

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

**August 31, 2009**

The City Council of the City of Grand Junction convened into regular session on the 31<sup>st</sup> day of August 2009 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Pitts led in the Pledge of Allegiance followed by an invocation by Pastor Michael Ferguson, Providence Reform Evangelical Church.

**Proclamation**

Proclaiming the Month of September 2009 as "Fire Fighters Appreciation Month" in the City of Grand Junction

Proclaiming the Month of September 2009 as "National Preparedness Month" in the City of Grand Junction

**Certificate of Appointment**

Jennifer Moore was present to receive her certificate of appointment to the Urban Trails Committee.

**Citizen Comments**

There were none.

**Council Comments**

Councilmember Coons thanked the Visitor and Convention Bureau for their efforts at the recent event in Denver promoting Grand Junction. About 250 people showed up and a number of organizations from Grand Junction had booths at the event.

**CONSENT CALENDAR**

Councilmember Beckstein read the Consent Calendar and then moved to approve items #1 through #5. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the August 17, 2009 and the August 19, 2009 Regular Meetings*

2. **Assign the City's 2009 Private Activity Bond Allocation to the Colorado Housing and Finance Authority**

Request approval to assign the City's 2009 Private Activity Bond Allocation to the Colorado Housing and Finance Authority (CHFA) for the purpose of providing single-family mortgage loans to low and moderate income persons and families. The amount of this assignment would be "banked" towards a future partnership with CHFA for a multi-family rental housing project serving low and middle income families.

Resolution No. 72-09—A Resolution Authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of the City of Grand Junction Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

*Action: Adopt Resolution No. 72-09*

3. **Setting a Hearing Accepting Improvements and Assessments Connected with Alley Improvement District No. ST-09**

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 Glenwood Avenue and Kennedy Avenue\*
- East/West Alley from 9th to 10th, between Main Street and Rood Avenue\*
- East/West T Alley from 17th to 18th, between North Avenue and Glenwood Avenue\*
- East/West Alley from 11th to 12th, between Hill Avenue and Teller Avenue\*\*

\* Phase A Alleys

\*\* Phase B Alley

Resolution No. 73-09—A Resolution Approving and Accepting the Improvements Connected with Alley Improvement District No. ST-09, Phase A, and Alley Improvement District No. ST-09, Phase B

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B in the City of Grand Junction, Colorado, Pursuant to

Ordinance No. 178, Adopted and Approved the 11<sup>th</sup> 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. 73-09 and Set a Public Hearing for October 5, 2009*

4. **Vacation of Utility and Access Easements at Peppermill Lofts, Located at 2823 North Avenue** [File # SPR-2009-068]

Request to vacate a utility and access easement on lot 1 and part of lot 2 of Woodland Subdivision (Easement Vacation No. 1) and a 25 foot wide utility easement on the north, west and south sides of Lot 2 of Woodland Subdivision (Easement Vacation No. 2), located at 2823 North Avenue. The easements are not needed for access or utility purposes and the vacation of the easements will facilitate the development of the proposed Peppermill Lofts, a 48 unit, multifamily project.

Resolution No. 74-09—A Resolution Vacating a Utility and Access Easement Located in Part of Lot 1 and Part of Lot 2 of Woodland Subdivision as Part of the Peppermill Lofts Development

Resolution No. 75-09—A Resolution Vacating a Utility Easement on the North, West and South 25 Feet of Lot 2 of the Woodland Subdivision as Part of Peppermill Lofts Development

*Action: Adopt Resolution Nos. 74-09 and 75-09*

5. **Purchase of Computer Aid Dispatch System/Records Management System/Corrections Management System and Acceptance of Energy and Mineral Impact Grant**

Purchase of a County-wide Computer Aid Dispatch/Records Management/Correction Management System (CAD/RMS/CMS) that will provide a single, integrated public safety solution for the City of Grand Junction, Mesa County, the Grand Junction Regional Communications Center (GJRCC), and all police and fire agencies dispatched by the GJRCC. The systems currently in use are disparate, not integrated, and several are nearing the end of their vendor provided support. Critical data is being reentered multiple times by the various agencies. As part of this project, a request is also being made to accept an Energy and Mineral Impact Grant.

