

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

SEPTEMBER 7, 2005

The City Council of the City of Grand Junction convened into regular session on the 7th day of September 2005, at 7:07 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Bruce Hill. Absent was Councilmember Jim Doody. 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 Doug Thomason led in the pledge of allegiance. The audience remained standing for the invocation by Retired Pastor Eldon Coffey.

PRESENTATION OF CERTIFICATES OF APPOINTMENTS

TO THE VISITOR AND CONVENTION BUREAU BOARD OF DIRECTORS

Deb Hoefer was present to receive her certificate.

TO THE RIVERFRONT COMMISSION

John Gormley and Dave Soker were present to receive their certificates.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING SEPTEMBER 17 – 23, 2005 AS “CONSTITUTION WEEK” IN THE CITY OF GRAND JUNCTION

PROCLAIMING SEPTEMBER 18 – 24, 2005 AS “YELLOW RIBBON YOUTH SUICIDE AWARENESS AND PREVENTION WEEK” IN THE CITY OF GRAND JUNCTION

PROCLAIMING THE MONTH OF NOVEMBER, 2005 AS “HOSPICE MONTH” IN THE CITY OF GRAND JUNCTION

RECOGNITION OF NEIGHBORHOOD ORGANIZATION – PATTERSON GARDENS

Assistant to the City Manager, Sheryl Trent, introduced Becky Brown representing the Patterson Gardens neighborhood group and presented her with the neighborhood recognition. She showed a slide presentation of the neighborhood and described its location. She said there are approximately 40 homes and the issues they identified in their applications are safety and the speed of traffic on Patterson. Ms. Trent said the program will be addressing the open space and landscaping needs, converting the existing green area to xeriscape and also, beautification of the fence along the perimeter

of the property. Ms. Brown thanked the City Council for the grant to beautify the corner. Councilmember Beckstein presented a certificate of recognition to Ms. Brown for the Patterson Gardens neighborhood on behalf of the Council.

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

CITIZEN COMMENTS

Charlie Kerr, president of Western Colorado Congress and representing a number of other organizations, addressed the City Council. He stated they wanted to make a presentation to the Council regarding the Bangs Recreation Area Management Plan which they feel is fatally flawed. He said there are a number of archaeological sites in the area and it is widely enjoyed for hiking, biking, and various limited motorized activities. Mr. Kerr said the three alternatives being presented by the BLM allow extreme motorized use and this area has been protected due to lack of access. The BLM's new plan is proposing a cut through access. Mr. Kerr said the new trail will become popular and advertised nationally and there will not be sufficient protection of the resource. He asked the Council to ask the BLM to extend the comment period which is presently too short and also asked that Council, after reviewing the plan, to recommend that the trail connection not be made.

Paul Nelson, 333 Acoma Court, addressed the City Council to make changes in order to reduce the number of people that are running red lights in the City. He gave an example of an accident from a red light being run in front of his building. Mr. Nelson said the traffic problem has increased and the light at that intersection is too short but there are many streets with problems as well. He said the Riverside Parkway will not solve all the problems and he asked Council to research, study, and examine the problem by way of a traffic symposium on a Saturday at Two Rivers Convention and have them weigh and examine the problems.

CONSENT CALENDAR

It was moved by Council President Pro Tem Palmer, seconded by Councilmember Spehar and carried by roll call vote to approve Consent Calendar Items #1 through #10.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the August 17, 2005 Regular Meeting

2. **Setting a Hearing on Vacating a Portion of the Public Sidewalk Right-of-Way, Located at 201 and 205 Colorado Avenue**

In order to accomplish the sale of the property at 201 and 205 Colorado Avenue, formerly known as the Cheers building, to Shane and Tyler Burton, a portion of the public sidewalk right-of-way needs to be vacated.

Proposed Ordinance Vacating a Portion of the Public Sidewalk Right-of-Way Located at 201 and 205 Colorado Avenue

Action: Introduction of Proposed Ordinance and Set a Hearing for September 21, 2005

3. **Setting a Hearing on Vacating Right-of-Way Previously Dedicated through the City-owned Painted Bowl Property, Located Northwest of Monument Road and Mariposa Drive** [File # FP-2005-167]

Redlands Mesa, Filing 7 requires connection of West Ridges Boulevard to Mariposa Drive through the City-owned Painted Bowl property. In 1975 a Resolution was passed by the City Council dedicating a public roadway over and across the Painted Bowl property to provide access to the Ridges. The City Council recently adopted a resolution approving designation of a portion of the Painted Bowl property as right-of-way upon the vacation of the right-of-way previously granted. The recent designation better aligns with the connection for West Ridges Boulevard.

