

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

February 19, 2003

The City Council of the City of Grand Junction convened into regular session on the 19th day of February 2003, at 7:32 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Bill McCurry, Dennis Kirtland, Jim Spehar, Reford Theobold, and President of the Council Cindy Enos-Martinez. Councilmember Janet Terry was absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Tuin.

President of the Council Cindy Enos-Martinez called the meeting to order. Councilmember Butler led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Scott Hogue of the First Baptist Church.

PROCLAMATIONS / RECOGNITIONS

There were none.

APPOINTMENTS

GRAND JUNCTION FORESTRY BOARD OF DIRECTORS

Councilmember Theobold moved to appoint Ian H. Gray to fill an unexpired term on the Grand Junction Forestry Board until November 2003. Councilmember McCurry seconded. Motion carried.

COMMISSION ON ARTS AND CULTURE

Councilmember Theobold moved to reappoint Pamela Blythe and Janet Prell to the Commission on Arts and Culture for three-year terms. Councilmember Kirtland seconded. Motion carried.

SCHEDULED CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember Kirtland, seconded by Councilmember McCurry, and carried to approve Consent Items #1 through 9.

1. Minutes of Previous Meetings

Action: Approve the Summary of the February 3, 2003 Workshop, Minutes of the February 3, 2003 Special Meeting, and the Minutes of the February 5, 2003 Regular Meeting

2. Mesa County Animal Control Contract

The City of Grand Junction has had an ongoing, annually renewable agreement with Mesa County for the control of animals within the city limits. The City pays Mesa County a percentage of the Animal Control budget based upon the City's percent of total calls for service. The City's share for 2003 is 39.1% or \$187,163.08. The contract calls for four quarterly payments of \$46,790.77. In 2002 the City paid \$181,072 for Animal Control Services. The 2003 amount of \$187,163.08 represents a 3.4 percent increase over the 2002 amount paid.

Action: Authorize the City Manager to Sign the Contract with Mesa County for Animal Control Services for 2003 in the Amount of \$187,163.08

3. Setting a Hearing for the 23 Road Right-of-Way Vacation [File #VR-2002-224]

The applicant proposes to vacate the 23 Road right-of-way in conjunction with an administrative review of a simple subdivision. In order to prevent a parcel from becoming landlocked upon vacation of 23 Road, the applicant will be required to secure an access easement across City property. The resolution granting the access easement will be considered with the second reading of the ordinance to vacate 23 Road right-of-way. The proposed easement will be temporary. The parcel, which would be accessed via the easement, will likely be sold to the adjoining property owner to the west. The Planning Commission recommended approval concerning the right-of-way vacation on January 14, 2003.

Proposed Ordinance Vacating 23 Road Right-Of-Way North of the Colorado River to River Road Known as 2301 River Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 5, 2003

4. **Setting a Hearing for the Hubbartt Annexation located at 2976 Gunnison Avenue**

The Hubbartt Annexation is comprised of 1 parcel of land consisting of 1.2731 acres located at 2976 Gunnison Avenue. The owner is seeking annexation in anticipation of constructing a 5,000 square foot auto body repair shop, pursuant to the 1998 Persigo Agreement with Mesa County.

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

Resolution No. 14-03 - 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, Hubbartt Annexation Located at 2976 Gunnison Avenue and Including a Portion of Gunnison Avenue Right-of-Way

Action: Adopt Resolution No. 14-03

b. **Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hubbartt Annexation, Approximately 1.2731 Acres, Located at 2976 Gunnison Avenue and Including a Portion of Gunnison Avenue Right-of-Way

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

5. **Setting a Hearing for Fairway Pines Annexation Located at 2970 B Road** [File # ANX-2003-021]

The Fairway Pines Annexation is an annexation comprised of 1 parcel of land located at 2970 B Road, comprising a total of 6.4295 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

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

Resolution No. 16-03 - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hear-

ing on Such Annexation, and Exercising Land Use Control, Fairway Pines Annexation, Located at 2970 B Road

Action: Adopt Resolution No. 16-03

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fairway Pines Annexation, Approximately 6.4295 Acres Located at 2970 B Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

6. Setting a Hearing for the Grand Meadows South Annexation Located at 466 30 Road [File #ANX-2003-010]

The 4.8995-acre Grand Meadows South Annexation area consists of one parcel with a single-family residence. The owner of the property has signed a petition for annexation.

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

Resolution No. 17-03 – 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 Meadows South Annexation Located at 466 30 Road

Action: Adopt Resolution No. 17-03

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Grand Meadows South Annexation, Approximately 4.8995 Acres Located at 466 30 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

7. **Setting a Hearing for the Seriani Annexation No. 1 & 2 Located at 2986 Gunnison Avenue** [File #ANX-2003-025]

The Seriani Annexation No. 1 & 2 is a serial annexation consisting of a total of 0.68 acres and can be legally described as Lot 12, Banner Industrial Park and is located at 2986 Gunnison Avenue and is currently being used as a storage yard. The petitioner's intent is to annex and then develop the property as light industrial by constructing an office/shop building for their concrete business. The proposed annexation lies within the Persigo 201 sewer district.

