

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

March 2, 2005

The City Council of the City of Grand Junction convened into regular session on the 2nd day of March 2005, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Absent was Councilmember Dennis Kirtland. 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 McCurry led in the pledge of allegiance. The audience remained standing for the invocation by Retired Pastor Eldon Coffey.

PROCLAMATIONS / RECOGNITIONS

Council President Hill recognized a Boy Scout from Troop 303 who was in attendance.

PROCLAIMING MARCH 6, 2005 THROUGH MARCH 12, 2005 AS "WOMEN IN CONSTRUCTION WEEK" IN THE CITY OF GRAND JUNCTION

CERTIFICATES OF APPOINTMENT

TO THE COMMISSION ON ARTS AND CULTURE

Doug Clary and Vera Mulder were present to receive their Certificate. Gunilla Bishop was not in attendance.

CITIZEN COMMENTS

Adam Chambers, 526 Belford Avenue, addressed the City Council regarding the hearing that took place that morning for the renewal of the Bourbon Street liquor license. His family has owned the property since 1950 and he currently lives there. He explained what happened, and that only one of the neighbors was allowed to speak. He said that he was led to believe by door hangers that all of the neighbors would be allowed to speak at the hearing. The license was renewed with barely a slap on the wrist to the licensee. He then listed the number of calls for service over the last few years. He stated the neighbors will be holding the licensee and the City accountable for the renewal of the license.

CONSENT CALENDAR

It was moved by Councilmember McCurry, seconded by Councilmember Enos-Martinez and carried by roll call vote to approve Consent Calendar Items #1 through #13.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the January 31, 2005 Special Meeting, Summary of the February 14, 2005 Workshop, February 14, 2005 Workshop Summary and Special Meeting Minutes, and the Minutes of the February 16, 2005 Regular Meeting

2. Purchase of an Automated Refuse Truck

This is for the purchase of a 2005 Mack Truck with a Heil 30 yard automated trash body. The existing unit 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 Mack Truck with a Heil 30 Yard Automated Trash Body from Western Colorado Truck Center, Grand Junction, CO in the Amount of \$162,615.00.

3. Memorandum of Understanding with CDOT for Sharing Traveler Information

The Memorandum of Understanding (MOU) updates and replaces the original MOU approved by City Council on June 16, 2003. The MOU provides for the sharing of statewide traveler information.

Action: Authorize the Mayor to Sign a Memorandum of Understanding with CDOT for Sharing Traveler Information

4. Vacating an Emergency Access and a Drainage Easement Located at 559 Sandhill Lane [File # VE-2004-235]

The applicant proposes to vacate a 50' emergency access easement and 30' of a 50' drainage easement, located in City Market Subdivision. The Planning Commission recommended a conditional approval of this easement vacation request on February 8, 2005, making the Findings of Fact/Conclusion identified in the staff report.

Resolution No. 40-05 – A Resolution Vacating a 50’ Emergency Access Easement and 30’ of a 50’ Drainage Easement Located in Lot 2 of the Blue Heron Lake Industrial Park at 559 Sandhill Lane

Action: Adopt Resolution No. 40-05

5. **Setting a Hearing on Right-of-Way Vacation Located at 237 S. 7th Street**
[File # VR-2004-281]

Introduction of a proposed ordinance to vacate the southern half of the north/south alley between 6th Street and 7th Street adjacent to Ute Avenue, reserving the areas as a 15’ multi-purpose easement due to underground utilities.

Proposed Ordinance Vacating a Right-of-Way Located Adjacent to 237 S. 7th Street

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

6. **Setting a Hearing on Zoning the Hawk’s Nest Annexation Located at 157 30 Road to RSF-4 (Residential Single Family 4 du/ac)** [File # ANX-2004-298]

Introduction of a proposed zoning ordinance to zone the Hawk’s Nest Annexation RSF-4 (Residential Single-Family 4 du/ac), located at 157 30 Road.

