

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

August 15, 2012

The City Council of the City of Grand Junction convened into regular session on the 15th day of August, 2012 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Tom Kenyon, and Council President Pro Tem Laura Luke. Absent were Councilmember 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 Pro Tem Luke called the meeting to order. Councilmember Coons led the Pledge of Allegiance, followed by an Invocation by Reverend Lawrence Henson, Unitarian Universalist Congregation of the Grand Valley.

Presentation/Recognition

July Yard of the Month

Kami Long, Chair of the Forestry Board, was present to award the Yard of the Month for July to Scott and Patty Webb, 2031 Paint Pony Court. Mr. Webb was present to receive the award and he thanked the City Council.

Proclamations

Proclaiming September 29, 2012 as "National Public Lands Day" in the City of Grand Junction

Councilmember Boeschstein read the proclamation. Joe Neuhoff and Zebulon Miracle of Colorado Canyons were present to receive the proclamation. Mr. Neuhoff thanked the City Council for the proclamation noting how our lives and quality of life are enhanced by public lands every day. Mr. Miracle echoed what Mr. Neuhoff said and stated they are trying to raise awareness of public lands in the community and public lands are the sites of numerous historical and cultural finds and preservation in this area.

Council Comments

Councilmember Coons explained the reason for her bruised eye, it occurred while running.

Councilmember Boeschstein said he was able to greet the President of the United States at the Airport along with Secretary of Interior Ken Salazar and other officials. It was a great event.

Councilmember Boeschstein said along with Councilmembers Coons and Susuras, he attended the celebration of the opening of the new patent office in the State. He noted there are several global industries located here in Grand Junction.

Councilmember Boeschstein then stated that at the last Council meeting he voted against a zoning request for property in the Colorado River and he has since met with the City Manager Rich Englehart on looking at the river more comprehensively.

Council President Pro Tem Luke said she voted in favor but she did not have enough information so she appreciated Councilmember Boeschstein bringing this to City Council's attention.

Citizen Comments

Eric Niederkruger, 629 Ouray Avenue, invited City Council to the People's Potluck on August 26, 2012 at 7:00 p.m. at Hawthorne Park. He noted everyone should bring food to share, table service, and something fun to share. He listed the various groups that have been invited.

Joan Raser, 3343 Northridge Drive, and Pat Hinton, 3336 Northridge Drive, spoke about a section of curb and gutter that is lower and is always filled with water. Ms. Raser is worried about mosquitoes laying eggs in the water and the chance of West Nile Virus. She asked that some money in the City's budget be moved around in order to allow the gutter to be fixed. Mr. Hinton noted that the water is from lawn watering and the gutter did have stagnant water. It's about 22 feet in length. It has been there over ten years, possibly as long as fifteen years. He noted that he noticed a new sidewalk at the school near his neighborhood. He did not think it would cost that much to replace the sidewalk/gutter.

Councilmember Doody asked that Public Works and Planning Director Tim Moore speak to these folks. City Manager Rich Englehart asked Mr. Moore to speak with Ms. Raser and Mr. Hinton.

Financial Report

Jodi Romero, Financial Operations Director, presented the bi-monthly Financial Report. She began with Economic Indicators. First was the foreclosure rates; Mesa County is still leading the State in numbers. The next indicator was construction activity. The numbers are down as the commercial activity is way down. Residential activity has picked up but that does not translate into very many dollars. On the employment front, 4,500 jobs have been regained. Gross retail activity compares Grand Junction to the activity in the nation and Grand Junction is higher in most categories. Ms. Romero said those numbers are

partially due to the fact that the rest of the nation came out of the recession sooner. The retail sales tax numbers are higher than the same time in 2011 but are still well short of the 2008 levels. A graph of the different zones for retail and revenues from the different areas was then displayed.

The City overall is over budget on collections by 3%. The growth has now slowed and leveled off. Lodging tax was up despite the wild fires and they are looking forward to the fall special events.

Regarding sales tax compliance, Ms. Romero broke out the number of accounts and whether they are monthly, quarterly, or annual filers. They have a 98% compliance rate.

On budget, Ms. Romero showed the revenue and expenses to date. Overall the revenues are up and the expenses, due to cautious spending, are down. The same is true in the enterprise funds. She advised some large capital projects are coming forward.

Council President Pro Tem Luke complimented the Staff for keeping the expenses down and lauded the good work.

CONSENT CALENDAR

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

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the August 1, 2012 Regular Meeting

2. **Setting a Hearing on an Amendment to Title 21 of the Grand Junction Municipal Code Adopting the Flood Insurance Study of Grand Junction October 16, 2012 and New Flood Insurance Rate Maps [File #ZCA-2012-393]**

Pursuant to the Housing and Urban Development Act of 1968, for continued eligibility in the National Flood Insurance Program, the Federal Emergency Management Agency ("FEMA") requires the City of Grand Junction ("City") to adopt the most recent Flood Insurance Study ("FIS") and the Flood Insurance Rate Maps ("FIRMs") that have been modified due to the findings in the FIS report.

