

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

August 15, 2007

The City Council of the City of Grand Junction convened into regular session on the 15th day of August 2007, at 7:05 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Linda Romer Todd, and Councilmember President Jim Doody. Councilmember Doug Thomason was absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Palmer led in the Pledge of Allegiance. The audience remained standing for the invocation by Pastor Jerry Boschen from First Assembly of God.

Presentations

Presentation of Neighborhoods USA Award to City Council

Kristin Winn, Public Works and Planning Public Information Coordinator, and Juanita Trujillo of the El Poso neighborhood presented the City with a plaque entitled 2007 Best Neighborhood Program Award for the Physical Revitalization by a Government Entity for the El Poso Street Improvement Project. The City was a finalist in the award program.

Special Recognition to Sam Rainguet

A presentation was made to Sam Rainguet, City Communications and Community Relations Coordinator, in recognition of her efforts on the City's 125th Anniversary celebration.

Citizen Comments

There were none.

Certificates of Appointments

To the Urban Trails Committee

Julie Sabin and Mark Williams were present to receive their certificates of appointment to the Urban Trails Committee.

Update on Bridge Accident on I-70

Sam Rainquet, City Communications and Community Relations Coordinator, reported on the accident that occurred on I-70 at 3:00 a.m. A truck hit an overpass pillar and caught on fire. There were two fatalities. The western lanes will be closed through August 16th. There is one east bound lane open.

CONSENT CALENDAR

Councilmember Coons read the items on the Consent Calendar. Councilmember Todd moved to approve the Consent Calendar. It was seconded by Councilmember Coons and carried by roll call vote to approve the Consent Items #1 through #6.

1. Setting a Hearing on Setting the City Manager's Salary

Article VII, Section 57 of the Charter states the City Manager's salary is to be fixed by the Council by Ordinance.

Proposed Ordinance Concerning the Salary of the City Manager

Action: Introduction of Proposed Ordinance and Set a Hearing for September 5, 2007

2. Setting a Hearing on Zoning the HDP Investment Group Annexation, Located at 841 21 ½ Road [File #ANX-2007-176]

Request to zone the 15.84 acre HDP Investment Group Annexation, located at 841 21 ½ Road, to I-1 (Light Industrial). This area is within the recently adopted H Road/Northwest Area Plan and consists of three parcels.

Proposed Ordinance Zoning the HDP Investment Group Annexation to I-1 Located at 841 21 ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for September 5, 2007

3. Revocable Permit for a Structure Located in the 23 ½ Road Right-of-Way [File #SPR-2007-130]

Request approval of a revocable permit for an existing structure that is located in the 23 ½ Road right-of-way and the 14' multipurpose easement. At the site plan review stage, additional right-of-way was required for 23 ½ Road and this put the

structure inside of the new dedication. The site plan review is on hold pending a decision on this request.

Resolution No. 120-07 – A Resolution Concerning the Issuance of a Revocable Permit to Commercial Tire Service for an Existing Structure Within the 23 ½ Road Right-of-Way Located at 725 23 ½ Road

Action: Adopt Resolution No. 120-07

4. **Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-48-06 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 located in the area east of 23 Road and between Terry Court and the Colorado River. 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 September 19, 2007 Council meeting.

Resolution No. 121-07 – A Resolution Approving and Accepting the Improvements Connected with Bluffs Sanitary Sewer Improvement District No. SS-48-06 and Giving Notice of a Public Hearing

Proposed Ordinance Approving the Assessable Cost of the Improvements made in and for Bluffs Sanitary Sewer Improvement District No. SS-48-06, 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. 121-07 and Introduction of a Proposed Ordinance and Set a Hearing for September 19, 2007

5. **Renewal of Municipal Recreation Agreement**

Renewal of an existing Agreement between the City of Grand Junction, Town of Palisade, the City of Fruita and the Bureau of Reclamation for the delivery of

surplus water from Green Mountain Reservoir for recreational purposes in the Colorado River between Palisade and Loma, Colorado.

Action: Approve Renewal of Agreement

6. **Setting a Hearing on Revising Section 38-49 (18) of the Code of Ordinances Regarding Mass Based Limit for Metals**

A renewed National Pollutant Discharge Elimination System (NPDES) Permit was issued to the Persigo Wastewater Treatment Plant effective November 1, 2006. Federal regulations require the revision of industrial pretreatment local limits within 270 days from the issuance of the new discharge permit. The industrial pretreatment local limits will be revised through this ordinance revision. There are no resulting impacts to local industries resulting from this change.

Proposed Ordinance Amending Sections and/or Portions of Sections of Article II of Chapter 38, Utilities, of the Code of Ordinances

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 17, 2007

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing – Adoption of Model Traffic Code 2003 Edition

Adoption by Reference of 2003 Model Traffic Code for Colorado; Enactment of Parking Code, including new Reverse Angle Parking provisions.

The public hearing was opened at 7:20 p.m.

John Shaver, City Attorney, reviewed this item. He highlighted some of the changes and amendments recommended for the adoption of the new Model Traffic Code. Included were emergency vehicle response, parking, including the reverse angle parking, and allowance of electric vehicles.

Councilmember Palmer asked how the public will be educated to the changes. City Attorney Shaver advised that the education regarding the response to emergency vehicles will likely occur when a driver encounters an emergency.

There were no public comments.

The public hearing was closed at 7:25 p.m.

