

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

April 5, 2000

The City Council of the City of Grand Junction, Colorado, convened into regular session the 5th day of April, 2000, at 7:32 p.m. at Two Rivers Convention Center. Those present were Earl Payne, Jack Scott, Janet Terry, Reford Theobald, and President of the Council Gene Kinsey. Cindy Enos-Martinez and Jim Spehar were absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Payne led in the Pledge of Allegiance. The audience remained standing during the invocation by Steve Johnson, Living Hope Evangelical Free Church.

**PROCLAMATION DECLARING APRIL 11, 2000 AS "ALTRUSA AWARENESS DAY"
IN THE CITY OF GRAND JUNCTION**

**PROCLAMATION DECLARING APRIL 11, 2000 AS "BARBERSHOP QUARTET DAY"
IN THE CITY OF GRAND JUNCTION**

APPOINTMENT TO DOWNTOWN DEVELOPMENT AUTHORITY

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried, PJ McGovern was appointed to the Downtown Development Authority to fill an unexpired term until June 30, 2002.

**PRESENTATION OF APPOINTMENT CERTIFICATES TO NEWLY APPOINTED
BOARD MEMBERS**

GRAND JUNCTION HOUSING AUTHORITY – Corey Hunt and Erin Ginter were present to receive certificates.

BOARD OF APPEALS - J. Creighton Bricker was present to receive his certificate.

ALTERNATE TO GRAND JUNCTION PLANNING COMMISSION – Bill Putnam was present to receive his certificate.

RIDGES ARCHITECTURAL CONTROL COMMITTEE – Frank Rinaldi was present to receive his certificate.

CONSENT ITEMS

Upon motion by Councilmember Theobald, seconded by Councilmember Scott, and carried by roll call vote, Consent Calendar item #8 was taken off the agenda and the remaining items #1 through 15 were approved:

1. Minutes of Previous Meeting

Action: Approve the Minutes of the Special Meetings March 7 and March 13, 2000 and the Regular Meeting March 15, 2000

2. July 4th Fireworks Celebration Agreement

In October, 1999 the Women's Chamber of Commerce notified the City that they were no longer going to conduct the annual fireworks display in Lincoln Park. Knowing the display was an important community event that needed to continue, City Council asked the Parks and Recreation staff to search for a primary sponsor.

Action: Authorize the City Manager to Enter into a 3-Year Agreement with 2-Year Renewal Option with KJCT to Sponsor the July 4th Fireworks in Lincoln Park and Suplizio Field

3. Western Colorado Golf Foundation and Rocky Mountain Open

The Western Colorado Golf Foundation addressed the Parks and Recreation Advisory Board on February 24, 2000 with an update on their 3-year effort to form a non-profit, tax exempt foundation to run the Rocky Mountain Open. The WCGF is an outgrowth of the 1999 Rocky Mountain Open Committee.

Action: Authorize the City Manager to Enter into an Agreement with the Western Colorado Golf Foundation to Run the Rocky Mountain Open Golf Tournament

4. 2000 U.S. Department of Justice Local Law Enforcement Block Grant

The Police Department has been awarded a Federal Block Grant in the amount of \$54,815. An in-kind match of \$6,091 from existing or new funds will be required for the expenditure of these Federal funds.

Action: Authorize the City Manager to Accept the Federal Block Grant in the Amount of \$54,815

5. **24 Road and G Road Bridge Widening Project**

The following bids were received on March 21, 2000:

United Companies, Grand Junction	\$1,236,595.50
Elam Construction, Grand Junction	\$1,323,821.20
M.A. Concrete Construction, Grand Junction	\$1,401,533.30
Engineer's Estimate	\$1,187,150.00

Action: Award Contract for 24 Road and G Road Bridge Widening Project to United Companies in the Amount of \$1,236,595.50

6. **1999B and 2000 Alley Improvement Districts**

The following bids were received on March 28, 2000:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Mays Concrete	Grand Jct	\$292,830.00
M.A. Concrete	Grand Jct	\$294,728.50
Reyes Construction	Grand Jct	\$377,196.16
G&G Paving	Grand Jct	\$400,150.25
R.W. Jones Construction	Fruita	\$450,857.50
Engineer's Estimate		\$296,290.00

Action: Award Contract for 1999B and 2000 Alley Improvement Districts to Mays Concrete, Inc. in the Amount of \$292,830.00

7. **Concrete Repairs for Overlay Streets**

The following bids were received on March 28, 2000:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Reyes Construction, Inc	Grand Junction	\$248,160.70
G&G Paving Construction, Inc.	Grand Junction	\$249,000.00
Precision Paving & Construction	Grand Junction	\$314,609.00
Engineer's Estimate		\$304,216.00

Action: Award Contract for Concrete Repairs for Overlay Streets to Reyes Construction, Inc. in the Amount of \$248,160.70

8. **Rules and Procedures for Pre-Qualification of Contractors**

In cooperation with the Western Colorado Contractor's Association and the Associated Builders and Contractors Association, Public Works staff has prepared and is proposing adoption of Rules and Procedures for Pre-qualification of Contractors, effective January 1, 2001.

