

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

**August 19, 1998**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 19th day of August, 1998, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Gene Kinsey, Earl Payne, Jack Scott, Mike Sutherland, Reford Theobald, and President of the Council Janet Terry. Cindy Enos-Martinez was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Terry called the meeting to order and Council-member Sutherland led in the Pledge of Allegiance. The audience remained standing during the invocation by Bob Watts, Assistant to the Senior Pastor, First Baptist Church.

**CITIZEN COMMENTS**

Strongbull Sequoia, 125 S. 11th Street, described some circumstances relating to the Rescue Mission. He said the Mission is stockpiling food and allowing it to rot on the premises. He has witnessed piles of food five feet high. There is an abundance of food which is donated by charitable organizations who do not know where the food is going. It is taken to the farm in Mack, Colorado, and fed to the pigs. It appears that the Mission provides for the needy only as they feel they want to. He witnessed a house-mother kicked out of the Mission due to religious beliefs. Mr. Sequoia's concern is the people that donate are not aware of these matters. He asked Council to prevent the Rescue Mission from getting permits, etc. to continue operating. The Mission is using the term Christianity to dupe the citizens of Grand Junction. He hoped Council will investigate and rectify this situation. He suggested getting someone to run the Mission whose interest is to help all people.

Mary K. Salinas, a worker at Mesa Montessori Preschool, and a college student with Hilltop Resources paying for her education, said she broke both her feet this winter and had spent 12 nights at the mission. She observed children, some of them ill, kicked out of the Mission. She said they rape women and children, and poison the food. Keith Bradley owns the Rescue Mission. He has his own private business feeding his pigs. She has contacted Safeway stores asking them not to donate more food to the Mission because they are treating people terribly. The Safeway manager checked out Ms. Salinas' claim, and three days later cut off their

donations. She has tried talking to the police and they will not listen to her. The Red Cross has been very understanding. She detailed other events. She said no one will help them. She said a homeless shelter is needed.

Mayor Terry said the Council needs to look into these issues and determine its legal authority.

**CONSENT ITEMS**

Upon motion by Councilmember Payne, seconded by Councilmember Sutherland and carried by a roll call vote, the following Consent Items #1 through 12 were approved:

1. **Minutes of Previous Meeting**

*Action: Approve the Minutes of the Regular Meeting August 5, 1998*

2. **Setting a Hearing on an Ordinance Ceding the City's \$1 Million in 1998 Private Activity Bond Allotment to CHFA**

The City of Grand Junction received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the second time in 1998 as a result of the City reaching a 40,000 population level in 1997. The bond authority can be used on a tax exempt basis for various private purposes. There has been no request for the use of this authority but it can be reserved for future housing benefits by ceding the authority to CHFA at this time.

Proposed Ordinance Authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of City of Grand Junction Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 2, 1998*

3. **Great Outdoors Colorado (GOCO) Grant for Construction of a Section of Trail on the Jarvis Site**

The City has been awarded a \$74,000 Great Outdoors Colorado grant for trail construction. The 12-foot wide trail will connect at the existing trail at 5th and Struthers, proceed

west to the west end of the planned riparian and endangered fish habitat project. The west end of the trail will be connected to Riverside Park Drive with a temporary 12-foot wide paved trail.

*Action: Approve the \$74,000 Grant with Great Outdoors Colorado for the Construction of a Section of Trail on the Jarvis Site, and Authorize the City Manager to Sign the Contract*

4. **Demolition and Removal of Structure Located at 655 Ute Avenue (Old Mesa County Jail and Sheriff Offices)**

The following bids were received:

R.W. Jones Construction, Fruita	\$ 62,806.00
M.A. Concrete, Grand Junction	\$ 81,000.00
Colorado West Leasing, Grand Junction	\$149,500.00

*Action: Award Contract for Demolition and Removal of Structure and Debris Located at 655 Ute Avenue to R.W. Jones Construction in the Amount of \$62,806.00*

5. **Accepting Improvements for the Northfield Sanitary Sewer Improvement District No. SS-42-97**

Construction of sanitary sewer lines in Northfield Subdivision has been completed in accordance with the Resolution Creating Sanitary Sewer Improvement District No. SS-42-97.

Resolution No. 45-98 - A Resolution Approving and Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-42-97, and Giving Notice of a Hearing to Consider the Proposed Assessing Ordinance

*Action: Adopt Resolution No. 45-98*

6. **Accepting Improvements for Alley Improvement District No. ST-97, Phase A**

Reconstruction of the following five alleys has been completed in accordance with the Resolution Creating Alley Improvement District 1997, Phase A:

E-W alley, 8th to 9th St. btn Colorado & Ute Ave.;  
E-W alley, 9th to 10th St. btn Main and Colorado Ave.;  
E-W alley, 13th to 14th St. btn Colorado & Ute Ave.;  
"I" shaped alley, 18th to 19th St. btn Elm & Orchard Ave.;  
E-W alley, 14th to 17th St. btn Main & Rood Ave.;

Resolution No. 46-98 - A Resolution Approving and Accepting the Improvements Connected with Alley Improvement District No. ST-97, Phase A

Action: Adopt Resolution No. 46-98

7. **FY99 Unified Planning Work Program (UPWP) for the Grand Junction/ Mesa County Metropolitan Planning Organization (MPO)**

The Metropolitan Planning Organization seeks approval of the FY 1999 Unified Planning Work Program to continue transportation planning activities on behalf of the City and the County under the previously approved multi-year contract with the Colorado Department of Transportation.

