

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

**May 18, 2009**

The City Council of the City of Grand Junction convened into regular session on the 18<sup>th</sup> day of May 2009 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Also present were City Manager Laurie Kadrach, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Coons led in the Pledge of Allegiance followed by a moment of silence.

**Presentation**

Presentation of Appreciation Plaque to Outgoing President of the Council Gregg Palmer

Council President Bruce Hill presented an appreciation plaque to outgoing Council President/Mayor Gregg Palmer and then detailed many of the accomplishments that took place during his term of office.

**Proclamations**

Proclaiming May 17 through 23, 2009 as "Emergency Medical Services Week" in the City of Grand Junction

Proclaiming May 12 through May 19, 2009 as "Salvation Army Week" in the City of Grand Junction

**Citizen Comments**

Anne Landman, 726 Colorado Avenue, thanked the City Council for the effort they have made to design an invocation policy. A few weeks ago they met with the City Manager Kadrach and City Attorney Shaver and have identified a couple of deficiencies in the policy. The first being the exclusion of anyone who is not associated with a spiritual assembly being invited to give an invocation. The next deficiency is that the majority of invocations have invoked the name of particular deity and they feel that violates the Constitution. She suggested the invocators be instructed to be non-sectarian.

Judith Sirota, 316 Parkwood Drive, asked the Council to reconsider the policy with the items brought up by the previous speaker. She urged support of non sectarian invocations. She feels each invitee needs to be provided with the policy and the legal memorandum.

**Council Comments**

There were none.

**City Manager's Report**

City Manager Laurie Kadrach addressed the City Council. The first topic is the invocation policy. There have been three drawings for the past quarters. She noted there are individuals on the list and have been from the beginning although the advertisement did not properly reflect that intent. A new advertisement will be published May 23 that will encourage individuals to apply to be randomly selected.

The request of the Western Colorado Atheists and Freethinkers can be summarized in four questions. The City Manager and the City Attorney agree that the matter can be readvertised and also to direct the City Clerk to include a copy of the policy with the invitation. The names drawn will be held out until the end of the year before being returned to the pool of names. As far as the group's request for the policy to be amended, City Manager Kadrach suggested the policy be given more time in implementation before a change is considered.

Councilmember Coons asked the City Manager for her recommendation.

City Manager Kadrach responded that there are some times when a deity's name might be invoked. Allowing a longer period of time would provide more data to determine how the community is going to respond.

City Attorney Shaver noted that the new advertisement will be published this week. Councilmember Todd stated she would like to see the policy stand for now.

Councilmember Palmer asked for clarification that the additional names will go into the pool of names. City Attorney Shaver confirmed. Councilmember Palmer agreed that the policy has not had enough time to be tried but he also does not want to dictate to the invocators as to how they make their invocation.

Councilmember Beckstein agreed the policy needs more time and she does not agree with censoring what an invocator should say.

Other Councilmembers agreed. Councilmember Hill recapped that there will be two adjustments to the way the policy is being implemented: a new advertisement clarifying that individuals are invited to apply and that the policy will be included with the invitation. The current policy will continue and will continue to be reviewed.

City Manager Kadrach clarified that if a person selected declines the opportunity to provide an invocation, then a moment of silence is held. No effort is made to find a replacement.

Next, City Manager Kadrach identified the folks that have applied to serve on the Citizen Budget Advisory Committee and advised that interviews are in process.

Lastly, Ms. Kadrach referred to the First Quarter Financial Report, identifying what items are covered and where the report is available.

## **CONSENT CALENDAR**

Councilmember Todd read the Consent Calendar and then moved to approve items #1 through #3. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the May 4, 2009 and the May 6, 2009 Regular Meeting*

2. **Setting a Hearing on Amending the Code Relating to DDA Permit Applications and Special Rules Regarding Mobile Vending Carts**

DDA and City Staff have become aware of some inconsistent language in the Code regarding the permit application process, especially as it pertains to sidewalk vendors. Staff has prepared amendments to sections of Chapter 32 of the Code to reconcile any conflicting language and make the application process clearer for DDA and City Staff to administer.

Proposed Ordinance Amending Portions of Article III of Chapter 32 Regarding the Downtown Development Authority (DDA)'s Permit Application and Section 32-68 Pertaining to Mobile Vending Carts

*Action: Introduction of a Proposed Ordinance and Set a Hearing for June 1, 2009*

3. **Vacating a Portion of the Drainage Easement Along the Eastern Properties of Indian Road, South of the Riverside Parkway and East of 27 ½ Road** [File # VR-2008-313]

A request to vacate 15 feet of the northernmost drainage easement and 10 feet of the southernmost drainage easement located adjacent to the eastern properties along Indian Road.