*Action: Authorize the City Manager to Sign the Grant Award and Authorize the Purchasing Division to Award Contracts to New World Systems of Troy, MI for the Purchase of an Integrated CAD/RMS/CMS System and the Purchase of the Necessary Hardware, Software and Related Services Up to the Value of the Approved Grants and Authorized 911 Funding Not to Exceed \$4,066,533*

### **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

#### **Purchase of Aquastar Contact Clarifier for Kannah Creek Water Treatment Plant**

This project will provide for doubling the production capability of the Kannah Creek Water Treatment Plant. The direct filtration equipment proposed to be utilized for the project is produced by Filter Tech Systems, Inc., the same manufacturer that produced the current water treatment components for the plant.

Terry Franklin, Deputy Utility and Street Systems Director, presented this item. He reviewed the history of the water system and how the area up in Kannah Creek obtained water; they originally had raw water taps and were treating the water themselves. In 2000 the City took over one of the private water companies that had 37 taps with plans to take over the other two water companies. That occurred and the package treatment plant was installed but the number of water customers has increased to over 350 users. It was in the business plan to add an additional clarifier to treat more water. He explained the reason for the sole source purchase and noted the company is a local company.

Councilmember Palmer said he doesn't like sole source purchases but the Staff Report explains the rationale thoroughly.

Councilmember Palmer moved to authorize a sole source purchase of a Filter Tech Systems, Inc. Aquastar Contract Clarifier to be used for the Kannah Creek Water Treatment Plant. Councilmember Kenyon seconded the motion. Motion carried.

#### **Public Hearing—Maverik Annexation and Zoning, Located at 2948 F Road and 603 29 ½ Road** [File #ANX-2009-023]

Request to annex and zone 3.02 acres, located at 2948 F Road and 603 29 ½ Road, to C-1 (Light Commercial) and R-4 (Residential 4 du/ac). The Maverik Annexation consists of 2 parcels and contains 0.62 acres of the 29 ½ Road right-of-way.

The public hearing was opened at 7:22 p.m.

Senta L. Costello, Senior Planner, presented this item. She described the site, the location and the request as well as the surrounding zoning and uses. For the southern 1.48 acres, the applicant is requesting a C-1 zoning but Staff is recommending a B-1

zoning. Staff feels it is a better fit. The uses allowed in a B-1 zone district are more compatible with a residential neighborhood. The Planning Commission also recommended a B-1 zoning.

Don Lilyquist, Maverik Convenience Stores out of Utah, representing the applicant, said they are excited to come into the Grand Junction area. They currently operate 200 convenience stores in southwest United States. The reason for asking for a C-1 zone is due to the hours of operation allowing them to be open 24 hours a day. Their competition across the street is allowed to be open 24 hours (they were grandfathered in). It would be hard to compete otherwise. They are investing a significant amount of money into this convenience store. He noted the concern of the Planning Commission that the C-1 zone would allow uses that would not be permitted use in a C-1 zone. He offered that Council grant a conditional approval; otherwise they may pursue a variance. The store is more secure if open 24 hours a day. Although they are not that busy those particular hours, employees can stock and clean and get ready for the next day's business and if there are customers that need something during those hours, they will be open.

Tina Million, 603 29 Road, said she lives across the street from a gas station and there is no noise, no light, and no crime. She has no complaints having a gas station next door. Being adjacent to Patterson Road, the noise is not good for residential, so a gas station would be good there.

Robert Million, 607 29 ½ Road, has seen other Maverik stations while traveling and said he would like to see the Maverik station go in. The existing house draws people and there are problems; he would like to see that house go away. No one will build along that street frontage.

There were no other public comments. Mr. Lilyquist did not want to add anything.

The public hearing was closed at 7:35 p.m.

