

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

**AUGUST 17, 2005**

The City Council of the City of Grand Junction convened into regular session on the 17<sup>th</sup> day of August 2005, at 7:05 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Jim Spehar, Doug Thomason 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 Coons led in the pledge of allegiance. The audience remained standing for the invocation by Reverend Michael Torphy, Religious Science Spiritual Center.

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING THE WEEK OF AUGUST 29 – SEPTEMBER 5, 2005 AS “GRAND JUNCTION FIRE FIGHTER APPRECIATION WEEK” IN THE CITY OF GRAND JUNCTION, COLORADO AS REQUESTED BY THE MUSCULAR DYSTROPHY ASSOCIATION FOR THE FIRE DEPARTMENT'S PARTICIPATION IN THE "FILL THE BOOT" CAMPAIGN

**APPOINTMENTS**

TO THE VISITORS AND CONVENTION BUREAU BOARD OF DIRECTORS

Councilmember Coons moved to appoint Deb Hoefer to the Visitor and Convention Bureau Board of Directors for an unexpired term expiring December 2007. Council President Pro Tem Palmer seconded the motion. Motion carried.

TO THE RIVERFRONT COMMISSION

Councilmember Beckstein moved to reappoint John Gormley, appoint Kathy Herzog and Dave Soker to the Riverfront Commission for 3 year terms expiring July 2008 and also appoint Lesley Blumberg to the Riverfront Commission for an unexpired term expiring July 2006. Councilmember Spehar seconded the motion. Motion carried.

**CITIZEN COMMENTS**

Mike Anton, President of Grand Junction Air Show, Inc., thanked the City Council and all the other entities in the City of Grand Junction for their participation in the 2005 Air Show. There was a storm on Saturday night that required a crew of volunteers to reset the show for Sunday, including City streets employees. They worked tirelessly until four o'clock in the morning to make sure the show was ready to go on Sunday.

The City Council presented Mr. Anton with Certificates of Appreciation for all the members of Grand Junction Air Show, Inc.

**CONSENT CALENDAR**

It was moved by Councilmember Coons, seconded by Councilmember Thomason and carried by roll call vote to approve Consent Items #1 through #8.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the August 3, 2005 Special Session and the August 3, 2005 Regular Meeting*

2. **Setting a Hearing on Rezoning the Grand Central Plaza, Located at 302 West Grand Avenue** [File #RZ-2005-121]

Request to rezone 302 West Grand Avenue, comprised of 0.358 acres, from RMF-8 (Residential Multi-Family with a density not to exceed 8 units per acre) to RO (Residential Office).

Proposed Ordinance Rezoning a Parcel of Land from Residential Multi-Family with a Density Not to Exceed Eight Units per Acre (RMF-8) to Residential Office (RO) Located at 302 W. Grand Avenue

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005*

3. **Setting a Hearing for a Right-of-Way Vacation, Located at 1531, 1559, and 1561 High Street** [File #VR-2005-079]

Introduction of a proposed ordinance to vacate High Street adjacent to Highway 50, while reserving a 20' sanitary sewer easement for the construction of a new gravity sanitary sewer line.

Proposed Ordinance Vacating a Right-of-Way Located at 1531, 1559, and 1561 High Street

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005*

4. **Setting a Hearing on Zoning the Loggains Annexation, Located at 2234 Railroad Avenue** [File #ANX-2005-162]

Introduction of a proposed zoning ordinance to zone the Loggains Annexation I-1, located at 2234 Railroad Avenue.

Proposed Ordinance Zoning the Loggains Annexation to I-1, Located at 2234 Railroad Avenue

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005*

5. **Request to Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation until the October 5, 2005 City Council Meeting** [File #ANX-2005-076] CONTINUED FROM JULY 6, 2005

Request to Continue the Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation as previously rescheduled and published for the August 17, 2005 City Council Meeting. The request to continue is due to further research required of the existing legal description and associated land ownership issues regarding the area of the adjacent Grand Valley Canal. City staff is requesting the Annexation Public Hearing be continued until the October 5, 2005 City Council Meeting.

*Action: Continue the Public Hearing and Final Consideration of the Annexation Ordinance until the October 5, 2005 City Council Meeting*

6. **Request to Continue the Zoning of the Twenty Three Park Plaza Annexation, Located at the NW Corner of 23 Road and I-70** [File #GPA-2005-045]

Request to continue the Public Hearing for the Zoning of the Twenty Three Park Plaza Annexation. The City Council remanded the zoning consideration to the Planning Commission. It is scheduled for the August 23, 2005 Planning Commission hearing. The request will need to be continued to the September 7<sup>th</sup> City Council meeting.

