

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

July 18, 2012

The City Council of the City of Grand Junction convened into regular session on the 18th day of July, 2012 at 7:00 p.m. in the in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Tom Kenyon, Laura Luke, Sam Susuras, and Council President Bill Pitts. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pitts called the meeting to order. Councilmember Kenyon led the Pledge of Allegiance, followed by an Invocation by Visitation Minister Hunt Zumwalt, Church of Christ of Grand Junction.

Presentation

June Yard of the Month

Tom Ziola, Forestry Supervisor, introduced Teddy Hildebrandt, member of the Grand Junction Forestry Board, who presented the award for June Yard of the Month to Cleo Cochran, 1105 Grand Avenue. Ms. Cochran said her yard was a labor of love and thanked the City for the recognition.

Proclamation

Proclaiming August 1 – 7, 2012 as "National Clown Week" in the City of Grand Junction

Janet "Pickles" Timony was present to receive the proclamation. She thanked the City Council for the Proclamation and said that it is an honor and she accepts it on behalf of Clowns of America International and herself, Pickles the Clown. She then thanked her friends and family for being there. She stated that President Nixon declared and wrote the first Proclamation in 1971 to recognize all the clowns for all their effort in community service. She advised that there will be classes starting in August and it will be a seven week course.

Certificates of Appointment

To the Downtown Development Authority/Downtown Grand Junction Business Improvement District

Les Miller and Jason Farrington were present to receive their certificates of appointment to the Downtown Development Authority/Downtown Grand Junction Business Improvement District.

To the Parks and Recreation Advisory Board

Kristy Emerson and Marc Litzen were present to receive their certificates of appointment to the Parks and Recreation Advisory Board.

Appointments**To the Riverfront Commission**

Councilmember Boeschstein moved to reappoint Stacy Kolegas Beaugh and Brian Meinhart for three year terms expiring July 2015, appoint Jason Bailey for a three year term expiring July 2015, appoint Cliff Sprinkle for a partial term expiring July 2014, and appoint Claudette Konola for a partial term expiring July 2013, all to the Riverfront Commission. Councilmember Doody seconded the motion. Motion carried.

To the Historic Preservation Board

Councilmember Doody moved to appoint Joseph Hatfield for a one year term expiring December 2013 and ratify the Downtown Development Authority's appointment for Jodi Coleman-Niernberg to be the DDA representative to the Historic Preservation Board. Councilmember Coons seconded the motion. Motion carried.

Council Comments

Councilmember Boeschstein said he attended the Riverfront Commission meeting the previous evening and there are a lot of things going on including the trail from Grand Junction to Fruita. Also the Tamarisk Coalition is doing a huge amount of work at the Las Colonias site. They are planting new species as well as removing tamarisk.

Citizen Comments

Eric Rechel, 2890 Seely Road, asked how the eviction of homeless is going. He said the homeless are our sisters and brothers but they are treated like third class citizens. He objected to the clean-up of the camps along the river.

CONSENT CALENDAR

Councilmember Coons noted there have been some changes to the Consent Calendar. She read the Consent Calendar and then moved to adopt the Consent Calendar items #1-8 with items #6 and #8 being moved to individual consideration. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the June 20, 2012 Regular Meeting and the June 29, 2012 Special Session

2. **Setting a Hearing on an Amendment to the Future Land Use Designation for Eleven Properties Located between S. 12th and S. 14th Streets, South of Ute Avenue and North of the Railroad Tracks** [File #CPA-2012-178]

A City initiated request to amend an area of the Comprehensive Plan's Future Land Use Map from Downtown Mixed Use to Commercial.

Proposed Ordinance Amending the Grand Junction Comprehensive Plan Future Land Use Map for Eleven Properties Located Between S. 12th and S. 14th Streets, South of Ute Avenue and North of the Railroad Tracks from Downtown Mixed Use to Commercial

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 1, 2012

3. **Setting a Hearing on Rezoning Property Located at 502, 530, 550 Grand Avenue, and 443 N. 6th Street from B-1 (Neighborhood Business) to B-2 (Downtown Business)** [File #RZN-2012-332]

A request to rezone approximately 2.69 acres, encompassing the entire block between N. 5th Street and N. 6th Street, Grand Avenue and Ouray Avenue (502, 530 and 550 Grand Avenue and 446 N. 6th Street), from B-1 (Neighborhood Business) to B-2 (Downtown Business) zone district.

