

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

July 6, 2011

The City Council of the City of Grand Junction convened into regular session on the 6th day of July 2011 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Laura Luke, Bill Pitts, Sam Susuras, and Council President Tom Kenyon. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Kenyon called the meeting to order. Councilmember Doody led the Pledge of Allegiance, followed by a moment of silence.

Presentations

The Horizon Drive Association Business Improvement District Board will present a check to the Grand Junction City Council.

Board President Clark Atkinson and District Representative Victoria Patsantaras were present to present to the City Council the final check of \$57,000 and pay tribute to the public/private partnership to make substantial improvements at the I-70 and Horizon Drive intersection. Mr. Atkinson thanked the Council for their ongoing support and the City Staff for their assistance, specifically identifying many who were involved.

Recognition of the AmeriCorps NCCC efforts to Promote Community Energy Efficiency through the Red Door Challenge and GreenBack\$.

Council President Kenyon introduced the presentation. Kathy Portner, Neighborhood Services Manager, introduced the AmeriCorps team which will help with two programs the GreenBack\$ program and the Red Door Challenge. The team has been helping get the word out on the GreenBack\$ program. Ms. Portner described the Red Door program which offers rebates to homeowners that go through Xcel Energy's home audit. She introduced the team leader, Noel, who introduced the team, and explained what the team has been doing. She said that they just came from helping in Joplin most recently. This is the last project for the team for the year.

Council President Kenyon thanked the team for their efforts and welcomed them to Grand Junction.

Councilmember Coons asked how homeowners can get in touch with the team and the program. Ms. Portner listed the contact information of www.reddoorchallenge.com and www.greenbackproject.com.

Appointments

Ratify Appointment to Urban Trails Committee

Councilmember Boeschstein moved to ratify the re-appoint of Elizabeth Collins to the Urban Trail Committee for a three year term expiring June 2014. Councilmember Coons seconded the motion. Motion carried.

Council Comments

Councilmember Coons said she attended the Air Quality Protection Committee meeting and this year Mesa County did not exceed the air quality standards so that was good news.

Councilmember Boeschstein attended the Riverfront Commission meeting, June 22nd was Bike to Work Day, which had a good turnout, June 27th he met with Rex Tippetts of the Airport, and on June 28th he met with the Old Spanish Trails Committee and Downtown Development Authority.

Citizen Comments

Kelly Sloan, 519 Sycamore Street, Western Slope Director for American for Prosperity, addressed the City Council on a resolution supporting TABOR. He said the Committee applauds Mesa County Commissioners and asks the City Council to consider the same of adopting a Resolution supporting TABOR Constitutional amendment that was approved by the voters of Colorado, Mesa County, and the City of Grand Junction. He briefly described some provisions of TABOR, noting there is currently a lawsuit opposing TABOR.

Bruce Milyard, 868 Quail Run, addressed the City Council to thank them for their support of the Peppermill Lofts development concessions. He reported that the HUD loan has closed and the project is fenced and construction commences the next day. This has been a partnership between the developer and the City and he complimented the work of City Staff. He expressed appreciation.

ITEMS NEEDING INDIVIDUAL CONSIDERATION**Simons Residence Addition in the 7th Street Historic Residential District, Located at 522 N. 7th Street** [File #HIS-2011-836]

Consideration of a request for a Construction Permit (Planning Clearance) for Doug Simons – Simons & Sons LLC, 522 N. 7th Street in accordance with the adopted 7th Street Historic Residential District Planned Residential Development Zoning District for

a proposed single-family residence building addition, a 4' and 6' tall fence and a deviation from the side yard setback requirement for an attached garage.