Proposed Ordinance Zoning the Hawk’s Nest Annexation to RSF-4 (Residential Single-Family 4 Du/Ac) Located at 157 30 Road

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

7. **Setting a Hearing on Zoning the Catlin Annexation, Located at 2830 C 1/2 Road, to RMF-8 (Residential Multi-Family 8 du/ac)** [File # ANX-2004-308]

Introduction of a proposed zoning ordinance to zone the Catlin Annexation RMF-8 (Residential Multi-Family 8 du/ac), located at 2830 C 1/2 Road.

Proposed Ordinance Zoning the Catlin Annexation to RMF-8 (Residential Multi-Family 8 Du/Ac) Located at 2830 C 1/2 Road

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

8. **Setting a Hearing on Zoning the Fisher Annexation, Located at 104 29 ³/₄ Road** [File # GPA-2004-191]

Introduction of a proposed ordinance to zone the 16 acre Fisher Annexation, located at 104 29 ³/₄ Road, RSF-R (Residential Single Family, Rural)
Proposed Ordinance Zoning the Fisher Annexation to RSF-R (Residential Single Family, Rural), Located at 104 29 ³/₄ Road

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

9. **Setting a Hearing on Zoning the Manor Annexation, Located at the NE Corner of 26 ¹/₂ Road and I Road** [File # GPA-2004-205]

Introduction of a proposed ordinance to zone the 11 acre Manor Annexation, located at the NE corner of 26 ¹/₂ Road and I Road, RSF-4 (Residential Single Family, 4 units per acre).

Proposed Ordinance Zoning the Manor Annexation to RSF-4 (Residential Single Family, 4 Units Per Acre), Located at the NE Corner of 26 ¹/₂ Road and I Road

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

10. **Setting a Hearing on the Barker No. 3 Annexation, Located at 2939 Jon Hall Road** [File # ANX-2005-022]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 0.298 acre Barker No. 3 annexation consists of 1 parcel.

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

Resolution No. 41-05 – 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, Barker No. 3 Annexation, Located at 2939 Jon Hall Road

Action: Adopt Resolution No. 41-05

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Barker No. 3 Annexation, Approximately 0.298 Acres, Located at 2939 Jon Hall Road

Action: Introduction of Proposed Ordinance and Set a Hearing for April 6, 2005

11. **Setting a Hearing on the Whaley Annexation, Located at 2941 & 2949 B ½ Road** [File # ANX-2005-010]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 9.967 acre Whaley Annexation is a 2 part serial annexation consisting of 2 parcels.

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

Resolution No. 42-05 – 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, Whaley Annexation Located at 2941 & 2949 B ½ Road

Action: Adopt Resolution No. 42-05

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Whaley Annexation #1, Approximately 4.988 Acres, Located at 2941 B ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Whaley Annexation #2, Approximately 4.979 Acres, Located at 2949 B ½ Road

Action: Introduction of Proposed Ordinances and Set a Hearing for April 6, 2005

12. **Setting a Hearing on the Vacation of Dedicated Right-of-Way of Winters Avenue, West of South 7th Street** [File # VR-2002-200]

Introduction of a proposed ordinance to vacate excess dedicated but not yet constructed Winters Avenue right-of-way, West of South 7th Street.

Proposed Ordinance Vacating a Portion of Undeveloped Right-of-Way, of Winters Avenue, West of South 7th Street

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

13. **Setting a Hearing for Rezoning the Hanson Equipment Property, Located at 763 23 ½ Road and 2340 I-70 Frontage Road** [File # PFP-2004-181]

A request to rezone 2 acres of land located at 763 23 ½ Road, from PD to Estate and rezone the remaining 17.87 acres, located at 2340 I-70 Frontage Road, to I-1, (Light Industrial) from a PD zoning designation.

