

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

February 1, 2012

The City Council of the City of Grand Junction convened into regular session on the 1st day of February, 2012 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Jim Doody, Laura Luke, Bill Pitts, and Council President Tom Kenyon. Absent were Councilmembers Teresa Coons and Sam Susuras. Also present were Acting City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Kenyon called the meeting to order. Councilmember Boeschstein led the Pledge of Allegiance, followed by an invocation by Jared Mahoney, Seminary Principal, Church of Jesus Christ of Latter Day Saints.

Citizen Comments

There was none.

Council Comments

There was none.

CONSENT CALENDAR

Councilmember Doody read the Consent Calendar and then moved to approve the Consent Calendar items #1-8. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the January 16, 2012 Regular Meeting

2. **Authorizing an Agreement for Banking Services with Alpine Bank**

Through cooperative procurement, the City is looking to “piggyback” on the County’s award of a banking services contract to Alpine Bank. Cooperative procurement is a process by which two or more jurisdictions cooperate to purchase items or services from the same vendor. This form of purchasing has the benefits of reducing administrative costs, eliminating duplication of effort, lowering prices, and encourages the sharing of information.

Resolution No. 05-12—A Resolution Designating a Depository and Approving an Agreement for Banking Services between the City of Grand Junction, Colorado, and Alpine Bank, Grand Junction

Action: Adopt Resolution No. 05-12

3. **Authorizing an Agreement for Independent Audit Services with Chadwick, Steinkirchner, Davis, and Company, P.C.**

An independent audit of the City's financial statements is conducted each year by a Certified Public Accounting firm in order to express an opinion as to the compliance of the financial statements with Generally Accepted Accounting Principles that apply to government entities and Governmental Accounting Standards. The independent auditor is engaged by and reports to the City Council. The audit report is issued with the Comprehensive Annual Financial Report.

Resolution No. 06-12—A Resolution Authorizing an Agreement for Audit Services between the City of Grand Junction, Colorado, Chadwick, Steinkirchner, Davis, and Company, PC

Action: Adopt Resolution No. 06-12

4. **Saccomanno Property Farm Lease, Located at the Southwest Corner of 26 ½ Road and H Road**

The City purchased the 30 acre Saccomanno Park property in 1994 as a community park site in accordance with the recommendation of the Parks, Recreation and Open Space Master Plan adopted by City Resolution No. 91-92. A development schedule for the property has not been determined. Meanwhile, the property and its appurtenant water rights have remained productive through successive farm lease agreements. Mr. Frank Fisher is interested in continuing to farm the property and has capably done so in the past. Staff recommends the leasing of the farming rights associated with the Saccomanno Park property to Frank M. Fisher, for a period of one-year, commencing on February 1, 2012 and expiring on January 31, 2013 with an option to renew for an additional year (2013-2014). The terms of the proposed lease requires Mr. Fisher to provide all materials, equipment, and labor necessary to care for the property and to pay any taxes applicable to or arising out of or under the lease. The rent per year is \$1,000.

Resolution No. 07-12—A Resolution Authorizing a One Year Farm Lease of the "Saccomanno Park Property" to Frank M. Fisher

Action: Adopt Resolution No. 07-12

5. **Setting a Hearing on the Rezone of 2 Parcels, Located at 355 29 Road and 2892 River Street** [File #RZN-2011-1148]

A City initiated request to rezone approximately 5.939 acres, located at 355 29 Road and 2892 River Street, from R-2 (Residential 2 dwelling units/acre) zone district to R-4 (Residential 4 dwelling units/acre) zone district.

Proposed Ordinance Rezoning Properties, Located at 355 29 Road and 2892 River Street, from an R-2 (Residential 2 Dwelling Units/Acre) to an R-4 (Residential 4 Dwelling Units/Acre) Zone District

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for March 7, 2012

6. **Setting a Hearing on a Request to Rezone Approximately 4.753 Acres, Located at 3032 N. 15th Street** [File #RZN-2011-1157]

A City initiated request to rezone 4.753 acres, located at 3032 N 15th Street, also known as the Nellie Bechtel Apartments, from R-8 (Residential – 8 units per acre) to R-24 (Residential – 24 units per acre). The rezone will bring into conformance what is actually built on the ground to an appropriate zoning district; and the proposed rezone will bring the zoning into conformance with the City's Comprehensive Plan.