Resolution No. 47-98 - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of the Fiscal Year 1999 Unified Planning Work Program

Action: Adopt Resolution No. 47-98

8. **Exchange of Real Estate to Acquire Right-of-Way for Kannah Creek Flowline Near Desert Vista Subdivision at Whitewater**

Desert Vista Subdivision (James Dyer) is encumbered by a prescriptive easement for the City's Kannah Creek Flowline. In order to acquire fee simple title to this right-of-way, the City and James Dyer agree to exchange real estate.

Resolution No. 48-98 - A Resolution Authorizing the Exchange of Real Estate with Dyer, LLC, a Colorado Limited Liability Company

Action: Adopt Resolution No. 48-98

9. **Vacating an Easement at 1114 N. 1st Street**  
[File #VE-1998-094]

Request to vacate a portion of a utility easement along the southeast property line of Lot 1, Sherwood Park Minor Subdivision.

Resolution No. 49-98 - A Resolution Vacating a Portion of a Utility Easement at 1114 N. 1st Street

Action: Adopt Resolution No. 49-98

10. **Vacating an Easement at 2424 F Road** [File #VE-1998-123]

The petitioner is requesting vacation of a utility easement located at 2424 F Road, which is a Home Depot pad site. The easement contains no utility lines and the utility providers have indicated the easement is not needed. Staff recommends approval.

Resolution No. 50-98 - A Resolution Vacating a Utility Easement

Action: Adopt Resolution No. 50-98

11. **Setting a Hearing on Rezoning Property Located at the Northeast Corner of 1st Street and Grand Avenue from C-2 and P to B-3, Vacating the East/West Alley, and Vacating a Utility Easement to Permit Development of a Rite Aid Store** [File #RZ-1998-125]

The petitioner, Thrifty Payless, Inc., dba Rite Aid, is requesting to rezone several lots, a vacation of an alley easement and to relocate a utility easement.

- a. Proposed Ordinance Rezoning Land Located at 1st Street and Grand Avenue and Vacating the East/West Alley Right-of-Way from C-2 and P to B-3

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 2, 1998

- b. Resolution No. 51-98 - A Resolution Vacating a Utility Easement for the Rite Aid Pharmacy

Action: Adopt Resolution No. 51-98

12. Contract with the BSG Group and Bruce Snell for Professional Services

The Fire and Public Works and Utilities Departments have identified the need for professional services to assist their organizational development efforts and believe that the Bruce Snell program entitled "4 Barriers to Quality" or Base Work System 2000 will meet this need. The program has been initiated on a test basis in these two departments with the support of the City Manager, and after presentations to the entire organization.

Resolution No. 52-98 - A Resolution Approving a Contract with the BSG Group and Bruce Snell for Professional Services for the City of Grand Junction

Action: Adopt Resolution No. 52-98

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

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

WESTERN COLORADO BUSINESS DEVELOPMENT CENTER REQUEST FOR FUNDING TO PURCHASE 1600 UTE AVENUE

Thea Chase, Executive Director of WCBDC, will request \$400,000 from the City to help purchase the building at 1600 Ute Avenue for the WCBDC Administrative Offices and the Incubator Center.

Jim Widdows, 743 W. Wilshire Court, representing the WCBDC Board of Directors and Executive Committee, said the Board has spent a tremendous amount of time searching for an alternative location since finding out the current location will be demolished. The reason he donates his time to this organization is because those who live in our community and decide to start businesses are as important as those companies that come in from the outside. The Incubator, Small Business Center and the revolving loan fund make that possible.

Thea Chase introduced Shannon Morgan and Bill Petty, members of the Board, Bob Elliott, President of Cactus Coatings, a former tenant, and a current tenant of the Incubator, Jim Watson, President of Springbrook Manufacturing. She reviewed the history of the organization and its mission. She detailed some of their

successes and stated their target market is businesses with approximately five to ten employees. She highlighted the commercial kitchen function. She estimated that the organization has reached about 50% of the small businesses of the community.

She then reviewed the request and the overall project. The facility is needed to continue the WCBDC work and Ms. Chase encouraged the City of Grand Junction to support the request. Councilmember Kinsey asked the number of businesses created so far. Ms. Chase said the Incubator Program has created 64 businesses, two within the past year. Councilmember Kinsey asked where the kitchen incubator is located. Ms. Chase responded there are three locations, the Knights of Columbus facility, the Department of Energy facility, and UTEC. Those facilities will not be affected by the change of location for WCBDC.

Councilmember Kinsey asked what proportion of the WCBDC services is consulting versus creating new businesses. Ms. Chase said consulting is the major part of the WCBDC. The space is a necessity for businesses to operate and grow. The environment created by an incubator is one that nurtures companies and increases their chance for success, and shortens the time between when they start and the time when they are able to successfully move out into the community and create jobs. Councilmember Kinsey felt a \$3 million building is not necessary in which to conduct consulting services. Ms. Chase wished to make clear that there are many different activities within the WCBDC, all of which have their own individual impacts in the community, but which operate as a whole. They are all successful because they operate as one entity.

Councilmember Theobald said Council is struggling with the comparison to the economic development efforts. When the Chamber of Commerce, as part of a local incentive program, comes to Council, or MCEDC comes to Council, they will state how many jobs will be created, minimums and standards on what the pay scale will be, and many other standards which Council can use to balance the expenditure of funds. Ms. Chase's inability to quantify that makes Council's decision much harder.