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

Resolution No. 18-03 – 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, Seriani Annexation No. 1 & 2, a Serial Annexation Comprising Seriani Annexation No. 1 and Seriani Annexation No. 2 Located at 2986 Gunnison Avenue

Action: Adopt Resolution No. 18-03

b. **Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Seriani Annexation No. 1, Approximately 0.3444 Acres Located at 2986 Gunnison Avenue

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Seriani Annexation No. 2, Approximately 0.3436 Acres Located at 2986 Gunnison Avenue

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for April 16, 2003

8. **Setting a Hearing for the Summit Meadows West Annexation Located at 3134 and 3138 D ½ Road** [File #ANX-2003-016]

The 10.8266-acre Summit Meadows West Annexation is a serial annexation consisting of two parcels. There are two single-family residences and various agricultural buildings on both of the parcels being annexed. Both of the property owners have signed a petition for annexation.

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

Resolution No. 19-03 – 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, Summit Meadows West Annexation Located at 3134 and 3138 D ½ Road

Action: Adopt Resolution No. 19-03

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summit Meadows West Annexation No. 1, Approximately 5.9092 Acres Located at 3134 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summit Meadows West Annexation No. 2, Approximately 4.9174 Acres Located at 3138 D ½ Road

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for April 16, 2003

9. Kresin Annexation Located at 2052 South Broadway

The Kresin Annexation is an annexation comprised of one parcel of land located at 2052 South Broadway, comprising a total of 8.2013 acres. The petitioner, at the September 18, 2002 hearing requested that the annexation request be placed on hold, while he decided whether to proceed with a preliminary plat for the property or to pursue a lot line adjustment with Mesa County.

The petitioner decided to process a lot line adjustment with the County, and is requesting to be allowed to withdraw his annexation request.

Action: Approval of the Request to Withdraw the Annexation

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

Public Hearing - North Avenue Center Annexation and Zoning the North Avenue Center Annexation Located at 2938 North Avenue [File #ANX-2002-243]

The North Avenue Center Annexation consists of 5.44 acres of land that is located at 2938 North Avenue and is currently vacant. The petitioner's intent is to annex and then subdivide the property into two (2) lots through the Simple Subdivision Plat process and develop the area as commercial lease retail/office space that would be named Palace Pointe Market Place. The proposed annexation lies within the Persigo 201 sewer district. The petitioner requests acceptance of the Annexation Petition and Second Reading of the Annexation Ordinance.

The proposed zoning is C-1, Light Commercial. The Planning Commission recommended approval at its January 28, 2003 meeting.

The public hearing was opened at 7:37 p.m.

Scott D. Peterson, Associate Planner, reviewed this item and the zoning request in one presentation.

Councilmember Spehar asked if this zoning request is premature since the Growth Plan Amendment is pending. City Attorney Wilson replied that Council can approve the current request since the zoning request is consistent with the current County Zoning and with the Growth Plan.

Bill Oswald, who lives at 27 and G Road and who is representing the petitioner, had nothing to add.

There were no public comments.

The public hearing was closed at 7:40 p.m.

a. Accepting Petition

Resolution No. 20-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as North Avenue Center Annexation is Eligible for Annexation Located at 2938 North Avenue

b. Annexation Ordinance

Ordinance No. 3497 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, North Avenue Center Annexation, Approximately 5.44 Acres Located at 2938 North Avenue

c. Zoning Ordinance

Ordinance No. 3498 – An Ordinance Zoning the North Avenue Center Annexation to Light Commercial (C-1) Located at 2938 North Avenue

Councilmember Theobald moved to adopt Resolution No. 20-03 and Ordinance No. 3497 on Second Reading. Councilmember McCurry seconded. Councilmember Theobald amended his motion to include adoption of Ordinance No. 3498. Councilmember McCurry agreed to the amendment. Motion carried by a roll call vote.

Public Hearing – Red Tail Ridge Annexation No. 1 & 2, South End of Buena Vista Drive [File #ANX-2002-230]

The Red Tail Ridge Annexation is an annexation comprised of two parcels of land located at the south end of Buena Vista Drive, comprising a total of 13.5199 acres and includes portions of the Highway 50 South right-of-way. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

The public hearing was opened at 7:41 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item. He pointed out that the zoning request would be addressed separately.

Linda Sparks, who lives at 141 Buena Vista Drive, referred to a letter she wrote to the Community Development Department. The letter outlined her concerns in regards to the annexation, zoning, and the affect the proposed subdivision would have on the land adjacent to her home. She said Buena Vista Drive supposedly would be the only entrance into the Red Tail Ridge Subdivision.

