

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

July 3, 2013

The City Council of the City of Grand Junction convened into regular session on the 3rd day of July, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschenstein, Rick Brainard, Martin Chazen, Jim Doody, Phyllis Norris, and Council President Sam Susuras. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Susuras called the meeting to order. Councilmember Norris led the Pledge of Allegiance, followed by an invocation by Retired Reverend Eldon Coffey.

Presentations

Special Olympics State Committee to Recognize the Grand Junction City Council for their Financial Support of the Colorado Special Olympics State Meet

Parks and Recreation Director Rob Schoeber described the history of the Colorado Special Olympics State Meet and noted that this year the event took place in Grand Junction. He gave several statistics about the event and noted that the stadium was packed with supporters and spectators to watch the participants of the event. This event was a huge success and will hopefully be back next year.

Recognition of Recreation Coordinator Shon Birch who was Recognized as the Volunteer of the Year for the State of Colorado at the Colorado State Hershey Track Meet

Mr. Schoeber then described the Hershey Track and Field Meet. He said many former participants in this event have gone on to be high school track stars. The State Meet has been held on the Front Range for the last 36 years and was held for the first time in Grand Junction two weeks ago. Mr. Schoeber recognized and thanked Shon Birch, Recreation Coordinator, who was responsible for bringing the event to Grand Junction. He noted that Mr. Birch, along with the full support of Parks and Recreation Staff, was also in charge of the local coordination and planning for this event. Mr. Birch was recognized as the Volunteer of the Year for the State of Colorado at the Colorado State Hershey Track Meet. Mr. Schoeber presented Mr. Birch with the award.

Appointments

Councilmember Chazen moved to appoint Kirk Granum for a partial term expiring June 2014, and appoint Shane Allerheiligen and re-appoint Kevin Reimer for four year terms expiring June 2017, all to the Downtown Development Authority/Downtown Grand Junction Business Improvement District Board. Councilmember Norris seconded the motion. Motion carried by roll call vote.

Council Comments

Councilmember Boeschstein said Bike to Work Day on June 26th was very successful. He then thanked Police Chief John Camper for reinstating the Homeless Outreach Team (HOT) Team and the Bike Patrol.

Councilmember Doody mentioned that the Western Slope Memorial Day Park was dedicated ten years ago from July 4, 2013. He thanked the City of Fruita for hosting, the State of Colorado for dedicating the property, the builders for building it, and everyone in the community that contributed.

Councilmember Chazen said he went to the new employee luncheon and was very impressed with the enthusiasm and talent the new employees bring to the City. The new employees responded well when the Department Heads spoke, and seemed especially enthusiastic about service to the community. At the Downtown Development Authority (DDA) meeting, there was approval of a resolution to release \$3 million to the Avalon Theatre Project; discussion on the Façade Restoration Program; and discussion regarding the positive impact the Colorado Mesa University (CMU) bike races have in attracting students to the downtown area. On June 29th, St. Baldrick's put on a fundraiser at Kannah Creek Edgewater Brewery to raise money for childhood cancer research. The Foundation raised over \$30,000 and he gave kudos to the event organizer, Jim Hamlin and his family, and all others who participated in the event. At the Forestry Board meeting, he noted there is a program where various contractors offer free tree care services to low-income households and he thought this donation program should be recognized.

There were no other Council comments.

Citizen Comments

John Williams, 433 S. 7th Street, said he has addressed the City Council before and many people have come to him and asked why Rick Brainard has not stepped down. He encouraged Councilmember Brainard to step down. He noted that his Uncle Jim Robb did wonderful things for the community.

Jess Coleman, 484 McMullin Drive, addressed Councilmember Rick Brainard and asked why he has not stepped down and said he is doing a disservice to the community. He is forcing the City into a recall situation and the cost of a special election. She stated things Mr. Brainard has done and said he is a black eye to the community. Then to the seated City Councilmembers, she said everyone there knows what is right; she addressed each Councilmember individually by their first name to call for Mr. Brainard's resignation. She said that the City will never be the most livable community west of the Rockies as long as

Council continues to support a person who admitted hitting a woman. She questioned the motives of anyone who has not taken a stance against Rick Brainard.

