

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

December 6, 2000

The City Council of the City of Grand Junction convened into regular session the 6th day of December, 2000 at 7:30 p.m. at the City Auditorium. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, and President of the Council Gene Kinsey. Reford Theobald was absent. Also present were City Manager Kelly Arnold, Assistant City Attorney John Shaver, and City Clerk Stephanie Nye.

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

PROCLAMATION EXTENDING BIRTHDAY WISHES TO DICK WOODFIN ON HIS 100TH BIRTHDAY

Representative Matt Smith also read a proclamation from the State of Colorado for Mr. Woodfin.

THE 2000 INDIVIDUAL ACHIEVEMENT AWARD PRESENTED TO BARBARA BOWMAN BY THE COLORADO TOURISM CONFERENCE

BOY SCOUT TROOP 388

The Mayor recognized the attendance of Boy Scout Troop 388.

CONSENT ITEMS

It was moved by Councilmember Payne, seconded by Councilmember Scott and carried by a roll call vote to approve the Consent Calendar items #1 through 10.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the November 13, 2000 Joint City/County Persigo Boundary Meeting, the Minutes of the Regular Meeting November 15, 2000, the Minutes of the Special Meeting November 20, 2000 and the Summary of the November 27, 2000 Workshop

2. **Levying Property Taxes for Collection in the Year 2001**

The resolutions set the mill levies of the City of Grand Junction, Ridges Metropolitan District #1 and #2, Grand Junction West Water and Sanitation District, and the Downtown Development Authority. The City and DDA mill levies

are for operations, the others are for debt service only. The City is also establishing a temporary credit mill levy for the purpose of refunding revenue collected in 1999 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution. The temporary credit is pursuant to CRS 39-5-121 (SB 93-255). The City will levy a temporary credit of 1.570 mills for the purpose of refunding approximately \$600,000.

- a. Resolution No. 120-00 – A Resolution Levying Taxes for the Year 2000 in the City of Grand Junction, Colorado
- b. Resolution No. 121-00 – A Resolution Levying Temporary Credit Taxes for the Year 2000 in the City of Grand Junction, Colorado
- c. Resolution No. 122-00 – A Resolution Levying Taxes for the Year 2000 in the Ridges Metropolitan District, a Part of the City of Grand Junction, Colorado
- d. Resolution No. 123-00 – A Resolution Levying Taxes for the Year 2000 in the Grand Junction West Water and Sanitation District, a Part of the City of Grand Junction, Colorado
- e. Resolution No. 124-00 – A Resolution Levying Taxes for the Year 2000 in the City of Grand Junction, Colorado, Downtown Development Authority

Action: Adopt Resolutions No. 120-00, 121-00, 122-00, 123-00 and 124-00

3. **Lease of Warehouse Space Located at 2757 Highway 50 for Fire Equipment Storage**

Existing apparatus/equipment inventory has exceeded the amount of available interior storage space. The Fire Department is requesting approval to lease a storage building at 2757 Highway 50 for the winter months to house this apparatus and equipment.

Resolution No. 125-00 – A Resolution Authorizing the Lease by the City of Certain Real Property Located at 2757 Highway 50 in the City of Grand Junction

Action: Adopt Resolution No. 125-00 and Approve the Transfer of Funds from the CIP Fund to Cover the Lease and Associated Costs

4. **2001 Rural Fire Protection District Services Contract**

The Grand Junction Rural Fire Protection District Board has requested continued services from the City of Grand Junction Fire Department for the year 2001. A memorandum of agreement between the City and District calls for the provision of certain services by the Fire Department to citizens of the District. Pursuant to and defined in the agreement, the District pays the City an allocated portion of the annual budget for services. The projected cost of services for 2001 is \$1,165,291.

Action: Approve the 2001 Contract with Grand Junction Rural Fire Protection District in the Amount of \$1,165,291

5. **Revocable Permit to the Mesa State College Foundation for the Installation of Buried Electric Lines in Various Public Rights-of-Way**

The Mesa State College Foundation is proposing to install buried electric lines in public rights-of-way to serve Mesa State's new fine arts and humanities facilities. The buried lines would be located in public rights-of-way for College Avenue, Mesa Avenue, Texas Avenue and Elm Avenue.

Resolution No. 126-00 – A Resolution Concerning the Issuance of a Revocable Permit to the Trustees of State Colleges in Colorado

Action: Adopt Resolution No. 126-00

6. **Utility Rate Changes, Effective January 1, 2001**

Effective January 1, 2001 utility rates for wastewater, solid waste, water and irrigation services are proposed to change.

