

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

**August 4, 2008**

The City Council of the City of Grand Junction convened into regular session on the 4<sup>th</sup> day of August 2008 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Doug Thomason, Linda Romer Todd, and Council President Gregg Palmer. 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. The audience remained standing for the invocation by Pastor Rob Storey, River of Life Alliance Church.

**Appointment**

To the Grand Junction Housing Authority

Councilmember Coons, moved to appoint Paul Marx to the Housing Authority for a one year term expiring October 2009. Councilmember Hill seconded the motion. Motion carried.

**Certificates of Appointments**

Downtown Development Authority/Downtown Grand Junction Business Improvement District

Harry Griff was present to receive his certificate.

Avalon Theatre Advisory Committee

Kathy Jordan, Greer Taylor, and Stephen Thoms were present to receive their certificates of appointment. Patti Hoff was not in attendance.

**Council Comments**

Councilmember Hill noted that the Council recently had a retreat. Such a gathering is a visionary process and helps Council with the budget process in prioritizing and looking to the community for help.

Council President Palmer had photos of the first community appreciation barbeque on July 23, 2008. An estimated 900 to 1200 people showed up. He described the various events and the City vehicles that were there and the fun atmosphere.

Council President Palmer then announced the National Night Out Event scheduled for the following night (August 5, 2008). It is another opportunity for neighbors to get out and get to know each other. It lends itself to the City keeping that “small town feel”.

### **Citizen Comments**

Mildred Mahannah, 663 Springbrook Drive, addressed the City Council on the matter of prayer. She said there are a lot of people that have not understood the real issue. She believes in equal rights for everyone. Sometimes when the minority is being listened to, the rights of the majority are sometimes overlooked. She thanked the Council for providing this venue for citizens to have an opportunity to speak.

### **City Manager’s Report**

City Manager Laurie Kadrach reviewed the items on the upcoming meetings. She announced the intention of placing a resolution regarding a policy on invocations on the Wednesday’s agenda.

She noted that August 12<sup>th</sup> was tentatively scheduled to meet with the County Commissioners and representatives from the School Board. Those scheduling discussions are ongoing as the City Council and the County Commissioners would rather have the full School Board in attendance.

On the workshop on August 18<sup>th</sup>, there will be the results of the fire station service area study. That Wednesday, August 20<sup>th</sup>, is the night ballot titles will be discussed regarding the Public Safety Initiative. Polling data from the Chamber and other polls will be presented. A resolution containing ballot titles for consideration will be presented. When concerns were voiced as to length of the proposed discussion, Ms. Kadrach offered to have the discussion on August 18<sup>th</sup> and then have the resolution on August 20<sup>th</sup>. The consensus was to have the discussion at the noon meeting on Monday, the 18<sup>th</sup>, and then have the resolution available on Monday night. That would also leave an additional opportunity for further consideration on Wednesday. The other items previously scheduled for noon on Monday can be rescheduled.

Ms. Kadrach then reviewed the other items on the future topics list. There was a discussion on how to schedule those items in when there are budget workshops at the noon workshops over the next few months. Council favored continuing to deal with business and not putting all items aside due to budget workshops. It was suggested that any items on the future topics list that have budget implications be scheduled in conjunction with the appropriate budget workshop.

**CONSENT CALENDAR**

Councilmember Beckstein read the Consent Calendar and then moved to approve the Consent Calendar items #1 through #9. Councilmember Thomason seconded. Motion carried by roll call vote.

**1. Minutes of Previous Meetings**

*Action: Approve the Minutes of the July 14, 2008 and the July 16, 2008 Regular Meetings*

**2. Grant for Fire Truck**

A request to accept an Energy and Mineral Impact Grant, in the amount of \$300,000, as partial funding for the purchase of a 100-foot aerial platform quint fire truck.

*Action: Authorize the City Manager to Sign the Grant Contract in the Amount of \$300,000 for Partial Funding for the Purchase of a Fire Truck*

**3. Contract for Novell Maintenance Support Renewal and Software Licensing**

This approval request is for the award of a renewal contract for the maintenance, support and software licensing for City Information Systems Division (I.S.).