Proposed Ordinance Zoning 2.00 Acres of Land Located at 763 23 ½ Road

Proposed Ordinance Zoning 17.87 Acres of Land Located at 2340 I-70 Frontage Road

Action: Introduction of Proposed Ordinances and Set a Hearing for March 16, 2005

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Grand Junction Commission on Arts and Culture Funding Recommendations for Arts and Cultural Events and Projects

Recommendations to City Council for grants to support arts and cultural events, projects, and programs in Grand Junction for local citizens; and recommendations to Council for the purchase of 1% for the Arts projects for the Duck Pond Park restroom building and the Lincoln Park Splash Playground facility. The recommendations are:

Mesa County Valley School District 51 Artists in Residence Program	\$7,500
KAFM Community Radio Arts & Entertainment Calendar/Local Artists CD	\$3,000
Grand Junction Symphony – “Die Fledermaus” opera production	\$2,000
Rocky Mt. Public Television KRMJ “Western Bounty” arts segments	\$2,000
Western Colorado Botanical Gardens Summer Music Concerts	\$1,800
Art Center Summer Art Camp Children’s Classes	\$1,000
Colorado Symphony (Denver) Summer Tour – Grand Junction Concert	\$1,000
Downtown Association Art & Jazz Festival	\$1,000
Grand Valley Community Theatre “Yours Anne” Anne Frank musical	\$1,000
Mesa State College Art Dept. Design & Build High School Art Project	\$1,000
Cinema at the Avalon Senior Matinee Posters/Postcards Printing	\$800
Colo. West Performing/Western Colorado Chamber Music Series Concert	\$800

Grand Junction Centennial Band Percussion Equipment Acquisition	\$800
Mesa State Foundation Dalton Trumbo Play "The Biggest Thief in Town"	\$800
Reader's Festival	\$800
Museum of Western Colorado "Singspiration" Concerts	\$700
Pastel Society of Colorado "Passages in Pastels" Members Exhibit	\$500
St. Andrews Renaissance Guild Grand Valley Renaissance Festival	\$500

Doug Clary, Chairman of the Commission, reviewed this item. He introduced two other Commission members Joan Meyers and Lora Quisenberry.

Allison Sarmo, Cultural Arts Coordinator, stated the main recipient of the grant monies is the "Artists in Residence" program.

Councilmember Spehar moved to approve recommendations for the purchase of two 1% artwork projects and approve recommendations for grant funding. Councilmember McCurry seconded the motion. Motion carried.

Design Amendment No. 3 to CSEP Contract

The proposed Amendment #3 is the final amendment for the Combined Sewer Elimination Project design contract with Stantec, Inc. in the amount of \$65,293 for additional design work associated with field changes, and additional construction management costs for the Basin 9, 13 & 14, Basin 7 & 11, and 2004 Waterline Replacement projects.

Bret Guillory, Public Works Utilities Engineer, reviewed this item. He explained that this is the final change and will close out the project. He also stated that the project came out under budget and will be completed on time.

Council applauded the department's efforts noting the traffic control and the communication with the affected residents. Borrowing the money and completing the project much more quickly was also commended.

Council President Pro Tem Palmer moved to authorize the City Manager to execute a Design Contract Amendment for the Combined Sewer Elimination Project with Stantec, Inc. in the amount of \$65,293.00. Councilmember Butler seconded the motion. Motion carried.

Purchase of Properties and Interests at 2547 River Road, 720 W. Grand Avenue, 1007 S. 5th Street and East of 2501 Highway 6&50 for the Riverside Parkway Project

The City has entered into a contract to purchase one parcel, portions of two other properties, and four outdoor advertising signs from Mark L. Gamble and Colorado West

Outdoor Advertising for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Jim Shanks, Public Works Project Engineer, reviewed this item. He described the location of the sites and the surrounding areas.

Council President Pro Tem Palmer asked about the view of two of the sites from 5th Street. Mr. Shanks said both of the properties not on 5th Street are visible from 5th Street.