Proposed Ordinance Rezoning Mesa County Public Library Block from B-1 (Neighborhood Business) to B-2 (Downtown Business), Located at 502, 530, 550 Grand Avenue, and 443 N. 6th Street

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 1, 2012

4. **Grant Acceptance and Purchase of Cardiac Monitor**

The Fire Department has been awarded a state EMS grant to assist with the purchase of a Zoll cardiac monitor that will replace an existing monitor. 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 approximately 50% of the cost for the item.

Action: Authorize the Purchasing Division to Award a Contract to Zoll Medical Corporation in the Amount of \$28,769.10 for a Zoll Cardiac Monitor and Authorize the City Manager to Accept a Grant Award from the Colorado Department of Public Health and Environment for \$14,391.00 for this Purchase

5. **Grant Acceptance and 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 currently in the City's ambulance fleet. 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. The cost to re-chassis this ambulance is approximately 66% of the cost of a new ambulance – making this a very cost effective way to provide a virtually new ambulance.

Action: Authorize the Purchasing Division to Award a Contract to Lifeline Emergency Vehicles through Rocky Mountain Emergency Vehicles of Denver, CO in the Amount of \$126,592 for the Re-chassis of a Lifeline Type III Ambulance and Authorize the City Manager to Accept a Grant Award from Colorado Department of Public Health and Environment for \$63,296 for this Purchase

6. **Amending Resolution No. 44-89 Concerning Membership on the Grand Junction Commission on Arts and Culture – MOVED TO INDIVIDUAL CONSIDERATION**

The Grand Junction Commission on Arts and Culture is seeking approval of an amendment to Resolution No. 44-89. Currently the Resolution is written in a way that restricts recruitment of members to the Commission. The Commission is recommending lifting the restriction to enable more qualified candidates to serve on the Commission.

7. **Easement Agreement with the State of Colorado Allowing Public Access to the Purdy Mesa and Juniata Reservoirs**

The State of Colorado ("State") through the Department of Natural Resources has granted the City of Grand Junction ("City") a Sewer Easement across the Walker State Wildlife area for twenty-five (25) years conditioned upon the City granting an easement to the State for the use and benefit of the Division of Parks and Wildlife

and the Wildlife Board for public access to the Purdy Mesa Reservoir and Juniata Reservoir.

Resolution No. 29-12—A Resolution Authorizing the City Manager to Execute an Easement to the State of Colorado Through the Department of Natural Resources for the Use and Benefit of the Division of Parks and Wildlife and Wildlife Board

Action: Adopt Resolution No. 29-12

8. **First Amendment to the Minor League Baseball Lease Agreement between the City and GJR, LLC - MOVED TO INDIVIDUAL CONSIDERATION**

The first amendment to the lease agreement between the City and GJR, LLC, a Colorado limited liability company owning and operating the Grand Junction Rockies minor league baseball club (also known as "the Club" or "Club"), provides that GJR annually pay \$25,000.00 to Grand Junction Baseball, Inc. in lieu of making the payment to the City.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Contract for Purchase and Installation of Fire Station Alerting System

Request to enter into a contract with Low Voltage Installations, Inc., Golden, CO to provide and install fire station alerting systems to the City's existing and future fire department locations, beginning with Fire Station #1 and Fire Station #2.

Ken Watkins, Fire Chief, presented this item. He explained the different components of alerting the firefighters for an emergency notification. The current system is not functioning properly and they are unable to find parts for repairs. There is difficulty communicating with Dispatch. The request is for the new system in Fire Station #1 currently with the remodeling being completed and the second piece will be for Fire Station #2 when that gets remodeled later this year. The new system includes both audible and visual alerts. The Communication Center board has voted and approved the purchase. As other agencies want to come onto to the system, they will purchase the components for their stations.

