

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

May 17, 2006

The City Council of the City of Grand Junction convened into regular session on the 17th day of May 2006, at 7:01 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason, and President of the Council Jim Doody. Also present were City Manager Kelly Arnold, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Hill led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Howard Hays, First Church of the Nazarene.

Presentations

Presentation of Appreciation Plaque to Outgoing President of the Council Bruce Hill

Council President Doody presented an appreciation plaque to the Outgoing President of the City Council Bruce Hill. Councilmember Hill thanked the Council and Staff for their support during his two years of service.

Proclamations / Recognitions

Proclaiming May 15 through June 3, 2006 as "Colorado Click It or Ticket Campaign" in the City of Grand Junction

Proclaiming the Month of May, 2006 as "ALS Awareness Month" in the City of Grand Junction

Proclaiming the week of May 15 through May 21, 2006 as "National Salvation Army Week" in the City of Grand Junction

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Thomason read the list of items on the Consent Calendar.

It was moved by Councilmember Hill, seconded by Councilmember Thomason and carried by roll call vote to approve Consent Calendar items #1 through #15.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the May 1, 2006 Workshop, the Minutes of the March 22, 2006 Annual Joint Persigo Meeting, the Minutes of the May 1, 2006 Special Session, the Minutes of the May 3, 2006 Regular Meeting, and the Minutes of the May 6, 2006 Special Session

2. **Setting a Hearing on Amending the Smoking Ordinance**

The City adopted Ordinance No. 3540 regulating smoking in public places on July 2, 2003. Amendments were made to that ordinance on October 19, 2005 with Ordinance No. 3829. On March 27, 2006, Governor Owens signed House Bill 06-1175 concerning the enactment of the "Colorado Clean Indoor Act," prohibiting smoking in indoor enclosed areas. The State law is effective as of July 1, 2006. Parts of the State law are more restrictive than the City's ordinance. Parts of the City's ordinance are more restrictive than the State law. It is proposed that Ordinance No. 3829 be amended to be in conformance with the stricter terms of the Colorado Clean Indoor Act.

Proposed Ordinance Amending Chapter 16, Article VI, Section 16-127, of the Code of Ordinances (Smoking)

Action: Introduction of Proposed Ordinance and Set a Hearing for June 7, 2006

3. **Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation** [File #ANX-2005-076]

Request to continue the Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation as previously rescheduled and published for the May 17, 2006 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 August 16, 2006 City Council Meeting.

Action: Continue Annexation Public Hearing Regarding Approval of the Resolution Accepting a Petition for Annexation and Also Final Passage of the Annexation Ordinance Until the August 16, 2006 City Council Meeting

4. **Setting a Hearing to Rezone Four Unplatted Parcels Located at 2809, 2811, 2813 & 2815 Elm Avenue** [File # RZ-2006-080]

The petitioner, Intrepid Services LLC, is requesting approval to rezone four (4) properties located at 2809, 2811, 2813 & 2815 Elm Avenue from RMF-8 to RMF-12. The four (4) properties total 3.16 acres. The Planning Commission recommended approval at its April 25, 2006 meeting.

Proposed Ordinance Rezoning the Property Known as the Capstone Village Rezone Located at 2809, 2811, 2813 & 2815 Elm Avenue from RMF-8 to RMF-12

Action: Introduction of Proposed Ordinance and Set a Hearing for June 7, 2006

5. **Setting a Hearing on Amending The Ridges Planned Development Zoning and Preliminary Development Plan for Redlands Vista Located at Ridges Blvd., School Ridge Road and Ridge Circle Drive** [File #PP-2005-294]

Consideration of an Amendment to the Planned Development zoning ordinance for The Ridges PD and Preliminary Development Plan for a parcel within The Ridges containing private streets.

Proposed Ordinance Zoning Lot 1 and Lot 2, Block Twenty-One, The Ridges Filing No. Four Known as Redland Vista in The Ridges

Action: Introduction of Proposed Ordinance and Set a Hearing for June 7, 2006

6. **Setting a Hearing on Zoning the Kresin Annexation, Located at 530 South Broadway** [File #ANX-2006-084]

Introduction of a proposed zoning ordinance to zone the Kresin Annexation RSF-2, located at 530 South Broadway.

Proposed Ordinance Zoning the Kresin Annexation to RSF-2, Located at 530 South Broadway

Action: Introduction of a Proposed Ordinance and Set a Hearing for June 7, 2006

7. **Setting a Hearing on Zoning the CR Nevada Annexation, Located at 22 ½ Road and South Broadway** [File #ANX-2006-030]

Introduction of a proposed ordinance to zone the CR Nevada Annexation RSF-E, located at 22 ½ Road and South Broadway.

Proposed Ordinance Zoning the CR Nevada Annexation to RSF-E, Located at 22 ½ Road and South Broadway

Action: Introduction of a Proposed Ordinance and Set a Hearing for June 7, 2006

8. **Setting a Hearing on Zoning the Thunder Hog Estates Annexation, Located at 3079 F ½ Road and 3088 Shadowbrook Court** [File #ANX-2006-072]

Introduction of a proposed zoning ordinance to zone the Thunder Hog Estates Annexation located at 3079 F ½ Road and 3088 Shadowbrook Court, RSF-4.