Resolution No. 127-00 – A Resolution Adopting Utility Rates for Water, Solid Waste, Irrigation Services and the City-County Joint Sewer Fund, Effective January 1, 2001

Action: Adopt Resolution No. 127-00

7. **Revocable Permit for Surplus City, Located at 200 West Grand Avenue**
[File #SPR-2000-147]

The owner of Surplus City requests a revocable permit for landscaping and driveway improvements to be located in the right-of-way adjacent to the site. Staff recommends approval.

Resolution No. 128-00 – A Resolution Concerning the Issuance of a Revocable Permit to James A. Holmes

Action: Adopt Resolution No. 128-00

8. **Setting a Hearing on Annexing Davidson/Wilcox Enclave, Located East of South Camp Road and North of the Ute Water Tanks on the Redlands**
[File #ANX-2000-208]

First reading of the annexation ordinance to annex the Davidson/Wilcox Enclave located east of South Camp Road and north of the Ute Water Tanks on the Redlands. The 5.11-acre enclave consists of one vacant parcel of land.

Proposed Ordinance Annexing the Territory to the City of Grand Junction, Colorado, Davidson/Wilcox Enclave Annexation, Located East of South Camp Road and North of Ute Water's Water Tanks on the Redlands, Consisting of Approximately 5.11 Acres

Action: Adopt Proposed Ordinance and Set a Hearing for December 20, 2000

9. **Setting a Hearing on Amending Chapter 4 of the Zoning and Development Code Regarding Group Living Facilities**

This ordinance makes major changes to Section 4.Q of the Zoning and Development Code, Group Living Facilities. The City has been requested to revisit this section of the Code as several issues were not addressed or considered in the original adoption. Various groups which met with City staff included representatives from Hilltop, Colorado West Mental Health, Mesa Developmental Services, Salvation Army, Community Corrections Board, and others.

Proposed Ordinance Amending Chapter 4 of the Zoning and Development Code of the City of Grand Junction, Colorado

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 20, 2000

10. **Cemetery Fee Adjustment for Disinterment**

It has been requested that the City waive the customary fee for disinterment and reinterment of three unmarked gravesites for the purposes of conducting DNA testing to determine if the remains might be those of the grandfather of Mr. Melvin G. Southam.

Action: Authorize Waiver of Customary Fees and Assess Only Time and Materials with the Balance of Revenue between the Established Charge and the Time and Materials Charge to be Taken from Council Contingency and Credited to the Cemetery Fund

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

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

PUBLIC HEARING - ZONING THE DAVIDSON/WILCOX ENCLAVE ANNEXATION TO RSF-E, LOCATED EAST OF SOUTH CAMP ROAD AND NORTH OF THE UTE WATER TANKS ON THE REDLANDS [FILE #ANX-2000-208] - CONTINUE TO DECEMBER 20, 2000

Second reading of the zone of annexation ordinance to Residential Single Family Estate with a maximum density of one unit per 2 acres (RSF-E) for the Davidson/Wilcox Enclave Annexation located east of South Camp Road and north of the Ute Water Tanks on the Redlands. The 5.11-acre enclave consists of one vacant parcel of land. Staff is requesting a continuance so the annexation can occur first.

Mayor Kinsey opened the public hearing at 7:39 p.m.

David Thornton, Principal Planner, Community Development Department, displayed a location map and asked that the item be continued.

There were no public comments on the continuance. The Mayor closed the public hearing at 7:41 p.m.

Proposed Ordinance Zoning the Davidson/Wilcox Enclave Annexation to Residential Single Family Estate (RSF-E), Located East of South Camp Road and North of the Ute Water Tanks

Upon motion by Councilmember Spehar, seconded by Councilmember Scott and carried, this item was continued to December 20, 2000.

PUBLIC HEARING - REDLANDS PARKWAY BRIDGE ANNEXATION LOCATED ON REDLANDS PARKWAY BRIDGE ACROSS THE COLORADO RIVER AND INCLUDING REDLANDS PARKWAY RIGHT-OF-WAY AND BRIDGE [FILE #ANX-2000-206]

Resolution for acceptance of the annexation petition to annex and second reading of the annexation ordinance for the Redlands Parkway Bridge Annexation located on Redlands

Parkway across the Colorado River and including Redlands Parkway right-of-way and bridge. The 2.15-acre Redlands Parkway Bridge Annexation consists of a portion of the Colorado River.

David Thornton, Community Development Department, reviewed this item stating that it consists only of the bridge and right-of-way between US 6 & 50 and Broadway.

Mayor Kinsey opened the public hearing at 7:41 p.m.