Resolution No. 26-00 – A Resolution Adopting Rules and Procedures to Pre-Qualify Contractors to Bid on City Public Works and Utility Projects

Action: Removed from Consent Calendar and Agenda

9. **Setting a Hearing on Hart Annexation Located at 3015 E 1/2 Road**

[File #ANX-2000-010]

The 5.75-acre Hart Annexation area consists of land owned solely by the applicant, Shirley Hart, and a portion of 30 Road right-of-way. The applicant has signed a petition for annexation.

a. **Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction**

Resolution No. 28-00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Hart Annexation Located at 3015 E ½ Road and Including a Portion of 30 Road Right-of-Way

Action: Adopt Resolution No. 28-00 and Set a Hearing on May 17, 2000

b. **Set a Hearing on Annexation Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hart Annexation, Approximately 5.75 Acres, Located at 3015 E ½ Road and a Portion of 30 Road Right-of-Way

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 17, 2000

10. **Setting a Hearing on H.B.C.R.S. Annexation Located at 2620 G Road**

[File #ANX-2000-028]

The 10.6-acre H.B.C.R.S. Annexation area consists of two parcels of land. There are no existing structures on the site. The owners of the properties have signed a petition for annexation.

a. Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction

Resolution No. 29–00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – H.B.C.R.S. Annexation Located at 2620 G Road

Action: Adopt Resolution No. 29–00 and Set a Hearing on May 17, 2000

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, H.B.C.R.S. Annexation, Approximately 10.6 Acres, Located at 2620 G Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 17, 2000

11. **Setting a Hearing on Reinking Annexations No. 1, No. 2 and No. 3 Located at 541 20 1/4 Road** [File #ANX-2000-030]

The 13-acre Reinking Annexation area consists of one parcel of land, approximately 7.71 acres in size. The remaining acreage is comprised of right-of-way along South Broadway and 20 ¼ Road. There are no existing structures on the site. Once additional right-of-way is dedicated and the required detention pond area is subtracted from the site, 6.81 acres remain for developing an 11 lot single family subdivision. The owner of the property has signed a petition for annexation.

a. Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction

Resolution No. 30–00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Reinking Annexations No. 1, No. 2 and No. 3 Located at 541 20 ¼ Road

Action: Adopt Resolution No. 30–00 and Set a Hearing on May 17, 2000

b. Set Hearings on Annexation Ordinances

- (1) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Reinking Annexation No. 1, Approximately 0.96 Acres, Located at 541 20 ¼ Road
- (2) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Reinking Annexation No. 2, Approximately 7.66 Acres, Located at 541 20 ¼ Road
- (3) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Reinking Annexation No. 3, Approximately 4.38 Acres, Located at 541 20 ¼ Road

Action: Adopt Proposed Ordinances on First Reading and Set Hearings for May 17, 2000

12. **Setting a Hearing on Grand Junction Bible Missionary Church Annexation Located at the Southwest Corner of I-70 and 26 ½ Road (2648 Cottonwood Drive)** [File #ANX-2000-038]

The 1.45-acre Grand Junction Bible Missionary Church area consists of one parcel of land and portions of Cottonwood Drive and 26 ½ Road. A new church structure is proposed on the vacant site.

a. Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction

Resolution No. 31-00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Grand Junction Bible Missionary Church Annexation Located at the Southwest Corner of I-70 and 26 ½ Road (2648 Cottonwood Drive)

Action: Adopt Resolution No. 31-00 and Set a Hearing on May 17, 2000

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Grand Junction Bible Missionary Church Annexation, Approximately 1.45 Acres, Located at the Southwest Corner of I-70 and 26 ½ Road (2648 Cottonwood Drive)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 17, 2000

13. **Larchwood Inn Easements Vacations, Located at the Northwest Corner of 15th Street and Patterson Road and 2845 15th Street** [File #FPP-2000-023]

In conjunction with a request to expand the Larchwood Inns Nursing Home, the applicant requests to vacate a 20-foot wide multi-purpose irrigation and drainage easement and a 44' x 40' ingress/egress easement. At its March 14, 2000 hearing the City Planning Commission recommended approval of this request.