Proposed Ordinance Zoning the Thunder Hog Estates Annexation to RSF-4, Located at 3079 F ½ Road and 3088 Shadowbrook Court

Action: Introduction of a Proposed Ordinance and Set a Hearing for June 7, 2006

9. **Setting a Hearing for the Carpenter Annexation, Located at 3137 D ½ Road** [File #ANX-2006-094]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 5.05 acre Carpenter Annexation consists of 1 parcel and is a 2 part serial annexation.

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

Resolution No. 41-06 – 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, Carpenter Annexation, Located at 3137 D ½ Road

Action: Adopt Resolution No. 41-06

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Carpenter Annexation #1, Approximately 0.05 Acres Located at 3137 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Carpenter Annexation #2, Approximately 5.00 Acres Located at 3137 D ½ Road

Action: Introduction of Proposed Ordinances and Set a Hearing for June 19, 2006

10. **Setting a Hearing for the Pumpkin Ridge Annexation, Located at 2887 UnawEEP Avenue** [File #ANX-2005-189]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 8.47 acre Pumpkin Ridge Annexation consists of 2 parcels.

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

Resolution No. 42-06 – 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, Pumpkin Ridge Annexation, Located at 2887 UnawEEP Avenue Including a Portion of UnawEEP Avenue, Alta Vista Court, and Alta Vista Drive Rights-of-Way

Action: Adopt Resolution No. 42-06

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pumpkin Ridge Annexation, Approximately 8.47 Acres Located at 2887 UnawEEP Avenue Including a Portion of UnawEEP Avenue, Alta Vista Court, and Alta Vista Drive Rights-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for June 19, 2006

11. **Vacation of 15 feet of an Existing 50 Foot Irrigation and Drainage Easement Located at 724 Centuari Drive** [File #VE-2006-098]

A request to vacate 15 ft. of an existing 50 ft. irrigation and drainage easement on the East side of the property to allow for the construction of a 528 sq. ft. detached garage.

Resolution No. 43-06 – A Resolution Vacating a Portion of an Irrigation and Drainage Easement Located at 724 Centauri Drive

Action: Adopt Resolution No. 43-06

12. **Fairway Villas Growth Plan Consistency Review, Located at 2065 South Broadway**

This is a request to officially determine the consistency of the proposed zoning of PD 4.4 with the Growth Plan's Future Land Use Designation of RMH 8 – 12. The current zoning of PD 4.4 was established by City Ordinance Number 2782 and is specific to this parcel of land. The Planning Commission recommended approval at their May 9, 2006 meeting.

Action: Determine that the Proposed PD 4.4 Land Use and Zoning is Consistent with the Growth Plan as Amended in 2003

13. **Construction Contract for 2006 Waterline Replacements Project**

This project generally consists of the installation of 3,000 L.F. of 12" PVC water main, 700 L.F. of 6" PVC water main, and 800 L.F. of 8" PVC sewer main in Orchard Avenue between 15th and 23rd Streets. Work will also include restoration of disturbed areas including asphalt patching, concrete flatwork, and sod.

Action: Authorize the City Manager to Sign a Construction Contract for the 2006 Waterline Replacements Project with Berry Bro's. General Contractors, Inc. in the Amount of \$568,716.40

14. **Construction Contract for New Sidewalk Construction Project**

The 2006 New Sidewalk project consists of installation of sidewalk in 5 locations. To be considered for this project, the areas must first have curb and gutter adjacent to the property. These selected areas were petitioned in 2004 and 2005. The streets that received a majority vote are the ones that will have the new sidewalk installed.

Action: Authorize the City Manager to Sign a Construction Contract for the New Sidewalk Construction to G&G Paving Construction, Inc. in the Amount of \$165,500.00

15. **Change Order to 24 ½ Road Sewer Trunk Extension Contract**

This project involves extension of a sewer trunk line along the 24 ½ Road corridor, between Patterson Road and G Road. Change Order #1 is for additional quantity of Imported Trench Backfill material. Placement of import material is necessary due to the soft, wet soils on the project which are unsuitable for use as backfill.

During construction of the south half of the project, the amount of saturated soil that needs to be removed has been larger than anticipated.

Action: Authorize the City Manager to Approve a Contract Change Order #1 to the 24 ½ Road Sewer Trunk Extension in the Amount of \$114,112.50 with M.A. Concrete Construction for an Increase in the Quantity of Imported Backfill

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing – Creating the El Poso Area Street Improvement District, ST-06, Phase B

A successful petition has been submitted requesting a Local Improvement District be created to reconstruct streets in the El Poso area within the following limits: from Madonado Street to Mulberry Street, between West Grand Avenue and West Chipeta Avenue.

The public hearing was opened at 7:20 p.m.

Trent Prall, Engineering Manager, reviewed this item. He noted that this is the first street improvement district formed in fifteen years and said forty-six out of fifty-eight property owners have signed a petition asking for the district to be formed. He said there will be over 6,000 feet of curbing and sidewalks installed and said the property owners and the City are sharing the expense. Mr. Prall said they were also awarded an energy impact assistance grant that will help offset the costs. He said the notice of intent to create was previously approved by Council which set the public hearing for this meeting. Mr. Prall said if approved there will be three contracts to be approved for the construction of the project.