There were no public comments. The Mayor closed the public hearing at 7:43 p.m.

Councilmember Terry commented that this is one example of the ongoing work between the City and County in using tax dollars more efficiently in the maintenance of public facilities.

a. Resolution Accepting Petition

Resolution No. 129-00 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Redlands Parkway Bridge Annexation, Located on the Redlands Parkway across the Colorado River and Including the Redlands Parkway Right-of-Way and Bridge, is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3313 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Redlands Parkway Bridge Annexation, Approximately 2.15 Acres, Located on the Redlands Parkway across the Colorado River and Including the Redlands Parkway Right-of-Way and Bridge

Upon motion by Councilmember Scott, seconded by Councilmember Enos-Martinez and carried by roll call vote, Resolution No. 129-00 was adopted and Ordinance No. 3313 was adopted on second reading and ordered published.

PUBLIC HEARING - CHC CELLULAR ANNEXATIONS NO. 1 AND NO. 2 LOCATED AT 2784 WINTERS AVENUE [FILE #ANX-2000-186] CONTINUED TO JANUARY 17, 2001 MEETING

AND

PUBLIC HEARING - ZONING THE CHC CELLULAR ANNEXATION I-2, LOCATED AT 2784 WINTERS AVENUE [FILE #ANX-2000-186] CONTINUED TO JANUARY 17, 2001 MEETING

Public Hearing for the acceptance of the petition to annex and second reading of the annexation ordinances for the CHC Cellular Annexation, a serial annexation comprising CHC Cellular Annexation No. 1 and CHC Cellular Annexation No. 2, located at 2784 Winters Avenue and including portions of the Winters Avenue right-of-way. The entire annexation area consists of 10.85 acres.

and

Second reading of the zoning ordinance for the CHC Cellular Annexation located at 2784 Winters Avenue and including portions of the Winters Avenue right-of-way. State law requires the City to zone property that is annexed into the City of Grand Junction. The proposed zoning of I-2 is similar to the existing Mesa County zoning of Industrial. The Planning Commission forwarded a positive recommendation.

Patricia Parish, Associate Planner, asked for legal direction prior to her presentation. There is some question as to whether or not the application will go forward. Assistant City Attorney John Shaver advised the Council to receive the information first and then to decide.

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

Ms. Parish proceeded in reviewing the request. She stated the staff recommends annexation of this location.

Petitioner Jill Cleveland, Western Wireless, reported the company wants to add equipment to this cell tower. She also represents the property owner. She does not represent AT&T Wireless, the owner of the tower. The property owner has asked that they not go forward with the annexation request. Western Wireless has secured the lease with the property owner, but AT& T has rejected the request for the tower location. The owner's consent was based on the lease with AT& T. She asked that the request be continued for 30 days to see if they are able to reach an agreement with AT & T.

Mayor Kinsey clarified that the primary objection to annexation was the perceived increase in taxes. Ms. Cleveland confirmed this and stated the property owner does not want to see this move forward because it is not likely negotiations with AT&T will work out.

Councilmember Payne asked who was the signer of the annexation agreement. Ms. Parish said the property owner signed the agreement.

Councilmember Terry asked Ms. Cleveland if she felt there was any possibility of this being resolved. Ms. Cleveland responded that she felt there might be a ten percent chance of something being worked out. There is a slim chance that it would work, so to continue would make sure that possibility is ruled out.

Councilmember Payne asked the Assistant City Attorney to clarify that under these circumstances where the petitioner is withdrawing the request, and if there is no development, would there then not be any trigger point for annexation. John Shaver, Assistant City Attorney, responded to the question of whether or not the Council will allow the applicant to request to withdraw the petition. In the past the Council has stated that the lack of application approval was irrelevant. There were two cases, one that Council allowed the petitioner to withdraw and one that they did not. It is speculative if there will be development in the future in terms of this application.

Councilmember Enos-Martinez asked if in the future should there be any development, would the petitioner need to come before the Council again. Mr. Shaver confirmed that they would.

There were no public comments. The Mayor closed the public hearing at 7:54 p.m.

Councilmember Terry stated she could not support the annexation petition if there is to be no development. Development triggers annexation.

Councilmember Enos-Martinez asked Councilmember Terry if she would support the 30-day continuance. Councilmember Terry responded she could support the 30-day continuance. Councilmember Enos-Martinez stated she would support the 30-day continuance for the parties to work out an agreement.

Councilmember Payne would support the continuance tonight, and also agreed to the withdrawal if there is no development.