Proposed Ordinance Vacating Right-of-Way Dedicated Across the City-owned Painted Bowl Property

Action: Introduction of Proposed Ordinance and Set a Hearing for September 21, 2005

4. **Setting a Hearing for the Ace Hardware Annexation, Located at 2140 Broadway** [File # ANX-2005-177]

Resolution referring a petition for annexation and introduction of proposed ordinances. The 2.3 acre Ace Hardware Annexation consists of 1 parcel and is a 3 part serial annexation.

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

Resolution No. 145-05 – 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, Ace Hardware Annexations #1-3, Located at 2140 Broadway and Including a Portion of the Highway 340 Right-of-Way

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #1, Approximately 0.03 Acres, Located Within the Highway 340 Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #2, Approximately 0.03 Acres, Located Within the Highway 340 Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ace Hardware Annexation #3, Approximately 2.24 Acres, Located at 2140 Broadway and Including a Portion of the Highway 340 Right-of-Way

Action: Introduction of Proposed Ordinances and Set a Hearing for October 19, 2005

5. Setting a Hearing for the Abeyta-Weaver Annexation, Located at 3037 D ½ Road and 432 30 ¼ Road [File # GPA-2005-188]

Resolution referring a petition for annexation and introduction of proposed ordinances. The 12.82 acre Abeyta-Weaver Annexation consists of 2 parcels and is a 2 part serial annexation.

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

Resolution No. 146-05 – 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, Abeyta-Weaver Annexations #1 and #2, Located at 3037 D ½ Road and 432 30 ¼ Road

Action: Adopt Resolution No. 146-05

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Abeyta-Weaver Annexation #1, Approximately 0.07 Acres, Located at 3037 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Abeyta-Weaver Annexation #2, Approximately 12.75 Acres, Located at 3037 D ½ Road and 432 30 ¼ Road

Action: Introduction of Proposed Ordinances and Set a Hearing for October 19, 2005

6. Setting a Hearing on Accepting Improvements for Alley Improvement Districts 2005

Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- East/West Alley from 1st to 2nd, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 9th to 10th, between Rood Avenue and White Avenue
- East/West Alley from 9th to 10th, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 11th to 12th, between Teller Avenue and Belford Avenue
- North/South Alley from 18th to 19th, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 18th to 19th, between Chipeta Avenue and Gunnison Avenue
- North/South Alley from 23rd to 24th, between Ouray Avenue and Gunnison Avenue
- The South ½ off the North/South Alley, 6th St. to 7th St., between Grand Avenue and Ouray Avenue

Resolution No. 147-05 – A Resolution Approving and Accepting the Improvements Connected with Alley Improvement Districts No. ST-05 and No. ST-05, Phase B

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement Districts No. ST-05 and ST-05 Phase B in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in

Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Resolution No. 147-05, Introduction of Proposed Ordinance and Set a Hearing for October 19, 2005

7. **Setting a Hearing on the Intent to Create 26 Road & F 1/2 Road Sanitary Sewer Improvement District No. SS-47-05**

A majority of the owners of real estate located in the area of 26 Road and F 1/2 Road have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties, utilizing the septic sewer elimination program to help reduce assessments levied against the affected properties. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

Resolution No. 148-05 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City, 26 Road and F 1/2 Road Sanitary Sewer Improvement District No. SS-47-05, Authorizing the City Utility Engineer to Prepare Details and Specifications for the Same, and Giving Notice of a Hearing

Action: Adopt Resolution No. 148-05 and Set a Hearing for October 19, 2005

8. **Construction Contract for Reed Mesa Sewer District**

A majority of the owners (77 supporting, 32 opposing, 2 split) of real estate located west of South Broadway, east of Meadowlark Lane, south of Hwy. 340, and north of Desert Hills Estates have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties.

Action: Authorize the City Manager to Enter into a Construction Contract with M.A. Concrete Construction, Inc. in the Amount of \$1,172,373.75, Contingent on the Formation of the Local Improvement District by the County Commissioners on September 19, 2005.

9. **Construction Contract for 2005 Curb, Gutter, and Sidewalk Replacement**

The project consists of replacing sections of hazardous or deteriorated curb, gutter, and sidewalk in various locations throughout the City.