Frank Cordova, 401 West Grand Avenue, said that the community has many children and the sidewalks will keep the children off the streets. Also, the undergrounding of the power lines will make the neighborhood look much nicer. Mr. Cordova then thanked the Council for their support.

Juanita Trujillo, 319 West Ouray Avenue, thanked Council for their help to beautify the neighborhood.

There were no other public comments.

Councilmember Hill said this is one of the first issues that came before him when he started with the City Council and said that he is pleased to see this development get to this point.

Councilmember Coons said she had the privilege of attending a neighborhood meeting and had the chance to meet the residents. She lauded their efforts for coming together and thanked Assistant to the City Manager Sheryl Trent for her work on this project.

Councilmember Spehar agreed and noted that this neighborhood is the reason for the development of the Neighborhood Program and thanked the residents for their efforts.

Councilmember Palmer echoed those comments.

Council President Doody said he too attended the neighborhood meeting and pointed out that this has been a neighborhood dream for some time. He is excited for it becoming a reality.

The public hearing was closed at 7:33 p.m.

Resolution No. 44-06 – A Resolution Creating and Establishing Street Improvement District No. ST-06, Phase B Within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Streets and Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for the Payment Thereof

Councilmember Palmer moved to adopt Resolution No. 44-06. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Construction Contract for El Poso Street Improvement Project

Award of a Construction Contract to Oldcastle SW Group, dba United Companies of Mesa County, in the amount of \$870,279.75 for the El Poso Street Improvement District. This contract will construct curb, gutter, and sidewalks in the El Poso neighborhood.

Trent Prall, Engineering Manager, reviewed this item. He detailed the bids and the construction schedule that is to begin within the next two weeks. He said Staff is recommending the award of the bid go to Untied Companies and said the project will take 150 days.

Councilmember Spehar moved to authorize the City Manager to sign a construction contract for the El Poso Street Improvement District to Oldcastle SW Group, dba United Companies of Mesa County, in the Amount of \$870,279.75. Councilmember Hill seconded the motion. Motion carried.

Undergrounding of Overhead Utilities for El Poso Street Improvement District

The construction of the El Poso Street Improvement District will require the relocation of many overhead power lines. This project will underground all of the utilities in the El Poso neighborhood. The attached letter is an "invoice" from Xcel Energy stating that the undergrounding cost is estimated at \$385,355. If the district is formed, the purchase order with Xcel should be approved in order to relocate the overhead utilities.

Trent Prall, Engineering Manager, reviewed this item. He said this is one of the most aesthetic impacts that can be done to a neighborhood; it really improves the appearance of an area.

Councilmember Palmer inquired as to the standing of the undergrounding fund. Mr. Prall advised that the fund is mostly depleted due to the Riverside Parkway project and some other smaller projects. Mr. Prall said this project is not utilizing the undergrounding fund but is being funded through the capital improvement fund.

Councilmember Palmer moved to authorize the City Manager to sign a purchase order with Xcel Energy to relocate the existing overhead power lines underground in the El Poso Street Improvement District. Councilmember Spehar seconded the motion. Motion carried.

Construction Contract for West Ouray Outfall Project

The project will construct 450 feet of water lines, 340 feet of sewer services, and 1730 feet of 48 and 54 inch storm drain line prior to the construction of the El Poso Street Improvement District.

Trent Prall, Engineering Manager, reviewed this item. He explained the purpose of the contract and how this will affect the El Poso project and said this will prevent the City from having to tear out improvements in El Poso in five to seven years. He said in order to fund these additional improvements, Public Works is proposing some changes to the Capital Improvement Project fund (CIP) to reprioritize projects in order to free up funds for this project. Mr. Prall said the CIP can be reviewed in more detail in the fall when budget appropriations are reviewed again.

Councilmember Hill inquired if the El Poso properties have irrigation water. Mr. Prall said not all of the properties do.

Mr. Prall noted that the prerequisite storm drainage project is partially underway and will be complete in around sixty days.

Councilmember Hill moved to authorize the City Manager to sign a construction contract for the West Ouray Outfall to Sorter Construction, Inc. in the amount of \$585,991.00. Councilmember Beckstein seconded the motion. Motion carried.

Public Hearing – Niblic Drive Growth Plan Amendment, Located at 718 Horizon Drive, Adjacent to Niblic Drive [File #GPA-2006-061]

A resolution amending the Growth Plan, to change the Future Land Use Designation from Commercial to Residential Medium Low.

The public hearing was opened at 7:49 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She identified the location and the purpose the request. She said the property is adjacent to the Country Inn and some commercial development, but also extends to Niblic Drive which is a residential area. Ms. Portner said the requested change is more compatible with the surrounding properties and is at the same elevation as the neighborhood.

Councilmember Coons inquired about the adjacent property. Ms. Portner said that the property is designated commercial but is zoned residential and will be addressed at the next Growth Plan Amendment process.

Bill Pitts, 2626 H Road, emphasized that the elevation change between Horizon Drive and Niblic Drive is about 50 feet.

The public hearing was closed at 7:54 p.m.