Resolution No. 43-05 – A Resolution Authorizing the Purchase of Real Property East of 2501 Highway 6 & 50, 2547 River Road, 720 W. Grand Avenue, and 1007 S. 5th Street from Mark L Gamble and Colorado West Outdoor Advertising, Inc.

Councilmember Enos-Martinez moved to adopt Resolution No. 43-05. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

Purchase of Property at 402 Noland Avenue for the Riverside Parkway Project

The City has entered into a contract to purchase the property at 402 Noland Avenue from Mary E. Wales Revocable Trust for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Jim Shanks, Public Works Project Engineer, reviewed this item. He noted that the legal department has been working on some ownership issues regarding the property.

Council President Pro Tem Palmer asked about the right-of-way budget. Mr. Shanks said they are within 10% of the budget. He said there are probably only three properties in this area left, but there are some large railroad properties that will be coming forward.

Resolution No. 44-05 – A Resolution Authorizing the Purchase of Real Property at 402 Noland Avenue from Mary E. Wales Revocable Trust

Council President Pro Tem Palmer moved to adopt Resolution No. 44-05. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

Interim Contract for Emergency Medical Services

The County's resolution regulating ambulance/emergency medical services took effect January 1, 2005. Under it, the City is authorized, but not required, to select service provider(s) for its ambulance service area and to recommend that those provider(s) to the County. The resolution provides a deadline of May 31, 2005 for the City to do so,

but authorizes an extension through November 30, 2005. The GJFD has notified the County that it will not complete a selection process until the November date. In its work session on January 17, 2005, the Council authorized staff to explore and develop a means to maintain the City's current "two-tier" system, using the Fire Department and American Medical Response (AMR), the City's current ambulance provider. Given the present temporary overlap in regulation of ambulance services (due to the County's Resolution and the City's system) the proposed interim contract with AMR recognizes and substantially complies with both regulatory systems.

Rick Beaty, Fire Chief, reviewed this item. He explained the status of the long term pursuit of making a recommendation for a provider to the County as a result of the County's recent resolution. In order to guarantee service until such time, an interim contract with the current provider is being proposed until a recommendation is made. Recently a new provider, Life Care, has been licensed and is now operating in the area. This new provider could be utilized to address staffing issues that may arise. However, the Chief recommended that the Council go forward with approving the proposed contract with AMR for the interim period of time.

Councilmember Enos-Martinez asked about the timeline for the recommendations. Chief Beaty said the RFP will be completed in May and then it will go through the process, hopefully allowing for a recommendation by November.

Council President Pro Tem Palmer asked if City paramedics will still be assisting the provider. Chief Beaty said yes, that is the current process.

City Council wanted clarification on how the Chief is suggesting to use the other provider and at what point will that occur. City Manager Arnold said he will want to know when and why AMR calls for additional assistance.

Although not a public hearing, Council President Hill asked Council if they would like to hear from those present. Councilmember Enos-Martinez stated that Council's position is clear. Councilmembers agreed and declined to open up public comment.

Council President Hill summarized that Council, if approved, will be extending the current contract until November 30th and after that extend it month to month if needed. Termination can be triggered by either party, and the Chief has the latitude to go with the other provider or bring them in for additional service, thus keeping the service at the level the citizens expect.

City Attorney Shaver noted that the termination for convenience requires a 90 day written notice, for cause, there is no time required. However, Mr. Shaver cautioned that may be an issue.

Council President Pro Tem Palmer reiterated that by the Council considering this contract, in no way suggests Council will go a particular route long term. He said that he is not totally confident in this system, but will go forward since it is a short term fix.

Councilmember Enos-Martinez moved to authorize the City Manager to execute an Interim Contract with American Medical Response through November 30, 2005. Councilmember McCurry seconded the motion. Motion carried.

