

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

June 7, 2006

The City Council of the City of Grand Junction convened into regular session on the 7th day of June 2006, at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Jim Spehar, Doug Thomason, and President of the Council Jim Doody. Absent was Councilmember Gregg Palmer. 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 Spehar led in the pledge of allegiance. The audience remained standing for the invocation by David Eisner, Congregation Ohr Shalom.

Council President Doody recognized Boy Scout Troop 383 in attendance.

Citizen Comments

There were none.

CONSENT CALENDAR

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

Councilmember Hill moved to move Item #22, the contract for landscaping improvements to the items for individual consideration. Councilmember Thomason seconded. Motion carried.

It was moved by Councilmember Coons, seconded by Councilmember Beckstein and carried by roll call vote to approve Consent Calendar items #1 through #21 and #23.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the May 15, 2006 Workshop and the Minutes of the May 17, 2006 Regular Meeting

2. **Setting a Hearing on an Amendment to the Downtown Grand Junction Business Improvement District Assessments**

Additional information has been received from property owners at 359 Colorado Avenue (St. Regis) that requires a correction to the special assessment billing that was approved in December, 2005. State Law requires that the notice of intent be published at least twenty days ahead of the hearing considering the amendments. If the amendment is approved following the hearing, then the

corrected Special Assessments will be certified to the County Treasurer for immediate collection.

Resolution No. 51-06 – A Resolution Setting a Hearing on an Amendment to the Special Assessment Roll for the Downtown Grand Junction Business Improvement District Special Assessments

Action: Adopt Resolution No. 51-06 and Set a Hearing on Amending the DGJBID Assessment Roll for July 5, 2006

3. **Setting a Hearing on the Creation of the Grand Junction Economic Development Assistance Corporation for the Construction, Financing and Ownership of the CBI Building**

The City by and through the City Manager has agreed to cooperate with Grand Junction Economic Partnership (GJEP) and the State of Colorado in the formation of a not for profit corporation for the purposes of financing, constructing and owning a new building which will be used by the Colorado Bureau of Investigation (CBI). The corporation, once formed will issue revenue bonds which will be secured by a mortgage on the building. The revenue for the repayment of the bonded indebtedness will be derived solely from the building lease revenues.

Proposed Ordinance Establishing the Grand Junction, Colorado, Economic Development Assistance Corporation, Prescribing Certain Requisite Terms for its Operation and Governance, and Authorizing it to Construct and Lease a Facility to the Colorado Department of Public Safety and to Issue Revenue Bonds to Defray the Costs Thereof

Action: Introduction of Proposed Ordinance and Set a Hearing for July 5, 2006

4. **Setting a Hearing on Repealing the Telephone Exchange Provider Occupational Tax**

The City by and through the Director of Finance and Administrative Services and the City Attorney recommend that the City Council repeal Ordinance No. 1725 concerning the imposition of an occupational tax on telephone exchange providers in the City.

Proposed Ordinance Repealing Ordinance No.1725, Regarding Revenue and Imposition of a Business and Occupation Tax on all Telephone Exchange Providers Operating within the City of Grand Junction

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

5. **Purchase Live Scan and Mug Shot for the Police Department**

A Single Source request is being made by the Police Department to purchase Identix Live Scan and Mug Shot equipment. The system interfaces with the Mesa County Sheriff's Office and Jail. No other manufacturer or reseller can accomplish this integration of the two systems.

Action: Authorize the City Purchasing Division to Purchase Live Scan and Mug Shot Equipment from Identix Inc. in the Amount of \$45,027

6. **Purchase a Mobile Public Safety Answering Point & Communications Vehicle for the Police Department**

Purchase of a Mobile Public Safety Answering Point and Communications Vehicle to provide backup operations in the event of an evacuation of the Grand Junction Regional Communication Center (GJRCC) and provide ancillary communications support during major events in Mesa County and surrounding areas.

Action: Authorize the City Purchasing Division to Purchase one Mobile PSAP Communications Vehicle from LDV Inc., Burlington, Wisconsin in the Amount of \$522,800

7. **Revocable Permit for Redlands Mesa Entrance Sign, Located at West Ridges Boulevard and Mariposa Drive** [File #RVP-2005-292]

A resolution approving a Revocable Permit to allow an entrance sign for Redlands Mesa, to be located in the Right-of-Way of West Ridges Boulevard and Mariposa Drive.

Resolution No. 52-06 – A Resolution Approving a Revocable Permit to be Issued to Redlands Mesa Homeowners Association to Allow an Entrance Sign for Redlands Mesa, to be Located in the Right-of-Way of West Ridges Boulevard and Mariposa Drive

Action: Adopt Resolution No. 52-06

8. **Setting a Hearing for the Walcher Rezone, Located at 2483 River Road** [File #GPA-2006-059]

Request approval to rezone .44 acres, located adjacent to 2483 River Road, from CSR (Community Services and Recreation) to I-1 (Light Industrial).