Resolution No. 45-06 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately .53 Acres, Located at 718 Horizon Drive Adjacent to Niblic Drive, from Commercial to Residential Medium Low

Councilmember Spehar moved to adopt Resolution No. 45-06. Councilmember Coons seconded the motion.

Councilmember Hill noted that Staff did a good job in reviewing this and said this is positive for the neighborhood.

Councilmember Palmer said it is also a fit for infill development.

Motion carried by roll call vote.

Public Hearing – Walcher Growth Plan Amendment, Located Adjacent to 2483 River Road [File #GPA-2006-059]

A resolution amending the Growth Plan, to change the Future Land Use Designation from Conservation to Commercial/Industrial.

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

Kathy Portner, Assistant Director of Community Development, reviewed this item. She located the property along River Road with a lot size of 4.4 acres. She said that a small portion of the property is in the floodplain and said when the Growth Plan was adopted the property was designated Conservation and the ownership was unclear. Ms. Portner said it was thought that the property might be needed for a trailhead or parking lot and said the trailhead and parking lot have been built so property is not needed. Ms. Portner said the request meets the criteria and is recommended for approval.

Councilmember Beckstein said Mr. Walcher is a client of the firm she works for. City Attorney Shaver confirmed with Councilmember Beckstein that she has no prior information nor does the relationship have any affect on her ability to review the item without bias.

Warren Walcher, 1181 17 ½ Road, Fruita, said that the land swap has been in the works for ten years and said they just recently received the deed to the property. He said the plan is to build a nice looking commercial building on the property.

Brian Mahoney, 2567 G Road, addressed the issue as a former representative of the Riverfront Commission and said this was a long and complicated deal. Mr. Mahoney said a land trade was negotiated and said the owner gave 400 yards of trail to the City. He explained the complications and said the Riverfront Commission never had any intention of complicating or preventing the Walchers from being able to develop the property.

The public hearing was closed at 8:04 p.m.

Resolution No. 46-06 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately .44 Acres, Located Adjacent to 2483 River Road, from Conservation to Commercial/Industrial

Councilmember Thomason moved to adopt Resolution No. 46-06. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing – Graff Dairy Growth Plan Amendment, Located at 581 29 Road [File #GPA-2006-060]

A resolution amending the Growth Plan, to change the Future Land Use Designation from Residential Medium to Commercial.

The public hearing was opened at 8:05 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She located the property and gave a brief history of the property. She said when the Growth Plan was adopted in 1996, this site as well as much of the surrounding area was designated residential. Ms. Portner said when the Zoning Map was adopted in the year 2000, the property was zoned RMF-5. The dairy was there and continued to operate and was deemed a non-conforming use. She said the owner began discussing improvements and it was determined that a zone change would be required. She said Staff recommends approval of the request and finds that the request does meet the criteria, most particularly because the zoning did not take into consideration the dairy operation that was in existence on the property for forty years.

Councilmember Palmer inquired about the conditions on having livestock on the property. Ms. Portner advised that Graff Dairy does fit the definition of dairy in the Code. She said that a commercial zone district would not allow a true dairy with the cows on site. She said Graff Dairy is the only dairy in the community and they process the milk on the site. There is no livestock at this location.

Judy Graff Nichols, 575 29 Road, is the owner of the dairy. She said they are in need of some improvements that require a zone change. She referred to some letters of support and read some into the record. She noted road improvements that are being constructed along 29 Road and asked for approval.

There were no public comments.

The public hearing was closed at 8:19 p.m.

Councilmember Palmer said he hopes to see more commercial development along the 29 Road corridor and supported the ability of Graff Dairy to make their improvements.

Councilmember Hill said he felt the request meets the criteria of the Zoning and Development Code.

Resolution No. 47-06 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately .67 Acres, Located at 581 29 Road, from Residential Medium to Commercial

Councilmember Beckstein moved to adopt Resolution No. 47-06. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – GPD Global Growth Plan Amendment, Located at I-70 Frontage Road, Between 23 and 23 ½ Road [File# GPA-2006-065]

A resolution amending the Growth Plan, to change the Future Land Use Designation from Commercial to Commercial/Industrial.

The public hearing was opened at 8:21 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She explained the request and described the location, the surrounding uses and land use designations. She said Staff finds that the request meets the criteria of the Zoning and Development Code. Ms. Portner said the building that is currently on the site was clearly built for industrial uses and said the proposed new designation will allow a wider range of zoning changes for the site.

Councilmember Hill clarified that the request before Council tonight is to change the Growth Plan designation, not to change the zoning. Ms. Portner affirmed that to be true.

Councilmember Coons inquired if all property to the north is designated Estate. Ms. Portner said it is and said a campground is being constructed in that area under the County Planning Department.

Council President Doody asked for a brief history on the one piece of land located at the former Webb Crane site that is zoned RSF-E. Ms. Portner briefly explained the history.

Kirk Rider, attorney with Younge and Hockensmith, 872 Quail Run Drive, representing the applicant, lauded Ms. Portner's efforts and her professionalism. He offered to answer any questions.

There were no public comments.

The public hearing was closed at 8:28 p.m.

Resolution No. 48-06 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 25 Acres, Located at I-70 Frontage Road Between 23 and 23 ½ Road, from Commercial to Commercial/Industrial

Councilmember Spehar moved to adopt Resolution No. 48-06. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Council President Doody called a recess at 8:29 p.m.