Council President Hill asked John Shaver, City Attorney, to explain the issue with the Planning Commission recommending denial of a C-1 zoning. City Attorney Shaver advised that anytime a recommendation of denial comes forward it requires a super majority (five votes) to overturn. Regarding the conditional zoning, it is allowable under Colorado Law but he would recommend against it as there is always a question on the condition such as, what if the character of the store changes? How then, does the City then revoke the zoning when there has been significant investment in the property?

Councilmember Coons asked if there is any other C-1 zoning near this property and asked Ms. Costello to go into more depth about her reason for her recommendation.

Ms. Costello said there isn't any C-1 until one gets further east, it is C-1 in the County. There is also a planned development commercial nearby but it is not a true commercial zone. As far as the analysis, the hours of operation were a big part of her recommendation. Office uses would be a better fit for the residential neighborhood. Although a Maverik store there may work fine; other C-1 allowed uses are animal boarding and auto repair shops which are not compatible with residential neighborhoods.

Councilmember Coons asked about the other convenience store. Ms. Costello said it was annexed due to their remodel and was grandfathered in for that existing use.

Councilmember Coons asked if Ms. Costello has had any complaints about the existing station. She replied only since this new application has been submitted.

Councilmember Palmer asked if B-1 is allowed in that land use designation. Ms. Costello said a Growth Plan Amendment did change the 1.48 acres to commercial. He asked about hours of operation for B-1. Ms. Costello said that under B-1, no activity between 11:00 p.m. and 5:00 a.m. is allowed unless a variance is granted. Councilmember Palmer asked about the process for a variance. Ms. Costello said an application is reviewed and then referred to the Zoning Board of Appeals who would decide.

Councilmember Beckstein asked for further clarification on the hours. All the other uses mentioned close at 5 p.m. or 6 p.m. Ms. Costello noted that animal boarding would be allowed in C-1 and that activity would continue overnight. Councilmember Beckstein said she didn't see that much of a difference for their circumstance. Ms. Costello said there is a lighting impact and a certain amount of truck noise with the station.

Councilmember Pitts asked if there is a buffer between the subject property and the rest of the neighborhood. Ms. Costello said that area would be zoned residential and could have a home constructed on it.

Councilmember Kenyon noted the ordinance states a zoning for C-1. City Attorney Shaver clarified that Staff brings forward the applicant's request regardless of their recommendation.

**a. Accepting Petition**

Resolution No. 76-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Maverik Annexation, Located at 2948 F Road and 603 29 ½ Road Including a Portion of the 29 ½ Road Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4380—An 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

**c. Zoning Ordinance**

Ordinance No. 4381—An Ordinance Zoning the Maverik Annexation to C-1 (Light Commercial) and R-4 (Residential 4 Du/Ac), Located at 2948 F Road and 603 29 ½ Road

Councilmember Kenyon moved to adopt Resolution No. 76-09 and Ordinance Nos. 4380 and 4381 and ordered them published. Councilmember Todd seconded the motion.

Council discussion ensued.

Councilmember Palmer said Council recognizes the traffic has changed in that area. If they want to preserve residential along Patterson, certain areas will sustain a change, like a corner, but not to the level of C-1. He said he is sorry about the issue with the competition but he will not support C-1.

Councilmember Todd referred to the concept of walkable communities and said she does not have a problem with the C-1; it is on a major thoroughfare. Regarding the lighting, she was not concerned.

Council President Hill clarified that the Council is very dedicated to the clarity of the process of how properties are zoned.

Motion carried by roll call vote five to two with Councilmembers Coons and Palmer voting NO.

**Downtown Uplift Budget and Timeline**

The Project Team will present the revised estimated budget and recommended schedule for the Downtown Uplift (Main Street) Project as approved by the DDA. The Council has already approved the design concept and asked for more information on costs and timing of the project.

