

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

November 2, 2009

The City Council of the City of Grand Junction convened into regular session on the 2nd day of November 2009 at 7:01 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd and Council President Pro Tem Teresa Coons. Council President Bruce Hill was absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

President of the Council Pro Tem Coons called the meeting to order. She recognized Boy Scout Troops 323 and 328 in attendance. Cub Scout Pack 320 posted the colors and led in the Pledge of Allegiance followed by an invocation by David Huslig, Bethel Assembly of God.

Proclamations/Recognitions

Proclaiming November as “Alzheimer’s Awareness Month” in the City of Grand Junction

Proclaiming November 11, 2009 as “A Salute to All Veterans 2009” in the City of Grand Junction

Proclaiming November as “Hospice and Palliative Care Month” in the City of Grand Junction

Proclaiming November as “Blue Star Mothers Month” in the City of Grand Junction

Council Comments

Council President Pro Tem Coons reported that City Council and City Staff spent over four and one half hours going over next year’s budget and she appreciated all the work and effort. She said Staff did an excellent job.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Kenyon read the Consent Calendar and then moved to approve items #1 through #9 with item #6 being continued to November 16, 2009. Councilmember Palmer seconded the motion.

Upon request by Councilmember Todd, Council President Pro Tem Coons explained the purpose of the Consent Calendar.

Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the October 19, 2009, and the Minutes of the October 21, 2009, Regular Meeting

2. **Setting a Hearing on the Fuoco Rezone, Located at 160 Hill Avenue** [File #GPA-2009-147]

Request to rezone 0.14 acres located at 160 Hill Avenue from R-O, (Residential Office) to C-1, (Light Commercial).

Proposed Ordinance Rezoning Property Known as the Fuoco Rezone from R-O (Residential Office) to C-1 (Light Commercial), Located at 160 Hill Avenue

Action: Introduction of a Proposed Ordinance and Set a Hearing of November 16, 2009

3. **Setting a Hearing on the Matthews Enclave Annexation, Located along the Colorado River West of 25 Road and South of the Riverside Parkway** [File #ANX-2009-209]

A request to annex 10.53 acres of enclaved property, located along the Colorado River west of 25 Road and south of the Riverside Parkway. The Matthews Enclave consists of one privately-owned parcel and portions of two publicly-owned parcels, along with 0.83 acres of public right-of-way.

Under the 1998 Persigo Agreement with Mesa County the City is to annex all Enclave areas within five (5) years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years. The Matthews Enclave has been enclaved since January 16, 2005.

a. **Notice of Intent to Annex and Exercising Land Use Control**

Resolution No. 84-09—A Resolution of the City of Grand Junction Giving Notice that a Tract of Land Known as Matthews Enclave, Located along the Colorado River West of 25 Road and South of the Riverside Parkway, Consisting of Approximately 10.53 Acres, will be Considered for Annexation to the City of Grand Junction, Colorado, and Exercising Land Use Control

Action: *Adopt Resolution No. 84-09*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Matthews Enclave Annexation, Located along the Colorado River West of 25 Road and South of the Riverside Parkway, Consisting of Approximately 10.53 Acres

Action: *Introduction of a Proposed Ordinance and Set a Hearing for December 14, 2009*

4. **Setting a Hearing Correcting Legal Description on a Vacation of Right-of-Way Ordinance for a Portion of Gunnison Avenue** [File #VR-2009-223]

The intent of Ordinance No. 2639 was to vacate the entirety of Gunnison Avenue right-of-way within the limits specified by said ordinance; however, due to scrivener's error not all documents conveying Gunnison Avenue right-of-way were cited in said ordinance. The amended ordinance lists all documents conveying right of way for Gunnison Avenue to be included within the stated limits, thereby fully satisfying the intent of Ordinance No. 2639.

Proposed Ordinance Amending Ordinance No. 2639 Vacating a Portion of Gunnison Avenue Right-of-Way between Harris Road and Melody Lane

Action: *Introduction of a Proposed Ordinance and Set a Hearing for November 16, 2009*

5. **Setting a Hearing on the Medicinal Marijuana Dispensary Moratorium**

The proposed ordinance would afford the City an opportunity, by declaring a temporary moratorium on the filing of development applications for medical marijuana dispensaries, to carefully evaluate and determine as appropriate, the proper regulation of those businesses. The ordinance also proposes a moratorium on the issuance of sales tax licenses for new dispensaries/marijuana care-givers.