When Ms. Sparks voiced her concern regarding the proposed density, Council asked her to please wait and come forward at the public hearing when the zoning request would be discussed. Council said the zoning request is the next agenda item.

The applicant was not present.

Edward Krummel, who lives at 2953 Highway 50, also stated his concerns with access, egress, and that there is only one way in and out of the proposed subdivision, and he would like a secondary road serving the development. Council asked him to come back to the podium when the floor is open to the public discussing the zoning request.

There were no other comments relative to the annexation.

The public hearing was closed at 7:46 p.m.

a. Accepting Petition

Resolution No. 21-03 – A Resolution Accepting a Petition for the Annexation, Making Certain Findings, Determining that the Property Known as the Red Tail Ridge Annexation No. 1 & 2 Located at the South End of Buena Vista Road and Including Portions of the Highway 50 South Right-Of-Way

b. Annexation Ordinances

Ordinance No. 3499 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Red Tail Ridge Annexation No. 1, Approximately 3.1399 Acres Located within the Highway 50 South Right-Of-Way

Ordinance No. 3503 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Red Tail Ridge Annexation No. 2, Approximately 10.38 Acres Located within the Highway 50 South Right-Of-Way

Upon motion made by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by a roll call vote, Resolution No. 21-03 was adopted and Ordinances No. 3499 and No. 3503 were adopted on Second Reading and ordered published.

Public Hearing – Zoning the Red Tail Ridge Annexation Located at the South End of Buena Vista Drive [File # ANX-2002-230]

The Red Tail Ridge Annexation is requesting that a zoning of RSF-4 be applied to the 9.88 acres. The Planning Commission at its January 28, 2003 hearing recommended approval of the zone of annexation.

The public hearing was opened at 7:47 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item and noted that the requested zone designation is consistent with the Growth Plan. The Planning Committee agreed and recommended approval at its January meeting. He referred to four letters

received by the Planning Department from concerned neighbors from the adjacent areas. He told the Councilmembers that the letters are included in their packages for their review. Mr. Cecil said he felt that many of the homeowners concerns would be addressed at the Preliminary Plan process. He next reviewed the surrounding property sizes. He noted that there would be two accesses to the development.

Linda Sparks, who lives at 141 Buena Vista Drive, which is adjacent to the proposed development, addressed Council and referred to her letter she had sent voicing her concerns. She told Council that she has no problem with development but the current proposal is requesting too high a density for the site. She said there is no place for the children to play, only a small detention area, and 38 houses are just too many for the 9.88 acres. She said she would rather have two houses per acre, especially since it looks like her driveway will become a street into the new development and will have an affect on the Buena Vista Subdivision. Ms. Sparks reiterated that she is not opposed to changes to the surrounding area, but she is opposed to such a high density as requested by the petitioner. She also pointed out the developer is proposing a split-rail fence to separate the two subdivisions. She said she is afraid that this would result in her lot becoming the neighborhood playground.

Councilmember Kirtland replied that many of these items of concern would be brought up at Planning Commission meetings during the Preliminary Plan process. He said he felt the proposal is consistent with the Growth Plan and the area.

Councilmember Spehar wanted Mr. Cecil to clarify if Council is being asked to zone the parcel RSF-4. Mr. Cecil replied Council has the authority to zone for two to four units per acre under the RSF-4 zoning.

Councilmember Theobald said the next lowest density would be RSF-2, which states a minimum density of two units per acre. He next asked Mr. Cecil how much open space would be required for the development.

Mr. Cecil replied that no open space area is required in a straight zone and on a site this small the City will probably require the developer to pay a fee in lieu of the open space.

Councilmember Theobald wanted to know if the Orchard Mesa Irrigation District is using the adjacent property.

Mr. Cecil replied that the Orchard Mesa Irrigation District has lines on the property but plan to divest itself of that property in the future.

Council President Enos-Martinez wanted to know why the applicant isn't present. Mr. Cecil said he didn't know why the applicant wasn't present.

Councilmember Spehar wanted to know from City Attorney Dan Wilson what options Council has to make this development more compatible with the surrounding properties.

Mr. Wilson talked about an ordinance (which is not yet on the books), which would allow Council to assign the density within the range of the Growth Plan. He said the other possibility is to take advantage of the statute that allows zoning requests to be made 90 days after the annexation of the annexed parcel. He said this time could be used by Staff to talk further with the developer. In addition Council has the option to zone the property RSF-2, which translates to two units per acre. Since exactly two units per acre may not be possible, some rounding is allowed.

Council President Enos-Martinez said she felt there was no hurry to adopt the ordinance tonight since the applicant was not present.

