

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

March 15, 2006

The City Council of the City of Grand Junction convened into regular session on the 15th day of March 2006, at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Teresa Coons, Jim Doody, Doug Thomason and Council President Pro Tem Gregg Palmer. Absent were Council President Bruce Hill and Councilmembers Bonnie Beckstein and Jim Spehar. Also present were Assistant City Manager David Varley, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pro Tem Palmer called the meeting to order. Councilmember Doody led in the pledge of allegiance. The audience remained standing for the invocation by David Eisner, Congregation Ohr Shalom.

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember Thomason, seconded by Councilmember Coons and carried by roll call vote to approve Consent Calendar items #1 through #12. Council President Pro Tem Palmer read the list of items on the Consent Calendar for the benefit of the audience.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the February 27, 2006 Workshop and the Minutes of the March 1, 2006 Regular Meeting

2. **Fire Act Grant**

The Grand Junction Fire Department requests City Council approval to submit a federal Fire Act Grant application for thirteen (13) Mobile Data Computers with Automatic Vehicle Locator and Vehicle Status Black Box and the Intergraph operating system.

Action: Authorize the Fire Chief to Submit a Federal Fire Act Grant Application for 13 Mobile Data Computers with Automatic Vehicle Locator and Vehicle Status Black Box and the Intergraph Operating System

3. **Setting a Hearing Zoning 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 RSF-2 Zoning Designation.

Proposed Ordinance Zoning the Bellhouse Annexation to RSF-2, Located at 2381 South San Miguel Drive Excluding any Right-of-Way

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

4. **Setting a Hearing for the CR Nevada Annexation, Located at 487 22 ¼ Road** [File #ANX-2006-030]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 19.73 acre CR Nevada Annexation consists of one parcel.

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

Resolution No. 18-06 – 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, CR Nevada Annexation, Located at 487 22 ¼ Road

Action: Adopt Resolution No. 18-06

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, CR Nevada Annexation, Approximately 19.73 Acres, Located at 487 22 ¼ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for May 3, 2006

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

Introduction of a proposed zoning ordinance to zone the Chipeta Heights Annexation RSF-4, located at 203 and 221 29 Road.

Proposed Ordinance Zoning the Chipeta Heights Annexation to RSF-4, 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 for the Van Gundy North Rezone and the Right-of-Way Vacation** [File #RZ-2006-022]

This proposal is to vacate a portion of a north-south alley right-of-way south of 4th Avenue midway between South 5th Street and South 7th Street and a rezone of all or portions of 12 properties in the vicinity of 1018 South 5th Street, including remnants created by right-of-way acquisition for the Riverside Parkway from C-2 to an I-1 zone district. A plat consolidating all of the parcels and remnants into a single parcel is being concurrently reviewed administratively.

Proposed Ordinance Rezoning Property in the Vicinity of 1018 South 5th Street South of 4th Avenue between 5th and 7th Street from General Commercial (C-2) to Light Industrial (I-1) known as the Van Gundy North Project

Proposed Ordinance Vacating Right-of-way for an Alleyway in the Vicinity of 1018 South 5th Street South of 4th Avenue between 5th and 7th Streets known as the Van Gundy North Project

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

7. **Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-47-05 and Setting a Hearing on the Assessments**

The City has completed the installation of sanitary sewer facilities as requested by a majority of the property owners in the area of 26 Road and F ½ Road. The proposed resolution is the required first step in the formal process of levying assessments against properties located in the improvement district. A public hearing and second reading of the proposed assessing ordinance will be scheduled for the April 19, 2006 Council meeting.

Resolution No. 19-06 – A Resolution Approving and Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-47-05 and Giving Notice of a Public Hearing

Proposed Ordinance Approving the Assessable Cost of the Improvements made in and for Sanitary Sewer Improvement District No. SS-47-05, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and

Approved the 11th Day of June, 1910, As Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Resolution No. 19-06 and Introduction of a Proposed Ordinance and Set a Hearing for April 19, 2006

8. **Construction Contract for 2006 Alley Improvement District**

This project consists of construction of concrete pavement and replacement of one deteriorated sewer line. In conjunction with the sewer and concrete pavement construction, Xcel Energy will be replacing gas lines in one alley.

