

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

October 18, 2010

The City Council of the City of Grand Junction convened into regular session on the 18th day of October, 2010 at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, and Council President Teresa Coons. Councilmember Sam Susuras was absent. 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 Hill led the Pledge of Allegiance followed by Invocation by Pastor Jim Hale, Spirit of Life Christian Fellowship.

Recognitions

Recipient of Yard of the Month for October

Tom Ziola, City Forestry Supervisor, announced that October's Yard of the Month recipient is Catherine Burkey. She was not present.

Certificates of Appointments

Charles McDaniel (C.B.) was present to receive his Certificate of Appointment to the Grand Junction Housing Authority. He thanked the City Council for the opportunity.

Council Comments

There were none.

Citizen Comments

Leslie Wilson, 54313 Highway 330, Collbran, was present to address the City Council regarding golf ball damage to her car from Lincoln Park Golf Course. In her case, it was a month ago and she was parked in the parking lot and a golf ball had smashed her vehicle. It was a lot of damage and she left work late and has a long way to drive home. Other co-workers have had similar experiences. She estimated one to three thousand dollars worth of damage per week. She has also heard of others actually personally getting hit by balls. She expressed that she did not believe the City was providing sufficient protection. She asked that her damage be paid for and the City put in some protective netting and have an expert look at the course to determine what protection is appropriate.

City Manager's Report

City Manager Laurie Kadrach presented the City Manager's Report. She advised that the D Road Bridge over the No Thoroughfare Drainage Wash has been completed. It was a project funded by the County but the project was managed by the City. City Manager Kadrach updated the Council on the status of the 29 Road Viaduct project. The project is on time. The stabilization project at the Dual Immersion Academy is underway. When the Riverside Parkway was constructed, there was not a playground in that location but now there is and rains wash into that area. A retaining wall has been installed and the Parks and Recreation Department will be landscaping the area.

Earlier this year, Juniata Reservoir was listed as an impaired waterway due to the detection of mercury in the fish. There is no mercury detectable in the water. The City has resisted that classification and so the City is trying to get it listed in another way and the reservoir is open. Designating the reservoir as "catch and release only" is one option.

Regarding sales tax collections, they have improved, although it is still down from two years ago. Tax collections on outstanding accounts have been substantial.

Councilmember Palmer stated that tax compliance is required and the target is to have no accounts delinquent more than nine months. He encouraged continued vigilance. City Manager Kadrach agreed and said that some businesses on the list that are over nine months delinquent may be out of business. The goal is to keep the business open and collect back taxes. Four seizures have been completed to date. The City has collected \$122,000 since August.

CONSENT CALENDAR

Councilmember Beckstein read the Consent Calendar and then moved to approve that the Consent Calendar Items #1 through #6 be adopted. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the October 4, 2010 Special Meeting and Minutes of the October 4, 2010 Regular Meeting

2. Setting a Hearing on the Bookcliff Vet Rezone, Located at 564 29 Road [File #RZ-2010-118]

A request to rezone 2.071 acres, located at 564 29 Road, from R-8 (Residential – 8 dwelling units per acre) to MXG-3 (Mixed Use General Form District – 3 stories).

Proposed Ordinance and Rezoning the Property Located at 564 29 Road (Bookcliff Vet) from R-8 (Residential-8 Dwellings Units per Acre) to MXG-3 (Mixed Use General Form District-3 Stories)

Action: Introduction of Proposed Ordinance and Set a Hearing for November 1, 2010

3. **Downtown Grand Junction Business Improvement District (DGJBID) 2011 Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Downtown Grand Junction Business Improvement District filed their 2011 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

Action: Approve the Downtown Grand Junction Business Improvement District 2011 Operating Plan and Proposed Budget

4. **Horizon Drive Association Business Improvement District 2011 Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Horizon Drive Association Business Improvement District filed their 2011 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

Action: Approve the Horizon Drive Association Business Improvement District's 2011 Operating Plan and Budget

5. **Outdoor Dining Lease for Nepal Restaurant GJ, LLC dba Nepal Restaurant Located at 356 Main Street**

The owners of the Nepal Restaurant GJ LLC are requesting an Outdoor Dining Lease for the property located at 356 Main Street. They have been conditionally approved for a Sidewalk Café Permit to serve food outside in an area measuring 176 square feet directly in front of the property. The Outdoor Dining Lease

would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area.