Dennis Simpson, 2306 E. Piazza, complimented the Council for having created the summary notes of the May 22, 2013 workshop. However, he asked that it be removed from the Consent Agenda and add to it the City Attorney's explanation regarding the 2007 exclusion of sales tax from the TABOR calculation. He said that City Attorney Shaver's statement was not true and Mr. Simpson has evidence to prove it. The exemption of the sales tax from the calculation began in 2000. He said the City is unable to provide the documents from 2000 and says they do not exist.

Council President Susuras said it is a policy that the Council does not respond to Citizen Comments in this forum.

CONSENT CALENDAR

Councilmember Norris read Consent Calendar items #1-5 and then moved to adopt the Consent Calendar. Councilmember Doody seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the May 22, 2013 Workshop, the Minutes of the June 14, 2013 Special Meeting, and the Minutes of the June 19, 2013 Regular Meeting

2. **Setting a Hearing on a Reduction of Distance Restriction for Beer and Wine Liquor Licenses to College Campuses**

State law requires five hundred feet, using direct pedestrian access, from the property line of a school to the liquor-licensed premise; however, the law also allows local jurisdictions to reduce that distance for a certain class of license for one or more types of schools. The request is to reduce or eliminate the distance restriction from a beer and wine license to a college campus.

Proposed Ordinance Amending Section 5.12.220 of the Grand Junction Municipal Code Reducing the Distance a Beer and Wine Liquor Licensed Premise Must be from the Principal Campus of a College or University in the City of Grand Junction

Action: Introduce a Proposed Ordinance and Set a Public Hearing for July 17, 2013

3. **Amending the Policy for Appointments to City Boards, Amending the City Council Assignments to include a Council Representative to the Riverview Technology Corporation and Amending the Definitions in Resolution No. 79-06**

The City Council has recommended some changes to the 2003 City board appointment policy. The City Council also determined it is prudent to appoint a representative to the Riverview Technology Corporation. In addition, there have been changes to the City boards necessitating minor housekeeping changes to the definitions contained within Resolution No. 79-06 which adopted ethical standards for members on City boards.

Resolution No. 44-13—A Resolution Adopting a Policy Concerning the Interview and Appointment of Members to City Boards

Resolution No. 45-13—A Resolution Amending Resolution No. 38-13 Appointing and Assigning City Councilmembers to Represent the City on Various Boards, Committees, Commissions, Authorities, and Organizations

Resolution No. 46-13—A Resolution Amending Definitions, Section 1, of Resolution No. 79-06 Which Established Ethical Standards for Members of the City's Boards, Commissions, and Similar Groups

Action: Adopt Resolution Nos. 44-13, 45-13, and 46-13

4. **Contract for the 2013 Orchard Avenue/Epps Drive Reconstruction Project**

This request is to award a construction contract for the road reconstruction and utility upgrades for Orchard Avenue from 7th Street to Cannell Avenue and Epps Drive.

Action: Authorize the City Purchasing Division to Enter into a Contract with Sorter Construction, Inc. of Grand Junction, CO for the 2013 Orchard Avenue/Epps Drive Reconstruction Project for the Bid Amount of \$651,788

5. **Sole Source Purchase for Wastewater Pump Station to be Located North of the Albertson's Shopping Center**

The request is to replace the existing 35 year old Albertson's Shopping Center (Brach's Market) Pump Station with a new Smith & Loveless, Inc. pump station assembly. The City of Grand Junction currently has 28 Smith & Loveless wastewater pump stations in service today. Continuing to use the Smith &

Loveless product allows continuity between all of the City's pump stations, allows maintenance personnel easier evaluation of a pump station should a problem occur, and results in stocking fewer replacement parts as a result of interchangeable parts.

