

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

May 7, 1997

The City Council of the City of Grand Junction, Colorado, convened into regular session the 7th day of May, 1997, at 7:32 p.m. in the City/County Auditorium at City Hall. Those present were Cindy Enos-Martinez, Gene Kinsey, Earl Payne, Jack Scott, Mike Sutherland, Janet Terry and Acting President of the Council Reford Theobold. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and Acting City Clerk Christine English.

Acting Council President Theobold called the meeting to order and Councilmember Payne led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Jim Hale, Spirit of Life Christian Fellowship.

RECOGNITIONS/PROCLAMATIONS

PRESENTATION OF CELEBRATION AWARD FROM THE NATIONAL ARBOR DAY FOUNDATION

PROCLAMATION DECLARING MAY 10, 1997, AS "GRAND JUNCTION LETTER CARRIERS STOCK THE COMMUNITY FOOD BANKS DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING MAY 18-24, 1997, AS "EMERGENCY MEDICAL SERVICES WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING MAY 11-17, 1997, AS "MEDICAL TRANSCRIPTIONISTS WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING MAY 4-10, 1997, AS "TEACHER APPRECIATION WEEK" IN THE CITY OF GRAND JUNCTION

ELECTION OF MAYOR AND MAYOR PRO TEM

Acting President of the Council Reford Theobold opened nominations for Mayor and Mayor Pro Tem. Councilmember Scott nominated Janet Terry to the Office of Mayor. The nomination was seconded by Councilmember Sutherland. Councilmember Theobold nominated Gene Kinsey to the Office of Mayor. The nomination was seconded by Councilmember Terry. There were no other nominations. By public vote, Council unanimously elected Janet Terry as Mayor. Acting

City Clerk Christine English administered the Oath of Office to Mayor Terry.

Mayor Terry was presented with a rose by her husband David Terry.

Councilmember Enos-Martinez nominated Earl Payne to the Office of Mayor Pro Tem. The nomination was seconded by Councilmember Theobald. There were no other nominations. By public vote, Council unanimously elected Earl Payne as Mayor Pro Tem. Acting City Clerk Christine English administered the Oath of Office of Mayor Pro Tem Payne.

CONSENT ITEMS

Upon motion by Councilmember Scott, seconded by Councilmember Sutherland and carried by roll call vote, the following Consent Items #1-11 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the minutes of the Regular Meeting April 16, 1997

2. **1997 Aerial Platform Bucket Truck for Forestry Department**

The following bids were received:

<u>Dealers</u>	<u>Base Bid</u>	<u>Trade In</u>	<u>Total Bid</u>
Teague Equipment Co. (Hi-Ranger), Denver	\$96,902	\$16,500	\$80,402*
Altec Industries (Altec), Denver	\$93,555	\$12,000	\$81,555

* Recommended Award

Action: Award Contract for 1997 Aerial Platform Bucket Truck for the Forestry Department to Teague Equipment Co. in the Amount of \$80,402

3. **1997 John Deere 3235A Sports Field Mower for the Parks Department**

The following bids were received:

Delta Implement (John Deere), Grand Junction	\$35,023 *
L.L. Johnson Distributing Co. (Toro), Denver	\$39,800
Mile High Turf Equip., Inc. (Jacobson), Denver	\$41,215

* Recommended Award

Action: Award Contract for a 1997 John Deere 3235A Sports Field Mower for the Parks Department to Delta Implement in the Amount of \$35,023

4. **Master Planning Study for the Climax Mill Tailing Site Development Project**

Five of the seven firms that submitted statements of qualifications to prepare a master plan for the strategic development of a 107 acre urban park, known as the Climax Mill Tailing Site, were interviewed by a City evaluation team. The team recommended RNL Design of Denver to prepare the plan at a fixed fee of \$20,000.