Proposed Ordinance Rezoning the Nellie Bechtel Apartments from R-8 (Residential – 8 Units per Acre) to R-24 (Residential – 24 Units per Acre), Located at 3032 N. 15th Street

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for March 7, 2012

7. **Setting a Hearing for the Area 3 Rezone, Located at 708 25 ½ Road, 2543 G Road, and 2522 F ½ Road** [File #RZN-2011-1188]

Request to rezone three properties located at 708 25 ½ Road, 2543 G Road, and 2522 F ½ Road from R-R, (Residential – Rural) to R-4, (Residential – 4 du/ac) and R-5, (Residential – 5 du/ac).

Proposed Ordinance Rezoning Three Properties from R-R, (Residential Rural) to R-4, (Residential – 4 du/ac) and R-5, (Residential – 5 du/ac), Located at 708 25 ½ Road, 2543 G Road, and 2522 F ½ Road

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for March 7, 2012

8. **Setting a Hearing on the Rezone of 281 Properties, Located South and East of North 12th Street and Orchard Avenue** [File# RZN-2011-1156]

A City initiated request to rezone approximately 65 acres, located south and east of North 12th Street and Orchard Avenue from R-8 (Residential 8 dwellings/acre) to R-12 (Residential 12 dwellings/acre).

Proposed Ordinance Rezoning 281 Properties from R-8 (Residential 8 Dwellings/Acre) to R-12 (Residential 12 Dwellings/Acre), Located South and East of N. 12th Street and Orchard Avenue

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for March 7, 2012

ITEMS NEEDING INDIVIDUAL CONSIDERATION

911 Phone System Purchase for the Communication Center in the New Public Safety Facility

This phone system purchase is part of a significant regional collaborative effort by five 911 Centers in North West Colorado, serving 101 emergency response agencies and 330,000 citizens. The resulting systems will dynamically balance regional 911 call volumes, modernize services and prepare for Next Generation 911 (NextGen 911) communication capabilities. When fully implemented, the connected regional systems will ensure that 911 calls (and eventually other types of communications) from anywhere in the region are always answered and help dispatched – even when one 911 center is overwhelmed by a major incident or taken off line by a local disaster or technical failure. This approval request is for the purchase of the equipment, implementation services, and network infrastructure for the Grand Junction Regional Communication Center's (GJRCC) share of the regional system. It will be installed in the new public safety facility and is critical to the GJRCC's transition to that building.

John Camper, Police Chief, introduced this item commenting on the amount of collaboration that has taken place in this valley with all parties including the Regional Communication Center. Part of moving to the new facility is the purchase of a new phone system. The purchase was planned for in the budget. Troy Smith, Jim Finlayson, Paula Creasy, Jay Valentine, and a number of other Staff members looked at a collaborative effort in purchasing the new phone system by working with other agencies that are also in the process of purchasing a new phone system. He then introduced Deputy Police Chief Troy Smith.

Troy Smith, Deputy Police Chief, reviewed the history of the project. Both the network and the equipment are old and antiquated. The system is the sole dispatch system for the valley and any interruption would be catastrophic. In conversations with other communication centers, it became evident that they too were in need of upgrading their equipment. The collaborative purchase would allow for redundancy throughout the entire network. The solution designed is scalable so as others come on line, they can be added to the network. The City Attorney will be the lead author in the writing of the intergovernmental agreement for the sharing of the technology throughout the network.

Deputy Chief Smith described the request for proposals (RFP) process and the interview process of the vendors. He advised that site visits were made prior to the decision for the recommendation. The number of citizens that will be served by the new system is 300,000.

Councilmember Pitts commended the work and the result.

Councilmember Luke asked who the partners are in the intergovernmental agreement (IGA). Deputy Chief Smith said the initial group will be Mesa County, Garfield County, Pitkin County, Eagle County, and the Town of Vail.

Councilmember Luke asked about back up. Deputy Chief Smith said there will be several pieces of redundancy throughout the network.

Councilmember Doody asked if the \$575,000 was the City's share of the costs. Deputy Chief Smith confirmed that to be correct and stated that will purchase the communication equipment necessary for the City's communications capabilities and there will be other pieces of equipment that will be added to the system for connecting the network to other cities.

