

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

November 1, 1995

The City Council of the City of Grand Junction, Colorado, convened into regular session the 1st day of November, 1995, at 7:35 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, David Graham, R.T. Mantlo, Janet Terry, Reford Theobald and President of the Council Ron Maupin. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Maupin called the meeting to order and Councilmember Terry led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Dan Brown, Bookcliff Baptist Church.

PROCLAMATIONS / RECOGNITIONS

WELCOMING RUSSIAN AND UKRAINE GUESTS

REAPPOINTMENTS TO THE FORESTRY BOARD

Upon motion by Councilmember Terry, seconded by Councilmember Baughman and carried, Vince Urbina and Jim Manuel were reappointed to the Forestry Board for three year terms from November, 1995 until November, 1998.

CONSENT ITEMS

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman, and carried by roll call vote, with Councilmember **BAUGHMAN** voting **NO** on Item #7, Councilmember **GRAHAM** voting **NO** on Resolution No. 96-95 and Item #7, the following Consent Items 1-9 were approved:

1. **Approving** the minutes of the Regular Meeting October 18, 1995
2. **Award of Contract** for Printing of Full-Color Visitor Guide
Recommended Award: A. B. Hirschfeld Press - \$42,311

The following bids were received on October 11, 1995:

	<u>Quantity 325K</u>
A. B. Hirschfeld Press, Denver	\$42,311*
Mountain West, Denver	\$44,480
Quebecor Printing, Quebec	\$51,360
Pyramid Printing, Grand Junction	\$51,724
* Recommended Award	

3. **Proposed Ordinance** - An Ordinance Making Supplemental Appropriations to the 1995 Budget of the City of Grand Junction

The requests are to appropriate certain amounts as contingencies and other minor budget adjustments. They include appropriations for certain projects for which additional revenues have been or will be received. The largest amount is \$500,000 for the Community Development Fund, through which "pass-through" grants are processed. Over \$200,000 of this is for grants not yet received.

a. First Reading of Proposed Ordinance

4. Certification of Mill Levies

The resolutions set the mill levies of the City of Grand Junction, the Ridges Metropolitan Districts #1 and #2, the Grand Junction West Water and Sanitation District, and the Downtown Development Authority. The City and the DDA mill levies are for operations. The others are for debt service only.

a. * Resolution No. 93-95 - A Resolution Levying Taxes for the Year 1995 in the City of Grand Junction, Colorado - 8.071 Mills

c. * Resolution No. 94-95 - A Resolution Levying Taxes for the Year 1995 in the Ridges Metropolitan District, a Part of the City of Grand Junction, Colorado -
District #1 - 15.840 Mills
District #2 - 271.355 Mills

d. * Resolution No. 95-95 - A Resolution Levying Taxes for the Year 1995 in the Grand Junction West Water and Sanitation District, A Part of the City of Grand Junction, Colorado - 19.601

b. * Resolution No. 96-95 - A Resolution Levying Taxes for the Year 1995 in the City of Grand Junction, Colorado, Downtown Development Authority - 5 Mills

5. Award of Contract - 1995 Water Line Replacement Project for Sliplining a Water Line across Railroad Right-of-Way East of 15th Street between I-70B and D Road
Recommended Award: Temple & Petty - \$89,393

The following bids were received on October 24, 1995:

Temple & Petty Construction, Grand Junction
\$89,393.00
VSR Corporation, Denver
\$108,238.51
Martin Trenching & Excavating, Pueblo
\$149,815.00

Engineer's Estimate
\$79,500.00

6. *** Resolution No. 97-95** - A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create within Said City Alley Improvement District No. ST-96, Phase A, and Authorizing the City Engineer to Prepare Details and Specifications for the Same

Petitions have been submitted requesting a Local Improvement District to reconstruct the following 8 alleys:

East-West alley from 11th to 12th Street between Grand & White Avenues;
East-West alley from 10th to 11th Street between Belford & Teller Avenues;
East-West alley from 5th to 6th Streets between Hill & Teller Avenues;
North-South alley from Elm and Mesa Avenues between 19th & 20th Street;
East-West alley from 3rd to 4th Streets between North & Belford Avenues;
Cross alley from 7th to 8th Street and Main Street to Rood Avenue;
East-West alley from 12th to 13th Street between Colorado & Ute Avenue;
East-West alley from 5th to 6th Streets between Chipeta & Gunnison Avenues;

All petitions have been signed by a majority of the owners of the property to be assessed. A hearing to allow public comment for or against the proposed Improvement District will be conducted at the December 20, 1995 City Council meeting.