- (1) Resolution No. 32-00 – A Resolution Vacating a Multi-Purpose Irrigation and Drainage Easement within Hilltop Subdivision No. 2 Located at the Northwest Corner of 15th Street and Patterson Road
- (2) Resolution No. 33-00 – A Resolution Vacating an Ingress-Egress Easement within Hilltop Subdivision No. 2 Located at the Northwest Corner of 15th Street and Patterson Road

Action: Adopt Resolutions No. 32-00 and No. 33-00

14. **Setting a Hearing on Rezoning Proposed Lot 16, Ridge Point Filing 2 from PR-4 to RSF-2, Located East of High Ridge Drive at the East End of Hidden Valley Drive in The Ridges** [File #RZP-2000-007]

The applicant has requested to rezone a portion of a 50.4-acre parcel in the Ridges, known as proposed Lot 16, Ridge Point Filing 2 from PR-4 to RSF-2. This proposed zoning is in accordance with the Growth Plan Future Land Use Map and the recently adopted zoning map. The PR-4 zoning on the remainder of the parcel (proposed Lots 1-15) will remain and by this Ordinance Council will be directing staff to make the necessary change to the Official Zoning Map.

Proposed Ordinance Rezoning Property to be Known as Lot 16, Ridge Point Filing 2, Located at the Southeast Corner of High Ridge Drive and Hidden Valley Drive in the Ridges, from PR-4 to RSF-2

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 19, 2000

15. **Lamm v GNT Development and City Settlement Agreement**

Once it is annexed, the City agrees to process a two-lot subdivision application for the part of the Lamm property lying west of Leach Creek, and to consider a minor street plan connecting the rest of the Lamm property via G ½ Road with G Road.

Action: Approve Lamm v GNT Development and City Settlement Agreement

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

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

APPEAL OF FINAL PLAT/PLAN FOR SKYLER SUBDIVISION LOCATED AT 2871 D ROAD [FILE #FPP-2000-019]

The surrounding property owners are requesting an appeal of the approval for Skyler Subdivision's Final Plat/Plan, consisting of 35 single family residential lots, located at 2871 D Road. The Planning Commission recommended approval of the Final Plat/Plan, subject to conditions, at the March 14, 2000 meeting.

The public hearing opened at 7:45 p.m.

Patricia Parish, Associate Planner, Community Development Department, reviewed this item. She explained the appeal and who appealed. Staff has verified that the final plat meets the requirements of the Zoning & Development Code. The petitioner has addressed the concerns brought up at preliminary plat and complied with all conditions. There was no objection at the Planning Commission meeting where the final plat was approved.

Dan Wilson, City Attorney, explained that this is a technical appeal and the situation has been addressed in the new code. He explained what the review includes at the final plat stage. He acknowledged that this is not clear in the current code. He said the Council has very little discretion at this point if the applicant has met all the requirements. He said his advice is that Council must approve but they can certainly hear the concerns of the appellants as they relate to other developments.

In contrast, the next item (White Willows Annexation) is at the beginning of the process. In order for the City Council to have any authority over the next item, the area must first be annexed.

City Manager Mark Achen then outlined the steps that will take place for the White Willows property. He said the zoning action goes before Council and the preliminary plan process goes before the Planning Commission.

Councilmember Theobald said State Statutes also affect the processes before Council.

President of the Council Kinsey asked if Council's preference is to hear the testimony. Councilmember Theobald said Council must listen to the testimony, but cannot express what technical requirements might properly be addressed.

City Attorney Wilson said unless the technical requirements are not met, there is no basis for denial, and the Council must approve.

Councilmember Terry agreed with Councilmember Theobald that those present might have questions or desire to express concerns, even knowing the Council cannot change the approval.

Ray Rickard, 673 LaSalle Court, developer, said the property had a zoning of 8 units per acre and they have complied with all city requirements.

Jack Buford, 386 Evergreen, thanked City Attorney Wilson for the phone call so they knew what to expect. He understood the time to protest has passed but questioned why it took three weeks for him to get a phone call from City staff.

President of the Council Kinsey explained that Council only meets every two weeks and only saw the appeal Monday night. Councilmember Terry added that some of the issues are policy issues and Staff is not inclined to make those decisions until they get direction from Council. Councilmember Payne further explained that Council, at its Monday night workshop, directed Staff to contact Mr. Buford and others regarding the appeal.

Mr. Buford said, regarding notification, 500 feet is insufficient in areas where property is measured in acres. He said only 4 or 5 people were notified by mail. Signs were also posted, but people don't always pay attention to the signs. The D Road traffic problem gets worse daily. Grove Creek, The Peaks, Riverbend, Mountain Shadows, Summit View Ranch, etc. all use D Road. He called Pete Baier, Mesa County Public Works Director, last September about a traffic study. The study showed 7,362 were counted over a 24-hour period. The City did a traffic study last week with a count of 7,690 for an addition of 328 in one day. City Traffic Engineer Jody Kliska said D Road is considered a minor arterial road. Mr. Buford said the traffic creates a gridlock. The 30 Road underpass will start next year. There will be delays during construction of the 29 Road Bridge in 2003. D Road and 30 Road are definite problems. The City and County agree there are problems, but no resolution takes place, just more houses. He asked for a delay in some

of the construction until roads can handle the traffic. Twelve people in the audience stood in agreement with Mr. Buford's comments.

