

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

February 15, 2006

The City Council of the City of Grand Junction convened into regular session on the 15th day of February 2006, at 7:02 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 Thomason led in the pledge of allegiance. The audience remained standing for the invocation by David Varley, Assistant City Manager, in the absence of Rob Storey, River of Life Alliance Church.

PRESENTATION OF CERTIFICATE OF APPOINTMENT

COMMISSION ON ARTS AND CULTURE

Robert Oppenborn was present to receive his certificate for the Commission on Arts and Culture.

RECOGNITIONS

President of the Council Hill recognized Boy Scout Troop 303 in attendance.

CITIZEN COMMENTS

David Berry, 530 Hall Avenue, a participant of the GJ101 program, addressed Council on a variety of issues. He lauded the GJ101 program, particularly the Visitor and Convention Bureau portion, and was concerned at the number of sworn officers versus the number on the street. Another concern is the firemen at Fire Station #1 do not sleep. He then addressed health, safety and welfare and its definition and interpretation, specifically as it relates to the Community Development Department.

Palisade Mayor Doug Edwards addressed the City Council on the watershed issue. He wanted to update the City Council as to where the Town of Palisade stands with the oil and gas issue. He said the Town of Palisade sent letters to the Congressional leaders and letters of protest to BLM. Mr. Edwards said the Town of Palisade received letters back from Senator Ken Salazar and Senator Wayne Allard and said unfortunately the BLM went ahead with the auction. He said the next step is to send letters to the lease holders that purchased these leased properties on the Palisade watershed letting them know that the Town of Palisade has a watershed ordinance and that the Town will enforce compliance with the ordinance. He said the Town of Palisade wanted the lease holders to know where the Town of Palisade is and why the town is concerned. Mr. Edwards said the Town is in the process of setting a meeting with Katherine Robertson

with the BLM and said that she requested the meeting to discuss the Towns concerns and said the Town of Palisade is looking forward to that. Mr. Edwards invited the City Council and other officials to participate in a discussion on what stipulations they would like to see on oil and gas leases. He concluded by asking the City Council to join in approaching the Mesa County Commissioners to amend the land use regulations to require certain regulations on their leases to oil and gas companies.

CONSENT CALENDAR

It was moved by Councilmember Coons, seconded by Council President Pro Tem Palmer and carried by roll call vote to approve Consent Calendar items #1 through #12.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the January 30, 2006 Workshop and the Minutes of the February 1, 2006 Regular Meeting and February 8, 2006 Special Session

2. **Setting a Hearing on Amending the Municipal Election Code Concerning the Circulation of Nomination Petitions**

The City of Grand Junction, under the Municipal Election Code had, until recently, the authority to allow candidates for City Council to circulate nomination petitions beginning on the 91st day prior to the election and returning them to the City Clerk by the 71st day prior to the election. HB 04-1430 changed the law so that those time periods may be used only in a coordinated election. The proposed ordinance amending the Election Code will allow nomination petitions to be circulated for municipal elections starting the 91st day and ending on the 71st day before the election, as allowed under the Uniform Election Code. Proposed Ordinance Amending the Colorado Municipal Election Code of 1965, in the City of Grand Junction Concerning the Circulation of Nomination Petitions

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

3. **Setting a Hearing for Proposed Amendments to the Zoning and Development Code** [File #TAC-2004-231]

Ordinance to consider proposed text amendments to the Zoning and Development Code. The proposed amendments reflect changes proposed by City staff.

Proposed Ordinance Amending the City of Grand Junction Zoning and Development Code to be Published in Pamphlet Form

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

4. **Setting a Hearing Zoning the Arbors Subdivision, Located at 2910 Orchard Avenue** [File #PP-2005-105]

Introduction of a proposed ordinance zoning the Arbors Subdivision to PD, Planned Development, located at 2910 Orchard Avenue.