Action: Authorize the City Manager to Sign a Construction Contract for the 2005 Curb, Gutter, and Sidewalk Replacement Project to BPS Concrete, Inc. in the Amount of \$59,538.54

10. **Construction Contract for New Curb, Gutter, and Sidewalk – Grand Avenue from 24th Street to 28 Road and Riverside Sidewalk Improvement**

This project includes installation of new monolithic curb, gutter, and sidewalk along the south side of Grand Avenue from 24th Street to 28 Road. In the Riverside neighborhood, new sidewalk will be installed along the east side of Chuluota Avenue from Colorado Avenue to Hale Avenue. There will also be new sidewalk installed along the east side of Park Avenue, from Fairview Avenue to Riverside Drive.

Action: Authorize the City Manager to Sign a Construction Contract for the New Curb, Gutter, and Sidewalk – Grand Avenue, from 24th Street to 28 Road and Riverside Sidewalk Improvement to Reyes Construction in the Amount of \$120,904.60

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Sister City Request – San Pedro Perulupan

This is a request for the City of Grand Junction to enter into a “Sister City” relationship with the village of El Espino, San Pedro Perulupan, El Salvador, Central America.

David Varley, Assistant City Manager, reviewed this item. He reviewed how this request came forward including that the group of students formed a non-profit organization called The Foundation for Cultural Exchange. He said their letter says the “Sister City” recognition will allow for the exchange of people, ideas, culture, education and technology.

Council President Hill asked if Council took any action when the request came forward previously. Mr. Varley said Council wanted more information and deferred the request.

Anna Stout, a junior at Mesa State, President of the Foundation for Cultural Exchange was present with another Foundation member David Harmon. She said the government of El Espino is willing and wants to sign a reciprocal document.

Councilmember Coons questioned what the “Sister City” relationship would be.

Ms. Stout said the relationship of the "Sister City" is the knowledge and cultural exchange. She said a sister parish relationship has been established with Immaculate Heart of Mary Church here. She said they perform fundraisers and help them carry on projects and said the current project is a water project. Ms. Stout said other projects include roads, school, and hospitals. Ms. Stout said there are about 400 families in El Espino.

Council President Hill asked for more information about the Foundation.

Ms. Stout said they are waiting for the 501(c)(3) status and are currently registered with the State. She said the Foundation is non-profit and they have a six member board. Ms. Stout said the foundation is striving to bring awareness to El Espino and Grand Junction. Particularly what CAFTA is (Central American Free Trade Agreement).

Council President Hill asked what the goal is for the next 3 to 5 years.

Ms. Stout said that Foundation will take multiple delegations to the area, organize functions and activities to bring awareness to the area. She said over time they hope to grow their board members and to work on much larger projects.

Council President Pro Tem Palmer asked if the Foundation has thoughts of bringing any of their residents here.

Ms. Stout said they are talking about bringing one person to the States but, it is very difficult to get VISAs.

Councilmember Coons asked if this is only for symbolic support and no financial support.

Ms. Stout confirmed and said they are asking for permission to use the City's name in fundraising and advertising.

Council President Pro Tem Palmer said he is in support of the request since there is no financial commitment and it involves use of the City's name only.

Councilmember Thomason and Councilmember Coons agreed.

Councilmember Beckstein said she admired the cause and the students for their support for the foundation.

Council President Hill said that he appreciated the group coming to Council and the quality of the relationship will reflect the quality of the people representing it.

Council President Pro Tem Palmer moved to approve a "Sister City" relationship between the City of Grand Junction, Colorado and the Village of El Espino, San Pedro Perulapan,

El Salvador, Central America through an organization known as the Foundation for Cultural Exchange. Councilmember Thomason seconded the motion. Motion carried.

Public Hearing – Zoning the Twenty Three Park Plaza Annexation, Located at the NW Corner of 23 Road and I-70 [File #GPA-2005-045] CONTINUED FROM AUGUST 17, 2005

Hold a public hearing and consider final passage of the ordinance to zone the 35.52 acre Twenty Three Park Plaza Annexation I-O (Industrial/Office Park).

The public hearing was opened at 7:55 p.m.

Kathy Portner, Planning Manager, reviewed this item. She said the property was annexed some time ago and the zoning has been under review. She located the property and gave a brief history. The Future Land Use Plan allows C-2, I-1 or I-2; however C-2 is not an option due to it being adjacent to residential. She said the original request was I-1 and the Planning Commission recommended IO. The applicant went to City Council and asked for a continuance to reconsider. She said the applicant is now in agreement with the IO zoning for the entire piece.

Douglas Gilliland, 9285 Hunting Square, Texas, the applicant's representative, said he is in agreement with the Staff's presentation and having met with the adjoining property owners and understanding their concerns. He now concurs with the IO and has discussed the traffic flow with the residents and said that he will continue to work with them.