Councilmember Spehar stated he could support a continuance until January 17, 2001.

a. Resolution Accepting Petitions

Resolution No. 130-00 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as CHC Cellular Annexation, a Serial Annexation Comprising CHC Cellular Annexation No. 1 and CHC Cellular Annexation No. 2, Located at 2784 Winters Avenue and Including the Winters Avenue Right-of-Way, is Eligible for Annexation

b. Annexation Ordinances

- (1) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, C.H.C. Cellular Annexation No. 1, Approximately 0.82 Acres Located at 2784 Winters Avenue and Including a Portion of the Winters Avenue Right-of-Way
- (2) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, C.H.C. Cellular Annexation No. 2, Approximately 10.03 Acres Located at 2784 Winters Avenue and Including a Portion of the Winters Avenue Right-of-Way

Proposed Ordinance Zoning the C.H.C. Cellular Annexation to General Industrial (I-2), Located at 2784 Winters Avenue

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried, Council agreed to continue Items #13 and #14 regarding accepting petitions, annexation ordinances and zoning for the CHC Cellular Annexation No. 1 and No. 2 to the January 17, 2001 meeting, for full hearing.

PUBLIC HEARING – APPEAL OF PLANNING COMMISSION DENIAL OF OUTLINE DEVELOPMENT PLAN AND ZONING THE ETTER-EPSTEIN PROPERTY TO PD, LOCATED AT THE SOUTHEAST CORNER OF HORIZON DRIVE AND G ROAD
[FILE #ODP-2000-058]

The 22.56-acre Etter-Epstein ODP property is located at the southeast corner of Horizon Drive and G Road and consists of three parcels of land. Approximately 1.4 acres of the property is public right-of-way due to the realignment of 27.5 Road and the Horizon Drive/G Road intersection. The parcels are presently zoned Planned Development (PD) but a plan has never been established for the property. The property owners are proposing this ODP to retain the PD zoning.

Mayor Kinsey opened the public hearing at 8:01 p.m.

Bruce Phillips, representing the estate of Jimmie Etter, and Manuel Epstein (who was not able to attend tonight's meeting) presented Council with a brief history of the property. The owners are not developers but do have ideas about how the property should be developed. They will not, in all likelihood, be the developers of the property. During the meeting at the Adam's Mark, it was expressed how inappropriate residential development would be along Horizon Drive. As a result of that meeting, the property owners were instructed by the City to come up with a plan. The owners felt it should be developed as mixed use. They tried to provide a mixture of uses but at the same time keep and preserve development options, and limit some objectionable uses. Mr. Phillips proposed a mix of business and commercial uses of 12.5 acres, residential of 5.26 acres at 4–8 units per acres and open space of 3.18 acres. This plan was

brought to the Planning Commission. The Planning Commission reviewed this Outline Development Plan with the instruction that they could not approve the plan with conditions. City Council does not have the same limitation and could approve this plan with conditions. The Planning Commission was asked to tell the applicant what was wrong with the plan and what their concerns were. The Planning Commission responded that 1) the height of structures along 27½ Road - the applicant is willing to go 65 feet on Horizon but limit to 35 feet in height on 27½ Road; 2) commercial uses proposed are too broad for the area; 3) the density in the critical fly zone is too high. Conditional Use allows up to 4 units per acre in the airport critical zone. Based on the Planning Commission's comments and staff's comments, a list of conditions was prepared that was acceptable to the owners. The first condition states the density within area 5 critical zone would be 4 units per acre (permitted in the airport critical zone and less than Ptarmigan Point); 2) building height shall not exceed 65 feet on Horizon Drive nor 35 feet on the north/south section of 27½ Road; 3) removing uses from area 4 along 27½ Road; retail and alcohol sales would be prohibited unless it is an accessory to a hotel /motel. No auto repair, oil lube or gas stations would be permitted.

Staff recommended that this go back to the Planning Commission with an amended application addressing these concerns. The problem is that if an amended application is submitted, the applicant is back to square one with more fees and a new set of rules. Mr. Phillips' understanding of the City's position, based upon the meeting at Adam's Mark, was to have this put on a faster track and get something approved that is workable.

Councilmember Payne asked Mr. Phillips if a time frame was discussed for submitting development plans at the Adam's Mark meeting. Mr. Phillips stated they were not given a time at the meeting but later on they were. Councilmember Payne asked if that time frame had been met and Mr. Phillips responded yes.

Councilmember Terry read a staff report excerpt regarding the bulk standards applying to area 5. Mr. Phillips responded that in the initial Outline Development Plan the applicant asked for 4 units per acre in that area.

