

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

**April 3, 2013**

The City Council of the City of Grand Junction convened into regular session on the 3<sup>rd</sup> day of April, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Tom Kenyon, Sam Susuras, and Council President Bill Pitts. Councilmember Laura Luke was absent. 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 Coons led the Pledge of Allegiance, followed by a moment of silence.

**Proclamations**

**Proclaiming the Month of April as “Month of the Young Child” in the City of Grand Junction**

Councilmember Boeschstein read the proclamation. Laura Stanfield Roman with Mesa County Partnership for Families, on behalf of Christian Community Schools and the Mesa County Colorado District Association for the Education of Children, accepted the proclamation. She specified that this group advocates for young children and their well-being. She thanked the City Council for their time.

**Proclaiming the Month of April as “Child Abuse Prevention Month” in the City of Grand Junction**

Councilmember Doody read the proclamation. Megan Bentley from the Western Slope Center for Children and Scott Aker from Department of Human Services (DHS) were present to receive the proclamation. Ms. Bentley explained what they do at the Western Slope Center for Children and how they partner with DHS. She thanked the City Council for the proclamation. Mr. Aker said “amen” for every one of the “whereas” statements, and noted there is way too much child abuse in this community. He provided some statistics. The only way to get ahead of child abuse is with prevention. He also thanked the City Council.

**Proclaiming the Week of April 7 – 14, 2013 as “Days of Remembrance” in the City of Grand Junction**

Councilmember Coons read the proclamation. David Eisner was present to receive the proclamation in remembrance of the Holocaust victims. Mr. Eisner said this is the fourth year this has been proclaimed and unfortunately even with revisiting it every year,

persecution continues. He described some of the programs associated with the remembrance.

### **Proclaiming the Week of April 7 – 13, 2013 as “Barbershop Harmony Week” in the City of Grand Junction**

Councilmember Susuras read the proclamation. Jim Witt and Dave Woodward were present to receive the proclamation. Mr. Witt expressed appreciation for the proclamation and the City Council’s support of the arts. This week starts the day after their spring show this Saturday at the Avalon Theatre. They look forward to the renewed Avalon Theatre. He described some of their other events including the education of young people about barbershop music, and their efforts to return funds raised in the community back to the community. Mr. Woodward noted that the funds raised go into some of the vocal programs for Middle and High Schools. He said they love acapella music. He said that a song was written for the City in 2006, called “Grand Junction, My Home Town”.

### **Proclaiming April 9, 2013 as “Mayors Day of Recognition of National Service” in the City of Grand Junction**

Councilmember Kenyon read the proclamation. Angie Bertram, with Americorps, was present to receive the proclamation. She thanked the City Council for the proclamation and acknowledged all the work volunteers do to help the community. She announced an event on April 9, 2013 where the proclamation will again be read on the front plaza of City Hall.

Councilmember Coons testified that the Americorps volunteers and the Recruiting Seniors for Volunteer Positions (RSVP) volunteers are critical to what they do at the Math and Science Center.

### **Proclaiming April 16, 2013 as “National Health Care Decisions Day” in the City of Grand Junction**

Councilmember Coons read the proclamation. Martha Jones, Advance Care Planning Task Force member, was present to receive the proclamation. Ms. Jones described how the Task Force is made up, and the purpose of the Task Force. She said end of life decisions can be difficult and many families face challenges and unexpected decisions without ever having a conversation and deciding who should make decisions in such situations. The Task Force recommends that those conversations happen in advance when one is healthy and will provide peace of mind to the family. She provided an Advance Care Planning packet for the City Council. The Advance Care

Planning Task Force is having a public forum on April 17, 2013 and it is free to the public in return for a donation of canned food.

### **Appointments**

Councilmember Kenyon moved to appoint Darcy Johnson to the Commission on Arts and Culture for a three year term expiring February 2016. Councilmember Coons seconded the motion. Motion carried.

Councilmember Kenyon moved to appoint Sharon Woelfle to the Visitor and Convention Bureau Board of Directors for a partial term expiring December 2013. (No second.) Motion carried by roll call vote.

