

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

**May 7, 2008**

The City Council of the City of Grand Junction convened into regular session on the 7<sup>th</sup> day of May 2008 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Jim Doody, Bruce Hill, Doug Thomason, Linda Romer Todd, and Council President Gregg Palmer. Councilmembers Bonnie Beckstein and Teresa Coons were absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Thomason led in the Pledge of Allegiance.

**Presentation**

Council President Palmer presented flowers to Councilmember Doody's wife, Melanie. He recapped all the many things that have occurred on former Council President Doody's watch and then presented a plaque of appreciation to Outgoing President of the Council Jim Doody.

Former Council President Doody expressed that he is most proud of the partnerships that have been developed over the last two years. He then thanked many, many staff members who have supported him during his two terms.

Councilmember Hill thanked Mrs. Doody for her support of Mayor Doody and expressed his appreciation for Councilmember Doody's dedication and commitment to the position.

**Citizens Comments**

There were none.

**CONSENT CALENDAR**

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

1. **Increase Application Fees for Liquor Licensing**

In 2007, the Colorado Legislature authorized an increase in the application fees allowed to be charged by local jurisdictions. The law enacted allows for a stepped increase through 2010. The cost of processing and administering liquor licenses continues to increase.

Resolution No. 61-08—A Resolution Amending Resolution No. 95-07 to Amend Liquor License Application Fees in the City of Grand Junction, Colorado

*Action: Adopt Resolution No. 61-08*

2. **Contract to Purchase Property at 306 S. 5<sup>th</sup> Street, Grand Junction**

City staff has negotiated with the owner of 306 S. 5<sup>th</sup> Street, Grand Junction, Colorado for purchase of the property. The negotiations have been successful and a purchase contract has been signed by both parties.

Resolution No. 62-08—A Resolution Ratifying the Contract to Purchase Real Property Located at 306 South 5<sup>th</sup> Street, Grand Junction

*Action: Adopt Resolution No. 62-08*

3. **Conveyance of a Non-Exclusive Easement Across City Property, Located at 26  $\frac{3}{8}$  Road** [File #MSP-2008-116]

Derril and Debra Rockwell (“the Rockwells”), owners of 2590 B  $\frac{3}{4}$  Road, are requesting an easement across City Property adjacent to 26  $\frac{3}{8}$  Road to install a water service line to the property for residential use.

Resolution No. 63-08—A Resolution Granting a Non-Exclusive Water Service Line Easement to Derril and Debra D. Rockwell

*Action: Adopt Resolution No. 63-08*

4. **Contract for the Asbestos Contaminated Soil Removal from the Former Steam Plant, Located at 531 South Avenue**

Six bids were opened on April 29, 2008 for the removal of asbestos contaminated soil from the former Public Service Steam Plant site at 531 South Avenue. The low bid was submitted by LVI Environmental Services from Denver, Colorado. This project will remove asbestos contaminated soil from the property in preparation for construction of a new Grand Valley Transit Transfer Station.

*Action: Authorize the City Manager to Sign a Contract with LVI Environmental Services in the Amount of \$99,899 for Asbestos Contaminated Soil Removal at 531 South Avenue*

5. **Purchase of an Emergency Notification System**

This Emergency Notification system will support the Grand Junction Regional Communication Center (GJRCC), and provide a high speed mass notification to residents, employees, and businesses in Mesa County.

*Action: Authorize the City Purchasing Division to Purchase Emergency Notification Software from National Notification Network, LLC, Glendale, CA for \$115,990*

6. **Comprehensive Plan Contract Addendum**

This request is for an addendum to the original Comprehensive Plan contract with the firm Winston Associates for services to update the Zoning and Development Code as part of the Comprehensive Plan process.

*Action: Authorize the City Manager to Enter into a Contract with Winston Associates in the Amount of \$115,600 for Planning Services to Update the Zoning and Development Code as part of the Comprehensive Plan Process*

**\*\*\* ITEMS NEEDING INDIVIDUAL CONSIDERATION \*\*\***

**Public Hearing—Vacation of a Portion of 28 ½ Road and South Grand Falls Court and Miscellaneous Easements for the Ashbury Heights Subdivision, Located at the Southeast Corner of 28 ¼ Road and Grand Falls Drive** [File #PP-2006-251]

A request to vacate existing public rights-of-way (portion of 28 ½ Road and South Grand Falls Court) and miscellaneous easements in anticipation of future residential subdivision development. The proposed vacation requests are located at the southeast corner of 28 ¼ Road and Grand Falls Drive.

The public hearing was opened at 7:19 p.m.