7. **Authorizing** the City Manager to Execute an Operating and Maintenance Agreement between the City of Grand Junction, the Bureau of Reclamation and the U.S. Fish and Wildlife Service for the Fish Passageway at the Redlands Diversion

The Bureau of Reclamation has contracted to construct a fish passageway structure at the right abutment of the Redlands diversion dam. This fish ladder is part of the recovery program for the endangered fish in the Gunnison River. The Bureau, the Fish and Wildlife Service and the City have negotiated an operation and maintenance agreement that will outline the conduct of the parties during and after construction is completed on the fish ladder.

8. **Authorizing** the Mayor to Execute a Contract with the Colorado Department of Local Affairs Accepting the \$500,000 Community Development Block Grant for the 5th Street Urban Renewal Project

The City was awarded a federal Community Development Block Grant (CDBG) in the spring of 1995 for a project that involved the construction of street lighting and streetscape improvements along 5th Street from Noland Avenue to Grand Avenue. The purpose of the project is to improve the character of the infrastructure in order to stimulate redevelopment along a major urban corridor. Execution of the contract allows the City to accept the grant and requires the

City to adhere to all applicable federal requirements in the administration of the grant.

9. *** Resolution No. 99-95** - A Resolution Supporting Entry of the Downtown Development Authority into the Great American Main Street Awards Competition

Application for this award was recommended to the DDA by the Mayor and City Manager. The award would give Grand Junction very positive nationwide attention.

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

DISPOSITION OR USE OF VACANT LAND SOUTH OF SHERWOOD PARK - CITY COUNCIL TO DECIDE ON THE FUTURE OF THIS 1.178 ACRE OF LAND ACROSS SOUTH SHERWOOD DRIVE FROM SHERWOOD PARK

Tom LaValley of the Grand Junction Jaycees, 586 Elkhart Lane, addressed the City Council regarding the analysis which was done on the feasibility of using the vacant land south of Sherwood Park as a skate park. He went through the analysis and the pros and cons of each piece of property which had been considered. He stated his group concluded the land south of Sherwood Park was the best site due to access and the surrounding uses being mostly commercial. He passed out photos he had taken from the site looking each direction to give Council a perspective on the distance to the nearest residential dwelling.

Mr. LaValley advised the Jaycees have applied for funding for the construction of the skate park through Mesa County Lottery Funds, the Parks & Recreation Self-Help Fund, and the Lion's Club. They will also have some funds from the Jaycees' bingo nights. At this time, he said he did not know if the lottery funding would be granted, as it will be decided upon within the next week or two.

Mr. LaValley showed the Council a plan for the proposed site and identified Phase A. Then, in order to give the City Council an idea of what a skate park would look like, Mr. LaValley passed around photos of a skate park in Golden, Colorado.

Councilmember Afman asked what the average age of the participants would be and the number of participants at one time that would be using the facility. Mr. LaValley estimated there would be 30 to 40 kids under 16 years of age.

Mayor Maupin then asked for public comment.

Ian McClung, 2010 Elm Avenue, related the Denver metro area cities all have skate parks and they are used extensively. He expressed with Grand Junction attaining the metro designation, it too should have a skate park.

James Braden, 2420 N. 1st Street, urged the Council to retain the property as park property and that a skate park would give the kids a place to go to vent their energy and get some exercise.

David Durant, 2632 Birch Court, stated he supports the concept of a skate park but hopes that the First Christian Church across the street from the site would have some input on the planning of the facility.

Jeff Bush, 402 Elm Court, thanked the Council for the improvements that have been made at Sherwood Park and said he supported a skate facility but felt that Sherwood Park had been impacted enough. He enumerated some of the activities going on at the park and in the neighborhood: soccer practices, Moon Farm pick up and drop off, high schoolers back and forth, school buses, KEKB traffic, lumber yard traffic, cheerleading practice and dog obedience. He asked the Council to consider a different site.

Mary Keen, 1343 Cannell, voiced support of the skate park at the Sherwood location for its access to her rollerblading middle schooler and other middle school kids.

Pam Year, 101 N. 5th Street, stated she has a 12 year old rollerblader and a 14 year old skateboarder and both would use this facility. She noted that the City parks are stressed.

Mike Vogeley, 3096 D 1/2 Road, told the Council that the skate parks in California are operated under non-profit organizations and clubs which fence them and police them. He suggested this site be fenced so it can be shut down late at night. He also noted that if the City were to sell the property to another business, that would also increase traffic.

