

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

June 15, 2009

The City Council of the City of Grand Junction convened into regular session on the 15th day of June 2009 at 7:06 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, and Council President Bruce Hill. Councilmembers Bill Pitts and Linda Romer Todd were absent. Also present were City Manager Laurie Kadrach, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Palmer led in the Pledge of Allegiance followed by invocation by Pastor Joe Gross, Redlands Community Church.

Appointment

Councilmember Kenyon moved to appoint Dwain Watson to the Grand Junction Regional Airport Authority for a four year term to expire May 2013. Councilmember Coons seconded the motion.

Councilmember Palmer stated he does not know Mr. Watson but noted that the current member in that position has done a good job and his peers have selected him as chair. He said he has a difficult time not considering a four-year incumbent serving on a difficult board who has also earned the respect of his peers by being elected chair. While he respects the recommendation being brought forward, he asked the Council to consider reappointing Mr. Stevens and consider bringing back the board chair if Mr. Watson's appointment is not approved.

Councilmember Coons asked interviewers to make their comment.

Council President Hill, the only member of the interview team present, agreed it is not unique and in this case there were a number of interviews. He too sometimes questions going through the process when there is an incumbent wanting to continue. The recommended appointee had different experience including being a pilot and so the interview committee looked at Mr. Watson as the candidate most appropriate at this time. He is very appreciative of Mr. Stevens work these past four years.

Motion carried by roll call vote with Councilmembers Kenyon and Palmer voting NO. Councilmember Coons stated that she has a difficult time second-guessing the interview committee's recommendation.

Councilmember Palmer noted that having voted no, he does not know Mr. Watson and looks forward to working and serving with him.

Citizen Comments

There were none.

Council Comments

There were none.

CONSENT CALENDAR

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

1. Minutes of Previous Meetings

Action: Approve the Minutes of the June 1, 2009 and the June 3, 2009 Regular Meetings

2. Setting a Hearing on the Peiffer Annexation, Located at 2454 Bella Pago Drive [File #ANX-2009-113]

Request to annex 2.10 acres, located at 2454 Bella Pago Drive. The Peiffer Annexation consists of one (1) parcel and includes a portion of Bella Pago Drive.

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

Resolution No. 51-09—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, Peiffer Annexation, Located at 2454 Bella Pago Drive and Including a Portion of the Bella Pago Drive Right-of-Way

Action: Adopt Resolution No. 51-09

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Peiffer Annexation, Approximately 2.10 Acres, Located at 2454 Bella Pago Drive and Including a Portion of the Bella Pago Drive Right-of-Way

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 3, 2009

3. **Setting a Hearing on the Maverik Annexation, Located at 2948 F Road and 603 29 ½ Road** [File #ANX-2009-023]

Request to annex 3.02 acres, located at 2948 F Road and 603 29 ½ Road. The Maverik Annexation consists of two parcels and contains 0.62 acres of the 29 ½ Road right-of-way. A Growth Plan Amendment is part of this development and will come forward in July.

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

Resolution No. 52-09—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, Maverik Annexation, Located at 2948 F Road and 603 29 ½ Road Including a Portion of the 29 ½ Road Right-of-Way

Action: Adopt Resolution No. 52-09

b. **Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Maverik Annexation, Approximately 3.02 Acres, Located at 2948 F Road and 603 29 ½ Road Including a Portion of the 29 ½ Road Right-of-Way

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 31, 2009

4. **Setting a Hearing on Monument Village Commercial Center Annexation, Located at 2152 Broadway** [File #ANX-2009-116]

Request to annex 5.77 acres, located at 2152 Broadway. The Monument Village Commercial Center Annexation consists of one parcel and 1.54 acres of public right-of-way. Right-of-way includes a portion of 21 1/2 Road, also known as Monument Village Drive, all of Monument Lane and a portion of Rio Hondo Road.

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

Resolution No. 53-09—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, Monument Village Commercial Enter Annexation, Located at 2152 Broadway and Includes Portions of Right-of-Way for Monument Village Drive and Rio Hondo Road and all of Monument Lane

Action: Adopt Resolution No. 53-09

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Village Commercial Center Annexation, Approximately 5.77 Acres, Located at 2152 Broadway and Includes Portions of Right-of-Way for Monument Village Drive and Rio Hondo Road and all of Monument Lane

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 3, 2009

5. **Setting a Hearing on Vacating a Portion of the West Ridges Boulevard Right-of-Way, West of 2335, 2335 ½ and 2337 Rattlesnake Court** [File # VR-2009-012]

Request to vacate an undeveloped portion of the West Ridges Boulevard right-of-way which is unnecessary for future roadway circulation and will allow the adjacent property owners to use and maintain.