Jack Wernet, 756 Goldenrod Court, lives adjacent to site. He appreciates the I-1 zoning withdrawal but still feels that residential zoning is most appropriate. He said the developer thinks industrial is the highest and best use but the media says low inventory for residential lots so he disagrees. Mr. Wernet said the closest industrial property is across I-70 to the south and there is no industrial property to the north for a distance each way. He said the property directly north is zoned residential. Mr. Wernet showed two different staff reports which conflicted with the surrounding land uses. He then referred to rezone criteria #3 which states that it will not create adverse impacts such as capacity, safety, street networks, drainage and lighting, etc. He believes the street network capacity has not been adequately addressed and described how the developer will connect various roads that will increase the effect of traffic. He noted there is poor sight distance pulling out from the site and said the children's safety is an issue as there is a bus stop at Foxfire Court. He said the developer stated several times they would be willing to close off Plaza Road, for which he is grateful. Mr. Wernet said if approved, he would appreciate that traffic be addressed. He asked how criteria #7 is met, and how a neighborhood can benefit from an industrial development. He feels that IO is not

compatible and showed his concerns on the Future Land Use Map which shows it being surrounded by residential. He asked the matter be remanded back to Planning Commission for residential zoning. If not, he asked for consideration on how the property will be developed.

Council President Hill asked Mr. Wernet if he is representing himself not the HOA. Mr. Wernet said that is correct.

George Rink, 775 Foxfire Court, president of the HOA, said the request is not compatible with the surrounding areas. He said going to industrial, there will be real estate issues and there are many small children in the neighborhood with a bus stop at end of Foxfire Court. He feels there will be a threat of truck traffic through the neighborhood and asked if approved, the street be blocked off. Mr. Rink said he would like residential to be considered.

Council President Hill asked if Mr. Rink is the president of the HOA. Mr. Rink said yes. Council President Hill asked Mr. Rink if there was an official meeting of the homeowners and his remarks reflected those of the HOA. Mr. Rink answered there was a board meeting held and input was solicited and his statements reflect those concerns.

Council President Hill called a recess at 8:22 p.m.

The meeting reconvened at 8:38 pm

Teresa Wilkerson, 785 Foxfire Court, said the neighborhood doesn't hear much road noise from I-70. She displayed pictures of the neighborhood and stated there is money in residential development. She said the commercial designation no longer belongs in that vicinity and even if Plaza Road is closed, it will still increase traffic on H Road. She said the streets are not compatible for heavy loads. Ms. Wilkerson described the views, the wildlife that will be affected, that there are no sidewalks in the subdivision which is a huge safety issue, and that property values will be adversely affected. She said there is a day care center in the vicinity and Appleton Elementary School that will be affected as well. Ms. Wilkerson said there is no buffer zone between the residential and the proposed industrial development.

Council President Pro Tem Palmer asked Ms. Wilkerson if she was aware of the Land Use Designation of this property when she moved there. She said she knew it was office space, but that was zoned before the residential went in.

Sean Norris, 778 23 Road, said in his area it is zoned AFT, which has a lot of agricultural ground in that location. Mr. Norris thought it was zoned commercial in the County. Councilmember Spehar said that it was not commercial but was Planned Industrial. Mr. Norris said that he is in the oil and gas industry and has tried to acquire some of the

industrial ground to the south but the land is not able to be developed yet so there is not a shortage of industrial land at this time. He said the area to the north is planned to also be changed to industrial by the developers. Mr. Norris said he doesn't want an industrial park in his backyard and the plan to block off 23 Plaza Drive will leave only one access for the industrial park.

Amy Aragon, 759 Goldenrod Court, said they cannot see any industrial from her house. She said her and her husband bought a little piece of country, they have a residential horse property, the surrounding area is agricultural, and they have a beautiful unique neighborhood. She said they received a notice that said the property was going to be zoned residential and doesn't understand how it was changed. Ms. Aragon said there is a lot of vacant land on the south side across the interstate. She said they have small children that go to Appleton Elementary School and is concerned about the increased traffic on H Road that runs in front of the school.

Chris Deboer, 2277 G ³/₄, voiced concerns on the traffic.

Bonnie Jones, 795 Foxfire Court, said every board member from Bookcliff Ranches is represented here. She said they had a HOA meeting August 21st and had Mr. Rink and Mr. Wernet speak on their behalf.

The public hearing was closed at 9:07 p.m.