Resolution No. 43-10—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Nepal Restaurant GJ, LLC

Action: Adopt Resolution No. 43-10

6. **US 6 West/State Highway 139 Access Control Plan**

The City of Grand Junction has been working with CDOT, Mesa County, and the City of Fruita for the past year on an access control plan for US 6 from Loma to Redlands Parkway and a small portion of State Hwy 139 in Loma. The purpose of the access control plan is to provide the agencies with a comprehensive roadway access control plan for managing existing and future access points. The goal of the plan is to provide appropriate access to the highway, while maintaining the safety and efficiency. The completed plan has been through extensive public review with adjacent property owners and businesses.

Resolution No. 44-10—A Resolution Authorizing an Intergovernmental Agreement between the City of Grand Junction, Mesa County and the Colorado Department of Transportation (CDOT) Regarding US 6 Access Control Plan and State Highway 139

Action: Adopt Resolution No. 44-10 and Authorize the City Manager to Sign an Intergovernmental Agreement Among the City of Grand Junction, Mesa County and the State of Colorado Department of Transportation for US Highway 6 (Mile Post 13.87 – US 6A to Mile Post 2.42 – I70B) and State Highway 139 (Mile Post 0.00 to Mile Post 2.29) Access Control Plan

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Sizemore Fence—7th Street Historic Residential District, Located at 706 N. 7th Street
[File #HDP-2010-134]

A request for a Fence Permit (Planning Clearance) for Paul and Nicole Sizemore, 706 N. 7th Street in accordance with the adopted 7th Street Historic Residential District Planned Residential Development Zoning District for a proposed 3' wrought iron and 6' wood privacy fence.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. He stated that the City Council approved a rezone in February for the 7th Street Historic Residential District and that ordinance requires all

items that require a Planning Clearance be approved by the City Council. Mr. Peterson recommended approval for the following reasons: the Zoning and Development Code allows for up to a 4 foot fence to be located within the front yard providing that the fencing material is 2/3 open to 1/3 closed and up to 6 foot in height in areas other than the front yard set-back. The applicant's proposal allowing the fence in the front yard is historical in appearance and will be a benefit to the Historical District and to the City as well. The applicant, Mr. Sizemore, was present for any questions.

Councilmember Kenyon asked if a neighborhood meeting was held. Mr. Peterson said there was not a neighborhood meeting but a notice was sent out to every resident in the District. No comments were received back.

Councilmember Palmer moved to authorize the issuance of a Fence Permit (Planning Clearance) for Paul and Nicole Sizemore to construct a 3 foot wrought iron and 6 foot tall wood privacy fence. Councilmember Kenyon seconded the motion. Motion carried.

Public Hearing—Cris-Mar Enclave Annexation and Zoning, Located North and South of F Road and East of 29 Road [File #ANX-2010-110]

A request to annex 108.62 acres of enclaved property, located north and south of F Road and east of 29 Road, and to zone said property, less 21.94 acres of public right-of-way, to an R-5 (Residential 5 du/ac) zone district. The Cris-Mar Enclave Annexation consists of 265 parcels.

The public hearing was opened at 7:33 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. The area has been enclaved for over five years and includes several subdivisions. As required by Statute, there was an annexation committee formed and they held neighborhood meetings so that they could present an explanation of the process of the annexation and how it would affect the area. Police and other City services were represented at the meetings to answer questions of the residents. There are two religious institutions in the area. The assessed value of this area is \$4.67 million dollars. The Comprehensive Plan designates the entire area as residential medium. He asked that the Staff Report and attachments be entered into the record. The annexation meets the criteria for annexation. It is a fairly low density neighborhood. The recommendation of the Planner and the Planning Commission is to zone the entire area R-5 which is consistent with the Comprehensive Plan, the County Zoning, and the existing uses.

Councilmember Palmer inquired if the annexation of this area will create any other enclaves. Mr. Rusche responded that no, this is the "donut" hole.

There were no public comments.

