

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

**October 4, 2006**

The City Council of the City of Grand Junction convened into regular session on the 4<sup>th</sup> day of October 2006, at 7:01 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason, and President of the Council Jim Doody. Also present were Interim City Manager David Varley, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Coons led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Howard Hays, First Church of the Nazarene.

Council President Doody wished his daughter happy birthday.

**Proclamations / Recognitions**

Proclaiming the week of October 8 - 14, 2006 as "Fire Prevention Week" in the City of Grand Junction

Proclaiming October 7, 2006 as "Oktoberfest Day" in the City of Grand Junction

Proclaiming October 2006 as "Community Planning Month" in the City of Grand Junction

Proclaiming October 2006 as "Kids Voting Month" in the City of Grand Junction

Proclaiming October 1 - 7, 2006 as "National 4-H Week" in the City of Grand Junction

Extending Greetings to the Municipality of Contamana, Peru

**Citizen Comments**

There were none.

**CONSENT CALENDAR**

Councilmember Spehar read the list of items on the Consent Calendar and moved to approve Consent Calendar items #1 through #12. Councilmember Hill seconded the motion. Motion carried by roll call vote. Councilmember Coons had entered a letter into the record that she abstained from Item #7, due to her employment at St. Mary's.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the September 18, 2006 Special Session, Summary of the September 18, 2006 Workshop and the and the September 20, 2006 Regular Meeting*

2. **Lease Extension of Two Dry Grazing Areas Located South of Whitewater**

Two proposed resolutions will extend the terms of these two existing Dry Gazing Leases located south of Whitewater for William Arthur Mertz and Sally Marie Smith.

Resolution No. 121-06 – A Resolution Authorizing Dry Grazing Lease of the City Property to William Arthur Mertz

Resolution No. 122-06 – A Resolution Authorizing a Dry Grazing Lease of City Property to Sally Marie Smith

*Action: Adopt Resolution No. 121-06 and 122-06*

3. **Setting a Hearing on the Orr Rezone, Located at 498 Patterson Road** [File #RZ-2006-228]

Request to rezone .322 acres, located at 498 Patterson Road, from RMF-5 (Residential Multi-Family, 5 units per acres) to B-1 (Neighborhood Business).

Proposed Ordinance Rezoning Property Known as the Orr Rezone .322 Acres, Located at 498 Patterson Road from RMF-5 to B-1

*Action: Introduction of Proposed Ordinance and Set a Hearing for October 18, 2006*

4. **Setting a Hearing on the Thunderbrook Annexation, Located at 3061 and 3061 ½ F ½ Road** [File #GPA-2006-238]

Request to annex 15.60 acres, located at 3061 and 3061 ½ F ½ Road. The Thunderbrook Annexation consists of two parcels.

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

Resolution No. 123-06 – 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, Thunderbrook Annexation, Located at 3061 and 3061 ½ F ½ Road

*Action: Adopt Resolution No. 123-06*

**b. Setting Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Thunderbrook Annexation, Approximately 15.60 Acres, Located at 3061 and 3061 ½ F ½ Road

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

5. **Continue the Public Hearing for the Baldwin Annexation, Located at 2102 and 2108 Highway 6 & 50** [File #ANX-2006-182]

A request to continue the Baldwin Annexation to the October 18, 2006 City Council meeting. The request to continue is to allow additional time to clarify boundary issues with the adjacent neighbor to the north.

*Action: Continue the Adoption of the Resolution Accepting the Petition for the Baldwin Annexation and Public Hearing to Consider Final Passage of the Annexation and Zoning Ordinances to the October 18, 2006 City Council Meeting*

6. **Setting a Hearing on the Beagley Rezone, Located at 2936 D ½ Road** [File #RZ-2006-227]

Request to rezone 0.84 acres, located at 2936 D ½ Road from RSF-4 (Residential Single Family 4 du/acre) to RMF-8 (Residential Multi Family 8 du/ac).

Proposed Ordinance Rezoning the Property Known as the Beagley Rezone to RMF-8, Residential Multi Family 8 Units per Acres, Located at 2936 D ½ Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for October 18, 2006*

7. **Vacation of Four Sanitary Sewer Easements, Located at 710 and 750 Wellington Avenue, St. Mary's Hospital** [File #VE-2006-082]

Request to vacate four sanitary sewer easements located at 710 and 750 Wellington Avenue that are no longer needed. There are currently no utilities located within these sewer easements. The Planning Commission recommended approval at its September 26, 2006 meeting.