Action: Authorize the Purchasing Division to Execute a Sole Source Purchase Order in the Amount of \$54,969 with Smith & Loveless, Inc. for a Complete Wastewater Pump Station

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Amendment to Action Plan for 2012 Community Development Block Grant (CDBG) Program Year and Subrecipient Contract for HomewardBound of the Grand Valley Project within the 2012 CDBG Program Year [File #2013 CDBG]

The request is to amend the City's Action Plan for CDBG Program Year 2012 in order to revise the grant to HomewardBound of the Grand Valley for remodeling the existing community homeless shelter rather than acquire property for relocation of the shelter and to authorize the accompanying Subrecipient Contract formalizing the City's award of \$109,971 to HomewardBound as allocated from the City's 2012 CDBG Program previously approved by Council.

Tim Moore, Deputy City Manager, introduced this item. He noted that representatives from HomewardBound were present to answer questions. Sometimes applicants do ask for changes to their original application and that is the case in this request.

Kristen Ashbeck, Senior Planner/CDBG Administrator, presented this item. She advised that \$109,971 was awarded to HomewardBound last year to purchase a new building and then renovate the new building in order to relocate the homeless shelter. Since then, the organization went through a change of leadership and reevaluated their plan. They are asking to use the money instead to remodel the existing shelter. The new director Doug Karl was present along with several board members.

Councilmember Norris asked for the total cost of the new project. Ms. Ashbeck said it is about \$130,000, which is greater than the CDBG funds. The additional funding will be matched with other resources. Councilmember Norris asked if they were going to match funds for the original application of purchasing the new facility. Ms. Ashbeck said this was the original goal but she did not think any of the funds had been secured.

HomewardBound Director Doug Karl recognized his board members who were in attendance. He explained how their new strategic plan changed the plan for relocation. He said they have a detailed plan that was just recently completed and that will be rolled

out to the community. They intend to move forward on a family center and will convert the existing facility into a men's shelter. He listed the various elements of the remodel.

Councilmember Norris asked if the Family Center Project would be a separate project. Mr. Karl said it would be. They have just started the planning and have not started the capital campaign.

Councilmember Chazen expressed his concern that, although there is no question that HomewardBound is a provider of a vital service and the integrity of the director and the board is not in question, this would be a large amount of money not used for its original purpose. He suggested the money go back into the allocation pool and allow other applicants to reapply, noting Homewardbound can compete as well.

Councilmember Norris noted that this project is very different from the original application. It is not fair to the others that have applied, to grant this without the other applicants being eligible for consideration also. She agreed with Councilmember Chazen.

Councilmember Doody said he has visited the shelter and can see the need. This project is in line with the Comprehensive Plan Goals and Policies. It is a good project and worthy of the \$109,971 and he will vote in favor of granting the amendment.

Councilmember Boeschstein said he has attended many of the HomewardBound meetings and this is one of the agencies that helps the homeless. He is not sure what the money is planned for but he is favor of the award to HomewardBound.

Councilmember Doody moved to approve the 2012 CDBG Action Plan Amendment and authorize the City Manager to sign the subrecipient agreement. Councilmember Boeschstein seconded the motion. Motion failed by roll call vote with Councilmembers Brainard, Chazen, and Norris voting NO.

Las Colonias Master Plan

Parks and Recreation is seeking approval of the 2013 Las Colonias Master Plan.

Rob Schoeber, Parks and Recreation Director, presented this item. He described the location and the history of the Master Planning process. A couple of years ago a few groups including the Grand Junction Lions Club, the Tamarisk Coalition, and the Botanical Gardens asked that the development of the Park be brought forward. It was brought to City Council, who supported going forward with Las Colonias and Matchett Park planning. This precipitated the review of the existing Las Colonias Master Plan. Other partners brought into the discussion include the Riverfront Commission and the Disc Golf Club. Many with expertise, including the Colorado Department of Energy, Colorado Department of Public Health, U.S. Fish and Wildlife, and Army Corps of

