

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

August 16, 2010

The City Council of the City of Grand Junction convened into regular session on the 16th day of August 2010 at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras, and Council President Teresa Coons. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Coons called the meeting to order. Councilmember Palmer led the Pledge of Allegiance followed by an invocation by Pastor Harry Butler with Certain Place of Seventh Day Handy Chapel.

Proclamations

Proclaiming August 24, 2010 as “Soka Gakkai International-USA Day” in the City of Grand Junction

Proclaiming August 25, 2010 as “Grand Junction Crime Stoppers Day” in the City of Grand Junction

Presentations/Recognitions

An Award to the City of Grand Junction for the “2010 American Planners Association Colorado Excellence Award” in the Category of Outstanding Planning Project for their Work on the Comprehensive Plan

Tim Moore, Public Works and Planning Director, explained this is the first time the City has been recognized for such efforts. He described the process that took place for the development of the Comprehensive Plan with the public and which included a three day week-end session with the City Council. The Mesa County Commissioners were also in on the process. He recognized that a major share of the work was lead by Planning Manager Lisa Cox and Principal Planner David Thornton.

Planning Manager Lisa Cox recognized all the work that the City Council put into the process and noted this award is like an “Academy Award” in the planning profession.

Dave Thornton, Principal Planner, added that the awards committee really liked the Blended Map which was developed over that three day week-end. He congratulated the City Council on their hard work.

Councilmember Palmer recalled the genesis of the Plan and at that time not knowing what that would entail. He too congratulated the Staff.

President of the Council Coons thanked them and said this Plan is very important. The "City of Grand Junction Municipal Watershed Team Award" to the City of Grand Junction and US Forest Service, Grand Valley Ranger District.

Utility, Streets, and Facilities Director Greg Trainor noted that the City has had a long term relationship with the Forest Service (for the last 95 years) working on the Grand Mesa and with that introduced Connie Clementson, District Ranger with the Grand Valley Ranger District Service.

Ms. Clementson said there has been a collaborative effort between the Forest Service and the City on projects in the Kannah Creek Watershed; more recently there have been more projects implemented for the protection and conservation of the Watershed. She said that on August 3, 2010, the Grand Junction Municipal Watershed Team was recognized by the Secretary of Agriculture, Tom Vilsack at the U.S. Department of Agriculture's Annual Honor Awards Ceremony in Washington D.C. It is a prestigious award and presented to a select group of 28 nationwide within the Department of Agriculture. The City was able to send Utility, Streets, and Facilities Deputy Director Terry Franklin as the representative for the City and said he was also instrumental in getting things done in the Grand Junction Municipal Watershed. Ms. Clementson stated the City was recognized for "Ensuring Our National Forests and Private Working Lands are conserved, restored, and made more resilient to climate change, while enhancing our water resources." The City and the Team are honored "For Outstanding Community Collaboration and Accomplishment of the Forest Health-related Activities Vital to the Protection of Municipal Watersheds". She thanked the City Council for the support and then presented the "City of Grand Junction Municipal Watershed Team Award." Ms. Clementson mentioned that Terry Franklin, Greg Trainor, Rick Brinkman, and Danny Vanover deserved special recognition.

Council President Coons lauded the professionals the City has to protect the watershed.

Certificates of Appointments

Craig Richardson was present to receive his Certificate of Appointment to the Urban Trails Committee.

Katie Steele was present to receive her Certificate of Re-Appointment to the Riverfront Commission, and Leila Reilly and Mary Ann Cooper were present to receive their Certificates of Appointment to the Riverfront Commission.

Storm Event Update

Greg Trainor, Director of Utilities, Street and Facilities, addressed the significant rain storms that day. There were several cells that came over the Grand Valley and each

released two inches of rain per hour. Last time this happened was in 2002. Substantial capital improvements were made as a result of those floods and there would have been more issues with this storm without those improvements. Crews worked until 7:00 p.m. and will return at 6:00 a.m. to continue to clean up. There were areas of minor flooding in intersections. The drains were working property but the volume was more than they could handle. He listed several other areas where there was significant accumulations such as South 7th, 25 ½ Road and Bass Street, 11th and Gunnison, 24 ½ Road (by the Girl Scout Office), 15th and Patterson, and The Ridges. He invited the citizens to file any other issues or complaints and described the “FIX IT” form on the web that could be utilized for that reporting.

Council President Coons expressed her appreciation for the improvements that were made and for the crews at work.

Councilmember Kenyon saw manholes on Patterson coming up with water. Mr. Trainor said those are storm drains and improvements are planned to those areas when there are resources available.

Councilmember Beckstein asked about 28th Street and North Avenue.

Rick Brinkman, Water Services Manager, said his crews responded to a hole in the road at that location and the crews were there trying to determine the cause. It was not due to leaking water or sewer lines. The hole has been patched and paved.

Council President Coons applauded the effort of the crews to fix a water line break at 10th and Ouray a few weeks ago.

