

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

**January 5, 2005**

The City Council of the City of Grand Junction convened into regular session on the 5<sup>th</sup> day of January 2005, at 7:31 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Also present were City Manager Kelly Arnold, City Attorney John Shaver and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Kirtland led in the pledge of allegiance. The audience remained standing for the invocation by Councilmember Harry Butler.

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING JANUARY 17, 2005 AS MARTIN LUTHER KING, JR. DAY IN THE CITY OF GRAND JUNCTION

**APPOINTMENTS**

TO THE HISTORIC PRESERVATION BOARD

Councilmember McCurry moved to reappoint Tom Streff to the Historic Preservation Board for a 4 year term expiring December 2008 and to appoint Mike Mast as the DDA's representative to the Historic Preservation Board for a 4 year term expiring December 2008. Councilmember Palmer seconded the motion. Motion carried.

**CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

It was moved by Councilmember Enos-Martinez, seconded by Councilmember McCurry and carried by roll call vote to approve Consent Calendar Items #1 through #8.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the December 9 and December 20, 2004 Special Sessions, the December 13, 2004 Additional Workshop Summary, the December*

*13, 2004 Workshop Summary and the Minutes of the December 15, 2004 Regular Meeting*

2. **Meeting Schedule and Posting of Notices**

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Section 2-26, requires the meeting schedule and the procedure for calling special meetings to be determined annually by resolution.

Resolution No. 01-05 – A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

*Action: Adopt Resolution No. 01-05*

3. **Conduct of the Regular Municipal Election on April 5, 2005**

The City has adopted the Municipal Election Code. In order to conduct the election by mail ballot, the Council must authorize it pursuant to 1-7.5-104 C.R.S. and the City Clerk must submit a Written Plan outlining the details and responsibilities to the Secretary of State. It is recommended that the City again contract with Mesa County to conduct this election by mail ballot. They have the equipment on site and are able to prepare, mail out and process the ballots more efficiently than the City.

Resolution No. 02 -05 – A Resolution Authorizing a Mail Ballot Election in the City of Grand Junction for the April 5, 2005 Regular Municipal Election, Approving the Written Plan for the Conduct of a Mail Ballot Election and Authorizing the City Clerk to Sign the Intergovernmental Agreement with Mesa County Clerk and Recorder

*Action: Adopt Resolution No. 02-05*

4. **Purchase of a Truck Mounted Jet/Vacuum Unit Including Truck**

This is for the purchase of a 2005 International Truck with a Vactor truck-mounted jet/vacuum unit. It is currently scheduled for replacement in 2005 as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Manager to Purchase a 2005 International Truck with a Vactor Truck-mounted Jet/Vacuum Unit from Boyles Equipment Company of Colorado, Commerce City, CO in the Amount of \$206,543.75*

5. **Setting a Hearing Submitting the Question of a Cable TV Franchise to the Electors of the City of Grand Junction**

City Council has discussed and directed the staff to proceed with formalizing a franchise agreement with Bresnan Communications. This is the first reading of the franchise agreement proposed to be on the ballot at the April 2005 City election.

Proposed Ordinance Granting a Franchise by the City of Grand Junction to Bresnan Communications Limited Liability Company, Its Successors and Assigns, for the Right to Furnish, Sell and Distribute Cable Television Services to the City and to all Persons, Businesses and Industry Within the City and the Right to Acquire, Construct, Install, Locate, Maintain, Operate and Extend Into, Within and Through Said City All Facilities Reasonably Necessary to Furnish Cable Television Services and the Right to Make Reasonable Use of All Streets and Other Public Places and Easements as May Be Necessary; and Fixing the Terms and Conditions Thereof

*Action: Introduction of Proposed Ordinance, Order Publication in Pamphlet Form and Set a Hearing for March 16, 2005*

6. **Ratify the Conveyance of Property to Action Campus LLC and GJ Tech Center LLC**

On December 15, 2004, City Council authorized the City Manager to sign contracts and additional documents to transfer land for economic development purposes to Action Campus LLC. By ratifying Resolution No. 142-04 the Council formalizes the actions heretofore taken.

Resolution No. 142-04 - A Resolution Authorizing the City Manager to Sign Contract Agreements for Conveyance of Land to Action Campus LLC and GJ Tech Center LLC

*Action: Ratification of Resolution No. 142-04*

7. **Setting a Hearing for the Pinnacle Ridge Annexation Located Northeast of Monument Road and Mariposa Drive** [File #ANX-2004-236]

Resolution referring a petition for annexation and introduction of a proposed ordinance for the 45.5 acre Pinnacle Ridge annexation.

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

Resolution No. 03-05 – 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, Pinnacle Ridge Annexation, Located Northeast of Monument Road and Mariposa Drive

*Action: Adopt Resolution No. 03-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Pinnacle Ridge Annexation, Approximately 45.5 Acres, Located Northeast of Monument Road and Mariposa Drive

*Action: Introduction of Proposed Ordinance and Set a Hearing for February 16, 2005*

8. **Setting a Hearing for the Storage Place II Annexation Located at 501 Centennial Road** [File #ANX-2004-263]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 1.98 acre Storage Place II Annexation consists of one parcel of land and portions of the Centennial Road right-of-way.