Councilmember Theobald asked Mr. Wilson if Council had 90 days from this date or from the effective date of the annexation. Mr. Wilson said from the effective date which per State Statutes, the effective date is 60 days after publication of the Ordinance (including the appeal period.¹)

Councilmember Spehar said he didn't want to delay voting on the zoning on one 9-acre parcel.

Councilmember Theobald suggested Council could zone the parcel RSF-4, four units per acre, but tell Staff that Council really would like to see three units per acre, and that Staff should communicate this request to the developer. Councilmember Theobald said he felt two units per acre were too restrictive.

Council President Enos-Martinez said she felt it is unfair to put Staff in a position to negotiate the lower density with the developer. Councilmember Spehar agreed.

The public hearing was closed at 8:13 p.m.

Ordinance No. 3504 – An Ordinance Zoning the Red Tail Ridge Annexation to the Residential Single Family – 4 Dwelling Units Per Acre (RSF-4) District Located at Southerly End of Buena Vista Road

Councilmember Spehar moved to adopt Ordinance No. 3504 as amended to RSF-2 on Second Reading. Councilmember McCurry seconded. The motion carried by a roll call vote with Councilmember Kirtland voting **NO**.

¹ Added for clarification by the City Clerk.

Public Hearing – Grand Valley Circulation Plan Revisions (Formerly the Major Street Plan) [File #PLN-2002-161]

A request to approve a District Map, as a part of the Grand Valley Circulation Plan, bounded by 25 ½ Road, 26 Road, F ¾ Road, and G Road.

The Planning Commission reviewed the proposed District Map on January 28, 2003 and recommended approval.

Council President Enos-Martinez recused herself from this item saying she has worked with a developer who is participating in a development related to this item. She said she had recused herself the last time an item in this vicinity was brought before Council. She said even though the City Attorney told her he does not feel it is necessary for her to recuse herself, she said she wants to be consistent in her actions and eliminate any perception of impropriety.

Mayor Pro Tem Kirtland took over the meeting.

The public hearing was opened at 8:16 p.m.

Tim Moore, Public Works Manager, reviewed this item. He explained the revision of the Grand Valley Circulation Plan and that it is a separate issue from the zoning of Valley Meadows North.

Mr. Moore referred to the 25 ½ Road areas, the anticipated development in that area, and how streets should be developed. He explained the purpose of having a District Map, as part of the Grand Valley Circulation Plan. He explained that the streets being presented on the map would not be built by the City, but by the developers developing those areas in the future. He informed Council that there are no deadlines associated with adoption of a District Map for this area, as the construction of streets would be driven by development in the area.

Mr. Moore said Council is under no obligation to adopt a plan and if Council chooses not to adopt a plan at this time, the effect would be to limit future development in this area.

Councilmember Theobald asked about the cost of the roadways.

Mr. Moore replied that the Department has not yet assessed the cost, but it probably would be about \$146 per running foot.

Councilmember Theobold said he thought the developer would have to bear the cost of the road construction, and he thought it would be a substantial amount, perhaps \$150,000.

Councilmember Spehar pointed out that part of Council's job is to encourage development at the level of the Growth Plan rather than to prevent development, but development may be delayed due to market conditions, and it did not mean that development would be at the upper limit under the Growth Plan.

City Attorney Wilson said that in the past Council has authorized reimbursement agreements for roads, which allow for prorating of the infrastructure cost so the next developer pays their just portion. He said the Burnell property is currently not developable because there is only a small 15-foot access that would not serve more than one house.

Mayor Pro Tem Kirtland asked about the property north of G Road, which is not shown on the map, and how the roads were planned for the Elvira area.

Bob Blanchard, Community Development Director, and Dan Wilson, City Attorney, answered his question and explained the different layout of the area in question.

Councilmember Spehar said the objective is just trying to develop a circulation plan for the area to help current and future landowners envision how future developments could be interconnected. He said Council is not trying to encourage development or plan roads but to look at a long-term perspective for the area.

Councilmember Theobold said Council is nevertheless telling developers when the roads have to be built, which is when they submit plans and apply for development of a property in the area.

Mayor Pro Tem Kirtland pointed out that the objective for this evening's meeting is to discuss and have a motion on the circulation plan. He acknowledged the many people attending the meeting hoping to voice their input. He next opened the floor to the public requesting comments be kept specific to the circulation plan.

Judy Golden, who lives at 679 26 Road, pointed out to Council and the audience the location of her mother's and her property in the proposed general layout of streets in the District Map Area. She said she hoped Council received her letter that she mailed to the City and preceded to read that letter (*see attached letter as Exhibit "A"*). In general, her family objects to the street plan as it bisects their properties and they have no intention of developing. She closed her presentation with the request for Council to vote against the proposed Circulation Plan.

Councilmember Spehar explained to Ms. Golden that the construction of the portion of the proposed road going through her, her mother's, and the Watkinson's property would only be required if and when the property owners decide to develop their properties, and that the adjacent owners can develop their properties and the proposed associated roads when needed.