Scott D. Peterson, Senior Planner, reviewed this item. He described the site, the location and the request to vacate the existing public right-of-way located adjacent to the east property line. Mr. Peterson also gave a history of the “bulb” portion of the right-of-way but it isn’t needed due to 28 ½ Road connecting with Presley Avenue to the south. The second right-of-way request is to vacate platted, unimproved right-of-way south of Grand Falls Court. This right-of-way was dedicated as part of The Falls but never utilized nor constructed.

Mr. Peterson stated the findings and conclusions are that the requests are consistent with the Growth Plan and meet the criteria of the Zoning and Development Code. The Planning Commission did recommend approval.

Mr. Peterson read an email into the record from Carl Mitchell (attached).

Councilmember Todd asked why the existing City zoning map did not show the zoning for part of the subdivision. Mr. Peterson explained that non-taxable parcels show up as white but it is zoned R-8.

Ted Ciavonne, Ciavonne, Roberts, and Associates, 222 N. 7<sup>th</sup> Street, was present representing the Ashbury Heights developer. He clarified that the entire site is now zoned R-8. He said he has nothing to add to the presentation. He reviewed the infill and redevelopment policy and how this project fits that policy.

There were no public comments.

The public hearing was closed at 7:28 p.m.

Councilmember Hill reviewed the criteria the request needs to comply with and he believes the request does conform to those criteria.

Councilmember Doody said he is comfortable with the Planning Commission's recommendation.

Council President Palmer asked City Attorney Shaver to address Mr. Mitchell's comment about the pending litigation. City Attorney Shaver clarified that from the City's perspective, the Tract E in question has been properly conveyed so there is no problem with the Council proceeding, regardless of other issues that may be litigated.

**a. Ordinance**

Ordinance No. 4232—An Ordinance Vacating the Rights-of-Way for South Grand Falls Court and a Portion of 28 ½ Road in the Proposed Ashbury Heights Subdivision

**b. Resolution**

Resolution No. 64-08—A Resolution Vacating Miscellaneous Easements in Conjunction with Proposed Ashbury Subdivision, Located at the Southeast Corner of 28 ¼ Road and Grand Falls Drive

Councilmember Thomason moved to adopt Resolution No. 64-08, and adopt Ordinance No. 4232 and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Public Hearing—Creating a New Administrative Citation Process for Code Enforcement and Establishing a Fine Schedule**

Code Enforcement Staff is proposing the adoption and use of an administrative citations process as another means of enforcement of City Codes. Specifically, the administrative citations process will be used for violations that affect the livability of neighborhoods and quality of life. The program would impose administrative penalties for certain violations of the Code, in turn decriminalizing the process and resulting in a more efficient and effective resolution of Code violations.

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

Kathy Portner, Neighborhood Services Manager, introduced the presentation noting that John Shaver, City Attorney, can add anything from a legal perspective. Code Enforcement Officer Randy Keller was present to address the technical aspects as it was his suggestion to bring this tool forward. Ms. Portner said the Code change will allow them to impose administrative penalties in order to gain compliance more quickly and more efficiently. She explained the current process. The new process allows the officer to write a ticket with a fine, without citing the matter into court. The officer has the ability to reduce the fine if the violator comes into compliance. There is also a graduated penalty as an incentive to come into compliance. If the matter goes further, the matter goes before an Administrative Hearing Officer who will be the Municipal Judge, but this will be a less formal process. Ms. Portner named a number of other municipalities that have the same process in place and in general those communities are gaining compliance more consistently and quicker. The current proposal will not include the weed violation process, that system will be maintained. The resolution for the fee schedule is also before the City Council for approval.

Councilmember Thomason asked about the ten day compliance period, if that is ten business days. Ms. Portner confirmed it is unless it is a safety issue.

Councilmember Hill asked if the enforcement is still based on complaints. Ms. Portner confirmed adding they have a line of sight policy, that is, if a violation is in clear sight. Occasionally, proactive enforcement occurs with signs and banners.

Councilmember Hill asked if the administrative citation includes the fine and is there room to waive the fine if they come into compliance or if there is some extenuating circumstances? Ms. Portner said the officer has the ability to reduce the fine.

Councilmember Todd asked if the fee schedule accounts for the time involved enforcing the Code. Ms. Portner said that aspect was not looked at; the time required varies from case to case.

Councilmember Doody asked if the City facilitates mediators in cases of neighbor disputes. Ms. Portner deferred to City Attorney Shaver.

City Attorney Shaver said yes they do have neighborhood mediation service, however usually that occurs after somebody comes to court. When tried prior to court, there has been limited success, without court ordered mediation.

Council President Palmer asked, in relation to repeat offenders, if they don't pay the fine, are there collection issues. City Attorney Shaver said there is a line where the fines are so prohibitive they won't pay and won't come into compliance. It is a very significant recurring cycle. However, when the officer develops a rapport with the offender and can then negotiate a reduction for compliance, fines can be reduced. This can be as much as fifty percent, dependent on the degree of cooperation.