### **Canvass Results of City of Grand Junction Regular Election**

City Clerk Stephanie Tuin said that by City Charter, the City Council serves as the Canvassing Board, who reviews the election returns and either accepts or rejects them. Ms. Tuin noted that 11,665 voters cast their ballot yesterday, a 38.9% turnout. She asked that the City Clerk's Office Staff who are notary publics sit in for the City Councilmembers who stood for election in order to certify the 2013 Regular Municipal Election results. Ms. Tuin specified the results of the election, which included the approval of four Council members: District A, Phyllis Norris; District D, Marty Chazen; District E, Harry Butler; and At Large, Rick Brainard. For the two questions on the ballot, Referred Measure A was adopted, and Referred Measure B was denied.

Councilmember Doody moved to accept the canvassing results of the Regular Municipal Election April 2, 2013. Councilmember Susuras seconded. Motion carried by the four seated Councilmembers on the canvassing board.

Ms. Tuin thanked City Clerk Staff and the Mesa County Elections Office for the collaboration during the election and how smoothly, fairly, and competently it was conducted.

### **Council Comments**

Councilmember Coons stated this will be her last official Council meeting due to scheduling conflicts. She thanked the community for the opportunity of serving for the last eight years, and expressed her gratitude in serving with current and past Councilmembers. She said the experience has been educational and gratifying. She also thanked City Staff. Lastly, Councilmember Coons thanked her husband for his loyalty and support while she served on Council.

Councilmember Susuras thanked Councilmember Coons for her eight years of service, saying she is a class act.

Councilmember Boeschstein also thanked her for a wonderful time, her dedication, background, and her contribution.

Council President Pitts also thanked Councilmember Coons for her service.

Councilmember Doody expressed his appreciation of her service, noting she made a difference in Grand Junction and served the community well.

Councilmember Kenyon said the last four years have been very educational and he lauded Councilmember Coons' expertise, especially in the science arena, and her ability to explain complex concepts in a way lay people can understand. He hopes she will continue to share her expertise. She is well respected. She has shared her school and her students and asked Councilmembers to participate there. He thanked her for everything she has done.

### **Citizen Comments**

Charlie Kodis, 2529 Westwood Drive, present on behalf of his neighbors. As a former public employee, he knows times are tough. He said there currently is no City Code Enforcement and he and his neighbors are putting up with a Recreation Vehicle (RV) violation. Today is the fifteenth day they have been tolerating it. He knows there is a hiring process that is ongoing for a Code Enforcement Officer right now, but he feels that if a citizen calls in, the violation may not be addressed for a number of months. He questioned, once someone is hired, will violators be fined retroactively? In the meantime, the violator faces no consequences and the neighborhood suffers. He asked for advice on being pointed in the right direction.

Council President Pitts said the City Manager has heard his comments and they will be in touch.

### **CONSENT CALENDAR**

Councilmember Susuras moved to approve and then read Consent Calendar items #1-9. Councilmember Coons seconded the motion. Motion carried.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the March 11, 2013 Special Meeting and the March 20, 2013 Regular Meeting*

2. **Setting a Hearing on Amending Sections 21.07.010 and 21.10.020 of the Grand Junction Municipal Code Adopting Changes to the Rules and Regulations for the Floodplain within the City** [File #ZCA-2013-107]

The proposed ordinance amends Section 21.07.010, Flood Damage Prevention, and Section 21.10.020, Terms Defined, to update the floodplain regulations to be in compliance with State requirements.

Proposed Ordinance Amending Section 21.07.010, Flood Damage Prevention, and Section 21.10.020, Terms Defined, of the Grand Junction Municipal Code

*Action: Introduce a Proposed Ordinance and Set a Hearing for April 17, 2013*

3. **Setting a Hearing Amending Chapter 6.12 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding Animals within the City**

The proposed ordinance amends Chapter 6.12 of the Grand Junction Municipal Code ("GJMC") to require a permit for rehoming of a dog or cat under certain conditions, allow for impoundment of the dog(s) and cat(s) when there is no permit as required, and disposition of the animals after impoundment due to no permit or due to an animal having been abused and/or neglected.

Proposed Ordinance Amending Parts of Chapter 6.12 of the Grand Junction Municipal Code Relating to Permits for Rehoming of Pets in the Public and Disposition of Animals

*Action: Introduce a Proposed Ordinance and Set a Hearing for April 17, 2013*

4. **Janitorial Products, Supplies and Green Cleaning Program**

This request is for the negotiation of a contract for the products, supplies, services, and training required to successfully maintain the City's Green Cleaning Program, with three additional, one year renewal options.