Engineers participated in the planning process to ensure the development being proposed would be allowable. During that time the Grand Junction Lions Club offered a \$300,000 contribution to develop the park. The Tamarisk Coalition has provided \$350,000 through grant funds for the cleanup of tamarisk on the site. Another partner is the Grand Valley Disc Golf Club, who is cleaning up Watson Island and constructing a disc golf course on the property. He noted the contributions of the Downtown Development Authority (DDA) and the Riverfront Commission and their visions for the property. The intent is to apply for a Great Outdoors Colorado grant this fall. Mr. Schoeber noted the commercial development opportunity for the area and highlighted the new brewery adjacent to the property, Edgewater Tap and Grill. Regarding the public participation process, an open house was held which was well attended and several comments were submitted. Those comments were taken into consideration when revising the Master Plan. The City has been working with the Department of Energy regarding use of the site because of its previous use as a uranium mill tailings site. The City does have to be cognizant of the previous contamination, and the groundwater cannot be disturbed per the deed restriction. Mr. Schoeber then described the proposed development to be included in the Master Plan. He pointed out the different types of parking areas, including paved and grass areas for use during large events. One of the elements is a large amphitheatre and the Lions Club is very involved in that element. There will be a festival area where many of the events now held at Lincoln Park could be relocated. There is also space allotted for a dog park. There is an access point for boats to access the river. Another element is a zip line across the river and they have partnered with a local company that manufactures zip lines. There are ponds that will collect water from the river and the water will be sent through the irrigation system. This will allow for beneficial use of some of the City's water rights. Mr. Schoeber then presented some estimated costs if the project were bid out today, with the understanding that this is not how this will go forward, as it will be phased and value engineered. The first actual development proposed is a restroom facility; after that other amenities can be decided upon.

Councilmember Chazen asked how the estimated cost of the shelter construction was reduced so significantly. Mr. Schoeber explained that the parking lot costs were significantly reduced by using asphalt millings instead of pavement.

Mr. Schoeber had estimates for labor and start-up costs which he applied to different phases, however, overall he anticipates the need for two more full time staff members. They anticipate additional revenue from the rental fees for the shelters and the amphitheatre.

Council President Susuras asked if the amphitheatre will be fenced to keep out non-paying attendees. Mr. Schoeber said they do plan to fence the area for events.

Mr. Schoeber noted the timeline for the grant application. Council President Susuras asked about matching funds for the grant. Mr. Schoeber said the City has \$170,000 unallocated in the project and that will be used for matching funds.

Council President Susuras noted that by approving this plan they are not committing to a start date or funds for the project. Mr. Schoeber said the timeline could be up to ten years depending on the funding.

Councilmember Chazen asked if the resolution should include rescinding the previous plan. City Attorney Shaver advised that by placing a 2013 date in the resolution, the concern would be met.

Councilmember Boeschstein thanked Mr. Schoeber and all others that have participated. He especially thanked the Lions Club and their representatives, Harry Griff and Larry Jones, who were in attendance. He then recognized the Riverfront Commission members in the audience: Katie Steele, Brad Taylor, and Stacy Beough. He noted how this project is the missing jewel along the river. He read the letter from Colorado Department of Public Health and Environment (CDPHE) and asked that it be included in the record (attached). He lauded the many partners' financial contributions to the project and mentioned the future grant funding. He noted the location's connection with the name Grand Junction and the historic significance of the location. He said the development is also an economic driver, noting Edgewater Brewery for an example. He looks forward to adopting the resolution.

Councilmember Norris complimented Parks and Recreation Director Rob Schoeber for the work, outreach, and communication that has taken place. She noted the restrictions on the property and that these may cause changes to the plan.

Councilmembers Doody and Brainard agreed that Councilmember Boeschstein made valid points.

Councilmember Brainard added that the funding sources need to be identified and there needs to be respect for the deed restrictions and any changes that may develop.

Council President Susuras asked for public comments.

Larry Jones, long time member of the Grand Junction Lions Club, said the Club has given a lot of money to the community over the years and many funds were seed money for various projects. He said this project will be a great place for both small and large events. They have already deposited \$64,000 at the Grand Junction Community Foundation for this project. He asked that the City Council support the Las Colonias Master Plan.