Action: Award Contract for the Master Planning Study for the Climax Mill Tailing Site Development Project to RNL Design in the Amount of \$20,000

5. **Concrete Replacements, 1997**

The following bids were received on April 29, 1997:

Mays Concrete, Inc., Grand Junction	\$245,121.00
Atkins & Associates, Inc., Meeker	\$269,998.00

Engineer's Estimate	\$251,563.50
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Action: Award Contract for Concrete Replacements, 1997 to Mays Concrete, Inc. in the Amount of \$245,121.00_

6. **Rosevale Area Sewer Extensions Change Order #1**

Staff is requesting Council approval of: 1) Change Order #1 for the Rosevale Area Sewer Extensions in the amount of \$111,335.27. Mesa County's share of the change order is \$89,734.79. The portion to be funded out of the Sewer Trunk Extension Fund (903) is \$21,600.48; 2) authorize an additional \$39,084.40 from the trunk line extension fund for

expenditures in construction (i.e. change order #1) and engineering.

Action: Approve Change Order #1 to the Contract with Lyle States Construction for the Rosevale Area Sewer Extensions in the Amount of \$111,335.27 and Authorize the Additional Expenditure of \$39,084.40 from the Trunk Line Extension Fund

7. **Canyon View Park Change Order #6**

Request the City Council approve Change Order #6 for the construction contract at Canyon View Park in the amount of \$32,908. Including this change order, the total increase to date will be \$140,014.99 representing a 2.5% increase in the original contract amount of \$5,567,000. The revised contract amount will be \$5,707,014.99.

Action: Approve Change Order #6 for the M.A. Concrete Construction Contract at Canyon View Park in the Amount of \$32,908

8. **Designation of the Raso Building at 461 Main Street in the City Register of Historic Sites, Structures and Districts**

Shari Raso, representing Raso Properties, owners of the property at 461 Main Street (Raso Building - formerly the eastern end of the Woolworth's Building), is requesting that the building be designated as a historic building in the City Register of Historic Sites, Structures and Districts.

Resolution No. 37-97 - A Resolution Designating the Raso Building in the City Register of Historic Sites, Structures and Districts

Action: Adopt Resolution No. 37-97

9. **Amend the Funding Allocations in the Joint Resolution Regarding the Riverfront Commission**

On March 19th, the City Council approved Resolution No. 31-97 concerning the appointment of members and the inclusion of Fruita and Palisade as funding partners for the Riverfront Commission. The text presented to Council was based on a copy which had already been signed by Mesa County, Fruita and

Palisade. When the approved resolution was circulated for signature by all four entities, the document which was signed by the other local governments contained slightly different funding allocations.

Action: A motion to Amend Section 7 of Resolution No. 31-97 to Read as Presented

10. **Letter of Support for "Rim Rock Run"**

The letter supports the "Rim Rock Run" to be held the second Saturday in November.

Action: Approve Letter of Support for "Rim Rock Run"

11. **City Council Assignments**

Resolution No. 38-97 - A Resolution Appointing and Assigning City Councilmembers to Represent the City on Various Boards and Organizations

Action: Adopt Resolution No. 38-97

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

REQUEST FROM BOZARTH CHEVROLET TO RENT THE WESTERN PORTION OF LILAC PARK FOR A TRUCK PROMOTION - DENIED

Bozarth Chevrolet requests permission to utilize the western portion of Lilac Park for a twelve day truck promotion May 17 through May 30, 1997.

Parks and Recreation Director Joe Stevens said the PIAB normally makes recommendations on such an activity. This request came in recently and the PIAB will not be meeting until after the 17th of May. Staff felt it would be appropriate to bring it to the City Council. In the past car auctions and other activities have taken place in the local parks. This request is unique in that it is a 12-day program and purely commercial in nature. If the request is approved, Staff would recommend placing the following terms and conditions on the use:

1. The use fee shall be \$1,200 (\$100/day) and is due and payable with the execution of the agreement.
2. No more than 40 vehicles will be allowed in a specified area of Lilac Park at any given time.
3. The City, at its discretion, may reduce the number and weight of the motorized vehicles on the site along with foot traffic, if in the opinion of parks staff, impacts to the park are excessive, the department will require, and Bozarth agrees to, implement preventative and curative maintenance procedures as directed.
4. The Parks and Recreation department shall designate and limit the area in which vehicles may be displayed which shall be the area generally in front of the Bozarth dealership.
5. If damage to the irrigation system, other underground utilities, turf or other improvements are damaged or destroyed during the promotion, Bozarth agrees to pay for the entire cost of repairs.
6. Bozarth Chevrolet shall indemnify and hold harmless the City of Grand Junction, its employees, elected and appointed officials.
7. Bozarth Chevrolet shall remit a \$5,000 damage deposit. If no damage occurs, the deposit will be returned. If damage occurs, a portion or all of the deposit will be retained. If damage exceeds \$5,000, Bozarth Chevrolet agrees to pay the balance to the City within 30 days. Any unpaid balance will be assessed at an interest rate of 1.5%/month.
8. The City will not be responsible for any damage or vandalism to vehicles.
9. Bozarth Chevrolet agrees to move vehicles as required by Parks and Recreation staff in order to perform maintenance and/or repairs in Lilac Park.