Proposed Ordinance Concerning Land Use Applications in the City of Grand Junction, Instituting a Temporary Moratorium on the Issuance of Land Use Approvals and Sales Tax Licenses for Medical Marijuana Dispensaries and Providing Penalties for Violation Thereof

Action: *Introduction of a Proposed Ordinance and Set a Hearing for November 16, 2009*

6. **Downtown Grand Junction Business Improvement District (DGJBID) Operating Plan and Budget** CONTINUED TO NOVEMBER 16, 2009

As required by statute, the DGJBID has filed the 2010 Operating Plan and Proposed Budget with the City Clerk by September 30. It has been reviewed by Staff and found to be reasonable.

Action: Continue to November 16, 2009

7. **Construction and Maintenance Agreement and Purchase of Property from Union Pacific Railroad Company for the 29 Road and I-70B Interchange Project**

The Public Utility Commission requires that the City and the Union Pacific Railroad Company enter into a Construction and Maintenance Agreement for the construction and future maintenance of the 29 Road Overpass Bridge. The City's cost for the Easement Fees and Permit Fees included in this Agreement is \$177,547. The City has also signed a Letter of Understanding with the Union Pacific Railroad Company to purchase street right-of-way at 29 Road and D ½ Road. The City's cost for the right-of-way is \$120,680.

Resolution No. 85-09—A Resolution Authorizing the Purchase of Real Property at 29 Road and D ½ Road, Identified by Parcel Schedule #2943-172-00-056 from Union Pacific Railroad Company

Action: Authorize the City Manager to Sign the Construction and Maintenance Agreement with Union Pacific Railroad Company for the 29 Road Overpass and Adopt Resolution No. 85-09

8. **Water Agreement Amended and Restated with BrightStar Golf Redlands Mesa LLC**

Authorization of the City Manager to consent to the assignment of the Water Agreement Amended and Restated to provide irrigation water for the public golf course for the land where the Golf Course at Redlands Mesa ("Golf Course") is located in the Redlands.

Action: Authorize the City Manager to Act by Executing the Consent to Assignment of the Water Agreement Amended and Restated with BrightStar Golf Redlands Mesa LLC

9. **Tiara Rado Golf Course Irrigation Replacement – Phase Two**

This project will replace the 40 year old irrigation system at Tiara Rado Golf Course that is deteriorating and in some cases beyond repair. This approval request is for Phase Two of the project (pond construction and dirt work), consisting of the Civil Contractor (\$584,923.50) and Golf Course Specialty Contractor (\$727,189.69) for a total Phase Two cost in the amount of \$1,312,113.19.

If approved, the City will realize future cost savings through reduced irrigation and pump repairs, and decreased electrical costs. The pond construction is being done in conjunction with the irrigation replacement project. The irrigation system and pump station are designed to operate from the ponds being built by the Civil Contractor.

Action: Authorize the City Purchasing Division to Enter into Construction Contracts with M.A. Concrete in the Amount of \$584,923.50 for the Civil Construction Portion of the Project, and Stonefly Earthworks in the Amount of \$727,189.69 for the Golf Course Specialty Construction Portion of the Project

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Authorizing the Issuance and Sale of the City of Grand Junction Joint Sewer System Revenue Bonds, Series 2009

City Council and the Mesa County Commissioners have determined that in the best interests of the joint sewer system and its customers, to complete certain improvements to the Persigo sewer system. To finance the projects, the City Council has determined that it is necessary and advisable to issue its “City of Grand Junction, Colorado, Joint Sewer System Revenue Bonds, Series 2009 (Direct Pay Build America Bonds)” in the approximate amount of \$5.2 million to help defray part of the costs of the Project.

The public hearing was opened at 7:26 p.m.