There were no public comments.

The public hearing was closed at 7:45 p.m.

Ordinance No. 4233—An Ordinance Amending Chapter 2 of the City Code of Ordinances to Include a New Article VI, Adding an Administrative Enforcement Process to Address Violations of the City Code and Amending Chapter 16, Article III, Section 16.60 to Provide that a Notice of Violation Issued Pursuant to Chapter 2, Article VI, shall also Constitute a Notice to Abate a Nuisance and Amending Chapter 16, Article VII, Section 16-141 and Section 16-144 to Revise Definitions and Enforcement of the Stormwater Management Program

Resolution No. 65-08—A Resolution Establishing a Fine Schedule for Enforcement of Code Violations in the Administrative Citation Process

Councilmember Todd moved to adopt Resolution No. 65-08, and adopt Ordinance No. 4233 and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

**Public Hearing—Amending Ordinance No. 4110 to Allow Limited Golf Cart Use in Specified Areas Around Mesa State College**

The Facilities Services Department at Mesa State College (MSC) has submitted a request to City Staff for an ordinance to allow MSC facilities maintenance and management to use golf carts to access certain college campus grounds, buildings and construction projects.

The public hearing opened at 7:46 p.m.

John Shaver, City Attorney, presented this item. He explained that currently golf carts are allowed on City streets in the Bookcliff Country Club area and in the Redland Mesa Golf Course area and there are very specific restrictions. This is different because the carts will be used for utility use at the College. The College has relocated their maintenance facility to the east of 12<sup>th</sup> Street. The request will allow the use of those carts to cross 12<sup>th</sup> Street and some limited areas around the campus. He stated the approval of the ordinance is appropriate for limited use.

Councilmember Thomason asked where those carts can cross. City Attorney Shaver stated they must operate as motor vehicles and cross at intersections.

Councilmember Hill asked about the provision relative to the State Highway. City Attorney Shaver replied that is to prohibit use on State Highway 6, i.e., North Avenue. Councilmember Hill suggested that be clarified, adding the text “not allowed on North Avenue”. City Attorney Shaver agreed that can be clarified.

There were no public comments.

The public hearing closed at 7:52 p.m.

Ordinance No. 4234—An Ordinance Amending Ordinance No. 4110 to Allow Limited Golf Cart Use Near Mesa State College

Councilmember Hill moved to adopt Ordinance No. 4234 , adding wording in Section 238 (b)(3) “(However, driving on North Avenue is not allowed)”, and ordered it published. Councilmember Todd seconded the motion. Motion carried by roll call vote.

### **Public Hearing—Expanding the DDA Boundaries**

The DDA recently awarded a grant to the Mesa County Library Board of Trustees. Those funds will be used for a new sign, landscaping, and to help complete capital improvements to the main library building façade. The DDA and Board of Trustees agreed that receipt of the grant funds was conditioned upon the inclusion of Mesa County Library District Grand Junction properties into the DDA boundary.

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

John Shaver, City Attorney, presented this item. There will be no change to the revenue to the DDA but the inclusion will honor the DDA’s requested condition on the grant funds that the library properties be included.

Councilmember Thomason asked City Attorney Shaver to confirm that all subject properties are library properties. City Attorney Shaver confirmed they are.

Councilmember Hill asked if these properties are contiguous with the existing DDA boundary. City Attorney Shaver answered they are.

There were no public comments.

The public hearing closed at 7:57 p.m.

Councilmember Hill thanked the DDA board for their support of the library and the relationship between the two entities. This inclusion will open up new possibilities in that relationship.

Ordinance No. 4235—An Ordinance Expanding the Boundaries of the Grand Junction, Colorado Downtown Development Authority

Councilmember Hill moved to adopt Ordinance No. 4235 and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

### **Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

Former Mayor Doody thanked Council President Palmer for making this meeting special for his wife Melanie.

Council President Palmer again thanked Mr. Doody for his work as Council President.

**Adjournment**

The meeting adjourned at 8:00 p.m.

Stephanie Tuin, MMC  
City Clerk



Attach 7 – Vacation of a Portion of 28 ½ Road and South Grand Falls Court and Misc. Easements for Ashbury Heights Subd. Located at the SE corner of 28 ¼ Road and Grand Falls Drive.

"Carl Mitchell" <carlmitchell@bresnan.net> 5/7/2008 8:04 AM >>>

In reference to Application #PP 2006 - 251 . I am opposed to the ROW Vacation of 28 1/2 Road , the "bulb" as referred to in the city's description of the vacation application. This vacation by the city would not be in interest of city action, as the issue of ownership of tract "E" by Ashbury Heights LLC is not settled and also given the suit against the city it would be best if the city did not Vacate this ROW. This is unchartered action by the city. Thank you, Carl W, Mitchell  
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