Proposed Ordinance Amending Section 21.07.010(c)(2) of the Grand Junction Municipal Code to Adopt the October 16, 2012 Flood Insurance Report and the Flood Insurance Rate Maps

Action: Introduction of a Proposed Ordinance and Set a Hearing for September 5, 2012

3. **Setting a Hearing on Amendments to Title 13 of the Grand Junction Municipal Code Provisions Regarding Storm Water Management**

Amendments to the City's storm water management regulations are proposed in order to comply with the Colorado Department of Public Health and Environment Water Quality Control Division's most recent program recommendations and requirements.

Proposed Ordinance Amending Sections 13.28.010 (Definitions), 13.28.020(b) (Exemptions), 13.28.020(c) (Requirements), 13.28.030(e)(4) (Post-Construction Requirement of Permanent BMPs), and 13.28.040(b) and (c) (Enforcement), of the Grand Junction Municipal Code Regarding Storm Water

Action: Introduction of a Proposed Ordinance and Set a Hearing for September 5, 2012

4. **Contract for the White Hall Asbestos Abatement and Demolition Project**

The purpose of the Project is to abate and remove asbestos contamination from the entire White Hall structure, and demolish the fire-damaged portions of the building.

Action: Authorize the Purchasing Division to Execute a Contract with Hudspeth and Associates, Inc. for the White Hall Asbestos Abatement and Demolition Project in the Amount of \$313,650

5. **Lease Agreement with Southside Leasing, LLC for Remnant Property Located in the Vicinity of 1101 Kimball Avenue**

Southside Leasing, LLC, owners of the property at 1101 Kimball Avenue (old sugar beet factory building), are proposing to lease two small parcels from the City that are remnants of Las Colonias Park that were isolated from the Park proper by construction of Riverside Parkway.

Southside Leasing, LLC will assume maintenance of the two parcels and include them in future plans for redevelopment of the 1101 Kimball Avenue property.

Resolution No. 35-12—A Resolution Approving the Lease Agreement with Southside Leasing, LLC for Property Located in the Vicinity of 1101 Kimball Avenue

Action: Adopt Resolution No. 35-12

6. **Agreement with Powderhorn Ski Company, LLC. for Water for Snowmaking**

Powderhorn Ski Company, LLC, has requested to lease 140 acre feet of water from the City's Somerville Reservoir for the purposes of snowmaking. The term of this Agreement is 40 years, but with a requirement for Powderhorn to begin the work within 72 months. Emergency storage during a drought year is also provided for.

Resolution No. 36-12—A Resolution Authorizing an Agreement Between Powderhorn Ski Company, LLC and the City of Grand Junction for the Lease of Certain City Water for Snowmaking

Action: Adopt Resolution No. 36-12

7. **Contract for Purchase of Third Party Natural Gas Services**

For several years the City has contracted with a third party natural gas provider. By contracting with a third party provider, the City will achieve savings over the amount that would otherwise be paid to Xcel.

Action: Authorize the City Purchasing Division to Enter into a Contract for Natural Gas Services with A M Gas Marketing Corp., Aspen, CO for Nine City Facilities

8. **Airport Improvement Program Grant for an Aircraft Rescue Firefighting Vehicle**

AIP-50 is a grant for \$700,000.00 to acquire an aircraft rescue firefighting vehicle. The acquisition will replace an existing 24 year old rescue firefighting vehicle. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

Action: Authorize the Mayor and City Attorney to Sign the Original FAA AIP-50 Grant Documents to Acquire Aircraft Rescue and Firefighting Vehicle at the Grand Junction Regional Airport and Authorize the City Manager to Sign the Supplemental Co-sponsorship Agreement for AIP-50

ITEMS NEEDING INDIVIDUAL CONSIDERATION**Construction Contract for the 2012 Waterline Replacement Project**

This Project is aimed at replacing aging waterlines in the City's water distribution system. The average age of the waterlines being replaced on this project are 48-years old and are made of either steel or ductile iron pipe. The oldest waterline being replaced was installed in 1957. Typically, the service life for a buried pipe made of either steel or ductile iron pipe is 50-years. As a result of the pipes' age, the existing waterlines are now beginning to experience periodic breaks due to the corrosion of the pipes.

Tim Moore, Public Works and Planning Director, introduced this item. The request is for an annual replacement of different waterlines. These lines were selected for this year as they are older, leaking, and the roads will be chip sealed next year. M.A. Concrete Construction, Inc. was the low bidder. The project will replace a mile of pipe.

Councilmember Kenyon asked about what the material of the pipe will be and the life expectancy. Mr. Moore said they will use PVC pipe which has a life of fifty years.

Council President Pro Tem Luke asked if any of the pipe was purchased last year. Mr. Moore said it was not.