Councilmember Theobald thanked Mr. Buford for his comments and cohesive analysis of the problem in the area.

Rene Fugere, 382 Evergreen Road, adjacent to White Willows, said she was not notified. She agreed with Mr. Buford. She felt the area is not ready for any more subdivisions. She asked Council to consider traffic impacts before annexing any more properties with streets that cannot handle it.

Dick Buzzell, 2893 Florida Street, said he didn't think Florida Street was included in this development but now it's included. It is currently a dead-end road and won't be safe for the State Home residents. Patricia Parish said Florida Street will connect to the existing right-of-way but the alignment is to change.

Senior Planner Bill Nebeker said yes Florida Street will connect through Skyler, into White Willows Subdivision, and eventually, all the way out to the east at 29 Road. Skyler is not building Florida Street for this development because the alignment is changing. With the White Willows Subdivision, they are vacating Florida Street and moving the street. The transition occurs between White Willows and Skyler.

Dick Buzzell said that would be a tragic mistake. He asked how the traffic will get off of 29 Road.

Bill Nebeker said a section of Florida Street will be improved over time with Skyler and White Willows subdivisions.

There were no other public comments. The public hearing closed at 8:25 p.m.

Councilmember Terry expressed appreciation for the public bringing the issue to Council. She addressed the request to stop annexation to stop the development. She explained that the development will occur regardless of the annexation but per the Persigo Agreement with Mesa County, the City must annex when plans for development take place. Actually, the zoning is what determines the traffic impact.

Councilmember Scott said he didn't realize the traffic problem on D Road.

Councilmember Theobald said the City needs to find out what the plans are for D Road.

Councilmember Terry asked Public Works Staff to gather information regarding this issue and report back to Council.

Councilmember Payne thanked those that spoke. He also did not realize how bad the situation was on D Road. This area is a new area for the City.

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried, the appeal was denied.

PUBLIC HEARING - WHITE WILLOWS ANNEXATION LOCATED AT 2856 C 1/2 ROAD, 2851 AND 2863 D ROAD [FILE #ANX-2000-018]

The 40.41-acre White Willows Annexation area consists of three parcels of land. The owners of the property have signed a petition for annexation as part of a request for preliminary plat approval.

A public hearing was opened at 8:29 p.m.

President of the Council Kinsey explained what is being considered tonight.

Bill Nebeker, Senior Planner, Community Development Department, reviewed this item. He gave some background. This request for annexation was tracking along with the zoning request. The Preliminary Plan was pulled from that agenda at the March 15, 2000 Planning Commission meeting. The plan is for a 126-lot subdivision on 40 acres at 3.27 units per acre. The zoning was continued to the April 11, 2000 Planning Commission hearing along with the Preliminary Plan. The zoning will be brought to Council at a later date.

Mr. Nebeker said the property is eligible for annexation and meets statutory requirements. Staff recommends approval of the annexation.

David Hartman, an engineer with Banner Associates, 2777 Crossroads Boulevard, was present and stated they want to be annexed. It is the first step to development. It allows Planning Staff to review the application. He acknowledged the present traffic issues in the area.

Jack Buford, 386 Evergreen, asked how the annexation will impact the agricultural interests in the area. Mayor Kinsey said the rules on animals are the same as the County. Even if a property is in the City, a certain number of animals are allowed.

Councilmember Theobald asked Mr. Buford for the size of his property. Mr. Buford said just under one acre. Councilmember Theobald said one-half acre is the minimum size to be allowed an animal such as a horse.

There were no other public comments. The public hearing was closed at 8:35 p.m.

a. Resolution Accepting Petition

Resolution No. 34-00 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as White Willows Annexation is Eligible for Annexation, Located at 2856 C ½ Road, 2851 and 2863 D Road and Including Portions of the D Road and Florida Street Rights-of-Way

b. Annexation Ordinance

Ordinance No. 3242 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, White Willows Annexation, Approximately 40.41 Acres, Located at 2856 C ½ Road, 2851 and 2863 D Road and Including Portions of the D Road and Florida Street Rights-of-Way

Upon motion by Councilmember Terry, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 34-00 was adopted and Ordinance No. 3242 was adopted on second reading and ordered published.

ADJOURNMENT

The meeting adjourned at 8:38 p.m.

Stephanie Nye, CMC
City Clerk