Mr. Stevens said the activity would not interfere with other activities at Lilac Park, although maintenance of the grass and sprinkler system is a concern.

Mr. Marion (Marty) Thomas, 2688 Paradise Way, representing Bozarth Chevrolet, said no customer will be allowed to drive a vehicle in the park. Pickup trucks will encroach approximately 50-80 feet onto the park area. The trucks will be moved on and off the park twice each day. No vehicles will be parked in Lilac Park on Sundays.

Councilmember Payne said the park is jointly owned by the City and the Colorado Department of Highways. He said CDOT does not allow parking in their rights-of-way at any time. City Attorney Wilson said there is not enough time to survey the property to determine which portion of the park is owned by CDOT.

Mr. Thomas said advertising will consist of writing across the windshields of the trucks and possibly small banners strung between the vehicles. There will be no other signs. Councilmember Sutherland reminded Mr. Thomas that non-permanent signs and banners require a special permit through the Community Development Department. Councilmember Sutherland felt approval of this request would be setting a precedent.

Joe Stevens stated since the request only came up recently, he would like more time to consider the request. Councilmember Sutherland suggested a requirement that Parks Department Staff view the condition of the grass at the end of the second day to determine whether the vehicles and foot traffic are causing excessive damage, and have the authority to terminate the program at a certain time. Joe Stevens suggested the grounds be viewed daily to determine damage. Turf cannot be rehabilitated after a certain time. The promotion hours are from 9:00 a.m. to 6:00 p.m. and the watering schedule can be accommodated by watering early morning or late evening.

Mayor Terry said City Council strives to work with all the citizens and businesses. She was concerned about what this promotion will do for future use of parks within the City. The agreement covers the City's costs and damages, but the larger issue is does Council want to make this a part of the overall goal in Grand Junction for parks use.

It was moved by Councilmember Scott and seconded by Councilmember Sutherland that the request be approved. The motion failed with a vote of 3 yes and 4 no. The motion failed and the request was denied.

PUBLIC HEARING - AMENDING THE DOWNTOWN DEVELOPMENT AUTHORITY BOUNDARIES - ORDINANCE NO. 3008 CONSIDERING A SUBSTANTIAL MODIFICATION OF AN APPROVED PLAN OF DEVELOPMENT BY EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY AND TAX INCREMENT FINANCING DISTRICT

[FILE #MSC-1997-071]

The DDA is proposing to amend the Plan of Development to expand the Authority's boundaries to include additional properties adjacent to the current boundaries into the Plan of Development Area within which tax increment financing is used.

A hearing was held after proper notice. Barbara Creasman, Director of the Downtown Development Authority, distributed an updated map of the DDA boundaries. The original boundaries were established in 1977. Voluntary petition by the property owner is required for inclusion of additional properties. All properties must be adjacent to the existing DDA boundaries.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Theobold, seconded by Councilmember Sutherland and carried by roll call vote, Ordinance No. 3008 was adopted on final reading and ordered published.

PUBLIC HEARING - REZONING THE KNOLLS SUBDIVISION LOCATED AT THE SOUTHEAST CORNER OF 27 1/2 ROAD AND CORTLAND AVENUE TO PLANNED RESIDENTIAL - ORDINANCE NO. 3009 REZONING PROPERTY TO BE KNOWN AS THE KNOLLS SUBDIVISION, LOCATED AT THE SOUTHEAST CORNER OF 27 1/2 ROAD AND CORTLAND AVENUE, FROM RSF-4 AND PR 7.2 TO PR 2, PR 2.7 AND RSF-4 [FILE #RZP-1997-033]

The petitioner requests a rezone for The Knolls Subdivision, a planned residential development consisting of 100 single family homes, 43 townhomes and a 4.8 acre site for a church, located at the southeast corner of Cortland Avenue and 27 1/2 Road. The following rezones are requested: From PR 7.2 to PR 2 for the church site; PR 7.2 to RSF-4 for 5 lots in Filing #1 and from PR 7.2 and RSF-4 to PR 2.7 on the remainder of the site.