Amendments to Action Plans for 2001, 2002 and 2004 Program Years Community Development Block Grant (CDBG) Program

Amending the City's 2001, 2002 and 2004 Action Plans for the Community Development Block Grant (CDBG) Program Years 2001, 2002 and 2004 to 1) construct infrastructure for Camelot Gardens II Subdivision (CDBG 2001-03); 2) construct improvements in Duck Pond Park (CDBG 2002-08); 3) utilize a portion of the funds earmarked for the 2004 neighborhood program for roof repairs to Riverside School (CDBG 2004-08(a)); and 4) utilize a portion of the funds earmarked for the 2004 neighborhood program for architectural services for improvements to the City Senior Center (CDBG 2004-08(b)).

David Varley, Assistant City Manager, reviewed this item. He explained the process and the reason for this agenda item. Sometimes some of the projects change and amendments are required. He said that the first change was from Habitat for Humanity to change it to a similar but different project, the second change was for a storm drain in Bass Street. The project came in under budget, \$25,000 was left over. The request is to reallocate the funds to the Duck Pond Park project. The third change was an allocation for the neighborhood programs and now the projects have been identified as the Riverside School roof repair project and for architectural services for the Senior Center expansion.

Council President Pro Tem Palmer asked if he can vote on this item as a member of the Lion's Club committee that is contributing to the same project. City Attorney Shaver stated with that disclosure, it is the City Council's call. The Council had no problem.

Councilmember Spehar moved to approve the amendments to the City's CDBG 2001, 2002 and 2004 Action Plans to reflect the revisions as summarized. Council President Pro Tem Palmer seconded the motion. Motion carried.

Two Subrecipient Contracts for Projects within the City's 2002 and 2003 Program Years Community Development Block Grant (CDBG) Program

The Subrecipient Contracts formalize the City's award of a total of \$11,699 to the Early Childhood Programs of Hilltop Community Services, Inc. as allocated from the City's 2002 and 2003 CDBG Program Years as previously approved by Council.

David Varley, Assistant City Manager, reviewed this item. He explained the reasons for the subrecipient contracts that are with two of the groups receiving CDBG funds. The first was funding for W.R.A.P. which has since dissolved without expending all the funds. He said that Hilltop has now taken over those services and the contract will reallocate the funds to Hilltop, and the same situation will be for the following year.

Councilmember Butler disclosed he used to sit on the W.R.A.P. board. There was not a problem with him participating.

Council President Pro Tem Palmer moved to authorize the City Manager to sign the two subrecipient contracts with the Early Childhood Programs of Hilltop Community Services, Inc. for the City's 2002 & 2003 program years, Community Development Block Grant Program. Councilmember McCurry seconded the motion. Motion carried.

On Assistant City Manager Varley's request, Council President Hill moved back to the previous item and opened the public hearing for the Amendments to Action Plans for 2001, 2002 and 2004 Program Years Community Development Block Grant (CDBG) Program at 8:32 p.m. There were no public comments. The hearing was closed at 8:35 p.m.

Council President Hill then spoke to the fact that the President's budget proposes a move of these CDBG funds to other agencies and the National League of Cities fears that will mean the ultimate elimination of this funding. The City currently receives about \$400,000 per year. Over the last 9 years the City has received \$4.2 million which has leveraged another \$15 million. Over the years the programs funded by this project were numerous. Council President Hill listed several. He wanted the public to know the impact these dollars have had on this community.

City Manager Arnold said the City intends to publish articles in the City's various venues and have conversations with Senator Allard regarding the City's stance on the President's proposal.

Councilmember Spehar also pointed out the relationships and partnerships that are guided by the projects funded by these funds.

Public Hearing – City Manager’s Salary for 2005

The annual salary for the City Manager of the City of Grand Junction for the year beginning January 1, 2005, and ending December 31, 2005 shall be One Hundred Twenty Thousand Eight Hundred Thirty Two dollars and zero cents (\$120,832.00). This represents a 2.4% increase over the salary for the prior year.