Proposed Ordinance – An Ordinance Rezoning Approximately .44 Acres, Located Adjacent to 2483 River Road (Walcher), From CSR to I-1

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

9. **Setting a Hearing on the Niblic Drive Rezone, Located at 718 Horizon Drive** [File #GPA-2006-061]

Request approval to rezone .53 acres, located at 718 Horizon Drive, adjacent to Niblic Drive, from C-1 (Light Commercial) to RMF-5 (Residential Multifamily, 5 units per acre).

Proposed Ordinance Rezoning Approximately .53 Acres, Located at 718 Horizon Drive, Adjacent to Niblic Drive, From C-1 to RMF-5

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

10. **Setting a Hearing on the Graff Dairy Rezone, Located at 581 29 Road** [File #GPA-2006-060]

Request approval to rezone .67 acres, located adjacent to 581 29 Road, from RMF-5 (Residential Multifamily, 5 units per acre) to C-1 (Light Commercial).

Proposed Ordinance Rezoning Approximately .67 Acres, Located at 581 29 Road (Graff Dairy), From RMF-5 to C-1

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

11. **Setting a Hearing on Zoning the GPD Global/Woomer Annexation, Located at I-70 Frontage Road, Between 23 and 23 ½ Road** [File #GPA-2006-065]

Request approval to zone the GPD Global/Woomer Annexation, consisting of 25 acres and located at I-70 Frontage Road, between 23 and 23 ½ Road to I-1 (Light Industrial).

Proposed Ordinance Zoning the GPD Global/Woomer Annexation, Located at I-70 Frontage Road between 23 and 23 ½ Road to I-1 (Light Industrial)

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

12. **Vacation of a Water Line Easement and a Slope and Borrow Pit Easement, Located at 585 28 ¼ Road** [File #PP-2004-153]

The request is for approval to vacate a water line easement and a slope/borrow pit easement at 585 28 ¼ Road to facilitate development of a 71 lot subdivision.

Resolution No. 53-06 – A Resolution Vacating a Waterline Easement Located at 585 28 ¼ Road

Resolution No. 54-06 – A Resolution Vacating a Roadway Slope and Borrow Pit Easement Located at 585 28 ¼ Road

Action: Adopt Resolution Nos. 53-06 and 54-06

13. **Setting a Hearing on Vacating Portions of the Public Rights-of-Way on Ronda Lee Road and Jon Hall Road Immediately West of 29 ½ Road** [File #PP-2006-042]

Request to vacate: a. Three feet of right-of-way on the south side of Ronda Lee Road; b. Three feet on the north and south side of Jon Hall Road; and c. Twenty feet of unnamed right-of way along the southern boundary of the project site for Orchard Park subdivision.

Proposed Ordinance Vacating Portions of the Public Rights-of-Way Located on Ronda Lee Road, Jon Hall Road and a Twenty Foot Unnamed Right-of-Way to the South of Jon Hall Road, all being Immediately West of 29 ½ Road Extending Approximately 658 Feet West

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

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

Introduction of a proposed ordinance to zone the Carpenter Annexation located at 3137 D ½ Road to RMF-5.

Proposed Ordinance Zoning the Carpenter Annexation to RMF-5 Located at 3137 D ½ Road

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

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

Introduction of a proposed ordinance to zone the Pumpkin Ridge Annexation located at 2887 UnawEEP Avenue to RSF-4.

Proposed Ordinance Zoning the Pumpkin Ridge Annexation to RSF-4 Located at 2887 UnawEEP Avenue

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

16. **Setting a Hearing on the Hamilton Annexation, Located at 3124 D Road** [File #ANX-2006-105]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 8.33 acre Hamilton Annexation consists of 1 parcel and is a two part serial annexation.

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

Resolution No. 55-06 – 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, Hamilton Annexation, Located at 3124 D Road

Action: Adopt Resolution No. 55-06

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hamilton Annexation #1, Approximately 0.15 Acres Located at 3124 D Road and Including a Portion of the D Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hamilton Annexation #2, Approximately 8.18 Acres Located at 3124 D Road

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

17. Setting a Hearing on the Bekon Annexation, Located at 2250 Railroad Avenue [File #ANX-2006-143]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 7.21 acre Bekon Annexation consists of one (1) parcel of land and associated rights-of-way of Railroad Avenue and Railroad Boulevard.

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

Resolution No. 56-06 – 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, Bekon Annexation, Located at 2250 Railroad Avenue and including a Portion of the Railroad Avenue and Railroad Boulevard Right-of-Way

Action: Adopt Resolution No. 56-06

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bekon Annexation, Approximately 7.21 Acres Located at 2250 Railroad Avenue and Including a Portion of the Railroad Avenue and Railroad Boulevard Right-of-Way

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

18. **Setting a Hearing on the Hoffmann II Annexation, Located at 565 22 ½ Road**
[File #ANX-2006-117]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 1.12 acre Hoffmann II Annexation consists of one (1) parcel.