Councilmember Coons moved to authorize the City Purchasing Division to execute a construction contract with M.A. Concrete Construction, Inc. for the construction of the 2012 Waterline Replacement Project in the amount of \$809,915. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Public Hearing—Repealing Title 22 of the Grand Junction Municipal Code Concerning Submittal Standards for Improvements and Development [File #ZCA-2012-333]

Staff recommends removal of Title 22, Submittal Standards for Improvements and Development (SSID) Manual from the Zoning and Development Code. The SSID Manual will be retained as a technical procedures manual.

The public hearing was opened at 7:42 p.m.

Tim Moore, Public Works and Planning Director, introduced this item. He explained what the SSID Manual is and how it is used by developers. There are real benefits of having the manual to get consistent submittals; it makes the review more expeditious. It also helps planners and developers bid their work. There are drawing standards so design for

items such as water lines will be consistent. The request is to pull it out of the Code and use it as a technical manual.

Senta Costello, Senior Planner, presented this item. She reiterated that the request is to remove the manual from the Grand Junction Municipal Code. The original manual was started in 1992 and the checklists were created for both the Staff and development community to communicate the expectations for each type of application. In 1993, the overall submittal standards were created as a standalone manual and then subsequently adopted into the Code. The manual explained what each document was, what format they should be submitted in, how many copies are required, a lot of details, and how to submit an application and supporting documentation. The manual was developed with input from the development community.

Ms. Costello then displayed some examples of the checklists and noted how they have evolved over the years. The checklists are used on a day to day basis and are customized for a specific project depending on the type and location. Overtime, some documentation is no longer needed, much due to technology changes. Fewer documents are required to be submitted in paper format. Using the current system in the Code and online has been difficult, so pulling the manual out of the Code may make it more user-friendly. The manual can be changed more proactively and timely if it's out of the Code. The manual is basically a "how to" book. They still solicit input from the development community for any changes.

Ms. Costello summarized the advantages of having the SSID Manual as a technical manual outside of the Code. The change is supported by the development community as evidenced by the letters of support contained within the Staff Report materials.

Councilmember Coons clarified that currently, any changes to be made to the manual would have to come to the City Council. Outside of the Code, those changes can be made without action by the Council. Ms. Costello said that is correct.

Councilmember Boeschstein asked if, by taking it out of the Code, would it then not be required any longer? Ms. Costello said it would not have the force of law but they would maintain that these are still the expectations. Lack of compliance could delay the project.

Councilmember Boeschstein asked if Staff could then waive some of the requirements. Ms. Costello said the level of integrity would still be maintained. Councilmember Boeschstein asked who would adjudicate any dispute in the case where a requirement was waived. Ms. Costello said neighborhood requirements are in and will remain in the Code; the SSID Manual defines the format of the submittals.

City Attorney Shaver said the Code does allow the Director to waive certain requirements. If appealed, then it goes to the Zoning Board of Appeals. Mr. Shaver said that

Councilmember Coons was correct in her assessment of the reason for withdrawing the manual from the Code. It will not be part of the legal requirements but it will still be part of the practical requirements.

Councilmember Coons noted it will be more of a how to submit, not what is required.

Councilmember Boeschstein asked how the most current version will be available. Ms. Costello said any time the manual is updated, the version on line will be updated.

There were no public comments.

The public hearing was closed at 8:05 p.m.

Councilmember Doody complimented Ms. Costello for her presentation and noted that the SSID Manual is a nice guideline for developers.

Ordinance No. 4550—An Ordinance Repealing Title 22, Submittal Standards for Improvements and Development (SSID), of the Grand Junction Municipal Code

Councilmember Doody moved to adopt Ordinance No. 4550 and ordered it published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Councilmember Kenyon thanked the Department for bringing this forward and said that it will allow the development community to take advantage of these standards.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Doody asked about Councilmember Boeschstein's earlier comment on zoning in the river. He asked if United Companies rezone will be revisited? Councilmember Boeschstein said they will be looking at the river overall. He thought the zoning was a major error. He felt the zoning was contrary to the flood insurance program. Councilmember Boeschstein said Staff will show that an overlay zone for the river corridor will require additional consideration for the river. Councilmember Doody noted that it is an extraction operation and that is permitted.

Councilmember Doody inquired of the City Attorney about the democratic process. He said he was not planning on revisiting the United Companies zoning. City Attorney

Shaver said that is not the intent but rather it is looking more comprehensively at the river area during those considerations. The United Companies zoning will not be revisited, it is about looking at the other options along the river. Any other ideas will come back to the Council as a whole.

Council President Pro Tem Luke asked about the Comprehensive Plan and the need to make decisions consistently. City Attorney Shaver said another important consideration is that there may be other uses that are options. The Comprehensive Plan is a plan not a zoning map.

Adjournment

The meeting was adjourned at 8:15 p.m.

Stephanie Tuin, MMC
City Clerk