*Action: Authorize the Purchasing Division to Enter into a Contract with Novell, Inc. to Provide One Year of Maintenance, Support, and Software Licensing in the Amount of \$62,084.94*

**4. Setting a Hearing on the Panorama Point Annexation, Located at 2122 and 2123 Sequoia Court [File #ANX-2008-176]**

Request to annex 12.55 acres, located at 2122 and 2123 Sequoia Court. The Panorama Point Annexation consists of 2 parcels, is a 2 part serial annexation, and includes portions of the Broadway, Panorama Drive, Sequoia Road, Sequoia Court, and Wild Rose Way rights-of-way.

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

Resolution No. 105-08—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, Panorama Point

Annexations No. 1 and 2, Located at 2122 and 2123 Sequoia Court and Including Portions of the Broadway, Panorama Drive, Sequoia Road, Sequoia Court, and Wild Rose Way Rights-of-Way

*Action: Adopt Resolution No. 105-08*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Panorama Point Annexation No. 1, Approximately 0.22 Acres, Located at 2122 and 2123 Sequoia Court and Including Portions of the Broadway, Panorama Drive, Sequoia Road, Sequoia Court, and Wild Rose Way Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Panorama Point Annexation No. 2, Approximately 12.33 Acres, Located at 2122 and 2123 Sequoia Court and Including a Portion of the Wild Rose Way Right-of-Way

*Action: Introduction of Proposed Ordinances and Set a Hearing for September 15, 2008*

5. **Setting a Hearing on the Krogh Annexation, Located at 2932 B ½ Road** [File #ANX-2008-164]

Request to annex 9.58 acres located at 2932 B ½ Road. The Krogh annexation consists of one parcel and includes a portion of the B ½ Road right-of-way.

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

Resolution No. 106-08—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, Krogh Annexation, Located at 2932 B ½ Road Including a Portion of the B ½ Road Right-of-Way

*Action: Adopt Resolution No. 106-08*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Krogh Annexation, Approximately 9.58 Acres, Located at 2932 B ½ Road Including a Portion of the B ½ Road Right-of-Way

*Action: Introduction of Proposed Ordinances and Set a Hearing for September 15, 2008*

6. **Setting a Hearing on the Green Leaf Annexation, Located at 3109 E Road** [File #ANX-2008-196]

Request to annex 2.29 acres located at 3109 E Road. The Green Leaf Annexation consists of 1 parcel.

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

Resolution No. 107-08—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, Green Leaf Annexation, Located at 3109 E Road

*Action: Adopt Resolution No. 107-08*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Green Leaf Annexation, Approximately 2.29 Acres, Located at 3109 E Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 15, 2008*

7. **Setting a Hearing on Mesa View Elementary School Annexation, Located at 2967 B Road** [File #GPA-2008-206]

Request to annex 19.51 acres, located at 2967 B Road. The Mesa View Elementary Annexation consists of 1 parcel.

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

Resolution No. 108-08—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, Mesa View Elementary Annexation, Located at 2967 B Road

*Action: Adopt Resolution No. 108-08*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa View Elementary Annexation, Approximately 19.51 Acres, Located at 2967 B Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 15, 2008*

**8. Setting a Hearing on the Martin R and S Annexation, Located at 2105 H Road [File #ANX-2008-205]**

Request to annex 1.54 acres, located at 2105 H Road. The Martin R and S Annexation consists of one parcel and includes portions of the 21 Road and H Road rights-of-way.

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

Resolution No. 109-08—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, Martin R and S Annexation, Located at 2105 H Road and Includes Portions of the 21 Road and H Road Rights-of-Way

*Action: Adopt Resolution No. 109-08*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Martin R and S Annexation, Approximately 1.54 Acres, Located at 2105 H Road and Includes Portions of the 21 Road and H Road Rights-of-Way

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 15, 2008*

**9. Setting a Hearing on Zoning the Shady Acre Annexation, Located at 528 29 Road [File #ANX-2008-159]**

Request to zone the 1.25 acre Shady Acre Annexation, located at 528 29 Road, to R-8 (Residential 8 du/ac).

Proposed Ordinance Zoning the Shady Acre Annexation to R-8, Located at 528 29 Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for August 18, 2008*

### ITEMS NEEDING INDIVIDUAL CONSIDERATION

#### **Public Hearing—Rezoning the Grand View Care Lodge, Located at 815 26 ½ Road** [File # SPR-2008-144]

Request to rezone 1.9 acres from an R-1 (Residential 1 du/ac) to R-2 (Residential 2 du/ac) zone district in order to construct an assisted living facility for 8 residents for property located at 815 26 ½ Road.