Councilmember Theobald asked for a definition of "retaining a job". Ms. Chase replied "jobs in jeopardy" are jobs that would be lost without the infusion of capital. Such businesses might be closed down if they don't get a loan. Councilmember Theobald

asked for one example of such a business. Ms. Chase said Superior Alarm, noting such loans are public knowledge.

Ms. Chase said the WCBDC is an information resource. People are starting businesses in huge numbers in this community. When the economy is good and businesses are being started, it is even more reason why the Incubator needs to be there to help them understand the feasibility of their idea, and make sure they are thoroughly planning before they get into business and make some mistakes that have reverberations throughout our economy.

Councilmember Theobold asked how many incubators exist in the country. Ms. Chase said approximately 750 incubators. Most operate as non-profit. Those operating for profit are less than 10%.

Councilmember Theobold questioned Ms. Chase's statement that Mesa County's wages are decreasing. Ms. Chase clarified that in comparison to the rest of the State, Mesa County is losing ground. From 1988 to 1997, the higher paying industries are showing a lower percentage of jobs than in 1988. Manufacturing has lost a full percentage point with respect to its labor force component. Retail and service, which are the lowest paying of the industry sectors, have grown since 1988. This will impact wages.

Councilmember Sutherland asked what the lease rates are in the incubator. Ms. Chase said the rates are based on 75% of market and the rate is increased by 5% per year. They increase the base rate periodically.

Councilmember Sutherland asked if tenants state it is difficult to find space to rent. Ms. Chase said their situation is unique because they have offices and also have manufacturing/warehouse space.

Councilmember Scott asked what the time limit is for tenants. Ms. Chase answered three to five years but the average is 2.5 years.

Councilmember Payne asked what the current City subsidy funds (\$25,000) are used for. Ms. Chase stated 50% is used for the incubator and 50% is used for the small business development center, used to leverage other funding. Mesa County also contributes an equal amount. He asked if the subsidy will ever go away. Ms. Chase said the WCBDC plans to eliminate the incubator portion subsidy in three years, the small business development



center subsidy would not be eliminated as there is no revenue source for the consulting portion of the organization.

Councilmember Payne asked the City Attorney about the ownership of the building and how the City can be protected if the WCBDC goes away. City Attorney Wilson said the EDA probably has similar concerns and it should be discussed.

Councilmember Payne desired the City and the County be protected as to ownership.

Jim Widdows concurred with Councilmember Payne's concerns and said it could be resolved similarly to the Museum/CD Smith building. City Attorney Wilson said that particular method and others are available. Mr. Widdows said the Board's intent is to give the City and County protection.

Councilmember Theobald asked how much the City has contributed to the organization over the last eleven years excepting the annual subsidies. Ms. Chase said the City sponsored a \$200,000 Community Development Block Grant for the start up of the revolving loan fund.

Christy Barnes, 2365 1/2 Rana Road, said she opened her own business in the Ridges 4 1/2 years ago. She went to the Incubator three times, and could not get help. She could not understand why the City would continue to fund the program when the Incubator is willing to help only certain, very specific, little new businesses.

Jim Watson, President of Springbrook Manufacturing, located in the Incubator, 304 W. Main Street, said his business manufactures the Little Bear snowshoes. They moved to the incubator from his garage in April, 1997. The business now has four full-time professional employees averaging \$10/hour. They are the world's leading supplier of children's snow shoes. The Incubator has been instrumental in their growth by sustaining them and marshaling their growth and management to insure they will do a good job. The bank has strong confidence in the business because of their association with the Incubator. The business has grown tremendously and the Incubator has helped the business through the tremendous growth. Mr. Watson is a strong supporter of the Incubator.

Bob Elliot, Cactus Coatings, like Jim Watson, moved into the Incubator from a garage. He has received strong help from the Incubator. He currently employs 42 people with a \$600,000 payroll. Any questions he asked of the Incubator he received good, solid answers. He is a big supporter of the Incubator. All of the business dollars come from outside of Colorado.

Bill Petty, 1936 S. Broadway, a strong supporter of the Incubator as well as a board member, said NorWest Bank refers people the bank cannot help to the Incubator to prepare a business plan. The Incubator is a valuable tool for this community.

There being no other comments, public comment was closed.

Councilmember Kinsey stated he appreciates the work Ms. Chase is doing. The need for the Incubator has changed since its creation during the bust. The City's authorization of \$400,000 will also authorize the County's \$400,000 funding. There are better uses of these funds than buying a building. He felt there is no free consultation, somebody does pay for it.

Councilmember Sutherland expressed similar concerns. He appreciated the Incubator's need to support small businesses and understood the cost of finding space for small businesses. He felt it was wonderful to have an opportunity to maximize federal dollars, which are also tax dollars. He reluctantly agreed to help fund the request, and encouraged Ms. Chase and the WCBDC board to implement conditions with tenants and get reports back from previous tenants for statistical purposes. He thanked Ms. Chase for the good work.

Councilmember Theobald has supported the Incubator and all of their projects. He wished more information was available to help with the decision. He was concerned with the fast pace of requiring this decision. He was uncomfortable with double taxation (City and County). He was uncomfortable with the amount of funds and where the Council wants to fund it from. It should come from the City's earmarked funds rather than splitting it as Council has indicated. The zoning issues around this facility and how it fits with the Master Plan is another concern. Issues with existing tenants, and not helping everybody is also a concern. Free consulting is a valuable asset which is subsidized by the City. The protection for the City on the title makes him willing to be supportive.