Proposed Ordinance Rezoning the Arbors Subdivision Located at 2910 Orchard Avenue to PD

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

5. **Setting a Hearing for the Chipeta Heights Annexation, Located at 203 and 221 29 Road** [File #ANX-2006-008]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 16.48 acre Chipeta Heights Annexation consists of 2 parcels.

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

Resolution No. 12-06 – 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, Chipeta Heights Annexation, Located at 203 and 221 29 Road

Action: Adopt Resolution No. 12-06

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Chipeta Heights Annexation, Approximately 16.48 Acres, Located at 203 and 221 29 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 5, 2006

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

Introduction of a proposed zoning ordinance to zone the Mims Annexation B-1, located at 492 30 Road.

Proposed Ordinance Zoning the Mims Annexation B-1, Located at 492 30 Road

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

7. **Setting a Hearing on an Ordinance Amending Ordinance No. 2725 Concerning the Bluffs West Annexation**

In January of 1994 the City Council annexed land to the City by Ordinance No. 2725. That ordinance described an area known as the Bluffs West Annexation.

In February 2006 the City exercised land use jurisdiction for the annexation of the proposed Bellhouse Subdivision. During the course of preparing the Bellhouse Annexation, an error in the description of the Bluffs West Annexation was discovered. Specifically Lot 1, Block 1 of the Rio Vista Subdivision was erroneously described as part of the Bluffs West Annexation.

This ordinance amends the description contained in Ordinance No. 2725 and by adoption thereof serves to exclude from the Bluffs West Annexation the area described in the ordinance.

Proposed Ordinance Amending Ordinance No. 2725 Annexing Territory to the City of Grand Junction, Colorado – Bluffs West Annexation Located East of 23 Road and North of E Road

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

8. **Setting a Hearing Amending Chapter 36 (Traffic) of the Code of Ordinances Concerning Towing Abandoned Vehicles**

Amendment to Chapter 36 (Traffic) of the Code of Ordinances making it unlawful to abandon vehicles on private property within the City and authorizing private towing of vehicles abandoned on private property.

Proposed Ordinance Amending Part of Chapter 36 of the City of Grand Junction Code of Ordinances Relating to Abandoned Vehicles

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

9. **Sole Source Purchase of Rain Bird Irrigation Equipment**

This request is for a sole source purchase of Rain Bird manufactured equipment for upgrade of parks irrigation to automated systems at Lincoln Park. This is the third and final year of a three year project.

Action: Authorize the City Purchasing Manager to Purchase Rain Bird Manufactured Equipment for this Project from Grand Junction Pipe and Supply, Grand Junction, Colorado in the Amount of \$78,120

10. **Sole Source Purchase of Steelcase Furniture for Community Development Remodel**

This request is Steelcase furniture and work stations for Community Development. The purchase is from Office Outfitters in Grand Junction, the only authorized Steelcase dealer on the Western Slope. The pricing used is U.S. Communities contract which the City of Grand Junction is eligible to use as part of cooperative purchasing agreements.

Action: Authorize the City Purchasing Manager to Purchase Steelcase Furniture and Work Stations for this Project from Office Outfitters in Grand Junction, in the Amount of \$83,883.85

11. **Sole Source Agreement for Environmental Consulting Services**

A sole source justification has been prepared to award a Professional Services contract to Walsh Environmental Scientists and Engineers, LLC for Asbestos Abatement Management and Petroleum Contamination removal (Environmental Cleanup) on the Rood Avenue Parking structure site.

Action: Authorize the City Manager to Execute a Professional Services Contract for the Downtown Parking Structure with Walsh Environmental Scientist and Engineers in the Amount of \$27,581

12. **Setting a Hearing on Establishing the City Manager's Salary for 2006**

Article VII, Section 57 of the Charter states the City Manager's salary is to be fixed by the Council by Ordinance. The City Council has determined the salary for the Grand Junction City Manager to be \$125,000.

