

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

**February 17, 2016**

The City Council of the City of Grand Junction convened into regular session on the 17<sup>th</sup> day of February, 2016 at 7:08 p.m. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Chris Kennedy, Duncan McArthur, Barbara Traylor Smith, Rick Taggart, and Council President Phyllis Norris. Also present were Interim City Manager Tim Moore, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Councilmember Traylor Smith led the Pledge of Allegiance which was followed by an invocation by Minister John Cooper, Church of Christ Grand Junction.

Council President Norris spoke about Sheriff Deputy Derek Geer's sacrifice to the community and the community's overwhelming response and support; a moment of silence in honor of Deputy Geer followed.

**Certificates of Appointment**

To the Forestry Board

Councilmember Kennedy presented certificates to Chuck Thompson who was present to receive his certificate of reappointment and Susan Carter who was present to receive her certificate of appointment, both to the Forestry Board. Ms. Carter said it is a great match with her job at the local office of the Colorado State University Extension. Mr. Thompson expressed his appreciation.

**Citizen Comments**

Richard Swingle, 443 Mediterranean Way, addressed the City Council regarding the Broadband Master Plan. He described the Broadband Master Plan Community Meetings that were held February 3<sup>rd</sup> and 4<sup>th</sup>. He attended three of the nine meetings. He noted the exorbitant costs paid for broadband in the community. Another complaint was the reliability of the services. The second biggest concern is the speed and lack thereof. It is faster to drive to Montrose and to use their broadband than to try to upload files in the valley. He provided a number of examples of companies that are having difficulty because they use cloud based services. He urged an improvement for this community.

**Council Comments**

Councilmember McArthur said he went to Denver and was there for the celebration of the Broncos Super Bowl victory. He attended a committee meeting on local

government where he saw Grand Junction Fire Department Chief Ken Watkins testify regarding development impact fees. He described other meetings and conversations he had while in Denver. He went to the Orchard Mesa Pool Board meeting that morning and the Board was glad a bill for the glass replacement came in lower than expected. A suggestion was made to move the Senior Center to the school, if the middle school moves, to help increase that facility's use.

Councilmember Boeschstein said he went to the Saving Places Conference in Denver and the new potential owners of the train depot were there. He then listed the other meetings and events he attended.

Councilmember Chazen said he went to the Municipalities Dinner on February 4<sup>th</sup> and the Cameo Sport Shooting Complex was discussed. He listed other meetings he went to including the Western Colorado Latino Chamber of Commerce and stated what impressed him about the organization. At the Downtown Development Authority meeting they saw a preview of the Broadband Master Plan and he was encouraged. He said there is a bill in the State Senate regarding an effort to tie up Severance Tax and Federal Mineral Lease monies. He went to the service for Deputy Geer. At the Associated Governments of Northwest Colorado meeting that morning, Mesa County Commissioner Scott McInnis talked about conservation easements and the perpetuity of those easements. Councilmember Chazen said he would like the rest of Council to hear that presentation.

Councilmember Kennedy said he went to the 2<sup>nd</sup> day of the Broadband Master Plan meetings and expressed his appreciation to those in the community that participated. He went to the Colorado Democrats Annual Dinner and noted there is keen interest in the state legislature regarding the Jump Start Program and broadband services in this area. He and Council President Norris toured Bonsai Designs that morning, a small entrepreneurial business housed in Union Station.

Councilmember Traylor Smith attended a Launch WestCo meeting where she saw a presentation from Go Code Colorado which will be holding a Go Code CO 2016 Challenge Weekend at the Business Incubator in April. She noted construction has restarted on Horizon Drive and urged folks to be patient with visitors that might be confused with the different lanes.

Councilmember Taggart said he spent time attending Grand Junction Regional Airport Authority meetings and that two former key employees are back on the Airport Staff now. They are moving forward to identify future markets in which to expand service. He went to the winter Club 20 meetings.

Council President Norris said there was a reception for the new Colorado Tourism Office Director Cathy Ritter and with her introduction to Grand Junction there is hope there may be more support from the State.

Councilmember Boeschstein left the meeting and did not return.

### **Consent Calendar**

Councilmember McArthur read the Consent Calendar items #1 through #4 and advised that item #5 is being moved to Items for Individual Consideration. He then moved to adopt the Consent Calendar. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the February 2, 2016 Special Meeting and the February 3, 2016 Regular Meeting*

2. **Purchase Thirteen All-Wheel Drive (AWD) Utility Police Special Services Vehicles**

This purchase of thirteen AWD utility vehicles will replace thirteen police patrol vehicles that are at the end of their useful life. As part of the Fleet Replacement Program, these new units will be used as patrol vehicles in the Police Department.