Resolution No. 124-06 – A Resolution Vacating Four Sanitary Sewer Easements Located at 710 and 750 Wellington Avenue (St. Mary's Hospital)

*Action: Adopt Resolution No. 124-06*

8. **Setting a Hearing on the Kelley Annexation, Located at 849 21 ½ Road** [File #GPA-2006-249]

Request to annex 14.27 acres, located at 849 21 ½ Road. The Kelley Annexation consists of 1 parcel and is a 3 part serial annexation.

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

Resolution No. 125-06 – 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, Kelley Annexation, Located at 849 21 ½ Road

*Action: Adopt Resolution No. 125-06*

**b. Setting Hearing on Proposed Ordinances**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kelley Annexation #1, Approximately 0.24 Acres, Located within the 21 ½ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kelley Annexation #2, Approximately 1.46 Acres, Located within the 21 ½ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kelley Annexation #3, Approximately 12.57 Acres, Located at 849 21 ½ Road Including a Portion of the 21 ½ Road Right-of-Way

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

9. **Setting a Hearing to Amend the Planned Development Ordinance for Fuoco Estates, also known as Beehive Estates, Located East of Dewey Place**  
[File#PDA-2006-044]

Request to amend the Planned Development Ordinance for Fuoco Estates, also known as Beehive Estates, reducing the front yard setbacks.

Proposed Ordinance Amending the Established Setbacks for the Fuoco Property Planned Development, Located East of Dewey Place Also Known as Beehive Estates

Action: *Introduction of Proposed Ordinance and Set a Hearing for October 18, 2006*

10. **Name Recommendation for Park Located in Beehive Estates Subdivision**

In March of this year, the Parks and Recreation Advisory Board conducted a "Name the Park" contest to name a park located in Orchard Subdivision off Saffron Way (northeast of Patterson and 25 ½ Road at the end of Dewey Place). Upon conclusion of the "Name the Park" contest a recommendation from staff and a sub-committee of the Parks and Recreation Advisory Board was presented to the Board for consideration. To encourage community-wide use and appreciation of this park, it is recommended that "Honeycomb Park" become the official name of the park. "Honeycomb Park" is a distinct, yet complimentary name to the existing subdivision.

Action: *Authorize Approval to Officially Name the Park Located in the Beehive Estates Subdivision off of Saffron Way (northeast of Patterson and 25 ½ Road at the end of Dewey Place) "Honeycomb Park"*

11. **Art Contract for the 24 Road/I-70 Roundabouts**

The City of Grand Junction Commission on Arts and Culture has selected Harlan Mosher to design, construct and install two sculptures within the central circle of the two roundabouts at the new 24 Road/I-70 Interchange.

Action: *Authorize the City Manager to Sign a Contract with Harlan Mosher to Design, Construct and Install Two Sculptures for a Fixed Fee of \$100,000*

**12. Construction Contract for Palace Verdes Sewer Improvement District**

The Palace Verdes Sewer Improvement District project will allow the elimination of septic systems by installing a 6" sanitary sewer line along Palace Verdes Drive and Arriba Drive, east of 23 Road.

*Action: Authorize the City Manager to Execute a Construction Contract for the Palace Verdes Sewer Improvement District with Sorter Construction in the Amount of \$197,214.00. Award of the Contract is Contingent on the Formation of the District by the Mesa County Board of County Commissioners*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION****Construction Contract Extension for Riverside Parkway Phase 3**