*Action: Continue the Public Hearing and Final Consideration of the Zoning Ordinance until the September 7, 2005 City Council Meeting*

7. **Setting a Hearing for the Grand Junction Storm Water Ordinance**

City Council reviewed the proposed Storm Water Ordinance at the July 18 City Council Workshop. This ordinance is required by the United States Environmental Protection Agency (USEPA) Storm Water Phase II Regulation. Staff is recommending an implementation schedule that allows the Ordinance to be adopted on September 7<sup>th</sup> with an effective date of January 1, 2006. This schedule would provide an opportunity for affected businesses and organizations to become familiar with the ordinance and allow staff to provide training opportunities prior to the effective date of the ordinance.

Proposed Ordinance Adopting a Comprehensive Storm Water Management Program for the Purpose and Effect of Reducing the Discharge of Pollutants to and from the Municipal Storm Sewer System, to Protect Water Quality, to Satisfy the Appropriate Water Quality Requirements of the Colorado Water Quality Control Act and to Enforce the Provisions of the Storm Water Management Program

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005 and Authorize Publication in Pamphlet Form*

8. **2006 LEAF Grant for DUI Enforcement**

The Colorado Department of Transportation is accepting applications for grant funding of DUI enforcement projects. Local governments are allowed to apply for this funding for three years. This will be the third consecutive year the Grand Junction Police Department will be seeking funds from this grant source. Funding has been received during the past two years. In the 2005 process the Grand Junction Police Department applied for \$145,133 to fund DUI enforcement activities and a Mobile DUI vehicle. The Mobile DUI vehicle was denied, \$35,000 was awarded to fund DUI enforcement activities.

*Action: Authorize the Grand Junction Police Department to Apply for the 2006 LEAF Grant in the Amount of \$146,987.05*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION****Designation of 131 S. 6<sup>th</sup> Street/560 Colorado Avenue as a Historic Structure** [File # HBD-2005-174]

R.A. Schiesswohl, owner of the Schiesswohl Building located at 131 South 6<sup>th</sup> Street/560 Colorado Avenue, is requesting that the building be designated as historic in the City Register of Historic Sites, Structures and Districts.

Kristen Ashbeck, Senior Planner, reviewed this item. She related the history of the family and the building to be designated as a historic structure. Jacob Schiesswohl, the grandfather of the current owner, was namesake of the building. There has recently been a renovation to the upper floor. The owners would like to apply for historic grant funding and the designation will make them eligible. The Historic Preservation Board felt the property met the required criteria for historical designation and recommended approval.

Council President Pro Tem Palmer inquired if there is other conveyance in historic designation. Ms. Ashbeck said there is no protection or regulations, the City can only make recommendations for renovations. Grant funding may have certain requirements that will need to be followed.

Resolution No. 141-05 – A Resolution Designating the Schiesswohl Building Located at 131 South 6<sup>th</sup> Street/560 Colorado Avenue in the City Register of Historic Sites, Structures and Districts

Councilmember Palmer moved to adopt Resolution No. 141-05. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Public Hearing – Formation of Downtown Grand Junction Business Improvement District**

The Downtown Grand Junction Business Improvement District group has turned in petitions which represent more than 50% of the property owners in the proposed Business Improvement District. At the hearing, the City Council will determine if the petitions were signed in conformity with the law and if the District should be formed. The City Council may exclude property from the District as allowed by statute or if it deems it to be in the best interest of the District. Once the Improvement District is formed, the petition group has asked that Council set a special election for November 1, 2005 for a ballot question on a special assessment and authorizing the retention of all revenues (de-Brucing).

Council President Pro Tem Palmer stated as a downtown business owner he consulted the City Attorney as to conflict of interest. Even though the Attorney advised that no actual conflict exists, due to the possibility of an appearance of conflict, he recused himself from the item and left the Council chambers.

Council President Hill advised that his business occupies a downtown property and he signed a petition for the formation so to avoid any appearance of impropriety, he too will recuse himself. He asked former Council President Jim Spehar to preside over this portion of the meeting and he left the Council chambers.

Acting Council President Spehar opened the public hearing at 7:35 p.m.

Stephanie Tuin, City Clerk, reviewed this item. She explained the request, how it was presented to her and what the Operating Plan submitted with the petitions stated. She reviewed the process and the purpose of the public hearing. Ms. Tuin stated the petitions represented 51.30% of the land and 62.91% of the assessed value of the proposed District.

Acting Council President Spehar asked for public comments.