Proposed Ordinance Vacating a Portion of the West Ridges Boulevard Right-of-Way Located West of 2335, 2335 ½ and 2337 Rattlesnake Court

Action: Introduction of a Proposed Ordinance and Set a Hearing for June 29, 2009

6. **Setting a Hearing on a Zoning and Development Code Amendment Regarding Temporary Low-Traffic Storage Yards** [File # TAC-2009-105]

The City of Grand Junction requests approval to amend Section 2.2 D.2. and Section 4.3 L. of the Zoning and Development Code to permit temporary low-traffic storage yards in the C-2 (General Commercial), I-1 (Light Industrial), and I-2 (General Industrial) zone districts.

Proposed Ordinance Amending Section 2.2 D.2. and Section 4.3 L. of the Zoning and Development Code Regarding Temporary Low-Traffic Storage Yards

Action: Introduction of a Proposed Ordinance and Set a Hearing for June 29, 2009

ITEMS NEEDING INDIVIDUAL CONSIDERATION**Public Hearing—Inclusion into the Downtown Development Authority (DDA) Boundaries for the Mesa County Public Library**

In preparation for an eventual redevelopment as part of the City Center Catalyst Project, the Mesa County Public Library District (MCPLD) has requested inclusion into the DDA for all of their downtown Grand Junction properties. A portion of the MCPLD properties in the vicinity are already included in the DDA; several are not: 520 N. 5th Street, 517 Chipeta Avenue, 525 Chipeta Avenue, and 529 Chipeta Avenue. 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 advised that the inclusion of these properties is part of the City Center Catalyst Project. There will be other properties that will come forward later. The DDA board has approved the inclusion.

Councilmember Palmer asked if there are any tax implications by bringing them into the boundaries. Ms. Ham answered there is not as they are tax exempt.

There were no public comments.

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

Ordinance No. 4359—An Ordinance of the City Council of Grand Junction, Colorado Approving Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority

Councilmember Palmer moved to adopt Ordinance No. 4359 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Amending the Code to Require 4” Sewer Line to Each Unit of a Multi Unit Structure or Multiple Units on a Property

City Staff would like to coordinate sewer line requirements for multi residential unit structures and properties with multiple residential units with those required by special districts in the area. Amending the City’s Code will provide consistency to City residents and give Planning and Development Review Staff more guidance and support of the requirements.

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

John Shaver, City Attorney, deferred this matter to Bret Guillory, Utilities Engineer, who presented this item. He explained the purpose of the ordinance. There are multiple unit properties in the sewer service area that share four-inch sewer lines and a lot of potential problems occur when that happens. If a line becomes plugged, a sewer backs up into all the units. Other sanitation districts have similar rules (Central and Orchard Mesa Sanitation Districts).

Councilmember Palmer asked if this change will increase the cost per unit. Mr. Guillory advised all four lines can be placed in the same trench; the net change would be three to five dollars per foot per line or on a four unit complex about \$200 per line.

Councilmember Coons asked about the larger than four-unit structures. Mr. Guillory said a six-inch line would have to serve the structure and then four-inch lines would feed the individual units.

Councilmember Kenyon asked how this will affect existing structures. Mr. Guillory advised a separate tap would be required for any additional living unit. This applies to new construction.

Councilmember Beckstein asked, if the existing line fails, would they have to then bring it up to the new Code? Mr. Guillory said that is what this new rule is trying to avoid.

Councilmember Palmer asked what happens if the home was substantially remodeled. Mr. Guillory responded that if it can be accommodated reasonably, the separate lines would be required.

Councilmember Kenyon asked if they then have to pay for four sewer taps. Mr. Guillory said the tap fee would be the same; tap fees are assessed per equivalent residential units (EQU's).

Council President Hill asked for clarification on the intent that it only applies to new construction. City Attorney Shaver said there are sewer regulations over and above this Code change and Staff does have that discretion. However, that can be added into the ordinance for clarity.

Councilmember Beckstein asked for additional clarification on non-conforming uses and failures that require the structure to be updated to Code.

City Attorney Shaver said there are non-conforming uses and non-conforming sites. The standard of less than fifty percent would be applied to determine if the structure must be brought up to Code. There is not a percentage when it comes to these Codes, plumbing or electrical. If it is a catastrophic event to the line, then it would have to be upgraded to the new standard.

Council President Hill asked about the septic elimination program, if a multi-unit structure is switched to sewer, will they have to run individual lines? Mr. Guillory said if that couldn't be replaced, for reasons such as being inaccessible, that would be a case where they may replace the line to the structure with a six inch line but the individual lines would not have to be replaced.

Councilmember Palmer said he is uncomfortable with no "come-into-compliance" date. He wants to see predictability as he is uncomfortable with "case by case" basis.