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

Resolution No. 04-05 – 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, Storage Place II Annexation, Located 501 Centennial Road and Including Portions of the Centennial Road Right-of-Way

*Action: Adopt Resolution No. 04-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Storage Place II Annexation, Approximately 1.98 Acres, Located 501 Centennial Road and Including Portions of the Centennial Road Right-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for February 16, 2005*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION****City Council District Boundary Adjustments**

The voting district boundaries were redrawn in 2000. At that time every effort was made to balance the population in the districts using the most current information and to keep communities of interest together. Since that time, tremendous growth has occurred in two districts – District B and C. The adjustments proposed could better balance the population in the five districts.

Kelly Arnold, City Manager, reviewed this item. He stated that this is a continuation of the discussion that occurred at Monday's workshop. He explained how the adjustments were done last and what the current proposal is. The proposal will decrease the range of the population among the districts to 1500.

Council President Hill clarified that this adjustment will not take away any opportunity from anyone to run in this election, rather it adds area to the open districts. He noted that the change is authorized by Charter and must be adopted by a two-thirds vote from the Council.

Councilmember Spehar added that the change in 2000 allowed every district to represent a portion of the City's core. The redistricting also allows for additional growth in each district. The growth anticipated in the Redlands is not as large as what has occurred in District B and District C.

Councilmember Palmer likes the proposal but has discomfort with the fact that the election process is underway. He also felt that more time should have been taken to study all of the options.

Councilmember Kirtland agreed with making the changes now. Once the disparity in the population came to light, it is appropriate to make adjustments. Adjustments may need to occur more often than ten years with the growth that is occurring.

Councilmember McCurry did not oppose adopting the adjustment.

Councilmember Enos-Martinez agreed a change needs to be made, but thought that it was too late at this point for this election cycle.

Councilmember Butler did not have a problem with going forward, although he would have liked to see it done earlier.

Council President Hill expressed his opinion that the current geography could allow all five Councilmembers to live within a mile of each other.

Stephanie Tuin, City Clerk, was directed to calendar this item 9 months prior to the next election so there would be adequate review time.

Resolution No. 15-05 – A Resolution Designating the Voting District Boundaries in the City of Grand Junction

Councilmember Spehar moved to adopt Resolution No. 15-05. Councilmember Kirtland seconded the motion. Councilmembers Kirtland, McCurry, Spehar and Butler voted YES, Councilmembers Enos-Martinez, Palmer and Council President Hill voted NO. The measure takes a two-thirds vote so the motion failed.

### **Award of Signal Communications Phase 1C Contract**

Bids were opened on December 14, 2004 for the Signal Communications Phase 1C project. The lowest bid was submitted by Sturgeon Electric in the amount of \$219,927.75.

Tim Moore, Public Works Manager, reviewed this item. He explained the costs and how they came in under budget. He displayed a map that identified the various phases of this project.

A total of 84 traffic signal connections are planned. This phase will complete 54.

Councilmember Palmer wanted assurance that these cameras are not used for speed control. Mr. Moore assured him that is not the intent.

Councilmember Enos-Martinez noted that the lowest bid was a local contractor.

Councilmember Spehar lauded that the purpose of this program is to increase efficiency on the roadways instead of having to build more roads.

Councilmember Kirtland moved to authorize the City Manager to execute a construction contract for the Communications Phase IC project with Sturgeon Electric in the amount of \$219,927.75. Councilmember Enos-Martinez seconded the motion. Motion carried.

### **Purchase of Property at 930 S. 5<sup>th</sup> Street for the Riverside Parkway Project**

The City has entered into a contract to purchase a property from the Colorado Riverfront Foundation for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. He identified the location of the property, noting that the property is in the middle of the Van Gundy operation. There is a structure on the property which has asbestos which will need to be removed before the structure is removed. The fair market value was determined at \$15,600, pending Council's approval. The closing is scheduled for mid January.

Resolution No. 05-05 – A Resolution Authorizing the Purchase of Real Property at 930 S. 5<sup>th</sup> Street from the Colorado Riverfront Foundation

Councilmember Palmer moved to adopt Resolution No. 05-05. Councilmember Butler seconded the motion. Motion carried by roll call vote.

### **Purchase of Property at 1555 Independent Avenue for the Riverside Parkway Project**

The City has entered into a contract to purchase a property from the McCallum Family LLC for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. He identified the location of the property and stated the business is TPI Construction and includes 9/10 of an acre and a 39,000 square foot metal building. The purchase price of \$512,000 is fair market value. The City will also be paying for the relocation and reestablishing costs. With environmental inspections and demolition, the total cost is \$576,000. The closing, pending approval, is set for mid January.

Councilmember Palmer noted that it appears the entire parcel will not be utilized. Mr. Relph said the remnant will have a possibility of reuse or resale.

City Attorney Shaver noted that the contract has not been finalized, so the approval is to authorize the purchase of the property up to the price as stated.

Council President Hill asked about the plan for the structure. Although Mr. Relph was not sure, it appeared that the owner will be taking the building down.

Resolution No. 06-05 – A Resolution Authorizing the Purchase of Real Property Located at 1555 Independent Avenue from the McCallum Family LLC

Councilmember Spehar moved to adopt Resolution No. 06-05. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

**Acquisition of Real Estate by Condemnation for the Riverside Parkway Project Located at 2501 Highway 6 & 50**

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire two parcels at 2501 Highway 6 & 50.