Proposed Ordinance Amending Ordinance No. 3854, Adding Section 3, Setting the Salary of the City Manager

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

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Designating Ambulance Service Provider for the Grand Junction Ambulance Service Area

As per the Mesa County resolution adopted regarding standardizing emergency medical response throughout Mesa County, the City is recommending the Grand Junction Fire Department as the designated service provider for its ambulance service area.

The City Council decided to open this item up for public comments.

Karen Madsen, 2484 Sage Run Court, and President of the Chamber of Commerce, presented the Chamber's position on this issue. She said they think the Council is going down the wrong direction and said the first reason is the cost, any subsidy is a mistake; secondly the Chamber understood that it was Staff's recommendation to use AMR and said many citizens contacted the Chamber from areas where the government did take over emergency medical services and said the costs far exceed the projections; thirdly, it is clearly an example of government competing with the private sector; fourth, the statement that the Fire Department will not be able to make the July 1st deadline; fifth, the City is assuming additional risk, both in additional people, training, retirement benefits, and workman compensation funds; sixth, a risk with TABOR versus being an enterprise fund is at risk too. She said AMR has provided quality care and is willing to post a \$1 million bond to guarantee that they meet their performance measures.

Nick Alten, 2660 Highway 6 & 50, stated as a business owner he was astonished that Council made this decision. He noted the quality of care has never been an issue so he does not understand. He pointed out some deficiencies in the proposal as far as anticipated costs.

Wade Gagnon, 153 30 Road, stated he was frustrated by what he has read. He doesn't believe that seven people should speak for the whole community on an issue of this magnitude. He noted that AMR has been doing a good job and said in order for the Fire Department to provide the service, more people and equipment will be needed. He stated that AMR is not asking for a subsidy and said the public should have been involved a long time ago.

Dennis Simpson, 2306 E. Piazza Place, expressed that four Councilmembers have their minds made up and said his biggest problem is that the proposal did not have financial department input. He thanked the three against for bringing logic into the situation and said the current system works. He stated the new proposal is driven by the Fire Department and the union and asked if the matter would be subject to referendum.

Margo Lurvey, taxpayer and business owner and relative of an AMR employee, questioned who will pick up the expense when this system goes into the red. She said the current system works well and is doing a good job.

Mark Bruning, Vice President of Operations for AMR, stated that he knows this is an emotionally charged issue and would like to limit comments to areas and facts. He said AMR has enjoyed a good working relationship with Chief Beaty and the Fire Department. He appreciates the opportunity to speak and said there are a lot of questions that need to be answered in the Fire Departments proposal. He said the transport assumptions need to be clarified and said the number is much higher than the historical transport trends. He said AMR projected a 2.5% growth whereas the Fire Department projected 5% with a collection rate of 41%. He said AMR has had 38.9% collections which is \$100,000 less in year one and said with the Medicare fee schedule stated the collection rate will decrease even more.

Council President Hill asked for clarification on the 50% collection rate. Mr. Bruning said that was seven years ago and said if the collection projections are off and transport projections are off, that means millions of dollars off.

Councilmember Spehar asked for more clarification on collections. Mr. Bruning said there is no prescreening for payment in their business and said the average bill is \$600. He said the average net is \$280, Medicaid reimbursement is 10%, Medicare is 27% for contractual allowances, and then there is the bad debt. Mr. Bruning said as Medicare and Medicaid goes down, more people go to private insurance, for every \$100 billed, about \$38.90 is collected.

Councilmember Spehar questioned whether it be hospital or ambulance, 60% of the load is Medicaid or Medicare, and being reimbursed below cost, how is the difference made. Mr. Bruning said the cost efficiencies, Medicaid and Medicare don't pay as much, and said being a large national company has its advantage to leverage resources.