Mike Blackburn, from Callahan-Edfast Mortuary and residing at 3333 Norwalk, identified himself as being one of the parties trying to purchase the property. He said his intent for the property is to build a couple of garage bays and have some parking for his business, as his business is growing and he has nowhere to expand. He reiterated his offer of a \$5,000 donation for the construction of a skate park elsewhere and stated his support of youth activities.

There were no additional public comments.

Councilmember Afman stated she wants to see this project move forward and suggested a decision that the Council not sell the property and continue to evaluate the issues.

It was moved by Councilmember Graham and seconded by Councilmember Afman that the Council decline any offers to purchase the property at this time. The motion carried.

It was moved by Councilmember Graham and seconded by Councilmember Afman that the City approve of a skateboard park, designate Sherwood Park as an appropriate site, direct the Parks and Recreation staff to schedule as many meetings as needed with the skaters and the neighbors for input and to pledge funding for the skate park as may be decided.

Councilmember Terry offered an amendment to the motion which allows for more discretion to include consideration of other sites, gives direction to the Parks Board to follow up with further studies as needed, such as, liability, operating and funding issues, and for staff to return in 30 days with their findings.

Councilmember Graham accepted the amendment. The Council discussed the intent of the amendment. Councilmember Afman seconded the amended motion. The motion carried.

Councilmember Theobald recommended the skaters attend the Mesa County Commissioners public hearing regarding the funding application.

RESOLUTION NO. 98-95 AUTHORIZING THE USE OF PUBLIC SERVICE COMPANY UNDERGROUNDING FUNDS FOR 15TH STREET AND WELLINGTON AVENUE PROJECT

The City has received a request to use Public Service Company Underground funds for the conversion of overhead power facilities to underground, as part of a multi-family development project located adjacent to 15th Street and Wellington Avenue. As required by the PSCo franchise agreement, a City resolution is required to commit the funds to the project. The estimated cost of this project is \$7,039.

Mark Relph, Public Works Manager, reviewed this item. He noted it was the first time a developer had asked for the undergrounding fund to be used. Mr. Relph brought it before Council feeling the use of the funds, in this case, could be an incentive to infill development. Councilmember Theobald also noted the benefit of "piggybacking" onto the developer's project, of having to move the lines, thereby being able to underground the lines for a lot less. Councilmember Terry expressed concerns of setting a precedent with other Councilmembers stating that any such requests should be reviewed on a case by case basis.

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO**, Resolution No. 98-95 was approved with an amendment that such requests be reviewed on a case by case basis.

AUTHORIZING THE CITY MANAGER TO SIGN AN ANNEXATION AGREEMENT WITH CHAPPARAL WEST, INC. FOR COUNTRY MEADOWS SUBDIVISION,

APPROXIMATELY 48.9 ACRES LOCATED NEAR F 3/4 AND 20 1/2 ROADS

The developer obtained ODP approval from Mesa County for the development of 132 lots on 48.9 acres. The first filing proposes 15 lots on 9 acres.

The Clerk was directed to reschedule this item to the November 15th meeting.

PUBLIC HEARING - ORDINANCE NO. 2870 VACATING A UTILITY EASEMENT LOCATED ON THE WEST SIDE OF LOT 4, BLOCK 3, PTARMIGAN RIDGE NORTH SUBDIVISION [FILE #VE-95-154]

The applicant requests vacation of a 10' utility easement that was mistakenly recorded on a subdivision plat. No use of the easement has been found. Staff and Planning Commission recommend approval.

A public hearing was held after proper notice. Michael Drollinger, Community Development Department, was present to answer any questions. There were no public comments.

Upon motion by Councilmember Theobald, seconded by Councilmember Baughman and carried by roll call vote, Ordinance No. 2870 was passed on final reading and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2871 REZONING LAND LOCATED ON THE EAST AND WEST SIDES OF 7TH STREET SOUTH OF PATTERSON ROAD AND ON PATTERSON ROAD WEST OF 12TH STREET AND ADOPTING A MASTER SITE PLAN AS THE DEVELOPMENT STANDARDS FOR ST. MARY'S HOSPITAL [FILE #PDR-95-159]

The preliminary plan (also referred to as Master Site Plan) for St. Mary's Hospital has been prepared by the hospital at the direction of the Planning Commission. The purpose of the MSP is to set forth plans for upgrade, improvement and expansion of St. Mary's facilities over a ten (10) year planning horizon. The preliminary plan includes proposed phasing, density of development, setbacks, height and involves rezoning parts of St. Mary's property to PB (Planned Business) to be consistent with the remaining lands. Planning Commission approved the preliminary plan at their October 3, 1995 meeting. Staff recommends approval of the rezone request.