Resolution No. 48-09—A Resolution Vacating a Portion of Drainage Easement Adjacent to the Eastern Properties Located Along Indian Road

*Action: Adopt Resolution No. 48-09*

### ITEMS NEEDING INDIVIDUAL CONSIDERATION

#### **Public Hearing—Downtown Residential Neighborhoods Land Use Applications – Continued from May 6, 2009**

The proposed resolution would afford the City an opportunity, by declaring a temporary moratorium on the filing of development applications in the identified area, to carefully evaluate and determine as appropriate, the proper implementation of the Downtown Plan specific to the residential neighborhoods located generally north of Grand Avenue, east of 1<sup>st</sup> Street, west of 12<sup>th</sup> Street and south of North Avenue.

The public hearing was opened at 7:39 p.m.

John Shaver, City Attorney, presented this item. He advised that he and Neighborhood Service Manager Kathy Portner drafted a resolution offering a moratorium for Council's consideration.

Councilmember Coons asked for a clarification of the area affected if the resolution were to be adopted as written. City Attorney Shaver referred to the map attached to the resolution. Only residential areas in the original square mile of town would be affected.

Council President Hill then moved to public comments. He asked those wishing to speak to come forward.

Steve Brown, 812 Chipeta, a nine year resident of the downtown area, asked for clarification as to what a building moratorium means as a homeowner. Does it affect home renovations and new homes being built? He said he is in favor of something like a Bed and Breakfast.

Gordon Nicholson, 726 Ouray, distributed a handout and stated he is representing 21 people who are concerned about encroachment of business into the historic district. They are not in favor of a moratorium but rather a temporary moratorium to allow a plan be put into place. He described the historic district. He said it is the last intact historic residential area in the City. Since being designated into the National Register, there has been constant pressure to allow different uses into the area. In 1984, it was zoned PR-8 and it was thought to have a plan in place. He had numerous newspaper articles since 1984 on the need to preserve this district. The key element of the plan was to preserve the property values. He urged a moratorium to allow City Staff and the

Historic Preservation Board to have time to locate the plan and put its elements in place.

Pat Olson, 7<sup>th</sup> and Ouray, has lived there 29 years. The home has been continuously occupied by family since it was built. He supported the moratorium and agreed with the previous speaker. He added that the district has an economic impact, which makes it of interest throughout the Country. The Home Tour, which happens annually, raises funds to give to good causes. He asked for the Council to adopt the resolution.

Duncan McArthur, 2837 Keslo, employed by the Realtors Association and the Association of Homebuilders, referred to letters included in the packet. They are very concerned about a moratorium and its affect on the development community. It goes against the previous position taken by Council on working on ways to make things more amenable to the development community.

Don Pettigrove, 2764 Crossroads Blvd., Suite 200, said he has not heard any good reasons why this should be applied to the rest of the residential, outside the Historic District. He knows of plans for various improvements that would be put on hold by a moratorium. He also thought it was reactionary. He noted there are already non-residential uses in the District, such as a day care provider. There are uses that could be put in place and not disturb the historical nature of the district. He asked that the resolution be defeated.

Sherry DeRose, 604 N. 7<sup>th</sup>, is in favor of preserving the historical district, said she has done a lot of research and the research shows there are over 200 Bed and Breakfasts in historic districts. She is against the moratorium. There is a way of having both without affecting the integrity of the historic district.

Jeffrey Fleming, 2419 Hidden Valley Drive, said he has been involved in the development of the Comprehensive Plan and he does not feel this moratorium is a part of that plan. Having a moratorium for the downtown area while the Comprehensive Plan is ongoing would set a precedent. He was not supportive of the moratorium.

There were no other public comments.

The public hearing was closed at 8:08 p.m.

Councilmember Coons asked Neighborhood Services Manager Kathy Portner to clarify how the moratorium would affect renovations. Ms. Portner advised that a remodel or addition such as a garage would not be subject to the moratorium.

Councilmember Todd asked about putting in a daycare. Ms. Portner said a daycare would be a change in use but a home occupation meeting the criteria would not be subject to the moratorium.

Councilmember Todd asked about a produce stand. Ms. Portner said no, if they bring produce from off-site. Ms. Todd asked about a place of worship. Ms. Portner said that would not be an allowed use.

Councilmember Palmer asked what is allowed in a residential historic district. Ms. Portner said only Seventh Street is the Historic District, and it is on the federal register. She is not sure what could cause it to not be on the federal register however she knows some of the uses such as a Bed and Breakfast do exist in other Historic Districts.