Ordinance No. 4110 – An Ordinance Adopting by Reference the 2003 Model Traffic Code for Colorado (Except Part 12) and Repealing Articles X through XIV of the 1977 Model Traffic Code Adopted by Reference and Enacting a Parking Code for the City of Grand Junction

Councilmember Hill moved to adopt Ordinance No. 4110 and ordered it published. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing – Rezoning the Amorelli Property, Located at 2719 H Road [File #RZ-2007-112]

Request to rezone 2719 H Road, comprised of 5.346 acres, from R-1 (Residential – 1 du/ac) to R-2 (Residential – 2 du/ac). The parcel is located on the south side of H Road and east of 27 ¼ Road adjacent to the Grand Valley Mainline Canal.

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

Ronnie Edwards, Associate Planner, reviewed this item. She described the site, the Land Use Designation, and existing zoning. She stated that the applicant was present.

Joseph Amorelli, the applicant, 2699 ½ Malibu Drive, addressed the City Council. He concurred with Ms. Edwards' report and had nothing else to add.

There were no public comments.

The public hearing was closed at 7:30 p.m.

Ordinance No. 4111 – An Ordinance Rezoning a Parcel of Land from Residential One Unit per Acre (R-1) to Residential Two Units Per Acre (R-2), Located at 2719 H Road

Councilmember Coons moved to adopt Ordinance No. 4111 and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Intergovernmental Agreement with Mesa County to Construct a Grand Valley Transit Transfer Station and a Grant Agreement with Mesa County, City of Fruita, and Colorado Department of Transportation for the Funding

The agreement proposes the City lease its property in the 500 block of South Avenue (aka Steamplant property) to Mesa County in exchange for Mesa County constructing a new transfer station for Grand Valley Transit. The City is also party to the Grant Agreement with the Colorado Department of Transportation for the funding.

Trent Prall, Interim Deputy City Manager, reviewed this item. He advised this agreement will change a major eyesore to a transit transfer station. A transfer of ownership to Mesa County was considered but due to ongoing contamination issues, Mesa County declined to take over the site at this time. Instead an agreement has been worked out where the property will be leased to Mesa County until the contamination drops to below the acceptable level. At the point the City receives a "No Action" determination from the State Health Department, then the City can turn the property over to Mesa County.

Some of the terms of the agreement include mitigation of asbestos contamination which will require about a foot and a half of fill on the site. Mays Concrete has been helping with this project. Once the agreement with Mesa County occurs, they will hire a design construction consultant for a design-build construction plan.

The term of the lease to the County is for 25 years. If not renewed after 25 years, the facilities will become City property unless the County has accepted ownership of the site. The plan is to start construction next spring and have the facility up and running by this time next year.

Councilmember Hill asked if, because of the contamination, only surface construction is allowed, which means no basement facilities. Interim Deputy City Manager Prall replied that any underground construction would require mitigation of any encountered contamination. The adjacent lot, which is not contaminated, will be deeded to the City by Mesa County.

Councilmember Hill asked if there will be any ongoing costs for the City for the contamination mitigation.

Interim Deputy City Manager Prall replied that the lease amount is a nominal consideration and the City will have to continue to monitor the existing contamination. The cost is approximately \$140 per well and there are three wells that will be tested once every six months.

Councilmember Hill said he is pleased that the City has found a use for a troubled piece of property and is providing a service with other entities. He also asked if there are any County monies other than the grant funds going into the project. Interim Deputy City Manager Trent deferred the question to Todd Hollenbeck from the (RTPO) Regional Transportation Planning Office.

Todd Hollenbeck, Regional Transportation Planning Office stated that they were looking at about \$100,000 in project management and contributions toward the contamination mitigation, and if there are other parts that come out during the process the County will be responsible.

Mr. Hollenbeck confirmed that this was Mesa County funds, not RTPO, and Mesa County is anticipating receiving a full \$3.2 million for the construction. There was approximately \$230,000 - \$240,000 coming from the County in matching funds. It requires a total of \$800,000; the total grant was \$4 million, an 80-20 match. The remaining match was the land value. There were some other environmental costs that the County will be responsible for.

Councilmember Coons asked how much asbestos abatement was left to be done.

Interim Deputy City Manager Prall said the City still needs to remove the pile on the east side of the property, then install separator fabric and then 1 ½ feet of fill. The separator fabric warns anyone digging below that level of the contamination. The proposal is a great use of that site.

Council President Doody stated that the City is always looking to partner with the County and from a community perspective stated this is a good project.

Resolution No. 122-07 – A Joint Resolution Authorizing the Board/Council Chair's to Enter into an Agreement with the State Department of Transportation, Division of Transportation Development, for the Provision of a Strategic Transit Project

Councilmember Coons moved to adopt Resolution No. 122-07. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Councilmember Coons moved to authorize the City Manager to Sign the Agreement to Construct a Grand Valley Transit Transfer Station with Mesa County. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Council President Doody addressed City Attorney Shaver stating that when conducting a City Council meeting, attendee Mr. Bruce Lohmiller, who sits in the front row, mumbles a lot and it feeds through the microphone. Council President Doody asked City Attorney Shaver to speak to Mr. Lohmiller about refraining from mumbling, as it does disrupt the meeting. City Attorney Shaver said he would speak to Mr. Lohmiller, but if Mr. Lohmiller continues to be disruptive, the Council can certainly ask him to leave.

Adjournment

The meeting adjourned at 7:50 p.m.

Stephanie Tuin, MMC
City Clerk