Harry Griff, 2636 Chestnut Drive, Grand Junction Lions Club member, said Larry Jones and Brian Mahoney came to City Council 25 years ago and asked the City to begin cleaning up the Riverfront in anticipation of development. He listed some of the other developments along the river. He called the Las Colonias project the Hope Diamond along a string of pearls. He named a number of community members who have shared the vision of Las Colonias Park. He recalled the development of the vision 20/20 in 2000 and how the City has followed that blueprint. This park is the last piece in that blueprint. The County and the City have attained each one of the goals over the years in order to keep Grand Junction the regional hub of Western Colorado. The Las Colonias Project has been long in the making and has finally reached its turn. The former Council had given the green light for this development. The benefits are not only cultural, but for the rejuvenation of south downtown as well.

Brad Taylor, current co-chair of the Riverfront Commission, said the Riverfront Project is listed as one of the top projects on the Great Outdoors Colorado website and the Colorado Lottery Website also speaks to the endorsement and history of the project as well. There are many partners and a lot of sweat equity invested already and the Riverfront Commission would love to see this project move forward. Grand Junction would be pleased to have this park along the river.

John Williams, 433 S. 7th Street, said they should honor the Riverfront Trail like his Uncle Jim Robb did.

Stacy Beaugh, Executive Director of the Tamarisk Coalition, echoes what Brad Taylor said. She noted the efforts of the Tamarisk Coalition and what they have done to support the Las Colonias Project.

Harry Griff said he wanted to respond to Council President Susuras' question regarding fencing the amphitheatre in order to control ticketing. An event promoter would insist on fencing, however, the area will be open when there is not an event so that it can be enjoyed by everyone.

Councilmember Chazen thanked everyone involved including Staff. He read a statement:

"The property known as Las Colonias Park is a large parcel south of downtown and borders the Colorado River. Since a significant portion of this property has been used to stock pile uranium mill tailings, a clean-up was completed before the City acquired the property from the State of Colorado in 1997. Due to residual radioactive materials, development of this site may require special methods and procedures to ensure public health and safety which we heard tonight. Although the property was originally master planned in 1998, and the plan was revised in 2008, little development has occurred. In 2012 the prior Council directed City Staff to again revise the Master Plan which is before

us for consideration tonight. It is fundamental to know that approval of this plan does not appropriate any money for implementation improvements, however, it is equally important to note that approving this plan sends a message to the community that this Council has a vision for the development of this property. This vision carries a hefty multi-million dollar price tag and that does not include the ongoing cost of personnel, repair, and maintenance. For the moment, please consider that even if this project is implemented over ten years, it will cost an average of 1.3 million dollars per year, and a major portion of that is going to come from City funds. That is a massive financial commitment that will crowd out other capital projects vital to our City. Let us remember that Fire Stations, maintained streets, sidewalks, equipment replacement, and economic development may seem mundane, but they are also a vision for helping Grand Junction become the most livable City west of the Rockies by 2025. It's no secret that a large number of our citizens and taxpayers are experiencing hard times. Many Grand Junction families are struggling to make ends meet. You only have to look as far as the current tax revenue report that reflects a budget shortfall of 1.5 million dollars for the first six months of this year. Is this really the time to tell our struggling citizens that the vision for this Council is to spend 13 million dollars on a parks project when there are other pressing needs? Do we really want to burden ourselves and future Councils with a vision we may not be able to afford? I think not, and I will not be supporting this resolution."

Councilmember Boeschstein rebutted Councilmember Chazen's statement; he said a lot of the funding will come from the Colorado Lottery and many other sources. This is an economic driver and there will be new investment.

Councilmember Doody said the plan is set up to be phased in over time. This project could take as long as 25 years. He concurred that Jim Robb was a visionary along with Brian Mahoney and others. He will support the resolution.

Councilmember Norris said passing this resolution will not commit other Councils. It is a beautiful plan and she will support it.