Councilmember Beckstein asked about the Plan disappearing. Ms. Portner said it is still in existence but several new codes have been adopted since that Plan was adopted. Councilmember Beckstein asked why the larger area is being proposed for a moratorium rather than just the Seventh Street District.

Councilmember Coons responded to Councilmember Beckstein's question that there is a planning process in place for the Plan covering the entire area as shown on the map. The thought was that those who are in the residential district should provide input.

Councilmember Beckstein noted that the Staff Report only includes information for Seventh Street; no demographics are provided for the rest of the area being included in the moratorium.

Council President Hill advised that this was a concerned citizen's report not a Staff Report.

Councilmember Beckstein advised there should have been more information provided for the rest of the area.

Councilmember Pitts asked if the expansion and the garage addition would be allowed. Ms. Portner said it would not be subject to the moratorium.

Neighborhood Services Manager Kathy Portner stated that the Downtown Plan has been going on concurrently with the Comprehensive Plan and she is not aware of any conflicts between the two plans. The Downtown Plan is more detailed than the Comprehensive Plan.

Council President Hill noted there are many other detailed area plans. The Downtown Plan came forward and the City Council pushed it back to Staff asking for more detail. He did not recall anything specific about the Historic Seventh Street District. Ms.

Portner replied that the Downtown Plan did speak to overlay plans as part of the implementation and that is planned to come forward.

Council President Hill advised that City Council is very committed to adopting the Comprehensive Plan and the hope is to complete that at the end of June. He asked if the Downtown Plan will be ready at that time. Ms. Portner said yes, the detail for the overlay may not be ready, but the framework will be there.

Councilmember Todd pointed out areas being included that may already be commercial, up around 100 block of Belford for example. Ms. Portner said they would double-check that.

Councilmember Coons asked if a shorter period of time for a moratorium might be feasible. Ms. Portner said three months might be realistic.

Councilmember Beckstein asked if no moratorium were in place, is there a process for any change of use? Ms. Portner said it would require a rezone and there is a process. Councilmember Beckstein asked if there are rules in place now to protect homes in these situations. Ms. Portner advised that the polices created in 1984 addressed cosmetic changes and there may not be such a process in the Code today.

Councilmember Todd asked about the impact of what goes on inside versus what the outside looks like. Ms. Portner said it can be both. Councilmember Todd asked if the daycare was there prior to the historic designation. Ms. Portner said there was a daycare listed. Councilmember Todd asked when applying a large overlay, if someone wanted to put in a Bed and Breakfast in an area other than Seventh Street, what would the objections be from Staff. Ms. Portner said there are specific criteria. Councilmember Todd asked if this would be an administrative process. Ms. Portner said yes, if it is three bedrooms or less.

Councilmember Coons asked if it is true there are other homes within the area that are designated as historic that have may have certain requirements for home improvements because of the historic designation, for example, Hope Haven.

Kristen Ashbeck, Senior Planner with Neighborhood Services, clarified the example of Hope Haven. It was a matter of compliance because of Community Development Block Grant (CDBG) requirements, and Housing and Urban Development (HUD) monies, and how it applied to the national trust requirements and Secretary of Interior standards for rehabilitation.

Councilmember Todd mentioned her concerns about a moratorium that shuts off an area. It is a slow moving time; a moratorium would not allow daycare. No permits for conditional or allowed usage says "out of business." It sends a bad message.

Councilmember Kenyon supports the historic district, it is special and unique and he hopes adequate protections will be put in place to protect it in the Comprehensive Plan. However, this resolution is overreaching; it sends a wrong message and he does not support the resolution.

Councilmember Pitts agreed with Councilmember Kenyon and doesn't like the term moratorium; he would be opposed to a moratorium in that area.

Councilmember Coons said this is a residential area not a thriving commercial district. It is the entire residential district not specifically Seventh Street. Her concern is there is a time for public input which is a process that should be ongoing and wishes to be able to say that public comment period is being respected, to recognize them and to implement to the extent it makes sense. Her concern would be to tell people there is time for public input and then Council makes changes without considering those comments. A six month moratorium might be longer than necessary so she suggested it be amended to a three month moratorium.

Councilmember Palmer appreciates all the public input. However, he does not see the need for a moratorium. He does feel the historic area needs to be preserved. He is not supportive of the moratorium.

