

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

**August 20, 2008**

The City Council of the City of Grand Junction convened into regular session on the 20<sup>th</sup> day of August 2008 at 7:05 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Jim Doody, Bruce Hill, Doug Thomason, and Council President Gregg Palmer. Absent were Councilmembers Teresa Coons and Linda Romer Todd. Also present were Deputy City Manager Rich Engelhart, City Attorney John Shaver, and City Clerk Stephanie Tuin. City Manager Laurie Kadrach was absent.

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

**Appointments**

Councilmember Doody moved to re-appoint Merv Heinecke and Chuck Keller to the Horizon Drive Association Business Improvement District for four year terms expiring April 2012. Councilmember Hill seconded the motion. Motion carried.

Councilmember Hill moved to appoint Yvette Carnine and David McInay to the Parks and Recreation Advisory Board for three year terms expiring June 2011. Councilmember Thomason seconded the motion. Motion carried.

**Citizen Comments**

There were none.

**Recognitions**

Senior Planner Kristen Ashbeck, Neighborhood Services, presented an update on the neighborhood program and what has occurred in 2008. She explained the purpose of creating the program and the history. There is a new layer on the GIS for neighborhood services that has neighborhood information.

She reviewed some of the Neighborhood Pride Grant projects. Neighborhood participation in the programs is widespread throughout the City; east and west, north and south.

**Recognition of Neighborhood Organization—Hawthorne Park**

Ms. Ashbeck then reviewed the Hawthorne Park neighborhood project. There are about 350 structures in that neighborhood. They started with improvements to the parking strips (streetscape improvements) including irrigation and tree planting. She listed those present representing the neighborhood.

Kristin Burnham, 434 Teller, thanked David Tashner who has been the driving force behind this program in their neighborhood.

### **Recognition of Neighborhood Organization—Colony Park**

Senior Planner Kristen Ashbeck, Neighborhood Services, described the Colony Park neighborhood noting there has been little turnover so it is a close knit neighborhood. Due to the Big Pipe project, their landscaping and fence along Patterson Road had to be removed by the City. They will be submitting an application for a grant to replace that structure and return the character back into their neighborhood.

Ms. Ashbeck listed who was present representing the neighborhood.

Nyla Kladder, President of the Homeowners Association, said their neighborhood has been known to be one of the most attractive townhome subdivisions. She described where they will use the funding.

Councilmember Hill asked why the fence was not automatically replaced. Ms. Ashbeck explained the fence was in the public right-of-way under a revocable permit that was revoked.

Council President Palmer thanked those neighborhoods and Ms. Ashbeck for their work.

### **CONSENT CALENDAR**

Councilmember Thomason read the items on the Consent Calendar, and then moved to approve the Consent Calendar. It was seconded by Councilmember Beckstein, and carried by roll call vote to approve Consent Items #1 through #5.

#### **1. Contract with Mesa County Elections for the Public Safety Initiative Election**

In order to place the City's ballot questions regarding the Public Safety Initiative on the Mesa County ballot, an intergovernmental agreement setting forth the responsibilities of both entities is required. In essence, by this intergovernmental agreement, the City will enter into a contract with Mesa County for them to conduct the City's election.

*Action: Authorize the City Clerk to Enter into an Intergovernmental Agreement with Mesa County Elections for the Conduct of the City's Special Election to be Coordinated with the General Election to be held on November 4, 2008*

2. **Pavement Management Data Collection**

Award a pavement management data collection contract for the Street Systems Division.

*Action: Authorize the City Purchasing Division to Enter into a Contract in the Amount of \$123,825 with IMS Infrastructure Management Services for Data Collection of Pavement and Right-of-Way Assets*

3. **Subrecipient Contract for Homeward Bound Project within the 2007 CDBG Program Year**

The Subrecipient Contract formalizes the City's award of \$40,000 to Homeward Bound of the Grand Valley as allocated from the City's 2007 Community Development Block Grant (CDBG) Program previously approved by Council.

*Action: Authorize the City Manager to Sign the Subrecipient Contract with Homeward Bound of the Grand Valley for the City's 2007 CDBG Program Year*

4. **Energy and Mineral Impact Grant Requests for Planning Processing Software, Emergency Response Training Facility and F<sup>1</sup>/<sub>2</sub> Road Parkway**

A request to authorize three requests to apply for Energy and Mineral Impact Grants for partial funding for the purchase of Planning Processing Software, the design of the Emergency Response Training Facility and the construction of a portion of the F <sup>1</sup>/<sub>2</sub> Road Parkway.