Jim Golden, property owner of 2808 North Avenue, Suite 400, is supportive of the District as an owner of five storefronts and was authorized by his LLC to sign the petition. He also personally owns some parking lots in the 600 block of White Avenue for which he also supports the District. He also owns 7 lots at 6<sup>th</sup> Street and Grand Avenue on the northeast perimeter of the district, five are vacant and two lots are classified as residential. He identified what uses were in existence of each parcel. He disagrees with the presentation of what is included and what is not included. A residential property that is included in the district that is converted to commercial property would then be subject to the assessment. He suggested the boundary be adjusted. He noted discrimination on Pitkin Avenue where there are lots that are excluded from the taxation. There are a series of lots near Simmons Lock and Key that are excluded. He noted another, the Fireworks Shop on Spruce and Rice Street, as being excluded. He then referred to what he calls the Hadrian Wall of Grand Avenue at 6<sup>th</sup> Street and said that since there is no crosswalk going from the south side of the street to the north side of the street, he feels it should not be included in the district.

Councilmember Coons asked what the definition of commercial property is with respect to the Business Improvement District. City Attorney Shaver stated that commercial property is defined by the County Assessor.

Mr. Golden stated he checked each one of the properties at the 4<sup>th</sup> and Pitkin and at 3<sup>rd</sup> and Pitkin at the Assessors office and all those properties are commercial.

Acting Council President Spehar asked for clarification of the boundary. City Attorney Shaver stated that it is the proponents that defined the District.

Mr. Golden stated that he disagrees with Mr. Shaver. The Statutes state boundary and service area and in his view by combining that and everything within the boundary is the District.

City Attorney Shaver stated that the ordinance is drafted as specified by the proponents, therefore it is their District.

Councilmember Coons asked if someone wants to be excluded from the District, do they have to make a formal proposal to be excluded from the District. City Attorney Shaver responded affirmatively.

Helmut Hunger, owner of a shop at 545 Colorado Avenue, stated that in 2002, loading zone signs were placed over his easement, making it illegal to park out front. He has received tickets and many times his driveway was blocked by other trucks. He is asking what the City is going to do about it.

Acting Council President Spehar said he understands the issue but it is not subject to this public hearing tonight.

Mr. Hunger stated that the alley was cut down and was barricaded for about a month.

Acting Council President Spehar again stated that those issues are not subject to this hearing tonight and the appropriate way to handle this is to meet with the City Manager and have the City Manager report back to Council in four weeks.

Brunella Gualerzi, owner of Il Bistro, 400 Main Street, stated she has been actively involved in this project for close to two years. She has worked on this database, made some mistakes, took petitions to the City Clerk, had properties at the fringe of the district that were left out by mistake. The former City Market properties are owned by the Holy Family Foundation, and she thought they would be excluded by Statute. She is not aware of a barrier mentioned by Mr. Golden. They looked at what most people would consider what downtown would be, sent out a survey in January asking for feedback and it appeared that this was the area. They also looked at projects in the making; Grand Avenue appeared to be an important corridor with a lot of businesses; inclusion would make that area feel like a part of downtown. They also looked at south of Main Street and felt those areas would be a part of the core downtown. They tried to be equitable, hired consultants, formed town meetings, and talked one on one to citizens.

Scott Howard, DDA Board Member, worked on this project. It was a huge undertaking with hundreds of parcel owners. They had quite a bit of support from owners on Grand

Avenue. They stopped when they reached the 50% threshold of the value and the acreage. Very few people said they were opposed to the District. If some on the periphery do not want to be in the District, then maybe they shouldn't. City Market would not sign due to corporate rules not allowing signature on anything that will raise taxes. Property owners could sign the petition for each of their parcel numbers, however the vote will be different, it will only be one vote per entity.

Councilmember Coons asked if there is a process to include properties that were excluded from the District.

City Attorney Shaver stated that there is a later inclusion process that can happen at any time once the District is formed.

Councilmember Thomason asked if the proposed boundaries are final. City Attorney Shaver stated that the boundaries are not final until Council says they are final. City Council can always add or subtract properties.

City Manager Arnold asked about the specific contribution from City of Grand Junction noted in the Operating Plan and asked how they got that figure. Mr. Howard stated that he feels like Mesa County and the City have a stake in this. They have also talked to the County, hoping the City and County will kick in.

Acting Council President Spehar asked if the City is agreeing to that contribution tonight. City Attorney Shaver stated that the City is under no obligation by the action tonight.

Ms. Gualerzi stated that if the District is formed, they will be back requesting funds from the City.

City Manager Arnold asked if there a formula for getting to the \$25,000 figure. Ms. Gualerzi stated that it is based on need to be able to supplement the budget.

Mr. Howard said that as an average business owner, he will be paying around \$600; Main Street properties will pay more than those off of Main Street.

Ms. Gualerzi said that Main Street is the primary beneficiary; only the ground floor of properties will be assessed.