*Action: Approve the Purchase of Thirteen AWD Utility Police Special Services Vehicles from Western Slope Auto in Grand Junction, CO in the Amount of \$525,902*

3. **Purchase Three All-Wheel Drive (AWD) Vehicles for Police**

This purchase of three AWD Equinox utility vehicles will replace three unmarked police department vehicles. As part of the Fleet Replacement Program, these new units will be used as unmarked vehicles for Services and Investigations in the Police Department.

*Action: Approve the Purchase of Three AWD Equinox Vehicles from the State of Colorado Price Agreement in the Amount of \$63,140*

4. **Purchase of Traffic Striping Paint for 2016**

The City's Transportation Engineering Division is responsible for striping 600+ miles of City streets and State highways in 2016 applying 10,000 gallons of white and yellow paint. Utilizing the CDOT contract prices saves the City \$13,346 over the Multiple Assembly of Procurement Officials (MAPO) contract prices.

*Action: Authorize the City Purchasing Division to Enter into a Purchase Order with Ennis Paint, Dallas, TX for the 2016 Traffic Striping Paint in the Amount of \$83,494*

5. **Professional Services Contract for Engineering Design of the Water Treatment Plant Filter Upgrade Project** – moved to Individual Consideration

**ITEMS FOR INDIVIDUAL CONSIDERATION**

**Professional Services Contract for Engineering Design of the Water Treatment Plant Filter Upgrade Project**

This is a request to award a professional design services contract for the design of a Water Filtration System for the City of Grand Junction Water Treatment Plant.

Greg Lanning, Public Works Director, and Jay Valentine, Internal Services Manager, presented this item. Mr. Lanning described the purpose of the design services contract.

Councilmember Taggart inquired about this type of bid and asked that it be explained. Mr. Lanning said it is a qualification based solicitation. The selection is based on a certain set of needs for the client. The contractor has specific experience for these types of design services. The evaluation committee reviews the qualifications and once a contractor is selected then the price is accepted or negotiated.

Councilmember Kennedy asked how many contracts use this process in a calendar year. He asked that this information on the type of bid be included in Staff Reports in the future.

Mr. Valentine explained how it is decided what type of bid will be used to get the best value for the project. This was not a good project for the selection to be based on cost. This information will be included in future Staff Reports.

Councilmember Traylor Smith moved to authorize the City Purchasing Division to enter into a contract with JVA Consulting Engineers of Boulder, CO for the design of a Filter System at the City of Grand Junction Water Treatment Plant for the proposal not to exceed \$142,900. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

**Public Hearing – Fox Meadows Annexation #1 and #2, Zoning, and the Fox Meadows Access Plan Amendment, Located at 3175 D ½ Road**

A request to annex 8.959 acres, located at 3175 D ½ Road and zone the annexation area, less D ½ Road public right-of-way, from County RSF-R (Residential Single-Family Rural) to a City R-5 (Residential 5 du/ac) zone district.

The request also includes an amendment to the 2004 Pear Park Transportation and Access Management Plan (TAMP) to revise the access point to D ½ Road from property known as Fox Meadows, located at 3175 D ½ Road.

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

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. This annexation consists of two parts: Fox Meadows Annexation No. 1 consists of 0.150 acres of D ½ Road public right-of-way; and Fox Meadows Annexation No. 2 consists 8.809 acres, which is comprised of one parcel and 0.50 acres of D ½ Road public right-of-way.

The property is currently used for agriculture and is at the far eastern edge of the Persigo 201 Sewer Service Boundary. The property owner has requested annexation into the City and a zoning of R-5 (Residential 5 du/ac) to facilitate the development of a residential subdivision.

The property owner has also requested an amendment to the 2004 Pear Park Transportation and Access Management Plan (TAMP) to revise the access point to D ½ Road. Approval of this amendment will provide direct access into a future residential subdivision, while eliminating potential overlapping left turn movements on D ½ Road, ultimately creating a safer driving situation. Mr. Rusche said it is somewhat unique that this neighborhood has a specific access plan and since the adoption of the Plan a number of the contemplated subdivisions have been built. Now, the originally proposed access point would cause traffic conflicts so the property owner would like to move the access point to create a safer driving situation.