*Action: Authorize the Purchasing Division to Negotiate a Contract with Sanitary Supply Corporation, Grand Junction, to Provide Janitorial Products, Supplies, and Green Cleaning Program for the City's Facilities, for an Estimated Annual Amount of \$79,400*

5. **Aggregate and Road Materials for the Streets Division for 2013**

This request is for the purchase of 3/8" aggregate for the City's Streets Division for 2013. This aggregate will be used as chips for the 2013 Chip Seal project.

*Action: Authorize the Streets Division to Enter into a Contract with Grand Junction Concrete and Pipe to Provide Aggregate and Road Materials for the Streets Division for an Estimated Amount of \$100,750*

6. **Hot Mix Asphalt for Streets Division for 2013**

This request is for the purchase up to 1,200 tons of hot mix asphalt for the Streets Division to be used for road work and repairs in 2013.

*Action: Authorize the Purchasing Division to Purchase Approximately 1,200 Tons of Hot Mix Asphalt, on Behalf of the Streets Division, from Elam Construction, Inc. for an Amount not to Exceed \$90,000*

7. **One Truck Mounted Jet Vacuum Unit**

This purchase will provide a combination Jetter/Vacuum sewerline maintenance truck for the Persigo Collections Division. This vehicle is a replacement to the fleet.

*Action: Authorize the City Purchasing Division to Purchase a Truck Mounted Jetter/Vacuum Unit from Faris Machinery of Grand Junction, CO in the Amount of \$294,552*

8. **Dump Truck Rentals with Drivers for the City Spring Cleanup Program 2013**

This request is for the award of a contract for the rental of dump trucks with drivers to haul debris and refuse to designated collection sites as part of the City's Annual Spring Cleanup Program for 2013.

*Action: Authorize the Purchasing Division to Enter into a Contract with Upland Companies to Provide Thirteen Dump Trucks with Drivers for the Duration of the Two Weeks for the City Spring Cleanup Program, for an Estimated Amount of \$65,000*

9. **Storage Area Network Systems (SANS) Replacement Purchase for City Hall and Public Safety Facility**

As part of the City's planned replacement program, the IT Division is requesting authorization to replace two (2) Xiotech Magnitude 3D 4000 SANS that have been in use at City Hall and the Public Safety data centers since 2008. Both systems are beyond their recommended capacity and at the end of their expected life. This upgrade will provide all departments in the City with a modern, centralized storage environment that provides highly scalable storage capacity and performance, robust fault tolerance, high availability and reliability and that is compatible with the City's existing network and server environment.

*Action: Authorize the City Purchasing Division to Negotiate a Contract with ISC of Englewood, Colorado for an Estimated Amount of \$987,000 to Provide and Install Two New Storage Area Network Systems*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Public Hearing—Amending Wastewater and Industrial Pretreatment Regulations in Title 13 of the Grand Junction Municipal Code**

The City's Wastewater and Industrial Pretreatment Ordinance ("Ordinance") Chapter 13.04 has been revised to comply with federal Pretreatment requirements and to make the ordinance more user-friendly for the City's regulated industrial and commercial customers. The changes also affect cross references in other sections of the Code.

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

John Shaver, City Attorney, introduced this item. This is the second reading and public hearing to amend the Industrial Pretreatment Code. He introduced Eileen List, Industrial Pretreatment Supervisor, and Dan Tonello, Wastewater Services Manager, who are the subject matter experts.

City Attorney Shaver explained the reason behind the proposal. Every few years, the federal rules are changed, through the Environmental Protection Agency (EPA), and that Agency ensures that the City's discharges into the river meets those regulations. It also ensures that the levels do not damage the wastewater treatment plant. The proposed revision segregates the wastewater regulations from the industrial pre-treatment regulations. One benefit is that the few permitted users for which the industrial pre-treatment regulations apply will have an easier job of compliance. The amendments also make sure the City rules are fully compliant with federal law which is important in terms of the City's discharge permit.

One procedural item is that there may be some testimony from one user on the standards. The City has been working with this user however the user has some objections. It is appropriate that they may testify, but City Attorney Shaver cautioned the City Council from delving into the details as it does have an affect on the City's permitting process. City Attorney Shaver recommended adoption of this amendment.

Councilmember Kenyon asked if there is equality in County law. City Attorney Shaver answered yes. Anything that comes through the plant will fall under this ordinance. Councilmember Kenyon also asked about growth and future capacity. City Attorney Shaver said the capacity is continually addressed and that the ordinance would be able to address any future industry that comes to the valley and protect the plant and the river.