Councilmember Beckstein agreed with Councilmembers Kenyon and Palmer stating when they started the Comprehensive Plan they agreed not to put in place any moratoriums so business could keep moving forward. To put a moratorium in place this late when the Comprehensive Plan is so close to completion does not make sense. She also does not want to interfere with anything a property owner wants to do within the confines of the Code. She does not support a moratorium.

Resolution No. 49-09—A Resolution Directing the City Manager Concerning Land Use Applications in the Downtown Residential Neighborhoods

Councilmember Coons moved to adopt Resolution No. 49-09. Councilmember Todd seconded the motion.

Councilmember Coons moved to amend the motion to change Section H of the Resolution to state that the Resolution shall expire three months from the time of adoption (September). The amendment died due to lack of a second.

The question on the first motion was called. The motion failed by unanimous roll call vote.



Council President Hill thanked those who came and thanked them for the courtesy, and then called a recess at 8:40 p.m.  
The meeting reconvened at 8:50 p.m.

**Public Hearing—Vacation of Public Right-of-Way in the Vicinity of 7<sup>th</sup> Street, Struthers Avenue and Kimball Avenue** [File # VR-2009-053]

Request by the City of Grand Junction to vacate two surplus right-of-way areas totaling 0.22 acres: (1) a portion of South 7th Street south of the Riverside Parkway and north of Struthers Avenue and (2) a portion of Kimball Avenue west of the Riverside Parkway. These remnants have been rendered impractical for use as right-of-way because of the alignment of the Riverside Parkway through the area.

Ordinance No. 4356—An Ordinance Vacating a Portion of the South 7<sup>th</sup> Street Right-of-Way Located South of the Riverside Parkway and North of Struthers Avenue and a Portion of the Kimball Avenue Right-of-Way Located West of the Riverside Parkway

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

Judith Rice, Associate Planner, presented this item. The vacation request is for portions of the South 7<sup>th</sup> Street right-of-way that are surplus and have been rendered impractical for use due to the alignment of the Riverside Parkway. She requested that the Staff Report and the attachments be entered into the record. The request meets the criteria of the Zoning and Development Code. The Planning Commission and Staff both recommend approval. The applicant is present but does not wish to make a presentation.

There were no public comments.

The public hearing was closed at 8:52 p.m.

Councilmember Palmer moved to adopt Ordinance No. 4356 and ordered it published. Councilmember Beckstein seconded the motion. Motion carried.

**Public Hearing—2009 CDBG Program Year Funding Requests and Expenditure of 2008 Plan Amendment for CDBG Recovery Act** [File #2009-CDBG]

City Council will consider: 1) which activities and programs to fund Community Development Block Grant (CDBG) projects for the 2009 Program Year; and 2) an amendment to the 2008 Program Year to expend CDBG Recovery Act funds (CDBG-R).

The public hearing was opened at 8:53 p.m.

Kristen Ashbeck, Senior Planner, presented this item. She reviewed the history of the program. This year's allocation is \$344,439 with \$110,000 left over from 2007. Also \$91,783 came to the program through Stimulus Funds.

The City received 13 applications and those were discussed at workshop. The City Council recommended funding seven of the requests. She then reviewed each request:

#### **1a CDBG Program Administration**

Due to the current budget situation, Council recommends that a portion of the 2009 CDBG funds be expended on administration/staff salary to offset the costs of administering the CDBG program. This type of expenditure is an eligible activity under HUD guidelines. Recommended Funding: \$30,000.

#### **1 Homeward Bound of the Grand Valley**

Homeward Bound operates the Community Homeless Shelter at 2853 North Avenue. Their original request was for the purchase of a commercial grade dishwasher and a 12-15 passenger van. Upon discussing the application with the shelter staff, they will be purchasing the dishwasher with funds remaining from a 2007 CDBG grant. Thus, the 2009 grant request is to purchase the van only. The van will be used to transport overflow shelter guests to churches in the community that provide shelter for the overflow persons. Estimated Cost of Van Purchase: \$31,000, Funds Requested: \$26,000.

#### **2 St Mary's Hospital Senior Companion Program**

Utilizing senior volunteers, the program provides weekly transportation services for elderly or disabled city residents who can no longer drive. Funding is for reimbursement for gas and mileage for 12 additional volunteers. Most recently, the Senior Companion Program received funding in 2007 (\$10,000). All funds have been expended and the project has been closed out. Total Program Cost: \$263,062, Funds Requested: \$12,000.

#### **3 Grand Junction Housing Authority (GJHA)**

GJHA owns and operates the Walnut Park Apartments located at 2236 North 17<sup>th</sup> Street. The complex provides affordable housing for seniors. The units were built prior to the 1990 American with Disabilities Act (ADA) and, until recently, GJHA has been given waivers for the units. GJHA is now being required to make at least 10% of the units accessible. The current floorplan of the units is not conducive to remodeling to provide the accessibility so GJHA is proposing to add 14 units on the site that will meet the ADA requirements.