Council Comments

Council President Coons reminded the public that the second public forum on whether medical marijuana centers should be allowed in the City limits will be on Wednesday, August 18th at 7:00 p.m. She invited citizens to come and express their views.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Susuras moved that Council approve Consent Calendar Items #1 through #3 and then read the Consent Calendar. Councilmember Hill seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the August 2, 2010 and the August 4, 2010 Regular Meetings

2. **Watershed Memorandum of Understanding with United States Forest Service**

The City of Grand Junction and the United States Department of Agriculture Forest Service, Grand Valley Ranger District (Forest Service) are renewing a Memorandum of Understanding (MOU) for five (5) years towards a partnership that will ensure protection of the quality and quantity of the City's municipal water supply.

Action: Authorize the Mayor to Sign the Memorandum of Understanding with the United States Department of Agriculture Forest Service Grand Valley Ranger District

3. **Agreement with Mesa County Elections for the November 2, 2010 Election**

In order to place the City's ballot question(s) regarding retail sales of medical marijuana on the November 2, 2010 ballot, an intergovernmental agreement setting forth the responsibilities of the City and the County in relation to the election is required. The agreement will be null and void if the City Council decides not to place a question(s) on the ballot.

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 2, 2010

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Heritage Villas Rezone, Located at 606 ½ 29 Road, from R-4 to R-8
[File #RZ-2010-062]

A request to rezone 1.6 acres, located at 606 ½ 29 Road, from R-4 (Residential – 4 units per acre) zone district to R-8 (Residential – 8 units per acre) zone district. The proposed project is to provide a retirement village consisting of 10 units and a single family residence for the owner of the property.

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

Lori V. Bowers, Senior Planner, presented this item. She described the site, the location, and the request. The rezone will accommodate the proposed site plan which

has an overall density of 7.5 dwelling units per acre. She asked that the Staff Report and attachments be entered into the record. The request meets the criteria for right-of-way vacations in the Grand Junction Municipal Code. The Planning Commission recommended approval on July 13, 2010. The applicant was present but did not need to make a presentation.

Councilmember Palmer said he visited the site and it seemed tight to fit all the units. Ms. Bowers responded with the size and style of housing, it will meet the required setbacks. Councilmember Palmer asked if the parcel to the north will be landlocked. Ms. Bowers stated that they will not allow landlocked parcels.

City Attorney John Shaver added any development approval will not allow a landlocked parcel and that access will come forward with the development application. This is only the zoning action at this time.

Councilmember Susuras asked if there were any objections at the neighborhood meeting for this project. Ms. Bowers said there were some comments that were not in favor of the density but they were also excited about possibly being able to get a rezone on their property.

The applicant did not wish to speak.

There were no public comments.

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

Ordinance No. 4432—An Ordinance Rezoning Heritage Villas from R-4 (Residential 4 Units per Acre) to R-8 (Residential 8 Units per Acre) Located at 606 ½ 29 Road

Councilmember Susuras noted that the proposal allows for a greater mix of housing types which is a goal of the Comprehensive Plan so he is supportive of it.

Councilmember Palmer said that although it seemed like there could be a potential problem, his question has been answered and he is also supportive of it.

Councilmember Hill noted it also provides a buffer between the businesses and residential area. He supports the proposal.

Councilmember Palmer moved to adopt Ordinance No. 4432 and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing—Lee/Bell Rezone, Located at 315 Ouray Avenue from R-O to B-2
[File #RZ-2010-066]

A request to rezone 0.14 acres, located at 315 Ouray Avenue, from R-O (Residential Office) zone district to B-2 (Downtown Business) zone district to allow retail sales in a gallery within the home.

The public hearing was opened at 7:49 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the site, the location, and the request. The rezone will allow the applicants to remain living in their home and provide a “mixed use” by providing retail sales in a gallery setting in their home. She asked that the Staff Report and attachments be entered into the record. The request meets the criteria for right-of-way vacations in the Grand Junction Municipal Code. The Planning Commission recommended approval on July 13, 2010. The applicant was present but did not wish to speak.

There were no public comments.

The public hearing was closed at 7:50 p.m.

Councilmember Palmer asked about it being a traditional residential neighborhood, was it contemplated in the Comprehensive Plan that this allow traditional retail, that is a destination location, or was it contemplating more service-oriented business? City Attorney Shaver responded if it allowed on the zone matrix, it is allowed.

Councilmember Palmer asked if this property is within the Downtown Development Authority boundaries. City Attorney Shaver answered it is not.

Councilmember Susuras supports the proposal as it meets the Comprehensive Plan Goal of promoting vitality to the downtown area, and the future land use map does identify this area for mixed use.

Ordinance No. 4433—An Ordinance Rezoning the Lee/Bell Property from R-O (Residential Office) to B-2 (Downtown Commercial), Located at 315 Ouray

Councilmember Beckstein moved to adopt Ordinance No. 4433 and ordered it published. Councilmember Hill seconded the motion.

Council President Coons noted this is a transitional area.

Motion carried by roll call vote with Councilmember Palmer voting NO.