Action: Authorize the City Manager to Sign a Construction Contract for the 2006 Alley Improvement District with Reyes Construction, Inc. in the Amount of \$354,814.00.

9. **Garage Doors for City Shops**

This request is for the replacement of seventeen garage doors and operators for the City Fleet Maintenance facility.

Action: Authorize the City Purchasing Manager to Contract for All Labor and Materials Needed to Replace Seventeen Garage Doors and Operators from E&E Door and Window, Grand Junction, Colorado in the Amount of \$57,550.

10. **2006 Police Patrol Vehicles**

Replacement purchase of four Police Patrol vehicles. These units are currently scheduled for replacement in 2006 as identified by the annual review of the fleet replacement committee.

Action: Authorize the City Purchasing Division to Purchase four Ford Crown Victoria Police Patrol Vehicles from Western Slope Auto, Grand Junction, CO in the Amount of \$97,520.00

11. **Design Services for Visitor and Convention Center Remodel**

This request is for two phases of professional architectural services from G.S. Robson-Architecture, Inc. The first phase is to design the addition and interior remodel of the Grand Junction Visitor Center, the second phase is to oversee and administer actual construction.

Action: Authorize the City Purchasing Manager to Contract the Architectural Services from G.S. Robson-Architecture, Inc. for the Addition and Remodel of the Grand Junction Visitor Center in the Amount of \$39,000

12. **Intergovernmental Agreement with CDOT for Construction of C-340 (Broadway) Improvements**

The Riverside Parkway Project includes improvements to the intersection of Riverside Parkway and C-340 (Broadway). The addition of a new ramp connection at this intersection and the lengthening of the CDOT bridges over the Union Pacific Railroad require an Intergovernmental Agreement with CDOT.

Resolution No. 20-06 – A Resolution Authorizing an Intergovernmental Agreement between the City of Grand Junction and the Colorado Department of Transportation (CDOT) Regarding C-340/Riverside Parkway Intersection

Action: Adopt Resolution No. 20-06

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Council President Pro Tem Palmer announced that the public hearing on the Zoning and Development Code Amendments will be tabled until April 5, 2006.

Mesa County School District #51 Agreement for the Construction of an Expanded Gymnasium at Pear Park Elementary School

Previously the City Council authorized an expenditure of \$47,000 for the development, design and bidding of an expanded shared use gymnasium at the new Pear Park Elementary School. On September 29, 2005 bids were opened by the School District, with an overall low bid for the construction of Peak Park Elementary School being submitted by FCI Contractors of Grand Junction, Colorado. The City Council directed the City Manager to work with the School District #51 Superintendent, Dr. Tim Mills on the expanded shared use gymnasium agreement for Pear Park Elementary School.

Joe Stevens, Parks and Recreation Director, reviewed this item. He advised that the Pear Park Elementary School is currently under construction and the City Council directed Staff to negotiate use of a shared gymnasium facility as an activity center. He said the proposed agreement sets forth the terms and conditions of the shared use and the term is for a period of 99 years. The Parks and Recreation Department will maintain the entire site in exchange for the shared use.

Councilmember Coons inquired about the payment schedule within the agreement. Mr. Stevens explained that is the payment schedule in the event that either party wants to terminate the agreement. City Attorney Shaver added that there are certainly financial issues and said the schedule recognizes the business relationship of that agreement in that there is significant investment that the City is making at the facility.

Councilmember Doody asked for clarification of the utility bill part of the agreement. Mr. Steven explained that on week-ends and holidays the City has exclusive use of the facility and said there was a discussion for separate meters but that was considered to be cumbersome, so the agreement as set forth in the proposal was agreed upon by both parties.

Councilmember Coons moved to authorize the City Manager to sign an agreement with School District #51 authorizing the use of the facility and setting forth the terms and conditions for the shared use gymnasium at Pear Park Elementary School. Councilmember Thomason seconded the motion. Motion carried.