CDBG funds cannot be used to construct the new units themselves so GJHA is requesting funds for eligible costs of site and infrastructure work to include

rerouting underground utilities in the areas where the new units will be placed, demolition and site preparation and construction of parking areas for the anticipated new units. The request also includes funds to construct a new maintenance building on the site. The original request was for \$350,000 but a portion of these costs will be paid for through reallocation of City General Funds as previously approved by Council. Thus, GJHA has revised their CDBG request to \$100,000. Total Project Cost: \$1.8 million, Funds Requested: \$100,000.

#### **4 Riverside Task Force, Inc. Campus Expansion**

The Riverside Task Force (RTF) is seeking to expand the Riverside School Campus through the acquisition of one to four of the residential parcels east of the school. The current 2-acre campus consists of the Dual Immersion Elementary School, the Community Center in the old Riverside School which also houses some uses for the elementary school, playground and parking areas. The restored school has achieved optimal usage, with the majority of the 4,000 square feet of functional space being utilized by the elementary school, the after-school programs and other community uses on evenings and weekends.

The City awarded 2008 CDBG funds to RTF in the amount of \$220,900 towards purchase of the two closest residential properties (542 and 538 West Main Street). RTF purchased 542 West Main in March 2009 for a cost of \$140,848.50, leaving a balance of \$80,051.50 in their 2008 grant. RTF is requesting \$85,000 in additional funds in order to purchase a second property at 522 West Main Street. The owner of 538 West Main Street is not a willing seller at this time. Potential Future Project Cost: \$1,420,000, Funds Requested: \$85,000, Funding recommended \$173,222.

#### **5 Mesa Developmental Services (MDS)**

MDS provides services for all children and adults in Mesa County with developmental disabilities and their families, and for infants and toddlers diagnosed with a developmental delay or at risk for life-long disability. A facility condition assessment was recently completed for all of the facilities that MDS owns and operates, including the main offices at 950 Grand Avenue and twelve group homes. Specific deficiencies were identified and MDS is requesting funds to do some of the remodeling work to correct deficiencies, much of which is relating to improving energy efficiency in the facilities. Total Project Cost: \$508,835, Funds Requested: \$150,000, funding recommended \$40,000

#### **6 Housing Resources of Western Colorado**

CDBG funds would be used to construct a new 2,000 square foot learning center on the grounds of the Garden Village Apartment complex that is owned and operated by Housing Resources. The learning center would be used as a

community center for the residents of Garden Village as well as provide accessible office and classroom space for self improvement classes such as budgeting, financial management and homebuyer education. The classes may also be available to residents of other low-income housing complexes in Grand Junction. The classes and available equipment in the learning center would provide families with the tools they need to better educate themselves and graduate to more gainful employment and more independent living situations. Total Project Cost: \$257,250, Funds Requested: \$100,000.

#### **7 Western Slope Center for Children (WSCC)**

WSCC is a child advocacy center with the mission of reducing trauma of investigations of child sexual abuse and to promoting justice and healing. CDBG funds would be used for improvements to the existing WSCC building at 259 Grand Avenue, primarily for energy conservation. Improvements would include replacing the HVAC system and spraying high density foam over existing batts in the ceiling and wall areas for added insulation. Total Project Cost: TBD, Funds Requested: \$65,000.

Jody Kole, Executive Director of the Grand Junction Housing Authority, 2256 Pine Terrace Court, thanked City Council for their continued support. She explained the Walnut Park Apartments were not built for accessibility. With the grant those improvements can be made as well as building an additional 16 units on property already owned.

Gi Moon, Executive Director of Homeward Bound of the Grand Valley, 885 Hall Ave, thanked the City Council for their consideration. The van is desperately needed for the program.

The public hearing was closed at 9:05 p.m.

Council President Hill advised that the City Council has spent much time in considering these requests and in fact the two new Councilmembers' first meeting was a workshop to consider the CDBG requests.

Councilmember Beckstein moved to accept the CDBG City Council Workshop recommendations for funding for 2009 CDBG program year, amend the 2008 program year to include expenditures of CDBG-R funds and set a hearing for adoption of the CDBG 2009 action plan for June 17, 2009. Councilmember Coons seconded the motion. Motion carried.

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

There were none.

**Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 9:06 p.m.

Stephanie Tuin, MMC  
City Clerk