Kristen Ashbeck, Senior Planner, Community Development Department, presented more detail on the site and constraints the staff is working with. She stated the applicant had not provided staff with the constraints analysis map as requested. There are both natural and manmade constraints, i.e. wetlands, drainage, the airport critical zone, and 27½ Road cuts through the property right now. It is conducive to transitional zoning. There are a lot of natural, topographical constraints. The slopes could be used for buffering purposes.

The concerns with uses are in area 1 as well as those in area 4 include the height of structures in the area of old 27½ Road and staying compatible with residential units in

that area. Allowed uses in the airport critical zone were discussed with hotels and motels specifically not allowed. The applicant agreed to go down in density but wanted to maintain bulk requirements in order to allow flexibility with housing other than detached single family. The possibility of clustering units in some areas had been discussed.

Councilmember Terry asked if this was discussed with staff and the Planning Commission. Ms. Ashbeck said that was discussed afterward.

Councilmember Terry asked Ms. Ashbeck about the staff's reaction. Ms. Ashbeck said it could work but a Conditional Use Permit would need to be obtained and submitted with a more detailed plan. The application did not meet criteria of Section 2-2 of the Zoning and Development Code and the staff's recommendation is that they go back to the Planning Commission and Council not consider these concessions tonight.

Mayor Kinsey asked why it took six months to come to Council. Ms. Ashbeck stated there a number of issues. Staff worked with the applicant for a few months. Ms. Etter then passed away and there was some turmoil as a result.

Councilmember Terry asked for clarification on why staff was recommending Council deny this plan. Assistant City Attorney Shaver stated one of the difficulties is the Planned Zone without a plan. The Planning Commission was advised and part of the reason it was advised that this be returned to the Planning Commission is because the plan and zone are so interrelated. Staff took time to work with the applicant so that there would be no contentious issues.

Councilmember Terry confirmed that the new regulations in the Code allowed for ODP's. Assistant City Attorney Shaver confirmed, but stated this is not at the ODP level.

Councilmember Terry commented that this is a proposed ODP. Assistant City Attorney Shaver stated that the specific detail required to translate it to the ODP plan is the zone. The question is whether the detail being provided will allow zoning to take place.

Councilmember Terry asked if the ODP is approved, what are the conditions, and what is the next step in the process. Assistant City Attorney Shaver stated the next step would be the actual zoning.

Councilmember Terry stated this would require a more specified plan to allow for that zone. Mayor Kinsey clarified that this area is already zoned PD. Assistant City Attorney Shaver responded yes, which is why all these elements are so important, because the Plan will dictate the zone.

Councilmember Terry asked if the plan and zone are typically done together. Mr. Shaver said they were. Assistant City Attorney Shaver stated the staff felt that is the missing level of detail and it was determined this should be returned to the Planning Commission in order to provide specific direction to the Council. Ms. Ashbeck noted the proposed ordinance for zoning is based on the original plan which does not reflect the changes.

Councilmember Spehar asked if Council has the option to refer this back to the Planning Commission. Assistant City Attorney Shaver said that Council does have this option. They also have the option to craft conditions, but that would be very difficult to do and it would be better to have the Planning Commission deal with it.

Councilmember Spehar asked if this was referred to the Planning Commission, would the owners be required to refile a new application, incurring additional fees. Assistant City Attorney Shaver responded they would not.

Councilmember Terry asked if the plan was remanded back to the Planning Commission why would Planning Commission's instructions be any different than they were before, and why would this create a different situation. Assistant City Attorney Shaver explained that it would not actually be remanded back but they would be asked to take the concessions that are discussed tonight and incorporate them.

Councilmember Terry acknowledged that, but still questioned why this is different. For instance, she was assuming this remand would include instructions to include those conditions. Assistant City Attorney Shaver stated Council had three options, 1) to accept with concessions; 2) remand back to Planning Commission with specific questions; or 3) deny entirely and allow applicant to file a new plan.

Councilmember Terry asked if the Planning Commission still says no, even with the new set of instructions, could it then be appealed back to the Council. Assistant City Attorney Shaver responded that it could.

City Manager Arnold stated that the Council's instructions might include for them to consider this new information.

Mayor Kinsey opened the public hearing.

Lowell Gustafson, adjacent property owner, addressed the Council stating that Ms. Ashbeck has been a tremendous help in responding to their recommendations. The topography is very unique and will require a skilled developer to stabilize the soil due to the swamp-like nature of the property. There is also a lot of wildlife living in the area. Ptarmigan Ridge is less than 4 units per acre, and is not crying out for commercial development. That side of G Road is transitioning to residential, not hotels or

commercial development. If that were so, from his back yard he would be looking up at a 65-foot structure. He asked that structures be kept at 35 feet in height.

