

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

February 18, 2009

The City Council of the City of Grand Junction convened into regular session on the 18th day of February 2009 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Linda Romer Todd, Doug Thomason, and Council President Gregg Palmer. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Todd led in the Pledge of Allegiance followed by an invocation by Pastor Michael Chase, Northeast Christian Church.

Council Comments

Council President Palmer wished Councilmember Doody a Happy Birthday.

Council President Palmer then introduced Flat Stanley, which is in attendance per a request from Mrs. Fay's third grade class at Orchard Elementary. Flat has been photographed around the world. He is a paper cutout that has been photographed with Clint Eastwood and former President Bush.

Appointments

Councilmember Hill moved to appoint Jon Schler to the Historic Preservation Board for a four year term expiring December 2012. Councilmember Thomason seconded the motion. Motion carried.

Councilmember Coons moved to re-appoint Nathan Knoll and appoint Donia Moore to the Visitor and Convention Bureau Board of Directors for three year terms expiring December 2011. Councilmember Beckstein seconded the motion. Motion carried.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Beckstein read the Consent Calendar and then moved to approve consent items #1 through #16. Councilmember Hill seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the February 2, 2009 and the February 4, 2009 Regular Meetings

2. **Election Notice for Regular Election April 7, 2009**

Both the Charter and the Municipal Election Code have specific content and publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Resolution No. 16-09—A Resolution Setting Forth the Notice of Election for the Regular Municipal Election to be Held on April 7, 2009 in the City of Grand Junction

Action: Adopt Resolution No. 16-09

3. **Setting a Hearing Vacating a Portion of the 50' Road Petition (St. Mary's Rose Hill Hospitality House), Located at 609 26 ½ Road** [File #RZ-2008-227]

A request to vacate a portion of the 50' Road Petition that was filed in Book 4336, Page 854 for the benefit of the proposed St. Mary's Rose Hill Hospitality House building expansion. The proposed right-of-way vacation request is located at 609 26 ½ Road.

Proposed Ordinance Vacating a Portion of the 50' Wide Road Petition Running Along the Centerline of 7th Street and Recorded in Book 4336, Page 854, Located at 609 26 ½ Road (St. Mary's Rose Hill Hospitality House)

Action: Introduction of a Proposed Ordinance and set a Hearing for March 4, 2009

4. **Setting a Hearing Vacating a Public Right-of-Way, along F ¼ Road Right-of-Way, North of 3032 N. 15th Street** [File #VR-2008-202]

Request by the City of Grand Junction to vacate the 14.5 feet-wide and 627 feet long right-of-way along F ¼ Road undeveloped right-of-way, north of 3032 N 15th Street which is unnecessary for future roadway circulation and will allow the adjacent property owner to maintain landscaping.

Proposed Ordinance Vacating a Portion of F ¼ Right Right-of-Way Adjacent to 3032 N. 15th Street

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 4, 2009

5. **Setting a Hearing on Vacating the Hoesch Street Right-of-Way, Located Adjacent to 742 W. White Avenue** [File #VR-2008-312]

A request to vacate a portion of the excess public right-of-way known as Hoesch Street, adjacent to 742 W. White Avenue, for expansion of the existing business and employee parking area.

Proposed Ordinance Vacating Right-of-Way for a Portion of Hoesch Street, Located Adjacent to 742 W. White Avenue

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 4, 2009

6. **Setting a Hearing for the Vacation of Rights-of-Way for GCK, LLC, Relative to Development at 104 W. Colorado Avenue** [File #VR-2008-375]

Request to vacate the portion of West Colorado Avenue between North 1st Street and the railroad tracks; the north/south alley between West Main Street and West Colorado Avenue, west of North 1st Street; and a diagonal piece of unimproved right-of-way on the western end of the site. These rights-of-way are either undeveloped or unnecessary for area circulation and will be used for future redevelopment of the property as a whole.