A public hearing was held after proper notice. Michael Drollinger submitted to the Clerk an amended legal description of Parcel 3 but stated that the amendment did not affect the ordinance publication as the legal description for the entire parcel was correct.

He then reviewed this item, first giving the Council the background on why this is being brought to the Council with a

Master Site Plan. He advised that through the years, various expansions have been undertaken by St. Mary's Hospital. At the review for the last expansion, the Planning Commission expressed any further expansion would require the filing of a Master Site Plan so the City could see the long term plan of St. Mary's instead of approving expansions piecemeal. Another issue was some of St. Mary's parcels are zoned PB (Planned Business) with no filed plan.

Mr. Drollinger then addressed the rezone criteria of the Zoning and Development Code and stated the rezone is recommended for approval because of the following criteria being met:

1. There has been a change in character in the area (installation of public facilities, other zone changes, new growth trends).
2. The zone change will be compatible with the surrounding uses.
3. There will be benefits derived by the community.

Mr. Drollinger identified some outstanding issues on the plan such as additional right-of-way may be required along Patterson Road to straighten the offset in Patterson Road at the 7th Street intersection, and that the pedestrian bridge proposed across 7th Street should have a minimum of 16 feet of clearance.

Councilmember Graham asked Mr. Drollinger why PB (Planned Business) zoning is appropriate in this case. Mr. Drollinger responded that PB is generally used for a large project, particularly with a Master Site Plan. When PB is used on smaller parcels, administration of such a zone is difficult where several adjacent parcels have different zoning requirements. In contrast, zoning administration of a large parcel is easier with a Master Site Plan.

Mayor Maupin asked if correction of the "dog leg" in 7th Street had been considered with this application. Mark Relph, Public Works Manager, responded Staff had not looked at that issue. Councilmember Afman inquired if this could be considered during the next expansion. Mr. Relph replied Staff's feeling is St. Mary's is to be commended for their inclusion of the pedestrian bridge in their expansion plans. The reason Public Works is requiring the clearance under the bridge be at least 16 feet is due to the possible future addition of another I-70 interchange at 7th Street. Councilmember Terry noted the pedestrian bridge will not help with the traffic impact in that area. Mr. Relph said that Public Works can explore some ideas with St. Mary's in this regard. Council-member Afman inquired if an expansion will trigger a traffic analysis in the area and Mr. Relph responded affirmatively. City Attorney Wilson suggested that Council include in any approval of the application, an additional condition that 7th Street may need to be addressed in order to put

the applicant on notice that there may be an issue.

That concluded Staff's presentation and the Mayor asked the petitioner to make a presentation. Kenneth Tomlon, Executive Director, and Bertis Rasco, Planner for the project, addressed the City Council.

Mr. Rasco reviewed the history of St. Mary's Hospital beginning in 1895 to St. Mary's present position as the largest medical center between Salt Lake City and Denver, including when each expansion took place, most recently in 1995. He identified the various parcels owned by the hospital and noted some of the uses, both current and proposed.

Councilmember Theobald commended St. Mary's for their work on the plan and their foresight in future planning.

Mayor Maupin asked the petitioners about their feelings regarding correction of the "dog leg" on 7th Street. Mr. Rasco replied that because of the 7th Street alignment, any changes to eliminate the dog leg, would move it to somewhere else on 7th Street.

Councilmember Terry asked the petitioners if they are willing to address the pedestrian bridge clearance issue identified by Staff. Mr. Tomlon responded affirmatively.

Councilmember Baughman asked why the application included a request to rezone the park area. Mr. Tomlon replied it is their intention to keep it as a park, as well as the retention pond area, and the rezone is simply to make the zone the same as the rest of the property.

Councilmember Terry asked for an explanation of Phase III. Mr. Tomlon stated that the building proposed in Phase III will be for rehabilitative care.

Mayor Maupin asked for public comment. There was none. He closed the public hearing.

Upon motion by Councilmember Terry, seconded by Councilmember Afman and carried by roll call vote, Ordinance No. 2871 was passed on final reading with conditions (the outstanding issues) being addressed in the Staff report plus adding a third condition that additional right-of-way may be required along 7th Street between Center Avenue and Patterson Road to reduce the curvature of the road. The Ordinance was ordered published.

