

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

**February 7, 1996**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 7th day of February, 1996, at 7:34 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 Deputy City Clerk Teddy Martinez.

Council President Maupin called the meeting to order and Councilmember Janet Terry led in the Pledge of Allegiance. The audience remained standing during the invocation by Councilmember R.T. Mantlo.

**PRESENTATION OF APPRECIATION CERTIFICATES TO BARNEY BARNETT AND PAUL NELSON FOR SERVICE ON THE VISITORS & CONVENTION BUREAU BOARD OF DIRECTORS**

**APPOINTMENT TO GRAND JUNCTION HOUSING AUTHORITY**

Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried, Gi Hamrick was appointed to a five-year term on the Housing Authority; said term to expire October, 2000.

**CONSENT ITEMS**

Mayor Maupin requested Consent Item #12 be removed for full discussion. Councilmember Baughman requested Items #7, #8 and #15 be removed for consideration also. Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Items 4 and 9, and Councilmember **GRAHAM ABSTAINING** on Item 17, the following Consent Items 1-6, 9-11, 13, 14, 16 and 17 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the minutes of the Regular Meeting January 17, 1996

2. **City's Computer System Upgrade**

These Personal Computer systems were budgeted for and approved in the 1996 budget as replacements for currently fully depreciated and obsolete systems located in various city departments. Included are 100 Pentium 75Mhz systems and Microsoft Office Pro software licenses, with delivery at \$1,819 each.

Action: Award the Contract for the City's Computer Systems

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Upgrade to Gateway 2000 in the Amount of \$181,900

3. **Purchase of Leadfree Latex Traffic Paint**

The following bids were received:

	<u>2,250 gal Yellow</u>	<u>2,450 gal White</u>	<u>10 gal Blue</u>	<u>Net Bid</u>
Colorado Paint Co., Denver	\$16,650.00	\$16,802.50	\$89.50	
\$33,542.00*				
Diamond Vogel, Iowa	\$19,012.50	\$19,551.00	\$74.30	\$38,637.80
* Recommended Award				

Action: Award the Contract for 4,710 Gallons of Leadfree Latex Traffic Paint to Colorado Paint Co. in the Amount of \$33,542

4. **Sole Source Purchase of Two Speed Monitoring Awareness Radar Trailer (SMART) Units**

Kustom Signals, Inc. of Lenexa, Kansas, is the only known manufacturer of a trailer-mounted speed recording unit. The units will be used by the Police Department.

Action: Award the Contract for Sole Source Purchase of Two Speed Monitoring Awareness Radar Trailers to Kustom Signals, Inc., in the Amount of \$21,330

5. **Replacement Purchase of Two 50hp Tractors**

The tractors will be used for maintenance work at Lincoln Park and Lincoln Park Golf Course. The following bids were received on January 3, 1996:

Delta Implement, G.J.	\$35,160	for 2 each John Deere 5300*
Western Implement, G.J.	\$36,872	for 2 each Ford 4630
* Recommended Award		

Action: Award the Contract for Two 50hp Tractors to Delta Implement Company in the Amount of \$35,160

6. **Prescribing Sales and Use Tax Return Filing Frequency and Reporting Due Dates**

On January 17, 1996, the City Council adopted Ordinance No. 2887 amending Chapter 34 of the Code of Ordinances also known as the City of Grand Junction Retail Sales and Use Tax Code.

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The amendment replaced the section addressing reporting periods and now requires taxpayers to file returns and pay tax based on the filing frequencies prescribed by resolution of the City Council.

The purpose of the amendment and the proposed resolution is to ease the reporting burden on City licensed taxpayers by reducing the number of returns filed each year and to coordinate with the State's filing frequencies. The fiscal impact of this change is estimated to have a net cost savings to the City.

Action: Adopt Resolution No. 10-96 - A Resolution Prescribing Sales and Use Tax Return Filing Frequency and Reporting Due Dates

7. **Setting the Annual Salary of the City Manager** - REMOVED FOR FULL DISCUSSION
8. **Salary Schedule for 1996 for Department Heads** - REMOVED FOR FULL DISCUSSION
9. **Clarifying Applicability on Trails of the Ordinance Requiring the Removal and Proper Disposal of Dog Excrement**

The Council directed the City Attorney upon the passage of Ordinance No. 2884 to draft a resolution making the terms of the Ordinance applicable to the "riverfront trails." The proposed resolution clearly defines and describes the limits of the applicability of Ordinance No. 2884 by reference to the Riverfront Map and regulations. The current map, prepared by the Parks Department, is on file with the City Clerk in accordance with Section 26-76 of the Code of Ordinances.

Action: Adopt Resolution No. 12-96 - A Resolution Clarifying the Applicability on Trails of Ordinance No. 2884 Which Requires the Removal and Proper Disposal of Dog Excrement

10. **Contract for Visitor & Convention Bureau Advertising Services**

The advertising contract with Tashiro Marketing & Advertising was approved for a three year period beginning January 1, 1995. The contract is renewable annually; 1996 is the second year of the three year period.

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Action: Approve the Second Year of a Three Year Contract for Advertising Services with Tashiro Marketing & Advertising in the Amount of \$265,000

11. **Request to Accept El Rio Court as a Public Street**

The El Rio Villas Property Association has requested the City to accept the private street of El Rio Court as public rights-of-way and thereby provide for street maintenance services.

Action: Approve the request of the El Rio Villas Property Owners Association to accept the private street of El Rio Court as public rights-of-way and thereby the City provide for standard street maintenance

12. **2015 Regional Transportation Plan - REMOVED FOR FULL DISCUSSION**

13. **Telecommunications Easement to U.S. West**

U.S. West Communications is requesting an easement across the south ten feet of the vacant and surplus portion of South Sherwood Park. The easement is for an existing line that will service Old Chicago Pizza at the northwest corner of Second Street and North Avenue.

Action: Adopt Resolution No. 13-96 - A Resolution Authorizing the Conveyance of Telecommunications Easement to U.S. West Communications

14. **Amending Chapter 38 of the Code of Ordinances by Implementing EPA's Recommended Changes and by Creating a "Technically Based Local Limits" Program**

The majority of the changes are recommended for clarification purposes and will not change the program's operational procedures. The only exception is the implementation of "Technically Based Local Limits." These changes will help to protect the sewer system and the Persigo Wastewater Treatment Facility.

Action: Adopt An Ordinance Amending Chapter 38 of the Code of Ordinances by Implementing EPA's Recommended Changes and by Creating a "Technically Based Local Limits" Program on first reading and order published in pamphlet form

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15. Design and Construction of the Independence Valley Trunk Sewer Line Extension Phase 2 - REMOVED FOR FULL DISCUSSION

16. Rezoning 2507 Orchard Avenue from RSF-8 to PR-8.7 [File #RZ-95-222]

Request to rezone a parcel of land located at 2507 Orchard Avenue from RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) to PR-8.7 (Planned Residential with a density of 8.7 units per acre) to allow a duplex.

Action: Adopt an Ordinance Rezoning 2507 Orchard Avenue from RSF-8 to PR-8.7 on first reading and order published

17. Zoning B 1/2 Road Enclave to H.O. [File #ANX-95-195]

Staff requests City Council approve on first reading Highway Oriented (H.O.) zoning for the B 1/2 Road Enclave Annexation located at the northeast corner of B 1/2 Road and 27 Road, consisting of approximately 8.06 acres.

Action: Adopt an Ordinance Zoning B 1/2 Road Enclave to H.O. on first reading and order published

\* \* \* END OF CONSENT CALENDAR \* \* \*

\* \* \* ITEMS NEEDING INDIVIDUAL CONSIDERATION \* \* \*

SETTING THE ANNUAL SALARY OF THE CITY MANAGER - AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 2883 ADOPTED ON FIRST READING AND ORDERED PUBLISHED

The City Council needs to establish the salary of the City Manager by ordinance for 1996. The Council recommendation was unavailable at the time of the appropriation ordinance adoption.

Councilmember Baughman did not feel the City Manager and department heads are not worthy of a salary increase. However, his calculations indicate a rate of increase in the City Manager's salary since 1991 is approximately 30%, also the City Attorney. The Public Works Director and the Police Chief salaries have increased 29% during that time. Other department heads have shown a 25% increase. Projections at this rate of increase could result

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in an annual salary of \$120,900 for the City Manager in the year 2000. Senators and Congressmen are paid \$125,000/year. He did not feel other people in Grand Junction are receiving these rates of increase in their salary.