Councilmember Boeschstein asked if the system will go into Utah. Deputy Chief Smith responded that the system will not go into Utah. Occasionally first responders will be sent into Utah, but that is typically done over the telephone from a communication center in Utah to the City's communication center.

Council President Kenyon noted the benefits exceed what was anticipated and he complimented the work done selecting a vendor and obtaining a great price.

Councilmember Pitts moved to authorize the City Purchasing Division to negotiate contracts with CenturyLink for the total estimated amount of \$575,000 to provide and install a new 911 phone system and related network infrastructure. Councilmembers Luke and Boeschstein seconded the motion. The motion carried.

Public Hearing—Rezoning 22 Properties Owned by School District 51, Located throughout the City [File # RZN-2011-1190]

A City initiated request to rezone 169.62 acres, owned by School District 51, located throughout the City, from CSR (Community Service and Recreation) to zones of R-2, R-4, R-5, R-8, B-2, and C-1 zone districts. The rezones will bring the zoning into conformance with the City's Comprehensive Plan and the zoning of the surrounding neighborhood.

The public hearing was opened at 7:21 p.m.

Tim Moore, Public Works and Planning Director, introduced this item. He stated that this item is to reconcile the inconsistencies with zoning issues throughout the City to comply with the Comprehensive Plan, the long term vision of the City, and the land use. The School District has a lot of properties, mostly in residential areas, which are zoned Community Service and Recreation (CSR) and they didn't fit within the definition of the Comprehensive Plan. Planning Staff has worked with the School District to come up with some zoning recommendations to make the properties consistent with the Comprehensive Plan. The Planning Commission recommended approval of the proposed rezones.

Councilmember Boeschstein asked Mr. Moore if the School District is in favor of the rezoning of the properties. Mr. Moore confirmed that they are in favor of the rezone. Councilmember Boeschstein asked if the City would be flexible when activities happen at the schools that don't fit the residential category. Mr. Moore answered affirmatively. He then introduced Senior Planner Lori Bowers.

Lori Bowers, Senior Planner, described the sites, the locations, and the request. The request will bring the zoning into conformance with the Comprehensive Plan and the zoning criteria of the Zoning and Development Code. Ms. Bowers displayed a graphic of each site under consideration. The Planning Division received a number of phone calls on this request from citizens regarding why this proposal was coming forward. Many of the concerns were that the School District was planning to sell the properties for additional development. The School District has indicated that is not their intent at this time.

Ms. Bowers concluded by saying the request does comply with the goals and policies of the Comprehensive Plan and is in compliance with the Zoning and Development Code.

Councilmember Luke asked how many properties are proposed to be zoned C-1. Ms. Bower said two, the Vocational Center off of North Avenue and Emerson School. The surrounding zoning was discussed briefly as well as the proximity of any residential areas.

Councilmember Boeschstein asked, if rezoning the properties to development zones, would that send a message and also provide an opportunity for development without anything coming before the City Council. Ms. Bowers said a development plan would have to be reviewed and there would be neighborhood meetings and a public hearing.

Councilmember Boeschstein noted that many of the schools are used for recreation and are good community resources. He would hate to send a message that the schools may be redeveloped. Ms. Bowers said the School District is supportive of the rezone and no mention was made of any intention to redevelop any of the school sites.

Councilmember Doody referred to the Activity Center of which the City is a partner and asked about the City's investment. If the School District wanted to sell the property, what would be the impact to the City? City Attorney Shaver said the City has a very long term use agreement with the School District which have only been in place for 6 to 7 years, so the City is protected. Any change would be a breach of the contract.

There were no public comments.

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

Councilmember Doody pointed out the specific goal in the Comprehensive Plan being Goal 6, land use decisions will encourage preservation and appropriate reuse, and Goal 1, to implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers, have been met so he will support the proposal.

Ordinance No. 4496—An Ordinance Rezoning 22 School District 51 Owned Properties from CSR (Community Service and Recreation) to R-2, R-4, R-5, R-8, B-2, and C-1 Located Throughout the City

Councilmember Pitts moved to adopt Ordinance No. 4496 and ordered it published in pamphlet form. Councilmember Luke seconded the motion.

Councilmember Boeschstein explained that he is voting no because he doesn't understand the need for the rezone. Schools are valuable community resources and they provide opportunities for recreation for the neighborhood. If the school is declared surplus by the School District, the property and the building can still be neighborhood resources. For example, Lincoln Elementary is now a Charter School and that is a better use than it being subdivided into a bunch of small lots.

