

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

May 2, 2012

The City Council of the City of Grand Junction convened into regular session on the 2nd day of May, 2012 at 7:00 p.m. in the Mesa County Public Hearing Room. Those present were Councilmembers Bennett Boeschstein, Jim Doody, Laura Luke, Bill Pitts, Sam Susuras, and Council President Tom Kenyon. Absent was Councilmember Teresa Coons. 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. Grand Junction Police Department and the Mesa County Sheriff Combined Honor Guard posted the Colors and Council President Tom Kenyon led the Pledge of Allegiance, followed by a moment of silence.

Proclamations

Proclaiming May 3, 2012 as "Ralph W. Smith Day" in the City of Grand Junction

Councilmember Laura Luke read the proclamation. Mr. Smith was present for the reading of the proclamation. His companion Verda spoke on behalf of Mr. Smith.

Proclaiming May 12, 2012 as "Grand Junction Letter Carriers Stamp Out Hunger Day" in the City of Grand Junction

Councilmember Jim Doody read the proclamation. Postman Pancho Carrillo and co-worker Connie Vance were present to receive the proclamation. Mr. Carrillo said it is the 20th anniversary of the event. Food will be distributed valley-wide.

Proclaiming May 12, 2012 as "National Train Day" in the City of Grand Junction

Councilmember Bennett Boeschstein read the proclamation. Paul Brown was present to receive the proclamation. Councilmember Boeschstein recognized the passing of Kathy Jordan who was a strong supporter of the proclamation as well as historical preservation. She led the adoption of guidelines to protect the 7th Street Historical District. Councilmember Boeschstein then listed many of her projects, interests, and occupations.

Mr. Brown recalled his first contact with Kathy Jordan and the formation of the Save the Depot Committee. He said he will get the proclamation to Kathy's husband Teddy.

Proclaiming May 13 through 19, 2012 as "Police Week" in the City of Grand Junction

Councilmember Bill Pitts read the proclamation. Police Chief John Camper was present to receive the proclamation. He was accompanied by Captain Ed Clark and Corporal Ed Jones from the Colorado State Patrol. Chief Camper said 163 officers were killed in 2011, sadly breaking the previous record.

Certificates of Appointment

To the Commission on Arts and Culture

Dr. Gisela Flanigan and Miranda Ashman were present to receive their certificates of appointment.

Election of Mayor and Mayor Pro Tem/Administer Oaths of Office

Council President Kenyon thanked the City Council and said it has been his privilege and honor to serve as Mayor. He thanked Acting City Manager Englehart and City Attorney Shaver for their assistance.

Council President Kenyon nominated Councilmember Pitts for President of the Council/Mayor of the City of Grand Junction for 2012/2013. Councilmember Doody seconded the nomination.

There were no other nominations.

A vote was called. Councilmember Bill Pitts was elected as President of the Council/Ex Officio Mayor for 2012/2013 by roll call vote with Councilmember Susuras voting NO.

Councilmember Doody nominated Councilmember Luke as President of the Council Pro Tem/Mayor Pro Tem for the City of Grand Junction for 2012/2013. Council President Kenyon seconded the nomination.

Councilmember Laura Luke was elected as President of the Council Pro Tem/Ex Officio Mayor Pro Tem for 2012/2013 by roll call vote with Councilmember Susuras voting NO.

City Clerk Stephanie Tuin administered the oath of office to both incoming Council President Pitts and incoming Council President Pro Tem Luke.

New seats were taken and the meeting continued.

Councilmember Doody thanked outgoing Mayor Tom Kenyon for his insight and wisdom during his term.

Mayor Pro Tem Luke also thanked Mayor Kenyon and said she was grateful for his wisdom and leadership.

Councilmember Boeschstein thanked outgoing Council President Kenyon for his level of expertise he brought to the Council.

Councilmember Susuras thanked outgoing Council President Kenyon and said he enjoyed working with him this last year.

Outgoing Council President Kenyon thanked the Council and advised Incoming Council President Pitts there will be a lot of meetings.

Council President Pitts expressed appreciation to outgoing Council President Kenyon and thanked him for his service.

Council Comments

There were no additional comments.

Citizen Comments

There was none.

CONSENT CALENDAR

Councilmember Susuras moved to approve the Consent Calendar and then read the Consent Calendar items #1-6. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the April 18, 2012 Regular Meeting

2. **Setting a Hearing on Rezoning One Parcel Located at 140 Power Road** [File # RZN-2012-69]

A City initiated request to rezone one parcel totaling 14.81 acres from an I-1 (Light Industrial) to a C-2 (General Commercial) zone district.