*Action: Authorize the City Manager to Execute Three Energy and Mineral Impact Grant Applications Requesting Partial Funding for the Purchase of Planning Processing Software, the Design of the Emergency Response Training Facility and the Construction of a Portion of the F <sup>1</sup>/<sub>2</sub> Road Parkway*

5. **Audio System for Two Rivers Convention Center**

This approval request is for the award of a contract for the purchase and installation of an audio system for Two Rivers Convention Center (TRCC).

*Action: Authorize the Purchasing Division to Enter into a Contract with Western Slope Pro Audio, Inc. to Provide the Audio System and Installation for TRCC, for an Estimated Amount of \$166,001*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION****Public Hearing—Zoning the Eagle Pointe Subdivision, Located at 2814 C <sup>3</sup>/<sub>4</sub> Road**  
[File #PP-2007-225]

A request for approval to zone property located at 2814 C <sup>3</sup>/<sub>4</sub> Road to PD (Planned Development) with a default zone of MU (Mixed Use) by approval of the Preliminary Development Plan as a Planned Development containing 76 multifamily dwelling units on one 4.23 acre lot and 4 commercial/industrial lots.

The public hearing was opened at 7:29 p.m.

Greg Moberg, Planning Services Supervisor, presented this item. He described the request which included approval of the Preliminary Plan. He then entered the Staff Report and the attachments into the record. The request meets the criteria of the Zoning and Development Code and the Growth Plan. The Planning Commission recommended approval.

There were no public comments.

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

Council President Palmer asked how 18 homes per acre fit into this Growth Plan Designation. Mr. Moberg advised that Mixed Use allows up to 24 units per acre. They will be required to improve C <sup>3</sup>/<sub>4</sub> Road.

Councilmember Hill asked about connectivity. Mr. Moberg advised that the Development Engineers determined that connectivity was not necessary.

Council President Palmer asked if the Fire Department approved of this configuration. Mr. Moberg said they have.

Ordinance No. 4278—An Ordinance Zoning Eagle Ponte Subdivision to PD (Planned Development) Zone, by Approving a Preliminary Development Plan with a Default MU (Mixed Use) Zone for the Development of Five Lots, One Residential Containing 76 Dwelling Units and Four (4) Commercial/Industrial Lots, Located at 2814 C <sup>3</sup>/<sub>4</sub> Road

Councilmember Doody moved to adopt Ordinance No. 4278. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Public Hearing—The Park Mesa Annexation, Located at Rosevale Road and Little Park Road in the Redlands** [File #ANX-2008-065]

Request to annex 13.58 acres, located at the northwest corner of Rosevale Road and Little Park Road in the Redlands. The Park Mesa Annexation consists of one parcel of land and associated rights-of-way of Rosevale Road and Little Park Road.

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

Scott Peterson, Senior Planner, presented this item. He described the request and the site. He entered the Staff Report and the attachments into the record. The request meets the criteria for annexation. The zoning will come forward later. The City Council recently approved a Growth Plan Amendment for this property.

Colleen Scissors, the applicant, had nothing to add except that the City has been extremely helpful. The plan is for eight lots.

There were no public comments.

The public hearing was closed at 7:37 p.m.

**a. Accepting Petition**

Resolution No. 118-08—A Resolution Accepting Petition for Annexation, Making Certain Findings, Determining that Property Known as the Park Mesa Annexation, Located at the Northwest Corner of Rosevale Road and Little Park Road, Including Portions of the Rosevale Road and Little Park Road Rights-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4279—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Park Mesa Annexation, Approximately 13.58 Acres, Located at the Northwest Corner of Rosevale Road and Little Park Road, Including Portions of the Rosevale Road and Little Park Road Rights-of-Way

Councilmember Beckstein moved to adopt Resolution No. 118-08 and Ordinance No. 4279 and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Construction Contract for Ranchmen's Ditch Flood Control Project Phase II, Part B**

Phase II, Part B of the Ranchmen's Ditch Flood Control Project (Big Pipe) will construct side-by-side 90" and 96" storm drainage pipes along the south side of Patterson Road between Barnes and Noble and 25 ½ Road

Tim Moore, Public Works and Planning Director, presented this item. He referred to the Staff Report that summarized the eight bids. The recommendation is to award the bid to Arapahoe Utilities and Infrastructure, Inc. Two types of pipe were deemed acceptable in the bid documents. Phase I had 11,000 feet of pipe and in that case the low bid had concrete pipe. In this phase, the bid with steel pipe was less. The Staff looks at a fifty year life for such projects. Other considerations are performance and maintenance needed over the life of the project. The third thing is constructability, and what issues there will be. Staff brings forward the bid and project that is the most cost effective.