Approval of a Construction Contract Extension to SEMA Construction, Inc. in the amount of \$22,514,443 for Phase 3 of the Riverside Parkway.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained that the request is to extend the existing contract with SEMA for Phase 3 of the Riverside Parkway. Mr. Relph said this is an unusual request and said the reason for the request is that Public Works Staff has been monitoring the construction climate and the challenges they have faced with not only with the Riverside Parkway but with all construction projects. He said the quarterly report on the CDOT website posts the construction cost index since the beginning of the construction of Riverside Parkway. He said the index of costs has increased by 75% and said another concern is the location of Grand Junction and the lack of competition. Mr. Relph said there is an issue with the workforce due to the oil and gas industry and City Staff has considered the situation and determined that it may be in the best interest of the City to negotiate Phase 3 with the existing contractor, SEMA. Also SEMA has agreed to keep the prices the same as Phase 2. Mr. Relph said by locking in those prices it would save the City \$2.5 million and said SEMA has been a good contractor to work with and they are finishing Phase 1 ahead of schedule. He said the City has the legal authority to negotiate this contract amendment and the risk of putting the contract for Phase 3 out to bid is that prices would be increased. Mr. Relph said Larry Walsh, Vice President of SEMA, is present to address any questions and Program Manager Jim Shanks can provide additional details to Council.

Mr. Shanks explained what is included in Phase 3 and said it is primarily a bridge and interchange project. He said ninety percent of the elements of Phase 3 were bid in Phase 2. SEMA's bids for the first two phases were significantly lower than the other bidders for those phases. He said some of the cost savings can be realized because of SEMA's unique position of being involved in both phases at the same time. Mr. Shanks said local

contractors and suppliers have been used for a number of the elements and that will continue in Phase 3. He said SEMA believes they can complete both Phase 2 and 3 by early to mid year of 2008. The contractual date for completion is November 14, 2008. Mr. Shanks compared the 2006 average costs provided by CDOT and that comparison with SEMA's prices came out \$900,000 lower than the averages from around the State.

Mr. Relph reviewed the history of this project and the bids. He noted when the original design-build proposal was sent out, they came in too high and then were rejected. Mr. Relph said the current process with the design and bid is coming out \$9 million less than any of the design-build proposals. He said this is due to the team, the contractor, the local contractors, and the City project team.

Councilmember Thomason inquired what the early completion incentive is. Mr. Relph said it is \$250,000 to the contractor if completed early.

Council President Doody asked about the reaction of the contractor associations when they were told about this. Mr. Relph said they understood and were not surprised. One board member expressed concern but after additional discussion, the individual understood the rationale. The Riverside Parkway team did make a concerted effort to ensure that every opportunity was provided for the local contracting community's to bid on the projects.

Councilmember Coons inquired how many local companies have the ability and capability to do a part of the project. Mr. Relph said that effort was particularly addressed in Phase 1; for example, landscaping was pulled out of the proposal. He said Phase 2 however, had a lot of structure construction which made it more difficult for the locals to be involved in and said Phase 3 is similar in that regard. Mr. Relph added that SEMA is well entrenched and therefore did have an advantage.

Councilmember Hill pointed out that the design and bid process takes significantly more time on the part of City Staff. He asked about the percentage of local contractors that have been used. Mr. Relph said about 25% are local. Councilmember Hill questioned what the risk of bidding it out would be. Mr. Relph noted that SEMA may increase prices based on the lack of competition. He said there is also a 1 to 2% price increase occurring per month, particularly in asphalt, and for SEMA to keep their prices locked is a distinct advantage for the City.

Councilmember Spehar stated there is a value to locking in 2006 prices for 2008 and there is value in early completion. Also, there is an advantage to using the existing contractor that did not have to mobilize. The design-build team originally contemplated that there would be a single contractor. He will support the recommendation.

Councilmember Beckstein commended the Riverside Parkway Staff for its work and stated her support for the recommendation.

Councilmember Coons agreed.

Councilmember Hill noted it is incumbent upon the City Council to bring the best price and the best value for the community. He sees no reason not to support and therefore will support the recommendation.

Councilmember Thomason moved to authorize the Interim City Manager to sign a contract extension agreement with SEMA Construction, Inc. for the Riverside Parkway Phase 3 in the amount of \$22,514,443.00. Councilmember Beckstein seconded the motion.

Council President Doody expressed that this is an exciting time with this project and he lauded the Riverside Parkway team.

Motion Carried.

### **Opposition to Amendment 38**

An initiated constitutional amendment will appear on the November 7, 2006 ballot. The proposed measure will have a severe impact on cities and towns in Colorado if approved by the voters. Due to the gravity of the effects of this proposed amendment, Staff is asking the City Council to, in accordance with the Fair Campaign Practices Act, adopt a resolution opposing the amendment.