A Neighborhood Meeting was held on October 5, 2015. The Planning Commission (PC) recommended approval at their January 12, 2016 meeting. The request meets the criteria in the Grand Junction Municipal Code and the goals and policies of the Comprehensive Plan.

Councilmember McArthur asked if this annexation will create an enclave. Mr. Rusche said it does not create an enclave. Councilmember McArthur asked where exactly the access will be. Mr. Rusche said it will now be in the middle of the property.

Councilmember Taggart asked about the property next to annexation #2 and what will happen to its access. Mr. Rusche said it will retain its access until it is developed and then they will connect to the adjacent subdivision.

Councilmember Taggart asked about the notice letter not being mailed out in a timely manner as indicated by a note from a citizen. He asked Mr. Rusche to explain that. Mr. Rusche said all developments that require a hearing must have a neighborhood meeting and the City provides a list of property owners within 500 feet of the proposed development to the developer for notices to be sent to. The developer then holds a neighborhood meeting. If the developer proceeds, a courtesy notice is then sent out to the same property owners. He acknowledged there is some confusing language on the notice which will be corrected, but that the notice is not mandated. Once a public hearing is scheduled, another notice is sent out and a sign is posted on the property. All of these notices provide plenty of opportunities for public comment.

The Council took a short break at 8:05 p.m.

The meeting reconvened at 8:07 p.m.

It was announced Councilmember Boeschstein would not be returning to the meeting.

Council President Norris opened the hearing for public comment.

Karl Antunes, 3169 D ½ Road, addressed City Council and said he believes the annexation is being pushed too quickly. He spoke to neighbors and they have no problem with the development of the land, however they are not in favor of the annexation. He asked why the developer would ask for it to be annexed. He said at the original meeting they were told the property will be developed in a single phase and read the proposed schedule. He felt the deadline for comments was too quick. He circulated a petition with the neighbors and no one wanted to be annexed. He addressed the proposed streets on his property and asked how long it will be before his property is enclaved.

Council President Norris asked City Attorney Shaver to state the Persigo provisions that relate to this property. City Attorney Shaver said the agreement is only applicable when a property develops. If Mr. Antunes chooses to develop his property then he too would be subject to annexation. City Attorney Shaver asked Mr. Rusche to display a bigger map which showed the 201 Persigo Boundary and said the School was not annexed as it pre-dates the Persigo Agreement. Mr. Antunes referenced the Chatfield II Subdivision that was developed in 2004 and said it is not in the City. It was noted that it is outside the 201 Boundary.

Councilmember Chazen asked for clarification on what type of development triggers annexation. City Attorney Shaver explained “development” that triggers annexation would typically be an application submission by an owner to create a subdivision. Councilmember Chazen asked if the new access point obligates Mr. Antunes to annex his property. City Attorney Shaver said as long as he owns it and does not choose to develop it, it will not be annexed.

Then they addressed the Dove Creek Subdivision. It was developed under Mesa County, is in the Persigo Boundary, and it was developed after the Persigo Agreement was signed. City Attorney Shaver speculated that the development plan may have been approved prior to the Agreement and the County recognized that. Councilmember Chazen thought if Dove Creek and Chatfield II subdivisions were to be annexed, Mr. Antunes’ property would be enclaved. Mr. Rusche disagreed explaining the annexation of right-of-way does not create an enclave, which is the situation in this case.

Mr. Antunes asked that the vote be skipped since the Dove Creek situation is not clear.

Steve Voytilla, the owner and developer for the subject property, said he is in favor of the annexation and it is needed for him to move forward with the development. The people opposed to the annexation will not be annexed into the City; this request is only for his property. The stub street will just go to the property line.

Mr. Antunes expressed his opposition saying the timelines have not been met. Council President Norris noted that timelines may change but the development is going through the proper process.

Mr. Antunes asked why the developer is asking for annexation if he is not ready to develop. Mr. Rusche said the developer may have a better response but that this is just one step in the development process. The process takes time and more specific plans are needed to go forward. Mr. Voytilla has met all the City timelines which allows him to proceed with the next steps.

Mr. Voytilla clarified he is moving forward with the development and will not be delaying.

There were no other public comments.

The public hearing was closed at 8:33 p.m.

Councilmember McArthur asked what the Dove Creek zoning is. Mr. Rusche said it is Mesa County RMF-5, which is 5 dwelling units per acre. Councilmember McArthur asked if the density for the new development would be consistent. Mr. Rusche said yes. Councilmember McArthur then asked, if the property is not annexed, what would the density allowance be. Mr. Rusche said it would remain RSF-R (residential single family-rural) which is five acres per unit. Councilmember McArthur noted this request is consistent with surrounding subdivisions, will not impact surrounding properties, and he sees no reason to deny this.