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

Council President Kenyon thanked Councilmember Boeschstein for his comments. He is supporting it because it is in the Comprehensive Plan to make these adjustments. If specific issues come forward, the Council still has the ability to adjust or amend it in order to protect those community resources mentioned.

Public Hearing—Amendment to Section 21.08.020(b)(1) of the Grand Junction Municipal Code Concerning Expansion of Nonconforming Nonresidential Land Uses [File #ZCA-2011-1313]

This amendment to Section 21.08.020(b)(1) would eliminate the 20% limitation on expansion of nonconforming, nonresidential land uses.

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

Tim Moore, Planning and Public Works Director, introduced this item. He explained the reason for this proposal coming forward. He deferred to Planning Manager Lisa Cox for the presentation.

Lisa Cox, Planning Manager, described the amendment which changing the Code that limits the expansion of nonconforming uses for nonresidential land uses. It allows existing businesses to expand and the City wants to encourage that so long as they comply with the other provisions of the Zoning and Development Code. The original limitation was put in place to discourage expansion of the non-conforming use and encourage the use to become in conformity with the zone district. However, in today's economy, not every business can afford to relocate and the City still wants those businesses to have the opportunity to grow. The Planning Commission recommended approval of the request at the January 10, 2012 meeting.

Councilmember Luke asked how many requests have come forward in the last three years that wanted to expand and were not able to. Ms. Cox said she did not have a number but anecdotally the planners have shared there would have been businesses that would have benefitted.

Councilmember Luke asked if neighbors of a business were not happy with the expansion would they have the opportunity to bring forward their concerns. Ms. Cox said a neighborhood meeting would be required. If the application did go through the review process and then it was approved, there is an appeal process if there is someone still not happy with the decision.

Councilmember Doody asked who the appeal would go to. Ms. Cox said it would be an administrative process that would be handled at the Staff level. City Attorney Shaver added that if a Conditional Use Permit was required, the appeal could go the Planning Commission.

Councilmember Boeschstein asked about an accountant in a residential area that wanted to expand. Ms. Cox responded the amendment would only allow expansion of nonconforming uses in nonresidential districts.

There were no public comments.

The public hearing was closed at 7:48 p.m.

Ordinance No. 4497—An Ordinance Amending Section 21.08.020(b)(1) of the Grand Junction Municipal Code

Councilmember Doody moved to adopt Ordinance No. 4497 and ordered it published in pamphlet form. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

Council President Kenyon noted that concern in the community came forward that this limitation was not business-friendly, so they have duly considered it and perhaps it will provide businesses with those additional opportunities.

Public Hearing—Amendment to Section 21.06.010(f) of the Grand Junction Municipal Code Concerning Undergrounding of Overhead Utilities [File #ZCA-2011-1315]

This amendment to Section 21.06.010(f) eliminates a requirement that a developer underground existing overhead utilities along alleys and clarifies when a fee in lieu of construction can be paid for undergrounding utilities.

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

Tim Moore, Planning and Public Works Director, presented this item. He described the removal of the old provision for half-street improvements. The other piece is the undergrounding of overhead utilities in the alleys which can be very expensive. The goal is still to get overhead lines underground. Language was left that provides a minimum length that would not be required but rather a fee would be required. That minimum length is 700 feet. The fee is kept by the City for future undergrounding of overhead lines.

Councilmember Luke asked when the amount charged for fees will be reassessed. Mr. Moore said, at present, the fee does not cover the entire cost. At some point those will be prioritized and brought back to Council for further discussion. Mr. Moore noted that raising fees are difficult.

Councilmember Boeschstein said the utility companies complain about undergrounding power lines as they do get hot and they need to circulate oil around them. Mr. Moore noted that there is a maximum voltage that is required to go underground so high voltage transmission lines would not be required to go underground.

There were no public comments.

The public hearing was closed at 7:55 p.m.

Ordinance No. 4498—An Ordinance Amending Section 21.06.010(f) of the Grand Junction Municipal Code

Councilmember Pitts moved to adopt Ordinance No. 4498 and ordered it published in pamphlet form. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 7:59 p.m.

Stephanie Tuin, MMC
City Clerk