Jay Valentine, Financial Operations Manager, stated this had been budgeted in the past but when budgeted in 2010, there was not a suitable solution available. It was then going to be budgeted again in 2013 when the Fire Station #1 remodel was to take place. However, that remodel was moved up to 2012 and the station is ready for occupancy so the alerting system needs to be purchased. There will be an amendment to the 2012 budget for the purchase.

Councilmember Kenyon noted the benefits to the community for more efficient and dependable alerting for emergency services. It is important that this same system be utilized throughout the County.

Chief Watkins agreed that having the same system county-wide would be beneficial. The automated voice and the modular construction of the system are also benefits.

Councilmember Kenyon moved to authorize the City Purchasing Division to negotiate a contract with Low Voltage Installations, Inc., Golden, CO in an initial amount of approximately \$287,995. Councilmember Susuras seconded the motion. Motion carried.

Contract for the 24 Road Sewer Interceptor Replacement Project

This request is to award a construction contract for the 24 Road Interceptor Replacement Project. The section of interceptor line that will be replaced is located west of 24 Road. This line goes under Highway 6 and 50 and the Union Pacific Railroad and continues north to F ½ Road. In all, 3,520 lineal feet of interceptor line will be replaced as part of this project.

Tim Moore, Public Works and Planning Director, presented this item. He explained the location of the project. The existing line is plastic but it is undersized, so the plan is to increase the capacity and align the wastewater system in that area with the growth and possible density as anticipated in the Comprehensive Plan.

Jay Valentine, Financial Operations Manager, explained that a portion of the cost is unfunded, therefore a supplemental appropriation will come before the City Council. The additional \$117,000 will come from the fund balance for the sewer fund.

Councilmember Kenyon asked how large the area is for the additional capacity. Mr. Moore provided the history of the last sewer extension in that area. There is about a half mile area along 24 Road that is the additional basin that this will help serve.

Councilmember Boeschstein asked if the expansion will take some residences off septic systems. Mr. Moore said if there are septic systems being used, then that will be pursued.

Councilmember Boeschstein asked if the cost of the project includes reconnecting the existing lines into the new line. Mr. Moore said that is the case.

Councilmember Susuras moved to authorize the City Purchasing Division to enter into a contract with MA Concrete Construction, Inc. of Grand Junction, CO for the 24 Road Sewer Interceptor Replacement in the amount of \$720,021. Councilmember Coons seconded the motion. Motion carried.

Public Hearing—Amending the Sales and Use Tax Code Exempting from Sales and Use Tax Wood from Beetle Killed Trees

This is an amendment to the Grand Junction Municipal Code concerning the exemption from sales and use tax the sale, storage, and use of wood and timber products made from Colorado trees killed by Spruce Beetles or Mountain Pine Beetles. This proposed ordinance amending the Code has an eight year sunset clause at which time the City Council will evaluate the effectiveness of the ordinance and may or may not extend the exemption.

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

Jodi Romero, Financial Operations Director, presented this item. She noted that Doug Jones of Doug Jones Sawmill was present, is the local industry expert, and can answer questions from the City Council after the presentation. Ms. Romero explained that the State put the exemption in place in 2008 and the recent legislative session extended that exemption until July 1, 2020. She explained that this amendment will use tax policy to work with industry partners and will positively impact the local economy.

Doug Jones of Doug Jones Sawmill was then asked to come to the podium.

Councilmember Coons asked how much beetle killed wood is coming into the area. Mr. Jones said, at the present time, they are bringing in approximately 150 loads of beetle killed wood per year.

Councilmember Kenyon noted that beetles have devastated the forests in Colorado leaving a lot of dead wood standing. He asked if this amendment will help stimulate the use of this beetle killed wood. Mr. Jones said the sales tax exemption will be an incentive for the consumer to use the beetle killed wood.

Councilmember Doody said he and Representative Ray Rose were flown over to Buckley Air Force Base a few years ago and from there were in some Black Hawk helicopters and flew over the beetle killed area. It was devastating to see how much timber was lost. It was estimated the beetle kill may take as much as 85% to 90% of the forests in Colorado.