Proposed Ordinance Vacating Rights-of-Way for Portions of West Colorado/North-South Right-of-Way for Alley Located between North 1st Street and Spruce Street, South of Main Street/A Portion of A Diagonal Unimproved Un-named Road Right-of-Way Located South and West of North 1st Street and West Main Street

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 4, 2009

7. **Setting a Hearing Vacating the Public Right-of-Way for Rimrock Business Park, Located along the West Side of 25 ½ Road** [File #FP-2008-356]

A request for vacate three feet of right-of-way and an existing slope easement along the west side of 25 ½ Road for the Rimrock Business Park for the development of the subdivision and slope easement is no longer required.

Proposed Ordinance Vacating Right-of-Way for Rimrock Business Park; a Portion of the West Side of 25 ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for March 4, 2009

8. **Setting a Hearing Zoning the Kapushion Annexations No. 1, 2, and 3, Located at 860 21 Road** [File #ANX-2008-305]

Request to zone the 35.12 acre Kapushion Annexation, located at 860 21 Road, to I-1 (Light Industrial) zoning designation.

Proposed Ordinance Zoning the Kapushion Annexations No. 1, 2, and 3 to I-1 (Light Industrial), Located at 860 21 Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 4, 2009

9. **Setting a Hearing Zoning the Northwest GJ Annexations No. 1 and No. 2, Located East of 860 21 Road** [File #ANX-2008-305]

Request to zone the 45.52 acre Northwest GJ Annexation No. 1, located east of 860 21 Road along 21 ½ Road, to I-1 (Light Commercial) zone district and a request to zone the 20.09 acre Northwest GJ Annexation No. 2, located east of 860 21 Road, along 21 ½ Road, to R-4 (Residential 4 du/ac) zone district.

Proposed Ordinance Zoning the Northwest GJ Annexation No. 1 to I-1 (Light Commercial), Located East of 860 21 Road along 21 ½ Road

Proposed Ordinance Zoning the Northwest GJ Annexation No. 2 to R-4 (Residential 4 du/ac), Located East of 860 21 Road, along 21 ½ Road

Action: Introduction of Proposed Ordinances and Set a Hearing for March 4, 2009

10. **Setting a Hearing for the Reimer Annexation, Located at 2751 Riverside Parkway** [File #ANX-2009-006]

Request to annex .64 acres, located at 2751 Riverside Parkway. The Reimer Annexation consists of one parcel and includes a portion of 27 ½ Road right-of-way.

a. **Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 17-09—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Reimer Annexation, Located at 2751 Riverside Parkway and Includes a Portion of the 27 ½ Road Right-of-Way

Action: Adopt Resolution No. 17-09

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Reimer Annexation, Approximately .64 Acres, Located at 2751 Riverside Parkway and Including a Portion of 27 ½ Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for April 1, 2009

11. **Setting a Hearing Accepting Improvements and Assessments Connected with Alley Improvement District No. ST-08**

Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- East/West Alley from 3rd to 4th, between Gunnison Avenue and Hill Avenue
- East/West Alley from 9th to 10th, between Teller Avenue and Belford Avenue
- North/South Alley from 14th to 15th, between Hall Avenue and Orchard Avenue

Resolution No. 18-09—A Resolution Approving and Accepting the Improvements Connected with Alley Improvement District No. ST-08

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-08 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Resolution No. 18-09, Introduction of Proposed Ordinance and Set a Hearing for April 1, 2009

12. **Construction Contract Award for Persigo Sludge and Grease Line Rehabilitation**

The project consists of replacing approximately 940 lineal feet of deteriorating 6" ductile iron line with new pressure rated PVC line and installing Cast In Place Pipe in areas where conventional trenching is not viable option.

Action: Authorize the City Manager to Sign a Construction Contract for the Persigo Sludge and Grease Line Rehabilitation with M.A. Concrete Construction Inc. in the Amount of \$252,789.96

13. **29 Road and I-70B Interchange 1% Funds for Underground Conversion of Overhead Power**

The construction of the 29 Road & I-70B Interchange project will require the relocation of many overhead power lines. Some of the overhead power lines will be converted to underground. The City's franchise agreement with Xcel Energy includes an "Overhead to Underground 1% Fund" to cover the costs of conversion. This resolution will authorize Xcel Energy to use the City of Grand Junction Overhead to Underground One Percent Fund to underground approximately 2,700 feet of power lines along 29 Road between D and D ½ Road and along 29 Road between I-70B and North Avenue.