Doug Gilliland, representing the developer, said he agrees with the residents, but the property was designated industrial in 2000 and the property to the north is zoned industrial. Mr. Gilliland said their goal is to recognize the neighbors' concerns. He said they originally looked at residential but was told they had to build 5 acre tracts. He said they would not put 5 acre tracts there by the highway, he said that was poor planning at that time. Mr. Gilliland said they will try to be a good neighbor and work with the surrounding property owners.

Councilmember Spehar asked for a review of the allowed uses.

Kathy Portner, Planning Manager, said that the main difference between the I-1 and IO is the outdoor operations and outdoor storage. She said the outdoor operations require a Conditional Use Permit. Ms. Portner said contractors and trade shops with outdoor storage require a CUP, also those without outdoor storage also require CUP. Ms. Portner said IO is primarily for office use.

Councilmember Spehar asked if the CUP is a public process.

Ms. Portner responded affirmatively.

Councilmember Spehar asked if the Conditional Use Permit would it require things like lighting and screening to be addressed. Ms. Portner said yes.

Councilmember Coons asked what the Future Land Use plan is for that area. Ms. Portner said that commercial/industrial is the designation for this parcel and to the west has a commercial designation.

Councilmember Coons questioned how long has this been in place.

Ms. Portner said since 1996, but the plan has been updated since then and the commercial/industrial designation was to reflect the County zoning.

Council President Pro Tem Palmer questioned if it was converted to residential in the adjacent neighborhood.

Ms. Portner said she cannot confirm that but, believed that to be so.

Councilmember Beckstein asked what the zoning is for the surrounding areas.

Ms. Portner said that it could be either zone as it is in the County or consistent with the Land Use Plan. She said the recommendation would be C-1 or C-2. The 201 includes this area and the two adjacent areas. Ms. Portner said the reasons are that it was platted as industrial is so it was included in the 201 in the year 2000.

Council President Hill asked about the pictures that were shown by Ms. Wilkerson, if that what would be allowed in IO.

Ms. Portner said the uses in the photos shown would require a CUP, but there is no guarantee that would be approved. Ms. Portner said more likely mitigation would be looked at, also screening and noise mitigation.

Council President Hill questioned if buffering would be required.

Ms. Portner said yes, that an 8 foot masonry wall and a landscape buffer would be required.

Council President Pro Tem Palmer wanted to know if there are any other options that Council could look at.

Councilmember Spehar also wanted to know if there are any other limitations that Council should be aware of.

City Attorney John Shaver said there are 3 different zone districts, I-1, IO and C-2, for this Land Use Designation, but C-2 is not allowed next to residential. He said initially the Planning Commission was presented with a request for I-1, which was turned down, subsequently through reconsideration and working with the neighbors, the applicant withdrew I-1 and agreed to IO. Mr. Shaver said approval of I-1 zoning would require a supermajority. He said the Growth Plan and Land Use categories assume there are zones to implement those categories. Mr. Shaver said originally it was zoned industrial and shown as a C/I growth plan category. Mr. Shaver said staff is comfortable bringing forward IO.

Councilmember Coons wanted to clarify that Council cannot zone residential without a Growth Plan Amendment.

Mr. Shaver replied correct and added it is unfortunate but no fault of the property owner.

Councilmember Coons asked about the traffic issues and also will there be any impact from the Riverside Parkway.

Mr. Relph said he is not familiar with the traffic model for this area.

Councilmember Beckstein questioned the rural area and the no sidewalks issue. She asked if this goes forward, how the City will attempt to prevent or work with the County to protect the children and maintain a safe traffic pattern in the area.

Councilmember Spehar also asked if there is the ability to take into account the road connection between the two uses.

Ms. Portner said there will be a staff review for building the subdivision, construction drawings, getting approval, signing a DIA to provide guarantee of those improvements, and other options to discourage truck traffic. She said the City will work with the County staff as it will impact their infrastructure and they will make sure it is brought up to current standards with the traffic impact to the north. Ms. Portner said staff will look at traffic and the traffic patterns to see if other controls are needed to mitigate impacts.

Councilmember Thomason asked Mr. Gilliland about the attempt to be good neighbor, such as closing streets. Mr. Thomason wanted to know how far is the developer will take that statement.

Mr. Gilliland said they talked about the closure of the road at the neighborhood meeting and they are willing to close off the road. Mr. Gilliland said safety will be the key issue when creating the construction drawings along with other issues that came up in the neighborhood meeting.

Council President Pro Tem Palmer emphasized the need to continue to work with the County and agreed that it was poor planning. He said it is unfortunate for the residents but IO the least offensive option for zoning.

Councilmember Coons said it would have been nice to have residential as an option but they don't. She is encouraged that the developers are willing to work with the neighborhood, mitigate traffic, lights, and to show the least amount of impact on the neighborhood.