Councilmember Theobald added to Councilmember Spehar's explanation saying that if the family wanted to divide the farm property and deed a part of the property to each child, the road requirement would be automatically triggered.

Helen Dunn who lives at 2557 McCook Avenue, in the Valley Meadows East Subdivision, addressed Council and started to read her letter (*see attached letter, Exhibit "B"*). Mayor Pro Tem Kirtland interrupted her, stating her comments were not directly relative to the circulation plan but rather to the development of the Valley Meadows North Subdivision, the JUST Companies parcel.

Ms. Dunn asked for assurance that the plan was a conceptual plan only. Councilmember Spehar said the issues she addressed will be dealt with before the development of the north parcel.

Ms. Dunn said if the road is built into the new subdivision and the other roads in the area are not built until the future, then still the only access will be through the Valley Meadows East Subdivision. She said she is afraid that if Council adopts the "conceptual" plan, the only "actual" street is the extension of Kapota.

John Chapman, who lives at 666 Kapota Street, in the Valley Meadows East Subdivision, read his statement into the record (*see attached statement, Exhibit "C"*). It was Mr. Chapman's argument that the planned extension of Kapota Street into the Valley Meadows North Subdivision will breach a berm, create a storm water hazard, and again flood the Valley Meadows East Subdivision. He showed a picture of last year's flooded area.

John Burnell, who lives at 2575 G Road, stated the berm is not a berm, but only a covered up drainage pipe, which does not stop the drainage. He said he had consulted a water attorney fearing liability issues due to drainage problems and designed a pipe underneath that directs the drainage water south. He said he had asked that the conceptual road through his property cross more southerly and then head north over the hill along the same alignment of his driveway. He reiterated that he does not want any roads and he did not buy the property to develop it, but rather to build his new home on the hill. He said he might want to keep the existing house, which they are living in during construction of the new house, and later split the property, which then would trigger the construction of an additional lot and road.

Brian Mahoney, who lives at 2567 G Road, said that since 1990, there has been an increase in that area from 1,600 to 8,000 people. He said Moonrise East is a development built by Mr. Seligman and is zoned RSF-4, and that the east-west easement was never followed through. Mr. Mahoney stated that if a road were to be created it might solve some of the traffic problems. He said he thinks a conceptual plan is a good idea but doesn't think the proposed plan is appropriate, and he would like more preservation of green space.

Larry Ball, who lives at 2577 Galley Lane, said he hoped Council received his letter and therefore will not read it now. He wanted to point out to Council that F $\frac{3}{4}$ Road does not exist as shown on the District Map. He said it is only a driveway for the Watkinson's, Caruthers', and Veale's parcels. He said there is a short stretch of F $\frac{3}{4}$ Road east of 1st Street (26 Road) and he hopes the "driveway" will never become a road, and will remain a green space. He asked Council to remove F $\frac{3}{4}$ Road from the District Map. He suggested discussing G Road from Horizon Drive to Highway 6 & 50 as a major thoroughfare, since he heard it would become a five-lane road.

Councilmember Spehar told Mr. Ball that there is no plan to expand G Road to five lanes. Mr. Ball was happy to hear that the rumors weren't true and said he felt the proposal of the circulation plan was laid out as such to serve the Valley Meadows North Subdivision plan only.

Ed Lenhart, of JUST Companies, told Council that this District Map was not included in the design of the Valley Meadows North Subdivision. He said the way the roads will actually be built will depend on how the properties are developed. He said the points may be set but the alignments will depend on the layout of the developments.

Councilmember Spehar said the plan identifies general street layouts, access, and connectivity that could serve the area while meeting City development plans. Connectivity will be required between properties, and it is true the actual location of the roads can vary from the circulation plan.

Tim Moore, Public Works Manager, confirmed Councilmember Spehar's comments and said that this is the intent of the plan and it is just a concept.

Mayor Pro Tem Kirtland questioned Mr. Moore if the property owners (i.e. the Burnells, the Joneses, the Goldens, etc.) were included in the discussions. Mr. Moore replied that according to the engineer, the property owners were not included during the planning, but he certainly is open to that suggestion.

Councilmember Theobald said the Joneses and Burnells would have to build a roadway if their properties are developed, and asked if the road development depended on the density of the property.

City Attorney Wilson explained that the Code requires access to the street system, and Council could change the plan and the density would make no difference, since the plan's concept is connecting the major streets.

Chris McAnany, an attorney representing JUST Companies, said this wouldn't have been an issue with the Valley Meadows North Subdivision development if there had been a Circulation Plan in place. He stated that JUST Companies supports the adoption of the Circulation Plan. He thought it was a good idea and would serve as a template for the big picture in urbanizing an area, ultimately benefiting all.