Councilmember Payne agreed with Councilmembers Theobold and Sutherland. He was concerned with the short period of time in which to make a decision, but due to a long association with WCBDC, he supported the request. The building will form a permanent home for this organization. He hoped the costs do not make it too expensive to lease. He also wished more statistics had been available. He commended Ms. Chase on her work.

Mayor Terry said she supports the organization, and was on the board at its inception. She has questioned many times the need for the existence of the organization, but as she has watched its growth under the capable direction of its current director, it is obvious to her that the need is there for the consulting. This organization has brought focus to that resource and it is vital to the success of small business in this community.

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, with Councilmember **KINSEY** voting **NO**, the request for \$400,000 to help purchase the building at 1600 Ute Avenue for the WCBDC Administrative Offices and Incubator Center, with \$200,000 from the Economic Development funds and \$200,000 from the general fund, and including title language as discussed with the City Attorney, was approved.

Councilmember Theobold asked the City Attorney what the Council's legal liability is on issues that come before them and are broadcast which could be slanderous or libelous. City Attorney Wilson said he could examine that question and respond.

**AWARD OF CONTRACT AND APPROVAL OF CHANGE ORDER NO. 1 ON THE RECONSTRUCTION OF 12TH STREET AND HORIZON DRIVE INTERSECTION**

On August 11, 1998, the City received bids for this project. The bids received were all well above the engineer's estimate, therefore staff has renegotiated with the low bidder. Based on those negotiations, staff is recommending the award to M.A. Concrete Construction and approval of the Change Order for a total contract amount of \$575,466.80.

Mark Relph, Public Works Manager, reviewed this item and explained the reasons for renegotiating with the low bidder and the advantages of going forward this fall. He detailed what items were included in the change order amounting to approximately \$102,000, and presented a negotiated amount of \$575,466.80 to the City Council for consideration.

Councilmember Payne asked about the time frame. Mr. Relph said it is planned for the beginning of September, 1998.

Mayor Terry asked about the shortfall. Mark Relph said there are sufficient funds for this project but the rest of the project will likely have a \$300,000 shortfall next year.

Upon motion by Councilmember Theobold, seconded by Councilmember Scott and carried by roll call vote, the contract was awarded to M.A. Concrete Construction and Change Order No. 1 in the amount of \$101,130 was approved for a contract amount of \$575,466.80 for reconstruction of the 12th Street and Horizon Drive Intersection.

**PUBLIC HEARING - ADOPTING AMENDMENTS TO CITY OF GRAND JUNCTION SECTION 401(A) MONEY PURCHASE DEFINED CONTRIBUTION PLANS - ORDINANCE NO. 3066 ADOPTING AMENDMENTS TO RETIREMENT PLANS FOR SPECIFIED CITY OF GRAND JUNCTION EMPLOYEE GROUPS**

The general employee money purchase plan is amended to include a loan provision requested by participants and to change the retirement age from 65 to 55. Participants in the police and fire money purchase plans have requested the existing loan provisions be amended to allow for loans against rollover contributions without regard to the two-year service requirement currently imposed on loans. The participants in the fire plan have requested an increase in the loan amount from 20% to 50% of the vested balance.

A hearing was held after proper notice.

Ron Lappi, Administrative Services Director, reviewed this item and explained the changes proposed and how the changes will make all the plans in line with each other.

Councilmember Theobold asked what the fiscal impact would be in the reduction in retirement age. Mr. Lappi said none to the City.

These are money purchase plans, defined contribution plans, not defined benefit plans.

The hearing was closed at 8:54 p.m.

Upon motion by Councilmember Theobold, seconded by Councilmember Scott and carried by a roll call vote, Ordinance No. 3066 was adopted on final reading and ordered published.

**PUBLIC HEARING - VACATING A RIGHT-OF-WAY AND EASEMENT AT 602 WEST GUNNISON AVENUE - ORDINANCE NO. 3067 VACATING THE WEST ONE FOOT OF MALDONADO STREET NORTH OF WEST GUNNISON AVENUE AND A UTILITY EASEMENT** [FILE #VR-1998-092]

The petitioner is requesting vacation of one foot of right-of-way along the west side of Maldonado Street north of West Gunnison Avenue and vacation of a utility easement. The request is due to discovering the existing 22 unit storage building lies 6" into the right-of-way and easement. The street is improved with curb, gutter and sidewalk and will not likely need widening. The building lies 36" behind the sidewalk. Staff recommends approval.

A hearing was held after proper notice.

Gary Duresh, the petitioner, reviewed the item discussing the intention to build storage units and the subsequent discovery that the building is over the property line. When the mail out cards were distributed, there were no objections by the neighbors or City authorities.

Councilmember Sutherland asked if Mr. Duresh was the owner at the time of the previous request for vacation of the bulb area of the cul-de-sac. Mr. Duresh said no.

Mike Pelletier, Community Development Department, noted the utility companies have indicated the easement is not needed and there was an error in the legal description. It is being corrected. The City has determined the right-of-way is not needed. The request meets the criteria of Section 8-3 of the Zoning & Development Code.

Councilmember Theobold asked if the distance between the sidewalk and the building is 36"? Mike Pelletier said yes. The City will have 30" to work on the sidewalk. Bill Nebeker, Community Development Department, said in residential subdivisions there is usually one foot (12") to work between the sidewalk.