Resolution No. 47-13—A Resolution Adopting the Las Colonias Master Plan

Councilmember Boeschstein read the proposed resolution and moved to adopt Resolution No. 47-13. Councilmember Doody seconded the motion. An amendment to add in the year 2013 to the resolution was accepted by the motion maker and the seconder. Motion carried by roll call vote 5 to 1 with Councilmember Chazen voting NO.

Application for U.S. Department of Justice Annual Justice Assistance Grant for Additional Audio/Video Equipment for Training for the Police Department

The Grand Junction Police Department has been solicited by the Bureau of Justice

Assistance (BJA) program of the U.S. Department of Justice to apply for an annual grant, which for 2013 is in the amount of \$23,732. If awarded, these funds will be used in combination with other funding sources to purchase audio/video equipment for the training room of the new Police building.

As part of the application process, the Bureau of Justice Assistance requires that City Council review and authorize receipt of the grant, and provide an opportunity for public comment. Therefore, a public comment opportunity is requested for the purpose of satisfying this requirement.

Mike Nordine, Deputy Police Chief, introduced this item, noting this grant is applied for annually to make improvements at the Police Department. This particular grant will be used for equipment in the training room.

Councilmember Norris asked where the matching funds will come from. Deputy Police Chief Nordine said the cost is more than the grant. They have \$25,000 from last year's grant and they are seeking other funding.

Jim Finlayson, Information Technology Director, explained how the new technology will help with efficiency and quality of training.

The public comment portion was opened at 8:49 p.m.

There were no public comments.

The public comment portion was closed at 8:50 p.m..

Councilmember Chazen moved to authorize the City Manager to apply for these funds, and if awarded, to manage \$23,732. Councilmember Brainard seconded the motion. Motion carried by roll call vote.

Public Hearing—Colorado Mesa University Right-of-Way Vacation, a Portion of the Intersection at Texas and Cannell Avenues [File #VAC-2013-114]

Colorado Mesa University is requesting to vacate a portion of the intersection of Texas and Cannell Avenues with retention of a utility easement.

The public hearing was opened at 8:51 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. The Planning Commission reviewed the request and recommended approval. The area to be vacated is a triangular piece at the intersection

and the north 25 feet will be retained for a utility easement. The request meets the requirements of the Zoning and Development Code and Staff recommends approval.

There were no public comments.

The public hearing was closed at 8:53 p.m.

Ordinance No. 4590—An Ordinance Vacating a Portion of the Texas and Cannell Avenues Right-of-Way and Retaining a Utility Easement over the Northern 25' Located in the Colorado Mesa University Area

Councilmember Doody moved to adopt Ordinance No. 4590 and ordered it published in pamphlet form. Councilmember Brainard seconded the motion. Motion carried by roll call vote.

Public Hearing—Heritage Church Annexation and Zoning, Located at 2935 Patterson Road [File #ANX-2013-105]

A request to annex and zone the Heritage Church Annexation, located at 2935 Patterson Road. The Heritage Church Annexation consists of one parcel of 0.68 acres and 0.16 acres (6,940 square feet) of the 29 3/8 Road right-of-way. The requested zoning is an R-O (Residential Office) zone district.

The public hearing was opened at 8:55 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. The Church would like to facilitate marketing of the property by rezoning the property. A rezone requires annexation into the City. The Church relocated in the fall of 2012 and would like to sell the property. Mr. Rusche described how the request supports the City's Comprehensive Goals and Policies. The property is suitable for redevelopment. He described the surrounding uses. The Planning Department looked at other similar properties that could be used for the purposes proposed. They held a neighborhood meeting and no one attended. There have been some calls asking about possible uses, however, no objections were lodged. The Planning Commission reviewed the proposal at their May 28th meeting and forwarded a recommendation of approval. The review criteria within the Zoning and Development Code has been met with this request.

Councilmember Boeschstein asked if there are representatives in attendance. Mr. Rusche said they are. Councilmember Boeschstein asked about the intended use. Mr. Rusche said they are marketing it for commercial use.