Mr. Bruning said there have been years in the City of Grand Junction where AMR has lost money and said AMR has confidence in their ability, especially with the willingness to post a \$1 million bond. He said AMR contracts with skilled nursing facilities for transports and said under the Fire Departments proposal the transport fee will double. He said hospitals or nursing facilities may not be willing to pay the increase in fees. Mr. Bruning said AMR has put its best foot forward for this community. He said AMR became accredited and said there are very few accredited nationwide. He said AMR started a public access for defibrillators program and donated defibrillators for high risk patients and public facilities. He said AMR implemented a Safe Kid's coalition in Mesa County. Mr. Bruning said AMR took this process very seriously and said AMR is prepared to implement on July 1st.

Councilmember Thomason said it sounds like AMR is painting a bleak picture and questioned if AMR is losing money, why fight so hard for the contract in Grand Junction.

Mr. Bruning said AMR has lost money 2 years out of 5 years and said they have made money the other years. He said there are 28 very good reasons why AMR would like to continue (the employees) and said they are a large national company with a model that works. He said every piece is important to AMR even though AMR has low margins and losing years.

Councilmember Coons said that Mr. Bruning has used the national company analogy to explain how the financials work, but would like him to explain how AMR gives back to the community. Mr. Bruning said at some of the schools AMR has been doing "Our Heart Bleeds for You" program and said there are other programs including working with hospice and no cost immunizations. He said the employees here are passionate about their services and community involvement.

Jeremiah Caben said his dad works for AMR and said he is a student at Mesa State College. He has concerns that if this program has failed in other communities, what will happen here. He asked that Council take a longer look at this issue before making a decision.

There were no more public comments.

Council President Hill closed the public comments portion of the discussion.

Council President Hill summarized the purpose before them to pick a provider. He asked City Attorney Shaver to explain the difference between an ordinance and resolution. City Attorney Shaver said an ordinance is a passage of law and said that is the reason it can be referred to the voters. A resolution is not a force of law. He said the legislation on this already occurred at Mesa County and said the decision tonight would not be subject to referral to the ballot.

Councilmember Spehar asked if this is normal and not a special case. City Attorney Shaver said Council could act by ordinance but the appropriate decision would be a resolution, as it is a policy, so that it is consistent.

Council President Pro Tem Palmer asked about the time frame that Council is under and questioned if Council should take more time to make a decision. City Attorney Shaver said the County has allowed the City additional time already. He said the resolution was adopted in 2004 and said Mesa County could say this should have been decided some time ago and may say no to additional time being granted. However, it is doubtful they would.

Councilmember Coons questioned if the Fire Department is the recommended provider and is allowed additional time to get up and running, will the City stay in compliance with the RFP. City Attorney Shaver said there is language in the introduction of the RFP in paragraph four which talks about the services beginning July 1, 2006, but that is an estimated start up date. He said it is not set in stone, so there is not a legal requirement to begin on a set date.

City Manager Arnold asked if the ability to start July 1st was part of the scoring criteria. City Attorney Shaver said no, but was made clear as a preference.

Council President Hill commented that AMR brought up the number of calls being used are not in line with the historical trend and said with his calculations it amounts to a \$3 million dollar difference. He said that is a significant effect to make a decision and questioned if Council should give Staff time to verify the numbers in more detail.

Council President Hill called a recess at 8:17 p.m.

The meeting reconvened at 8:28 p.m.

Council President Hill asked Chief Beaty to address the questions regarding the projections in his proposal.

Chief Beaty said that he appreciates the comments that have been made tonight and said this is a significant change if this goes forward. He explained where the projections came from and said the numbers were totals of transports by AMR, Lifecare and the Fire Departments; total calls were 6,580. He said based on the Fire Departments records the historical trend averages a 5.06% annual increase in calls for service.

Council President Pro Tem Palmer asked if the total included fire calls. Chief Beaty said it was strictly EMS that was included in the total.