Councilmember Theobold asked why the error wasn't caught previously. Councilmember Sutherland said the previous map submitted showed the property line in a different location. Under Mr. Duresh's ownership, a new survey showed the error.

Councilmember Theobold asked how the building ended up being built 6" over. Mike Pelletier said it must have been a survey error or

an error in construction. Mr. Duresh said perhaps the previous contractor did not locate the corner pins.

There were no other comments. The hearing was closed at 9:02 p.m.

Upon motion by Councilmember Sutherland, seconded by Councilmember Scott and carried by a roll call vote, Ordinance No. 3067 was adopted on final reading, and ordered published.

**PUBLIC HEARING - VACATING F 1/4 ROAD RIGHT-OF-WAY, EAST OF 25 1/2 ROAD - ORDINANCE NO. 3068 - AN ORDINANCE VACATING A PORTION OF F 1/4 ROAD, EAST OF 25 1/2 ROAD** [FILE #VR-1998-114]

The owner of Foresight Village Apartments is requesting the vacation of the F 1/4 Road right-of-way, east of 25 1/2 Road. With the platting of Fall Valley Subdivision, the right-of-way is no longer needed for access to adjoining properties.

A hearing was held after proper notice.

Bill Ihrig, 2324 N. Seville Circle, the petitioner said Staff has presented all the facts in their report. He had nothing to add.

Bill Nebeker, Community Development Department, reviewed this item and referred to an overhead to illustrate the request. He said there is no need for the easement. The request meets the criteria for vacation in Section 8-3 of the Zoning and Development Code, and Staff recommends approval.

Councilmember Theobald asked why it was not addressed at the time of the subdivision. Mr. Nebeker advised it is not owned by the developer John Davis.

The hearing was closed at 9:05 p.m.

Upon motion by Councilmember Scott, seconded by Councilmember Sutherland and carried by a roll call vote, Ordinance No. 3068 was adopted on final reading, and ordered published.

**RECESS**

The Mayor declared a 10-minute recess at 9:05 p.m.

Upon reconvening at 9:18 p.m., all members of Council were present.

PUBLIC HEARING - APPEAL OF PLANNING COMMISSION APPROVAL OF A  
PRELIMINARY PLAN FOR ROCKWOOD AT THE RIDGES AND REQUEST TO WAIVE  
PUBLIC STREET STANDARD, LOCATED AT RANA ROAD AND RANA COURT -  
APPEAL DENIED [FILE #PP-1998-110]

The applicant proposes a preliminary plan to construct 15 patio home dwellings (nine detached and six attached) on a multi-family designated lot in the Ridges. The subdivision will utilize a private street that requires City Council approval to waive the public street standard. Planning Commission approved the preliminary plan and recommended approval of the waiver of the public street standard. Mr. Allen Korbe of 2365 1/2 Rana Road has appealed the preliminary plan approval.

Mike Stubbs, 2408 Hidden Valley Drive, President of Dynamic Investments, owner of the property was present. He detailed the request and referred to an overhead illustration. He gave some of the history of the density in the Ridges. He identified the duplexes which will be sold individually, as attached single family dwellings. He pointed out the clustering in surrounding areas in the Ridges. Mr. Stubbs stated the Preliminary Plan was unanimously approved by the Planning Commission. The Ridges was a planned community of mixed uses. He noted the densities of other filings and the allowed buildout originally conceived. When the City annexed, those plans were accepted. The ingress/ egress has been improved with the replatting of Lot 1A. Lot 2 has existed as a multifamily site for close to fifteen years. He didn't want an apartment complex, he wanted more of a single family concept. The A lots in the covenants and the amended plan adopted by the City are less restrictive than what Mr. Stubbs is proposing. The original proposal has a cul-de-sac and an access to Rana Court. That concerned Staff so it was modified to a hammerhead turnaround for emergency and utility purposes. He also increased the cul-de-sac and added two parking spaces. Access to a bike/pedestrian path has been set aside and will be paid for by his company. Minimum parking requirements are exceeded. A traffic study was not required, however a study was conducted with the Cobblestone Ridges Subdivision project and included this property. It was found the road capacity could easily accommodate 155 more units. They are proposing a total of 107 units (less than 70% of what the traffic study said could be accommodated). Drainage has been an issue because of a ridge top and rainfall. He will utilize curb and gutter and flow to Cobblestone Ridges detention pond which is already agreed to. The pond was built to accommodate this

development. Engineers have estimated the run-off will be 18% of the historical run-off. The project should mitigate some of the run-off problems.

Mr. Stubbs presented drawings showing the character of the structures proposed. He stated that an homeowners association will be formed to maintain the private drive and the front lawns of all the units. He noted the Planning Commission approved the Preliminary Plan subject to the requested revisions from the July hearing. He then addressed the appellant's (Mr. Korbe) concerns.

Private streets are not substandard, distance between roads less than the 150' offset are identified in the TEDS manual. That has been waived by the City engineer and is not actually a part of the Code. The height measurements are different in the Ridges covenants versus the City standards. Their plans comply with the existing covenants. The Planning Commission placed a 32' limitation on the height. Mr. Stubbs is requesting it go back to 25' height by the Ridges' measurements. There are no windows facing adjacent developments so Mr. Korbe's privacy will be protected. Mr. Stubbs will be installing a privacy fence at his own expense.

Mr. Stubbs said he has complied with all requirements and has incorporated staff's recommendations.