Scott D. Peterson, Senior Planner, presented this item. Mr. Peterson described the requests of the applicant. He described the history of the process for reviewing any changes that occur in the 7th Street Historical District which is the reason this is before the City Council. Mr. Peterson identified the location and displayed a site plan. The applicant wishes to make changes to the existing 1,175 square foot home by constructing 930 square feet of additional living area and a 571 square feet attached two-car garage. Additional on-site improvements include new concrete patios and sidewalks, landscaping, remodeling and expanding the front entry porch, new wrought iron fencing in the front yard with concrete and brick pillars 4' in height, and finally a 6' tall privacy fence in the rear yard along the north, south, and east property lines. The proposed 6' tall fence will either be constructed of vinyl or wood. Exterior finish materials to the home are to maintain the structure's historical appearance. Mr. Peterson gave a description of the type of materials suggested to be used and that some finish materials and colors have not been selected as of yet, but the intent is to select colors compatible with the neighborhood and the historic district. Also, as part of this request, the applicant is requesting that the City Council approve a side yard setback deviation for the proposed attached garage. City Staff is supportive of the request. The completed structure will have a square footage of 2,105 and will have an updated look.

Councilmember Doody inquired about the regulation of the setback differences. Mr. Peterson said accessory structures can be closer to the lot line as they are typically smaller structures. Since this is attached to the house it is considered part of the principal structure and the required set back is 5 feet. The reasoning is to prevent long structures with no relief. In this case, it doesn't make sense to separate the two structures.

Councilmember Boeschstein asked if the sight triangle will still be clear even with the new fence. Mr. Peterson said it will and showed that on the site plan.

There were no public comments.

Councilmember Susuras commended Mr. Peterson on the detail of the report. He also complimented the applicant for the proposal noting it meets Goals 4, 5, and 6 of the Comprehensive Plan goals.

Councilmember Boeschstein congratulated everyone involved and said it will be a wonderful addition to 7th Street.

Councilmember Coons said she welcomes this remodel and the addition to the neighborhood.

Councilmember Coons moved to approve the issuance of a Construction Permit (Planning Clearance) for the proposed Simons residence addition, a 4' and 6' tall fence and also approval of the requested deviation to the side yard setback along the north property line from the required 5' to 3' for an attached garage. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

Request for Rehearing for Carroll Rezone, Located at 1220 and 1240 Cannell Avenue [File #RZN-2011-665]

The applicant made a timely request for rehearing following the City Council's decision to deny a rezone request from R-8, (Residential – 8 du/ac) to R-O, (Residential Office) for properties located at 1220 and 1240 Cannell Avenue.

John Shaver, City Attorney, presented this item on the rehearing request and explained the process. He reviewed the process thus far. The rezone request was denied on June 1, 2011. The Code allows for a request for the City Council to rehear the item. A letter was included in the packet requesting the rehearing and provided reasons supporting the request. City Attorney Shaver explained the considerations, one of which is that any such motion must be made by one of the Councilmembers in the majority at the last consideration. If the Council does favorably consider the request, the Council will set a date for such rehearing within forty-five days.

Councilmember Susuras asked if someone representing the applicant could make a presentation.

Alicia Herring, representing the applicants, asked for consideration of a rehearing. The property is still private property. Mesa State College has surrounded the property and the client asked if they can make a case to allow them to develop in alignment with how the surrounding properties are developed. A rezone would actually save Mesa State College money if the College were to purchase the property.

Councilmember Susuras said he voted for the rezone and he still thinks it is a proper request. There are no legal issues that should keep the property from being rezoned and he feels the rest of Council put too much emphasis on the College's Master Plan.

Councilmember Doody moved to grant the request to rehear the rezone request. Councilmember Susuras seconded. Motion failed with Council President Kenyon and Councilmembers Luke, Pitts, Boeschstein, and Coons voting NO.