Councilmember Graham concurred with Councilmember Baughman. He perceives the raises in salary to be automatic, irrespective of job performance, which is a mistake. He also noted difficulty in obtaining a bottom line figure of the total compensation package for these positions. It is understood by the rest of the City Council that it includes health insurance, retirement benefits, payment of FICA, automobile allowances, etc. He hoped in 1997 the actual figure will include these benefits. He estimates the City Manager's income to be over \$100,000/year when including benefits. In the future Councilmember Graham would like to see a more open disclosure of that figure.

Councilmember Theobald stated the undefined benefits are not readily available, but it can be provided. He felt the information could be provided as a percentage of the salary. He does not believe in artificial wage and price controls. He believes in a free market which means the City pays what the market is.

Councilmember Baughman said people in the area work at a lower salary in Grand Junction because they enjoy the lifestyle here.

Councilmember Theobald stated a City Manager is hired from a pool of people who are "city managers." A national market of people is not drawn from for people to repair water lines, as an example. It is a different type of trade and there are local people who will do that job. He was sure the going rate of salary for city managers is more than \$93,000/year. Approximately 10% of the salary is taken from the national market for the privilege of being in Grand Junction.

Councilmember Baughman would like to see people from outside the area come to Grand Junction and be willing to work for less because of the quality of life in this community.

Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried by roll call vote with Councilmembers **BAUGHMAN** and **GRAHAM** voting **NO**, Ordinance No. 2883 was adopted on first reading and ordered published.

Councilmember Baughman noted he is not against the pay raise. He is against the rate only.

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SALARY SCHEDULE FOR 1996 FOR DEPARTMENT HEADS - RESOLUTION NO. 11-96 APPROVING THE SALARY SCHEDULE FOR 1996 FOR DEPARTMENT HEADS

Councilmember Baughman voiced the same comments on this item as the previous item.

Mayor Maupin stated City Council's capacity is strictly policy makers. City Staff are paid professionals and run the \$50 million City of Grand Junction.

Upon motion by Councilmember Mantlo, seconded by Councilmember Terry and carried by roll call vote with Councilmembers **BAUGHMAN** and **GRAHAM** voting **NO**, Resolution No. 11-96 was adopted.

2015 REGIONAL TRANSPORTATION PLAN

Federal legislation requires the Grand Junction/Mesa County Metropolitan Planning Organization (MPO) to adopt a "2015 Regional Transportation Plan" in order to receive federal transportation funds. This Plan is a culmination of public workshops and cooperative planning efforts to reflect a fiscal plan for addressing transportation issues in the urban area. Formal approval from both the City Council and County Board of Commissioners is required for adoption of the Plan.

City Attorney Dan Wilson stated there will be times when this document is used to advocate a position. The Plan does not require a legislative finding and a first and second reading. City Council could amend all or a portion of the Plan. It is a guiding document only.

City Manager Mark Achen stated the Transportation Plan is one of the foundations on which the Land Use and Growth Plan is being made. He suggested if there are concerns with the 2015 Transportation Plan, it would be better to address them now in the midst of the Growth and Land Use Plan rather than to wait until afterwards.

Public Works Manager Mark Relph stated the 2015 Plan should have been adopted six months ago. Out of 15 transportation regions within Colorado, Grand Junction is the last to have not approved 2015 Plan. The City has been pressured by the State to adopt the Plan. Adoption of the Plan qualifies Grand Junction for continuation of the federal assistance programs. There are no immediate projects for which the City is requesting federal funding.

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Mayor Maupin would like to schedule a meeting to discuss the 2015 Regional Transportation Plan in more detail.

Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried, the 2015 Regional Transportation Plan As An Updatable, "Fiscal" Planning Document to Guide Transportation Improvements Funding Over the Next Twenty Years was accepted.

**DESIGN AND CONSTRUCTION OF THE INDEPENDENCE VALLEY TRUNK SEWER LINE EXTENSION PHASE 2 - APPROVED**

On January 30, 1996, the County Commissioners approved the Independence Valley Trunk Line Extension Phase 2 per City request.

This project is a small portion of a trunk extension referenced in the 1992 "Comprehensive Wastewater Basin Study" done by HDR and consists of an 80' bore under Colorado Highway 340 for a cost of \$21,200.

Councilmember Baughman felt the homeowner at 2003 S. Broadway has a severe problem with the existing septic system and felt the sewer line extension is benefiting that owner only. He felt a more prudent use of funds would be to incorporate an existing area where there are many homes that have failed systems.

Mayor Maupin pointed out that the owner is paying \$19,930 as part of the cost.

Utility Manager Greg Trainor stated the residents of 20 Road and Cunningham Road area requested the City to investigate the feasibility of extending the Independence Valley Trunk Sewer Line across Highway 340 as there is a history of septic failures (30%) in the area. Utilities staff completed a feasibility study and met with the residents on January 11, 1996, to discuss the creation of an improvement district, financial details, alignments, etc. Because of the expense per lot and the issue of Powers of Attorney, most of the residents attending the meeting did not feel comfortable annexing to the City to create an improvement district for the project. The residents at 2003 S. Broadway are on the second emergency extension of the septic system by the Health Department, and are faced with spending \$30,000 to upgrade the septic system with an engineered system. Mr. Trainor stated the sewer system is also beneficial in that the extension crosses Highway 340 and goes into an area with a history of septic failures. It will then be there waiting for other individuals in the 20 Road/Cunningham Court area to tie into it when their septic systems fail. There are 43 properties in the



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area. Half would be hooked onto the sewer within 20 years. The extension across Highway 340 would accommodate approximately 10 properties within the next 10 years, and 6 additional connections are needed to pay for the \$21,000 extension.

Upon motion by Councilmember Terry, seconded by Councilmember Afman and carried, the Design and Construction of the Independence Valley Trunk Sewer Line Extension Phase 2 was approved.

**FIRST STREET RECONSTRUCTION PROJECT - OPTION #4 APPROVED**

First Street from Orchard Avenue to Patterson Road is scheduled for improvement in 1996-1997. Staff showed the City Council three options for improvement at the February 5, 1996 City Council Workshop. These options included overlay only, widened shoulders and a 3-lane section. City Council directed staff to examine several variations to these options.

Public Works Director Jim Shanks distributed copies of diagrams indicating cross sections of the five options for the reconstruction of First Street to be considered by Council. Kent Harbert, City Project Engineer, made additional copies available to the audience for reference. He also provided Council with a map showing the projected connection of a bike path from Horizon Drive to the Blue Heron Trail. He reviewed the five options for reconstruction:

1. Existing Roadway - 32' asphalt, existing 4' wide paved shoulders. The roadway is offset to the east from 3 1/2 to 5 1/2 feet in the current configuration;
2. Shoulder Widening - more widening on the west side than on the east side to get closer to the center of the right-of-way. It also shows the hump that was suggested at the workshop to separate the through traffic from the bike lane. There would be no tree removal necessary, although the black walnut tree is located within the west shoulder, and would necessitate detaching the bike trail to go around the west side of the tree;
3. 3-Lane Section (originally proposed) - has the total width of 57', being 1 1/2 feet away from the edge of the 60' right-of-way. The right-of-way is essentially what has been built out along the corridor. Legally, there is 0' to 50' of right-of-way on a side. It would be cleaning up the right-of-way issue. Some of the properties are still described out to the section line;

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4. Reduced Section - meets a lot of the criteria established for the project. It addresses issues raised at the February 5, 1996 workshop. The through lanes have been narrowed from 12' to 11', narrowed the bike lane from 5' to 4 1/2', and the sidewalks from 5 1/2' to 5', giving a distance of 3 1/2' from the back of the walk to the edge of the 60' right-of-way line. This option requires the removal of 4 trees. The removal of 10 trees was on the earlier option. Possibly 4 or 5 other trees are within 3 or 4 feet of the right-of-way that may need to be removed. One of the four trees is the black walnut tree and the other three are at the intersection of Park Drive and First Street, where the Gate House is located. One tree is on the south side and two are on the north side and are within the Park Drive right-of-way. They are juniper trees;
5. 3-Lane Section without Bike Lanes - leaving the full 12' lane and the full 7' for curb, gutter and sidewalk, resulting in an off-set from the back walk to the right-of-way line of 5'. The same four trees would have to be removed with this option as with the previous option.