Councilmember Kennedy agreed. There was no reason not to approve the request.

Councilmember Chazen noted Mr. Antunes' property can stay in the County and as long as he wants, even if more properties are annexed to the west. He sees no reason to deny the request.

Council President Norris agreed.

Councilmember Kennedy appreciated the concern regarding the notifications and encouraged Staff to work on the timelines to make it easier to determine if they had been met.

Resolution No. 06-16 – A Resolution Accepting a Petition for the Annexation of Lands to the City of Grand Junction, Colorado, Making Certain Findings, and Determining that

Property Known as the Fox Meadows Annexation No. 1 and No. 2, Located at 3175 D ½ Road, is Eligible for Annexation

Ordinance No. 4687 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fox Meadows Annexation No. 1, Consisting 0.150 Acres of D ½ Road Right-of-Way

Ordinance No. 4688 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fox Meadows Annexation No. 2, Consisting of One Parcel and a Portion of D ½ Road Right-of-Way, Located at 3175 D ½ Road

Ordinance No. 4689 – An Ordinance Zoning the Fox Meadows Annexation No. 2 to R-5 (Residential 5 du/ac), Located at 3175 D ½ Road

Ordinance No. 4690 – An Ordinance Amending the Comprehensive Plan, Specifically the Pear Park Neighborhood Plan, More Specifically the Transportation Access Management Plan, a Part of the Grand Valley Circulation Plan, to Revise the Access Point on D ½ Road to Allow Direct Access into Property Known as Fox Meadows, Located at 3175 D ½ Road

Councilmember Chazen moved to adopt Resolution No. 06-16 and Ordinance Nos. 4687, 4688, 4689, and 4690 on final passage and ordered final publication of the ordinances in pamphlet form. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

**Public Hearing – Amending Section of the Zoning and Development Code to Allow the Planning Commission to Approve a Conditional Use Permit (CUP) Prior to Site Plan Review**

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by allowing the Planning Commission to approve the conditional use of a property prior to site plan approval. Through the use of a site sketch the Planning Commission may make findings to determine that necessary site design features or mitigation measures will be taken to enhance or deter certain impacts to the neighborhood.

The public hearing was opened at 8:40 p.m.

Lori V. Bowers, Senior Planner, presented this item. She explained currently the Conditional Use process requires a full site plan review along with complete construction drawings that are in conformance with the submittal standards of SSIDs (Submittal Standards for Improvement and Development), TEDS (Transportation and Engineering Design Standards), and SWMM (Storm Water Management Manual) as part of the application. It is proposed that a site sketch showing sufficient detail to enable the PC to make a determination of the use in the subject location and zone



district be all that is required for approval of the subject use. The proposed ordinance further provides if the applicant changes or expands a structure or other feature of a site that is subject to a Conditional Use Permit (CUP), the Director shall determine whether the expansion/change is “major” or “minor”. The PC recommended approval of the Code amendment to City Council on January 12, 2016.

Ms. Bowers stated a CUP is not a use by right, it is a use that is otherwise prohibited within a given zone district. Examples are outdoor entertainment, outdoor animal care, bars, and nightclubs. When the PC reviews a CUP they determine if any mitigating measures would be needed for the proposed site use. She provided checklists for a site plan versus a site sketch which has fewer requirements and a reduced level of detail. The Director would determine if the application is a major or minor change of use. Any amendment to the CUP under the current Code requires the applicant to go through the whole process again.

Councilmember Kennedy asked for clarification regarding the word “sketch”. Ms. Bowers said it is a real drawing. Councilmember Kennedy then asked if there is any secondary review to make ensure the plan remains the same when it comes in for the full site plan review. Councilmember Taggart noted this amendment is only for the issuance of the CUP, the development plan would still need to be approved. City Attorney Shaver read from subparagraph (e) that says additional information can be requested and the Director must ensure all mitigating factors have been addressed.

Councilmember McArthur said this amendment is part of the effort to improve the Code. He thanked Staff for bringing it forward.

Councilmember Chazen said Councilmembers McArthur and Boeschstein were on this review committee and asked if they had reviewed this amendment. Councilmember McArthur said they had and neither of them had any comments.

There were no public comments.

The public hearing was closed at 8:51 p.m.