Mr. Howard gave a history of the City's current funding, the Downtown Partnership, and for three years, \$75,000 was given to them for marketing.

Councilmember Doody asked if \$25,000 is a start up or an annual request. Mr. Howard stated that it is just a figure that will be requested at this time and they will be willing to work with it.



Karen Vogel, Chief Financial Officer for Home Loan and also a DDA Board Member, is representing downtown business owners. She supports this. She wants to make sure that funding is ensured for downtown events and believes that everyone will benefit.

Dave Berry, manager of two philanthropic businesses at 327 N. 7<sup>th</sup> and 337 N. 7<sup>th</sup>. He does not want to be included in the District. He feels that the District won't help his businesses. He is against creating another taxing district.

Councilmember Coons asked what is the nature of his philanthropic businesses. Mr. Berry said they are a good place to start a business, they are old houses, a nice place to be, they don't make much money, are a lot of upkeep, and primarily offices.

Karen Hildebrandt, business owner of Unique Expressions on Main Street, stated that she has been part of this discussion for a number of years. They were given a challenge by the City to make the downtown more vibrant. They looked at a number of possibilities for funding, and agrees with the Business Improvement District. She also agrees with Karen Vogel, it will make the downtown more equitable and strongly urges the Council for favorable consideration to continue to enhance downtown.

Mary Donlan, owner 7<sup>th</sup> and Main Street property, which houses the Cabaret. She has owned the property since 1994. It has been a pleasure to work with City offices and the County offices. She believes that her tenants have brought a lot of people to Grand Junction annually. She would like to be excluded because her taxes have gone from \$3,000 to \$14,000 in last eleven years and she cannot pass the taxes onto the tenants. All of her tenant's profits have gone back into the business. The taxes from the District would work out to about \$1,380 per year. She related past experiences with DDA and having to redo the sidewalk and planting trees. There is some inequity in the plan, being that it is based on the footprint, and a lot of her building is warehouse. Other property owners have income producing floors that won't be assessed. There is also a proposal for a 5% increase, it is a burden. She supports downtown events. She addressed accountability and she doesn't mind paying the price for services but she does not feel her property has benefited from being in the DDA. She feels that the DDA is going to be the governing board in the District with the same people and the same attention. The DDA has other funding, grants, the TIF, their mill levy, and she doesn't understand the numbers, therefore would like to be excluded.

Corky Hunt, 521 Rood and 522 5<sup>th</sup> Street, requests to be excluded. He stated that Ms. Donlan has a point. Taxes are paid by people, not corporations. It is another layer of bureaucracy to a businessman that is trying to make a profit. Merchants will benefit the most from the District, and free enterprise should rule the roost, let the development people bring the value to the table and let the merchants gaining the most value pay for it.

Bill Thompson, 634 Ouray, owns Credit Jewelry and Loans at 401 Colorado Avenue. The downtown events adversely affect his business. He feels this will only help a small amount of people on Main Street. All downtown events take up all his parking. He is against the Business Improvement District.

Acting Council President Spehar asked Mr. Thompson if he was requesting to be excluded from the District. Mr. Thompson stated yes.

Dave Hildebrandt, co owner of Unique Expressions at 336 Main Street, believes the community should be talked about, not just the businesses. At first he thought Farmer's Market caused the business to suffer, but thought it was good for the community and can see that now it is beneficial for the community and businesses. He is bothered that some people think that the committee didn't try to include them in the process. People on the committee tried very hard to make contact with everyone. There are thousands of people that come downtown and do benefit, either directly or indirectly. The process has not been perfect but should improve as time goes on. The City of Grand Junction has one of the greatest downtowns in Colorado. This type of district has proved to be successful in other communities.

Jim Golden, Attorney and property owner on 6<sup>th</sup> and Grand, is not part of the DDA District and has always been defined as not part of the District. He is not being critical of the committee; he realizes that they worked very hard.

The public hearing was closed at 8:50 p.m.

Acting Council President Spehar began to move through exclusion requests. First of all Council should discuss Mr. Golden's seven parcels.

Councilmember Coons asked if there is a mechanism to re-evaluate the process of the assessment. Can it be changed in future years? City Attorney Shaver stated that there may be some adjustments to that but the fundamental proposal is not likely to change.

Councilmember Beckstein moved to accept Mr. Golden's request for those properties to be excluded. Councilmember Doody seconded. Motion carried with Councilmember Coons stating she was against excluding properties designated as commercial.

Councilmember Thomason moved to exclude the Berry properties, 327 and 337 N. 7<sup>th</sup> Street, from the Business Improvement District. Councilmember Beckstein seconded. Motion carried.