Councilmember Boeschstein said he and his wife were just up in Rocky Mountain National Park and there are many acres of killed trees that could be subject to fires. He asked Ms. Romero what the cost impact of the tax exemption will be. Ms. Romero said that the State has estimated that it is around 1% of the sales tax revenue, so for the City, that could range from about \$5,000 to \$20,000.

Councilmember Coons noted that a lot of beetle killed wood has been burned which impacts the air quality so the use of the wood for building will benefit air quality.

There were no other public comments.

The public hearing was closed at 7:47 p.m.

Ordinance No. 4547—An Ordinance Amending Chapter 3 of the Grand Junction Municipal Code Concerning Sales and Use Tax Exemptions for the Sale and Use of Wood from Trees Harvested in Colorado Damaged by Beetles

Councilmember Susuras moved to adopt Ordinance No. 4546 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried with roll call vote.

Public Hearing—Rezoning 488, 490, and 492 Melody Lane; 487, 489 ½, and 491 Sparn Street, and Tax Parcel 2943-181-05-026, Directly South of 487 Sparn Street
[File #RZN-2012-126]

A City initiated request to rezone seven parcels, totaling 1.67 acres, located at 488, 490, and 492 Melody Lane; 487, 489 ½, and 491 Sparn Street, and Tax Parcel 2943-181-05-026, directly South of 487 Sparn Street, from C-2 (General Commercial) to C-1 (Light Commercial) to bring them into conformance with the Comprehensive Plan.

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

Tim Moore, Public Works and Planning Director, introduced this item and two of the remaining planning items as part of the process they have undertaken to bring the zoning and the Comprehensive Plan into alignment. He then referred to Lori Bowers, Senior Planner.

Lori V. Bowers, Senior Planner, presented this item. She described the sites, the locations, and the request which is City initiated. She asked that her Staff Report and attachments be entered into the record. Ms. Bowers reviewed the history of the area. The property is presently zoned C-2, (General Commercial) which is inconsistent with the Comprehensive Plan's Future Land Use Map designation of Village Center. The property owners were notified by mail and an open house was held. Three property owners/representatives contacted Staff by phone and at their request a separate meeting was held to explain the differences between C-1 and C-2 zoning designations and what it would mean to their property. Two of those three citizens sent an email stating that they adamantly opposed and did not want their property rezoned. Ms. Bowers explained how the tax assessment was determined on use and not on the zoning.

The proposal meets Goals 1 and 3 of the Comprehensive Plan. The request will bring the zoning into conformance with the Future Land Use designation. The requested zone is consistent with the goals and policies of the Comprehensive Plan and it meets the criteria of the Grand Junction Municipal Code. Planning Commission did not recommend approval of this item from their meeting held on May 8, 2012 based on input from the property owners that spoke at the meeting.

Councilmember Coons asked about the individual's objections regarding downzones. Ms. Bowers said one individual had a pending sale that might not happen with a downzone.

Michael Alvarez, 514 32 Road, said he owns two rentals in the subject area. He had one property pending a sale and the buyer may walk away without the current zoning. Another interested buyer wanted to install a billboard. That will not be allowed under the new zoning. He said more people are objecting than those that are in favor.

Marie Ramstetter, 929 Main Street, owns the southeast three lots and has a letter from the owner of the property on the west side who couldn't be here. She noted that the City says there very few changes. She disagrees; it precludes them from doing several things. No animal care facility would be allowed. She has an animal rescue operation and the rezone would preclude veterinary care on her property. A flea market would not be allowed. There would be only a very limited automotive uses allowed, there is a lot more leeway in the C-2 zone district. No manufacturing or processing is allowed in the proposed zone. She said over 50% property owners are totally against the rezone. She said it doesn't seem to make a big difference to the City. She felt it would be an encroachment on her rights.

There were no other public comments.

Council President Pitts said it appears there has been quite a bit of controversy on this item. He asked about the Planning Commission's recommendation. Ms. Bowers said they did not forward a recommendation of approval. This is just over 6 acres. In C-2, the minimum lot size is 20,000 square feet. Lots would have to be combined for any development to occur. She suggested everything be left as is but there should be a plan in place to make the change if development were to occur. She added that the proposed zone would allow automotive fuels, just not heavy fuels.