Chief Beaty said the collection rate is difficult to calculate and said it depends on where the numbers are at. He said there is a contract with ADPI for billing and those projections came from them, as well as snapshots from other transporters here and other parts of the State. He said some transporters are doing even better than that. He said it is important to know the higher the average patient bill is, the less collection rate. Chief Beaty said the City bill rates are the Mesa County's maximum allowable amount. He said the maximum bundled rate is in terms of discounting and contractual relationships with hospice and nursing facilities which are projected at a Medicare rate.

Councilmember Coons questioned that if the Fire Department would break even, did the Fire Department account for the additional Staff and all of the start up costs.

Chief Beaty said this process was to be concluded November 1, 2005 and said if the decision was made at that time, it would have given the Fire Department seven months to be ready and said the projections would have included the six months to start up. He said the issue is still with the Communications Center and said that contracting a dispatch service would run around \$60,000 to \$70,000 per year.

Council President Pro Tem Palmer wanted more clarification on non emergent transport with the growth rate and asked about how facility-to-facility transport will be billed at the Medicare rate. Chief Beaty said the assumption is that the bulk of those will be at the Medicare allowable rate with some private pay, but doesn't know the exact percentage.

City Manager Arnold said due to time constraints, he suggests going with a private contractor for dispatch and work on solving the staffing issue at a later time.

Council President Pro Tem Palmer questioned who handles those non-emergent calls now. Chief Beaty said AMR and Lifecare have their own dispatch systems.

Council President Hill asked if the \$60,000 is for dispatching non-emergent calls. City Manager Arnold said yes.

Councilmember Spehar said that he is comforted that the numbers in the projections are actual numbers.

Councilmember Coons said the role of government is to provide public service. She said the core mission of the Fire Department is to provide fire and rescue services and first responder services. She has a concern that this might jeopardize the core mission by over extending the responsibilities of the Fire Department. She stated the City has a system that works and doesn't understand why fix something that is currently working. She said that she cannot support this resolution at this time.

Councilmember Beckstein said her main concern is the need of dispatch and Fire Department personnel. She said that she agrees there is understaffing, but said this is not the way to resolve the issue or to justify to the taxpayers that the Fire Department should take on the non-emergent care service. She feels that it will distract from the Fire Department's main purpose which is to address emergencies. She feels this is a mistake and the responsibility should not be imposed onto the taxpayers. She said the more this proposal is being worked on, more needs are brought up that should be addressed. She said this decision would be detrimental to the City and said she cannot support this resolution at this time.

Council President Pro Tem Palmer stated that he has spent much time and effort on this issue and said Council will be criticized no matter what the decision is. He said it still comes down to the future of this community, and said in the long run it would be good to have additional staff at the Fire Department with cross-trained personnel. He said this will eliminate the two-tiered system and said in the long run this is for the best.

Councilmember Spehar said his decision is based on the responsibility and what is best long term for the community. He said based on his own personal experiences, which was not negative experiences, he felt there were troublesome pieces in the system as it is currently being operated. He feels it is inefficient to have dual response for the continuity of care and the confusion in the eyes of the patient. He said he was concerned about the financials but was reassured and feels this is the best long term approach to put it in the hands of the Fire Department.

Councilmember Coons stated the redundancy in the system is an advantage; any emergency system will have redundancy built in.

Councilmember Thomason stated that he is not against AMR and thanked them for their services. He said this is an obligation as a government to provide the best service for its community. He said it must be a broken system or Mesa County would not have adopted their resolution and stated that he still supports this resolution.

Councilmember Doody said initially three organizations were going to respond to the RFP and one service dropped out. He said that he learned through the process, there was a scoring criteria, and the Fire Department will have a better coverage of service. He said the core mission is fire, but 80% of the calls are EMS. He said 27 quality people have jobs on the line and encouraged the AMR employees to apply to the City. He said that he supports passage of the resolution.