CONSENT CALENDAR

Councilmember Doody read the Consent Calendar and then moved to approve the Consent Calendar Items #3 through #15. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meeting

Action: Approve the Minutes of the June 13, 2011 Regular Meeting

2. Grant Award for Fire Departments for 800 MHz Radios

The Grand Junction Fire Department, in partnership with 10 Mesa County fire departments, has been awarded a grant from the Federal Emergency Management Agency to purchase radios vital for emergency response communications. The total grant amount is \$1,152,508 with \$922,007 being the federal share and \$230,501 the local share based on a 20% match. Each participating department will pay their respective match share. The City share is \$68,845. Participating fire departments are: Central Orchard Mesa, Clifton, DeBeque, East Orchard Mesa, Gateway, Glade Park, Grand Junction, Lands End, Lower Valley, Palisade, and Plateau Valley. If approved, the City of Grand Junction will serve as the fiscal agent for this project. The total award was for 83 mobile and 371 portable radios purchased. Of this amount the City will receive 27 mobile and 108 portable radios.

Action: Authorize the City Manager to Accept this Grant Award for \$922,007 and Budget the Receipt and Expenditure of \$922,007 of Grant Funds and \$230,501 in Matching Funds from the 2011 Budget

3. Re-chassis of a Type III Ambulance

The Fire Department has been awarded a state EMS grant to assist with the re-chassis of a Lifeline Type III Ambulance that will replace an existing unit. The Colorado Department of Public Health and Environment provides agencies within the State an opportunity to apply for the Colorado Emergency Medical and Trauma Services section provider grant. The grant will reimburse agencies up to 50% of the cost for the item.

Action: Authorize the City Manager to Accept this Grant Award for \$57,841 for this Purchase and Authorize the Purchasing Division to Award a Sole Source Contract to Life Line Emergency Vehicles through Rocky Mountain Emergency Vehicles of Denver, CO in the Amount of \$113,081 for the Re-chassis of a Lifeline Type III Ambulance

4. **Outdoor Dining Leases for Main Street Bagels, 7th Street Café, Incorporated DBA Main Street Cafe, and Skipper's Ice Cream Parlor DBA Gelato Junction**

Main Street Bagels, 7th Street Café, Incorporated DBA Main Street Cafe, and Skipper's Ice Cream Parlor DBA Gelato Junction are requesting Outdoor Dining Leases for the areas located at 557/559 Main Street, 504 Main Street, and 449 Main Street respectively. The Outdoor Dining Leases would permit the businesses to have a revocable license from the City of Grand Junction to expand their licensed premise and operate from the public right of way. None of these businesses have a liquor license.

Resolution No. 34-11—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Main Street Bagels

Resolution No. 35-11—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to 7th Street Café, Inc., dba Main Street Café

Resolution No. 36-11—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Skipper's Ice Cream Parlor dba Gelato Junction

Action: Adopt Resolution Nos. 34-11, 35-11, and 36-11

5. **Setting a Hearing on Amending the Grand Junction Municipal Code to Provide Limited Free Parking to Purple Heart Medal Veterans**

This ordinance proposes to extend to Purple Heart medal veterans limited free City parking. The City Council requested that the ordinance be drafted.

Proposed Ordinance Adding Section 10.040.380 to the Grand Junction Municipal Code Concerning Limited Free Parking for Purple Heart Medal Veterans

Action: Introduction of Proposed Ordinance and Set a Hearing for July 20, 2011

6. **Setting a Hearing on the Ashley Annexation, Located at 2808 C ³/₄ Road** [File #ANX-2011-856]

Request to annex 1.144 acres, located at 2808 C ³/₄ Road. The Ashley Annexation consists of one (1) parcel. There are 0.153 acres of public right-of-way contained within this annexation area.

a. **Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 37-11—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Ashley Annexation, Located at 2808 C $\frac{3}{4}$ Road and Including a Portion of the C $\frac{3}{4}$ Road Right-of-Way

Action: Adopt Resolution No. 37-11

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ashley Annexation, Approximately 1.144 Acres, Located at 2808 C $\frac{3}{4}$ Road and Including a Portion of the C $\frac{3}{4}$ Road Right-of-Way

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 15, 2011

7. **Setting a Hearing on Zoning the JR Enclave Annexation, Located at 247 Arlington Drive** [File #ANX-2011-755]

A request to zone the 6.80 acre JR Enclave Annexation, consisting of one (1) parcel located at 247 Arlington Drive, to an R-5 (Residential 5 du/ac) zone district.