Council President Pitts asked if a supermajority would be required to override the Planning Commission's recommendation. City Attorney Shaver said that if there had been denial, which that is not quite clear, then a supermajority would be required.

Councilmember Boeschstein said there are more uses allowed in C-1 than in C-2. He listed many examples. He said it makes sense to go forward with the rezone as it

emphasizes the Village Center idea and allows more uses. Making the change now would speed up any redevelopment in the future.

Councilmember Doody asked if the rezone would affect current uses. City Attorney Shaver said it will not affect the current uses but will affect any new uses.

Councilmember Susuras said he will listen to the majority of the property owners and not support the rezone.

Councilmember Coons noted the small size of the area. Planning Commission has some concerns even though any additional development under C-2 would require some consolidation of parcels. She said it may be wise to wait for a plan to come forward and see if it is even possible to develop C-2 uses. She would like to wait and see what happens.

Councilmember Kenyon noted this is a very small area and insignificant in the overall Comprehensive Plan. The City Council has made effort not to force any changes on the property owners. Several owners are not convinced this is good for them so he sees no reason to force a zoning change in respect to the owners and their concerns. He noted that Councilmember Boeschstein is right and the owners may be back for a change.

Councilmember Luke requested clarification in the motion and the voting. City Attorney Shaver recommended a motion in the affirmative so a no vote would be to deny the rezone.

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

Ordinance No. 4542—An Ordinance Rezoning Properties from C-2 (General Commercial) to C-1 (Light Commercial), Located at 488, 490, and 492 Melody Lane, 487, 489 ½, and 491 Sparn Street, and Tax Parcel 2943-181-05-026, Located Directly South of 487 Sparn Street

Councilmember Susuras moved to adopt Ordinance No. 4542 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion failed by roll call vote with Councilmembers Luke, Susuras, Coons, Doody, Kenyon, and President of the Council Pitts voting NO (Councilmember Boeschstein voted yes).

Public Hearing— Amending the Planned Development for Summer Hill Subdivision
[File #PLD-2012-247]

Request to amend Ordinance Nos. 3136 and 3647 to amend the bulk standards for Filing 6 and future filings within the PD for small lots (less than 14,000 square feet) and revise

the Preliminary Plan in accordance with the amendment for Summer Hill Planned Development.

The public hearing was opened at 8:18 p.m.

Tim Moore, Public Works and Planning Director, introduced this item noting it is a citizen initiated request. He then referred the matter to Senior Planner Scott Peterson.

Referring back to the previous item, Councilmember Susuras asked if the Council will now see a Comprehensive Plan Amendment on the previous properties. Mr. Moore said based on the dialogue that would probably not be the case. The two (Zoning and Development Code and Comprehensive Plan) don't have to be in sync.

Scott D. Peterson, Senior Planner, presented this next item. He described the site, the location, and the request. He presented the original Outline Development Plan and indicated where the amendments will be. The applicant would like to construct additional single family detached units with larger square footage in Filing 6 and future filings on the small lots. In order to do that, the applicant has asked for change in the bulk standards such as setbacks and lot size. However, the lot sizes and setbacks will still be bigger than in straight R-8 zone districts. The Preliminary Plan was amended previously and did not address how many detached versus attached units were allowed. The popularity of the attached units has decreased in the current market and detached units are more popular. The amendment will also include an extension until 2018 for the Preliminary Plan to be in effect. The amendment will reduce the side yard setbacks to five feet which leaves ten feet between structures. The applicant did solicit input from the residents and held a neighborhood meeting. Five owners supported the change, five were opposed, and one had no opinion. One owner did not provide feedback. Two letters of opposition were received, one from outside of the subdivision and one from with the subdivision in another filing.

Mr. Peterson said the amendment is consistent with goals and policies of the Comprehensive Plan and the review criteria of the Grand Junction Municipal Code have been met. The Planning Commission recommended approval of the requested Planned Development Amendment at their June 12, 2012 meeting. The proposed amendment also meets Goal 5 of the Comprehensive Plan.

Councilmember Coons asked if the underlying zoning is R-8 or R-4. Mr. Peterson said it would be R-8, some language in the Plan needs to be adjusted but the future development would reflect R-8.