Council President Hill said it was important to allow the community to speak on this issue. He said the vision is togetherness of the community, but the privatization has ongoing conflicts and the bottom line is to figure out what is best for the community to bring people together to find solutions. He said his thoughts haven't changed and leans toward the

opportunity for public/private working together. He said the County did not pass the resolution because the system was broken, but there were a variety of other issues. He feels the Commissioners will support whatever Council recommends tonight.

Resolution No. 14-06 – A Resolution Recommending the Grand Junction Fire Department as the Designated Ambulance Service Licensee for the Grand Junction Ambulance Service Area

Council President Pro Tem Palmer moved to adopt Resolution No. 14-06. Councilmember Doody seconded the motion.

Council discussion ensued. Councilmember Spehar wanted to state that there have been comments to the fact, should these seven make this decision for the community and said that is what they were elected to do. He said not everything Council does is subject to the popular vote and said Council President Pro Tem Palmer has worked on this project for almost two years. He said Council is doing the best they know how, without personal bias, that is why the seven are charged with this responsibility.

Motion carried by roll call vote with Council President Hill and Councilmembers Beckstein and Coons voting NO.

Council President Hill called a recess at 9:10 p.m.

The meeting reconvened at 9:19 p.m.

Gormley Property Growth Plan Consistency Determination, Located at the Southwest Corner of First Street and Patterson Road [File #GPC-2005-296]

A request to officially determine consistency of a proposed Outline Development Plan with the Growth Plan's Future Land Use Designations of Commercial, Residential Medium High and Residential Medium, located at the southwest corner of First Street and Patterson Road.

Bob Blanchard, Community Development Director, reviewed this item. The purpose of the item is to determine if the Outline Development Plan (ODP) is consistent with the Growth Plan designations of Commercial, Residential Medium High, and Residential Medium. He said the Zoning and Development Code does have a process whereby the applicant can come before Council and ask for a consistency determination before the approval. Mr. Blanchard described the current designations and the zoning as well as the surrounding designations and zoning. There are four actual parcels under review with a development application in process. He described what an Outline Development Plan is as a conceptual plan. The plan is to meander the boundary line rather than have the

existing straight line to allow for some open space. He said the Outline Development Plan will come before the City Council and may not look exactly like the graphic being shown tonight. Staff recommends a finding of consistency based on three findings:

1. The proposed Outline Development Plan which varies the boundary between Commercial and Residential land uses meets the intent of the Growth Plan and Zoning and Development Code to minimize cut and fill of the hillside.
2. Allowing the boundary between Commercial and Residential land uses to vary and more closely follow the topography of the site results in minimal differences the amount and intensity of allowed land uses.
3. Allowing the boundary between Commercial and Residential land uses to vary and more closely follow the topography of the site allows more creative site planning and design that will maintain the unique character of the property.

Mr. Blanchard said the main change is about 500 more feet of commercial along First Street. On January 24th, the Planning Commission heard this item and recommends a finding of consistency. This is not a public hearing but said the applicant is present.

Council President Hill said this item was originally on the Consent Calendar, but there were enough questions to address it individually.

Councilmembers had no additional questions.

Council President Hill noted that he is pleased that it will not be developed in a straight line as it was designated.

Councilmember Spehar agreed with allowing this type of creativity, yet it still keeps the intent of the change.

Council President Pro Tem Palmer agreed.

Council President Pro Tem Palmer moved to find that the proposed Outline Development Plan is consistent with the Growth Plan Map designations of commercial, residential medium high and residential medium. Councilmember Beckstein seconded the motion. Motion carried.

Request to Apply for State EMS Grant

The Grand Junction Fire Department requests approval to submit a Colorado State EMS Grant application for 10 laptop computers for placement into frontline fire and EMS apparatus. The application would be part of a multi-agency Northwest Regional EMS and Trauma Advisory Council (NWRETAC) grant application.

John Howard, EMS Coordinator, reviewed this item. He explained the reason for the request, to collect data for the organization and prepare the department to move into the new Records Management system. He said the cost was taken from the system that was purchased by the Police Department. The funding will be matched with budgeted funds for the computers, and said the grant will allow initiation of the project a little earlier.