Mark Relph, Public Works and Utilities Director, reviewed this item. He identified the location and the process that the City has gone through as a good faith effort to acquire the property for fair market value, including offering the amount quoted by the owner's appraisal which was \$178,000 over the City's appraisal. There is a time issue to locate Xcel facilities by May 1<sup>st</sup> of this year. The resolution authorizes going forward with the condemnation, although the City will continue to negotiate in good faith.

City Attorney Shaver explained the resolution that authorizes the action, it is not the action itself. The offer of \$475,000 has been made. Many contacts have been made with the owner's attorney, but there is no contract in place. He believes, through the owner's attorney, that they will be making a counteroffer. A relocation site for the business was identified but the owner has not at this time made an offer on that site. The property owner did have a death in the family and that may be part of the delay.

Councilmember Spehar asked if the Xcel's schedule is the time issue, not the City's. Mr. Relph concurred, noting that Xcel's transmission crew is scheduled many months in advance.

Council President Hill expressed that the City spent time developing the policy for acquisition of right-of-way for the Riverside Parkway, taking into account the relocation issues and paying fair market value while still protecting the taxpayer's money. They feel the policy is current and fair.

Resolution No. 07-05 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Property, by Either Negotiation or Condemnation, for Municipal Public Facilities

Councilmember Enos-Martinez moved to adopt Resolution No. 07-05. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

**Memorandum of Understanding with Mesa County for the 29 Road Interchange at I-70B**

The proposed Memorandum of Understanding with Mesa County covers the funding and project management of the design and construction of the 29 Road Interchange at I-70B.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained that the MOU outlines the responsibilities of each entity, including funding. The City will be participating financially the first two years with the County joining in the year 2007. The total cost of the project is \$17,200,000.

Councilmember Kirtland asked if there will be staff time allocated to this project. Mr. Relph stated that the City staff will be spending time on this and assured Council that everything will be accounted for and charged to this project and the County as well. Also, the City will be taking the lead and managing the project.

Councilmember Palmer commended the way the two Public Works departments work together on such projects.

Council President Hill inquired about the 1601 process and when the possible changes would be made.

Mr. Relph said in the discussions earlier this week with Ed Fink of CDOT, the Transportation Commission has approved an abbreviated process and CDOT is working on the lay out of that process. Less time will mean less money.

Council President Hill inquired about the interchange with I-70. Mr. Relph advised that the County has begun to work on the river bridge on 29 Road. That is critical before any construction can begin around 5<sup>th</sup> Street. Each piece will follow after the other. As the Riverside Parkway is completed, the 29 Road viaducts will be well underway. The last piece will be the interchange at I-70.

Councilmember Kirtland moved to authorize the Mayor to sign a Memorandum of Understanding with Mesa County for the 29 Road/I-70 B Interchange. Councilmember Butler seconded the motion. Motion carried.

**Engineering Services Contract with Carter & Burgess for 29 Road and I-70B Interchange**

Engineering services contract to complete a modified 1601 interchange approval process for the connection of 29 Rd to I-70B. Pending changes to the 1601 process, makes it difficult to estimate the full scope of the project without some preliminary work and meetings with CDOT. The work considered under the scope of this engineering services contract would need to be completed whether or not this turns into a complete 1601 analysis.

Mark Relph, Public Works and Utilities Director, reviewed this item. This is the next step in the process. Staff is recommending the award to Carter-Burgess. Originally, a full 1601 process was anticipated, but now that a modified process will be undertaken, an estimate is being made on the cost. The initial notice to proceed will not be for the full amount being authorized. The first portion will encompass an initial data collection. Once the process is refined with CDOT, then the rest of the contract can be drafted. The savings of \$250,000 will be the environmental assessment reduction.

Council President Hill congratulated the Public Works Department for the work with CDOT to refine the 1601 process.

Councilmember Enos-Martinez moved to authorize the City Manager to execute a contract with Carter & Burgess in the amount of \$754,920 for engineering services for the 29 Road/I70B Interchange. Councilmember McCurry seconded the motion. Motion carried.

**Contract to Provide Design Services for the Streetscape Expansion Project, 7<sup>th</sup> and Main Streets**

Award of a professional services contract to Ciavonne, Roberts and Associates, Inc for the design of the Streetscape Expansion Project, 7<sup>th</sup> Street and Main Street in the amount of \$167,000.00.

Mark Relph, Public Works and Utilities Director, reviewed this item. He advised that the City and DDA have been discussing this project for a number of years. It addresses part of 7<sup>th</sup> Street from Grand Avenue to Ute Avenue and continues Main Street's streetscape to 8<sup>th</sup> Street.

Funding is from the City, the Federal Enhancement Funds, and through the participation of DDA. Staff is recommending that the Enhancement grants be used specifically for the Main Street portion, so that only that portion will be subject to the federal requirements.

Mr. Relph described the schedule for soliciting public input on the design. Construction for Main Street is scheduled for late fall. The 7<sup>th</sup> Street improvements will probably be next spring.

Councilmember Palmer asked if the utilities are underground. Mr. Relph said for the most part but there may be some cable television lines aboveground.

Councilmember Palmer noted that nearly \$95,000 is remaining. Mr. Relph said that is a contingency amount.

Councilmember Spehar noted that this is a rough design process, but other elements may be added that will use some of the \$95,000.

City Manager Arnold cautioned that this is pending the allocation by the federal government, which has not been funded at this time. Mr. Arnold lauded the cooperation with the County to move back their grant request for Monument Road, which allows DDA to participate since they have the funds available now.