Great Outdoors Colorado (GOCO) Grant Application for Stadium Re-development

The Parks and Recreation Department is seeking approval to apply for grant funding through Great Outdoors Colorado (GOCO) for assistance with the re-development project at Suplizio Field and Stocker Stadium. A resolution from the governing entity must be approved and attached prior to grant submission. This grant application is due August 27th with awards scheduled to be announced in December 2010. During this upcoming grant cycle, GOCO is offering a 'Special Opportunities Grant' for park renovation projects. The maximum award for this grant is \$700,000.00.

Rob Schoeber, Director of Parks and Recreation, presented this item. He stated this proposal will allow the Department to apply for a grant to renovate a large portion of the stadium which was constructed in the late 1970's and early 1980's. The complex serves as a regional facility for the entire valley. He described the timing of the grant. It is anticipated this will be a very competitive grant cycle due to the economy. The money can be used for parks and recreation projects only.

Councilmember Susuras asked about the matching funds. Mr. Schoeber said it is a 70-30 match but ten percent must be cash. The cash match has already been provided by the Parks Improvement Advisory Board.

Resolution No. 32-10—A Resolution Supporting the Grant Application for a Special Opportunity Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado for the Suplizio Field/Stocker Stadium Re-Development Project

Councilmember Kenyon moved to adopt Resolution No. 32-10. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Amending Ambulance Transportation Fees

The Fire Department is requesting Council adopt a resolution allowing the City to charge the most recently established Mesa County ambulance transport fees when providing ambulance transport services.

Ken Watkins, Fire Chief, presented this item. Chief Watkins said that with the adoption of this resolution it will help keep fees current and ensure consistency with the fees charged by all other ambulance transport providers in Mesa County. Currently the Mesa County resolution adjusts rates every March. The City has been adjusting their rates to match the County in the fall to take effect in January. This schedule causes the City to be about nine months behind the current fees. The resolution will allow those rates to be adjusted at the same time Mesa County makes the adjustment.

Councilmember Palmer, who sat on the EMS Council, wanted clarification that the City does not set the rates; the EMS Council makes a recommendation to the County. These rates apply to all of the agencies providing this service. Chief Watkins added the rates are adjusted based on the Consumer Price Index (CPI).

Council President Coons asked if the City is the last agency to adjust their rates. Chief Watkins said he cannot account for every entity but he can say that most of the agencies adjust their rates when the County sets the new rates.

City Manager Laurie Kadrach explained the time sequence that occurred last year. The budget was adopted with the old rates and then Mesa County increased the rates.

Chief Watkins said a request was made to the EMS Council to adjust their schedule to be in line with budgeting season but they responded they could not as they must wait for the CPI to come forward.

Councilmember Kenyon asked if the adjusted rates will come before Council or will it be an automatic increase.

City Attorney Shaver said it will be adjusted automatically and then Council will be updated during the budget discussions.

Councilmember Kenyon supported the proposal.

City Manager Kadrach noted that the City Council does have a representative on the EMS Council so real time information can be brought back to the City Council.

Resolution No. 33-10—A Resolution Amending Ambulance Fees in the City of Grand Junction, Colorado and Creating a Mechanism for Those Fees to Increase as Increases are Approved by Mesa County

Councilmember Palmer moved to adopt Resolution No. 33-10. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

Ratification of a Contract for the Sale of Property at 635 Grand Avenue

The City has entered into a contract with Salon Capelli LLC for the sale of the real property (vacant) located at 635 Grand Avenue. The City has owned the property since 1996 and is no longer using the property. Sale of the property will allow a commercial use of the property.

John Shaver, City Attorney, presented this item. He reviewed the history of the property and noted that the City Council had declared the property as surplus. Early in 2010 the

City advertised that it would accept offers or proposals for the use or development of the property and at that time no offers were received. Recently the City was approached by an individual who is buying the old Studio 119 building for Salon Capelli and she asked to lease the property for parking. Upon further discussion, she extended an offer to purchase the property for \$65,000. The City purchased the property for \$45,000 and will not be paying realtor fees for the transaction. He added a correction to the contract, it is a liquidation damages contract instead of a specific performance contract.

Councilmember Susuras asked what the City policy is on obtaining an appraisal. City Attorney Shaver said the Property Committee determined an appraisal would not be necessary on this size property. The Property Committee did review the offer and recommended it be presented to City Council.

Councilmember Kenyon asked when will there be a contract. City Attorney Shaver said the City has a signed contract if the action is ratified by the City Council.

Resolution No. 34-10—A Resolution Authorizing the Sale by the City of Grand Junction, Colorado, of Certain Real Property; Ratifying Actions Heretofore Taken in Connection Therewith, Located at 635 Grand Avenue

Councilmember Kenyon moved to adopt Resolution No. 33-10. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Council President Coons reminded the public about the public forum on medical marijuana on Wednesday, August 18th.

Adjournment

The meeting adjourned at 8:11 p.m.

Stephanie Tuin, MMC
City Clerk