The meeting reconvened at 8:40 p.m.

Public Hearing – Jones Rezone, Located at 2591 G Road [File #RZ-2006-070]

Request to rezone 2591 G Road, comprised of 13.109 acres, from RSF-1 (Residential Single Family – 1 unit per acre) to RSF-2 (Residential Single Family – 2 units per acre). Planning Commission recommended denial at its April 25, 2006 meeting.

Councilmember Beckstein noted that Mr. Ciavonne, a representative of the applicant, is a client of her employer. City Attorney Shaver confirmed with her that the relationship will not affect her ability to review the item without bias.

Councilmember Hill disclosed that he knows many of the participants for this item but it will not affect his ability to review the matter without bias.

The public hearing was opened at 8:43 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the location, the request, the surrounding land use designation and the surrounding zoning. She then reviewed the criteria for a rezone request and stated that Staff finds the request meets each one of the criteria. However, the Planning Commission did recommend denial of the rezone so a supermajority vote would be required of the City Council to approve the rezone.

Councilmember Coons inquired about the lot sizes of some nearby properties. Ms. Edwards confirmed that there are properties that are less than one acre and some that are over one acre.

Ted Ciavonne, representing Mr. Jones and the potential developers, agreed with Staff's report and presentation that the request does meet the rezone criteria. He noted that all subdivisions adopted since the 1996 adoption of the Growth Plan has a density of RSF-2 or higher. He said the three policies in the Growth Plan supports the rezone request. Mr. Ciavonne noted there are many topographical elements that will affect the actual density. He estimated that under RSF-1, ten lots will be the maximum once those elements come into play with roads and other infrastructures that are constructed. He said under RSF-2, the maximum number of lots would be 24 under the previously mentioned conditions. Mr. Ciavonne said even with the density bonus under RSF-1, twelve lots would be possible but that would not be feasible for development.

Donald Jones, the owner and applicant, 693 26 Road, said that he bought the property behind them which is the subject property, to enlarge his horse training business and to

allow the maximum number of livestock on the property. Now he would like to retire and sell the property.

Sharon Walker, 687 ½ 26 Road, supports the request and has confidence in the City planners to make sure the development will be able handle the traffic. She wanted to address one concern which is the wildlife. She said the wildlife will be disturbed at one house per acre or two units per acre. She agrees it is a beautiful view but understands that they cannot keep the place up and said the developers are trying to work with the neighborhood and she appreciates that.

Terry Ryan, daughter of owners, 1678 14 Road, Loma, said the farmers and ranchers work hard for their retirement and said their retirement is in land. She wants her parents to enjoy their retirement.

Kathy Tarman, 871 Gambles Road, said that she is close friends of the Jones and said the Jones work very hard which is taking a toll on them. She said everything else surrounding the property has the RSF-2 zoning and asked that Council approve the rezone request.

Sheryl Williams, 2586 G Road, said the area is beautiful and said that it feels like a little bit of heaven. She said that she would like to see the property developed at one house per acre and said the houses around the area are one house per acre. Ms. Williams said that she would like to see it stay green and be open space, but if the City Council approves the rezone she feels that there will be a major traffic problem.

Erwin Knirlberger, 695 26 Road, neighbor, is in support of the development, but has concerns regarding the traffic.

Patty Fennell, 699 26 Road, said the wildlife is still there despite of the development so she supports the request.

Nancy Hackett, 2573 G Road, said they are RSF-2, located at the top of the hill. She recognizes that the Jones have the right to develop and said it is not a matter of whether they can retire, but is more a matter of the purchase price. She supports RSF-1.

David Turner, 300 Main Suite 202, representing Robert and Nancy Hackett, 2573 G Road, identified a number of parcels that are larger parcels and lesser density zoning. He said the average lot size is 1.78 acres and said clearly this neighborhood does not contain the higher density and a rezone would result in a higher density zone and change the character. He advised the change will not provide any public benefit and disagreed that there has been a change in the character of the neighborhood as required in the criteria nor has there been any showing of meeting other criteria. He said on the other hand, the

RSF-1 meets all the criteria and it is the most appropriate zoning. He agreed with statements by Ms. Hackett.

Judy Golden, 679 26 Road, south of the site, said that she has lived in the neighborhood since 1952. She discussed the wildlife habitat for migratory birds and said the green space has been for families to use. She urged Council to deny the request.

Brian Mahoney, 2567 G Road, has lived next to Robert and Nancy Hackett's since 1975. He said this is a unique area and said the houses are on one acre or larger sites which can be seen from that location. Mr. Mahoney said he was a member of the Northwest Task Force in 1978 to 1980 and said that area has grown to 8,000 with all of the subdivisions that have been built. He does not support 26 lots for the site and said the developers can't make the project work at the price that Mr. Jones is asking for. He then referred to the Vision 20/20 and quoted "the economy is diversified and self-sufficient". He said Grand Junction should maintain diversified neighborhoods and said it was no accident that the Planning Commission denied the request because the request does not fit.

John Burnell, 2575 G Road, said all of the abutters are for this request and said the subject site would be hard to develop because of the ditch bisecting it. He said the developer wants RSF-2 due to the site constraints and said the traffic doesn't come from the developments; it comes from the park.