Councilmember Susuras asked if the fees are set by the City Manager or set by the City Council. City Attorney Shaver said they are set by resolution and that is not a change to the ordinance.

Dan Tonello, Wastewater Services Manager, said the fee is revisited on an annual basis and explained how the fee is calculated. The revenues from the plant investment fee are for growth related projects. The fees were agreed to at a Persigo Board meeting by the City Council and the County Commissioners. The City Manager only implements the fee as approved by the Persigo Board.

Councilmember Boeschstein inquired about regulating industries in Clifton. Mr. Tonello said they would be regulated by Clifton Sanitation; that is their jurisdiction and responsibility.

Councilmember Susuras referred to the letter from Alsco and noted they are in violation. Mr. Tonello said there were intermittent violations, it was not a consistent violation and they are in compliance now. Mr. Tonello described some of their sources of grease. Councilmember Susuras questioned how are they to get into compliance and stay in business? Mr. Tonello said City Staff works with the industry and has worked with Alsco. If it gets to a certain point, they may have to install additional equipment, however, they are not there yet.

City Attorney Shaver said the character of these oils must be regulated. The Staff has assisted Alsco to obtain compliance. Process changes can occur without significant investment. If Alsco got out of compliance, then it may require additional equipment. The program does try to work with the industries to get them in compliance.

There were no public comments.

The public hearing was closed at 8:14 p.m.



Ordinance No. 4574—An Ordinance Repealing and Re-Enacting Section 13.04 of the Grand Junction Municipal Code Pertaining to Industrial Pretreatment Regulations to Incorporate Required Changes to the City’s Legal Authority; and Amending Sections 13.12 and 13.16 to Reflect the Re-Enactment of Section 13.04

Councilmember Susuras moved to adopt Ordinance No. 4574 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

**Public Hearing—Amend the Sales and Use Tax Code Exempting Subscription Magazines Produced and Distributed in Colorado from Sales and Use Tax**

This is an amendment to the Grand Junction Municipal Code concerning the exemption of the sale, storage and use of magazines sold by subscription, produced and distributed in Colorado from sales and use tax.

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

Jodi Romero, Financial Operations Director, introduced this item and the next two items. She explained how these came before the City for consideration; two were requests from the community, and the third is a housekeeping item. She then asked Revenue Supervisor Elizabeth Tice-Janda to explain them in more detail.

Elizabeth Tice-Janda, Revenue Supervisor, described the request and what magazine this request came from, the Grand Valley Magazine, and how this might be compared with community newspapers which are already exempt. For the amount of money to be collected, the cost of collection is not economically reasonable.

Councilmember Coons asked if there are other magazines or publications that might benefit from this exemption. Ms. Tice-Janda said 5280 is another magazine produced and distributed in the State and there are a handful of others that would benefit.

Councilmember Susuras said he thinks it is a good idea and asked if there is a two year review period. Ms. Tice-Janda said there currently is no sunset provision, but that could be added; three years is typical. Councilmember Susuras recommended review in three years.

Kristin Hartmann, publisher of Grand Valley Magazine, thanked the City Council for considering this exemption. She was pleased the City Council sees their small business as valuable enough to change the ordinance.

There were no other public comments.

The public hearing was closed at 8:23 p.m.

Ordinance No. 4575—An Ordinance Amending Title 3, Section 3.12, Sales and Use Tax, of the Grand Junction Municipal Code Concerning Sales and Use Tax Exemptions for the Sale and Use of Magazines Sold by Subscription Produced and Distributed in Colorado

Councilmember Susuras moved to adopt Ordinance No. 4575 and ordered it published in pamphlet form. Councilmember Boeschstein seconded the motion.

Councilmember Kenyon said he first heard about this in the Legislative Video Conference. The City Council has directed the City Manager to bring forward any changes that could help small business when the regulation does not make sense. He said this a relatively small amount of income and is a good investment in business.

Councilmember Boeschstein complimented the Grand Valley Magazine and said it is an asset to the community.

Motion carried by roll call vote.

**Public Hearing—Amend the Sales and Use Tax Code Exempting Sales Made by Schools, School Activity Booster Organizations, and Student Classes or Organizations from Sales Tax**

This is an amendment to the Grand Junction Municipal Code concerning the exemption of sales made by schools, school activity booster organizations, and student classes or organizations from sales tax.