RECESS

The Mayor called for a recess at 9:25 p.m. The meeting reconvened at 9:31 p.m. with all members of Council present.

PUBLIC HEARING - APPEAL OF A PLANNING COMMISSION DENIAL OF A
CONDITIONAL USE PERMIT FOR A HELIPAD AT 631 24 1/2 ROAD
[FILE #CUP-95-80]

This is an appeal of a Planning Commission denial of a Conditional Use Permit request. Petitioner is requesting a conditional use permit for a private-use helipad in an HO (Highway Oriented) zone district located at 631 24 1/2 Road. Based on staff's review of the preliminary design and supporting reports and based on the analysis of the conditional use criteria contained in the Zoning and Development Code, staff recommends denial of the conditional use permit.

The public hearing was opened by Mayor Maupin. Michael Drollinger, Community Development Department, began his presentation by familiarizing the Council with some of the terminology that will be used in his report, as defined in the Zoning and Development Code. Such terms included helipad, heliport, decibel, and various standard measurements for noise levels.

Mr. Drollinger then prefaced his recommendation by stating that his professional experience includes him being an author of an article regarding the affects of aviation noise in surrounding areas, attendance at a five day workshop on this subject, his previous employment experience where this issue was addressed at least three times, and the fact that his hobbies include flying and he is a private pilot.

Mr. Drollinger referred to various adopted City documents he has used in his research of this issue including the Zoning and Development Code, Growth Plan Alternatives Guidelines and the Helicopter Operations Guidelines.

Mr. Drollinger then outlined Staff's concerns with this application. The first area of concern is the noise impact, which also relates to compatibility with surrounding zones. The location of the helipad is adjacent to residential zones. The Helicopter Operations Guidelines recommends the helipad should be at least 750 feet from a residential property line. This proposal has the helipad located 100 feet from residential land. The Guidelines refer to Noise Assessment Guidelines published by the FAA in order to calculate the sound levels of the helicopter but Mr. Drollinger stated he was unable to obtain a copy of those guidelines as it is out of print. The FAA currently uses a computer model to assess noise levels. However, due to the use of day-night sound levels which is actually an average over a 24 hour period, the model did not seem appropriate for evaluating this case due to the number of flights in a 24 hour period. Mr. Drollinger stated it was his opinion that the measurement of the noise level should be in single event noise level to be more appropriate.

Additional compatibility concerns are the Growth Alternative Guidelines of this area which indicate the future of the surrounding parcels may include a density of 12 units per acre, thus affecting more impact on more residents. Mr. Drollinger noted that the petitioner does have the option of having the helicopter at Walker Field which could accommodate the helicopter and is at present underutilized.

Lastly, Mr. Drollinger advised, at this time, he has received no notice that the Petitioner has filed his notice of intent to the FAA nor received any copy of any approval of the helipad from the FAA. He did note the FAA process takes around two months. The area of the proposed helipad is in the airspace controlled by Walker Field.

In conclusion, Mr. Drollinger does not feel the Conditional Use Permit should be granted because it does not meet the CUP criteria as follows:

1. Compatibility with surrounding uses - it is Staff's opinion the helipad is not compatible with existing or future surrounding uses.
2. Design features of the site are sufficient to protect adjacent uses - the proposal provided by the applicant is not detailed enough to determine if there is sufficient obstacle clearance. City Attorney Wilson asked if such detail was requested from the applicant and Mr. Drollinger responded affirmatively.
3. Adequate public services are available - 911 is not equipped to handle the additional noise complaints that would be generated by this project.
4. Other uses complimentary to, and supportive of, - there is no public benefit to the proposal.

Therefore, Staff recommended denial of the Conditional Use Permit.

Councilmember Graham referred to page 3, Item B of the Helicopter Operations Guidelines and asked if the items listed in that section are required. Mr. Drollinger replied it was difficult to determine without having the guidelines identified within that paragraph. Councilmember Graham referred to the disclaimer at the end of the Guidelines. City Attorney Wilson explained the Helicopter Operations Guidelines were not adopted by ordinance but were rather adopted similarly to other guidelines, like corridor guidelines. It is the Council's discretion whether to follow them or not.

Councilmember Graham asked about the appropriateness of the other helicopter operations within a 2-3 mile radius of this site. Mr.