Heidi Hoffman Ham, DDA Executive Director, presented this item. She acknowledged that there has been an incredible amount of work done since the last presentation. The only thing that has changed on the design is that some parking has been added back in to the 400 block. Thanks to the technical planning, they have a lot more confidence in the details. The Parking Management Advisory Group (PMAG) has reviewed the parking

plan as well as the other parking in the downtown. Parking in the downtown will be increased by 100 spaces. Merchants asked them to go forward but do it quickly. With the additional review, the plan was determined to be too complex to complete in one year. Splitting the project into two three block projects is what is being recommended by the Downtown Development Authority (DDA) board. The DDA has the funds to proceed with the first phase next year. The City would be providing administrative and project management as well as being the fiduciary agent. The request is that the DDA will repay their prior loan under a separate agreement at a later time.

Councilmember Palmer referred to a survey of the merchants along the 400 block that are opposed to losing any parking in that block. He asked what phase the 400 block is in. Ms. Ham said it is in the second phase. The intersection at 4<sup>th</sup> and Main will be in the first phase.

Councilmember Coons asked about the repayment plan; is City Staff in agreement with this? Ms. Ham said they have spoken with the City Staff about that but deferred to City Staff for comment.

City Manager Laurie Kadrich said this is almost the reverse of the proposal from before. The DDA has offered to reverse the payments. The first payment was going to be closer to \$4.5 million and the second was around \$2.7 million with interest. The current proposal is reversed.

Councilmember Pitts asked if the City has the money to go forward. City Manager Kadrich advised this is DDA's money; they also owe the City for projects done previously.

Councilmember Todd asked if the parking along Main Street will be free. Ms. Ham said the PMAG has stated that doesn't make sense but no one feels comfortable with charging the most for the close-in spots; it has been that way historically so she doubts that will change.

Councilmember Pitts asked how many are for or against the project. Ms. Ham said since the changes were made they have not conducted a survey but they had an open house and invited all the stakeholders. There is still a diversity of opinion and there is a camp of people that think nothing should change. There is diversity of opinion in the community. She thinks the final design reflects the diversity of opinions. She is comfortable that the current design is a fair representation of what they have heard.

Councilmember Palmer said most of the merchants are in favor of the overall plan but a group of merchants in the 400 block are against losing any parking.

Councilmember Pitts said the vote is either for or against the stakeholders.

Councilmember Palmer said the decision tonight is on the phasing and funding.

Councilmember Coons moved to approve the project schedule, separating the project into two phases, to authorize Staff to proceed with the construction schedule and final bid documents for Phase I, approval for DDA to repay in 2009 to the City \$3,021,099 of the \$7,889,256 outstanding loan, and authorize the City Manager to execute an agreement with the DDA for the City to carry the remaining balance of \$4,868,157 to bear interest at the City's internal rate of return with payment in full, at the latest, December 31, 2012. Councilmember Beckstein seconded the motion.

Council discussion ensued.

Councilmember Beckstein said she is the City's representative on the DDA board and at the meeting last week she felt the merchants are willing to give this a try and the parking concerns were somewhat alleviated. The Staff listened and answered questions honestly and clearly. She urged that the construction be managed for the least amount of impact. The parking may be an issue during construction and she has urged a plan to alleviate that issue as much as possible during construction. The improvements will enhance the downtown and will hopefully go better than anticipated.

City Manager Kadrach added that the community benefit is the repayment to the City. Under the State Statutes, the DDA must go into debt either by issuing bonds or borrowing from the City. That is why the two methods are being used this time.

Motion carried by roll call vote.

### **Non-Scheduled Citizens & Visitors**

There were none.

### **Other Business**

City Manger Laurie Kadrach introduced Interim Police Chief John Camper who is on loan from his department in Lakewood, Colorado. She described how Chief Camper came to the City and then allowed him to share some comments.

Interim Police Chief Camper said he was flattered to be asked and pleased that Lakewood sent him over. He has felt very welcomed.

**Adjournment**

The meeting was adjourned at 8:20 p.m.

Stephanie Tuin, MMC  
City Clerk