The public hearing was opened at 8:26 p.m.

Elizabeth Tice-Janda, Revenue Supervisor, explained this request and noted that many of these sales are already exempt under the “Occasional Sales” part of the Sales and Use Tax Code but the School District has a career center that runs year round. The School District has requested the exemption; the State already exempts these sales.

Councilmember Susuras noted the loss of \$5,000 a year for the City in revenues.

Chief Operations and Finance Officer for School District 51 Melissa Callahan-DeVita thanked the City Council for considering the ordinance. The sales tax remittance does put a burden on the School District. The cost for remittance is more than the amount of the remittance.

There were no other public comments.

Councilmember Susuras said he would like the ordinance to be reviewed in three years.

The public hearing was closed at 8:29 p.m.

Ordinance No. 4576—An Ordinance Amending Title 3, Section 3.12, Sales and Use Tax, of the Grand Junction Municipal Code Concerning Sales Tax Exemptions for Sales Made by Schools, School Activity Booster Organizations, and Student Classes or Organizations

Councilmember Doody moved to adopt Ordinance No. 4576, reviewed in three years, and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

**Public Hearing—Amend the Sales and Use Tax Code Exempting Manufacturing Equipment from Sales Tax**

This is an amendment to the Grand Junction Municipal Code concerning the exemption of the sale of manufacturing equipment from sales tax.

The public hearing was opened at 8:30 p.m.

Elizabeth Tice-Janda, Revenue Supervisor, explained the request is a housekeeping provision as manufacturing equipment is currently exempt from use tax, but not from sales tax. City Staff has operated as this ordinance already applies; this ordinance would clarify this particular exemption.

Councilmember Coons ask for clarification that sales tax has not been collected for manufacturing equipment. Ms. Tice-Janda confirmed that sales tax has not been collected for these sales.

There was no public comment.

The public hearing was closed at 8:31 p.m.

Ordinance No. 4577—An Ordinance Amending Title 3, Section 3.12, Sales and Use Tax, of the Grand Junction Municipal Code Concerning Sales Tax Exemptions for the Sale of Manufacturing Equipment

Councilmember Coons moved to adopt Ordinance No. 4577 and ordered it published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Public Hearing—Mesa County Workforce Annexation, Comprehensive Plan Future Land Use Designation Amendment, and Zoning, Located at 512 29 1/2 Road** [File #ANX-2013-10]

Request to annex 10.29 acres consisting of 1 parcel which includes a portion of 29 1/2 Road right-of-way. Recommend to City Council a Comprehensive Plan Future Land Use designation amendment from Residential Medium to Village Center, and a zoning of C-1 (Light Commercial) for property located at 512 29 1/2 Road.

The public hearing was opened at 8:32 p.m.

Senta Costello, Senior Planner, presented this item. She described the site, the location, and the request. Ms. Costello described the surrounding land use and zoning. The adjacency review allows the City Council to consider amending the Comprehensive Plan for property that is adjacent to the new land use designation in this case, a Village Center. With that change, the applicant requests a C-1 zone designation.

Councilmember Susuras asked if there was a neighborhood meeting. Ms. Costello said yes, about six citizens showed up and they were concerned that the property not be turned into a campsite for the homeless or low income housing. No one submitted anything in writing. There were a few inquiries about the effect on property values.

Councilmember Boeschstein asked if the applicant was present. Dave Detwiler with Mesa County Facilities and Parks was present representing Mesa County.

Councilmember Boeschstein asked why they are moving from their current location on North Avenue. Mr. Detwiler said the property is now more valuable with the new 29 Road Overpass and the property is leased from Hilltop. It was agreed that the County would look for a new location and they determined this location was the most beneficial, the lowest cost, and the closest to other services for the clients.

Councilmember Boeschstein asked if there will be a buffering from the surrounding residential area. Mr. Detwiler said all lighting will be downlit per City Codes. There will be some events in the evening but not past 8:00 p.m. or 9:00 p.m. Landscaping will also meet City Code; it will be an attractive addition to the campus.

There was no public comment.