Rob Jones, 15668 Cochina Drive, Colorado Springs, is the son of the owners and is an attorney. He said Mr. Mahoney is right regarding the issue of zoning and said it is not feasible at RSF-1. He said they believe the developers are proposing a good plan and said that he did not know what happened at the Planning Commission meeting to result in the recommendation for denial.

Bob Arcieri, 867 25 Road, said the Planning Commission rejected this application and said the reasons were stated clearly. He said there is no compelling reason for this rezoning and said the main argument is the price tag and the public interest. He felt the seven criteria have not been met and said the request is to push the density to the limit. He then proceeded to argue each criteria in great detail.

There were no further public comments.

Ted Ciavonne, representing the applicant, said views are not a zoning issue and said traffic will be addressed at the preliminary plan when traffic studies will be required. He said Staff will not let something dangerous occur on this site and said Mr. Arcieri has painted a lot of possibilities that may or may not happen. Mr. Ciavonne said the existing zoning was an error and said there has been a character change in the area and any development in the area will create an impact. He said he request is in the range for the

area and said there will be adequate public facilities for that area. Mr. Ciavonne said all the surrounding subdivisions since 1992 are RSF-2 or higher and the request meets the rezone criteria. Mr. Ciavonne said the surrounding areas supports the request with the comparable zoning. He identified a number of lots that are smaller than one acre and pointed out the number of neighbors that are present in support of the development. He said Staff recommends RSF-2 which will allow more flexibility for something more than ten lots.

The public hearing was closed at 10:07 p.m.

Councilmember Palmer question Ms. Edwards if Staff recommended approval. Ms. Edwards said yes, that Staff did recommend approval.

Ordinance No. 3894 – An Ordinance Rezoning a Parcel of Land from Residential Single Family – One Unit per Acre (RSF-1) to Residential Single Family – Two Units per Acre (RSF-2) Located at 2591 G Road

Councilmember Beckstein moved to adopt Ordinance No. 3894 on Second Reading and ordered it published. Councilmember Coons seconded the motion.

Councilmember Hill said the impact of the zoning is not a criteria. He said this is a unique piece of property and said that he is torn in that the flexibility of the zoning does factor in. He said it is rare that land can be developed at the maximum allowed the under Zoning Code and said that he believes this project has met the criteria for the zoning that is allowed under the Future Land Use Map.

Councilmember Beckstein said that she supports the rezone of the higher density zoning in that area and said that she supports Staff's recommendation. She said the development will be within the Code and will address the traffic concern; she feels it is compatible with Growth Plan and will vote yes.

Councilmember Spehar said this was a tough decision, because it is not about retirement or land costs, it is about land use. He said the site plan or the number of lots will be details that will be dealt with later in the process. He said the supermajority emphasizes the importance of this decision and feels that RSF-2 is consistent and meets the criteria, so he will vote in favor of the rezone to RSF-2.

Councilmember Coons said the character of the area has changed to higher density and said that she does do not see that RSF-2 would be incompatible. She said G Road is a minor arterial but is becoming less minor every day. She said the City has been improving the G Road intersections and said many of the impacts discussed will happen regardless. She supports the rezoning of RSF-2.

Councilmember Palmer feels that this will not develop out at full density and said he agrees with Councilmember Spehar regarding the economics. He does not think RSF-2 is compatible with the area and disagrees that Criteria 3 has been met, that is, compatibility.

Councilmember Thomason supports RSF-2, but feels that some views will be lost but is necessary under the Growth Plan.

Council President Doody said that Council has heard some compelling arguments, but feels the review process will take care of most of the concerns. He is in favor of the rezone to RSF-2.

Motion carried by roll call vote with Councilmember Palmer voting NO.

Council President Doody called a recess at 10:40 p.m.

The meeting reconvened at 10:48 p.m.

Public Hearing – Right-of-Way Vacation Located Adjacent to 215 Franklin Avenue

[File #VR-2006-054]

A request to vacate the southern 3 feet of the Franklin Avenue right-of-way, incorporating the subject area into a 14' multi-purpose easement. The Planning Commission recommended approval of the right-of-way vacation on April 25, 2006.

The public hearing was opened at 10:49 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the request, the location and the criteria under the TEDs manual and noted a multipurpose easement will be retained. She said the benefit to the City is that the City will no longer have to maintain the area. Ms. Edwards said both Staff and the Planning Commission recommend approval.

There were no public comments.

The public hearing was closed at 10:52 p.m.

Ordinance No. 3895 – An Ordinance Vacating Right-of-Way Located Adjacent to 215 Franklin Avenue

Councilmember Hill moved to adopt Ordinance No. 3895 on Second Reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing – Free Annexation and Zoning, Located at 462 East Scenic Drive

[File #ANX-2006-046]

Acceptance of a petition to annex and consider the annexation and zoning for the Free Annexation. The Free Annexation is located at 462 East Scenic Drive and consists of 1 parcel on 3.11 acres. The zoning being requested is RSF-2.

The public hearing was opened at 10:53 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She described the reason for the request as well as the location. She said the Future Land Use designation is Residential Medium Low and said the applicant is requesting RSF-2 which is at the low end of the allowed zoning. She said Staff finds the request meets the criteria and recommends approval. The Planning Commission also recommended approval.