Public hearing was opened at 8:42 p.m.

Council President Hill reviewed this item. He explained that the City Council supervises three employees, the City Manager, the City Attorney and the Municipal Judge. The City Council takes the role of an employer seriously through evaluations and review work plans.

Councilmember Spehar clarified that this increase is 2.4%, bringing the City Manager’s salary to \$120,832. He appreciated Mr. Arnold’s service and thought the increase was appropriate.

There were no public comments.

The public hearing was closed at 8:45 p.m.

Ordinance No. 3723 – An Ordinance Establishing the Annual Salary for the City Manager for the Year Beginning January 1, 2005, and Ending December 31, 2005

Councilmember Enos-Martinez moved to adopt Ordinance No. 3723 on second reading and ordered it published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

Public Hearing – Zoning the Storage Place II Annexation, Located at 501 Centennial Road to C-1 (Light Commercial) [File # ANX-2004-263]

Conduct a public hearing and consider final passage of the zoning ordinance to zone the Storage Place II Annexation to C-1 (Light Commercial), located at 501 Centennial Road. The 1.98 acre annexation consists of 1 parcel of land.

The public hearing was opened at 8:46 p.m.

Faye Hall, Planning Technician, reviewed this item. She described the location of the site, the growth plan designation, the surrounding zoning and the requested zoning.

The applicant was not present.

There were no public comments.

The public hearing was closed at 8:47 p.m.

Ordinance No. 3724 – An Ordinance Zoning the Storage Place II Annexation to C-1 (Light Commercial) Located at 501 Centennial Road

Council President Pro Tem Palmer moved to adopt Ordinance No. 3724 on second reading and ordered it published. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

The Council President called a recess at 8:50 p.m.

The meeting reconvened at 9:00 p.m.

Public Hearing – Tezak Annexation and Zoning Located at 2397 Sayre Drive [File # ANX-2004-288

Acceptance of a petition to annex and consider the annexation and zoning for the Tezak Annexation. The Tezak Annexation is located at 2397 Sayre Drive and consists of one parcel on 1.23 acres. The zoning being requested is RSF-4 (Residential Single Family 4 du/ac).

The public hearing was opened at 9:00 p.m.

Faye Hall, Planning Technician, reviewed this item. She identified the location of the site, the future land use designation, the zoning request, and the surrounding uses.

The applicant was not present.

There were no public comments.

The public hearing was closed at 9:02 p.m.

a. Accepting Petition

Resolution No. 45-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Tezak Annexation Located at 2397 Sayre Drive is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3725 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Tezak Annexation, Approximately 1.23 Acres, Located at 2397 Sayre Drive

c. Zoning Ordinance

Ordinance No. 3726 – An Ordinance Zoning the Tezak Annexation to RSF-4 (Residential Single-Family 4 du/ac), Located at 2397 Sayre Drive

Council President Pro Tem Palmer moved to adopt Resolution No. 45-05, Ordinance No. 3725 and 3726 on Second Reading and ordered them published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

Public Hearing – Cloverglen Annexation and Zoning Located at 2938 F ½ Road [File # ANX-2004-287]

Acceptance of a petition to annex and consider the annexation and zoning for the Cloverglen Annexation. The Cloverglen Annexation is located at 2938 F ½ Road and consists of one parcel on 7.1536 acres. The zoning being requested is RMF-5.

The public hearing was opened at 9:03 p.m.

Lori V. Bowers, Senior Planner, reviewed this item. She described the request, located the site and described the future land use designation and zoning request. She said that the Planning Commission recommended approval.

Council President Pro Tem Palmer asked if this will create an enclave. Ms. Bowers said that it will, of about 200 acres. She said that a letter to the property owners was being prepared today and that the City has up to five years to annex the property.

Council President Hill said the notification method needs to be discussed.