Drollinger stated the operation at Foresight Park is within an Industrial Park and is a greater distance from residential properties. On that application, a noise evaluation was required and approval of the operation was granted based on that report. Regarding St. Mary's helicopter operation, approval was based on the balance of public benefit to be derived from the operation. City Attorney Wilson also pointed out the Helicopter Operations Guidelines specifically addresses hospital helicopters.

Councilmember Afman inquired as to the size of the helicopter operating at Foresight Park. Mr. Drollinger answered it is double the size of the Petitioner's and St. Mary's is even larger. Councilmember Afman asked about the impact of the wind velocity created by the helicopter. Mr. Drollinger responded certainly any dust and dirt issues would need to be addressed by the Petitioner but his proposal shows a grassed landing area. Councilmember Afman asked what the height of the radio tower in that area is. She was told 446 feet and that is the tower which is to be relocated.

Councilmember Graham asked if Staff's analysis included the natural cover existing on the site and if Staff had actually gone and listened to the helicopter. Mr. Drollinger responded no. His listening would be subjective. The sound should be measured and compared to standards for that determination. Councilmember Graham suggested berming as a means to abate the noise. Mr. Drollinger replied that would only help the noise level while the copter is on the ground.

Councilmember Afman asked if there are currently facilities available for the helicopter at the airport. Mr. Drollinger said he knows there is ramp space and helicopter landing areas.

That concluded the Staff presentation.

The Petitioner, Warren Dettmer, 675 1/2 24 1/2 Road, owner of Sticks & Stones, then approached the Council. Mr. Dettmer reminded Council of his last time before Council when his property was being annexed and zoned HO (Highway Oriented). He is in the process of trying to purchase additional property in the area. He then distributed a handout to Council that identified the various parcels in the area, with letters of support from the surrounding property owners attached. Mr. Dettmer stated he did obtain a copy of the FAA guidelines referred to in the Helicopter Operations Guidelines and his model of the helicopter is not included in the brochure. Mr. Dettmer advised that he has held landing/take-off demonstrations for his neighbors and interested City Council members this past week-end and the result was the neighbors signing letters of support. Also included in the handout distributed were copies of letters from the FAA regarding receipt of and pending approval of his notice of landing proposal.

Councilmember Graham asked Mr. Dettmer what insurance he maintains

for the helicopter. Mr. Dettmer said he maintains standard liability in the amount of \$300,000 and plans to expand that policy for future commercial operations. Mr. Graham asked the number of flights Mr. Dettmer anticipates. Mr. Dettmer replied 2-3 per week. He noted his commercial operations will be located at two heliport sites to be set up at other locations. Councilmember Afman asked Mr. Dettmer to clarify his intentions as to commercial operations mentioned. Mr. Dettmer likened the helicopter to owning an expensive sports car, it is recreational but needs to make money in order to be able to use it. Any commercial work would be done out of a heliport site. Regarding use of the airport for the helicopter, Mr. Dettmer explained his concerns on his craft being exposed and subject to vandalism at the airport, adding there is no hangar available for his helicopter at Walker Field.

Councilmember Terry inquired as to the time frame for Mr. Dettmer to develop the heliport. Mr. Dettmer did not give a time but stated he does currently own some property he could put a heliport on which has a ditch which would give him ingress and egress for the copter. Councilman Baughman asked if the property is in the City limits. Mr. Dettmer said yes, which makes it costly to develop. Councilmember Baughman stated he and Councilmember Graham did visit the proposed site for the demonstrations. Mr. Dettmer expressed the heavy truck traffic in the area is nearly as loud as the helicopter and the area is not a quiet subdivision anymore.

City Attorney Wilson noted that the deed for the property submitted to the City identified ownership in joint tenancy and he asked if the other co-tenants support the Conditional Use application. Mr. Dettmer stated there is only one co-tenant and that is his sister, Joan Coonprom.

Joan Coonprom, 631 24 1/2 Road, stated in her opinion the helicopter is not any louder than the truck traffic being generated from the park improvements going on across the street. She asked Staff what the adjacent zones/districts are to the west of the property, to which Mr. Drollinger responded HO (Highway Oriented) and commercial. Ms. Coonprom said regarding the four reasons for recommendation for denial, Staff did not visit the property for the noise and the obstacles reasons. Regarding commercial use of the helicopter, she made the analogy of a wrecker driver keeping the wrecker at his residence, i.e., he is not using it commercially at his residence but keeping it available to him. She voiced she is in favor of the proposal.