A hearing was held after proper notice. This item was reviewed by Bill Nebeker, Community Development Department. The north portion is part of the original Onion Hills Subdivision and is currently zoned PR 7.2. The zoning to the south is RSF-4.

Filing #1 needs to be rezoned RSF-4 to match the other RSF-4 zoning. The church site is being rezoned from PR 7.2 to PR 2 so the density on the other area is not artificially brought down since no residential uses will go on the church site. This property is in the Airport Critical Zone and densities above 4 units/acre are not allowed. The remainder of the development will be zoned PR 2.7 (overall density of 2.7 dwelling units/acre) which includes the ponds and a park area. The north half is shown on the Growth Plan at 2 to 3.9 dwelling units/acre. The southern portion is shown at 4 to 7.9 dwelling units/acre. However, because of the topography of the area a lower density is proposed. Staff finds the request meets the zoning criteria in Section 4-4-4 of the Zoning & Development Code and recommends approval.

Councilmember Theobold said in earlier hearings there was an issue of how the roads in this subdivision lined up with the other side of 27 1/2 Road. Mr. Nebeker said Staff wanted Ridge Drive to come through. It has since been decided that Ridge Drive would not go through. The main corridor lines up with Piazza Drive, and comes out on 27 1/2 Road. It feeds into Applecrest and does not connect with any other subdivision.

Mayor Terry asked about the traffic impact on Cortland Avenue and 27 1/2 Road. Mr. Nebeker said a traffic study was required. He did not have the results. He thought the majority of the traffic will go to Cortland and down 27 1/2 Road. Mayor Terry asked if there will be a deceleration lane on Cortland Avenue. Mr. Nebeker said half street improvements (curb, gutter and sidewalk, 20' of pavement) are being required the entire length of the property for Cortland Avenue. Councilmember Theobold asked if it will line up with the wider pavement beyond the developer's property. Mr. Nebeker said yes.

Councilmember Payne asked for clarification of RSF-4. Mr. Davis Chase said the lot size is an average of 13,000 square feet. The RSF-4 zoning has a minimum lot size of 8,500 square feet. The density will be lower than Spring Valley, except for the townhomes.

Councilmember Sutherland asked if the ponds will serve as detention ponds for runoff. Mr. Nebeker said they will serve for detention and irrigation. A pressurized irrigation system is planned throughout each phase as they develop.

Councilmember Terry asked if the private streets are only around the townhomes. Mr. Nebeker said yes. That phase will require Council approval.

Councilmember Theobold said he thought part of the reason for the configuration was to eliminate access of the Davis parcel from 27 1/2 Road. Mr. Nebeker said it won't be eliminated now because that is where the Davis's drive is located. Once Filing #6 is built, it gives the Davises an option. When the Davis property eventually develops, it will develop internally off of Knolls Subdivision rather than 27 1/2 Road. Councilmember Theobold thought Staff desired having the developer change the access to this subdivision to take them off of 27 1/2 Road because of the change that will take place when 27 1/2 Road is improved. Mr. Nebeker said they are providing access, but it won't happen until Phase 6 of the development. Councilmember Theobold reiterated that once Phase 6 is complete, the Davises will use it as their exclusive access. Mayor Terry asked if Council could make such a restriction. City Attorney Wilson said Council can change property owner's access if you give them something equivalent so Council is not unduly restricting an access. The developer will clarify later in the meeting.

City Manager Achen said if the Davis property is ever owned by someone for development purposes, it won't be the owner of that parcel who will object to the connection to Filing #6. It will be the occupants of Filing #6 who will attempt to persuade the Council to prohibit the subdivision accessing through their subdivision and creating traffic which they have not been accustomed to. Mr. Nebeker said the Davis property has some topographical constraints that will limit the density.

Mr. Nebeker said Staff will be expecting the developer to participate in the 27 1/2 Road improvements as each phase develops. Because of the many dips in 27 1/2 Road, Staff does not want improvements put in now, only to be taken out later. The major street plan includes doing improvements all at once. If additional funds are available after Cortland Avenue, TCPs will be required in lieu of actual improvements.