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

Resolution No. 22-13—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Mesa County Workforce Annexation, Located at 512 29 1/2 Road and Including a Portion of the 29 1/2 Road Right-of-way, is Eligible for Annexation

Ordinance No. 4578—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa County Workforce Annexation, Approximately 10.129 Acres, Located at 512 29 1/2 Road and Including a Portion of 29 1/2 Road Right-of-Way

Ordinance No. 4579—An Ordinance Amending the Comprehensive Plan from Residential Medium (4-8 DU/AC) to Village Center and Zoning the Mesa County Workforce Annexation to C-1 (Light Commercial), Located at 512 29 1/2 Road

Councilmember Susuras moved to adopt Resolution No. 22-13, and Ordinance Nos. 4578 and 4579 and ordered them published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Public Hearing—Rock Shop Enclave Annexation and Zoning, Located South of D Road, East of S. 15<sup>th</sup> Street, and South of the Riverside Parkway, on both sides of 27 1/2 Road, North of Las Colonias Park** [File # ANX-2012-574]

A request to annex 53.66 acres of enclaved property, located south of D Road, east of S. 15th Street and south of the Riverside Parkway on both sides of 27 1/2 Road north of Las Colonias Park, and to zone the annexation, consisting of 68 parcels, to an I-1 (Light Industrial) zone district.

The public hearing was opened at 8:42 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. The enclave was created by the annexation of the Brady Trucking property. There is one application in process and pending the results of this meeting. A neighborhood meeting was held on February 19, 2013. The zoning requested is I-1 which is consistent with the Comprehensive Plan and meets the Zoning and Development Code requirements. Three areas are included. In the Amelang Subdivision, existing residences would be permitted limited expansion. In Pleasant View Subdivision, properties currently have an I-2 zoning in Mesa County; many are non-conforming but could come into conformance with minor site plan improvements. The third area is the Rock Shop business. He described the uses and activities on those properties and their existing zoning. The Riverside Parkway Industrial Corridor zone is within this area but those requirements only apply to new development. I-1 zoning provides the greatest

amount of flexibility in the future land uses. Mr. Rusche listed all the existing properties and their current uses; all will remain legal non-conforming. The I-1 zone for the residential portion will allow for redevelopment but won't affect the existing residential use. Mr. Rusche addressed a portion of the property that is in the floodplain. In conclusion, the Staff finds all zoning criteria and requirements have been met, and are consistent with the goals of the Comprehensive Plan.

Councilmember Coons asked about two properties that seem out of sync with the rest of the properties. Mr. Rusche said those two properties annexed voluntarily in 2007 as they were planning some future redevelopment. That redevelopment has not yet occurred.

Councilmember Susuras asked if all owners are aware they are being annexed and zoned. Mr. Rusche said the owners have been contacted at every point in this process. Councilmember Susuras asked if the Rock Shop will be able to continue their outdoor storage. Mr. Rusche said they can, and conveyance of the property will not affect the use. If there were a change of use, then they would have to comply with the new zoning requirements.

Councilmember Boeschstein asked whether, with the zone change, will the existing residential uses be non-conforming. Mr. Rusche said they will be legal non-conforming, they will be allowed limited expansion, and if destroyed, they could rebuild within a certain time frame. All existing residences can continue as residences. Councilmember Boeschstein said they will not be able to get a home improvement loan because of the zoning. Mr. Rusche explained the City could write letters about their legal non-conforming status, and the decision would be left to the bank.

Councilmember Boeschstein asked about utilities; are they sufficient? Mr. Rusche said they are City utilities, except for Ute Water. Fire flows would be analyzed if there is any future development; there is no reason to believe there is insufficient infrastructure.

Councilmember Boeschstein said outdoor storage will not be allowed so there could not be any expansion of the Rock Shop. Mr. Rusche outdoor storage is allowed, but design criteria must be met for any expansion. The existing use does not have to meet that but there is no possible expansion as it already covers the entire property.

There was no public comment.

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

Ordinance No. 4580—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rock Shop Enclave Annexation, Located South of D Road East of S. 15<sup>th</sup> Street, and South of the Riverside Parkway on Both Sides of 27 1/2 Road North of Las Colonias Park, Consisting of Approximately 53.66 Acres

Ordinance No. 4581—An Ordinance Zoning the Rock Shop Enclave Annexation to I-1 (Light Industrial) South of D Road, East of S. 15<sup>th</sup> Street and South of the Riverside Parkway on Both Sides of 27 1/2 Road, North of Las Colonias Park

Councilmember Susuras moved to adopt Ordinance Nos. 4580 and 4581 and ordered them published in pamphlet form. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing—Rezoning a Portion of Heritage Estates, Located at the Southeast Corner of Property near 24 3/4 Road and North of the Future F 1/2 Road Alignment, the 2.78 Acres Directly West of and Abutting 651, 653 1/2, 653, and 655 25 Road** [File #RZN-2012-578]

Request to rezone 2.78 acres, located at the southeast corner of property near 24 3/4 Road and north of the future F 1/2 Road alignment, directly west of and abutting 651, 653 1/2, 653, and 655 25 Road referred to herein as a portion of Heritage Estates Subdivision, from R-8 (Residential – 8 du/ac) zone district to R-12 (Residential – 12 du/ac) zone district.