There were no public comments.

The public hearing was closed at 9:01 p.m.

Resolution No. 48-13—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Heritage Church Annexation, Located at 2935 Patterson Road and Including Portions of the 29 3/8 Road Right-of-Way, is Eligible for Annexation

Ordinance No. 4591—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Heritage Church Annexation, Approximately 0.84 Acres, Located at 2935 Patterson Road and Including Portions of the 29 3/8 Road Right-of-Way

Ordinance No. 4592—An Ordinance Zoning the Heritage Church Annexation to R-O (Residential Office), Located at 2935 Patterson Road

Councilmember Doody moved to adopt Resolution No. 48-13 and adopt Ordinance Nos. 4591 and 4592 and ordered them published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Public Hearing—Perry Annexation and Zoning, Located at 2884 B Road [File #ANX-2013-104]

A request to annex and zone the Perry Annexation, located at 2884 B Road. The Perry Annexation consists of one parcel and no public right-of-way. The requested zoning is an R-4 (Residential 4 du/ac) zone district.

The public hearing was opened at 9:03 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. He said the purpose is to develop a residential subdivision and that requires annexation into the City. There is no public right-of-way included and the annexation does not create an enclave. He described the surrounding uses. The design of the subdivision will be similar to Chipeta Heights. The subdivision is currently under review. The request meets the City's Comprehensive Plan goals and policies. The requested zone is consistent with the existing County zone and is consistent with the surrounding subdivisions. The request meets the criteria of the Zoning and Development Code and the annexation requirements.

There was no public comment.

The public hearing was closed at 9:07 p.m.

Resolution No. 49-13—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Perry Annexation, Located at 2884 B Road, is Eligible for Annexation

Ordinance No. 4593—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Perry Annexation, Approximately 4.712 Acres, Located at 2884 B Road

Ordinance No. 4594—An Ordinance Zoning the Perry Annexation to R-4, (Residential – 4 DU/Ac), Located at 2884 B Road

Councilmember Boeschstein moved to adopt Resolution No. 49-13 and Ordinance Nos. 4593 and 4594 and ordered them published in pamphlet form. Councilmember Doody 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 9:10 p.m.

Stephanie Tuin, MMC
City Clerk

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

March 15, 2013

City of Grand Junction
250 N 5th Street
Grand Junction, CO 81501

Dear Sirs,

Thank you for including the Colorado Department of Health and Environment (CDPHE) in the master planning process and future development of the Las Colonias Park site. The CDPHE transferred the former uranium processing site to the City of Grand Junction, Colorado in 1997. In this process, Grantee Covenants (Deed Restrictions) were placed on the property, and CDPHE as well as the DOE have conducted inspections of the property every 5 years.

Regarding the master planning process and future development of the Las Colonias Park site, the CDPHE has been involved with the recent update to the master plan and have participated in numerous meetings with the City employee project team, the consultant assisting with the planning efforts, and several individual City employees.

The CDPHE has reviewed the most recent conceptual plan and feel these proposed amenities are an excellent use of the site and will not compromise the deed restrictions put in place when it was transferred to the City of Grand Junction. However, all future development must still be within the Grantee Covenants, which include restrictions that the City is "(ii) not to use the groundwater from the site for any purpose, and not to construct wells or any means of exposing groundwater to the surface unless prior written approval is given by the Grantor and the US Department of Energy, (iii) not to perform construction of any kind on the property unless prior written approval of construction plans, designs and specifications is given by Grantor (CDPHE) and US DOE."

The City has already met the above requirements for the minor improvements to the river slue by providing the necessary plans and specifications to the CDPHE for review. These plans were approved via a letter on January 15, 2013 and the minor improvements have already been completed.

The CDPHE would anticipate this relationship continuing throughout the development process and looks forward to the continued involvement in the planning process.



Michael Cosby
Uranium Mill Tailings Manager
Colorado Department of Public Health and Environment
222 South 6th Street, Room 232
Grand Junction, Colorado 81501