Mr. Harbert recommended Option #4. There are some bushes and walls that would need to be removed for widening at the intersection. The bike lane going from 5' to 4 1/2' is acceptable. The national standard has a 4' bike lane and 1 1/2' of gutter. A width of 4 1/2' will provide an adequate bike trail when traveling in one direction. He expects this improvement to last approximately 20 years giving the City a level of service of "D" which is slightly more congested than ideal, but traffic will still move easily. The costs for Options #4 and #5 are comparable with Option #3, at approximately 2% difference. Staff is considering installing historical lighting in the medians. Trees will definitely be a part of the landscaping, although not large trees.

Public Works Manager Mark Relph discussed projected bicycle trail systems. Councilmember Baughman suggested alternate bike routes that would alleviate a bike path on First Street.

Councilmember Graham felt Option #4 is the best compromise for safety for both bike traffic and pedestrian traffic.

Mr. Harbert stated the new lanes on Grand Avenue are 12' which is the national standard. There are also streets in the City as narrow as 10'. Councilmember Theobold suggested a landscaped

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median could calm traffic. He referred to Gunnison Avenue from 9th to 12th Street. This section of Gunnison Avenue has a landscaped median and a wide street section with on-street parking. There are no turning lanes in the area. He suggested narrowing the turning lanes and the through lanes, bike lanes and sidewalks by as much as 46' total. Mr. Harbert did not see that as feasible.

Councilmember Baughman was concerned that the residents would lose the current on-street parking, and the character of the neighborhood would be lost. Councilmember Terry stated the landscaping and most of the trees are being preserved. The character is being enhanced by improving the medians and adding historical lighting. She could envision a beautiful street which would provide the needed safety.

Mr. Harbert stated staff is recommending historical light features in the medians similar to those on 7th Street, two per island with a total of 6 fixtures. Councilmember Afman suggested coach lights which would be closer to the character of the neighborhood.

It was moved by Councilmember Baughman and seconded by Councilmember Theobald that Council accept Option #2 (shoulder widening) and place signage at both the north and south entrances of the First Fruitridge area making traffic aware of the narrower street, to reduce speed and watch for pedestrians and/or bicyclists. Roll was called on the motion with the following result:

AYE: BAUGHMAN, THEOBOLD  
NO: GRAHAM, MANTLO, TERRY, AFMAN, MAUPIN.

The motion failed.

It was moved by Councilmember Terry and seconded by Councilmember Afman that Option #4 be accepted.

Councilmember Baughman moved to amend the motion to include the deletion of the bike paths from Option #4. The motion to amend lost for lack of a second.

Roll was called on the original motion with the following result:

AYE: GRAHAM, MANTLO, TERRY, AFMAN, MAUPIN  
NO: THEOBOLD, BAUGHMAN.

Council commended staff for an outstanding job on the project.

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Councilmember Theobold requested staff work diligently to dodge trees with sidewalk and bike path.

Councilmember Afman encouraged staff to consider trees down the median rather than low growing shrubs. She also concurred with Councilmember Baughman regarding signage in the area.

Councilmember Baughman stated the street widening project also has a direct impact on the First Fruitridge Ditch Company of which he is a member. The ditch company supplies irrigation water to the residents on both sides of First Street. The ditches will be piped, and will require maintenance which is costly. He was concerned long term with the City not assuming responsibility for the ditches. Public Works Manager Mark Relph stated the City will work with the ditch company on maintenance.

**PUBLIC HEARING - VACATION OF RIGHT-OF-WAY AND UTILITY EASEMENT AT RIO LINDA LANE [FILE #FPP-95-182] - ORDINANCE NO. 2890 VACATING A PORTION OF THE RIGHT OF WAY OF RIO LINDA LANE AND A SANITARY SEWER EASEMENT LOCATED IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN (SOUTH OF THE COLORADO RIVER AND APPROXIMATELY 1/4 MILE WEST OF REDLANDS PARKWAY)**

A request to vacate a portion of Rio Linda Lane and an existing sanitary sewer easement as part of the development of Vista del Rio, Filing #3, a 23 lot subdivision located west of the Redlands Parkway and south of the Colorado River.

A hearing was held after proper notice. Michael Drollinger, Community Development Department, reviewed this item. Vista del Rio, Filing #3, was recently annexed as part of the Loma Rio Annexation and zoned PR-1.86. The final plat and plan for Filing #3 was approved by the Planning Commission in November, 1995. The platting of this filing will require a right-of-way vacation for a small portion of Rio Linda Lane. The easement vacation is requested to eliminate overlap and redundancy which would occur with the platting of Filing #3. All the sanitary sewer lines for Filing #3 will either be within the street right-of-way and/or easements that are dedicated as part of the filing. The easement to be vacated presently contains a sanitary sewer line, parts of which will be abandoned and relocated as part of the Filing #3 construction. Staff determined the vacation request is complies with the criteria in Section 8-3 of the Zoning & Development Code as follows:

1. The proposal does not landlock any parcel of land;

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2. The proposal does not restrict access to any parcel;
3. The proposal has no adverse impact on the health, safety, and/or welfare of the general community, and has no impact on the provision of public services;
4. The proposal does not conflict with any adopted plans or policy;
5. The proposal will reduce maintenance requirements. There will be no need for weed cutting or maintenance of the excess right-of-way.

Mr. Drollinger stated staff recommends approval of the right-of-way vacation for the portion of Rio Linda Lane and the sanitary sewer easement. Planning Commission approved the final plat and plan for Filing #3 of Vista del Rio at its meeting on November 7, 1995.

There were no comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote, Ordinance No. 2890 was adopted and ordered published on second reading.

**SALE AND CONVEYANCE OF CITY PROPERTY (1135 NORTH 18TH STREET) - RESOLUTION NO. 15-96 AUTHORIZING THE SALE AND CONVEYANCE OF LOTS 9, 10 AND 11 IN BLOCK 7 OF ELMWOOD PLAZA, ACCORDING TO THE REFILING PLAT THEREOF, TOGETHER WITH THE EAST ONE-HALF OF THE VACATED ALLEY ADJOINING LOT 11, TO PAUL MITCHELL**

James E. Stuart and Paul Mitchell have offered to purchase the surplus City property at 1135 North 18th Street formerly used as Fire Substation No. 2. Voter approval to sell the property was obtained at the 1995 municipal election. Staff recommends Council accept the offer.

City Attorney Dan Wilson explained the lessee James E. Stuart and the owner of Wrigley Field, Paul Mitchell, have agreed the owner will purchase. The offer and terms remain the same. The conveyance would then be under the name of Paul Mitchell. Closing is set for February 28, 1996.

Councilmember Theobald stated the City had obligated itself to sell this property under these terms and expected to do so by December 31, 1995. The lease expired at the City's request; therefore, he feels the City is obligated to conduct the sale.

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Councilmember Graham asked City Property Agent Tim Woodmansee if the price offered for the property is equal to or greater than the fair market value of the property. Mr. Woodmansee said it is, based on his evaluation of the market.

It was moved by Councilmember Terry and seconded by Councilmember Mantlo that Resolution No. 15-96 be adopted.

It was moved by Councilmember Graham and seconded by Councilmember Afman that the motion be amended to include the condition that City Property Agent Tim Woodmansee conduct an appraisal update and satisfy Council's concern that the resolution reflect that the City is selling the property for no less than its fair market value, thus satisfying the remainder of the City's obligations.

Roll was called on the amended motion with all Council members voting AYE.

**PUBLIC HEARING - ANNEXING THE CASCADE ENCLAVE - 43.52 ACRES [FILE #ANX-95-204] - ORDINANCE NO. 2891 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - CASCADE ENCLAVE, APPROXIMATELY 43.52 ACRES LOCATED AT THE SOUTHWEST CORNER OF G AND 27 ROADS**

The Cascade Enclave consists of 43.52 acres of land located at the southwest corner of G Road and 27 Road. This area is totally surrounded by City limits and is eligible for annexation under Colorado State Statutes.

A hearing was held after proper notice.