Proposed Ordinance Zoning the JR Enclave Annexation to R-5 (Residential 5 du/ac), Located at 247 Arlington Drive

Action: Introduction of a Proposed Ordinance and Set a Hearing for July 20, 2011

8. **Setting a Hearing on Zoning the Crossroads United Methodist Annexation, Located at 599 30 Road** [File #ANX-2011-712]

Request to zone the 3.90 acre Crossroads United Methodist Annexation, located at 599 30 Road, to R-4 (Residential – 4 du/ac).

Proposed Ordinance Zoning the Crossroads United Methodist Annexation to R-4 (Residential – 4 du/ac), Located at 599 30 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for July 20, 2011

9. **Setting a Hearing on Zoning the Hatch Annexation, Located at 2063 S. Broadway** [File #ANX-2011-698]

Request to zone the 4.39 acre Hatch Annexation that will consist of two (2) parcels located at 2063 S. Broadway to an R-12 (Residential – 12 du/ac) and B-1,

(Neighborhood Business) zone district in anticipation of future residential and optional small commercial development.

Proposed Ordinance Zoning the Hatch Annexation to R-12, (Residential – 12 du/ac) and B-1, (Neighborhood Business), Located at 2063 S. Broadway

Action: Introduction of a Proposed Ordinance and Set a Hearing for July 20, 2011

10. **Golf Fence Installations at Chipeta Golf Course for Four Properties Located on Fairway View Drive** [File #SPT-2011-850, 851, 852 and 853]

The applicants' properties, located in the Fairway Pines Subdivision (2007), abut the 8th fairway of the Chipeta Golf Course. The developer included a \$2,000 golf fence construction allowance within the Covenants which applied to Lots 1-5. The applicants are requesting approval of an 18' (Clow) and 16' (Brickey/McGinnis, Dorr and Hartnell) mesh golf fences to protect their houses from errant golf balls.

Action: Approve Special Permits for Golf Fences at 2968, 2972, 2974, and 2976 Fairway View Drive

11. **Setting a Hearing on Amending the Grand Junction Municipal Code Regarding the Waste Hauler Service Charge**

Section 13.04.300(h) of the Grand Junction Municipal Code, Wastewater Section, allows for the assessment of service charges to tank truck operators (waste haulers) for septage and grease disposal at the Persigo Wastewater Treatment Facility. The current Code assesses service charges based on the tank size of the waste hauler truck. The proposed revision would allow charges to be assessed on either tank size or gallons discharged, not just truck tank size.

Proposed Ordinance Amending Section 13.04.300(h) of the Grand Junction Municipal Code Concerning Waste Hauler Service Charges

Action: Introduction of a Proposed Ordinance and Set a Hearing for July 20, 2011

12. **Purchase of Road Oil for Chip Seal Program 2011**

Request the purchase of approximately 175,000 gallons of road oil for the Streets Division Annual Chip Seal Program for 2011.

Action: Authorize the City Purchasing Division to Purchase Approximately 175,000 Gallons of Road Oil from Cobitco, Inc., Denver, Colorado in the Amount of Approximately \$499,700

13. **Fruitvale Outfall Line Replacement Project**

This request is for the award of a construction contract to replace a section of the existing Fruitvale outfall sewer line. The project includes installation of approximately 4,950 lineal feet of 18-inch diameter sewer main line and 17 new manholes due to age and condition. This project is located on Rood Avenue between 14th Street and 21st Street, and Grand Avenue between 21st Street and 27th Street.

Action: Authorize the Purchasing Division to Enter into a Contract with Sorter Construction, Inc. of Grand Junction, Colorado for the Construction of the Fruitvale Outfall Line Replacement Project in the Amount of \$598,413

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 7:45 p.m.

Stephanie Tuin, MMC
City Clerk