Councilmember Butler moved to authorize the City Manager to sign a Professional Services Contract for the design of the streetscape expansion project, 7<sup>th</sup> Street and Main Street with Ciavonne, Roberts & Associates in the amount of \$167,000.

Councilmember Spehar seconded the motion. Motion carried.

### **Adoption of 2005 – 2006 Strategic Plan**

City Council developed a Strategic Plan in 2002 and formally adopted it in January 2003. The purpose of the Plan was to identify both long-term direction for the City and nearer-term goals, objectives and action steps for the City organization. In 2004, City Council and management staff reviewed and updated the City's original Strategic Plan. The proposed resolution will adopt the City's 2005/2006 Strategic Plan.

David Varley, Assistant City Manager, reviewed this item. He reviewed the purpose of the plan is to detail the Council's objectives, and to direct the steps for staff to accomplish those goals.

Councilmember Palmer inquired if the plan will be published. Mr. Varley said yes, he detailed the ways it will be published and where. There are some details lacking in the plan such as the definition of "targeted populations" that will be defined by the teams assigned.

Council President Hill noted that the previous Council did most of the work to develop the Strategic Plan and did a great job. The current Council has worked very hard over

the last six months to make adjustments which is not as difficult as creating the original plan.

Councilmember Kirtland stated that much like a business plan, every couple of years the plan needs to be reviewed and adjusted.

Councilmember Spehar noted that the nature of the Strategic Plan can be very different from community to community, but very few have the combination of goals, objectives and action steps like this plan does.

Resolution No. 14-05 – A Resolution Adopting City Council's Strategic Plan 2005/6  
Councilmember Palmer moved to adopt Resolution No. 14-05. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

The Council President called a recess at 8:56 p.m.

The meeting reconvened at 9:08 p.m.

**Public Hearing – 2004 Pear Park Neighborhood Plan** [File #PLN-2004-147]

The City and County Planning Commissions met jointly in a public hearing on December 9, 2004 to consider adoption of the Pear Park Neighborhood Plan. The City Planning Commission recommended approval of the November 1, 2004 Pear Park Neighborhood Plan draft with eight (8) additions/corrections. The December 9, 2004 draft of the Pear Park Neighborhood Plan incorporates the Planning Commission recommendations.

The public hearing was opened at 9:08 p.m.

David Thornton, Principal Planner, reviewed this item. The plan has been in process for a year. The presentation tonight will be a summary and some of the background regarding the plan. Tim Moore, Public Works Manager, will speak to transportation and access management issues.

The direction to staff is to start this process was initiated by a Growth Plan Update. The need for schools and parks in this area has been growing and is very necessary. The study of the area is from 28 Road to 32 Road and from the railroad to the river. An advisory group was formed that included representatives from various agencies, utilities and governmental agencies, dubbed PIAG. They held two open houses, sent out two newsletters, held four focus group meetings and a joint Planning Commission workshop, then the draft plan was available for review. The joint Planning Commissions held a public hearing and the history of the area was described. There

has been rapid growth since 2003 and it is anticipated to have nearly 22,000 people once built out.

The plan contains many elements. Each chapter has background information, goals and implementation strategies.

Tim Moore, Public Works Manager, said that a lot of the common comments were heard, one being there are not enough roads to handle the growth. There are some geological and physical barriers that limit some of the transportation circulation. He then displayed an overlay of the Grand Valley Circulation Plan, specifically the transportation and access management plan of how the City plans to move traffic through the area. The access management is planning how the lower order roads connect to the higher use roads (arterials). Access points will incorporate with the existing subdivision plans. They plan to use a number of tools to implement the plan. Where there is vacant land, there is some flexibility to develop temporary access if a property adjacent to the plan develops first. Once the permanent access point is created, the owner can reclaim the lot that the temporary access was on.

The Local Street Network Plan is for the purpose of interconnectivity between the subdivisions. There is some flexibility in those alignments.

Council President Hill asked about the two railroad crossings, at 29 Road and 31 Road. The Plan contemplates the 29 Road crossing but not the 31 Road crossing. Council President Hill also noted that it does not follow through on the map. Some of the text needs to be clarified.

Street cross sections were then displayed and the plan to develop a three-lane road for D & D 1/2 Road.

Councilmember Palmer asked if the entire neighborhood is in the Persigo 201 boundary. Mr. Thornton said all but one piece is in Clifton Sanitary District #2.

Council President Hill asked if the City is acquiring 80 feet of right-of-way on D Road. Mr. Moore said where it is possible, as the development occurs. Council President Hill asked to clarify that the road plan was already adopted and it is not new. Going back to D Road east of 29 Road, D Road is an east/west corridor and more important than D 1/2 Road by virtue of its connection to Riverside Parkway. He stated that D Road and D 1/2 Road should be treated the same.

The hybrid collector will be used in the area where there is more pedestrian traffic to access the schools and parks. Council President Hill said that on page 15 this collector

type is strongly encouraged. He asked how this is implemented. Mr. Moore said it could be direction for the staff or it could be part of a partnership effort.

Lastly, Mr. Moore addressed the detached walks. Public Works will be looking at that issue City-wide about what is appropriate throughout town. It works well in the core part of town but in some other areas it may not work.

Councilmember Palmer said the Parkway will open up the opportunity for more commercial areas in the Pear Park area. Mr. Moore agreed noting the plan contemplates that.