Proposed Ordinance Rezoning Properties at 140 Power Road from an I-1 (Light Industrial) to a C-2 (General Commercial) Zone District

Action: Introduction of a Proposed Ordinance and Set a Hearing for June 6, 2012

3. **Setting a Hearing on Rezoning One Parcel Located at 681 23 Road** [File # RZN-2012-82]

A City initiated request to rezone 0.99 acres, located at 681 23 Road, from I-2 (General Industrial) zone district to I-1 (Light Industrial) zone district and bring it into conformance with the Comprehensive Plan. This area is referred to as the "Yellow Area 3" rezone.

Proposed Ordinance Rezoning One Parcel from I-2 (General Industrial) to I-1 (Light Industrial), Located At 681 23 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for June 6, 2012

4. **Setting a Hearing on Rezoning Nine Properties Located at 492, 490, 488, 488 ½, 486, 486 ½, 482 Harris Road, Plus Two Other Un-Addressed Parcels** [File # RZN-2012-85]

A City initiated request to rezone nine properties totaling 3.02 +/- acres located at 492, 490, 488, 488 ½, 486, 486 ½, 482 Harris Road, plus two other un-addressed parcels, from C-2 (General Commercial) and I-2 (General Industrial) to R-O (Residential Office) and I-1 (Light Industrial).

Proposed Ordinance Rezoning Nine Properties from C-2 (General Commercial) and I-2 (General Industrial) to R-O (Residential Office) and I-1 (Light Industrial), Located at 492, 490, 488, 488 ½, 486, 486 ½, 482 Harris Road, Plus Two Other Un-Addressed Parcels

Action: Introduction of a Proposed Ordinance and Set a Hearing for June 6, 2012

5. **Purchase Crack-fill Material to Finish Maintenance Area #2 for the 2012 Chip-Seal Program and Start Crack-Filling Next Year's Maintenance Area #3**

This request is to ratify a contract to purchase 227,272 pounds of NUVO 500 crack-fill material in the amount of \$.55 per pound. Since this is a petroleum based product, prices are escalating daily. In an effort to secure prices, the Purchasing Division negotiated a price, which now reflects savings compared to the current

market. The NUVO 500 crack-fill material was competitively bid in 2011 and found to be a superior material compared with other products previously tested.

Action: Ratify a Contract with Maxwell Products, Inc. to Provide 227,272 Pounds of NUVO 500 Crack-Fill Material, for an Amount of \$.55 per Pound for a Total of \$124,999.60

6. **Grant Award for the Auto Theft Task Force**

For the third year in a row, the Grand Junction Police Department has been awarded a grant from the Colorado Department of Public Safety. This grant award, in the amount of \$89,376, will support the continuation of a joint Auto Theft Task Force for the Grand Valley. Participating agencies include: the Grand Junction Police Department, the Mesa County Sheriff's Office, the Fruita Police Department, and the Colorado State Patrol. The award is for the purchase of equipment vital to the mission of the Task Force, as well as overtime for participants. If approved, the City of Grand Junction will serve as the fiscal agent for the grant.

Action: Authorize the Acting City Manager to Accept a Grant Award for the Auto Theft Task Force in the Amount of \$89,376

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Hernandez Enclave Annexation and Zoning, Located at 2956 D Road [File #ANX-2012-188]

A request to annex 0.527 acres of enclaved property, located at 2956 D Road, and to zone the annexation, consisting of one parcel, to an R-8 (Residential 8 du/ac) zone district.

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

Greg Moberg, Planning Supervisor, introduced this item.

Brian Rusche, Senior Planner, presented this item. He described the request, the location, the current zoning, and the current use as well as the structure on the property. The Comprehensive Plan designates this property as R-8. The proposal is in compliance with the annexation requirement in State law and the zoning being requested is in compliance with the Zoning and Development Code and the Comprehensive Plan. The Planning Commission recommends approval. The findings include that the property has been contained within the boundaries of the City of Grand Junction for more than five

years. The request also meets the annexation law and the Code of the City of Grand Junction.

Councilmember Susuras asked if the City initiated the request. Mr. Rusche said it is City initiated.

Councilmember Doody asked if the property owner was notified. Mr. Rusche said when the properties become enclaved, the owner is notified. After five years have passed another notice is sent.

Councilmember Susuras asked if all the property surrounding this property is currently in the City limits. Mr. Rusche responded affirmatively.

There were no public comments.