David Thornton, Community Development Department, reviewed this item. Councilmember Graham noted the operating expenses for Police were not listed on the impact statement. Administrative Services Director Ron Lappi explained the new model tries to measure the actual expected budget impact, real expenditures, not straight linear extrapolations of service growth. As for Police impacts from this and other small neighborhood annexations, there is none. Any negligible increase in calls for service can easily be absorbed by the current level of staffing in the Police Department. During the biennial budget process, staffing is evaluated and additional personnel may be added. But these staffing increases are due as much to service demand increases inside the current City rather than due to any annexation impacts.

Councilmember Terry stated the revised format of the impact

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statement is informative and helpful.

Mr. Terry Farina and Dennis Kirtland, 2675 Homestead, voiced their appreciation to Dave Thornton for taking the time to give them information to pass on to other residents of the area. The majority of the residents are happy to be coming into the City.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Afman, seconded by Councilmember Baughman and carried by roll call vote, Ordinance No. 2891 was adopted and ordered published on second reading.

**PUBLIC HEARING - ANNEXING SUNSET VILLAGE - 3.4 ACRES [FILE #ANX-95-223] - RESOLUTION NO. 14-96 ACCEPTING PETITION FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS SUNSET VILLAGE ANNEXATION IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - SUNSET VILLAGE ANNEXATION, APPROXIMATELY 3.76 ACRES LOCATED AT 25 1/2 ROAD ACROSS FROM MOONRIDGE DRIVE - PROPOSED ORDINANCE ZONING SUNSET VILLAGE RSF-4**

**Annexing Sunset Village**

The property owner, Marc S. Laird, is requesting annexation of his property and plans to subdivide his 3.4 acre property into 13 lots. Staff requests that City Council accept the annexation petition and approve on first reading the Sunset Village Annexation. Total area of the annexation (including right-of-way) is 3.76 acres.

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. He stated he is a professional planner with the City of Grand Junction. Based on his review of the petition, it is his professional belief that Sunset Village is eligible for annexation based on the statutory requirements of the State of Colorado. He entered into the record a signed statement that the requirements have been met by this annexation.

There were no public comments.

Upon motion by Councilmember Mantlo, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 14-96 was adopted, and the proposed ordinance annexing territory to the City of Grand Junction was adopted on first reading, and ordered

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published.

**Zoning Sunset Village RSF-4**

The Sunset Village Annexation is being considered by City Council. The City is required to zone all property annexed into the City within 90 days of the annexation. Staff recommends approval of the proposed zoning of RSF-4 for this annexation because it is consistent with the preliminary subdivision plan approved by City Planning Commission and it is consistent with the preferred alternative of the City's proposed Growth Plan and the majority of surrounding land uses that have developed in the City.

Mr. Thornton stated the zoning meets the criteria of Section 4-4-4 of the Zoning & Development Code.

City Attorney Dan Wilson stated technically it is as though the area was being zoned for the first time, not a rezone, when land is coming into the City.

Mr. Mark Laird, 686 25 1/2 Road, stated a final plan was submitted but was incomplete. It has 13 lots and will be resubmitted in March, 1996.

There were no other public comments. The hearing was closed.

Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried by roll call vote, the proposed ordinance zoning Sunset Village Annexation to RSF-4 was passed on first reading and ordered published.

**PUBLIC HEARING - APPEAL OF DENIAL OF SPECIAL USE PERMIT FOR BALANCED ROCK OSTRICH KENNEL [FILE #SUP-95-165]**

Appeal of a Planning Commission denial of a Special Use Permit to operate an ostrich kennel in a C-2 (Heavy Commercial) zone district on approximately 40 acres located on the northeast corner of 23 1/2 and G Roads.

A hearing was held after proper notice.

This item was reviewed by Kristen Ashbeck, Community Development Department. The applicant is proposing to utilize the 40 acre parcel located on the northeast corner of 23 1/2 and G Roads to develop an ostrich kennel. Due to the broad definition of a "kennel" in the Zoning & Development Code, the ostrich proposal seemed to best fit in this category when staff looked at the use



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zone matrix. The proposal was initially reviewed at a staff level as a special use permit. The site is presently being used to raise a limited number of ostriches as is allowed by the general animal regulations of the Code. Up to 80 animals or 1 animal per half acre would be allowed on the parcel. The applicant proposes to have up to approximately 340 ostriches on the parcel. The proposed general layout of the site includes use of existing buildings that were formerly used by Occidental Petroleum, and will be used for hatching chicks. The northeast portion of the site would have raising pens, and the central portion would be used for breeding. The applicant has identified the west central part of the site for future expansion and proposes a buffer area of an agricultural field along the western and southern boundaries of the site. Staff and the Planning Commission reviewed the application relative to the criteria in Section 4-8-1 of the Zoning & Development Code, by which a special use permit is evaluated. The proposal was denied primarily due to incompatibility with adjacent uses. The property is currently zoned C-2 (Heavy Commercial) as is the adjoining property. It was zoned Commercial before being annexed. It is Ms. Ashbeck's understanding that the general animal regulations at that time would have been more restrictive in the County than in the City. The property to the east is zoned PRVR (Planned Recreational Vehicle Resort). Most of the surrounding property is undeveloped, however it has been stated by the surrounding property owners that the area will develop as a commercial center for the northwestern part of the City. The PRVR site is likely to develop as commercial, residential or mixed use. Materials provided by the petitioner to staff for review clearly indicates the ostrich operation is an agricultural use, which is typically incompatible with potential commercial and/or residential or mixed use development that could occur in the surrounding area. Allowance of this agricultural use at the intensity level of the proposed ostrich kennel could be detrimental to the viability of the adjacent properties. Comments have been received from adjacent property owners expressing similar concerns with land use compatibility, aesthetic values, and adverse impacts. Concerns with adverse impacts include dust, odor, and drainage from such an intense agricultural use. The information provided by the petitioner does not adequately address whether these impacts can be or will be mitigated. The management plan for the site includes leaving the manure on the ground to naturally dry, the drainage would flow to adjacent irrigation ditches. These solutions do not adequately address the potential for dust, contaminated runoff into the ditches, and only seem to worsen the detectable odor. There is no adopted plan for this area, however initial recommendations of the Growth Plan are that land uses in

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the area be light industrial, heavy commercial to the west and south, and medium high residential density to the east (the PRVR parcel). The agricultural uses such as the ostrich kennel are not consistent with this intent.

Ms. Ashbeck answered several questions of Council. In talking to the Mesa County Health Department regarding air quality and the State Health Department regarding water quality, they have certain criteria that must be met as far as dust and runoff. The State Health Department is looking for some landscaping or berming to keep the runoff from entering the irrigation ditches. The existing berms might meet that criteria. The area was annexed in 1992 with a previous County zoning of Commercial. The Zoning & Development Code also requires all circulation areas to be paved which helps mitigate the dust. The City has the ability to revoke a special use permit when a public nuisance level has been reached by a permittee. It would require special conditions being imposed at the time of issuing the permit.

Ms. Ashbeck felt this use could have a detrimental affect on surrounding properties with regard to potential purchases. The petitioner has stated he feels this is an interim use for the property. A 5-year limit could be placed on the permit, but Ms. Ashbeck felt once the use is there, it may be difficult to remove. She stated there are others raising ostriches on the Western Slope. One of the farms has 70 or 80 birds.

Councilmember Afman felt staff should be considering an amendment to the Zoning & Development Code to more clearly define this type of operation.

Petitioner Bill Merkel, 2136 Baniff Court, stated he is allowed 80 ostriches on this piece of property. Ostriches are classified by the federal and state government as "poultry." Ostriches are not known as ostriches until they reach 20 and 22 1/2 months of age (male and female respectively). That is what the ostrich industry says. Dr. Merkel wants to have 12 breeding hens. It is the off-spring he wants to raise. The off-spring will exceed the 80 birds. He is asking to raise the off-spring for commercial sale in pens that are at least 2 1/2 acres each. Spreading the birds out over large acreage is not comparable to a feed lot with cattle.