City Attorney Wilson asked Mr. Stubbs to explain the difference in the height measurement. Mr. Stubbs said a sloping site in the Ridges is measured 25' from the highest grade adjacent to the structure. The City measures from the average grade.

Councilmember Scott asked for the road width. Stubbs said 20'. Councilmember Scott noted on-street parking would prohibit passage of two cars. Mr. Stubbs said the street will be signed to prohibit on-street parking.

Councilmember Theobald asked about the vacation of the easement running along Lot 1A. Mr. Stubbs said that will be addressed at final plat.

Councilmember Theobald asked about the access of two lots on the cul-de-sac. Mr. Stubbs said the choice of access location was due to aesthetics and to include them in this neighborhood for the community feel.



Steve Erkiss said the intent of the land plan was to create a neighborhood. The continuity would be lost by those lots if they entered off Rana Court.

Bill Nebeker, Community Development Department, reviewed this item by going through the handouts to clarify some points.

Mr. Nebeker explained the method for determining density on the amended final plan for the Ridges. It resulted in 7.1 units per acre on the multifamily lots.

Mayor Terry asked if the PR-4 zone does not specifically apply to this parcel. Mr. Nebeker said it is PR-7.1. City Attorney Wilson said the analysis is necessary to get the right density. Mr. Nebeker said the density is based on the overall plan and acreage.

Councilmember Theobold said the confusion needs to be resolved. City Attorney Wilson agreed, but said it just has not been done. Councilmember Theobold asked what the legal existing density on this parcel would be. Mr. Nebeker said up to 7.1 units per acre, explaining density transfers are no longer being allowed. The density was assigned when the parcel was annexed and there was no reassigning of densities.

He explained how the offset of the streets was created and why Public Works determined it was not a problem. He traced the drainage for the development into the Cobblestone detention pond.

Councilmember Sutherland asked why Rockwood Lane was not realigned so that it would line up. Mr. Stubbs said there was not enough room to place a dwelling on the one side.

Mr. Nebeker pointed out there will just be one dwelling per lot. The height limitation (25') is an adopted standard in the Ridges plan so Staff has no problem with it. The private street does meet the draft standards for private streets. Mr. Nebeker said Staff recommends approval of the Preliminary Plan and waiver of the public streets standard.

Mayor Terry asked how this development relates to the Master Plan. Mr. Nebeker said the Growth Plan indicates up to 3.9 units per acre, so it does meet the Growth Plan requirements.

Councilmember Theobold asked if there is a minimum lot size and how that affects the street width and the setbacks. Bill Nebeker

said the applicant was concerned with the 45' radius required for the cul-de-sac which would be on a hill. He said this site is appropriate for a private street due to the topography (slope).

Councilmember Sutherland asked if the existing streets in the area have curb and gutter. Mr. Stubbs said only the new development has curb and gutter.

Mayor Terry asked what the recourse is if the homeowners association does not maintain the street, curb and gutter. City Attorney Wilson said Council can impose an assessment if it is not maintained.

Mayor Terry asked about the pedestrian access. Bill Nebeker said there is a pedestrian link (8' concrete path) which the applicant will construct as per a previous agreement, and will be partially paid for by the City. Public Works Manager Mark Relph said the City agreed to that in relation to the Cobblestone Ridges development. City Attorney Wilson said the reason for the City's participation was that the Cobblestone developer did not own the property. It was not known at that time that this developer had an interest in the Cobblestone development.

Councilmember Theobald asked Mr. Relph about the street alignment. Mark Relph said 150' is in the TEDS Manual but looking at the number of left turns at peak traffic, Staff felt that while it is not ideal, the misalignment would be acceptable. Bill Nebeker said the offset actually helps the drainage.

Community Development Director Scott Harrington reiterated that these properties were platted as multifamily properties and if developed that way, the private street would be a driveway to an apartment building. If that were the case, this discussion would not even be taking place.

Councilmember Theobald referred to the future easement to be vacated and asked its purpose. Mr. Nebeker said the 14' multipurpose easement was for future access if the lots were not developed together. City Attorney Wilson clarified it is for utilities as required by City Standards. Mark Relph verified that conclusion.

Mayor Terry asked about the possible future connection of Rana Road to Broadway. Public Works Manager Mark Relph said City and County staff have been looking at the entire Ridges area over to

South Camp to design a road network. A draft plan contemplates a connection at the end of Ridges Boulevard through the proposed development with the Redlands Mesa group north and west back towards an extension of 23 Road south (more neighborhood oriented connections).

Mr. Stubbs said the Cobblestone Ridges access replat resulted in the loss of lots, as did the access to this development. He also addressed the bike/pedestrian path issue and how it evolved as a benefit to all parties.

Mayor Terry solicited public comment at this time.

Allen Korbe, 2365 1/2 Rana Road, adjacent property owner, said when he purchased his property in February, 1998, he was told there would be eight single-family homes built around him. Now there are two duplexes surrounding him. He read from the Ridges covenants regarding uses and building restrictions in Filing #6: "The Ridges Filing #6 located in Mesa County, Colorado, as being the protecting property values and protecting the health, convenience, welfare and use of all owners of lots within said subdivision, does hereby declare and adopt the following use and building restrictions, each and all for which shall be applicable to and run with the land in the Ridges Filing #6." His concern on the height has been resolved. Run-off issues in the covenants is also addressed: "No structure shall be placed or located in such a manner that it will obstruct, divert or otherwise alter the natural water drainage courses and patterns, and no landscaping or changes to the existing terrain shall made which shall obstruct, divert or otherwise alter such drainage." Mr. Korbe was concerned with the lot in the middle and the public park area diverting drainage, thus draining into his basement. The building diverts the historical flow. He was afraid the drainage will flow into his basement with the construction of a duplex on the line of historical drainage.