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

a. Annexation Ordinance

Ordinance No. 4523—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hernandez Enclave Annexation, Located at 2956 D Road, Consisting of Approximately 0.527 Acres

b. Zoning Ordinance

Ordinance No. 4524—An Ordinance Zoning the Hernandez Enclave Annexation to R-8 (Residential 8 DU/Ac), Located at 2956 D Road

Councilmember Kenyon moved to adopt Ordinance Nos. 4523 and 4524 and ordered them published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Public Hearing—Vacating Alley Right-of-Way for St. Joseph Church, Located in the 300 Block of White Avenue [File #VAC-2012-203]

This is a request by St. Joseph Catholic Church to vacate the remaining alley right-of-way in the 300 Block of White Avenue for the proposed new chapel, parish hall, and future ancillary additions.

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

Greg Moberg, Planning Supervisor, introduced this item.

Councilmember Susuras asked if US Bank still owns the property on the corner. Mr. Moberg said that it is now owned by the Church.

Lori V. Bowers, Senior Planner, presented this item. She described the site, the location, and the request. The Church acquired the property adjacent to the existing Church property resulting in the Church now owning the entire block. Expansion of the Church will allow the Church to grow and allow the downtown to continue to grow. The existing zoning is B-2 and it will remain as such. The existing sewer line has been confirmed to be in good condition and the vacation of the alley will turn responsibility of the sewer line and the alley to the Church. The requested right-of-way vacation is consistent with the Comprehensive Plan and the review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met. The Planning Commission forwards a recommendation of approval from their meeting of March 27, 2012. A representative of the Church was present to answer questions.

Councilmember Doody confirmed that the sewer line will become the obligation of the property owner. Ms. Bowers said that is correct.

Councilmember Boeschstein asked if there are any other utilities. Ms. Bowers said there is electrical but the Church is working with Xcel to relocate those lines. At that time, new easements will be dedicated.

There were no public comments.

The public hearing was closed at 7:52 p.m.

Ordinance No. 4525—An Ordinance Vacating Right-of-Way for St. Joseph Church, Located in the 300 Block of White Avenue

Councilmember Susuras moved to adopt Ordinance No. 4525 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. The motion carried by roll call vote.

Public Hearing—Rezoning Fourteen Properties on the South Side of I-70B Between S. 17th Street and 28 Road Along E. Main Street [File #RZN-2011-1322]

A City initiated request to rezone fourteen parcels totaling 17.268 acres from a C-2 (General Commercial) to an I-1 (Light Industrial) zone district.

The public hearing was opened at 7:54 p.m.

Greg Moberg, Planning Services Supervisor, introduced this item and the following two items on the agenda. These three items deal with City initiated rezonings to bring the zoning and the Comprehensive Plan in conformance with each other. They all come forward with a recommendation for approval from the Planning Commission. The Planning Division is about $\frac{2}{3}$ of the way through all the properties that will be brought forward for rezoning to comply with the Comprehensive Plan.

Councilmember Susuras noted that the Staff Report indicated that the current uses will be able to continue. Mr. Moberg said that is correct.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. He also described the current use and ownership. Mr. Rusche described the surrounding uses and zone districts. The 1996 Growth Plan designated these properties as Industrial. In 2010, the Comprehensive Plan was adopted maintaining the existing Industrial designation for these properties. The request is to modify the existing C-2 zoning. The character of the area is industrial when looking at the type of uses and the size of buildings. The Planning Commission forwarded a recommendation of approval. There is direct access onto the Frontage Road. The properties would not be conducive to general retail use. The rezone will restrict general retail use. The request does meet the criteria of the Grand Junction Municipal Code and the goals and policies of the Comprehensive Plan.

Councilmember Boeschstein asked if there are any retail sales occurring. Mr. Rusche said there are wholesale/contractors sales, there is no general retail. Councilmember Boeschstein said he was aware of a company in that area that sells filaments like fishing lines via the internet. Mr. Rusche was not aware of that. Councilmember Boeschstein said that there was a letter in the Staff Report stating the author thought it was too restrictive. Councilmember Boeschstein asked about internet sales. Mr. Rusche said the Code restricts the amount of floor space that is dedicated to retail sales. It does allow contractors to sell parts when they make a repair. Businesses would be able to continue any pre-existing uses.

Councilmember Susuras asked for confirmation that 10% of sales even in Industrial zoning can be retail sales. Mr. Rusche said that is correct, retail sales have different parking requirements.

Councilmember Luke asked about the difference between C-2 and I-1. Mr. Rusche said the primary difference is the 10% of retail sales. The amount of improvements that are necessary is different. I-1 has a lower standard. Both zone districts are similar in setbacks and other bulk requirements.