Dr. Merkel purchased the subject land in 1993. It was a defunct property cluttered with weeds and run down buildings. The property is surrounded by farm land. Being a physician he is very conscious of fat free meat. Ostrich meat is fat free. He

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combined the idea of raising ostrich with the land. His inquiries to Mesa County for a special use permit were put on hold until he could take them to the City because of pending annexation. He paid the \$700 application fee, distributed notices, and personally talked to the neighbors. The two neighbors he had not talked with were the only ones raising an objection when the special use came up. Dr. Merkel handed photographs to Council showing the surrounding areas as farm land. He addressed the following:

1. Positioning of pens - Realizing the area will develop in the future, Dr. Merkel conferred with Community Development Director Larry Timm and was advised to position the pens in the center and the grow-up pens in the northeast part of the land to get them away from G Road. As a result, Dr. Merkel designed it and had it surveyed;
2. Odor - When the application was finally presented to the Planning Commission, Mr. Withers, the only Planning Commission member who went out to the site, spoke favorably for this project. Mr. Withers had done an odor test and found no objection to this project;
3. Dust concern - There is no dust there because there is growth on the land which holds the dust down. He plans to plant fescue grass (drought resistant) this spring. He has done several odor tests with a maximum odor within 80 feet of the pen. The current pen has 21 ostriches in it. He will have breeding pens with the birds distributed over a larger acreage. Those giving testimony at the Planning Commission meeting stated repeatedly this is not a strong odor producing bird;
4. Drainage - most of the perimeter of the land is bordered by large drainage ditches. The soil has been bermed as the ditches have been dug. There is no drainage. The water is contained on premise and percolates into the ground;
5. Manure - there is very little manure from the birds. They are in a small pen now and will be moved to larger pens, and manure issue is not a big issue.

Dr. Merkel answered many questions of Council regarding characteristics of an ostrich farm operation (mature weight, mating habits, projected number of chicks, fencing, transporting for slaughter and marketing of the meat, etc.).

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Dr. Merkel stated the ostriches currently on the property did not discourage the sale of property at 24 and G Roads, nor a pending sale of another piece of property along G Road. There are animals everywhere in the neighborhood. He reiterated this is a temporary hold for the off-spring.

Dr. Merkel plans to raise the birds to one year of age, then sell them off. He estimated 60 chicks could be produced in the first year of business. Dr. Merkel would like a 6-year limit placed on the operation rather than 5 years because he is aware the road is going to be widened in 1999. With the park being built and the road widened in the area, there will be an interest in land away from the 24 Road Corridor. He felt it will be 6 years before potential buyers will be interested in his land.

Currently, Dr. Merkel wants a place to breed the birds, use the buildings for incubation and chick operation, take the very young chicks to another facility and put them on alfalfa fields, grow them up to an age of 2 or 3 months, then bring them back to his facility and place them in the large pens which are set back from the road and hardly visible. Desirable traits of an ostrich is low odor, low maintenance, and a higher number of birds per acre than cattle. The meat and leather are in high demand. There is an increase in the ostrich market.

Dr. Merkel did not know where the number of 340 ostriches on his farm came from. Ms. Ashbeck explained the only change to the five initial recommendations of the Planning Commission was the length of time for the permit. It was changed from 5 years to 4 years. She further explained that a decision could not be made without knowing the ultimate build-out number. Dr. Merkel's comments in his letter to staff dated November 7, 1995, under "Ultimate Number of Ostriches and Build-out of Kennel" states he is hoping for a number of breeder birds, 36-40, and a number of grow-out birds, 100-300. Ms. Ashbeck took the best case for Dr. Merkel of 300 grow-out birds and 40 breeder birds which totaled 340 birds.

In responding to the five conditions, Dr. Merkel did not feel January 1, 2000 is enough time. He could live with 5 years, but requested 6 years. He felt paving all on-site vehicular circulation areas is unreasonable. He can live with the number of 340 ostriches, but felt it should not include the chicks. He may want to do custom hatching for other producers and would not want their chicks included in his maximum number. He felt the age of the bird is important as to when it is included in the 340 total

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number of birds. He estimated the age of 4 months as a countable age.

Councilmember Terry was not concerned with the size of the ostrich relative to how many will be on the property at any one time. There is going to be a natural rotation. If he hatches for others, those birds will be gone in 3 or 4 months.

Councilmember Graham felt a review of the operation in a fairly short time to see if problems occur. If so, then deny the renewal of the use. If there is no problem, allow it to continue until a problem arises.

Councilmember Terry agreed, but was unsure if 1 or 2 years was sufficient to determine a problem, or not. It takes two years to grow a chick to full term. She felt a minimum of five years is viable.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Terry, seconded by Councilmember Mantlo and carried with Councilmember **BAUGHMAN** voting **NO**, the application by Dr. William Merkel for a Special Use Permit was approved for the Balanced Rock Ostrich Kennel at 2372 G Road in a C-2 (Heavy Commercial) zone district on approximately 40 acres, with the following requirements:

1. The Permit expires January 1, 2002, unless application for renewal is approved prior to that date;
2. The total number of ostriches shall be chicks at 4 months of age, and adults limited to 340;
3. The pen area shall be maintained in a manner so there is no off-site transported dust. This requirement would be subject to review at 1 year;
4. The facility must meet water quality control commission requirements concerning run-off from the property into adjacent irrigation or drainage ditches.

Councilmember Baughman stated he was uncomfortable with the length of time and the number of birds allowed.

Councilmember Afman suggested Staff come back to Council with an amendment to the ordinances, to include this type of livestock

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more clearly.

**RECESS**

The Mayor declared a five-minute recess at 10:25 p.m. Upon reconvening, all members of Council were present.

**PUBLIC HEARING - APPEAL OF APPROVAL OF HELENA SUBDIVISION PRELIMINARY PLAN [FILE #PP-95-179] - PLANNING COMMISSION DECISION UPHELD**

The neighborhood north of the proposed subdivision has appealed Planning Commission's recommendation of approval of Helena Subdivision Preliminary Plan with Acoma Drive as a through street. This neighborhood requests that the street cul-de-sac at the north end, and not be connected to Acoma Drive to the north. There is no disagreement or outstanding issues with the remainder of the subdivision. Staff recommends denial of the appeal because the connection is needed to give the Helena Subdivision an additional access.

This item was reviewed by Bill Nebeker, Community Development Department. This is an appeal of the Planning Commission's decision to approve a preliminary plat to subdivide a 4.6 acre parcel into 20 residential lots, zoned RSF-8. Helena Subdivision is located between Unawep and the Reservation Subdivision to the north. The appeal is focused on whether or not Acoma Street goes through to the Reservation Subdivision. The neighborhood does not care how the street is designed as long as it does not go through. A petition was signed by 20 residents of the Reservation Subdivision requesting a cul-de-sac. When the Reservation Subdivision was platted, Acoma Drive was left as a stub street to provide access to a future subdivision (Reservation Subdivision). The applicant is required to hook up to Acoma to the north unless City Council decides it is unnecessary. Staff's response to residents' reasons for a cul-de-sac were as follows:

1. Neighbors in the adjoining Reservation Subdivision wish to keep traffic flows reduced in their neighborhood for safety of children and pedestrian, and to reduce noise;

Staff feels there will not be a significant increase in traffic in the Reservation Subdivision. Most of the trips are going to be south off of Acoma to Unawep, then going either way. The only impact to the neighbors on Acoma and Apache is that as an additional access is opened up to Unawep, then traffic will increase on Acoma, Apache, Laguna,

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perhaps Taos, to get out of Acoma to Unaweep. Most of the traffic currently exits on Zuni. Zuni has an off-set with Huffer Lane to the south of only 70'. The Engineering Department recommends an off-set of at least 150' to provide proper access.

2. The Reservation Subdivision currently has 4 access points to Unaweep Avenue and no new access is needed.

When the Reservation Subdivision was originally platted, there were 4 access points for this subdivision. Mr. Nebeker pointed out on the map the location of the access points. He noted the problems with all 4 accesses. An additional access is desirable. There may be sufficient access for the Reservation Subdivision but not for Helena Subdivision. Without the connection, Helena Subdivision will have only one access which would be to Unaweep. The required stub street will not come all the way to Unaweep because of a home that is on the lot there. A second access is definitely desirable for emergency vehicles, reduced travel length to adjoining neighbors, and an alternate and safer route to school and the community center. Mr. Nebeker stated planners promote the integration of neighborhoods with one another by providing the connection, then Helena Subdivision becomes a part of the Reservation Subdivision. If it is a cul-de-sac, it becomes its own little entity, and it's much more difficult to integrate the subdivision with the rest of the area.

3. Real Estate values are higher on quiet cul-de-sac lots. A cul-de-sac in Helena Subdivision would make all the lots more valuable and sellable with a low traffic street.