City Manager Kadrich said she believes the intent is to apply this to all new construction and reconstruction when practical; those cases would be rare. Upgrading the line coming to the unit would help minimize any future risks.

Jody Kole, Grand Junction Housing Authority Executive Director, 1011 N. 10th, said while she understands the intent, she advocates for affordable housing. Her cost estimates were much higher than those presented by Mr. Guillory in the range of \$2000 more. She received the bids from Shaw Construction. They are the contractor for the Housing Authority's Walnut Park project so she anticipates seeing this as an added cost if approved.

Mr. Guillory said he based his estimates on recent bids they received for a sewer project.

There were no other public comments.

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

Councilmember Palmer asked what would be the benefit of the change. Mr. Guillory responded that the result is a more reliable way for a property owner to discharge their sewage. If that line is blocked or fails, more than one user is affected rather than just the one. It will allow the City to provide more reliable sewer service.

Council President Hill asked about what problem this would be solving. Mr. Guillory advised it is to prevent a problem and provide more reliable service.

Councilmember Coons said she is concerned about the impact on the affordable housing. She was concerned because the cost estimates were so disparate. She suggested tabling the matter until the cost estimates could be clarified.

Council President Hill asked if this was presented to the homebuilding associations. Mr. Guillory said it has not.

Councilmember Kenyon said he was uncomfortable with the cost estimates. He would like to run it by the homebuilders associations and also allow the Housing Authority to review it further. He is also uncomfortable with how this will affect remodels.

Councilmember Coons said she is not against the change, but wants to really know the financial impacts.

Council President Hill asked, if a four-plex is being built, can they, by their own accord, install four separate lines? Mr. Guillory answered yes; if the structure is condominiumized, separate lines are already required.

Council President Hill said he would like to see the policy that allows flexibility and also send the proposal to the construction industry to get feedback and estimates on the additional cost.

Ordinance No. 4360—An Ordinance Amending Section 38-35, Article II of Chapter 38 of the Grand Junction Code of Ordinances Pertaining to Sewer Line Connections

Councilmember Palmer moved to adopt Ordinance No. 4360 and ordered it published. Councilmember Beckstein seconded the motion. Motion failed by roll call vote with Councilmembers Coons, Kenyon, Palmer and Council President Hill voting NO.

Public Hearing—Lang Industrial Park Annexation and Zoning, Located at 2764 C $\frac{3}{4}$ Road, 2765 and 2767 Riverside Parkway [File #ANX-2009-072]

A request to annex and zone 4.86 acres located at 2764 C $\frac{3}{4}$ Road, 2765 and 2767 Riverside Parkway to I-1 (Light Industrial) zone district. The Lang Industrial Park Annexation consists of three (3) parcels.

a. Accepting Petition

Resolution No. 54-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Lang Industrial Park Annexation, Located at 2764 C $\frac{3}{4}$ Road, 2765 and 2767 Riverside Parkway is Eligible for Annexation

The public hearing was opened at 8:00 p.m.

Michelle Hoshide, Associate Planner, presented this item. She described the request, the location, and the site. She asked that the Staff Report and attachments be entered into the record. The request meets the criteria of the Zoning and Development Code. The Planning Commission and Staff recommend approval. The applicant is present. Jeffrey Fleming, 2419 Hidden Valley Drive, a planner for the project, stated that the property is in a part of town that is redeveloping due to the Riverside Parkway. The area

is redeveloping and improving and it makes sense that the property be brought into the City and be zoned Light Industrial.

There were no public comments.

The public hearing was closed at 8:03 p.m.

b. Annexation Ordinance

Ordinance No. 4361—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Lang Industrial Park Annexation, Approximately 4.86 Acres, Located at 2764 C $\frac{3}{4}$ Road, 2765 and 2767 Riverside Parkway

c. Zoning Ordinance

Ordinance No. 4362—An Ordinance Zoning the Lang Industrial Park Annexation to I-1 (Light Industrial), Located at 2764 C $\frac{3}{4}$ Road, 2765 and 2767 Riverside Parkway

Councilmember Palmer moved to adopt Resolution No. 54-09 and Ordinance Nos. 4361 and 4362 and ordered them published. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Revocable Permit for a Sign, Located in the Dedicated Right-of-Way at 2452 F Road
[File # RVP-2009-108]

Request for a Revocable Permit to allow an existing sign to remain in the dedicated right-of-way at 2452 F Road.

Judith Rice, Associate Planner, presented this item. She described the request, the location, and the site. The sign to remain is located in the right-of-way in front of the Bank of the West building on F Road. The aerial photo shows the right-of-way is currently landscaped. It was only recently discovered that the sign was not on the property of the building thus requiring the application for the revocable permit.