Resolution No. 19-09—A Resolution Authorizing Public Service Company of Colorado D/B/A/ XCEL Energy to Use the City of Grand Junction Overhead to Underground One Percent (1%) Funds for the 29 Road and I-70B Interchange Project as Established in the Ordinance Granting a Franchise Signed November 4, 1992

Action: Adopt Resolution No. 19-09

14. **Great Outdoors Colorado (GOCO) Grant Application for Melrose Park**

Parks and Recreation is seeking approval to apply for a Great Outdoors Colorado (GOCO) grant to assist with funding future improvements at Melrose "Rocket" Park. A resolution from the governing body with primary jurisdiction must be attached to all grant applications. The spring cycle of grants is due on March 2 with award decisions being made in June.

Resolution No. 20-09—A Resolution Supporting the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado for the Melrose "Rocket" Park Project

Action: Adopt Resolution No. 20-09

15. **FAA Grant at the Grand Junction Regional Airport to Relocate Utilities**

AIP-37 is for relocating utilities in the Cargo Ramp Area to make way for the final dirt embankment and fence relocation. The grant amount is \$204,867.00. The

Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

Action: Authorize the Mayor to Sign the Original FAA AIP-37 Grant Documents for Cargo Ramp Utility Relocation (Phase I) at the Grand Junction Regional Airport and Also Authorize the City Manager to Sign the Supplemental Co-Sponsorship Agreement for AIP-37

16. **Change By-laws for the Commission on Arts and Culture**

Since its inception in 1989, the Grand Junction Arts Commission has grown and become an important part of the Grand Junction community. Because of the growth and increasing interest in arts culture, the Grand Junction City Council determines that it is important to the continuing success of the arts in Grand Junction to expand the membership of the Commission. With an expanded board the Commission may continue its important work in our community.

Resolution No. 21-09—A Resolution Amending Resolution No. 44-89
Pertaining to the Grand Junction Arts Commission and Expanding the Number of
Arts Commission Members

Action: Adopt Resolution No. 21-09

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing – Growth Plan Amendment, Located at the West End of West Colorado Avenue, West of North 1st Street (also known as GCK, LLC project) [File #VR-2008-375]

Request for a change to the Future Land Use Designation from Public to Commercial for 0.821 acres, located at the west end of West Colorado Avenue, West of North 1st Street (also known as GCK, LLC project).

The public hearing was opened at 7:12 p.m.

Senta L. Costello, Senior Planner, presented this item. She described the site, the location and the request. She asked that the Staff Report and attachments be entered into the record. The Planning Commission recommended approval, and Staff concurs.

David Chase, Vista Engineering, representing the applicant, was present and available for any questions.

There were no public comments.

The public hearing was closed at 7:14 p.m.

Councilmember Hill asked if there was an error to the Future Land Use Map. Ms. Costello said yes. She explained that the ownership has been private as far back as could be tracked. The thought is the designation came due to its proximity to the Justice Center; it has never been publicly owned.

Councilmember Hill noted that, although it does appear to be an error, other criteria for the Growth Plan Amendment are also met.

Resolution No. 22-09—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 0.821 Acres, Located at the West End of West Colorado Avenue, West of North 1st Street, GCK, LLC Growth Plan Amendment, from Public to Commercial

Councilmember Hill moved to adopt Resolution No. 22-09. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing - Request from GCK, LLC, for Inclusion into the Downtown Development Authority Boundaries

GCK, LLC, has requested inclusion into the DDA for the entire property located at 105 W. Colorado Avenue. At the current time, the eastern portion of the property is included in the Authority; the westernmost portion is not. A land use application has been submitted to the City to “replat” four existing tax parcels into one lot, as well as to vacate a portion of public right-of-way around the site, and to request a Growth Plan Amendment for a portion of the site. In order to consolidate parcels, it is required that all lots are either in or out of the DDA; the applicant has requested the addition of all parcels. The request has been considered and approved by the DDA Board of Directors.