Councilmember Beckstein also said she wished there was a different option as well. She said she appreciates the homeowners understanding and asked that they stay involved and said she will have to vote for IO.

Councilmember Thomason said that it is nice to see that the applicant has a cooperative attitude. He noted that Council can not undo what has already been done, and unfortunately IO is the only choice.

Council President Hill noted that some things in the Code are for protecting the homeowners such as the City not allowing C-2 next to a residential area. He said there are other processes for the neighborhood to be heard and that everyone gets due process. Mr. Hill said that he must support the IO zoning.

Ordinance No. 3819 – An Ordinance Zoning the Twenty Three Park Plaza Annexation to I-O (Industrial/Office Park), Located at the NW corner of 23 Road and I-70

Councilmember Spehar moved to adopt Ordinance No. 3819 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing – Loggains Annexation and Zoning, Located at 2234 Railroad Avenue [File #ANX-2005-162]

Acceptance of a petition to annex and consider the annexation and zoning for the Loggains Annexation. The Loggains Annexation is located at 2234 Railroad Avenue and consists of 1 parcel on 5.69 acres. The zoning being requested is I-1.

The public hearing was opened at 9:44 p.m.

Kathy Portner, Planning Manager, reviewed this item. She reviewed the location, the Future Land Use Designation, and the existing surrounding City and County zoning. She

said the applicant is asking for I-1 zoning which is consistent with the Growth Plan. Staff recommends annexation and approval of the zoning. The applicant was present but did not wish to speak.

There were no public comments.

The public hearing was closed at 9:46 p.m.

a. Accepting Petition

Resolution No. 149-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Loggains Annexation, Located at 2234 Railroad Avenue is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3820 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Loggains Annexation, Approximately 5.69 Acres, Located at 2234 Railroad Avenue

c. Zoning Ordinance

Ordinance No. 3821 – An Ordinance Zoning the Loggains Annexation to I-1, Located at 2234 Railroad Avenue

Council President Pro Tem Palmer moved to adopt Resolution No. 149-05 and Ordinances No. 3820 and 3821 on Second Reading and ordered them published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing – Rezoning the Grand Central Plaza, Located at 302 West Grand Avenue [File #RZ-2005-121]

Request to rezone 302 West Grand Avenue, comprised of .358 acres, from RMF-8 (Residential Multi-Family with a density not to exceed 8 units per acre) to RO (Residential Office). Planning Commission recommended approval of the rezone at its August 9, 2005 meeting.

Councilmember Beckstein disclosed she has a working relationship with the applicants.

Council had no problem with her participation in the review of the request.

The public hearing was opened at 9:47 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the location and identified the site as previously being a gas station. The applicant wants to place a parking lot on the site and at the time of development it would require buffering and screening to the residential to the west (El Poso). She said the requested zoning is RO which is consistent with the Growth Plan and said it will be a transitional site.

Council President Hill asked about the size of the lot.

Ms. Edwards said .35 of an acre. She said there will be landscaping required and the parking area has to have another use such as public parking instead of strictly private parking.

Merritt Sixby, the applicant, said he supports staff's presentation and they hope for 33 spaces, giving that corner a better look.

There were no public comments.

The public hearing was closed at 9:55 p.m.

Council President Pro Tem Palmer noted that it will be a nice improvement to the area.

Ordinance No. 3822 – An 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 West Grand Avenue

Council President Pro Tem Palmer moved to adopt Ordinance No. 3822 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Council President Hill complimented the development at First and Grand and commended the applicant.

Public Hearing – Vacating Right-of-Way Located at 1531, 1559, and 1561 High Street [File #VR-2005-079]

The applicant proposes 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. The Planning Commission recommended approval of the right-of-way vacation on August 9, 2005, making the Findings of Fact/Conclusion identified in the staff report.

The public hearing was opened at 9:56 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the location and the current use is a residential access. The City has retained a sewer easement and the vacated property will go the adjacent owner which is the applicant. She said the applicant is trying to gain an additional road right-of-way from CDOT. She said that no properties will be landlocked and there are no adverse impacts. Ms. Edwards said the City will benefit as it won't have to maintain the right-of-way any longer. She said the Planning Commission recommended approval.

City Attorney John Shaver said the vacation is actually an exchange for the sewer easement.

There were no public comments.

The public hearing was closed at 10:01 p.m.