The public hearing was opened at 8:59 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the site, the location, and the request. She described the surrounding land uses and zoning. The existing R-8 zoning is at the low end of the zoning allowed in the land use designation of Residential Medium. Some of the areas have already been platted for single family dwellings, so the only way to attain the overall minimum density of five units per acre is to allow for R-12 zoning in this portion of the property. Staff has found this rezone meets four of the five goals of the Comprehensive Plan and will be beneficial to the community.

The applicants were present to answer questions, but did not have a presentation.

Councilmember Susuras asked if there was a neighborhood meeting. Ms. Bowers said three people attended the meeting and there were no real concerns.

Council President Pitts asked how the property is accessed. Ms. Bowers said this is a future filing and the road is yet to be constructed but access will be from F 1/2 and 24 Roads.

Councilmember Boeschstein asked if the petitioner was present to explain the development.

Robert Jones II, 2394 Patterson Road, Suite 201, with Vortex Engineering, representing the developer, explained that Heritage Estates Subdivision is being developed in increments of fifteen homes. Filing 1 is built out and Filing 2 is ready to begin. The multifamily development to the east will be a combination of duplexes and condominiums.

Councilmember Boeschstein asked when they will see a site plan. Mr. Jones said it is being processed as a major subdivision application; the townhomes will be platted separately from the condominiums.

There was no public comment.

The public hearing was closed at 9:10 p.m.

Ordinance No. 4582—An Ordinance Rezoning a Portion of Lot 100 of the Heritage Estates Subdivision, Filing 1 from R-8 (Residential – 8 Units Per Acre) to R-12 (Residential – 12 Units Per Acre) Located at the Southeast Corner of Property Near 24 3/4 Road and North of the Future F 1/2 Road Alignment, Specifically the 2.78 Acres Immediately West of and Abutting 651, 653 1/2, 653, and 655 25 Road

Councilmember Boeschstein moved to adopt Ordinance No. 4582 and ordered it published in pamphlet form. 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 adjourned at 9:11 p.m.

Stephanie Tuin, MMC  
City Clerk



**CITY OF GRAND JUNCTION, COLORADO**

**CERTIFICATE OF ELECTION**

**APRIL 2, 2013**

I, Stephanie Tuin, City Clerk of the City of Grand Junction, Colorado, do hereby certify that the results of the Regular Municipal Election held in the City on Tuesday, April 2, 2013, were as follows:

Total Ballots Cast in District A	2,592
Total Ballots Cast in District B	3,116
Total Ballots Cast in District C	1,305
Total Ballots Cast in District D	3,077
Total Ballots Cast in District E	1,575
<b>TOTAL BALLOTS CAST</b>	<b>11,665</b>

**FOR COUNCILPERSON – DISTRICT "A" – FOUR-YEAR TERM**

Candidates	Dist A	Dist B	Dist C	Dist D	Dist E	TOTAL
Tom Kenyon	860	987	451	1,018	490	3,806
Phyllis Norris	1,465	1,872	707	1,782	888	6,714

**FOR COUNCILPERSON – DISTRICT "D" – FOUR-YEAR TERM**

Candidates	Dist A	Dist B	Dist C	Dist D	Dist E	TOTAL
Bonnie J. Beckstein	271	317	207	372	204	1,371
Marty Chazen	1,055	1,285	445	1,271	566	4,622
Laura L. Luke	957	1,251	518	1,214	619	4,559

**FOR COUNCILPERSON – DISTRICT "E" – FOUR-YEAR TERM**

Candidates	Dist A	Dist B	Dist C	Dist D	Dist E	TOTAL
Harry Butler	848	1,159	552	1,163	555	4,277
Duncan McArthur	832	972	341	927	467	3,539
Robert Noble	531	614	246	598	361	2,350