Mayor Maupin asked for public comment and there was none.

Councilmember Terry asked if the applicant had stated he only uses west and south egress for the helicopter. Mr. Dettmer replied affirmatively. City Attorney Wilson said the Council could impose restricted egress on any Conditional Use Permit approval. Mr.

Drollinger offered a caution that the Council could indicate preferred routes but the restrictions are up to the FAA and the "pilot in command" due to safety. Mr. Drollinger was asked if the Conditional Use Permit can have a period for reevaluation since the current surrounding owners are not voicing objections. Mr. Drollinger said that is an option. Other possible restrictions were discussed including use for commercial purposes and the size of the aircraft. Mr. Drollinger was asked if Planning Commission had discussed conditions of approval. Mr. Drollinger said that no conditions were discussed since the application was denied.

The Mayor closed the public hearing.

Councilmember Graham expressed his concerns that the City has not adopted rigorous restrictions on helicopter operations but rather has only adopted Guidelines with a disclaimer. City Manager Achen explained that at the time, the Council had some trepidation about adopting regulations on helicopter operations due to their lack of experience in that area, and they were unsure of their jurisdiction. Mr. Graham said he would be more comfortable making a decision applying law rather than guidelines. City Attorney Wilson stated the decision on the Conditional Use Permit can be likened to legislation and the Guidelines can be treated as law if there is no reasonable reason to deviate from them.

Upon motion by Councilmember Terry, seconded by Councilmember Mantlo and carried by roll call vote, the Conditional Use Permit was approved with the conditions as recommended in the staff report items #1 through #4 plus additional conditions #5 there be no increase in size of the helicopter, #6 there be no commercial use of the helicopter at this site, #7 flights into the site be restricted to south and west, and #8 the permit be subject to review in two years in regards to surrounding land uses.

PUBLIC HEARING - ORDINANCE NO. 2872 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - LOMA RIO ANNEXATION, APPROXIMATELY 55 ACRES, LOCATED NORTH AND WEST OF THE REDLANDS PARKWAY AND HIGHWAY 340 [FILE #ANX-95-129]

As directed by City Council and conforming to their resolution on October 18th, the Loma Rio Annexation boundary has been amended to include only the Loma Rio Subdivision, the Vista Del Rio Subdivision and the El Rio Villas Subdivision. Powers of Attorney have been obtained for 100% of this annexation area. The Annexation is now before City Council. Staff requests City Council approve on second reading the Loma Rio Annexation.

A public hearing was held after proper notice.

Dave Thornton, Community Development Department, was present to answer any questions on the proposed annexation. Councilmember Terry said she expected the fiscal impact to be more positive with the amendment to the annexation boundaries. Mr. Thornton

responded that in general, residential annexations do not pay for themselves.

Mr. Thornton made a correction to the annexation ordinance regarding the acreage being 61.36 rather than 55 as stated in the ordinance due to additional right-of-way calculations.

Mayor Maupin asked for public comment and there was none. He closed the hearing.

Councilmember Graham voiced his objections to the annexation due to cost, (he asked that the fiscal impact statement be entered into the record - see attached), that it is by POA's and a geometry disagreement. Councilmember Theobald rebutted Mr. Graham's objections.

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote with Councilmembers **BAUGHMAN, GRAHAM** and **TERRY** voting **NO**, Ordinance No. 2872 was passed on final reading and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2873 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - ROUND HILL ENCLAVE ANNEXATION, APPROXIMATELY 1.86 ACRES, LOCATED AT 651 HORIZON DRIVE [FILE #ANX-95-150]

The Round Hill Enclave consists of 1.86 acres of land located at 651 Horizon Drive. This area is totally surrounded by the City limits and is eligible for annexation under State Statutes.

A public hearing was held after proper notice. Dave Thornton, Community Development Department, was present to answer questions.

Councilmember Graham asked Mr. Thornton to distinguish between minimal and negligible fiscal impact as stated in the Staff Report. Mr. Thornton advised this being an enclave and only one acre, the fiscal impact was difficult to determine because, for instance, the police already drive through the area.

Mayor Maupin asked for public comment and there was none.

Upon motion by Councilmember Baughman, seconded by Councilmember Afman and carried by roll call vote, Ordinance No. 2873 was passed on final reading and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2874 ZONING THE ROUND HILL ENCLAVE ANNEXATION RSF-1 [FILE #ANX-95-150]

The Round Hill Enclave Annexation consists of 1.86 acres of land. The Annexation is before City Council. The City has to zone all property annexed into the City within 90 days of the annexation.