The applicant was present but did not wish to speak.

There were no public comments.

The public hearing was closed at 10:55 p.m.

a. Accepting Petition

Resolution No. 49-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Free Annexation, Located at 462 East Scenic Drive is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3896 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Free Annexation, Approximately 3.11 Acres, Located at 462 East Scenic Drive Including a Portion of the Broadway, Manzana Drive, and East Scenic Drive Rights-of-Way

c. Zoning Ordinance

Ordinance No. 3897 – An Ordinance Zoning the Free Annexation to RSF-2, Located at 462 E. Scenic Drive

Councilmember Spehar moved to adopt Resolution No. 49-06 and Ordinance Nos. 3896 and 3897 on Second Reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing – Vacating Alleys Between 6th and 7th Streets, Pitkin, and South Avenues and a 15' Utility Easement [File #VR-2006-076]

Consideration of a request to vacate the eastern 250' of the east/west alley and the north/south alley between 6th and 7th Streets and Pitkin and South Avenues and a 15' utility easement. The owner of the adjacent property is requesting the vacation to facilitate the expansion of the Mesa County Corrections and Treatment Facility located to the south.

The public hearing was opened at 10:56 p.m.

Kathy Portner, Assistant Director of Community Development, reviewed this item. She said the proposal is for the proposed Meth Treatment Center and said the request includes the vacation of an abandoned utility easement that goes under the building. She said there will be additional easements and utilities that will need to be relocated prior to the vacation being effective. Ms. Portner said Staff finds that it meets the criteria and recommends approval. The Planning Commission also recommended approval.

Dave Detwelier, 453 Mediterranean Way, representing Mesa County, thanked the Planning Staff and said the project is taking a fast track.

There were no public comments.

The public hearing was closed at 11:01 p.m.

Ordinance No. 3898 – An Ordinance Vacating Rights-of-Way for an Alleyway Located at the Eastern 250' of the East/West Alley and the North/South Alley Between 6th and 7th Streets and Pitkin and South Avenues

Resolution No. 50-06 – A Resolution Vacating a 15' Utility Easement Across Block 149 of the Grand Junction, Colorado, Second Division Survey as Amended, Located at 636 South Avenue

Councilmember Hill moved to adopt Ordinance No. 3898 on Second Reading and ordered it published and adopt Resolution No. 50-06. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing – 2006 CDBG Program Year Funding for the 2006 Action Plan, a Part of the 2006 Five-Year Consolidated Plan

City Council will consider which activities and programs to fund and will prioritize and recommend levels of funding for Community Development Block Grant (CDBG) projects for the 2006 Program Year.

The public hearing was opened at 11:02 p.m.

David Thornton, Principal Planner, reviewed this item. The purpose of the public hearing is to receive input regarding the proposed CDBG Plan. He said there will be a second public hearing on June 19th and then listed the applicants for CDBG funding. Mr. Thornton said the two that are being recommended for funding is the administration of the program and the City's application for property acquisition for affordable housing.

Councilmember Palmer noted that not all of the applicants met the CDBG criteria. Mr. Thornton explained that the Deep River School's student population did not meet the minimum national objective regarding income levels.

Council President Doody questioned the administration costs.

Mr. Thornton said the City is asking for more to fund to the administration of the program due to the need to fulfill the federal requirements of the CDBG program. He said Staff is asking for a ¾ time position to run the day to day reporting and meeting with the applicants. He said that will free up the existing Staff to do more planning activities.

Councilmember Spehar said the recommendation of the committee is to have someone manage the CDBG funds from the grant.

Councilmember Coons wanted to disclose that she is the City Council representative for the Grand Junction Housing Authority Board and said she was part of the discussion when this request was submitted to the GJHA Board.

Councilmember Hill questioned the administrative costs. He said that he attends the National League of Cities (NLC) Community Economic Development Committee and said they deal with a lot of these issues. He said the Committee is busy fighting Congress to maintain the funding for this grant program. He said that organizations are continuously having to meet more and more requirements when the monies could be better utilized for programs rather than administration.

Councilmember Hill noted that he tried to make a good argument for funding the Linden Avenue storm sewer repairs and said it would be an appropriate use. He said the City needs to do something to mitigate the storm sewer problem at Linden Avenue.

Councilmember Palmer agreed with Councilmember Hill and said those issues need to be addressed.

Councilmember Spehar said if there are any leftover monies from other projects then the City could make the Linden Avenue drainage a priority.

Gi Moon, 885 Hall Avenue, on the Grand Junction Housing Authority Board (GJHA), thanked the City Council for their commitment to affordable housing issues. She said the Housing Authority, since the last allocation of CDBG funds, has been exploring many other options including capital projects. She said at any given time the Housing Authority will have 6/7 capital projects that they are looking at. She asked that Council consider the scope of citizens that are in need this service. She said there are 1100 families are on the waiting list and said most (2/3) are female, head of households with children. She said out of the 1100 people that are on the list, she said 800 of those are earning 50% or less than the City medium income which means they can only afford \$175 a month for housing; that requires a deep subsidy. She said the City needs the participation from the GJHA and said that she looks forward to working with City Council on this project.