Councilmember Beckstein moved to exclude the Donlan properties at 7<sup>th</sup> Street and Main Street, from the Business Improvement District. Councilmember Thomason seconded. Motion carried with Councilmembers Coons and Spehar voting NO.

Councilmember Thomason moved to exclude the Thompson property at 401 Colorado Avenue from the Business Improvement District. Councilmember Doody seconded. Motion carried with Councilmembers Coons and Spehar voting NO.

Councilmember Doody moved to exclude the Hunt properties at 521 Rood Avenue and 155 N. 5<sup>th</sup> Street from the Business Improvement District. Councilmember Thomason seconded. Motion failed with Councilmembers Coons, Spehar and Beckstein voting NO.

Councilmember Beckstein asked the City Attorney for clarification on the next action of the Business Improvement District. City Attorney Shaver clarified the process for the future.

Councilmember Coons stated that the former City Council requested the business property owners downtown find a way to replace the \$75,000 and the proponents have made a good faith effort and found a reasonable way to replace those funds. This is a community and what happens downtown benefits all and all of those downtown, too many downtown communities have died because no one goes there. It is important to bring people downtown for events as they will see other store fronts and signs that advertise other businesses and that's a good reason to support what the Downtown Business Improvement District is doing, and therefore supports the ordinance.

Councilmember Doody stated that the committee worked hard to get the BID in front of Council, and marketing and promoting goes further than that and the events. He is in favor of the ordinance.

Ordinance No. 3815 – An Ordinance Creating and Establishing the Downtown Grand Junction Business Improvement District and Approving an Operating Plan and Budget Therefor

Councilmember Thomason moved to adopt Ordinance No. 3815 as amended with the previous exclusions on second reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Council President Hill and Council President Pro Tem Palmer returned to the Council chambers. Council President Hill presided over the remainder of the meeting.

**Setting a Special Election, Approving an Intergovernmental Agreement with Mesa County and Approving a Mail Ballot Plan for the Downtown Grand Junction Business Improvement District Special Assessment**

The City Council acting as the Board of Directors for the Downtown Grand Junction Business Improvement District (DGJBID) has been requested to set a Special Election to

vote on a Special Assessment for the properties in the newly formed District. In conjunction with setting an election, the Board for the DGJBID will need to approve an Intergovernmental Agreement with Mesa County and approve a Mail Ballot Plan with the Secretary of State.

Stephanie Tuin, City Clerk, reviewed this item. She explained the Special Assessment and the election process as well as the actions associated with the election.

Resolution No. 142-05 – A Resolution Calling a Special Election in the Downtown Grand Junction Business Improvement District; and Providing Other Details Relating Thereto

Councilmember Spehar moved to adopt Resolution No. 142-05. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Council President Hill called a recess at 9:10 p.m.

The meeting reconvened at 9:23 p.m.

### **Infill/Redevelopment Incentive Request – 202 North 7<sup>th</sup> Street**

This is a request for infill/redevelopment incentives for an office building to be built on the northeast corner of 7<sup>th</sup> Street and Rood. Incentives include relaxation of select requirements in the Transportation Engineering Design Standards (TEDS), financial assistance to move and replace the existing sewer, financial contributions for façade improvements and assistance with several off-site improvements likely to be required as part of development review.

Bob Blanchard, Community Development Director, reviewed this item. There are some potential financial impacts in this request. Mr. Blanchard reviewed the adoption of the program. Very specific boundaries for such incentives were mapped, criteria was developed, nine potential incentives were identified, and a committee was identified for review of all requests. Ten applications were received at the time of the report and since the date of the report, five more have been received. Three applications were deemed valid. The specific request is for 202 North 7<sup>th</sup> Street, a two story office building on the northeast corner of 7<sup>th</sup> Street and Rood Avenue. The property is currently fenced and there is a vacation of the alleyway and undergrounding of utility lines being requested. Mr. Blanchard then deferred to Assistant to the City Manager Sheryl Trent for more explanation. Ms. Trent reviewed some of the requirements of the program, they have had several meetings with the applicant. The process allows the applicant to ask for a wide variety of things and that is encouraged. Some of them are assistance with the review, a request for a relaxation of Transportation Engineering Design requirements (that will be handled at the staff level), financial participation including: the original application mentioned a relocation of the sewer line; a scan first showed it needed to be repaired and

a new scan showed that to be an error so that is no longer necessary; assistance with the facade upgrade to limestone is the applicant's priority request, a number of off site improvements were mentioned, undergrounding is not a requirement of the applicant so if the City chooses to do it, it would cost the City about \$75,000. Since the lines continue across 7<sup>th</sup> Street, it is staff's recommendation to continue the undergrounding across 7<sup>th</sup> Street if the City chooses undergrounding. Last, the applicant is asking that the City landscaping be extended closer to the building on 7<sup>th</sup> Street and Rood Avenue. Staff recommendation is to focus on the infrastructure and then contribute to the landscaping in the estimated amount of \$30,000. Staff recommends the funding should come from the economic development fund. Future applications should be funded through specific funds. The additional undergrounding across 7<sup>th</sup> Street is estimated at \$5,000.