Councilmember Coons questioned the likelihood of getting the grant. Mr. Howard said it was highly supported by the State.

Councilmember Spehar moved to request approval for the Fire Department to submit through the NWRETAC a State EMS Grant Application for 10 laptop computers. Councilmember Coons seconded the motion. Motion carried.

Public Hearing - Right-of-Way Vacation for Swan Lane [File #PP-2005-145]

Consider final passage of a proposed ordinance to vacate excess right-of-way along Swan Lane, associated with the Redlands Valley Subdivision.

The public hearing was opened at 9:35 p.m.

Lori V. Bowers, Senior Planner, reviewed this item. She described the location, the site, the Future Land Use designation, and the current zoning. The request is to vacate a right-of-way that will not work with the new subdivision. She said the Planning Commission recommended approval for the vacation of the excess right-of-way and the request is in compliance with the Growth Plan and the Zoning Development Code.

Councilmember Thomason questioned if there was any opposition. Ms. Bowers said not that she has heard of.

There were no public comments.

The public hearing was closed at 9:37 p.m.

Ordinance No. 3865 – An Ordinance Vacating Undeveloped Right-of-Way Along Swan Lane

Councilmember Spehar moved to adopt Ordinance No. 3865 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing - 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 properties into four residential lots. Three 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.

The public hearing was opened at 9:38 p.m.

Scott D. Peterson, Senior Planner, reviewed this item. He described the location and the purpose of the request. He said the applicant is the City and Spendrup & Associates. He said there are no utilities in the alley, however a twenty foot utility easement will be retained for future use. He said the Riverside Parkway is cutting across the property and the Future Land Use Map Designation was described as well as zoning. Staff and the Planning Commission stated that it is consistent with the Growth Plan and meets the criteria of the Zoning and Development Code.

There were no public comments.

The public hearing was closed at 9:41 p.m.

Ordinance No. 3866 – An 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

Councilmember Doody moved to adopt Ordinance No. 3866 on Second Reading and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing - 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 public hearing was opened at 9:42 p.m.

Kristen Ashbeck, Senior Planner, reviewed this item. She described the location and the site and said the City is the applicant for the request. The site has been used informally as a parking lot and said as part of the negotiations for a right-of-way for the Riverside Parkway, the City offered to construct a parking lot for use by the school and park activities. There had been no Future Land Use Designation previously or zoning on the parcel. The zoning being requested is CSR (Community Services and Recreation).

Councilmember Thomason questioned how many parking spaces will be constructed. Ms. Ashbeck said 24 spaces and one handicapped space.

Council President Pro Tem Palmer questioned if the City is paying for the construction. Ms. Ashbeck said yes.

Councilmember Spehar asked if there will be a new access to the Riverfront Trail. Mike Best, Riverside Parkway Project Specialist, said there will be a trail and an informal parking area.

There were no public comments.

The public hearing was closed at 9:47 p.m.

Resolution No. 13-06 – A Resolution Revising the City of Grand Junction Growth Plan Future Land Use Map to Designate Approximately 0.24 Acres, Located at 820 West Main Street as Public/Institutional

Ordinance No. 3867 – An Ordinance Zoning the Property at 820 West Main Street Community Services and Recreation (CSR)

Council President Pro Tem Palmer moved to adopt Resolution No. 13-06 and Ordinance No. 3867 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

City Manager Arnold noted a concern he has that when the school opens; kids will be crossing at the intersection located at the parking lot.

Public Hearing - 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.

The public hearing was opened at 9:50 p.m.

John Shaver, City Attorney, reviewed this item. He explained that the amount that is required is too low to have any purpose, so the recommendation is to eliminate the requirement. He said there have been a number of changes in the State Law that will allow relief for a homeowner; it is enough protection. Also, the other requirement is no longer being imposed.