Councilmember Kenyon asked if Mr. Rusche found any violations with Mr. Dopkin, the author of the letter. Mr. Rusche said Mr. Dopkin's business is a warehouse but he did

detail the history of the property and at one time it was considered for a shopping center. Mr. Dopkin has space available and the rezone would restrict that from retail in the future.

Councilmember Kenyon said City Council has no intention of zoning people out of business.

Council President Pitts asked about the window business, is that not retail? Mr. Rusche said he believes it is a contractor.

City Attorney Shaver added that typically the sale occurs at the home. The business could be a warehouse.

Councilmember Boeschenstein said he did buy a storm door at Bratton and they did pay for it at the store. City Attorney Shaver said that may fall under the 10% of retail sales allowed.

Council President Pitts agreed that he does not want to put any business out of business.

Planning Supervisor Moberg added that internet sales would be considered warehouse. Also, the City would be very flexible with occasional store sales.

There were no public comments.

The public hearing was closed at 8:13 p.m.

Ordinance No. 4526—An Ordinance Rezoning Properties Located on the South Side of I-70B Between S. 17th Street and 28 Road Along E. Main Street from a C-2 (General Commercial) to an I-1 (Light Industrial) Zone District

Councilmember Doody said he has heard for years that there is not enough industrial zoned property in the City. Therefore he moved to adopt Ordinance No. 4526 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezoning Two Properties Located at 637/681 Railroad Boulevard and 2225 River Road [File #RZN-2011-1331]

A City initiated request to rezone 6.769 acres, located at 637/681 Railroad Boulevard and 2225 River Road from I-2 (General Industrial) to I-1 (Light Industrial) zone district.

The public hearing was opened at 8:15 p.m.

Senta Costello, Senior Planner, presented this item. It is a City initiated rezone request. She described the sites, the location, and the request. The property is a moving company and a truck and trailer repair company. She described the surrounding uses as well as other uses in the vicinity. The request will bring the zoning into conformance with the Future Land Use designations which is Commercial/Industrial. The current zonings do not meet those designations. She spoke to the existing uses and how they will align with the proposed zoning. The Planning Commission forwarded a recommendation of approval at its March 13, 2012 meeting.

There were no public comments.

The public hearing closed at 8:19 p.m.

Ordinance No. 4527—An Ordinance Rezoning Two Properties Located at 637/681 Railroad Boulevard and 2225 River Road, from I-2 (General Industrial) to I-1 (Light Industrial)

Councilmember Boeschstein moved to adopt Ordinance No. 4527 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezoning One Property Located at 2189 River Road [File #_RZN-2011-1326]

A City initiated request to rezone one property located at 2189 River Road from I-2 (General Industrial) to I-1 (Light Industrial) zone district.

The public hearing was opened at 8:21 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request which is a request from the City. The Planning Commission recommended approval at their March 13, 2012 meeting. The City adopted the Comprehensive Plan in 2010 and that resulted in this property not being in conformance with the Future Land Use Designation. The change will not impact the current uses. The request will bring the zoning into conformance with the Zoning Code and the Future Land Use designation. Notification of owner and surrounding property owners were accomplished. The property owner did not have any concerns with the proposed rezone. No one else has contacted Mr. Peterson on the proposal. Mr. Peterson described why the current zoning is incompatible and listed additional uses that will be allowed under the proposed zoning. The requested rezone meets goals 3,

6, and 12 of the Comprehensive Plan and the review criteria of the Grand Junction Municipal Code. The proposed rezone will resolve the current conflict with the

Comprehensive Plan allowing the property to be redeveloped in the future.

Councilmember Boeschstein asked about the current use. Mr. Peterson said it is a company called Energy Services that is leasing the facilities and it is an allowed use with the proposed zoning.

There were no public comments.

The public hearing was closed at 8:25 p.m.

Ordinance No. 4528—An Ordinance Rezoning One Property from I-2 (General Industrial) to I-1 (Light Industrial), Located at 2189 River Road

Councilmember Susuras noted the request meets the Comprehensive Plan Goals 3, 6, and 12, the Planning Commission approved it on March 13th, the user would have more uses available for the property, and no objections were filed. Therefore, he moved to adopt Ordinance No. 4528 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Susuras asked City Attorney Shaver to explain why it is necessary to read in final publication in pamphlet form. City Attorney Shaver explained that the exact wording is not critical but having it read provides confirmation of the authority to not publish the ordinance in full in the newspaper resulting in significant savings.

Councilmember Doody congratulated Mayor Pitts and Mayor Pro Tem Luke.

Adjournment

The meeting was adjourned at 8:30 p.m.

Stephanie Tuin, MMC
City Clerk