Councilmember Luke asked, with regard to Filing 6, how might that affect their funding, and is the bank interested in funding Filings 6, 7, and 8 or only Filing 6. Mr. Peterson

said a loan would be required for two units under the current scenario but if they change to detached units then funding could be acquired for a single unit.

Councilmember Luke asked if there are covenants. Mr. Peterson said there are and any construction would have to be approved by the Architectural Review Committee.

Councilmember Boeschstein asked if all lots will have to sign avigation easements. Mr. Peterson said they would as it is close to the airport. Councilmember Boeschstein asked if a floodplain has been identified for the large drainage that runs through the property. Mr. Peterson said that he believes so. The Plan was originally approved in 2009 so that would have been reviewed then.

Kevin Bray, Bray Real Estate, 1015 N. 7th Street, representing the applicant, provided some history. He said the development activity has slowed down and there is more activity on single family detached units. He noted that the last attached lot they sold was in 2008. Financing is easier to obtain for one house. Building two units can affect a builder's risk tolerance. The request is not so much a shift from the market, but more of an improvement.

Mr. Bray then addressed the floodplain issue and stated that there was a study, he believes, in 2003 or even more recent. It does affect Filings 6 and 7, but it does not affect any of the existing filings.

Councilmember Kenyon said there haven't been very many developers coming forward recently and for developers to see a way to stimulate some building when they haven't sold that particular type of housing since 2008, he would like to encourage plan amendments such as these. The improvements of the lot size are still well within the City's guidelines.

Councilmember Susuras said there is little demand for attached units and little financing available. This request meets Goal 5 of the Comprehensive Plan and the request is consistent with Grand Junction Zoning and Development Code.

Councilmember Coons said she agreed with Councilmember Kenyon's comments and supported the developer taking a fresh look at the options. She felt at least one of those opposed misunderstood the impact.

There were no public comments.

The public hearing was closed at 8:41 p.m.

Ordinance No. 4543—An Ordinance Amending the Summer Hill Planned Development Including Ordinance Nos. 3136 and 3647 and the Adopted Preliminary Plan for the

Summer Hill Subdivision Planned Development to Modify Bulk Standards in Filing 6 and Future Filings and Providing a Revised Development Schedule

Councilmember Kenyon moved to adopt Ordinance No. 4543 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Council President Pitts called a recess at 8:42 p.m.

The meeting reconvened at 8:49 p.m.

Public Hearing—Rezoning 9.629 Acres Located at 714 and 720 24 ½ Road [File #RZN-2012-70]

A City initiated request to rezone two parcels totaling 9.629 acres from an R-R (Residential Rural) to an R-5 (Residential 5 du/ac) zone district.

The public hearing was opened at 8:50 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 City adopted the Comprehensive Plan in 2010 and that resulted in this property not being in conformance with the Future Land Use Designation. The property is the site of the Caprock Academy. The property owners were notified of the proposed rezone and an open house was held on March 7, 2012 and no comment sheets were received regarding the proposal. No objections were expressed by adjacent property owners. Rezoning the properties was determined the best action to bring the property into conformance with the Comprehensive Plan. Mr. Peterson described the surrounding zoning. The request will bring the zoning into conformance with the Zoning and Development Code and the Future Land Use designation. The Planning Commission recommended approval at their April 20, 2012 meeting. The requested rezone meets Goal 3 of the Comprehensive Plan and the review criteria of the Grand Junction Municipal Code have been met.

Councilmember Boeschstein asked if the rezone will bring the use into conformity. Mr. Peterson responded affirmatively.

Councilmember Susuras asked if the R-5 would allow Caprock Academy to expand without any restrictions. Mr. Peterson said that is correct. Councilmember Susuras asked when that property was annexed. Mr. Peterson said it was an enclave annexation in 2000. Councilmember Susuras asked what the County zoning was then. Mr. Peterson advised that it was probably R-R. Councilmember Susuras asked what other public schools are zoned. Mr. Peterson said that it depends on the residential

neighborhoods, so they would be zoned whatever the Comprehensive Plan indicates for that area.

Councilmember Coons asked if high schools were allowed in all residential areas. Mr. Peterson said secondary schools are allowed in all residential zone districts.