A public hearing was held after proper notice. Dave Thornton was present to answer questions. There were no comments from the public.

Upon motion by Councilmember Baughman, seconded by Councilmember Afman and carried by roll call vote, Ordinance No. 2874 was passed on final reading and ordered published.

NON-SCHEDULED CITIZENS & VISITORS

James Braden, 2420 N. 1st Street, came forward to address the Council. His first concern was the installation of 120 foot light tower at the Highway 6 & 50 overpass at North Ave. He said it will affect the view of the Monument. He asked the City to consider alternative lighting such as glow lights or that the rest of the lights be turned first and see if that is sufficient.

Mr. Braden's next concern was that a Master Plan be designed for that area with all the growth as he thought the overpass could be removed and the intersection redesigned.

Thirdly, Mr. Braden suggested Council consider extending Orchard Avenue to 25 1/2 Road to alleviate some traffic on other roads. Relative to traffic impacts, he also suggested a road from G Road to F 1/2 Road parallel to the highway.

Next, Mr. Braden supported the softening of the "dog leg" on 7th Street.

Lastly, Mr. Braden asked that something be done about the rosebush at the 1st and Orchard intersection.

Councilmember Terry asked Mr. Braden to write out his suggestions and send them to Council. Mr. Braden reiterated that his main concern was 120 foot light tower.

The Council inquired if further discussion could be postponed until another meeting. Mark Relph, Public Works Manager, approached the Council and advised the tower was to be installed within the next two weeks. He explained the project is part of a Hazard Elimination Grant as there has been 117 accidents at that location with 25% of them being at the structure to be lighted. The lighting project extends from 23 1/2 Road to the intersection of 1st and Grand.

City Manager Achen asked if the reason for the tower is because a fixture cannot be mounted on the overpass structure. Mr. Relph confirmed that but added it possibly could be done at a cost of \$100,000 more. The proposed tower is costing \$33,000.

Councilmember Baughman inquired as to who designed the lighting. Mr. Relph replied Public Service Company. Mr. Baughman asked if the roadway is a State road. Mr. Relph answered it is and the

Highway Department has approved the lighting. Mr. Relph continued the location would be more dangerous if the structure were not lit as it would create a darkened area right at the most hazardous location.

City Attorney Wilson inquired if glow lighting would be a possibility. Mr. Relph answered the glow lighting used at Minturn was an experiment and there have been maintenance problems with that lighting.

Councilmember Graham asked if there will be glare from the tower. Mr. Relph advised the tower will be hooded to direct the light downward.

City Manager Achen asked if the City is already committed to purchasing the tower. Mr. Relph felt the project could be halted.

Councilmember Theobald asked the height of the overpass to which Mr. Relph estimated it to be 25 to 30 feet in height. Mr. Theobald expressed that the 120 foot tower seems tall in comparison to the structure. Mr. Relph said the height is probably due to coverage needed but the City was relying upon Public Service for the design. Mr. Relph stated the addition of reflectors to the project was probably a good idea.

There was no further discussion.

ADJOURNMENT

There being no further business, it was moved by Councilmember Afman, seconded by Councilmember Baughman and carried, that the meeting be adjourned. The meeting adjourned at 11:30 p.m.

Stephanie Nye, CMC/AAE
City Clerk

Attachment

LOMA RIO ANNEXATION

Fiscal Impact Overview

Revised 10-26-95

SUBSEQUENTLY REVISED 12-6-95

	<u>Year 1</u>	<u>Year 5</u>	<u>Year 10</u>	<u>Year 15</u>	<u>Year 20</u>
REVENUE	\$ 41,172	\$ 47,176	\$ 56,144	\$ 67,117	\$ 80,603
OPERATING COSTS	(86,615)	(95,645)	(115,583)	(139,741)	(169,023)

CAPITAL COSTS	(55,323)	(46,081)	(42,330	(44,833)	(54,546)
ANNUAL VARIANCE	\$ (100,766)	\$ (94,549)	\$ (101,768)	\$ (117,457)	\$ (142,967)

20 Year Cumulative Variance = \$ (2,082,156)

20 Year Net Present Value = \$ (1,127,947)

NOTES;

Given the City's low property tax rate, it is typical for an annexation that is primarily residential to not break even in this model.

Areas with significant infrastructure deficiencies are supported by sales tax revenue already being collected from travelers, visitors, and shoppers from outside the County.