Council President Pro Tem Palmer questioned if the change will allow an unlicensed unscrupulous contractor to perform work. City Attorney Shaver said a license is still required and contractors still have to have insurance and more importantly have to have workers compensation insurance.

There were no public comments.

The public hearing was closed at 9:54 p.m.

Ordinance No. 3868 – An 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

Councilmember Spehar moved to adopt Ordinance No. 3868 on Second Reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Construction Contract for 2006 Crack Sealing Project

The 2006 Crack Sealing Project consists of 30 street locations. Streets to be crack sealed are primarily in the Redlands area and along Patterson Road from 1st Street to 27 ½ Road.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the purpose of the contract and the bids received.

Council President Pro Tem Palmer questioned the road cracking in the area. Mr. Relph said both the soil conditions in the Redlands and the compaction in laying streets have contributed to the problem; it is disappointing to see cracks in new subdivisions.

Councilmember Doody questioned if the area in the Casa de Rio Subdivision is on the list. Mr. Relph replied yes.

Council President Pro Tem Palmer moved to authorize the City Manager to sign a construction contract for the 2006 Crack Sealing Project to Bonneville Asphalt and repair in the amount of \$76,238.00. Councilmember Coons seconded the motion. Motion carried.

Construction Contract for 24 ½ Road Sewer Trunk Extension

This project involves extension of a sewer trunk line along the 24 ½ Road corridor between Patterson Road and G Road. The project was requested by the developer of the proposed Brook Willow Subdivision located on 24 ½ Road.

Mark Relph, Public Works and Utilities Director, reviewed this item. He recalled a previous decision to use the sewer trunk extension fund for this project. He said the recommendation is to award the contract to M.A. Concrete Construction. This is a significant sewer trunk extension.

Councilmember Doody inquired about the capacity of the extension. Mr. Relph said the extension will be increased to serve the area north of the interstate, if the Persigo boundary were to be extended. Mr. Relph said it will also be able to serve a large area north of G Road.

Council President Hill asked about the construction contract costs. Mr. Relph said he would have liked to have seen more bids, but was pleased with the three bids that were received.

Councilmember Doody questioned if the future bore under the highway is east of the dog park. Mr. Relph replied yes.

Councilmember Coons moved to authorize the City Manager to execute a construction contract in the amount of \$632,497.50 with M.A. Concrete Construction for the 24 ½ Road Sewer Trunk Extension. Councilmember Doody seconded the motion. Motion carried.

Construction Contract for Independent Alley Improvement Project for the Riverside Parkway Project

The City opened bids for the construction of the Independent Alley from the south frontage road of US 6 & 50 west of 25 Road to Independent Avenue. This alley connection is necessary because the south frontage road will no longer be connected to 25 Road. The project is a requirement of CDOT for the access permit to perform the work at the highway. The alley will provide circulation between the south frontage road and Independent Avenue. This project will be constructed prior to the 25 Road bridge construction in order to provide access to adjacent properties.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the project and its relation to the Riverside Parkway and the reasons for the construction. He said the bids received were good and below the engineer's estimate and said the alley construction will provide flexibility in access.

Councilmember Doody asked if the City could use the property for an equipment storage location. Mr. Relph said that was discussed in the past.

Councilmember Beckstein moved to authorize the City Manager to execute a construction contract in the amount of \$248,291.90 with Mountain Valley Contracting for the Independent Alley Improvement Project. Councilmember Coons seconded the motion. Motion carried.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

City Manager Arnold wanted to remind Council of a breakfast meeting with DDA next Tuesday. He said there will be discussion regarding the parking garage, and said it will be more expensive than what was proposed and said in the fourth level of the garage, the City would own half of the top deck. He also said there will be a discussion regarding 7th Street.

Council President Hill asked that the staff report be sent to him electronically.

ADJOURNMENT

The meeting adjourned at 10:13 p.m.

Stephanie Tuin, MMC
City Clerk