Council President Pro Tem Palmer supported the landscaping and undergrounding request, but is uncomfortable with the recommendation on paying the 60% for facade upgrade.

Councilmember Spehar agrees with staff recommendation. He didn't anticipate enhancements would be a part of the infill/redevelopment, he thought it was to help properties with problems areas.

City Manager Arnold suggested that further discussion on the purpose of the infill/redevelopment policy can be done at another time.

Councilmember Thomason asked if undergrounding is usually paid by developers on a project that is not an infill/redevelopment project. Ms. Trent stated that the Zoning and Development Code requires, under certain guidelines, that if the property is required to have undergrounding, the developer would be required to pay. This property is too short, but it is not required. She also mentioned that the property owner provided documentation that showed the facade improvement will not increase the value of the building.

Councilmember Coons is glad to see that the vacant property is being developed. She supports the undergrounding, supports the landscaping, and is also troubled by the request to support the facade improvement.

Councilmember Doody said he is pleased to see this incentive is available, and he agrees with undergrounding and supports the landscaping request.

Councilmember Thomason sees this request as a trend for upcoming projects. The list of incentives is a wish list for a point to begin negotiations. He too supports undergrounding and landscaping.

Councilmember Beckstein also supports the request for undergrounding and landscaping and believes the limestone would be an enhancement, but without it, it would still be a nice building. She liked Councilmember Thomason's wish list idea.

Council President Hill asked for more clarification on the TEDs exception for the entryway into the parking lot.

Ms. Trent stated it is the entryway to the parking lot off of Rood Avenue. It deals with the sight distances and the line distances between 7<sup>th</sup> Street and the other entryways along there. It is a common request.

Council President Hill stated that there may be instances where a facade improvement could be considered, but Council must balance the benefit with the costs and weigh all the factors. He solidly supports the undergrounding and landscaping.

Councilmember Spehar moved to approve the request for infill/redevelopment incentives for the property to constructed 202 N. 7<sup>th</sup> Street specifically contributing the estimated \$75,000 cost for undergrounding power lines in the alleyway from 7<sup>th</sup> Street to 8<sup>th</sup> Street and to also extend 7<sup>th</sup> Street urban landscaping to a maximum of \$16,000 and replace sidewalk and extend landscaping east along Rood Avenue not to exceed \$14,000. Councilmember Coons seconded the motion. Motion carried by roll call vote.

### **Position on Statewide Issues Referenda C & D**

The Grand Junction City Council is considering a resolution endorsing State Referenda C & D.

David Varley, Assistant City Manager, reviewed this item. He explained that the two referenda are being referred to the voters by the legislature to address the affect of TABOR on the State budget. Numerous organizations have taken a position on these two issues. The proposed resolution is in support of the referenda. The Council has the option to discuss and take action either in favor or against the two referenda or take no action.

Council President Hill noted that there was a broadcasted forum held on a regular workshop night with a number of officials. He asked for individual comments from Councilmembers.

Councilmember Coons is in support of the Referenda C & D. The reasons are multiple; it is not a way of subverting TABOR, it is a way of deciding, as voters, to have an opportunity, as our economy has improved, to take some of that money to restore some of the funding that was cut during the economic downturn, and to do some of the projects that have not been done due to the lack of funding. Additional cuts of \$500 million from

the State budget would be made if Referenda C & D are not approved. Roads and courts are two areas that would be cut. The tax refund to individuals would be \$24. She feels that if \$24.00 per taxpayer was retained by the State, the State could really do something with those funds.

Councilmember Beckstein does not personally support Referenda C & D. She is concerned with possible future downturns in the economy. There are areas in the State that still need to be addressed first; property taxes for businesses need to get under control, and trust accounts should not be raided during downturns. She would like to see the State rethink this, to address those problems first. With reservations, she cannot support it at this time.

Councilmember Thomason was hesitant to say much. He is against D because of the huge debt it would create for the State of Colorado. He is somewhat in favor of C. Amendment 23 and the Gallagher amendment need to be addressed. He will go along with Council in support of the Resolution.

Council President Pro Tem Palmer agrees with Councilmember Beckstein and doesn't support Referenda C & D. He understands the intent of legislature but feels that Amendment 23 and the Gallagher amendment need to be addressed. The ratcheting effect of TABOR needs to be addressed. Council's action really doesn't matter on this tonight because the voters will decide. He won't support the Resolution.