Mr. Nebeker said the statement may be true, but does not mean all streets should be cul-de-sacs. Normally cul-de-sacs are used where additional access points are unavailable.

4. The lots in the cul-de-sac are long and narrow and would be difficult to sell.

There are other narrow lots in the subdivision and the cul-de-sac would potentially affect only two of the lots. The applicant has considered moving the stub street to the north to eliminate the long, narrow streets. A cul-de-sac design, although possibly allowing the additional lot for the developer, may create some smaller lots which are out of character with the rest of the subdivision.

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Mr. Nebeker stated additional criteria supporting the denial of the appeal is that Policy 23.8 of the Draft Growth Plan stated: "The City may require vehicular connections between adjacent projects to improve traffic flow and safety." The subdivision ordinance within the City Zoning & Development Code encourages integrated development. The Orchard Mesa Neighborhood Plan provides conflicting recommendations from public safety providers. The Plan states the City Police Department prefers cul-de-sacs for crime prevention and safer streets, yet the City's Fire Department prefers multiple access points to developments to insure emergency vehicle access in case an access is blocked. Staff recommends Planning Commission's decision be upheld, that Helena Subdivision be approved with Acoma Drive as a through street to the Reservation Subdivision with the conditions in Staff's recommendation.

Developer of the project, Mike Whaley, stated he lives in the proposed subdivision. He is trying to develop lower end cost homes in the \$70,000 to \$100,000 range. The cul-de-sac option would be better simply because of cost. The cul-de-sac would be a shorter street. A cul-de-sac would give him an extra lot. He could also provide a bike pedestrian path. He would prefer the cul-de-sac option, and the surrounding neighbors would also prefer that option. The Planning Department has required the stub street. Mr. Whaley did not want to put it in because it is a smaller subdivision. That was done because there is an open 5-acre parcel to the east.

Comments were given by the following:

1. Dan O'Conner, 317 Acoma, stated he is not opposed to the subdivision, but is requesting the preferred cul-de-sac for safety reasons. The neighbors have agreed the Reservation Subdivision has existed since 1970 without the proposed continuation of Acoma Drive. He believed the cul-de-sac and pedestrian safety conforms to a multitude of other properties.
2. Paul Nelson, 333 Acoma Court, stated he concurs with Mr. O'Conner. He presented a piece of the current pavement from Acoma Court which is very thin. He does not think the pavement will support increased traffic. He stated the area has 4 accesses already. He requested a cul-de-sac for both subdivisions keeping both neighborhoods quieter. There are no sidewalks in the area and pedestrians and children on bicycles use the street. The speed of traffic was also a



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concern. The speed limit on Cheyenne Drive is 35 mph, but vehicles travel at 50 mph because it is long and straight. Acoma Drive is long and straight, as well, with a slight curve in it. As a real estate agent, Mr. Nelson felt prospective buyers will buy in a neighborhood with cul-de-sacs and less traffic. The neighborhood likes it the way it is now. They have plenty of access. The neighborhood has signed a petition stating they want a cul-de-sac.

Councilmember Afman felt most of the traffic will be using Cheyenne Drive to get to Grand Junction, but the people in the balance of the existing Reservation Subdivision will drop down comfortably on Zuni and Hopi.

Mr. Nelson stated he was present representing residents on Acoma Drive only.

There were no other public comments. The hearing was closed.

Mr. Mike Whaley, developer, stated he asked for stub streets to the east and west. Because this is a small subdivision, he felt it costs a lot of money to put in streets when more lots are not being obtained. He dropped it to the west because there are other places that can be developed there. On the east it is very probable that the only way to access the rear of that property is from the stub, which is why it is being required. He is anticipating future development on Lot 8 which will access the subdivision.

Mayor Maupin assumed everyone living on Apache and Laguna would use Acoma to access Unawep and Mt. View because of the congestion near Orchard Mesa Middle School. He thought cul-de-sacs were good and could not see disturbing existing quiet neighborhoods by opening streets. He could not see ruining two neighborhoods (Acoma Court and Helena Subdivision) in order to obtain another access. He felt the residents should be considered as well as automobiles.

Councilmember Theobald felt the traffic impact is going to be on the unbuilt subdivision. He stated a City of cul-de-sacs is impossible. There must be streets that go somewhere or it will never be possible to get from one point to another.

Bill Nebeker stated there is no pay-back option on Lot 8 as the developer did not lose any lots. He actually got more buildable lots (more square and not as long and narrow).

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Councilmember Theobold stated when the stub streets are laid out, they are intended to be connected some day. A wise and experienced former member of Council has said the benefit to the entire City must be considered, and not the interest of one small neighborhood over the rest of the City when determining how streets are dealt with.

Upon motion by Councilmember Afman, seconded by Councilmember Baughman and carried by roll call vote with Councilmembers **TERRY** and **MAUPIN** voting **NO**, Planning Commission's decision that Helena Subdivision be approved with Acoma Drive as a through street to Reservation Subdivision was upheld, with the required conditions stated by staff.

**PUBLIC HEARING - APPEAL OF DENIAL OF TRAILS WEST VILLAGE PRELIMINARY PLAN** [FILE #PP-95-157]

The developer of the proposed Trails West Subdivision has appealed the Planning Commission denial of the Preliminary Plan for 66 single family lots on approximately 40 acres.

Kathy Portner, Community Development Department, reviewed this item. The proposal is for 66 single family lots on approximately 40 acres at a density of 1.7 units per acre. She referred to several plat maps. The property is divided into three segments. The main line Redlands Canal goes through the middle of the property. The proposal is for Lots 1-39 on the lower portion of the property located between South Camp Road and the active canal.

Lots 40-53 are located between the Redlands active canal and the abandoned canal. The remaining lots are located at the top of a ridge line. The topography above the active Redlands Canal begins to get quite steep and above the abandoned canal it gets very steep. Staff has concerns with the geotechnical constraints of developing the upper lots and access to them, and the aesthetics of the extensive cut and fill that would be required for building the road up the steep terrain, and the ridge line development. Staff's geotechnical concerns were as follows:

1. The Engineering Geology Investigation report completed by Lincoln DeVore, Inc., describes the general geology of the site. The report identifies geologic hazards on the site of areas of ancient landslides, soil creep areas, rockslide and rock fall areas. The report indicates the proposed road construction through the unstable slopes could create problems.
2. The site drainage and appropriate cuts and fills must be

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carefully controlled to avoid inadvertent triggering of hillside creep or mass movement.

3. The possibility of a troublesome perched water condition that may develop which will cause construction difficulties.
4. The site condition which would have the greatest effect on the planned development is the potential for slope instability as pertaining to the construction of trails and road, the construction of single family residences on top of the mesa and the presence of expansive soils, thus affecting the foundations of the structures on the upper lots.
5. Recommendations are contained in the report for roadway cuts and fills to alleviate the anticipated slope instability. There is a possibility of blasting for the construction, which would be a last resort after attempts to rip the shales, mud stones, silt stones and sand stone beds have proven inappropriate.

If construction is not done properly, the portion of the roadway which is either in a large fill or cut may be a maintenance problem for the City in the long run because the City is not equipped to deal with steep slopes or rock fall potential. There is a major Ute Water line (24") coming down from the water tanks along the southern boundary of the property where some of the lots are proposed.

Section 6-1-1 of the Zoning & Development Code includes the following stated goals of the subdivision regulation:

1. To preserve natural vegetation and cover, and to promote the natural beauty of the City;
2. To prevent and control erosion, sedimentation and other pollution of surface and sub-surface water.
3. To restrict building in areas poorly suited for building or construction.
4. To prevent loss or injury from landslides, mud flows and other geologic hazards.

Staff feels the subdivision, as proposed, is in direct conflict with the above stated goals. Staff believes the best option for this property would be to cluster the development on the lower portion of the site, and leave the steep terrain open. The

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hillside will be irreparably scarred from the location of houses and the cut and fill necessary to provide building sites and the roadway.

Ms. Portner stated the petitioner has proposed to move the building sites on top of the ridge line back as far as possible and restricting the height of the homes closest to the ridge line to mitigate the visual impact of the homes on the ridge line. However, there will still be roof tops visible from South Camp Road.