David Thornton, Principal Planner, then addressed the image and character specifically not encouraging garage-scapes, as is already happening in the area. They want to encourage high quality designs for the neighborhood commercial development. The plan wants to enhance drainage ways and ditches. The plan encourages preservation and adaptive reuse. Another element was minimizing the visual clutter such as cell towers and signs.

Four areas were revisited in comparison to the Future Land Use Map. A change to an area east of 29 Road along D ½ Road to a higher density residential and eliminate the commercial zoning. The area at 29 and D Road, a portion will be changed to a higher residential density, leaving only a small area commercial. The higher density will act as a transition area.

Area 3, at 30 and E Road, bounded on the north by the railroad tracks, will be proposed for a change to commercial.

Area 4, at 31 and D ½ Road, is proposed to be an additional area for commercial, and big enough for a grocery store (15 acres). The other commercial site at 29 and D Road is 25 acres.

Area 5, which came up at the end, is a site owned by Bureau of Reclamation. They are uncomfortable with the park designation. The majority of the site is a wildlife refuge and no pedestrian access is allowed. It should be changed to the conservation land use category.

Next environmental resources were looked at, specifically the river corridor. The gravel industry wanted some potential sites identified. Council President Hill noted that the plan says that those are the only areas that gravel extraction will be allowed so he was glad the gravel industry identified those areas.

Regarding schools, parks and trails, some selection criteria were listed. Four service areas for neighborhood parks were identified. The Urban Trails Plan was overlaid over Pear Park and the plan would be amended for this area. There were some additional linkages between D Road, the river, and along other key drainage areas. Council President Hill wanted more detail or background in the notes about 31 Road as to the overpass plan.

Planning Commission added to the Nov 1<sup>st</sup> draft, dealing with the area south of D Road and between 30 and 32 Road, that there were several inquiries for Growth Plan amendments to be heard in February. They wanted higher density. The Planning Commission added an implementation plan to direct staff to conduct a study of the area with focus groups. Then another area came forward, Teller Court which has also been added as a study area, and will be done at the same time.

Mr. Thornton listed the findings and conclusions made by the Planning Commission, with the recommendation that it be approved.

Anita Littlepage, 3108 D ½ Road, asked about sidewalks to the parks. She stated that there are not any parks except private parks. She is opposed to taking out part of the yards for sidewalks when there are no parks in the area. She does not think there will be enough pedestrians and it may be unsafe. Council President Hill advised the plan is long-term and the plan for sidewalks is for the future. Councilmember Spehar added that the sidewalks will be put in as development occurs, not necessarily right away.

Ms. Littlepage asked if they will continue D ½ to 29 Road. Council President Hill said that may be, depending on how the traffic develops.

Gary Campbell, 353 30 Road, asked if any consideration was made to move the railroad.

Rich Traver, 2967 D ½ Road, asked if the Planning Commission is thinking about making D ½ Road a minor arterial. He disagreed with taking an 80 foot right-of-way for D ½ Road. He stated that 30 Road is in a 60 foot right-of-way and also Unawep fits in 60 feet, and is a nice wide road. On the west end of D ½ Road, it has already built out many homes that will have to move their driveways to the side and reorient their house. It will take away landscaping west of 30 Road and irrigation channels will have to be relocated with some structures. He asked of the Planning Commission could make the 60 feet work?

Robert Fulcher, 30 Road and Teller Court, said his property is one of the study areas and made a request for industrial zoning so he could have outside storage. He asked for better communication regarding that process.

Arden Kerr, 345 30 Road, thought other wildlife corridors needed to be addressed, along the river.

Darren Davidson, 2980 D ½ Road, wanted clarification on the study of the area and he opposed the 80 foot right-of-way on D ½ Road.

Maria Traver, 2967 D ½ Road, stated that the area west of 30 Road doesn't need improvement and questioned why 30 Road won't be widened. She disagreed with 8 foot detached sidewalks and asked why five feet wouldn't be enough. She suggested they go with six foot sidewalks.

Tom Holly, 2936 D ½ Road, disagreed with the 80 foot right-of-way and also with the two detached 8 foot sidewalks which is large enough to accommodate a car where there is no need. He understands planning for the future, but 60 feet is wide enough, like Unawep and 30 Road.

Brenda Maggio, 378 30 Road, stated the need for additional access back to the river and the river trail at 29 5/8 Road.

There were no additional comments.

The public hearing was closed at 10:23 p.m.

Councilmember Spehar asked staff to address the issues raised by the public. Public Works Manager Tim Moore said the right-of-way is to ensure there is enough to handle growth in the future. Councilmember Spehar asked if sidewalks could be less than 8 foot. Mr. Moore said that will be looked at as development occurs, but that is the standard.

Council President Hill noted that the street standards are already set but he is not sure if D ½ and D Roads should be treated the same. Council President Hill stated that it is identified as the #1 priority and wants to make sure that it is the right designation.

Councilmember Spehar had problems guessing what will happen outside the urban growth boundary and wants to know the planning for that. He stated that he was only comfortable planning within the existing boundaries.

Council President Hill noted the plan and anticipation for traffic calming at C ½ Road that is currently being used as a cut through, he questioned if that should even be made as a connection.

Councilmember Spehar asked about the timeframe on sidewalk issue, and Councilmember Palmer asked what the next step is for these people if Council approves this. Mr. Arnold noted that the two study areas need to be moving along. He suggested perhaps within a nine month timeframe for the detached sidewalks and planting strips, can all be studied. Mr. Arnold said a school will probably be opened by fall 2006 and TCP needs to be used to improve the roads in that area so these issues need to meet these timelines.