David Varley, Interim City Manager, reviewed this item. He advised that Staff does not take this matter lightly nor does it ask the City Council to take a position on State Law very often. He began to explain the provisions of the initiated measure. He pointed out the signature requirement changes, the time delay impacts, the financial impacts, the impacts of the proponents/opponents statements, the prohibition of government employees from discussing the measure, and the liability impact of such violations. He said CML is opposing the amendment and has requested a resolution of opposition.

Councilmember Spehar noted that the CML executive board has voted to oppose this. He said a number of Colorado municipalities have already taken a position of opposition. He fears the amendment would open the way for the City to have a special election every year and a cost to the taxpayers for that. He feels the number of signatures currently required is not an unreasonable amount. Besides it would impact the City and all other entities such as Special Districts would also be subject to this. He said Representative Josh Penry has come out in opposition to the amendment and said they, as elected officials, are placed in their position to be knowledgeable about issues.



Councilmember Coons stated the current process is not broken and said the current system works well, as demonstrated by the long ballot this year. She said the amendment would allow a small minority to rule rather than the majority. The proposal obstructs free speech and said the taxpayers are required to pay for the proponent's statements and will limit the opponent's statements. She said it will affect the citizens' desire to serve on the various boards due to liability and the obstructionist impact it would have on the government.

Councilmember Palmer noted that the current system works. He said that he personally opposes the amendment, but does not support the request as he does not feel the City Council should tell people how to vote.

Councilmember Thomason noted the same discussion came up with Referendum C. He said voters will vote with their knowledge and heart but with the length of the ballot he feels that the citizens will look to Council to assist them in knowing about such a measure.

Councilmember Hill said he serves on the Chamber Legislative Committee and that Committee came out against the amendment. He hesitates to take a position as it is an amendment affecting the basic premise of government. However, the constituency does depend on Council to be informed and know about the full amendment. He personally opposes the Amendment and is telling citizens that trust him not to vote for it. He supports citizens coming to their own conclusion.

Councilmember Beckstein does not like Amendment 38, but agrees with Councilmembers Hill and Palmer that Council should not be telling people how to vote. She encourages voters to learn about this and its impacts.

Council President Doody does not feel that the initiative process is broken. He will support the resolution.

Councilmember Coons reiterated that each one of the members are personally against that Amendment and said that is all the resolution says. It is not telling people how to vote.

Resolution No. 126-06 – A Resolution Opposing Amendment 38, the State Wide Ballot Measure to Amend the Petitioning Process for Initiatives and Referenda

Councilmember Spehar moved to adopt Resolution No. 126-06. Councilmember Coons seconded the motion. Motion carried by roll call vote with Councilmembers Beckstein, Hill, and Palmer voting NO.

**Industrial Developments, Inc. and Colorado West Improvements, Inc. and GJEP as an Economic Development Cooperator with the City of Grand Junction**

Industrial Developments, Inc. (IDI) is requesting that the City of Grand Junction support their attempt to register with the IRS with 501 c (3) status. In order to accomplish that, the City must adopt a resolution that states that IDI is an economic development organization that assists the City with its efforts.

Grand Junction Economic Partnership (GJEP) is also requesting that the City of Grand Junction support their attempt to register with the IRS with 501 c (3) status. In order to accomplish that, the City must adopt a resolution that states that GJEP is an economic development organization that assists the City with its efforts.

John Shaver, City Attorney, reviewed this item combining both the IDI and GJEP requests. He stated that he had made amendments to the resolution provided previously and will tender that corrected resolution to the City Clerk.

Council President Doody inquired if the City Manager sits on either one of the boards.

Councilmember Hill advised that both the City and the County have voting members on the GJEP board.

Councilmember Palmer asked if this will change the way either organization does business. Mr. Shaver said it will not, it simply allows the process to be smoother for accepting contributions. He said it gives the contributor the ability to claim the contribution as tax deductible.

Resolution No. 127-06 – A Resolution Approving Industrial Developments, Inc. Colorado West Improvements, Inc., as an Economic Development Cooperator with the City of Grand Junction

Resolution No. 128-06 – A Resolution Approving Grand Junction Economic Partnership as an Economic Development Cooperator with the City of Grand Junction

Councilmember Hill moved to adopt Resolution Nos. 127-06 and 128-06.  
Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Councilmember Thomason asked why this was not done long ago.