Mr. Korbe addressed his traffic concerns on Rana Road saying he has not seen the traffic study. The golf course will be in that area and no one can predict what the future traffic will be as more development takes place beyond Rana Road; therefore, he felt the idea of a sub-standard street is a real issue. Another such request was denied in an adjacent development (Eagle Crest). He said it resulted in decreased density and the elimination of duplexes.

Mayor Terry asked Mr. Korbe what his understanding was of buildout of surrounding properties when he purchased the property. He said he thought it would be eight total units (PR-4).

Mayor Terry asked about the connection to the golf course development. Mr. Korbes said no one knows how it will be developed but there is already a dirt road there. City Manager Mark Achen recalled that the golf course plan wraps around the area.

Mayor Terry said the street will be narrower, not sub-standard in terms of construction. Council has only recently considered private streets.

Councilmember Scott asked if there will be a drainage problem no matter where the building is. If eight units go in, Mr. Korbe said there is a possibility of a drainage problem. City Attorney Wilson said the rule of law is that Mr. Korbe is protected based on existing terrain. If a building is placed on a property and the flow is changed and starts flooding, it is the builders' problem.

Adrian Hagen, said she and her husband, Wes McKenzie, own the property at 405 Rana Court, which has a full basement. They acquired the property in 1987 and had some flooding in 1993 after some building and drainage changes. They underwent a second flood in 1997 as a result of water diversion, and they called City Engineering. Tri-River Extension has determined there is excessive water on their Aspen trees, and a slug infestation in the backyard because of the constant water flow. The development has cost them economic and psychological duress. They have installed sump pumps to counteract the problem, but it is a unique ground area so additional construction concerns them. The Plan is to divert drainage to the detention pond uphill. She asked how water flows up? She urged Council to take a look at the construction throughout the Ridges and have some engineering done with the ground structure (clay and rock). She requested some assurance that this water won't end up in her yard and basement. She was told by Bookcliff Builders (now bankrupt) that the drainage would be flowed off. The drainage pipes are clogged up with debris and need to be cleaned out. She did not know where the responsibility lies for keeping the drainage pipes clear.

Councilmember Sutherland noted the City had inherited this development that was approved with sub-standard streets. He

suggested the neighborhood might pay for improvements needed. Ms. Hagen said she is only asking that the water movement be studied.

Bruce Heitman, 2367 Rana Road, voiced concerns with on-street parking and access for emergency vehicles. He said the water does flow up, but that changes with heavy rains, and the water will go into his back yard.

Denine Cornell, 402 Rana Court, is a new homeowner. She knew there would be development around her but assumed single-family homes would be built. She has now found out there will be duplexes. Councilmember Theobald said some people are dismayed and offended when the open space around them develops.

Mayor Terry said greater density is allowed as it stands now than what is being proposed. Council cannot legally deny the zoning if it's already there. Councilmember Kinsey said this is a planned zone so it's not a use by right. Council can decide on the densities.

Mary Ellen Fern, 2361 Rana Road, said she can vouch that the drainage does go uphill but then it settles in front of her house. She thought drainage will be a problem with more development.

There were no other public comments.

Mr. Stubbs invited Mr. Langford, the engineer, to address the drainage situation.

Jim Langford, Thompson, Langford Corporation, engineer for this project as well as Cobblestone Ridges, presented an exhibit displaying the topography. He showed the historical drainage. The street was sloped to gather the water which follows along the curb and gutter to Rana Road. They plan to connect curb and gutter to the Cobblestone curb and gutter system, thus solving a drainage problem. The City's drainage manual requires developers to perform calculations for the 100 year flood event. The road is designed with a grade that flows in the proper direction. They will slope the road 2% to one side.

Mayor Terry asked about the drainage on the other side of the street. Mr. Langford said the resulting drainage will be from one house. City Attorney Wilson suggested the developer should drain toward the road by house gutter direction. Mr. Langford argued

they are improving the drainage already. Some mitigation has been done at the end of the street.

Councilmember Theobald asked what is being done to avoid flooding into the proposed houses. Mr. Langford said the grading would be contoured around the houses to guide the flow to the street.

Mr. Stubbs clarified that the hatched area on the topo map will not be carried to the street which amounts to 18% of the historical flow. No drainage plan would be required if single-family homes are built so this proposal is to their benefit. If the golf course goes in, then that developer should address any traffic concerns. Ridge Park (previously Entrada) has private streets.

Regarding density issues the applicant is attempting to create a single family character. The duplex units will have more than the required setbacks. The developer has tried to cooperate with Staff and Planning Commission.

Councilmember Theobald asked if Rana Road is all built out. Mr. Stubbs said no in Cobblestone, but yes on Rana Road.

Councilmember Sutherland asked if a detention pond could be placed between the upper development and the developed Rana Road, and direct the roof run-offs and flows to that area. City Manager Achen clarified they should take the roof and driveway flows and direct them to the front (the street). Steve Erkiss agreed with the installation of a detention pond rather than changing the roof pitch which is intended for privacy. Mr. Stubbs said he is having some geotechnical work done on the project. The developer has agreed to look into it.