Council President Hill said he can identify his concerns to staff. Public Works Manager Moore said the Mesa County Planning Commission has already adopted the Plan and although City Council has flexibility to make changes, the two plans will not be the same if there are changes. City Manager Arnold said that the urgency is because of the significant growth, he stated that caveats can be added to look at these specific issues.

Councilmember Palmer inquired how is the 80 foot right-of-way and sidewalk being reviewed. Mr. Arnold said it would be a review of TEDS and a hearing process. If the designation of D ½ Road is identified as an issue, then it can come back in 3 to 6 months. Mr. Relph said that too would be a joint effort with the County since the designation came from a Valley-wide Transportation Plan.

Council President Hill asked if that is how the C ½ Road issue will be addressed. That was confirmed.

Councilmember Palmer then wanted to look at the study area around Teller Court. Mr. Thornton explained how the different designations have occurred. The County zoning is I-2 but the Future Land Use designation is commercial. The study will bear out what it should be. That will be looked at in early 2005. Councilmember Palmer asked what happens to existing businesses. Mr. Thornton stated that they are grandfathered in. The City Council, under the Persigo agreement, is allowed to zone the property I-2 as it is in the County, and then the Future Land Use map would be changed.

Councilmember Spehar asked about the wildlife issue. Mr. Thornton stated that the State Wildlife Division was involved and there was no discussion on expanding the wildlife area.

Councilmember Palmer asked about the three different fire departments serving in the area, and how that will work. Mr. Arnold said that currently the plan acknowledges that, but does not suggest a change or solution.

Resolution No. 13-05 – A Resolution Adopting the Pear Park Neighborhood Plan as a Part of the Grand Junction Growth Plan

Councilmember Spehar moved to adopt Resolution No. 13-05 conditioned upon the Transportation Planning Group, Community Development and inviting participation by Mesa County to review the street designations, upon the review of the street standards and sidewalk specifications in the TEDS Manual and to complete these reviews within this calendar year. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

Council President Hill thanked staff and the public.

The Council President called a recess 10:55 p.m

The meeting reconvened at 11:02 p.m.

Council President Hill explained that the rule is that no new business will be started after 11:30 p.m.

**Conduct a Hearing to Appeal a Planning Commission Decision to Deny a Variance Request for Nextel West Communications Located at 2488 Industrial Blvd** [File #CUP-2004-097]

On November 9, 2004, the Planning Commission denied a variance request for a Nextel West telecommunications tower proposed to be located at 2488 Industrial Blvd. Staff received the appeal letter November 17, 2004 from Nextel West Communications. This appeal is per Section 2.18 E. of the Zoning & Development Code which specifies that the City Council is the appellate body of the Planning Commission.

Council President Hill introduced this item. He stated that the appeal is on the record. The process is Council reviews the record to determine if the decisions were made appropriately. It is not opened up to additional testimony. Council looked at the record to make their decision. The appeal letter includes three questions: #1, the decision-maker made a decision inconsistent with federal law and that no parcel of property was available to meet the setback requirements. Council President Hill stated the hardship was not presented and there were other areas that were available. Therefore there was no basis to make that finding and he denied the appeal.

On question #2, the site could not be moved out of area without undue hardship, those issues were discussed, and Council President Hill found no basis for the appeal.

Question #3, the decision-maker did not consider all of the mitigating factors to bring the project into compliance. Council President Hill is not sure if the applicant gave all of the information to the Planning Commission. He thought there were other opportunities unexplored. The lack of screening was not the issue, but he was certain

they took that into consideration. The issue was the setback in Item 3. Therefore there is no basis to make such finding and he denies the appeal to all three. Questions 4 & 5 were not in the letter.

Councilmember Spehar agreed with Council President Hill, adding that the hardship was self-imposed.

Councilmember Kirtland said that it was clear that the Planning Commission struggled with how Nextel got themselves into the situation. A variance is a high bar to reach and the Planning Commission could not make the needed findings to grant such a variance. The applicant could have requested a Code amendment which would have taken more time. He could not reverse the Planning Commission's decision.

Councilmember McCurry agreed.

Councilmember Butler read from the Code that a variance is not a right. He concurs with the Planning Commission if the Code is in compliance with the FCC act.

City Attorney Shaver said it is clear under the act, that local government can regulate the placement of such facilities as long as it does not prohibit the deliverance of those services. The Federal Law prohibits regulations based on magnetic fields, etc. It cannot discriminate among service providers. Neither is the case in this situation.

Councilmember Spehar stated they may be looking for appropriate locations as they were late getting into the game but certainly there is service in the valley.

Councilmember Spehar moved to deny the Appeal. Councilmember Kirtland seconded the motion. Motion carried.

**Public Hearing - Campbell/Hyde Annexation and Zoning Located at 351 & 353 30 Road** [File #ANX-2004-225]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Campbell-Hyde Annexation, located at 351 & 353 30 Road. The 23.31 acre annexation consists of two parcels of land and portions of the 30 Road, right-of-way.

Hold a public hearing and consider final passage of the zoning ordinance to zone the Campbell-Hyde Annexation to RSF-4 (Residential Single Family 4 du/ac), located at 351 & 353 30 Road. The 23.31 acre annexation consists of two parcels of land.

The public hearing was opened at 11:20 p.m.