Councilmember Terry asked Mr. Gustafson to point out his lot on the map. He indicated the location of his lot and the slope, which causes a constant flow of water from the irrigation in the summer and there is no way of shutting it off.

Councilmember Scott asked if the elevation from his house to Horizon Drive is 30 feet. Mr. Gustafson said it was 30 feet, and that the new road is a natural place to start the transition.

Councilmember Payne asked if the 65 foot structure would be on right side of Horizon Drive, would it be the same on the east side on Horizon Drive. Mr. Gustafson responded that was correct.

Councilmember Payne pointed out that there was a setback on 7th Street and asked Mr. Gustafson, since it is his thought the property be developed residential, would he want his home directly off of Horizon Drive. Mr. Gustafson stated he thought people would. He reiterated that it would take a lot in order to stabilize the hills on that property, and a builder skilled in this type of topography would be required.

Terry Farina, 2673 Homestead Road, lives a few blocks from this area. He has known Manny Epstein most of his life. Mr. Epstein has been involved with this property since 1961 and it was always thought that there was going to be some commercial development. He travels by the property all the time. It seemed clear to him that this is a mixed use area and given the concessions that have been offered, it seems to meet, or is very close to, what Council wants. Remanding this with instructions gives the Planning Commission what they need to consider the concessions. He recommended that if remanded with instructions, Council should be really specific so all parties will be able to work together.

Bruce Phillips asked the Council to approve this plan, put the conditions on it and be done with it.

Mayor Kinsey closed the public hearing at 8:58 p.m.

Councilmember Terry stated that in her opinion, the plan makes sense with the concessions. There will need to be some type of buffering between the commercial and residential areas. She would be willing to grant an approval tonight or could be persuaded to remand to Planning Commission with instructions.

Mayor Kinsey stated that it has been mentioned several times that this area has been under informal planning for a long time and never got off the ground. It is a difficult area with several constraints, including being a high profile area. Council has tried to

deal with all of those things with the new Code. This would require a Planned Zone which is something Council has tried to eliminate, with the exception of specific detail for specific areas. His inclination would be to deny the plan this evening.

Councilmember Terry stated the plan would have to be scrutinized by City staff.

Councilmember Payne agreed with Councilmember Terry stating the Council had just spent a lot of time on 24 Road mixed use, and this is a good area for mixed use. Horizon Drive is a commercial type corridor. It appears the applicant has made every attempt to address concerns.

Councilmember Spehar asked how specific a direction Council can give without making it a moot point in remanding it back. Assistant City Attorney Shaver responded that the general direction would be regarding the concessions, the clustering of houses, the setbacks, and that these are elements of the plan. This does not decide approval of the plan.

Councilmember Enos-Martinez asked why Council could not approve the plan.

Assistant City Attorney Shaver stated legally Council could. The Planning Commission was not considering the zoning of this property in previous conversations. The property owners were required to submit a plan to keep that zoning. As long as Council is comfortable in translating that into a zoning ordinance, it could be approved.

Councilmember Spehar stated one of the issues is the limited ability of the public to be involved in the concessions due to this type of hearing. He is willing to go forward but is concerned about the lack of neighborhood input.

Councilmember Terry asked Ms. Ashbeck if she had any knowledge of why there is a lack of neighborhood response. Ms. Ashbeck did not know. This meeting was noticed as an appeal.

Councilmember Terry asked if the notice and information relating to this item was presented clearly enough so that the neighbors understood the issues to be discussed. Ms. Ashbeck stated she believed so. There were not that many neighbors present at the Planning Commission meeting either.

Councilmember Spehar stated his concern was if the neighborhood was aware that a decision on the appeal could have been made during this meeting or if the understanding was that the Council would be crafting/working through the specific conditions as a different issue.

Councilmember Scott agreed that this is going to be commercial, but did not understand area 4. It seems to him that area should be buffered, and should be more residential, not commercial.

Councilmember Terry asked if Council were to approve this plan tonight, would the applicant have to come back with more detail. Assistant City Attorney Shaver said the major concern is if there is sufficient detail in the preliminary plan.

Councilmember Terry asked if this is to be remanded, could the instructions to the Planning Commission include the statement that Council would like to see this approved subject to the conditions. Assistant City Attorney Shaver said that wording is not recommended.

a. Appeal of Denial of Outline Development Plan

b. Zoning Ordinance

Ordinance No. 3317 – An Ordinance Zoning Three Parcels of Land Located on the Southeast Corner of the Horizon Drive and G Road Intersection to PD (Planned Development)

Upon motion by Councilmember Spehar, seconded by Councilmember Scott and carried by roll call vote, with Mayor **KINSEY** voting **NO**, Ordinance No. 3317 was remanded back to the Planning Commission with instructions to consider concessions and concerns expressed including heights, density, airport critical zone, set back, buffering, etc.