City Manager Achen suggested giving a concept direction to Planning Commission to try to find a way to get the roof and driveway drainage to drain to the street. Council doesn't want to make matters worse.

Mark Relph said Staff doesn't know enough about the site. It sounds reasonable, but he can't foresee difficulties.

Mayor Terry asked if the City can assess the potential for standing water in certain yards. Mark Relph said solutions are difficult to pinpoint and expensive. Just south of this are

townhomes that are experiencing the same thing. The solution was to install a french drain.

City Manager Achen asked if it's possible to design this development so it does not make matters worse. Mark Relph said it is definitely possible.

Mr. Stubbs reiterated they are improving the drainage except for 18% of what is historic. They are willing to work with Staff toward final plat to do further mitigation if possible, feasible and reasonable.

There were no other comments. The hearing was closed at 11:30 p.m.

Councilmember Kinsey stated the density of 7.1 was assigned to these units, but this is a planned zone so any level of zoning can be determined. He read from the first paragraph of the amended final plan: "The allocated densities are maximum densities for the sites. The maximum density for any site which is allowed by the plan may normally not be constructed because of site constraints including limitations on vehicular access to the site, infrastructure deficiencies, geologic conditions, soils or other constraints." Council has some flexibility in that area. In spite of assurances by engineers, Councilmember Kinsey felt there are a lot drainage and soil problems in the Ridges. He felt the density may be allowing too many units.

Councilmember Scott said he had a problem with narrow streets. He would rather see standard size streets constructed.

Councilmember Sutherland said his main concern is drainage and that it works the way engineering shows it. He is not fond of narrow streets, but the City won't have to maintain them. If illegal parking takes place, it will be the responsibility of the homeowners association. The developer may have some responsibility to direct flows past Mr. Korbe's house. He expects more details at final plat.

Councilmember Theobald asked if all of the Ridges mill levy is dedicated to debt. City Attorney Wilson said the Ridges Metro #1 and #2 is dedicated to the debt. There is the City mill levy too.

Councilmember Theobald suggested using part of the Ridges Metro overlay, if it's not dedicated to debt, to solve some of the drainage issues around the Ridges. City Attorney Wilson said it is all debt related. City Manager Achen concurred, but asked if a

mill levy could be created for such a purpose. City Attorney Wilson said it was intended the Ridges Metro debt would be paid off by the Ridges Metro mill levy only, and the City's regular mill levy would pay for regular maintenance.

Councilmember Theobold didn't like the road alignment but the drainage information has convinced him the offset is necessary. He didn't like the narrow road but topography makes him accept it as the homeowners association will maintain it, although he could foresee future buyers having problems with that. He suggested a standard sign indicating the street is a private street. The drainage problems are serious, although engineering will solve a large portion of the problem. There is room for some improvements in this plan. He was very concerned with the two attached units that abut on both Rockwood Lane and Rana Court. He appreciated the concept but backyards of these two units face Rana Court. He would like to see an adjustment so that one faces one way and the second faces the other. Open space access areas are adjacent to the development. If the City is going to do any improving to that access, now is the time to make the access compatible with what is being built. The neighborhood has voluntarily downzoned when it could have all been duplexes. He remembered trying to tackle this previously. He knew this is a huge improvement, and he can accept it.

Councilmember Payne agreed with Councilmember Theobold. Off-setting the road doesn't bother him that much. Problems the City has inherited out there must be considered, no curbs and gutters, poor infrastructure, and no drainage (natural only). The City is trying to address these issues as the area grows. The density does not bother him. It depends on what is built and how it's built. Drainage has been explained by a qualified engineer and it will be addressed. He felt he could live with the narrower street.

Mayor Terry said the drainage issue is not settled. It is subject to a geologic study.

City Attorney Wilson said drainage is already part of the City's requirements. Council can include some conditions in its motion, but can't address off-site problems. In a broader sense Staff could tell developers they need to be aware of the aquifer and they could be required to address it.



Mayor Terry was comfortable with what was heard from the engineer. Curb and gutter in the Cobblestone area has resolved some problems. She had no problem with the density. She was accustomed to private streets in the City. She would like to see Council pursue showing actual density/zoning on maps.

a. Appeal of Preliminary Plan Approval

It was moved by Councilmember Theobold and seconded by Councilmember Payne that the Preliminary Plan be approved with the caveat that in exchange for other considerations, including the private streets, mitigation of the drainage on Tract A and the roof lines be addressed at final plat, and creating frontage for the two duplexes on both Rana Court and Rockwood Court (one facing on Rana Court and the other facing Rockwood Court).

Scott Harrington said residents objected to that configuration previously. They did not want any of the units to front Rana Court. Mr. Harrington suggested it be an alternative submitted at final plat. Planning Commission would conduct another public hearing and consider both alternatives.

Councilmember Theobold amended his motion to reflect the drainage mitigation is a requirement, asking for a Rana Court frontage alternative to be presented at final plat. Councilmember Payne seconded the amendment. Roll was called on the amended motion with the following result:

**AYE: PAYNE, THEOBOLD, SCOTT, SUTHERLAND, TERRY.**

**NO: KINSEY**

b. Street Standards

Upon motion by Councilmember Theobold, seconded by Councilmember Payne and carried by a roll call vote with Councilmembers **KINSEY and SCOTT** voting **NO**, the waiver for street standards for the private street was approved.

ADJOURNMENT

The meeting adjourned at 12:00 a.m.

Stephanie Nye, CMC/AEE

City Clerk