There were no public comments.

The public hearing was closed at 8:57 p.m.

Ordinance No. 4544—An Ordinance Rezoning Properties at 714 and 720 24 ½ Road from an R-R (Residential Rural) to an R-5 (Residential 5 DU/Ac) Zone District

Councilmember Coons moved to adopt Ordinance No. 4544 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Public Hearing—Amending the Future Land Use Designation for Four Properties Located at 2886 and 2898 I-70 B, 2892 and 2896 Highway 6 and 24 [File #RZN-2012-74]

A City initiated request to amend an area of the Comprehensive Plan's Future Land Use Map from Commercial to Commercial/Industrial.

The public hearing was opened at 8:58 p.m.

Senta Costello, Senior Planner, presented this item. She described the sites, the location, and the request. With the 29 Road overpass, the intersection at this location no longer exists which is part of the reason for the Comprehensive Plan amendment. The zoning on this property is I-1. She described the surrounding zoning and uses as well as other uses in the vicinity. The three property owners met with the Planner and were concerned about any change in zoning because of their current uses. She assured them their current uses would be allowed. They wanted to know why there needed to be change. Most of the uses are destination businesses. Because of the restricted access and the type of businesses, the property owners requested that they be allowed to keep the I-1 zoning and the Comprehensive Plan be changed. The Planning Department agreed after further investigation. A C-2 zone district would be allowed in the future. The property owners are in agreement with the current proposal.

There were no public comments.

The public hearing was closed at 9:04 p.m.

Ordinance No. 4545—An Ordinance Amending the Grand Junction Comprehensive Plan Future Land Use Map for Four Properties Located at 2886 and 2898 I-70 B, 2892 and 2896 Highway 6 and 24

Councilmember Luke moved to adopt Ordinance No. 4545 and ordered it published in pamphlet form. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Public Hearing—Amendments to the Zoning and Development Code (Title 21, Grand Junction Municipal Code) Regarding Establishing and Changing a Land Use within the City [File #ZCA-2012-249]

The 2010 Code inadvertently omitted a general provision requiring a landowner to obtain an appropriate permit or approval from the City before establishing or changing a land use. The proposed amendments are intended to clarify the requirements and to ensure consistency in application of the Code's provisions to specific situations involving a change of land use.

The public hearing was opened at 9:05 p.m.

Greg Moberg, Planning Services Supervisor, presented this item. He described the proposed changes and the history of why such amendments are coming forward. These two amendments are remedying some confusion in the 2010 Zoning and Development Code. The first amendment changes a Code section at the request of Code Enforcement Division, it helps to clarify the presence of a violation. The second amendment clarifies some confusing wording on classifying land uses and change of use. The amendments do not alter the development standards. The Planning Commission voted to recommend approval of the proposed amendments at its May 22, 2012 meeting.

There were no public comments.

The public hearing was closed at 9:11 p.m.

Ordinance No. 4546—An Ordinance Amending the Zoning and Development Code, Grand Junction Municipal Code Sections 21.01.030 (Application), 21.02.070(e) (Change of Use Permit), 21.04.010 (Use Table), 21.04.020 (Use Categories), and 21.10.020 (Terms Defined – Change in Use)

Councilmember Coons moved to adopt Ordinance No. 4546 and ordered it published in pamphlet form. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

Amending Resolution No. 44-89 Concerning Membership on the Grand Junction Commission on Arts and Culture

The Grand Junction Commission on Arts and Culture is seeking approval of an amendment to Resolution No. 44-89. Currently the Resolution is written in a way that restricts recruitment of members to the Commission. The Commission is recommending lifting the restriction to enable more qualified candidates to serve on the Commission.

City Attorney Shaver presented this item. This was a request from the Commission on Arts and Culture to amend the requirements for membership. Staff did not see any reason for not bringing it forward.

Councilmember Susuras asked if there is any history of the reasoning behind the original provision. City Attorney Shaver said he did not know the specific reason but read from the resolution that a statement from member Dave Davis thought it best to avoid any possibility of a conflict of interest. City Attorney Shaver added that if any conflict or perceived conflict of interest arises under the new requirements that will be addressed at the time.