Resolution No. 55-09— A Resolution Concerning the Issuance of a Revocable Permit to Twenty Four Fifty Two, LLC Located at 2452 F Road
Councilmember Kenyon moved to adopt Resolution No. 55-09. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Revocable Permit for Improvements and Structure in the Right-of-Way Located at 211 Hale Avenue [File # RVP-2009-114]

Request for a Revocable Permit to allow existing improvements and structure to remain in dedicated right-of-way in Hale Avenue.

Ronnie Edwards, Associate Planner, presented this item. She described the request, the location, and the site. She said the building is 15.45 feet into the right-of-way and the City became aware when the company wanted to expand their business and it was addressed during the construction of the Riverside Parkway when the curve into Hale Avenue had to come out of the right-of way to avoid the existing building. There is no expansion of the building proposed. She said the requests meets the criteria of the Code and meets the goals and policies of the Growth Plan.

Resolution No. 56-09—A Resolution Concerning the Issuance of a Revocable Permit to William R. Jarvis, DBA Hale Avenue, LLC, Located at 211 Hale Avenue

Councilmember Beckstein moved to adopt Resolution No. 56-09. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Construction Contract for the 29 Road and I-70B South Phase

The 29 Road and I-70B South Phase Project is a part of the overall 29 Road and I-70B Interchange and will construct the portion 29 Road from D Road to D ½ Road, along with a realigned section of D ½ Road just east of 29 Road.

Tim Moore, Public Works and Planning Director, presented this item. He explained the two phases and how that helps with determining what portion the City is paying and what portion the County is paying. The north piece is unique but came out of the 1601 process with CDOT. The project is now in three phases. The third phase is the center piece, which is the interchange. The three prong approach has allowed more time to work with the railroad and opened up the opportunity to apply for some stimulus funds. (The Recovery Act application will be in the summer with results being in February 2010.) The three phase approach can also take advantage of the favorable bidding environment as well as minimizing disruption of traffic.

There were five bidders for the South Phase. Oldcastle SW Group, Inc. dba United Companies was the low bidder.

Councilmember Palmer asked about any cost savings that would be lost for mobilization. He asked if there would be more cost savings in putting them together.

Mr. Moore said United Companies bid on both and could have bid them as a combination. Mr. Moore said he did not know if the companies took that into consideration.

Councilmember Coons asked if these phases are independent enough that it makes no difference that there are two separate projects. Mr. Moore agreed noting it was also thought that allowed more spreading out of the work.

Councilmember Kenyon moved to authorize the City Manager to sign a Construction Contract for the 29 Road and I-70B South Phase with Oldcastle SW Group, Inc., dba United Companies of Mesa County in the amount of \$1,815,206.48. Councilmember Coons seconded the motion.

Councilmember Palmer said it is so nice to get to this phase of the project. The community has been asking about the progress of 29 Road.

Motion carried by roll call vote.

Construction Contract for the 29 Road and I-70B North Phase

The 29 Road and I-70B North Phase Project is a part of the overall 29 Road and I-70B Interchange and will construct sections of Teller Avenue, Melody Lane, Sparn Street, and Gunnison Avenue; just north of I-70B and west of 29 Road.

Tim Moore, Public Works and Planning Director, presented this item. He said the project is the same thought process as the South Phase but the North Phase is somewhat more elaborate; there is more commercial in that phase. There were six bidders for this project. The low bidder was Sorter Construction on this phase.

Councilmember Coons moved to authorize the City Manager to sign a Construction Contract for the 29 Road and I-70B North Phase with Sorter Construction, Inc. in the amount of \$1,349,422.85. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Acceptance of Ownership of a Portion of the I-70B North Frontage Road from the Colorado Department of Transportation

The City has requested that the Colorado Department of Transportation (CDOT) relinquish a portion of the North Frontage Road located between approximate Mileposts 8.25 and 8.75 to facilitate construction and maintenance by the City for improvements associated with the 29 Road & I-70B Interchange Project.

Tim Moore, Public Works and Planning Director, presented this item. He advised this is the last piece of his presentation. There have been several accidents at the intersection of I-70B and Melody Lane. The property transfer and subsequent improvements will bring the access back to the frontage road and allow for a signalized intersection past 29 Road.

The acceptance of that property will make the street a City street rather than a frontage road for the State Highway. That is the last step in the 1601 process.

Resolution No. 57-09—A Resolution Accepting Ownership of a Portion of the I-70 Business Loop North Frontage Road from the Colorado Department of Transportation

Councilmember Kenyon moved to adopt Resolution No. 57-09, accepting a portion of I-70B North Frontage Road from Melody Lane to Morning Glory Lane from the Colorado Department of Transportation. Councilmember Palmer 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 8:29 p.m.

Stephanie Tuin, MMC
City Clerk