Ordinance No. 3823 – An Ordinance Vacating a Right-of-Way Located at 1531, 1559, and 1561 High Street

Councilmember Spehar moved to adopt Ordinance No. 3823 on Second Reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

The Council President called a recess at 10:01 p.m.

The meeting reconvened at 10:10 p.m.

Public Hearing – Grand Junction Storm Water Ordinance

City Council reviewed the proposed Storm Water Ordinance at the July 18th 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 7th 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.

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

Tim Moore, Public Works Manager, reviewed this item. The ordinance is for the purpose of controlling stormwater and the federal law requires such regulations. He said an additional inspector will need to be hired to enforce the regulations as of the effective date of the ordinance which is January 1, 2006.

Council President Pro Tem Palmer asked if an employee monitor is a requirement of the federal government.

Mr. Moore said there are a number of functions that are required. He said the ordinance addresses illicit discharge, detection and elimination of construction site stormwater runoff control, and post-construction storm water management. He said the department has accomplished a tremendous amount of public outreach and public involvement. Mr. Moore said a stormwater focus group included the 5-2-1 Drainage Authority, the Associated Builders, the North West Home Builders Association, Western Colorado Contractors and the Associated Managers of Growth and Development. He said the City is one of the first organizations to have to have these regulations due to its permit but Fruita will have to follow shortly.

Council President Hill said a stormwater management plan will be required for developers now.

Mr. Moore said on some of the larger CIP projects the contractors are currently following the stormwater management regulations. He said this ordinance may affect some of the smaller developments.

Council President Hill asked to get feedback as to how it is working and how folks are trying to comply.

Mr. Moore said requirements affect the detention ponds in developments so it will also have an impact on HOA's.

Council President Pro Tem Palmer questioned how dirt and rocks are now considered pollutants.

Councilmember Spehar said it is ironic that drilling sites are exempt.

Larry Rasmussen, 3086 Bookcliff Avenue, representing the Homebuilders Association, said the initial review included paragraphs that were ultimately eliminated. Mr. Rasmussen said he is in agreement with staff for an informal agreement that will bring matters to the attention of the focus group. Mr. Rasmussen thanked Mr. Moore and other staff members for their efforts to communicate.

Councilmember Spehar thanked Mr. Rasmussen and the other participants for their participation.

Rebecca Wilmarth, 1950 Hwy 6 & 50, Fruita, said she had some concerns but Tim Moore helped address some of those concerns. Ms. Wilmarth said that she has been

monitoring the guidelines and knew this was coming. Ms. Wilmarth appreciated the steps taken to make implementation smoother.

There were no other comments.

The public hearing was closed at 10:28 p.m.

Council President Hill thanked Mr. Rasmussen and Ms. Wilmarth for their comments and said he is glad to hear positive comments and is appreciative of the 5-2-1 Authority for their work as well.

Ordinance No. 3824 – An 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

Councilmember Coons moved to adopt Ordinance No. 3824 on Second Reading and ordered it published in pamphlet form. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

Purchase of Property at 2741 D Road for the Riverside Parkway Project

The City has entered into a contract to purchase a portion of the property at 2741 D Road from Parkerson Brothers LLC. 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 described the location of the parcel. Mr. Relph said the City and the owner both obtained appraisals and the negotiated price was agreed at \$847,356 plus relocation costs and the closing will occur this month. Mr. Relph said this piece is critical for the first phase of the project.

Council President Hill questioned if this is the last parcel needed for the first phase.

Mr. Relph said there are others yet to be acquired but the City is close, at 98%.

Resolution No. 150-05 – A Resolution Authorizing the Purchase of Real Property at 2741 D Road from Parkerson Brothers LLC

Council President Pro Tem Palmer moved to adopt Resolution No. 150-05. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Purchase Order for North-South River Road (East of City Shops) to 4th Avenue Undergrounding and Authorization to Public Service Company of Colorado to Use City Overhead to Underground One Percent (1%) Funds for the Riverside Parkway Project

The construction of the Riverside Parkway will require the relocation of many overhead power lines. This contract will underground approximately 1.3 miles of power line from approximately River Road east of City Shops to 4th Avenue west of Koch Asphalt. The “invoice” from Xcel Energy states that the undergrounding cost is estimated at \$613,786. The City/Public Service 1% underground fund is proposed to back all of this project and \$386,214 of previously approved Riverside Parkway undergrounding for a total of \$1,000,000.

Mark Relph, Public Works and Utilities Director, reviewed this item. He said this project is also part of the Riverside Parkway and the fund has been reevaluated. Mr. Relph said there are additional funds available that can be applied to this project, from projects that are already completed, which will raise the Riverside Parkway funds. Mr. Relph said that will affect other projects but those can be addressed in other ways. He said the underground funds are 1% of the electric revenue per the franchise agreement and it is greater than anticipated. Mr. Relph said funds are available to the City three years in advance and even with this proposal, there will still be funds left over for the use on other projects.