Council President Palmer inquired about the different specifications on each phase with Phase I calling for concrete or steel pipe, Phase II called for concrete pipe only, and now, Phase II, Part B is both. Mr. Moore said the pipe diameter was a bit smaller and there was not as much pipe involved. He then deferred to Trent Prall, Engineering Manager. Mr. Prall concurred with both reasons.

Councilmember Beckstein inquired about a statement in the Staff Report about the two types of pipe being comparable. Mr. Prall advised that they did research the two types and steel pipe is widely accepted; steel pipe is used on runways and used by the Colorado Department of Transportation. It is not the corrugated metal pipe that would rust out. This pipe is polycoated and it has been tested by City Staff.

Council President Palmer asked if the City has used it previously. Mr. Prall said they have not, this type of pipe becomes cost competitive when the diameter gets larger as in this project.

Councilmember Thomason asked about the connect ability with concrete pipe. Mr. Prall said at the west end there is a junction box and on the east end the connection will be made direct or with concrete using a concrete collar.

Councilmember Hill asked if each contractor bid with both options. Mr. Prall said the opportunity was to submit with either. In this case, two of the eight bids used the steel pipe in their bid.

Council President Palmer asked if it takes different equipment to use one over the other. Mr. Prall said the steel is a lighter product so lighter equipment is needed and it comes in longer lengths than the concrete pipe.

Councilmember Hill asked how much of the bid is product only. Mr. Prall said the City pays the "installed price" so the City does not see the product cost. Councilmember Hill asked about the breakdown on the engineering estimate. Mr. Prall answered that the product is about a third of the cost of the project.

Councilmember Doody asked if this project is multi-jurisdictional. Mr. Prall said it is "quasi" and the City is working with Grand Valley Irrigation Company but the City will then take over the maintenance.

Councilmember Doody asked if the 5-2-1 Drainage Authority is involved. Mr. Prall said no.

Councilmember Doody asked if expertise is an issue or maintenance is an issue since this pipe has not been used by the City in the past. Mr. Prall said there are repair techniques for the steel pipe too so that is not an issue.

Councilmember Doody asked where the steel pipe is manufactured. Mr. Prall said the material comes from out of State but is assembled here in Grand Junction. The concrete would also be manufactured in town.

Councilmember Hill asked if there are any timing issues with this project. Mr. Prall said they want to be ready for construction when irrigation is shut down and then they have five months to construct this phase. There is also a time period for the grant that expires in April, 2009.

Council President Palmer asked Mr. Prall if all things were equal, what would be his preference. Mr. Prall could not say.

Councilmember Hill referred to a letter from Grand Valley Irrigation Company (GVIC) dated August 20, 2008 that said they have not considered anything but concrete reinforced pipe. It is their ditch. He asked City Attorney Shaver if the agreement with GVIC provides it must be concrete. City Attorney Shaver advised the City does have a legal relationship for the use of the canal. The agreement does not specify materials but GVIC does reserve the right for final approval. It is not clear if the plans they originally looked at included the option. He then referred to a provision of the agreement where GVIC does have the final say and approval on the plans. Whether that includes materials, he finds exception to as the City is taking full responsibility for maintenance and does warranty the work. GVIC has stated their disapproval but he is not sure if they complied completely with the requirements for disapproval. The agreement states that so long as they object, they would not want construction to commence.

Councilmember Hill asked hypothetically of the review, if GVIC had objected back in July, what would legal counsel have recommended then. City Attorney Shaver said he would have counseled the Staff to specify a product that would meet the approval of GVIC.

Councilmember Hill feels GVIC has standing. The huge risk in any delay is the \$3 million FEMA grant that could be lost with a delay.

Councilmember Hill said that Council has a letter before them that says the GVIC is not willing to approve the plans without reinforced concrete. The risk is losing the grant, which helped enclose the ditch, in near proximity to an elementary school and a high density residential neighborhood. He suggested the Council may want to reconsider the specifications that GVIC are insisting on.

Councilmember Beckstein agreed with Councilmember Hill, based on the letter and the timing. She wanted to remand it back to Staff for further discussion to try to resolve it.