Councilmember Theobald asked how this plan benefits JUST Companies.

Mr. McAnany said the benefit would be the gain of a possible second access road.

Ed Lenhart, of JUST Companies, said it is correct, there was a street stub in that location, and that he doesn't benefit now, but it gives him the assurance that there will be a tie-in to G Road and 26 Road. He said it also forces cooperation with adjoining property owners.

Carol Bergmann, who lives at 628 Sage Court, warned Council not to be deceived by the connectivity from 25 ½ Road to 26 Road. She questioned why the connection was necessary. She said the connection was not long term because Mr. Lenhart wants to develop his property and the second access might not be needed for another 20 years. She felt the Circulation Plan is for the benefit of JUST Companies, and she suggested the City look for different solutions that won't funnel traffic down through the Valley Meadows East Subdivision.

The public hearing was closed at 10:00 p.m.

Councilmember Spehar said this proposed plan is trying to avoid a repeat of that same problem which was generated by the Moonrise East Subdivision development. He said if JUST Companies is required to have a second access, then that property will be approved for development. He said he felt that too much is being made of what this Circulation Plan is, instead of remembering that this is just an attempt to do long-term planning to avoid future problems.

Councilmember Theobald acknowledged the area's growth, stated this area has a much lower density, and said he hasn't heard any testimony yet that convinces him of the need for a street plan on any of these properties. He said stubbing streets is done all the time, and adjacent owners are not asked for their input to the plan, and he feels that once the plan is adopted it will be impossible to make changes to it. He said adopting the proposed plan won't help anyone and therefore he will vote no on this item.

Councilmember McCurry agreed with Councilmember Theobold.

Mayor Pro Tem Kirtland said he thinks a Circulation Plan should be done, but Councilmember Theobold's suggestion is not the right solution. He said he agrees with Councilmember Spehar that the City needs a plan but that this is not the right solution. He suggested referring the plan back to Staff to develop and plan other options and solutions.

Councilmember Butler was concerned with the increased traffic down Kapota Street. He felt drainage was a problem and that a better plan was needed.

Resolution No. 22-03 – A Resolution Amending the Grand Valley Circulation Plan to Provide for a District Map for the Area Bounded on the East by 26 Road, on the West by 25 ½ Road, on the North by G Road and the South on F ¾ Road

Upon motion made by Councilmember Theobold, seconded by Councilmember Spehar, and voted by a roll call vote, Resolution No. 22-03 failed, by a 4 to 1 vote. Councilmembers Kirtland, McCurry, Theobold, and Butler voted **NO** and Councilmember Spehar voted in favor of the resolution.

Public Hearing – The City Manager's Salary for 2003

Article VII, Section 57 of the Charter states the City Manager's salary is to be fixed by the Council by ordinance. The City Council has determined the salary for the Grand Junction City Manager shall be increased the same as the pay plan for most city employees for 2003, 2.7%.

The Mayor took her place back at the dais.

The public hearing was opened at 10:15 p.m.

Mayor Enos-Martinez presented this item and stated that Council met and agreed to increase the City Manager's salary 2.7 percent.

Brian McElhiney, who lives at 2512 Texas Avenue, wanted to know what the City Manager's new salary is.

Councilmember Theobold said the new annual salary, after adopting the ordinance, would be \$112,970.

There were no other public comments.

Ordinance No. 3505 – An Ordinance Amending Ordinance 3481, Section 3, Setting the Salary of the City Manager

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, Ordinance No. 3505 was adopted on Second Reading and ordered published.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

City Council President Enos-Martinez called for the meeting to be adjourned. The meeting was adjourned at 10:19 p.m.

Stephanie Tuin, CMC
City Clerk

Exhibit "A"

RECEIVED
FEB 18 2003
COMMUNITY DEVELOPMENT
DEPT.

Judy L. Golden
679 26 Road
Grand Junction, CO 81506
(970) 241-4212
February 14, 2003

To The City of Grand Junction,

As a concerned citizen and property owner of the Grand Valley, I am responding to the "Land Use Application" sign that sits at the end of my driveway that exemplifies the encroachment of unnecessary development.

The property that is in consideration for proposed F $\frac{3}{4}$ Road development is farmland that was purchased by my parents in the 1950's. Instead of investing in stocks and other financial expenditures, my parents invested in land. My father and mother worked assiduously to establish a home and farm to raise their children and grandchildren. My father enjoyed working to preserve a heritage of tilling the soil and reaping its bounty. That focus remains today- my mom, sister, our children, and myself continue to value agriculture and open space. We are in the process of making improvements to increase the productivity and uniqueness of the property.