Council President Hill inquired how about for the 7th Street to 8th Street, Rood, and White Street projects. Mr. Relph said yes, that is a possible project for these funds.

Council President Pro Tem Palmer asked if the unfunded projects are being delayed or canceled.

Mr. Relph said that some of the projects could be done once the fund balance comes up.

Resolution No. 151-05 – A Resolution Authorizing Public Service Company of Colorado d/b/a Xcel Energy to Use the City of Grand Junction Overhead to Underground One Percent (1%) Funds for the Riverside Parkway Improvement Project as Established in the Ordinance Granting a Franchise Signed November 4, 1992

Councilmember Coons moved to adopt Resolution No. 151-05. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Design Contract for Downtown Parking Structure

A request for qualifications process was used to select Blythe Design + co. of Grand Junction as the Design Professional for the Downtown Parking Structure. Four proposals were submitted on June 30, 2005. All four firms were interviewed. Blythe Design + co. was selected over Watry Design, Inc. of Redwood City, California, Short Elliott Hendrickson Inc. of Grand Junction and Newman Cavender & Doane of Denver.

Mark Relph, Public Works and Utilities Director, reviewed this item. He reviewed the history. He said a Memorandum of Agreement was signed with the DDA for the City to build this garage. He said a Parking Management Group was formed to discuss how the firm would be selected and how the project would be managed. Mr. Relph said the proposal from Blythe Design + co. was within the reasonable cost of the design less than 10%. Mr. Relph said the team will consist of Blythe Design + co, the Lawrence Group, Walker Parking Consultants, and other consultants such as RLR Engineering and Roland Engineering.

Council President Pro Tem Palmer asked if the selection was based on qualifications rather than a low bid. Mr. Relph said yes, it was first determined who was the most qualified then the staff looked at their fee proposal to make sure it is in line with normal costs. Mr. Relph said if it was in line with the qualification and the costs, then the other proposals were returned to the bidders unopened.

Council President Pro Tem Palmer asked if the process allowed the City to select a firm they are most comfortable with and did it make it more difficult for others to be selected.

Mr. Relph said that was not his experience, the participating groups usually are different.

Council President Pro Tem Palmer moved to authorize the City Manager to execute a contract for design of the downtown parking structure to Blythe Design + Co. in the amount of \$398,850. Councilmember Beckstein seconded the motion. Motion carried.

NON-SCHEDULED CITIZENS & VISITORS

Jeannie Briscoe, 280 West Parkview Drive said that 12 men came into the Village Fair parking lot on Saturday, August 27th and said people were fighting. Ms. Briscoe said she called 911 and wanted Council to know that it took too long for police to respond. She said only one motorcycle cop came after they left.

Councilmember Spehar said Council will have the City Manager check into the response time and follow up with her.

Council President Hill asked that Ms. Briscoe to leave contact information with the City Manager, Kelly Arnold.

Council President Pro Tem Palmer appreciated Ms. Briscoe bringing it forward to the City Council.

OTHER BUSINESS

FUTURE WORKSHOP AGENDA

Council President Hill suggested that Council look at the workshop agenda on September 19th, due to the lateness of the hour.

City Manager Kelly Arnold noted the schedule for October 18th lunch with the School District 51.

BANGS RECREATION AREA MANAGEMENT PLAN

Council President Pro Tem Palmer asked about the request to extend the review period for the Bangs Recreation area.

City Manager Arnold said when he looked at the plan there were no concerns. He said the comments tonight were the first he had heard of it. Mr. Arnold said he would get Council more information relative to plan and its affect on the City property.

Councilmember Coons said the City will need to respond to Mr. Kerr concerns.

Councilmember Spehar said there was no harm in asking the BLM for an extension. The rest of Council agreed.

City Manager Arnold stated the reasons that should be included in the extension request letter are the citizens concerns regarding the Bangs Canyon that just came to Council's attention tonight and that there should be more time allowed for the review period.

Council President Pro Tem Palmer also said another reason is the City is a nearby property owner.

Councilmember Beckstein said the reasons that are stated on the back of the handout from Mr. Kerr could be included in the letter.

OTHER

Council President Hill acknowledged the presence of the representative for the League of Women Voters.

ADJOURNMENT

The meeting adjourned at 11:14 p.m.

Stephanie Tuin, MMC
City Clerk