The applicant was not present.

There were no public comments.

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

Council President Pro Tem Palmer asked if annexation of the enclave will start the process automatically and right away. City Attorney Shaver answered affirmatively.

a. Accepting Petition

Resolution No. 46-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Cloverglen Annexation Located at 2938 F ½ Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3727 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cloverglen Annexation, Approximately 7.1536 Acres, Located at 2938 F ½ Road and Including a Portion of the F ½ Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 3728 – An Ordinance Zoning the Cloverglen Annexation to Residential Multi-Family, Not to Exceed 5 Units Per Acre (RMF-5) Located at 2938 F ½ Road

Council President Pro Tem Palmer moved to adopt Resolution No. 46-05, Ordinance No. 3727 and 3728 on Second Reading and ordered them published. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

Public Hearing – Vacation of Excess Right-of-Way Along G Road and the Arcadia North Subdivision Located at 2540 G Road [File # VR-2004-269]

Public Hearing to consider final passage of a proposed ordinance to vacate excess right-of-way along G Road, associated with the Arcadia North Subdivision.

The public hearing was opened at 9:10 p.m.

Lori V. Bowers, Senior Planner, reviewed this item. She located the site and described the future land use designations in the area. During a review of the plat, it was discovered that a right-of-way parcel was dedicated to Mesa County but was never built out. The applicant asked that the portion on their property be vacated, but the City then added the rest of the property to the request to clean up this situation.

Council President Pro Tem Palmer confirmed that the adjacent property owners were notified. Ms. Bowers advised they were, by mail.

Tom Dixon, Rolland Engineering, used an archive photo and explained how the error occurred and the need for the correction.

There were no public comments.

The public hearing was closed at 9:16 p.m.

Ordinance No. 3729 – An Ordinance Vacating a Portion of Undeveloped Right-of-Way Along G Road and the Arcadia North Subdivision Located at 2540 G Road

Councilmember Enos-Martinez moved to adopt Ordinance No. 3729 on Second Reading and ordered it published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

Public Hearing – Rezoning Jacobson Property Located at 738 26 Road from RSF-2 to RMF-5 [File # RZ-2004-304]

A request for approval to rezone 36.97 acres of land from RSF-2 (Residential Single-Family, not to exceed 2 units per acre) to RMF-5 (Residential Multi-Family, not to exceed 5 dwelling units per acre). The request precedes an application for a major subdivision. To be in compliance with the Growth Plan, a rezone must be granted. The Growth Plan requires a minimum density of 4 units per acre or a maximum of 8 units per acre. RMF-5 is in the mid range.

Tom Volkmann, representing the applicant, said he heard the discussion at Monday's workshop on the Planning Commission meeting on this item and since there is not a full Council present, he would like to request a continuance to allow him to discuss the unusual procedural posture with City Attorney Shaver.

Council President Hill clarified that a continuance can be granted or the item can be remanded back to the Planning Commission. City Attorney Shaver concurred.

Community Development Director Bob Blanchard was asked about the timing of the schedule for the Planning Commission agenda. He said there are notice issues if it is another public hearing or if directed to simply conclude the item then it could be scheduled sooner.

Council President Hill suggested a motion to remand the matter back to the Planning Commission in order that they reframe the motion.

City Attorney Shaver said it will be a reconsideration and reforming of the motion.

Ordinance No. 3730 – An Ordinance Rezoning Approximately 37 Acres of Land Located at 738 26 Road from RSF-2 to RMF-5

Councilmember Spehar moved that the Council send this item back to the Planning Commission with the instruction that they need to complete the action on the project

with their recommendation to Council, and not hold another hearing. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

Council President Hill recognized a representative from the League of Women Voters in the audience as well as some of the City Council candidates.

OTHER BUSINESS

There were none.

ADJOURNMENT

The meeting adjourned at 9:35 p.m.

Stephanie Tuin, MMC
City Clerk