Mayor Terry asked if the City has standard guidelines for the soundproofing measures. Mr. Nebeker said no, but Staff is working with Walker Field Airport to obtain such standards. Additional sound deadening insulation and landscaping are possibilities.

Councilmember Sutherland asked if the developer is aware that an avigation easement is required prior to final filing. Mr. Nebeker said yes.

Mr. David Chase, Banner Associates, consulting engineers, representing the developer Robert Knapple (O.P. Development), said Council was uncomfortable approving a plan with only one access, so additional property to the south (27 acres) has been acquired for an entrance onto 27 1/2 Road. The traffic analysis indicates the traffic counts turning in and out of the development don't warrant additional accel/decel lanes off of Cortland Avenue. Upon buildout, it is estimated 60% of the traffic will be going north on Cortland and 40% down toward 27 1/2 Road. Cortland Avenue will be developed with half street improvements to collector street standards. Currently, there is an abandoned irrigation ditch on the south side of the asphalt on Cortland Avenue. The centerline, which is also the section line, is just off the south edge of asphalt. The half street improvements are extending 22' of asphalt mat to the existing asphalt. The current asphalt will be widened considerably with curb and gutter on the north side. The striping plan for a collector street standard for the City is two lanes of traffic with a center turn lane allowing for an accel/decel lane for traffic movements. The current curb and gutter east of this project at Spring Valley does not line up with the current street standard so the developer will work with City Staff to determine where the new improvements will be constructed in order to line up with the existing improvements. The minimum lot sizes are 11,000 square feet. The average lot size is 13,000 square feet. There are substantially larger lots (25,000 square feet) in Filing #1 and in some of the future filings.

Councilmember Sutherland asked why a PR 2 zone was chosen for the church site rather than RSF-2. Mr. Chase said it didn't matter to the developer. The developer mainly wanted a land exchange to obtain interior land, giving the church more of a corner site, benefiting both parties. The zone classification was recommended by City Staff. Mr. Chase said the site plan for the church building has not been developed at this point.

Mr. Chase discussed the access for the Davis parcel. He has suggested several locations for access, also varying degrees of access. It has now been decided to provide it off the interior street to the south property line. There are no physical

features on the site that would prohibit an access to the south property line where it's currently located. Mr. Chase said the developer has no problem with abandoning the driveway onto 27 1/2 Road at the time Filing #6 is constructed. They will be constructing that street section up to the property line. At that time the access would be provided so there would be nothing which would prohibit access in their subdivision for the Davis property. He could not comment on the reaction of the Davises regarding this resolution as he did not know if Robert Knapple has discussed it with the Davises. A single resident access limits the number of traffic movements in and out and he thought it would not be a potential traffic hazard. Mr. Chase did not understand that a condition of approval would be the abandonment of that access. City Staff wanted a secondary and better access to the Davis parcel. This is the first time he has heard that a condition would be that the access be abandoned as soon as the secondary access is put in. Mayor Terry reiterated that access is to be provided, but not necessarily that the 27 1/2 Road access be discontinued.

Mr. Chase discussed the conditions of additional insulation and landscaping for soundproofing. The additional insulation is a typical building feature which is currently being placed on those homes. The homes are somewhat expensive and would have those type of amenities, so it should not be an issue. He had no problem with placing a note on the plat regarding this issue.

Councilmember Payne asked if all the conditions recommended by the Planning Commission had been met. Mr. Nebeker said the recommendations must be incorporated into the final plan which will again be reviewed by the Planning Commission. He said the preliminary plan is not before Council tonight, although the PZ zoning is up for consideration. The two are tied together, that is, the zoning is based upon the plan. All of the preliminary plan conditions will be incorporated into the final plans as each phase is developed.

City Attorney Wilson questioned the wording in Item #2 of the Planning Commission recommendations which states "27 1/2 Road improvements shall be determined during each phase of final review." Mr. Chase said Cortland Avenue will be improved along with the improvements for Filing #2. Since 27-1/2 Road is on the capital improvements schedule for reconstruction in the year 2000, he was not sure if the City will expect design and construction work from the developer during any of the phases, or

if the developer will be expected to pay the TCP fee in lieu of such requirements. He felt 27-1/2 Road is quite complex from the southern portion of the property up to Cortland Avenue. The east portion of the road, which the development fronts, is unimproved. Portions on the west side are improved. He did not want to see expensive new road improvement constructed which would then be torn out because it didn't match the rest of the road design.