The public hearing was opened at 7:15 p.m.

Heidi Hoffman Ham, DDA Executive Director, presented this item. She explained that the request is more of a housekeeping item on the property discussed in the previous agenda item. That parcel that was designated public was not included in the Downtown Development Authority boundaries. The DDA board has recommended approval of its inclusion.

There were no public comments.

The public hearing was closed at 7:17 p.m.

Ordinance No. 4326—An Ordinance of the City Council of Grand Junction, Colorado Approving Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority

Councilmember Todd moved to adopt Ordinance No. 4326 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing - Rezoning the Twelfth and Patterson Center (City Market)[File #RZ-2008-323]

Request to rezone 3.62 +/- acres located at 1212, 1228, 1238, 1308, 1310, 1314, 1320, and 1324 Wellington Avenue Known as the Twelfth and Patterson Center (City Market) from R-8 (Residential – 8 du/ac.) to B-1, (Neighborhood Business) Zone District.

The public hearing was opened at 7:18 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. The Planning Commission did recommend approval at their January 13, 2009 meeting. The request before Council is for zoning, not the site plan.

The applicant does own all 21 parcels of land included in the site. The request is for the purpose of constructing neighborhood business development. The proposed rezoning will bring all the parcels into conformance with the Future Land Use Map. The rezone would be compatible with the existing land use designation. The City Council previously approved the Growth Plan Amendment. The total site size is 8.4 acres. The southeast corner is one of the few larger acreages along Patterson Road. Under the current zoning, the development of the property would be challenging. Mr. Peterson then listed the benefits of the rezone and noted the request does meet the rezone criteria. Both the applicant and the applicant's representative are in the audience.

Councilmember Beckstein asked for clarification on the statement that the development would be difficult. Mr. Peterson responded that it is due to the split zoning.

Mark Goldberg, Goldberg Properties, representing the applicant, addressed the Council and noted a number of other City Market representatives in attendance. The applicant agrees with the Staff presentation. The same argument applies to the rezone request that applied to the Growth Plan Amendment; it allows for a high quality infill project. They are able to answer questions on the application.

Mike Stahl, 2599 Kayden Court, representing Hilltop which owns some of the properties near the proposed development, stated he supports the request, felt it would be a good project and is overdue.

Mike Elliot, 162 South Mulberry in Fruita, said he is concerned about the traffic in that area that would be generated. There would be an impact to the intersection. He thought a development similar to the one across the street from the site would be more favorable.

Janet Terry, 3120 Beechwood, supports the project. It is a project long overdue. She realizes the concerns for the traffic impact and she travels that intersection many times a day. She feels the impact won't be nearly as great as has been expressed.

Jim Fleming, 2235 Fernwood Court, is supportive of this project and has been for years. He surveyed many of his neighbors and they are 100% behind the project. He also stated it is way overdue.

Jeff Crandall, who owns a small office building to the north, said he supports the project and hopes it will be approved.

There were no other public comments.

The public hearing was closed at 7:30 p.m.

Councilmember Doody agreed this would be a good infill project and it fits the Comprehensive Plan's village concept. Although there may be some traffic issues he is sure Public Works can address any problems. It will bring continuity to the area.

Councilmember Coons stated that it doesn't make sense to leave those eight parcels as residentially zoned.

Councilmember Hill noted that main work was done when the Growth Plan designation was changed. At this point, the zone change is easy as it meets all the criteria. He will support the zone change.

Council President Palmer noted they are looking at a land use designation, whether it should be residential or business. They have not seen the project. He feels residential is inappropriate due to the high traffic volume.

Ordinance No. 4327—An Ordinance Rezoning the Property Known as the Twelfth and Patterson Center (City Market) from R-8 (Residential – 8 du/ac.) to B-1, (Neighborhood Business) Zone District Located at 1212,1228, 1238,1308,1310,1314,1320, and 1324 Wellington Avenue

Councilmember Thomason moved to adopt Ordinance No. 4327 and ordered it published. Councilmember Hill 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 7:37 p.m.

Stephanie Tuin, MMC
City Clerk