Councilmember Susuras asked City Clerk Tuin the number of applications she has received for the Commission on Arts and Culture. Ms. Tuin advised that they have advertised three times and have not been able to fill all the seats on the board due to the lack of applicants.

Councilmember Coons said she is aware that there have been conflicts with applicants being eligible. By having a restriction in place that a member or perspective member of the Commission on Arts and Culture cannot serve on other various arts boards limits the applicants that can serve on this board. It eliminates much of the arts community as the other requirement for service on the board is the majority must be professional artists. Many times there are conflicts with others on other boards and as long as those conflicts are divulged and dealt with it shouldn't be problem.

Councilmember Susuras was worried that newcomers would not be able to break into this crowd but they evidently have not been applying so he didn't have a problem supporting the change.

Resolution No. 28-12—A Resolution of the City Council of the City of Grand Junction Amending Resolution No. 44-89 Concerning the Commission on Arts and Culture

Councilmember Boeschstein moved to adopt Resolution No. 28-12. Councilmember Luke seconded the motion. Motion carried by roll call vote.

First Amendment to the Minor League Baseball Lease Agreement between the City and GJR, LLC

The first amendment to the lease agreement between the City and GJR, LLC, a Colorado limited liability company owning and operating the Grand Junction Rockies minor league baseball club (also known as "the Club" or "Club"), provides that GJR annually pay \$25,000.00 to Grand Junction Baseball, Inc. in lieu of making the payment to the City.

City Manager Englehart presented this item. He presented some history of the existing lease. Jamie Hamilton, Chairman of the JUCO Board, had been engaged in conversation with a number of minor baseball leagues to try to get a league in Grand Junction and was successful in bringing in the Rockies. The original lease agreement was originated in November of 2011. Among other things, the Rockies were inadvertently obligated to pay the City \$25,000 annually for fifteen years. This amendment corrects the actual contract language as the intent was to pay the payment to Grand Junction Baseball, Inc. Minor league baseball has a history of moving from location to location, so it is in the City's best interest to have a letter of agreement from JUCO (an organization that has been here over 50 years) to commit to pay \$300,000 to the City over the next twenty five years to defray the cost of the renovation of the Stadium.

Councilmember Kenyon asked if the City Manager at the time changed the original intent. He recalled the former City Manager promising the payment without it being in writing. He felt a mistake was made. It also adversely affects the City to receive the money as that affects the bond funding. He supported the amendment.

City Manager Englehart said that part of the Certificates of Participation (COP) is the tax exempt status that restricts the amount of revenue that can be received. City Attorney Shaver concurred. City Manager Englehart said the \$25,000 was originally to be a consulting fee with Grand Junction Baseball, Inc.

Councilmember Susuras asked if collecting that payment would be a violation of the COP tax exempt status. City Manager Englehart said it has the potential to place the City in violation.

City Attorney Shaver added that there is a limit to the private use of the facility. The City is receiving a "per game fee" and a percentage of the concessions. With this money, the calculation is less likely to violate the IRS provisions and the belief is that the threshold will not be reached. When adding in the \$25,000, there is a concern.

Councilmember Luke thanked Jamie Hamilton for sticking with the City through the process and she recognized JUCO's contribution. She is grateful for the agreement they

put forward. This change is a better way to go, not jeopardizing the tax status and helping Grand Junction Baseball, Inc.

City Attorney Shaver said neither he nor City Manager Englehart were involved in the negotiations. Those were conducted by former City Manager Kadrich. Additionally, the attorney for the Rockies has some non substantive changes and he asked that the City Manager be authorized the sign the agreement as slightly amended.

Resolution No. 30-12—A Resolution Approving the First Amendment to the Lease Agreement with GJR, LLC which Owns and Operates the Grand Junction Rockies, a Minor League Baseball Team for Use of the Baseball Field Known as “Suplizio Field” Councilmember Susuras moved to adopt Resolution No. 30-12 and authorize the City Manager to sign the amendment with the minor changes proposed by the City Attorney. Councilmember Kenyon 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 9:31 p.m.

Stephanie Tuin, MMC
City Clerk