Jody Kole, Executive Director of the Grand Junction Housing Authority (GJHA), 2265 Terrace Court, corrected the number of the people that are on the waiting list which are 1105 and said the people cannot even afford \$175 per month.

The public hearing was closed at 11:24 p.m.

Councilmember Spehar moved to approve funding of the CDBG City Council Subcommittee recommendation for two projects for the City's 2006 CDBG Program Year Action Plan, and set a hearing for final adoption of the CDBG 2006 Action Plan, 2006 Five-year Consolidated Plan, and the 2006 analysis of impediments to Fair Housing Study for June 19, 2006. Councilmember Hill seconded the motion.

Councilmember Hill said this is an opportunity to leverage dollars and noted that if the City cannot find the right project, then the City can reallocate the funding. He said the City of Grand Junction is saying, in a big way, that it wants to address the housing issue.

Councilmember Coons wanted to thank the other Councilmembers for working together to help with the affordable housing issues in the community. She supports the partnership with the GJHA.

Motion carried.

Staffing for Adequate Fire and Emergency Response Grant

The Grand Junction Fire Department requests City Council approval to submit a federal Staffing for Adequate Fire and Emergency Response (SAFER) grant application to provide funding for 9 firefighter/paramedic and 9 firefighter/EMT positions. These positions are part of the GJFD proposal to initiate ambulance transport services in the Grand Junction Ambulance Service Area beginning July 1. If awarded, the City must commit to a 5 year performance period for each position.

Jim Bright, Interim Fire Chief, reviewed this item. He explained that the grant will allow the City to hire the eighteen firefighters under the grant program; however, the date for hire will have to wait until October 1st. Mr. Bright said once hiring the new employees they will have to attend training for twelve weeks. However, the City intends to provide service on July 1st regardless. Interim Chief Bright explained how staffing will accommodate the provision of services as of July 1st.

Council agreed that applying for the grant was the appropriate thing to do.

Councilmember Spehar moved to authorize the Interim Fire Chief to submit a staffing for Adequate Fire and Emergency Response Grant Application. Councilmember Palmer seconded the motion. Motion carried.

Public Hearing – First Supplemental Appropriation Ordinance for 2006

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.

The public hearing was opened at 11:44 p.m.

Ron Lappi, Administrative Services and Finance Director, said that he supported the request of the grant application for the Fire Department. He then reviewed this item. He noted this is a large supplemental appropriation and identified the bigger items and where the appropriation is coming from.

Councilmember Coons noted that there is an appropriation for the affordable housing initiative and then asked if the Katrina allocation will be spent. City Manager Arnold stated that no requests for payments have been received.

Councilmember Hill wanted clarification regarding the high dollar number for the ambulance service. Mr. Lappi said the original proposal did not take into account the lag time for receipt of the revenues.

Councilmember Hill said that he supports this service, but he would like to be able to do this with the original amount that was proposed and said part of the approval from Council was that the funding was not going to be as much as originally thought.

Mr. Lappi said that he questioned the actual numbers from Staff that was originally approved to begin with. He felt that the Fire Department should try the transport for six months and see how it goes; then perhaps only 12 new positions are needed instead of the 18 individuals.

Councilmember Palmer stated his concerns regarding the revenue side. He said Staff really does not know how many transports are going to be made because Staff was not able to get those numbers from AMR and said it is hard to predict what is going to happen or how many new positions are going to be needed.

Mr. Lappi said Staff has also talked about having the County reevaluate the fee structure and said the County may have set the fees too low.

Councilmember Palmer said that has been recognized and said the City needs to look at ways to adjust the numbers and get a better handle of what the City's revenues will be.

Mr. Lappi said there are two ways to balance or eliminate the deficit which is revenue enhancement or costs reduction.

Councilmember Coons agreed with Councilmember Palmer and said that she is also concerned with the revenue balance.

Councilmember Spehar said this is not a financial decision and said this is a transition. It is a matter of when not an if. He said he would rather have the Fire Department make the decision on the staffing needs, not Administrative Services Staff. He said the numbers are not 100% certain and said it is important that the City do all types of transport.

Councilmember Coons said that was her concern and said she can't see cutting Staff just to bring the costs down until the Fire Department determines how much Staff is going to be needed.

Mr. Lappi said there were never any calculations done to determine the staffing that was going to be needed, but part of the request was to staff up the Department for the services.

Councilmember Spehar said he wants to hear from the Fire Department regarding the numbers and said he wants Interim Chief Jim Bright and the Staff of the Fire Department to determine staffing needs.

Councilmember Hill said the Fire Department has already brought Council the numbers of \$609,000 and said that is not the number that Council is seeing today. He said that he can't support what was approved prior with a different amount than what Council is being presented.

There were no public comments.

The public hearing was closed at 12:10 a.m.

Ordinance No. 3899 – An Ordinance Making Supplemental Appropriations to the 2006 Budget of the City of Grand Junction

Councilmember Palmer moved to adopt Ordinance No. 3899 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote, with Councilmember Hill voting NO.

City Manager Kelly Arnold advised Council that \$10,000 has been spent out to the Katrina fund.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 12:11 a.m.

Stephanie Tuin, MMC
City Clerk