Councilmember Spehar stated that it is entirely appropriate to ask voters to temporarily modify TABOR, and appropriate for Council to take a position. He will support the Resolution on C & D for a couple of reasons; there are five highway projects in Mesa County that will be affected. The City will benefit with the State funding the liability in the Fire and Police Pension Fund. He is not afraid of the bonding scenario. The recent State budget cuts now has cut air and water quality areas and may have the Feds move in to oversee. There is a lack of energy impact funds for grants; there are impacts on Mesa State College and higher education in general. He recognizes that it is not a perfect solution. The reality that homeowners voting to reduce the taxes paid by businesses is not likely. Giving up \$24 of tax refund is worth the investment.

Councilmember Doody stated that all of these points are good points, and he agrees with Councilmembers Spehar and Coons. Governor Owens crossed party lines to put this together working with the legislature. Having a vision, perhaps short term, is important for all the Mesa County projects. He encourages voters to educate themselves on Referenda C & D and vote on it. He supports Referenda C & D.

Council President Hill advised that he is intentionally staying neutral, because his role is to make sure all of Council have their say. He has been bombarded by the problems of the State budget. The State has suffered a recession, dropped 17%, and now must

move forward from a new base. The State has been pulling funds out of its savings accounts, college funds, which is why there have been cuts to higher education. He feels that the State needs to touch all the funds and deal with all of it. The State is pushing down issues to local government. The City needs to make sure to do its part. There are points in Referendum C in that it deals with the ratcheting down affect; it would average out to have more consistency and would hopefully keep excess revenues. TABOR allows for it and the Referendum specifies what it will be spent on. Referendum D is simply asking for permission to borrow money. Without Referendum D, there are no projects in Mesa County. The State needs Referendum C to pay for it. He can support and is willing to support Referenda C & D with mixed emotions to support a Resolution. He likes to hear what the public has to say. There is conflict whether this is the right thing to do, therefore he is not sure if he can support a Resolution.

Councilmember Spehar pointed at that, also in addition to the mechanical things Council does, as leaders, if Council believes in those things, they should suggest to citizens and recommend a role to them.

Councilmember Coons added that they, as Councilmembers, are also stewards for the City. It is important that Council looks at impact on the City and not their individual viewpoints, and take a stand on the Resolution.

Resolution No. 143-05 – A Resolution Supporting Referenda C and D

Councilmember Spehar moved to adopt Resolution No. 143-05. Councilmember Coons seconded the motion. Motion carried by roll call vote with Beckstein, Palmer and Hill voting NO.

**Public Hearing - Water's Edge No. 2 Annexation and Zoning, Located at 2927 D Road** [File #ANX-2005-116]

Acceptance of a petition to annex and consider the annexation and zoning for the Water's Edge No. 2 Annexation. The Water's Edge No. 2 Annexation is located at 2927 D Road and consists of 1 parcel on 0.97 acres. The zoning being requested is RMF-8.

The public hearing was opened at 10:34 p.m.

Bob Blanchard, Community Development Director, presented the item on behalf of Senta L. Costello, Associate Planner. He explained that the Persigo Agreement requires annexation and zoning for the property to be developed under the Future Land Use Map. He described the location, the existing uses, the future land use designation and the designation under the Pear Park Plan. The zoning criteria that apply have been met. The Staff finds that the request is compatible with the surrounding



neighborhood as well as that there are adequate facilities. Staff recommends that it is consistent and the Planning Commission recommended approval. The annexation will attach to the property to the east which is already zoned the same.

Tracy Moore, Development Construction Services, representing the applicant, had nothing to add but could answer questions.

There were no public comments.

The public hearing was closed at 10:39 p.m.

**a. Accepting Petition**

Resolution No. 144-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Water's Edge No. 2 Annexation, Located at 2927 D Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3816 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Water's Edge No. 2 Annexation, Approximately 0.97 Acres, Located at 2927 D Road

**c. Zoning Ordinance**

Ordinance No. 3817 – An Ordinance Zoning the Water's Edge No. 2 Annexation to RMF-8, Located at 2927 D Road

Councilmember Palmer moved to adopt Resolution No. 144-05 and Ordinance Nos. 3816 and 3817 on second reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing – Pomona Commons Rezone, Located at 589 25 ½ Road** [File #RZ-2005-163]

A request to rezone 1.92 acres from RMF-5 to RMF-12. The property is located at 589 25 ½ Road.

The public hearing was opened at 10:40 p.m.