PUBLIC HEARING – ADOPTION OF 2000 INTERNATIONAL BUILDING CODES AND RELATED FEES

The proposed ordinance is for the adoption of the National Electric Code and the family of 2000 International Codes to include: International Building, Residential, Mechanical, Fuel Gas, Property Maintenance, and Energy Conservation Code. The ordinance also adopts the 2000 Uniform Plumbing Code. The City of Grand Junction is currently using the 1994 Editions of the Uniform Codes.

Mayor Kinsey opened the public hearing opened at 9:13 p.m.

Mark Relph, Public Works Director, reviewed this item and recommended approval.

There were no public comments. The public hearing closed at 9:15 p.m.

a. Ordinance Adopting Code

Ordinance No. 3318 – An Ordinance of the City of Grand Junction, Colorado, Adopting and Amending the Latest Edition of the International Building Code, the Uniform Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code, and the International Energy Conservation Code to be Applied Throughout the City of Grand Junction with Certain Amendments Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area and Maintenance of all Buildings or Structures in the City of Grand Junction; Providing for the Issuance of Permits and Collection of Fees Therefor; Authorizing Fees to be Set by Resolution and Providing for Penalties for the Violation Thereof and Repealing All Other Ordinances and Parts Of Ordinances in Conflict Herewith

b. Resolution Setting Fees

Resolution No. 131-00 – A Resolution Setting Building Code Fees under the 2000 International Building Code

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3318 was adopted on second reading and ordered published, and Resolution No. 131-00 was adopted.

PUBLIC HEARING – ADOPTING THE 2000 INTERNATIONAL FIRE CODE AND RELATED FEES

The 2000 edition of the International Fire Code is part of the 2000 International Code set, currently being adopted by the City. The 2000 Codes are written to be well-coordinated so that the provisions do not conflict. The compatible sections of the International Building Code and International Fire Code contain identical language. There is a minor new amendment included concerning looped water lines. The amendment will provide the Fire Department with more flexibility in enforcement of looped water line requirements for new developments. All other Code amendments in this ordinance were previously adopted as part of the 1994 Uniform Fire Code, and are carried over to be part of the 2000 International Fire Code.

Mayor Kinsey opened the public hearing at 9:15 p.m.

Hank Masterson, Fire Inspector, reviewed this item and recommended its approval.

Councilmember Terry asked if this is to be adopted by the County as well. Mr. Masterson stated the Rural Fire District will be asked to approve it and then it will go to the County Commissioners.

There were no public comments. The public hearing closed at 9:16 p.m.

a. Ordinance Adopting Code

Ordinance No. 3319 – An Ordinance Adopting the 2000 Edition of the International Fire Code; Amending Certain Provisions in the Adopted Codes; Amending All Ordinances in Conflict or Inconsistent Herewith; and Providing a Penalty for Violation of Any Provision of Said Codes

b. Resolution Setting Fees

This resolution sets forth fees which are required in the International Fire Code, 2000 Edition, for Operational and Construction permits.

Resolution No. 132–00 - A Resolution Setting Fees for Operational and Construction Permits for the International Fire Code in the City of Grand Junction, Colorado

Upon motion by Councilmember Scott, seconded by Councilmember Spehar and carried by roll call vote, Ordinance No. 3319 was adopted on second reading and ordered published, and Resolution No. 132-00 was adopted.

PUBLIC HEARING - ADOPTING THE 1995 MODEL TRAFFIC CODE FOR MUNICIPALITIES

This ordinance primarily adopts the 1995 Model Traffic Code for Municipalities, while repealing the 1977 version. The difference between the 1977 and 1995 versions of the Model Traffic Code are primarily that the 1995 version is more readable and contains less jargon. The parking sections of the 1977 version will remain in full force and effect.

Mayor Kinsey opened the public hearing opened at 9:16 p.m.

Stephanie Rubinstein, Staff Attorney, reviewed this item and asked for adoption of the 1995 Code with the exception of the 1977 parking regulations which is included in the ordinance. The 1995 regulations are more workable and contain less jargon. Changes highlighted include proof of insurance requirement and seatbelt requirements for anyone 16 years of age or under, no matter where seated in the vehicle. There are more regulations for school buses.

Councilmember Spehar asked why the parking code was not updated. Ms. Rubinstein discussed the issues and deferred to Assistant City Attorney Shaver.