Diane Schwenke, Chamber of Commerce Director, said the organization did not think it was possible, but Attorney Greg Hoskin discovered that it is acceptable by the IRS as economic partners with the government.

Council President Doody called a recess at 8:40 p.m.

The meeting reconvened at 8:46 p.m.

**Public Hearing – Zoning the Abeyta-Weaver Annexation, Located at 3037 D ½ Road, 432 and 436 30 ¼ Road** [File #GPA-2005-188]

Request to zone the 12.82 acre Abeyta-Weaver Annexation, located at 3037 D ½ Road, 432 and 436 30 ¼ Road, to RMF-8 (Residential Multi-Family 8 du/ac) and CSR (Community Services and Recreation).

The public hearing was opened at 8:46 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the location and noted that it is the site for the new school in Pear Park. She identified the surrounding zoning and the Future Land Use designation.

Darren Davidson, 686 Country Meadows Drive, the owner of the property, was present to answer questions.

There were no public comments.

The public hearing was closed at 8:49 p.m.

Ordinance No. 3975 – An Ordinance Zoning the Abeyta-Weaver Annexation to RMF-8 and CSR, Located at 3037 D ½ Road, 432 and 436 30 ¼ Road

Councilmember Thomason moved to adopt Ordinance No. 3975 on Second Reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

**Public Hearing – Rezone Mirada Court, Located 600 Feet East of Mirada Court** [File #RZ-2006-161]

Request to rezone the 5 acre property located 600 feet east of Mirada Court from RSF-E (Residential Single Family, Estate) to RSF-4 (Residential Single Family, 4 units per acre).

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

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the request and the location as being across from the Ute Water tanks near South Camp Road. When it was annexed as an enclave it was zoned as it was in the

County, RSF-E. If that had not been the County zoning, it would have been recommended for RSF-4. She said it turned out there was an error on the County zoning map and said that error is the only criteria that needs to be met for the rezone request. She said Staff is recommending RSF-4 like the surrounding properties.

Councilmember Palmer asked for clarification on her statement about in the past, properties were zoned as they were in the County. Ms. Portner said generally, for enclaves prior to the Persigo Agreement, annexed properties were zoned the same as in the County. Councilmember Palmer asked about non enclave annexations. Ms. Portner said Staff usually recommends zoning that complies with the Growth Plan.

Darren Davidson, 686 Country Meadows Drive, was present representing the applicant and was available for questions.

There were no public comments.

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

Ordinance No. 3976 – An Ordinance Rezoning the Property Known as the Mirada Court Rezone to RSF-4, (Residential Single Family, 4 Units per Acre) Located 600 Feet East of Mirada Court

Councilmember Palmer moved to adopt Ordinance No. 3976 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Public Hearing – Zoning the Pine E Road Commercial Annexation, Located at 3046 and 3048 E Road** [File #ANX-2006-211]

Request to zone the 3.48 acre Pine E Road Commercial Annexation, located at 3046 and 3048 E Road, to B-1 (Neighborhood Business).

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

Kathy Portner, Assistant Director of Community Development, reviewed this item. She said the request is just for the zoning and said the annexation was accomplished at the last meeting. She described the site and the location and noted the existing and surrounding zoning. The applicant originally proposed a C-1 zone for the property, however Staff had discussions with the applicant and encouraged a B-1 zone district. The applicant agreed to the B-1 zoning. She said both Staff and Planning Commission finds that the request meets the criteria of the Zoning and Development Code and the Future Land Use criteria.

Councilmember Coons questioned what types of businesses are allowed. Ms. Portner said, in general, B-1 allows smaller retail and the larger retail and outdoor commercial would not be allowed.

Tracy Moore, River City Consultants, representing the applicant, had nothing to add but was available for questions.

Councilmember Hill noted that the B-1 seems to be better adjacent to residential, it makes a better transition. Ms. Moore agreed.

There were no public comments.

The public hearing was closed at 9:00 p.m.

Ordinance No. 3977 – An Ordinance Zoning the Pine E Road Commercial Annexation to B-1, Located at 3046 and 3048 E Road

Councilmember Coons moved to adopt Ordinance No. 3977 on Second Reading and ordered it published. Councilmember Hill 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 9:01 p.m.

Stephanie Tuin, MMC  
City Clerk