As of March 2002, plans were proposed to improve the three farms that are located on the *private* drive West of 26 Road (Patterson, Watkinson, Sholes/Golden). Working with the Natural Resource Conservation Service (NRCS), these landowners and neighbors on the lateral in the area of Galley Lane (South), 26 Road (East) recently approved financial support to improve this area. Grand Valley Irrigation and the City of Grand Junction also approved the plans for improvement of this irrigation lateral that will benefit all in the area. Included in the plans for improvement of irrigation is the establishment of a wild bird habitat on the Northwest section of the Sholes/Golden property. With the recent influx of housing developments, wildlife in this area has been greatly impacted. In hopes to create a refuge, the NRCS will help establish a refuge for several birds and animals that are facing a diminishing habitat.

I know that in the recently published Strategic Plan for 2002-2003 the City of Grand Junction included several statements that support my concerns for the development of F $\frac{3}{4}$ Road:

- Balance of Character, Economy and Environment

- Open and Beautiful Spaces- maintain the attractiveness and character of our city by protecting open space, including surrounding agriculture lands...
- Key Issues- Balance of growth and character/open space/agriculture

I am aware that the property owners to the East and North wish to develop, and I do not object to their development if it is well thought out. BUT I do object to the property owners' proposals when they infringe on my rights and beliefs. Burnells and the Just Company bought properties knowing the inadequacies of the properties. Aware of their properties characteristics, each of those owners should work with their means to accept what they purchased. It's disrespectful on their part to infringe on neighboring land to compensate for their decisions to buy property that would not fulfill their future plans. If the Just Company and Burnells desire access, they should work together to seek access to G Road or 25 1/2 Road that will be improved by the City in the near future.

I am asking the City of Grand Junction to honor their value and action statements as published. And as elected citizens visit the properties, talk to the citizens, and plan to preserve this unique and beautiful area that will be lost if the F 3/4 Road proposal is passed. Please remember that many people want to live in the Grand Valley for the recreation opportunities, but also for the life style*that is diverse and well planned.

Exhibit "B"

GRAND JUNCTION CITY COUNCIL PRESENTATION February 19, 2003

Mayor ---Members of the City Council

My name is Helen Dunn. I still live in Valley Meadows East at 2557 McCook Avenue and have lived there since November 1999. I am President of the Valley Meadows East Home Owners Association. As such, I represent the views of the majority of the residents of Valley Meadows East.

As stated at the meeting of the Grand Junction Planning Commission, members of the Valley Meadows East Homeowners Association are encouraged that the City is seeking a suitable access to the undeveloped properties to the North of Valley Meadows East. However, we are upset and disappointed that the Planning Commission has approved a Major Street Plan which disturbs the berm at the end of Kapota Street and extends Kapota Street for the proposed development of Valley Meadows North. As stated in the Planning Commission meeting, the streets, which eventually would connect Kapota Street to G ROAD and to 26 Road, are in the distant future and may never be developed. We heard comments from property owners to the North and East stating they do not plan to sell or develop their property. In response to their questions, the Planning Commission stated that the land would not be condemned and the streets would be built by developers when they developed the property. It was stated that it could be as long as 50 years before these streets are developed. We have no problems with the Conceptual Streets to the North and East but conceptual streets **do not move traffic** and will not provide the required secondary access for Valley Meadows East to meet the fire code. As designed, all traffic from the development of the land to the North and East would flow through Valley Meadows East. We do have a problem with this concept.

As I stated in the Planning Commission meeting, there are four corrections which I wish to make to the Circulation and Connectivity Needs section of

the proposed District Map of Adopted Major Street Plan which we reviewed in advance of the meeting.

These are:

- 1) Valley Meadows East has 44 homes (residential lots) not 45.
- 2) Valley Meadows North proposed 26 homes (residential lots) not 24. This would result in 70 residential lots with one access not 69.
- 3) Extending Kapota Street will not bring Valley Meadows East into compliance with Grand Junction Fire Department Standards. It will compound the problem by having 70 homes (residential lots) with one access.
- 4) Kapota Street was stubbed to the undeveloped land to the North because at that time the City required developments which were adjacent to undeveloped property to stub a street so these parcels would not be boxed in without an access road.

In response to Commissioner Cole's question, it was stated that if an access were extended to 25 1/2 Road through Moonrise East subdivision, a number of Valley Meadows East homes would be faced with double-frontaged lots. This would be no different from the homes in Valley Meadows East and several other subdivisions which borders 25 1/2 Road which have traffic from 25 1/2 Road on one side and a subdivision road on the other side of their homes.

As we have previously stated, Valley Meadows East residents have a major concern about the potential damage to this subdivision should the berm at the end of Kapota Street be breached as it would be if Kapota Street were extended to provide an access into the Just Company Parcel. The berm provides a detention benefit for Valley Meadows East from storm water and irrigation wastewater. The pictures on the last page of this presentation shows clearly what happens when the berm is breached and there is a large influx of water flowing down from the North.