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

Senta L. Costello, Senior Planner, presented this item. She described the location, the site, the surrounding uses and zoning. The Future Land Use Designation allows the zone being requested of R-2. There is R-1 zoning surrounding the property. The request does meet the requirements of the Growth Plan and the Zoning and Development Code. Planning Commission at its July 8<sup>th</sup> meeting recommended approval. Staff also recommends approval.

Rob Rowlands, from Design Specialists at 917 Main Street, was representing the applicant. The desire is to build a beautiful facility for assisted living.

There were no public comments.

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

Council President Palmer asked how many dwellings will be on the property. Ms. Costello stated that there will be one building for the facility and attached via a breezeway will be the owner and caretaker dwelling. For an assisted living facility, the density is calculated on the number of beds since the residents will be unrelated.

Councilmember Hill asked if the zoning would allow additional dwellings for another use. Ms. Costello said yes that is possible but it is anticipated that the greatest number of dwelling units would be two on this property.

Councilmember Coons advised she believes that the facility lends a benefit to the community and it meets the requirements for a zoning change.

Ordinance No. 4269—An Ordinance Rezoning the Grand View Care Lodge from R-1 (Residential 1 du/ac) to R-2 (Residential 2 du/ac), Located at 815 26 ½ Road

Councilmember Todd moved to adopt Ordinance No. 4269 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing—Fournier Annexation, Located at 2132 Rainbow Ranch Drive** [File #ANX-2008-111]

Request to annex 6.48 acres, located at 2132 Rainbow Ranch Drive. The Fournier Annexation consists of 1 parcel and includes a portion of the Broadway right-of-way and all of the Rainbow Ranch Drive right-of-way.

The public hearing was opened at 7:51 p.m.

Senta L. Costello, Senior Planner, presented this item. She described the site and the location and asked that the Staff report and attachments be entered into the record. She stated the request meets the requirements for annexation. The applicant is present but does not wish to speak.

Council President Palmer asked about the conflict between her request and the Staff report on the zoning. Ms. Costello said that was due to an error on the GIS and the zoning will go back before the Planning Commission before coming forward to the City Council.

There were no public comments.

The public hearing was closed at 7:53 p.m.

**a. Accepting Petition**

Resolution No. 110-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Fournier Annexation, Located at 2132 Rainbow Ranch Drive Including a Portion of the Highway 340 (Broadway) Right-of-Way and all of the Rainbow Ranch Drive Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4270—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fournier Annexation, Approximately 6.48 Acres, Located at 2132 Rainbow Ranch Drive Including a Portion of the Highway 340 (Broadway) Right-of-Way and all of the Rainbow Ranch Drive Right-of-Way

Councilmember Hill moved to adopt Resolution No. 110-08 and Ordinance No. 4270 and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Public Hearing—Level III Annexation and Zoning, Located at 2922 B ½ Road** [File #ANX-2008-147]

Request to annex and zone 19.68 acres, located at 2922 B ½ Road, to R-4 (Residential 4 du/ac). The Level III Annexation consists of 1 parcel and includes a portion of the B ½ Road right-of-way. The Level III Annexation creates an enclave of 6 properties.

The public hearing was opened at 7:55 p.m.

Senta L. Costello, Senior Planner, presented this item. She described the site and the location. The annexation creates an enclave for six properties that will need to be annexed within five years. She asked that the Staff report and attachments be entered into the record. The Planning Commission recommended approval. The request meets the annexation and zoning requirements.

Councilmember Coons inquired about the property marked “exception”. Ms. Costello explained that property belongs to another owner. It will not be enclaved as the right-of-way does not create an enclave.

The applicant was present but did not wish to speak.

There were no public comments.

The public hearing was closed at 7:56 p.m.

**a. Accepting Petition**

Resolution No. 111-08— A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Level III Annexation, Located at 2922 B ½ Road Including a Portion of the B ½ Road Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4271—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Level III Annexation, Approximately 19.68 Acres, Located at 2922 B ½ Road Including a Portion of the B ½ Road Right-of-Way

**c. Zoning Ordinance**

Ordinance No. 4272—An Ordinance Zoning the Level III Annexation to R-4 (Residential 4 du/ac), Located at 2922 B ½ Road

Councilmember Thomason moved to adopt Resolution No. 111-08 and Ordinance Nos. 4271 and 4272 and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Operation and Use Agreement with Cinema at the Avalon, Inc. for the Avalon Theatre**

Approve a one-year agreement with Cinema at the Avalon, Inc. (CAI) for use and operation of the Avalon Theatre. City Staff and the CAI Board have been working for the past 6 months to develop a new contract patterned after the agreement approved in 2007.