**FOR COUNCILPERSON – "CITY AT LARGE" – FOUR-YEAR TERM**

Candidates	Dist A	Dist B	Dist C	Dist D	Dist E	TOTAL
Rick Brainard	1,350	1,683	601	1,591	737	5,962
Bill Pitts	920	1,130	539	1,188	592	4,369

**CITY OF GRAND JUNCTION REFERRED MEASURE A**

Shall Ordinance No. 4295 zoning property located at 347 27 1/2 Road to I-1, Light Industrial, and zoning property located at 348 27 1/2 Road and 2757 C 1/2 Road to I-O, Industrial Office, with certain conditions, including but not limited to the dedication of a public trail easement 50 feet wide adjacent to the Colorado River along the entire southern property boundary; dedication of a public trail easement 50 feet wide along the east property boundary and installation of a landscape buffer 25 feet wide and a screen wall along the west, north and south property boundaries be adopted?

	Dist A	Dist B	Dist C	Dist D	Dist E	TOTAL
For the Ordinance	1,766	2,295	914	2,239	1,093	8,307
Against the Ordinance	730	711	337	710	449	2,937

**CITY OF GRAND JUNCTION REFERRED MEASURE B**

**WITHOUT ANY INCREASE IN TAXES OR DEBT (UNLESS THE VOTERS AUTHORIZE ANY INCREASE IN THE FUTURE), SHALL THE CITY OF GRAND JUNCTION, COLORADO BE AUTHORIZED TO RETAIN ALL REVENUES OVER THE AMOUNTS WHICH THE CITY IS PERMITTED TO COLLECT UNDER ARTICLE X, SECTION 20 (ALSO KNOWN AS THE TABOR AMENDMENT) OF THE COLORADO CONSTITUTION TO PAY ALL OR ANY PORTION OF THE COSTS OF THE DESIGN AND CONSTRUCTION OF STREET, SIDEWALK, PATH AND HIGHWAY TRANSPORTATION IMPROVEMENTS KNOWN AND REFERRED TO AS THE BELTWAY, THE INTERCHANGE AT I-70 AND 29 ROAD, 29 ROAD, 24 ROAD AND HORIZON DRIVE FROM 27 ½ ROAD TO THE AIRPORT AND NORTH AVENUE FROM 1ST STREET TO 29 ROAD; PROVIDED THAT ONCE THE COSTS OF SUCH TRANSPORTATION IMPROVEMENTS HAVE BEEN PAID IN FULL THE REVENUE LIMITS OF TABOR SHALL AGAIN APPLY TO THE CITY?**

	Dist A	Dist B	Dist C	Dist D	Dist E	TOTAL
Yes	1,198	1,449	679	1,469	791	5,586
No	1,311	1,574	587	1,519	755	5,746

We, the undersigned Canvassing Board, have reviewed the results of the Regular Municipal Election held April 2, 2013, and do hereby conclude:

That Phyllis Norris\_ has been duly elected as Councilperson for District "A" by the greater number of votes.

That Martin Chazen\_ has been duly elected as Councilperson for District "D" by the greater number of votes.

That Harry Butler has been duly elected as Councilperson for District "E" by the greater number of votes.

That Rick Brainard has been duly elected as Councilperson for "City at Large" by the greater number of votes.


Further we, the undersigned Canvassing Board, do hereby conclude that for the City of Grand Junction Referred Measure A, the ordinance was adopted by the greater number of votes; and that for the City of Grand Junction Referred Measure B, the question was denied by the greater number of votes.


Certified this 3<sup>rd</sup> day of April, 2013.

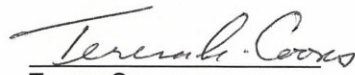
  
Stephanie Tuin, MMC  
City Clerk




Dated this 3<sup>rd</sup> day of April, 2013.

  
Sam Susuras  
Councilmember, District B

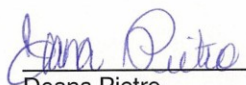
  
Bennett Boeschstein  
Councilmember, District C


  
Teresa Coons  
Councilmember, District E

  
Jim Doody  
Councilmember, District At Large

  
Juanita Peterson  
Notary Public



  
Deana Pietro  
Notary Public

  
Debra Kemp  
Notary Public

DEBRA M. KEMP  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID #19934003448  
My Commission Expires March 13, 2017



My Commission Expires 07/07/2016