Mr. Chase said he understands it is standard procedure to require developers to improve sections of roadway which front their property. If it is a capital improvement project, it is paid from tax dollars. If he is forced to pay for improving their section of roadway and the City comes back later and improves 27 1/2 road for the remainder, but uses CIP funds without assessing other property owners, he would question the fairness.

Public Works & Utilities Director Jim Shanks said it is not practical to require this developer to build a portion of a street now since it is scheduled for improvement in the year 2000. A lot of grade changes will have to take place on 27 1/2 Road. If phases #2, #3 and #4 were to be built concurrently with the City's 27 1/2 road construction project, the City would jointly (with the developer's engineer) consider the design and determine what the developer's proportional share would be. Subsequent phases are difficult when the City comes in after development and collects the TCP, and does not go back in time and determine the developer's proportionate share of the previous improvement. If phases of this project come in after the construction project, the individual lots would then be charged the TCP (Transportation Capacity Payment) to pay for their proportional share. Mayor Terry requested these terms be clarified in the requirements. City Attorney Wilson said he will be working on new language for TCPs in an to attempt to clarify. There were no other public comments. The hearing was closed.

Councilmember Sutherland felt it was important to show some consistency with TCPs if the City is going to place in the Zoning & Development Code the statement that the TCP is intended to make development pay for itself. The City should tell the developer to either design and build the road to the City's satisfaction, or pay the TCP.

City Attorney Wilson said the discussion on the record could serve as a basis to make it a condition upon final plan approval. He asked if the developer could come in for a final plan for one

phase only, and keep the balance of the development at the preliminary stage, or will there be a final plan for the entire project, and development will actually occur in phases. City Manager Achen said most developers would come back with a final plan only for each phase as they proceed. Mr. Wilson said the language on street improvements may be more critical tonight than if they were doing a final plan for the entire development. Mr. Achen said the City's policy has been to accommodate developers by not requiring the expense of final plans for all phases, but only the current phase.

City Attorney Wilson clarified Item #2 of the Planning Commission conditions. He said for a phase which is adjacent to 27 1/2 Road and for which the City's capital improvements plan has already improved 27 1/2 Road, TCP's would be applicable for those lots. If the road has been built, the adjacent phase simply pays the per lot TCP fee. For the phases where the road has not been built, the Staff will have to make a judgment on whether or not the developer can build the road in accordance with the City's plans. Mr. Wilson felt the requirement would be the developer's portion of the road because the City would never require them to build the entire west side if they were only doing Phase #4.

Councilmember Sutherland suggested the following wording: "27 1/2 Road improvements shall be accommodated via TCP's in force at the time of final plan for each phase." The City will expect that the developer's fair share of 27 1/2 Road gets paid as each phase gets to the final plan stage. They would pay so much per lot. City Attorney Wilson suggested adding "attributed to all lots." Mayor Terry suggested adding "via TCP and/or proportionate share of half-street improvements." Mr. Wilson said if the improvements are in, a TCP will be required. If the improvements are not in, then it is a judgment made by Public Works whether they want the improvements constructed. If Staff chooses not to require the construction because the developer is not ready, then the TCP would be paid. He suggested Staff discretion be part of the condition for any improvement that is unbuilt.

Mr. Shanks said if the developer builds before or concurrent with the construction of 27 1/2 Road, the developer should pay his proportional share based on the frontage. The developer would pay his portion of the half-street cost or full-street cost, based on the requirement to build half of it, in proportion to the total price of the project. Consideration would be given to

the quantities of earthwork, curb and gutter, and asphalt for the entire project. The quantities that are for the half-street improvements immediately adjacent to whichever phase of development is being built are considered in comparison to actual quantities. The unit prices that were received in the bid would then be attributed to the development. The balance of the development which was to be platted after the project was completed would be assessed TCP only. The developer would benefit by waiting until the City built the road improvements for this project. The City's estimated cost for building the 27 1/2 Road improvements is \$2 million.