Assistant City Attorney Shaver stated the 1995 standard is not a comprehensive parking code, but more general in nature. The easiest way to keep balance for law enforcement is to keep the current parking regulations.

Councilmember Terry asked why the requirement for wearing seatbelts is only 16 and under. Her understanding was that everyone was required to wear seatbelts. Ms. Rubinstein responded that according to State Law, passengers riding in the back seat are not required to wear seat belts. Everyone in the front seat is required to wear a seatbelt. Councilmember Terry asked if this Code would be enforced differently than currently. Ms. Rubinstein stated that this would allow law enforcement to issue tickets.

There were no public comments. The public hearing closed at 9:21 p.m.

Ordinance No. 3320 – An Ordinance Amending Chapter 36 of the Code of Ordinances of the City of Grand Junction, Colorado, Adopting the 1995 Model Traffic Code and Amending Certain Provisions in the Adopted Code; and Providing Penalties Therefore

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3320 was adopted on second reading and ordered published.

PUBLIC HEARING – 2000 SUPPLEMENTAL APPROPRIATION ORDINANCE

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.

Mayor Kinsey opened the public hearing at 9:21 p.m.

Lanny Paulson, Budget and Accounting Manager, reviewed this item. He asked for approval to allow each fund to have enough spending authority for 2000.

There were no public comments. The public hearing closed at 9:23 p.m.

Ordinance No. 3321 – An Ordinance Making Supplemental Appropriations to the 2000 Budget of the City of Grand Junction

Upon motion by Councilmember Terry, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3321 was adopted on second reading and ordered published.

PUBLIC HEARING - ANNUAL 2001 APPROPRIATION ORDINANCE

The total appropriation for all thirty-five accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$88,376,959. Although not a planned expenditure, an additional \$2,000,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Mayor Kinsey opened the public hearing at 9:24 p.m.

Lanny Paulson, Budget and Accounting Manager, reviewed this item and asked for approval. It allows the special districts, DDA and the City to spend funds in 2001. The Two Rivers Convention Center project funding was increased with the additional grant funds being awarded.

Councilmember Terry asked if the \$2,00,000 in emergency reserves listed in the staff report was new. Mr. Paulson said as part of the Tabor amendment, 3% of all expenditures must be reserved in contingency.

Councilmember Spehar asked what the general fund contingency is for 2001. Mr. Paulson stated the contingency is \$466,000 for 2001. Councilmember Terry clarified it usually starts a little higher. Mr. Paulson concurred noting that it usually starts around \$600,000.

Councilmember Spehar stated he was concerned about the architectural pieces for Two Rivers not being funded and not dealt with. He would like some thought given at the staff level as to how those pieces could be funded. The construction phase would be more appropriate, more so than the furniture funding, rather than having a possible retrofit required later. There is still \$800,000 left to fund, and the construction piece should be a priority.

City Manager Arnold pledged to oversee the project, and that he would be involved in the process and look for such opportunities.

There were no public comments. The public hearing closed at 9:30 p.m.

Ordinance No. 3322 – An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District, for the Year Beginning January 1, 2001, and Ending December 31, 2001

Upon motion by Councilmember Scott, seconded by Councilmember Spehar and carried by roll call vote, Ordinance No. 3322 was adopted on second reading and ordered published.

**SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT
BY CONDEMNATION PROCEEDINGS PERTAINING TO SANITARY SEWER
IMPROVEMENT DISTRICT NO. SS-44-00**

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire certain easement interests from the Grand Valley Irrigation Company.

Mark Relph, Public Works Director, reviewed this item. He detailed the efforts made to negotiate with Grand Valley Irrigation Company thus far. GVIC has not responded to any verbal or written communications. In order to meet the City's construction schedule, he is asking the Council to proceed with the condemnation. If an agreement can be made, the City would not go forward with condemnation proceedings.

Councilmember Scott asked if there had been any contact with GVIC. Mr. Relph stated there had been numerous contacts.

Mayor Kinsey commented that he did not see any reason to not go forward with this. Unfortunately, it seems to be necessary.

Councilmember Terry stated she has talked to the canal companies regarding trail issues, and there was concern with this relative to future relationships. However, she felt comfortable the City can still improve the relationship with the canal companies as they consider this easement to be an unrelated issue. She feels OK with going forward.

There were no other comments.

Resolution No. 133-00 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Easement Interests by Condemnation for Improvements Connected with Sanitary Sewer Improvement District No. SS-44-00

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 133-00 was adopted.

ADJOURNMENT

The meeting adjourned at 9:35 p.m.

Stephanie Nye, CMC
City Clerk