The scarring of the hillside will be extensive from the road construction and necessary cut and fill for the homes located at the lower reaches of the escarpment between the Redlands active canal and the abandoned canal. Staff feels the proposed homes on top of the mesa might be better suited for development at the time that access can be provided from a different direction.

Staff recommends denial of the preliminary plan as submitted. If City Council considers approving the preliminary plan, Staff recommends it be for Lots 1-39 only with the following conditions:

1. The petitioner satisfactorily address the impact of a break in the 24" Ute water line would have on the lots and how it could be mitigated.
2. The land or easements be dedicated along the active and inactive Redlands Canal for future trail use.
3. The proposed street stub to the adjacent property must be constructed.
4. The final submittal must show that all lots are buildable under the RSF-4 zoning required setbacks.
5. The required improvements along South Camp Road shall include widening to include a center turn lane and a detached bicycle/pedestrian path.
6. The intersection of Mescalero and Montero should be as close to a 90° intersection as possible.
7. All required drainage improvements will be determined with the final submittal, including the enlargement of the culvert under South Camp Road if necessary.
8. The detention areas and other common areas must be platted as

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common tracts and dedicated to the homeowners.

9. The remainder of the parcel, other than the lower lots, would be platted as one out-lot. A preliminary plan would be considered for lots 40 through 53 (the lots between the active canal and the inactive canal) at a future time when it was redesigned with Trails End Road not continuing up the escarpment and all engineering and design concerns were addressed. Lots 54 through 66 on top of the mesa would not be platted until access could be provided from a different direction along the top of the mesa.

The Planning Commission, at the January 9, 1996, meeting, denied the preliminary plan for Trails West Subdivision. Part of the Commission wanted to approve the entire preliminary plan with some modifications, while the other half of the Commission was only comfortable with the lower lots.

Councilmember Afman asked if this plan would create a landlock situation. Ms. Portner said no. The design provides access to one or two of the landlocked parcels to the east of the development.

Councilmember Terry asked for clarification regarding when the street widening is required and when the TCP is required. Ms. Portner stated the Public Works Director has the authority to decide what adjacent road improvements are needed for a subdivision and if they are needed. The Engineering staff feels the improvements to South Camp Road would be needed for this development. The cost of the improvements is a credit to the developer's TCP payments.

Ms. Portner stated staff would be comfortable with approval of the lower lots 1-39, below the active Redlands Canal. There is concern with the ridge-line development. Councilmember Terry asked if this proposal for the ridge-line homes would fit appropriately with the proposed Growth Plan. Ms. Portner stated the Goal Statements dealing with hillside development were not specific to whether the road-cut up the side of the hill would be against the policy, or not. It is not clear to her what the Policy is saying about the visual impact of the road-cut going up the escarpment.

Councilmember Afman asked Ms. Portner if Council denies the appeal, did Ms. Portner feel the developer could address some of the concerns and come back with another proposal that would be much better suited for this type of terrain. Ms. Portner stated

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the developer would like to have direction on whether a road going up the face of the cliff is acceptable. Councilmember Afman felt this is a complicated and serious issue.

Petitioner Brian Stowell, 0090 Caballo Road, Carbondale, Colorado, clarified the motions made by the Planning Commission. A motion was submitted to approve the entire subdivision, all 66 lots. There was some resistance to the upper portion of the development. The motion died 4-2. Another motion was raised to approve the lower lots. That motion resulted in a 3-3 tie. A seventh member could have broken the tie. Mr. Stowell is seeking reversal of the Planning Commission's denial of the entire project. He thinks he has addressed the geotechnical concerns and the aesthetic concerns regarding the upper lots. He felt he had met the City Code requirements for preliminary plan, and the Planning Commission decision was unjust. That is why he is appealing the decision.

If Council remains unconvinced, Mr. Stowell requested an alternate solution which is the approval of lots 1-39, corresponding to Filings #1 and #2. He did not believe there were any policies allowing his project to go anywhere but where it's going. Initially the Planning Staff mentioned concerns about the road and development up top. That caused Mr. Stowell a lot of time and money to try to come up with solutions. He reviewed a computer simulation model of what the impacts would look like from South Camp Road, and what the road and the cut and fills would look like. The statements from the geotechnical engineer, Ed Morris, who addressed the issues for Staff, stated "the soil conditions on the site are no different than anywhere else within the City of Grand Junction." There is also expert opinion that the road can be built without slope failure. At the Planning Commission hearing, both Ed Morris and the City Development Engineer Jody Kliska agreed "the road can be built safely and according to City Standards with the right design." He quoted Mr. Ed Morris from the Planning Commission minutes of January 9, 1996, "The three to four feet of slide present on the site were considered prehistoric and colluvial in nature. The slide conditions are not now present and would pose no new threat to the development." When asked if there were any reason why the road could not be put in, Mr. Morris said "He knew of no reason and felt there were no insurmountable engineering problems associated with the project." When Jody Kliska was asked to discuss the matter, she agreed the Lincoln DeVore report had been very thorough and felt the Staff comments had served to put the petitioner on notice that some very real concerns had to be addressed. While cuts and fills were a concern, she felt the City could rely on the geotechnical expertise of Lincoln DeVore and similar agencies to submit

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accurate and thorough information. She added "The aesthetic impact of the roads would depend on the treatment of the slopes."

Mr. Stowell has attempted to present to Staff his methods for dealing with the aesthetic impacts which would include building a mechanical wall (interlocking blocks) with colors blending with the hillside, and mitigate to the extent possible, any cut and fill. The outstanding issue is building homes on the upper lots.

The review comments from Staff in September, 1995, stated the Redlands Goals & Policies have not been superseded. The Policies indicate that areas generally considered to be problems for development, such as marshy areas and steep slopes, can, if addressed properly, become amenities to a particular project. The Policies also indicate that developments that incorporate hilltops, blufftops and other visually prominent areas should be designed with colors, textures and architecture to blend in with the surrounding landscape. He has proposed to Staff that he will develop a strict set of covenants to make sure these concerns expressed in the Policy are met. He has proposed roof height limitations, color limitations and other features.

Mr. Stowell then used a computer simulation model (helicopter version) showing what the impacts would look like from South Camp Road, and how the road and the cut and fills would look. The road is at an 8% grade at some points.

Mr. Stowell quoted Section 6-7-2 of the Zoning & Development Code:

"Submittal shall be detailed enough to answer the question, should this use designed in this manner be constructed on the site?" He stated that has been the target goal for the project.

Section 6-7-3 reads "Preliminary plans shall:

(a) Conform to adopted plans and policies." There are no adopted plans or policies that address the ridge development. There are some in the making, but to impose those on his project makes it an adhoc policy imposition and makes him the victim.

"(b) Plans shall be compatible with future development of adjacent properties." Mr. Stowell felt this particular road and project would provide possible access to isolated parcels at the top. There have been no complaints from adjacent property owners regarding that issue.

"(c) Provide for functional arrangement of lot sizes for

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compliance with zoning." There have been no complaints from Staff on this issue.

"(d) Provide correct naming of streets." There have been no complaints from Staff on this issue.

"(e) Deals with design standards in the SID Manual. There have been no complaints from Staff on this issue.

"(f) Provide basic engineering solutions of all major physical site problems." Mr. Stowell believed he had met the requirements sufficient for preliminary filing purposes. He understood he needed to come up with a rigorous and adequate final plan.

Mr. Stowell felt he had complied with all the general policies. He did not find any expressed policies to help guide him in this situation. He has solved the landlock situation. If City Council is objecting to the entire project, he asked them to consider approval of the lower 39 lots. He felt the #9 condition which relates to the upper lots and conditions for their development would best be addressed by coming back later and seeking through preliminary plan process the development of the road if policies permit at that point in time.

Mr. Ed Morris, 1104 Main Street, has done a major portion of the soil tests in the Ridges area. He stated the soils on this site are the same formation as the southern portion of the existing Ridges. Considering the severity of instability, and comparing one subdivision to the other, The Ridges comes out as being less stable than this site primarily due to the formation that is exposed in the northern part of The Ridges. This site would compare favorably to Filings #3 and #4 of The Ridges. The Ridges has two problems, the soils and the over sized irrigation system. The proposed cuts for this site are primarily side slope going up the side of the slope. The majority of the slopes tend to be steeper and harder to control. The road design for this site makes better use of trying to control the grades. It also does a better job of controlling erosion. The road is going to cut through the majority of the landslides. They have an adequate factor of safety for this site. Sloughing will probably occur during the actual construction and during the revegetation phase.