City Attorney Wilson suggested that all portions of the development that occur prior to the road project and through the road project be assessed a proportionate share of the costs of the eventual road project, paid by the developer to the City. Assessments can either take place by cash paid in the year of the project, or for earlier years, and would require some form of security (letter of credit, etc.). All development after the road project would require TCPs.

Mr. Shanks said under normal conditions, the City would require road improvements on the developer's side only. This street is unusual (topography) and half a street cannot be built for a short distance.

Mayor Terry was concerned with the access onto Cortland Avenue. The impact of the traffic on that intersection relative to the traffic from the other side was of particular concern. The massive concrete wall which blocks vision for the residents to the north, was also a concern. Councilmember Theobold asked if the wider street will give more visibility. Mayor Terry said no. She hoped the traffic engineers could mitigate the issue. Public Works & Utilities Director Jim Shanks said widening the street will allow opportunity to shift the traffic temporarily. Moving the traffic further to the south will increase visibility.

City Attorney Wilson's suggested final wording for Planning Commission Condition #2 was as follows: "For each phase which abuts 27 1/2 Road, developer shall contribute pro rata, based on half-street improvement costs, which will be the pro rata cost of the entire project costs. For phases platted after the project (the City's Capital Project), the TCPs shall apply."

There were no other comments.

Upon motion by Councilmember Theobold, seconded by Councilmember Sutherland and carried by roll call vote, Ordinance No. 3009, subject to the conditions of the Planning Commission with the exception of Item #2 for which the language was substituted by the City's Attorney's language above, was adopted on final reading and ordered published.

PUBLIC HEARING - AMENDING THE ZONING AND DEVELOPMENT CODE REGARDING COMMUNITY CORRECTIONS FACILITIES - CONTINUED TO MAY 21, 1997, CITY COUNCIL MEETING - ORDINANCE NO. 3010 AMENDING SECTION 4-3-4, USE/ZONE MATRIX, AND CHAPTER 12, DEFINITIONS, OF THE ZONING AND DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION, COMMUNITY CORRECTIONS FACILITY - CONTINUED TO MAY 21, 1997, CITY COUNCIL MEETING [FILE #TAC-1997-001.1]

The Grand Junction Zoning and Development Code is outdated in its reference to facilities that provide rehabilitative services for criminal offenders. Such services are provided under the direction of Community Corrections Programs as defined by state law. The Zoning and Development Code is to be amended to delete the outdated definition, "Law Enforcement Rehabilitation Centers" and replace it with the new definition, "Community Corrections Facility." Such uses will be allowed in B-1, B-3, C-1, C-2 and PZ zones with a Special Use Permit.

Mayor Terry opened the hearing on this item after proper notice. Upon motion by Councilmember Theobold, seconded by Councilmember Payne and carried by roll call vote, this item was continued to the May 21, 1997, City Council Meeting.

NON-SCHEDULED CITIZENS & VISITORS

Mr. James Braden, 2420 N. 1st Street, offered congratulations to the new councilmembers. He thanked Council for the endorsement letter on "Rim Rock Run." He felt a good project for the new Council would be beautification of the area where Grand Avenue meets North Avenue by the bridge. There are two slump areas beside the overpass between the roads. He suggested using volunteer help to put lakes and fountains in there, pine trees, etc. to make it an attractive City entrance. Mayor Terry said there are several committees that have been formed in the community to work on beautification of the City's entrances.

Mr. Braden discussed the local gasoline prices. He hoped City Council could get the prices lowered in Grand Junction through firm, cooperative pressure.

OTHER BUSINESS

Appointment of David Graham to the Walker Field Airport Authority

Mr. David Graham, 1625 Walnut Avenue, extended congratulations to the newly constituted City Council, the newly elected Mayor Terry and Mayor Pro Tem Payne. He asked for Council's pleasure regarding appointments to the Airport Board and the Grand Valley Air Quality Planning Committee. Mayor Terry asked Mr. Graham to continue as a member of the Airport Authority for an additional one-year term expiring in May, 1998. Mr. Graham accepted the appointment.

Councilmember Theobald said Councilmember Payne was appointed to the Grand Valley Air Quality Committee in Resolution No. 38-97 which was adopted earlier in this meeting.

ADJOURNMENT

Upon motion by Councilmember Sutherland, seconded by Councilmember Payne and carried, the meeting was adjourned at 9:40 p.m.

Christine English
Acting City Clerk