Faye Hall, Planning Technician, reviewed this item. She located the property and described the current and surrounding zoning and uses. She noted the Future Land Use designation. Ms. Hall stated the request meets the criteria of the Zoning and Development Code and the goals and policies of the Future Land Use Plan. She said Planning Commission and staff recommend approval.

Arden Kerr, 345 30 Road, to the south of the property, feels with the surrounding area that far south, it would be better served with a density of 2 units per acre. It would be less impact on wildlife and traffic.

John Moore, 2975 C1/2 Road, to the southwest, stated that for the wildlife in the area, United Companies donated a piece of property for wildlife preservation and for public use at a later time. He stated that 30 Road is not very wide and there are a lot of houses and trailer parks on that road with alot of traffic for the current road conditions. He also supported 2 houses per acre.

Terri Fountaine, 345 30 Road, stated that he had been looking for 5 years and found this property and jumped at the opportunity to buy, but now feels like a victim. He said that it will affect his peace and quiet with the additional 68 houses with all of the people, kids, dogs, cats, boom boxes and with the lake opened to the public behind them.

Brenda Maggio, 378 30 Road, is opposed to the development. She wants to maintain her quiet. She stated that she placed a conservation easement on her property so it cannot be developed.

Raymond Lurvey, 350 30 Road, prefers not to have a very high density.

Arden Kerr, 345 30 Road, clarified some topographical constraints in the area.

There were no other comments.

John Slothower was present, representing the petitioner, Sunshine Builders. They had some concerns in neighborhood meetings to stay within 2 to 4 units per acre. They do not want to create hardships, but it is hard to satisfy everybody.

The public hearing was closed at 11:39 p.m.

Councilmember Kirtland stated a zoning of 2-4 units is one of the lower density City zones. He noted with the growth in that area, the rural lifestyle is going to change. Trying to retain that character will be pretty difficult to do, but the City has good standards in place. Until the plat is reviewed by the Planning Commission, Council is not sure how many units will be placed per acre at this time. But the Planning

Commission has to let the process continue on to make sure that it fits the Land Use Plan.

Councilmember Spehar noted that just because the zoning is 2 to 4 units per acre, it is not known if it will develop at 4 units per acre. There is no development plan to react to. When a developer meets the City's expectations, Council does not add to it. It is appropriate to approve the annexation and zoning and recognize the specific issues can be addressed in the next step.

Councilmember Palmer stated that it is always tough in these situations and this is one of the lowest densities. Owners have the right to develop it. He stated that this is a very sensitive situation but thanked all of those who waited to have their say.

Councilmember Butler stated that it is inevitable that the Pear Park area is going to grow.

Council President Hill thanked the public for coming down and stated that 30 Road would not continue south, but will be stopped by the river. He can see the value and character of people's property, but they are not asking for a higher density. The density is lower than further north.

**a. Accepting Petition**

Resolution No. 08-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Campbell/Hyde Annexation #1 - #4 Located at 351 & 353 30 Road is Eligible for Annexation

**b. Annexation Ordinances**

Ordinance No. 3692 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #1, Approximately 0.26 Acres, Located within 30 Road Right-of-Way

Ordinance No. 3702 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #2, Approximately 0.56 Acres, Located within 30 Road Right-of-Way

Ordinance No. 3703 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #3, Approximately 1.09 Acres, Located within 30 Road Right-of-Way

Ordinance No. 3704 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #4, Approximately 21.39 Acres, Located at 351 & 353 30 Road

**c. Zoning Ordinance**

Ordinance No. 3705 - An Ordinance Zoning the Campbell/Hyde Annexation to RSF-4 (Residential Single Family 4 du/ac), Located at 351 & 353 30 Road

Councilmember Spehar moved to adopt Resolution No. 08-05 and Ordinance Nos. 3692, 3702, 3703, 3704 and 3705 on Second Reading and ordered them published. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

The City Council suspended the rules and continued the meeting at 11:50 p.m.

**Public Hearing - Water's Edge Annexation and Zoning Located at 2935 D Road** [File #ANX-2004-221]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Water's Edge Annexation, located at 2935 D Road. The 4.91 acre annexation consists of one parcel of land.

Conduct a public hearing and consider final passage of the zoning ordinance to zone the Water's Edge Annexation to RMF-8 (Residential Multi-Family 8 du/ac), located at 2935 D Road. The 4.91 acre annexation consists of 1 parcel of land.

The public hearing was opened at 11:51 p.m.

Faye Hall, Planning Technician, reviewed this item. She located the property, described the current and surrounding zoning and uses. She noted the Future Land Use designation. Ms. Hall stated the request meets the criteria of the Zoning and Development Code and the goals and policies of the Future Land Use Plan. She said Planning Commission and staff recommend approval.

The applicant was present but had no comments

There were no public comments.

The public hearing was closed at 11:53 p.m.

**a. Accepting Petition**

Resolution No. 09-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Water's Edge Annexation Located at 2935 D Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3706 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Water's Edge Annexation, Approximately 4.91 Acres, Located at 2935 D Road

**c. Zoning Ordinance**

Ordinance No. 3707 – An Ordinance Zoning the Water's Edge Annexation to RMF-8 (Residential Multi-Family 8 du/ac), Located at 2935 D Road

Councilmember Kirtland moved to adopt Resolution No. 09-05 and Ordinance Nos. 3706 and 3707 on Second Reading and ordered them published. Councilmember Enos-Martinez seconded the motion. Motion was carried by roll call vote.