Of equal concern is the large number of homes proposed with only one access to a major arterial road. Allowing 24 to 26 additional homes to be built with the only access through Valley Meadows East would be hazardous to both subdivisions in an emergency situation. The Fire Department was aware of this when they adopted the following Access Code:

“Two Points of Access”

“The Grand Junction Fire Department does not allow the second access point limited to use by emergency responders only. The second access must always be available for public use in case the other access is blocked”

“One or Two Family Residential Developments”

“Developments where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus roads.”

To extend Kapota Street without a suitable drainage plan or an acceptable access to the properties to the North is **premature** and would create unnecessary problems. As proposed, all construction equipment and materials would be forced to drive through Valley Meadows East. This involves four right angle turns in a short distance and would be difficult for heavy equipment to negotiate, as well as, jeopardize the safety of residents in the area. Until a more desirable access is in place this should not even be considered and I believe you should deny this Street Plan until a more adequate conceptual design is in place.

When making your decision concerning the proposed street plan, we hope you will take into consideration that, if this is approved, when the developer is finished with this project he will move on to another project and the residents in Valley Meadows East are the only ones who will live with your decision on a daily basis.

Thank you for giving us the opportunity to review and comment on the proposed District Map of Adopted Major Street Plan. The residents of Valley Meadows East are confident that the City planners will find a solution to access to the undeveloped lands to the North without destroying the quality of life in Valley Meadows East. As Grand Junction grows all of this area will develop. Our desire is that the growth will be in a responsible manner and will support and enhance the homes already in existence. Grand Junction offers a desirable life style and is a good place to live. Our goal is that this will continue.

I will be happy to answer any questions you might have.

End of Kapota Street---Berm which would be removed
when extending Kapota Street



April 5, 2002 Flood where Berm breached by McCook Avenue



Exhibit "C"

Presentation to the Grand Junction City Council
February 19, 2003
Re: Proposed Road System 25 1/2 Road to 26 Road

My name is John Chapman, I live at 667 Kapota in Valley Meadows East. I believe that those City Employees who work in the Community Development Department are honest, hard-working and dedicated. And I believe the same about those who serve on the Planning Commission. But the appearance is that something is not right.

At the Planning Commission Meeting of January 28th, there were many persons present who were concerned about the Proposed Road Plan for 25 1/2 Road to 26 Road between F 3/4 and G road. According to the minutes, 15 persons voiced opposition and 4 filed opposition by letter. Only one person, the owner of the Just Companies, a developer, supported the plan in the public hearing. Yet with all this opposition to the plan, the Commission unanimously approved it, leaving many questions vaguely answered or with no answer at all. The appearance is that the Commission is bending over backwards to accommodate the Just Companies while ignoring the public input.

During my presentation before the Commission, I was cut off by the Chairman, when I was explaining the berm which crosses Kapota Street and will be breached with this Road Plan. The chairman cut me off saying that I did not know that the berm would be breached and that discussion of the berm at this time was not proper. After the Chairman closed the Public part of the hearing, he asked Mr. Dorris, the Community Development Engineer, about the ramifications of breaching the berm. Mr. Dorris explained that there was a lot he did not yet know about it but would tell what he did know. He then gave his version of the problem saying that the berm would indeed need to be breached and that a storm sewer connection from Kapota to 25 1/2 road would probably be needed. Thus the Commission got the City's version of the problems associated with the berm but no public input on this subject.

Here the appearance is that the Commission acted with incomplete knowledge of problems associated with disturbing the berm. I believe that the Commission has never received a complete picture of the many problems, both engineering and legal, associated with drainage of the Just Companies' property.

Mr. Dorris explained the need for long term planning. This I understand. But in adopting a conceptual long term plan, as was done here, don't you think that all of the problems that are known to exist should be examined and be at least, understood beforehand?

In the case of Kapota and the berm, a long term planning decision was made when the Valley Meadows East stub to the north was located where it is on Kapota. A little investigation at that time would have told one that this was a very poor place for the stub. At this location the berm is the highest and on the north side it is marsh-like during the irrigation season. Had this been understood in 1996, the Road Plan at issue here would probably be quite different.

The berm, which is about 700 feet long, straddles the property line between Valley Meadows East and the Just Companies' land. It is the backbone of the Valley Meadows East drainage system. It now acts as a detention structure. The Road Plan would breach the berm and destroy its value as a detention structure. The prudent thing to do would be to re-study the Road Plan and to delay a decision on it until the berm problems and those other problems raised by the eighteen other objecting land owners are thoroughly examined. The connection to Kapota is critical to the Road Plan. If this is not practical, for reasons of engineering problems, cost or legal obstacles, it should be known **prior** to locking in this key connection to any Road Plan.

I would appreciate your careful consideration of this. I would be glad to answer any questions.

Thank you.



Standing on the Berm
Looking North at the
Just Companies Parcel
During Flood Time