Acquisition of Real Estate at 717 Kimball by Condemnation for the Riverside Parkway Project

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire a portion of a parcel at 717 Kimball Avenue.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained that some negotiations took place with the owner but the owner has not returned telephone calls now for several months. As timing is of the essence, Staff is asking for authorization to go forward with condemnation if necessary. In the negotiations stage, the owner, Mr. Krohn, counter-offered for the City to purchase the entire parcel for \$100,000. The City only needs a portion of the property so declined and made a final offer on the property of \$19,000. Mr. Krohn offered a trade for some adjacent remnant properties and the City agreed to that. Since then Mr. Krohn has been unresponsive. Mr. Relph advised that this property needs to be in the City's possession for it to go to bid for the third phase of the Riverside Parkway to be bid out later this year.

Council President Pro Tem Palmer inquired about the details of the residents, specifically how the roadway will affect the house remaining on the property and the residents. Mr.

Relph said both appraisals stated that the roadway proximity will not damage the property and the offer takes that impact into account.

City Attorney John Shaver noted that the roadway may actually increase the valuation of the property.

Council President Pro Tem Palmer asked City Attorney Shaver to detail the steps in a condemnation process, which he did. Council President Pro Tem Palmer then asked about the timing. City Attorney Shaver identified the time frames needed.

Councilmember Doody expressed that without knowing what Mr. Krohn's issues are, this is the tool Staff will need to use to go forward and said he will support it. Councilmembers Coons and Thomason agreed.

Resolution No. 21-06 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Property, by Either Negotiation or Condemnation, for Municipal Public Facilities

Councilmember Doody moved to adopt Resolution No. 21-06. Councilmember Coons seconded the motion. Motion carried by roll call vote with Council President Pro Tem Palmer voting NO.

Public Hearing - Amendments to the Zoning and Development Code [File #TAC-2004-231]

Ordinance to adopt the proposed text amendments to the Zoning and Development Code. The proposed amendments reflect changes proposed by City staff and recommended by the Planning Commission. Based on subsequent comments by the development community, staff is proposing two modifications to the proposed ordinance.

Council President Pro Tem Palmer explained that Council would like to have all members present for this discussion so he is asking for a motion to continue.

Ordinance No. 3876 – An Ordinance Amending the City of Grand Junction Zoning and Development Code to be Published in Pamphlet Form

Councilmember Coons moved to table the public hearing on the amendments to the Zoning and Development Code to April 5, 2006. Councilmember Thomason seconded the motion. Motion carried.

Public Hearing - Autumn Glenn II Annexation and Zoning, Located at 428 30 Road
[File # ANX-2005-303]

Acceptance of a petition to annex and consider the annexation and zoning for the Autumn Glenn II Annexation. The Autumn Glenn II Annexation is located at 428 30 Road and consists of 1 parcel on 6.08 acres. The zoning being requested is RMF-8.

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

Lisa Cox, Senior Planner, reviewed this item. She described the site location, the current zoning, surrounding uses, and Future Land Use designation. She stated the request meets the criteria for rezoning and said both Staff and the Planning Commission recommend approval. She said the applicant is asking for the upper end of the range for zoning allowed in the Land Use Designation and said Staff felt the request is appropriate.

Councilmember Doody asked if the property line runs to the center line of the ditch. Ms. Cox said that it does. City Attorney Shaver explained that the properties adjacent to the canals are not described to the center of the canal. He suspects that when the ditches were first constructed the property did go to the center line of the ditch, but over the years owners have excluded ditches from their boundaries. He said it is likely that this situation was never conveyed separately by deed and whoever wrote the description was careful and described the property as such. City Attorney Shaver said that many times canals have blanket easements with the location of the ditch not specified.

The petitioner was present but did not wish to speak.

The public hearing was closed at 7:42 p.m.

a. Accepting Petition

Resolution No. 22-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Autumn Glenn II Annexation, Located at 428 30 Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3877 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Autumn Glenn II Annexation, Approximately 6.08 Acres, Located at 428 30 Road

c. Zoning Ordinance

Ordinance No. 3878 – An Ordinance Zoning the Autumn Glenn II Annexation RMF-8,
Located at 428 30 Road

Councilmember Coons moved to adopt Resolution No. 22-06, Ordinance No. 3877 and
Ordinance No. 3878 on Second Reading and ordered them published. Councilmember
Thomason 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 7:44 p.m.

Stephanie Tuin, MMC
City Clerk