Lori V. Bowers, Senior Planner, reviewed this item. She described the location and noted the site is surrounded by the Paradise Valley Mobile Home Park with the Pomona School across the street. The current zoning is inconsistent with the Growth Plan so the property

must be rezoned to develop it. The applicants are asking for RMF-12 which is consistent with the Growth Plan. A required neighborhood meeting was held and ten neighbors were present. The concerns were traffic and noise. The Planning Commission found the request is consistent with the Growth Plan and recommended approval.

Councilmember Coons asked Ms. Bowers to address the concerns of traffic and noise. Ms. Bowers stated that recent improvements have been done to 25 Road to accommodate growth in the area, new sewer lines and water lines have been installed so all utilities are there.

Councilmember Palmer asked if RMF-8 is also consistent with the Growth Plan. Ms. Bowers stated yes, the zoning could be RMF-8 or RMF-12 and still be consistent.

Ms. Bowers stated that the applicant is not present but some citizens are present.

Dave Landis, manager of Paradise Hills Mobile Home Park, stated that the Park zoning is 7 units per acre, and it was built at 6.7 units per acre. Improvements to the road have made things better. The proposed project will add two accesses just up from the school, and that concerns him. He feels that 8 units per acre would be a better number. He sits on the Pomona Accountability Committee and the school officials are concerned about traffic going in and out directly across from the bus area. Paradise Hills Mobile Home Park has about 55 children that walk to school. They are concerned for the safety of the kids.

Councilmember Thomason asked if there is only one entrance into the facility. Mr. Landis said yes and it has been working better with improvements but will be affected by this development.

There were no other public comments.

The public hearing closed at 10:48 p.m.

Councilmember Beckstein asked how additional traffic will be handled. Ms. Bowers stated that originally interconnectivity was asked for into the mobile home park, but was cut from the plan.

Council President Hill asked what the proposed zoning would accommodate. Ms. Bower stated single family homes, attached townhomes, apartments, and condos.

Council President Hill believes that the zoning in higher densities allows closeness to amenities, access to school and parks.

Councilmember Spehar agrees with Council President Hill, particularly in areas where the facilities exist, higher densities need to be considered. He feels this location is appropriate.

Councilmember Thomason is okay with the zoning change but is concerned with what will go in with that space. He supports zone change, but would have to take a longer look.

President of the Council Pro Tem Palmer's initial reaction when seeing the property was there would be a lot of people in that spot, directly across from the school, and he would be more comfortable with RMF-8.

Councilmember Doody is familiar with area, and is more comfortable with RMF-8, and knowing density of mobile home park, is more comfortable with RMF-8.

Councilmember Coons stated that the location of school is both a plus and minus. She is in favor of a higher density because higher density needs to be looked at for opportunity, but RMF-8 fits the community better.

Councilmember Beckstein stated that she is leaning toward RMF-8 because of the traffic concerns and only one street access. She believes it would be safer with lower density.

President of the Council Hill asked City Attorney Shaver if, because Planning Commission recommended RMF-12, a supermajority is needed. City Attorney Shaver said no, Council would not be overturning a denial, there are two zoning designation possibilities.

Ordinance No. 3818 – An Ordinance Zoning 1.92 Acres of Land Located at 589 25 ½ Road, Pomona Commons, to RMF-12

Councilmember Palmer moved to adopt Ordinance No. 3818 amending the zoning to RMF-8 on second reading and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote with Spehar and Hill voting NO.

**Initiation of Condemnation Proceedings for the Acquisition of a Portion of the Property at 2741 D Road for the Riverside Parkway Project**

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire a portion of a parcel at 2741 D Road.

The City Attorney requested the matter be continued to the next regularly meeting.

Councilmember Palmer moved to continue the matter until the next regularly scheduled meeting. Councilmember Spehar seconded the motion. Motion carried.

**NON-SCHEDULED CITIZENS & VISITORS**

There were none.

**OTHER BUSINESS**

Review of workshop agenda. City Manager Arnold advised the Council that the next meeting is August 29<sup>th</sup> with IDI. On that day Council will meet in a public process for 7<sup>th</sup> Street Improvements. He suggested that Council have a meeting outside of the public process the same date. He advised Council that he will get back to them on the specifics.

On September 19<sup>th</sup>, City Manager Arnold would like to schedule Council to discuss economic development strategies, followed by a watershed tour.

Councilmember Palmer and City Manager Arnold have been invited to an RTC meeting regarding a preferred master plan and request for inclusion in 201 sewer boundary. This will be on the bin list and scheduled in the next 45 days.

Councilmember Doody asked City Manager Arnold about Botanical Gardens. City Manager advised that it was put off until October 3<sup>rd</sup>.

**ADJOURNMENT**

The meeting adjourned at 11:08 p.m.

Stephanie Tuin, MMC  
City Clerk