Greg Trainor, Facilities, Utilities, and Street Systems Director, presented this item. He explained that the City finds it reasonable to take advantage of low interest loans to move projects forward, not only for the citizens, but also for the contracting community. They are proposing to borrow \$5.2 million in funding and put to use \$4.6 million with the remainder establishing a reserve fund for debt service. The bonds are for ten years. The interest is subsidized by the federal government. The projects include an increase in capacity in the Pear Park area, an upgrade to the River Road interceptor, construction of an improvement district along Canary Lane, and the construction of additional capacity in the Persigo Sewer System for future growth.

Councilmember Kenyon asked about the additional capacity project. Mr. Trainor explained that plant investment fees are collected in order to enlarge the capacity of the sewer system. One such improvement is to convert to an ultraviolet sanitation system.

Council President Pro Tem Coons asked how long it would take to save for these projects. Mr. Trainor said it would take about three or four years to plan and save for these projects over time.

Roger Gobel, 409 Rosevale, said the proposal sounds dirt cheap and is priceless for future generations. He was supportive.

There were no other public comments.

The public hearing was closed at 7:36 p.m.

Ordinance No. 4389—An Ordinance Authorizing the Issuance and Sale of the City of Grand Junction, Colorado, Taxable Joint Sewer System Revenue Bonds (Direct Pay Build America Bonds), Series 2009, Payable Solely out of the Net Revenues to be Derived from the Operation of the Joint Sewer System of the City and Mesa County, Colorado and Certain Other Revenues

Councilmember Palmer moved to adopt Ordinance No. 4389 and ordered it published. Councilmember Todd seconded the motion.

Councilmember Kenyon said normally he would not be supportive of borrowing money but given the rate and the projects being proposed, which are reasonable, he does support this request.

Councilmember Palmer added that this is the City's own stimulus project.

Motion carried by roll call vote.

Public Hearing—Approving Loan from the Colorado Water Resources and Power Development Authority

The City Council has determined that in the interests of the City and the public, certain improvements are required to the City's water system, including the replacement of certain existing cast iron and steel water distribution lines within the system. To finance the project, the City Council has determined that it is necessary and advisable to enter into a loan agreement with the Colorado Water Resources and Power Development Authority ("CWRPDA") for a loan amount of \$3.8 million.

The public hearing was opened at 7:38 p.m.

Greg Trainor, Facilities, Utilities, and Street Systems Director, presented this item. This item is also borrowing money that will be repaid by water user fees. This is a direct loan from the Colorado Water Resources and Power Authority. This will take advantage of similar circumstances, borrowing money at a low rate to repair and replace significant parts of the water system. He asked Utilities Engineer Bret Guillory to detail those projects. The water fund will be borrowing \$3.8 million.

Bret Guillory, Utilities Engineer, listed the projects in three phases. One phase will replace an aging water line that has been problematic. The second phase includes another water line to be replaced on Orchard Mesa and a replacement of another section along North Avenue. The third phase is along 27 ½ Road where there has been a water quality issue.

Councilmember Todd asked about recapturing the water from leakage. Mr. Guillory said he is unsure of the amount of leakage; the concern and the reason for the projects are mostly line failures.

Council President Pro Tem Coons asked how this loan is different from the previous item. City Attorney Shaver advised this is a direct loan from the Colorado Water Resources and Power Authority who is the borrowing entity. The City is the beneficiary of the loan proceeds. This loan is not to exceed \$4.3 million.

Roger Gobel, 409 Rosevale, asked if there will be more than one bid. Mr. Guillory advised that the projects will be competitively bid, therefore bids will be solicited from contractors.

Councilmember Beckstein said it was discussed that these bids will be structured in such a way that it will be an enhancement for the community. It will be part of the City's stimulus program to keep jobs and businesses going.

There were no other public comments.

The public hearing was closed at 7:47 p.m.

Ordinance No. 4390—An Ordinance Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System; Authorizing the Form and Execution of the Loan Agreement and a Governmental Agency Bond to Evidence Such Loan; Authorizing the Execution and Delivery of Documents Related Thereto; and Prescribing Other Details in Connection Therewith

Councilmember Beckstein moved to adopt Ordinance No. 4390 and ordered it published. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 7:49 p.m.

Stephanie Tuin, MMC
City Clerk