**Public Hearing - Griffith Annexation and Zoning Located at 2969 B ½ Road** [File #ANX-2004-254]

Hold a public hearing and consider final passage of a Resolution for Acceptance of the Petition to Annex and Annexation Ordinances for the Griffith Annexation located at 2969 B ½ Road.

The Griffith Annexation is comprised of one parcel of land of 4.141 acres and includes a section of B ½ Road right-of-way. The petitioner is requesting a zone of Residential Single Family with a density not to exceed four units per acre (RSF-4), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its December 14, 2004 meeting.

The public hearing was opened at 11:55 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She located the property, described the current and surrounding zoning and uses. She noted the Future Land Use designation. Ms. Edwards stated the request meets the criteria of the Zoning and Development Code and the goals and policies of the Future Land Use Plan. She said Planning Commission and staff recommend approval.

The applicant was present but had no comments.

There were no public comments

The public hearing was closed at 11:58 p.m.

**a. Accepting Petition**

Resolution No. 10-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Griffith Annexation Located at 2969 B ½ Road and Including a Portion of B ½ Road Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3708 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Griffith Annexation, Approximately 4.141 Acres, Located at 2969 B ½ Road and Including a Portion of B ½ Road Right-of-Way

**c. Zoning Ordinance**

Ordinance No. 3709 - An Ordinance Zoning the Griffith Annexation to Residential Single Family with a Density of not to Exceed Four Units Per Acre (RSF-4) Located at 2969 B½ Road

Councilmember Palmer moved to adopt Resolution No. 10-05 and Ordinance Nos. 3708 and 3709 on Second Reading and ordered them published. Councilmember Enos-Martinez seconded the motion. Motion was carried by roll call vote.

**Public Hearing - Summit View Meadows Filing #2 Annexation and Zoning Located at 3140 D ½ Road** [File #ANX-2004-256]

Hold a public hearing and consider final passage of a Resolution for Acceptance of the Petition to Annex and Annexation Ordinances for the Summit View Meadows Filing #2 Annexation located at 3140 D ½ Road.

The Summit View Meadows Filing #2 Annexation is comprised of one parcel of land of 4.9409 acres and includes a portion of D ½ Road right-of-way. The petitioner is requesting a zone of Residential Multi-Family with a density not to exceed eight units per acre (RMF-8), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its December 14, 2004 meeting.

The public hearing was opened at 11:59 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She located the property, described the current and surrounding zoning and uses. She noted the Future Land Use designation. Ms. Edwards stated the request meets the criteria of the Zoning and Development Code and the goals and policies of the Future Land Use Plan. She said Planning Commission and staff recommend approval.

There were no public comments.

The public hearing was closed at 12:00 a.m.

**a. Accepting Petition**

Resolution No. 11-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Summit View Meadows Filing #2 Annexation Located at 3140 D ½ Road and Including a Portion of the D ½ Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3710 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summit View Meadows Filing #2 Annexation, Approximately 4.9409 Acres, Located at 3140 D ½ Road and Including a Portion of D ½ Road

**c. Zoning Ordinance**

Ordinance No. 3711 - An Ordinance Zoning the Summit View Meadows Filing #2 Annexation to Residential Single Family with a Density not to Exceed Eight Units Per Acre (RMF-8) Located at 3140 D ½ Road

Councilmember Spehar moved to adopt Resolution No. 11-05 and Ordinance Nos. 3710 and 3711 on Second Reading and ordered them published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

**Public Hearing - Summit Annexation and Zoning Located at 280 29 Road** [File #ANX-2004-242]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Summit Annexation, located at 280 29 Road. The 29.44 acre annexation consists of two parcels of land and portions of the B ½ & 29 Road rights-of-way.

Hold a public hearing and consider final passage of the zoning ordinance to zone the Summit Annexation to RSF-4 (Residential Single Family 4 du/ac), located at 280 29 Road. The 29.44 acre annexation consists of two parcels of land.

The public hearing was opened at 12:01 a.m.

Faye Hall, Planning Technician, reviewed this item. She described the location, the surrounding uses and zoning. The request is in compliance with the Zoning and Development Code and the Future Land Use Map. It was recommended for approval.

The applicant did not wish to address Council except to thank Council for reviewing this item.

The public hearing was closed at 12:03 a.m.

**a. Accepting Petition**

Resolution No. 12-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Summit Annexation #1 and #2 Located at 280 29 Road is Eligible for Annexation.

**b. Annexation Ordinances**

Ordinance No. 3712 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summit Annexation No. 1, Approximately .9357 Acres, Located within the 29 and B ½ Road Rights-of-Way

Ordinance No. 3713 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summit Annexation No. 2, Approximately 28.50 Acres, Located at 280 29 Road and Including Portions of the 29 & B ½ Roads Rights-of-Way

**c. Zoning Ordinance**

Ordinance No. 3714 - An Ordinance Zoning the Summit Annexation to RSF-4 (Residential Single Family 4 du/ac), Located at 280 29 Road

Councilmember Kirtland moved to adopt Resolution No. 12-05 and Ordinance Nos. 3712, 3713 and 3714 on Second Reading and ordered them published. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

**NON-SCHEDULED CITIZENS & VISITORS**

There were none.

**OTHER BUSINESS**

There was none.

**ADJOURNMENT**

The meeting adjourned at 12:05 a.m.

Stephanie Tuin, MMC  
City Clerk