The public hearing was closed at 7:40 p.m.

a. Annexation Ordinance

Ordinance No. 4438—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cris-Mar Enclave Annexation, Located North and South of F Road and East of 29 Road Consisting of Approximately 108.62 Acres

b. Zoning Ordinance

Ordinance No. 4439—An Ordinance Zoning the Cris-Mar Enclave Annexation to R-5 (Residential 5 DU/AC), Located North and South of F Road and East of 29 Road

Councilmember Kenyon moved to approve Ordinance Nos. 4438 and 4439 and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing—McConnell South 12th Street Right-of-Way Vacation, Located Adjacent to 1101 Winters Avenue [File #VR-2010-093]

A request to vacate an unused portion of South 12th Street right-of-way adjacent to 1101 Winters Avenue. This vacation relieves the City of maintenance of this unused portion of right-of-way and allows the applicant to install security fencing that will meet the Code requirements.

The public hearing was opened at 7:41 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the site, the location, and the request. The entire area is designated as industrial use in the Comprehensive Plan. The remaining right-of-way will meet the amount needed for right-of-way in the Code. She asked that the Staff Report and attachments be entered into the record. The Planning Commission recommended approval on September 14, 2010. The applicant was not present.

There were no public comments.

The public hearing was closed at 7:44 p.m.

Ordinance No. 4440—An Ordinance Vacating Right-of-Way for South 12th Street, Located Adjacent to 1101 Winters Avenue (McConnell South 12th Street Vacation)

Councilmember Palmer moved to approve Ordinance No. 4440 and ordered it published. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Public Hearing—Buescher Right-of-Way Vacation, Located Adjacent to 749 Golfmore Drive [File #VR-2010-105]

Applicant Louis Buescher is requesting to vacate a portion of unimproved G 1/2 Road right-of-way located adjacent to 749 Golfmore Drive in anticipation of a proposed single-family residence building addition.

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

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. The right-of-way has never been utilized and affects no other parcels except the applicant's. The Mesa County Commissioners have already vacated the remaining right-of-way to the west. The City will retain right-of-way for a hammerhead turn-around for emergency vehicle access at the dead end. Grand Valley Water Users Association does maintain a line in the right-of-way and a condition of approval is that Grand Valley Water Users approve a waterline easement, which they have. The Planning Commission has recommended approval of the vacation. The applicant is present.

Councilmember Kenyon asked about where the City-County line is located. Mr. Peterson said since that vacation, the entire area has been annexed into the City.

The applicant's representative said the applicant had nothing more to present.

There were no public comments.

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

Ordinance No. 4441—An Ordinance Vacating a Portion of G ½ Road for the Buescher Right-of-Way Vacation Located Adjacent to 749 Golfmore Drive

Councilmember Beckstein moved to approve Ordinance No. 4441 and ordered it published. Councilmember Pitts seconded the motion.

Councilmember Kenyon said it is good to see this kind of vacation come forward and put the unused land to use.

Motion carried by roll call vote.

Intergovernmental Transfer of Retired Police Vehicles from the Grand Junction Police Department to Mesa State College Police Academy

The Western Colorado Peace Officers Academy, at the Mesa State College, is requesting the donation of two used/retired marked police vehicles. These two vehicles would be obtained from the “retired” pool of vehicles set to go to auction later this fall.

Troy Smith, Deputy Chief of Police, presented this item. A request came from the Academy for the donation of two retired police vehicles to use for the Academy. The Police Department is asking for the City Manager to be authorized to transfer the vehicles. The vehicles in question have excessive miles and are over service. The monetary amount of the donation is somewhere between \$1,000 and \$5,000.

Councilmember Palmer stated the monetary benefit to the City is far outweighed by the benefit it will be to the Academy and he lauded the Academy.

Councilmember Kenyon agreed and said the used vehicles are a good fit for this purpose.

Councilmember Hill moved to authorize the City Manager to approve the Intergovernmental Transfer of two vehicles to Mesa State’s Western Colorado Peace Officers Academy (WCPOA). Councilmember Pitts seconded the motion. Motion carried.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 7:55 p.m.

Stephanie Tuin, MMC
City Clerk