Ordinance No. 4691 – An Ordinance Amending Section 21.02.110 Conditional Use Permit (CUP) and Section 21.06.070(g)(5) Planned Developments and Conditional Uses

Councilmember Traylor Smith moved to adopt Ordinance No. 4691 on final passage and ordered final publication of the ordinance in pamphlet form. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

**Contract for the 2016 Asphalt Overlay Project**

This request is to award a construction contract for the asphalt resurfacing project along arterial, collector, and residential road classifications throughout the City of Grand Junction. In all, a total of 10 locations were selected.

Greg Lanning, Public Works Director, presented this item. He stated the cost, the name of the contractor, and referred the City Council to the location map provided. He said that the 2016 Overlay Project includes 57,500 square yards of asphalt milling and 15,370 tons of hot mix asphalt. He explained that the sections were selected based on the Pavement Condition Index completed a couple of years ago. Locations #9 and #10 were added due to the favorable bids. The project is simple and easy for contractors to bid on. This project is scheduled to begin in early June with an expected final completion date of late July. He displayed a map and noted the location of the added sections.

Councilmember McArthur asked how long an overlay extends the street life. Mr. Lanning said overlays with chip seal treatments in between are a twenty year fix. Councilmember McArthur noted the Horizon Drive area is scheduled for redevelopment and questioned if the overlay should be done in this area. He then asked what the life of Horizon Drive would be without the overlay. Mr. Lanning said the timeframe for improvements to this section is further out. The Horizon Drive Project Engineer has been working with the City Engineer and they thought the road probably would not even last another two years. Councilmember McArthur asked what the cost is for this section. Mr. Lanning said \$209,000.

Councilmember Chazen asked if all these factors were taken into account. Mr. Lanning said he assumed so and added only a portion of the area near where the roundabout is to be located, about 10 to 15%, would be impacted by the overlay.

Councilmember Chazen noted \$125,000 remained in the budget and asked if that amount would be sufficient for any unexpected issues. Mr. Lanning said these funds act as a contingency for existing projects. If these projects are completed without having to use the contingency, then the projects next on the list can be completed. Councilmember Chazen asked if projects #9 and #10 were able to be added this year due to the favorable pricing. Mr. Lanning said yes.

Councilmember Kennedy asked if bike lanes were being taken into consideration during these projects, specifically on 25 ½ Road from G to Patterson Road? Mr. Lanning said this program is only for maintenance on existing roadways, however it will create a base for future bike lanes.

Councilmember Taggart asked if the area around the last 100 yards of Mariposa Drive that intersects with Monument Road could be fixed. Mr. Lanning agreed it is a bad section and he will look for an opportunity to add this project.

Council President Norris asked if this fund addresses trails too. Mr. Lanning said this program is strictly for roads.

Councilmember Chazen moved to authorize the City Purchasing Division to enter into a contract with Elam Construction, Inc. of Grand Junction, CO for the 2016 Asphalt Overlay Project in the amount of \$1,907,774. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

### **Contract for Westlake Park Neighborhood Safe Routes to Schools Improvement Project**

This request is to award a construction contract for the installation of curb, gutter, and sidewalk on West Orchard Avenue west of 1<sup>st</sup> Street near Westlake Park and West Middle School. The area is a primary walking route for students and persons in the neighborhood that currently does not have sidewalk, thus presenting safety concerns.

Greg Lanning, Public Works Director, presented this item noting these Safe Routes Projects have been very favorable. This project is funded through the 2015 Community Development Block Grant Program. The City received very favorable bids and so they are able to fund the entire project. Recently in this area, a sewer line was replaced and some sections of the road were widened. He stated this project will provide pedestrian and bicycling improvements in the Westlake Park area for safe access to Pomona Elementary and West Middle School as well as improve pedestrian connectivity in the neighborhood. He displayed a map and described the project.

Councilmember Traylor Smith expressed her appreciation for this project noting this has been a dangerous section of road.

Councilmember Kennedy asked if a drainage project was recently completed in this area. Mr. Lanning said yes, it was the Bass Street Project. The City bought the materials and the Grand Valley Drainage District installed the pipe for the lower end of the Buthorn Drain. The current project will not impact the Bass Street Project.

Councilmember Chazen moved to authorize the City Purchasing Division to enter into a contract with Sorter Construction, Inc. for the Westlake Park Neighborhood Safe Routes to School Improvement Project in the amount of \$107,924.31. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

### **Non Scheduled Citizens and Visitors**

There were none.

**Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 9:18 p.m.

Stephanie Tuin, MMC  
City Clerk