Councilmember Beckstein stated she will be recusing herself. She will leave the meeting and will not return. Councilmember Beckstein left the meeting at 7:58 p.m.

Debbie Kovalik, VCB and TRCC Director, presented this item. She expressed that she is bringing forth a new agreement with the Cinema at the Avalon. She reviewed the history of the relationship and how the new theater (Regal 8) affected the attendance of the Cinema at the Avalon. One the impediments of capturing popular movies is the pre-emption clause, the clause allowed the Cinema to be pre-empted seven days in advance. Lengthening that pre-emption period makes the Cinema have a stronger negotiating position when acquiring films. There are new terms in the agreement that will strengthen both parties' position. Both she and the Avalon manager, Tim Seeberg, feel that this new agreement will allow the Avalon to break even.

Stephan Schweissing, president of the Cinema at the Avalon, Incorporated (CAI) board, noted they are the primary tenant and have been a good tenant for the building. Over the history of the CAI and City relationship the CAI has paid over \$100,000 in rent. The board agrees with the restructuring with VCB Director Deb Kovalik taking over as director. They look forward to making this work.

Councilmember Todd asked what the fallback plan is if the CAI does not make their rent. Ms. Kovalik replied there is a termination clause of thirty days. The goal is to put together a twelve month business plan that will be successful.

Councilmember Doody asked if the Cinema at the Avalon benefits from the Downtown Grand Junction Business Improvement District (DGJBID) marketing. City Attorney

Shaver said they would be eligible but it is up to the DGJBID board to make that decision. Councilmember Doody asked Ms. Kovalik to follow up on that.

Councilmember Hill agreed that there should be a solid connection. Ms. Kovalik said the Downtown Development Authority (DDA) Director Heidi Ham agrees that the Cinema should have a stronger presence on the DDA website.

Councilmember Coons asked about the business plan development, is they will have assistance. Ms. Kovalik said that another board member, Thea Chase, will be assisting them in the development of that plan. Ms. Kovalik noted that there are about forty to fifty events each year other than the Cinema.

Council President Palmer inquired about the payments made in the last year. Ms. Kovalik advised CAI paid approximately \$9,000. If the current agreement is adopted, the past due amount would be null, both 2007 and up to this date in 2008.

Councilmember Hill asked if the original agreement was graduated to allow them to gain some success. Ms. Kovalik said that was in an earlier agreement.

Some concerns were expressed about community support and making sure this is the right tenant.

City Manager Kadrich explained how this bridge agreement was brought forward. There were some successful years so the thought was a restructuring of the agreement would provide an opportunity for the CAI to be successful. She noted that the other uses are paying for the Theatre; even without CAI rent they still nearly broke even.

Council President Palmer voiced concern over setting a precedent of lowering the rent for this tenant.

Councilmember Hill asked for clarification in the agreement regarding the hiring of an Executive Director. It was noted that the City did have a say in the hiring of a director.

Councilmember Todd asked that the Council review the financials in six months.

Council President Palmer asked, besides VCB helping promote, if there are other City departments that would be lending assistance. Ms. Kovalik said it will be promoted like any other event through the VCB.

Councilmember Doody advised that the CAI board has a will to make this work. The idea of a film fest is coming together.

Councilmember Hill suggested some more family oriented films. That is why he is willing to support an operation and use agreement. It is already a jewel but he would like them to work to make it better. He also suggested that CAI have the opportunity to lock in a time period. He supported having a tenant in there day to day.

Councilmember Coons agreed with Councilmember Hill and she supports it.

Council President Palmer did not disagree but he is concerned about reducing the rent to a tenant who didn't pay. He is reluctant on the rent reduction but will support the agreement.

Councilmember Hill moved to authorize the City Manager to sign a one-year agreement with Cinema at the Avalon, Inc. for use and operation of the Avalon Theatre.

Councilmember Doody seconded the motion. Motion carried by roll call vote.

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

Dale Cole, 2102 N. 1<sup>st</sup> Street, asked Council to review the Jerry Moorman report done a couple of years ago on the Avalon Theatre.

### **Other Business**

Council President Palmer reminded the audience of National Night Out.

### **Adjournment**

The meeting adjourned at 8:47 p.m.

Stephanie Tuin, MMC  
City Clerk