City Attorney Dan Wilson stated there are homes down below, and a road above the houses. It does not appear to be a danger from the houses up top moving, but from the hillside. The risk would be



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that things would move down onto the development of the lower areas. Mr. Morris stated the problem of a mass failure affecting lower lots was the first concern addressed. As the road cuts are made, how will that affect the global stability of the slope? He has determined there is no risk to the houses on the lower bench.

Mr. Morris said there is a no-build zone with an upper and lower limit. It also incorporates the common open area. The no-build zone was placed on the upper portion of the lots to deal with houses that could be built too close to the slope and cause problems. The lower portion, which incorporates the old canal, had to do with the very minor amounts of rock rolling that have historically occurred on the site. Excess water will not be added into the soils through the road drainage.

Councilmember Theobald recalled Lamp Lite Subdivision which was approved in the 1970s. It was also engineered and told it would be stable and not move. Mr. Morris said the portion of Lamp Lite Subdivision that moved was a very large, dormant landslide. The risks that were inherent to Lamp Lite are not present on this site.

Mr. Shawn Cooney, 409 1/2 Prospector Point, in The Ridges, owns land directly behind this site. He is not opposed to the development as long as his property does not get into a landlocked situation.

Mr. John Thomas, 321 Quail Drive, one mile south of the subject property, said he hoped his comments are not a distraction from the main issue, but it is preliminary plan time and it is supposed to be guidance to the developer. There are three improvements issues that he hoped Council will not lose sight of should they decide to approve the preliminary plan in some form or another:

1. He supported the idea of designating the trail access along the abandoned Redlands third lift canal. It is a unique opportunity in that it extends from South Camp Road all the way to Wingate School. As this property is developed, he hoped Council will continue designating it as a trail access. It is highly used by pedestrians, bicyclists and horses.
2. The detached bike path along South Camp Road. Canyon View Subdivision and Monument Valley have built close to one mile of the path which connects to Wingate School from the north and south. He recommended taking TCP money generated in the area and using it in the area for something that is of a real beneficial use. He encouraged Council to put the money in

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actual construction in this case instead of taking the TCP fees.

3. Street lighting - The City requires street lighting in City developments, however, there is a precedent from Canyon View in this area. Street lights, after negotiation with the City, were determined to be adversely indicated because the residents in Canyon View want to view the night sky, and there would be a conflict with street lighting and viewing the National Monument. A compromise was reached whereby there would be a street light at South Camp Road, which is a major intersection like Canyon View. There would not be street lights required throughout the subdivision. The City was protected by a covenant so the residents of the subdivision could not come back at a later date and require the City to install street lights at the City's expense.

Mr. Cooney hoped Council will keep their eye on these issues when considering this proposal.

There were no other public comments. The hearing was closed.

Councilmember Afman asked Ms. Portner if the proposal has addressed the trails and bike paths? Ms. Portner stated the petitioner is proposing to dedicate easements on both the canals.

Councilmember Theobald was comfortable with Filings #1 and #2 and the Staff recommendations. Filings #1 and #2 are Lots 1-39 and incorporates recommendations 1 through 9.

Councilmember Afman felt it was Council's responsibility to begin working with the spirit of the Land Use Plan. The majority of Council has been involved with the Steering Committee and the Plan. She felt Council needs to look at such developments as this with the Plan in mind because by the time the Land Use Plan is finalized, this particular development may be just beginning. She had serious concerns about the high ridge areas. She felt Council needs to work with the Land Use document and hold off on the upper portion of this development until a later date.

Mayor Maupin said the things that have happened in Villa Pago and other areas in The Ridges are not beautiful for this valley, and Council hopes to stop that type of development. It is a beautiful area out there and should be preserved. He is very concerned about ridge line development and the scarring of the hills.

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Councilmember Terry agreed with Councilmember Afman and Mayor Maupin. There is a lot of land that could be developed that would not impact the scenery or terrain of the valley the way the upper level of this development would. She was not ready to approve this development.

Councilmember Baughman told Mr. Stowell he was impressed with his presentation. He agreed with City Staff recommendations as they are professionals. He could not approve the upper development.

Councilmember Graham stated the applicant has presented credible evidence and information to address the geotechnical concerns and the engineering concerns for the slope of the road. He feels Council is overlooking the fact this is a lawful use of private property. To deny the highest and best use of it on suspicions and fears that are poorly articulated is not a rational land use decision. He was in favor of allowing the development in its entirety.

Councilmember Theobald felt Council's concern is not the technical aspects, based on concerns of the geological impact of the road and building, but rather the aesthetic impact.

City Attorney Dan Wilson said if Council approved the first 39 lots and created an out-lot, the danger to the City would be that if, in the future, Council declined to approve any subdivision that did not access from The Ridges side or didn't have houses set so far back they could not be seen, an issue may have been created of a "takings" for the City. The out-lot at some point will be sold to a third party. The third party will come back saying "I have an investment and expect to develop my out-lot. The City must either buy the land or approve it." He recommended not designating an out-lot, but designating open space unbuildable for the balance of the property. Council would be granting a viable use of 39 lots. It avoids the "takings" issue in the future.

City Attorney Dan Wilson suggested leaving in the last sentence of Condition #9, "Lots 54 through 66 on top of the mesa would not be platted until access could be provided from a different direction along the top of the mesa."

Councilmember Theobald said part of the concern is creating a lot that is not developable. As development goes up the hill, it gets expensive and impractical.

City Attorney Dan Wilson also suggested continuing this item, giving the developer and Planning Staff the ability to come back

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with a resolution within the next two weeks. He was concerned at the late hour, Council could miss possible solutions.

Petitioner Brian Stowell was concerned with lots 40-53. He thinks a solution can be worked out. He did not want to foreclose an out-parcel.

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried, this item was continued to the February 21, 1996, City Council meeting.

**INTERGOVERNMENTAL AGREEMENT BETWEEN SCHOOL DISTRICT #51 AND THE CITY OF GRAND JUNCTION IMPLEMENTING THE SCHOOL LAND DEDICATION ORDINANCE**

City Attorney Dan Wilson reviewed this item. Council had directed the City Attorney to negotiate with the School District an agreement that implements the school impact fee ordinance. The agreement is identical to the Mesa County document with one difference: it requires the School District to indemnify the City from TABOR challenges.

Upon motion by Councilmember Afman, seconded by Councilmember Theobold and carried by roll call vote with Councilmembers **BAUGHMAN** and **GRAHAM** voting **NO**, the intergovernmental agreement between School District #51 and the City of Grand Junction Implementing the School Land Dedication Ordinance was approved.

**NON-SCHEDULED CITIZENS & VISITORS**

A gentleman owning property on Orchard Mesa approximately 1/8 mile from Fire Station #4, requested City Council waive the requirement for a Power of Attorney for sewer service. His property is located between B 1/4 Road and B 1/2 Road, facing 27 Road.

Councilmember Theobold suggested simply annexing his property immediately and not requiring the Power of Attorney in this case.

The gentleman was concerned that he is still not getting his right to vote. Councilmember Theobold said the gentleman is voting consciously today instead of deferring that decision. He said the gentleman is asking for a City service. In order to get the City service, the City wants the ability to include his property in the City.

Councilmember Graham asked the City Attorney if Council has the authority at this time to address the petitioner's request and

waive the Power of Attorney for a piece of property. The City Attorney said he would want to know more about the property. He said the Council does have the power to waive the requirement for a Power of Attorney.

Mayor Maupin clarified the gentleman is requesting Council to waive the past agreement with Orchard Mesa Sanitation District, and allow him to hook onto the sewer without signing a Power of Attorney. He wants the benefits without the responsibilities.

It was moved by Councilmember Graham and seconded by Councilmember Baughman that the requirement for a Power of Attorney for sewer service be waived for the gentleman.

Roll was called on the motion with the following result:

AYE: GRAHAM, BAUGHMAN.

NO: MANTLO, TERRY, THEOBOLD, AFMAN, MAUPIN.

The motion failed to pass.

**ADJOURNMENT**

The meeting adjourned at 12:35 a.m. on Thursday, February 8, 1996.

Theresa F. Martinez, CMC  
Deputy City Clerk