportunity to participate in that process, so she does not feel the City should change its procedure for this one purchase. Council President Hill expressed that due to the closeness of the costs, it is worth taking the time to look at local dealers more closely.

Motion failed with Council President Hill, Council President Pro Tem Palmer and Councilmember Beckstein voting NO.

City Manager Arnold recommended that the City go out to bid for the trucks. Administrative Services and Finance Director Ron Lappi advised that is the default position, to go back out to bid and the Purchasing Department will do that. City Manager Arnold cautioned that the bid will be regional and the low bid may not be a local dealer.

Councilmember Coons concurred with the result but suggested the procedure be reviewed for future purchases.

Construction Contract for Appleton #3 Sewer Improvement District

The Appleton #3 Sewer Improvement District project consists of septic system elimination by installing a 6" sanitary sewer line along 23 7/10 Road south of H Road.

Trent Prall, Engineering Manager, reviewed this item. He noted that the sewer district is part of the septic elimination program and is a small district. He said the bids for the construction came in higher than anticipated but the property owners still want to go forward. Mr. Prall said the groundwater is high in that area. The low bid was M.A. Concrete Construction and said the award of the bid is contingent on the formation of the district by the Board of County Commissioners.

Council President Pro Tem Palmer asked for clarification as to the City's involvement since the area is outside the City limits. Mr. Prall explained that the City is the manager of the Persigo Wastewater Treatment Plant and does the engineering and design of the sewer extensions. Mr. Prall said the area will not be subject to annexation as per the 1998 Persigo Agreement.

Councilmember Coons moved to authorize the City Manager to execute a Construction Contract for the Appleton #3 Sewer Improvement District with M.A. Concrete Construction in the amount of \$48,860.60. Award is to be contingent on the formation of the District by the Mesa County Board of County Commissioners. Council President Pro Tem Palmer seconded the motion. Motion carried.

Public Hearing - Action Plan for 2004 Program Year Community Development Block Grant (CDBG) Program and Subrecipient Contract with the Grand Junction Housing Authority [File #CDBG-2004-08, 2004-08(b), 2004-08(c) and 2004-14]

Hold a public hearing to amend the City's 2004 Action Plan for the Community Development Block Grant (CDBG) 2004 Program Year to:

1. Utilize a portion of the funds earmarked for the 2004 neighborhood program for the Next Step Housing Program;
2. Utilize a portion of the funds earmarked for the 2004 neighborhood program to construct an addition to the City Senior Recreation Center; and
3. Utilize any remaining balance in the Senior Recreation Center architectural services project towards the construction of the addition.

If the amendment for the Housing Program is approved as stated above, the Subrecipient Contract will formalize the City's award of \$26,850 to the Grand Junction

Housing Authority (GJHA) for administration of the Next Step Housing Program. These funds are to be allocated from the City's 2004 CDBG Neighborhood Program funds.

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

David Thornton, Principal Planner, reviewed this item. On January 16, 2006 staff came to the workshop and introduced the requests being presented. He said there are funds remaining in a previous year program, so the request is to reallocate those funds for the Next Step Housing Program and the remodel for the Senior Recreation Center. Mr. Thornton said that will still leave some funds in the architectural fund for the Senior Recreation Center and those funds could be reallocated to the construction. The amendments will also require approval of the subrecipient contracts that correspond to these changes.

Council President Pro Tem Palmer asked what happens with the high cost of utilities if the housing recipient is not be able to pay their portion of the rent and utilities.

Jody Kole, Grand Junction Housing Authority Director, answered that 30% of the monthly household income goes first toward utilities and the rest to the rent and said the voucher program then pays the difference in rent. She said sometimes even the 30% is not enough to pay the utilities so the voucher program will reimburse the family for any additional amount needed for utilities.

Councilmember Coons asked Ms. Kole to explain how the City funding will assist this program.

Ms. Kole listed the organizations involved and how the City funding leverages grants from the Division of Housing. Local support is looked at for grant approval and the Division of Housing also looks at the income level of the recipients. Ms. Kole said this program targets one of the lowest income groups, young families with small children.

There were no public comments.

The public hearing was closed at 7:47 p.m.

Council President Pro Tem Palmer moved to 1) approve the amendments to the City's CDBG 2004 Action Plan to reflect the revisions summarized above; 2) authorize the City Manager to sign the Subrecipient Contract with Grand Junction Housing Authority. Councilmember Beckstein seconded the motion. Motion carried.

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

Hold a public hearing and consider final passage of the zoning ordinance to zone the Ankarlo annexation RSF-4, located at 385 31 5/8 Road. The Ankarlo Annexation consists of 1 parcel on 10.31 acres and the zoning being requested is RSF-4.

The public hearing was opened at 7:50 p.m.

Bob Blanchard, Community Development Director, reviewed this item. He described the location, the parcel size, and the date of annexation. He then described the current use of the site, the Future Land Use designation, the requested zoning, and the surrounding zoning. He listed the zoning criteria set forth in the Code that apply such as compatibility and infrastructure impacts, furthering the goals and policies of the Growth Plan, and the availability of public facilities. Mr. Blanchard said the Planning Commission has forwarded a recommendation of approval.

Bill Balaz, with Balaz and Associates, representing the applicant, was present and asked for approval but had nothing additional to present.

The public hearing was closed at 7:53 p.m.

Ordinance No. 3857 – An Ordinance Zoning the Ankarlo Annexation to RSF-4, Located at 385 31 5/8 Road

Councilmember Thomason moved to adopt Ordinance No. 3857 on Second Reading and ordered it published. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing – 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.

The public hearing was opened at 7:54 p.m.

John Shaver, City Attorney, reviewed this item. He explained the amendments are a result of the committee borne out of the Strategic Plan Action item. Ivy Williams, Code Enforcement Supervisor, was present and reviewed the purpose and effort to develop the amendments.

Council President Pro Tem Palmer asked that Staff highlight the changes. City Attorney Shaver said the first change is the State Law reference and the changes need to be consistent with State Law. Secondly, the amendments clarify the requirements for agricultural lands. Thirdly, the time between the notice and hearing has been shortened so the time period to address the problem is shortened. Lastly, additional costs will be imposed for weed violation penalties, plus there will be tracking of repeat offenders.

Council President Hill asked for clarification on the surcharge and asked 25% of what will be assessed. City Attorney Shaver said it is 25% of the cost of cutting (labor and equipment). He said there is also a minimum time of work as set by the City Manager. Mr. Shaver noted that the surcharge covers the administrative costs and all the other costs associated with administering the program.

There were no public comments.

The public hearing was closed at 8:03 p.m.

Councilmember Thomason thanked City Attorney Shaver for putting the teeth into the ordinance, as well as Ms. Williams for her work on the project.

Council President Pro Tem Palmer reviewed the names of those involved and thanked them for their efforts.

Ordinance No. 3864 – An 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

Councilmember Thomason moved to adopt Ordinance No. 3864 on Second Reading and ordered it published. Councilmember Coons 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 8:07 p.m.

Stephanie Tuin, MMC
City Clerk