Councilmember Thomason agreed the letter complicates things. With no disrespect for GVIC, the City is going to warrant and maintain the final product. He agreed time is of the essence. He is inclined to go with Staff's recommendation.

Councilmember Doody said Councilmember Hill makes a good point and he is ok with it going back to Staff for further negotiations.

Council President Palmer agreed that GVIC has standing but his issue is that when there are varying materials it is hard to compare. He agrees there need for further discussion but he is concerned about the time element.

Councilmember Hill moved to continue awarding the construction contract for Phase II, Part B of the Ranchmen's Ditch Flood Control Project to the September 3, 2008 City Council meeting and directed Staff to resolve the objection by the Grand Valley Irrigation Company as stated in their letter dated August 20, 2008. Councilmember Doody seconded the motion. Motion carried with Councilmember Thomason voting NO.

### **Public Hearing—Amending and Establishing Rates Used to Compute Assessments Levied Against Properties Located in Alley Improvement Districts**

The City's alley improvement district program has been in place since 1989. The alley improvement district assessment rates have not been revised since 1999. Since then construction costs for alleys have increased by 110% (average of 12% per year).

The public hearing was opened at 8:18 p.m.



Trent Prall, Engineering Manager, presented this item. He reviewed the Alley Improvement District program and described the benefits. The request is to reevaluate the rates which were previously reviewed in 1990 and again in 1999. The rates are based on an attempt to have the share ratio to be property owner one-third and the City two thirds. The hearing is to consider raising the rates.

Councilmember Hill wanted to adjust the rates to reflect a percentage rather than set a specific rate for the different types of properties.

Council President Palmer agreed, with construction prices continuing to change.

Mr. Prall agreed that could be done, much like the Septic System Elimination Project, however, with the set rates they can approach the property owners and they will know exactly what their cost will be. How that will affect the popularity of the program under that scenario remains to be seen.

Councilmember Hill said the new system would allow the City to do more alleys.

Mr. Prall said if the Council adopts the rates, he will revisit the rates annually. Under the new scenario, there is some risk as the alley improvement would be designed and bid before there is any obligation to the homeowners.

Councilmember Hill asked for recess to have time to review the numbers.

Council President Palmer called a recess at 8:35 p.m.

The meeting reconvened at 8:44 p.m.

Councilmember Hill suggested the City's percentage to be 50% for non residential, 75% for multifamily and 85% for residential, noting designating percentages will relieve the Council of having to revisit this.

Council President Palmer asked that Council get an annual report for the first couple of years on the new system.

City Attorney Shaver asked that they state the percentage of the contracted cost which is the same language as in the Septic System Elimination Project ordinance.

There were no public comments.

The public hearing was closed at 8:48 p.m.

**Ordinance No. 4280—An Ordinance Setting the Assessable Cost of the Improvements Made in and for Alley Improvement Districts**

Councilmember Hill moved to adopt Ordinance No. 4280, with the following changes: Section 1, paragraph a, designating the single-family percentage to be 15% of the contracted cost of the construction, Section 1, paragraph b, designating the multi-family percentage to be 25% of the contracted cost of the construction, and with Section 1, paragraph c, designating the non-residential percentage to be 50% of the contracted cost of the construction and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Ratification of All Prior Acts for Creation of the Rood Avenue Parking Plaza Condominiums and for Sale of Units within the Condominium**

A condominium for the Rood Avenue parking garage, which is owned and operated by the City and the Grand Junction, Colorado, Downtown Development Authority (“DDA”), has been created and units are available for sale. A contract has been negotiated with ENIPLA Building Company, LLC, for sale of 114 units. Ratification by City Council of the creation of the condominium and sale of the units is needed.

John Shaver, City Attorney, presented this item. He explained the purpose of the resolution and the condominiumization process that they have done on the Rood Avenue Parking Garage. The resolution conveys 114 spaces to Alpine Bank. The closing is August 21, 2008.

Council President Palmer asked if the price offsets the cost per space. City Attorney Shaver said yes.

Council President Palmer asked if those spaces will be available to the general public during evenings, week-ends, holidays, and special events. City Attorney Shaver said that those details are in the condominium documents and the spaces will generally be available.

**Resolution No. 119-08—A Resolution Ratifying the Creation of the Rood Avenue Parking Plaza Condominiums and Contract to Sell Parking Spaces in the Condominium**

Councilmember Beckstein moved to adopt Resolution No. 119-08. 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 was adjourned at 8:55 p.m.

Stephanie Tuin, MMC  
City Clerk