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

Resolution No. 57-06 – 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, Hoffmann II Annexation, Located at 565 22 ½ Road

Action: Adopt Resolution No. 57-06

b. Setting a Hearing on a Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hoffmann II Annexation, Approximately 1.12 Acres Located at 565 22 ½ Road

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

19. **Setting a Hearing on the Traynor Annexation, Located at 748 and 749 24 ¾ Road**
[File #ANX-2006-111]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 10.71 acre Traynor Annexation consists of 2 parcels and is a two part serial annexation.

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

Resolution No. 58-06 – 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, Traynor Annexation #1 and #2, Located at 748 and 749 24 ¾ Road and Portions of the Grand Valley Canal and 24 ¾ Road Rights-of-Way

Action: Adopt Resolution No. 58-06

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Traynor Annexation #1, Approximately .24 Acres Located at 748 and 749 24 $\frac{3}{4}$ Road and a Portion of the Grand Valley Canal

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Traynor Annexation #2, Approximately 10.47 Acres, Located at 748 and 749 24 $\frac{3}{4}$ Road and a Portion of the 24 $\frac{3}{4}$ Road Right-of-Way

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

20. **Setting a Hearing on the Vodopich Annexation, Located at 3023 F $\frac{1}{2}$ Road**
[File #ANX-2006-109]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 3.23 acre Vodopich Annexation consists of one (1) parcel.

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

Resolution No. 59-06 – 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, Vodopich Annexation, Located at 3023 F $\frac{1}{2}$ Road

Action: Adopt Resolution No. 59-06

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Vodopich Annexation, Approximately 3.23 Acres Located at 3023 F $\frac{1}{2}$ Road

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

21. **Setting a Hearing on the Fletcher Annexation, Located $\frac{1}{2}$ Mile West of Monument Road on South Camp Road Across from Monument Valley Subdivision**
[File #ANX-2006-108]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 144 acre Fletcher Annexation consists of 2 parcels.

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

Resolution No. 60-06 – 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, Fletcher Annexation, Located on South Camp Road ½ Mile West of Monument Road

Action: Adopt Resolution No. 60-06

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fletcher Annexation, Approximately 144 Acres Located on South Camp Road ½ Miles West of Monument Road

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

22. Construction Contract for the I-70 Interchange and Horizon Drive Landscaping Improvements (moved to individual consideration)

The project involves landscaping improvements at the Horizon Drive Interchange designed to beautify this gateway to the community. The landscape improvements will include block retaining walls that create terraces for grasses, shrubs, and trees to be planted on. The project will also include decorative monuments, tile mosaic artwork, and curb, gutter, and sidewalks.

23. Contract for the Rood Avenue Parking Structure Site Demolition

Bids have been received for the demolition of the Valley Office Supply building (447/451 Rood Avenue) and the Commercial Federal Bank building (130 North 4th Street) on the Rood Avenue Parking Structure site and removal of old foundations and basements on the parking structure site.

Action: Authorize the City Manager to Execute a Demolition Contract for the Valley Office Supply Building and the Commercial Federal Bank Building and Removal of Old Foundations and Basements on the Parking Structure Site with M. A. Concrete Construction in the Amount of \$241,578.00

ITEMS NEEDING INDIVIDUAL CONSIDERATION**Construction Contract for the I-70 Interchange and Horizon Drive Landscaping Improvements (moved from consent calendar)**

The project involves landscaping improvements at the Horizon Drive Interchange designed to beautify this gateway to the community. The landscape improvements will include block retaining walls that create terraces for grasses, shrubs, and trees to be planted on. The project will also include decorative monuments, tile mosaic artwork, and curb, gutter, and sidewalks.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described and displayed the design concepts to be used at the interchange, including the stamped concrete and the mosaic. He said Staff is recommending that the contract be awarded to G.H. Daniels of Gypsum, Colorado and said the Horizon Drive Association Business Improvements District is contributing to the improvements.

Mr. Richard Talley, President of the Horizon Drive Business Improvement District, thanked Council for their leadership on this project. He noted that visitors many times form their opinion of Grand Junction on the appearance of this intersection and area. Mr. Talley thanked the specific Staff members that worked with them on this project.

Councilmember Hill also thanked CDOT for their participation at the 24 Road Interchange which freed up funding for this project, thus allowing the Horizon Drive project to happen sooner than thought.

Councilmember Spehar also thanked the Gateway Committee.

Councilmember Hill moved to authorize the City Manager to execute a construction contract in the amount of \$1,067,381.82 with G.H. Daniels for the I-70 & Horizon Interchange Landscaping and Change Order #1 in the Amount of \$37,684.

Councilmember Spehar seconded the motion. Motion carried.

Public Hearing – Arbogast Annexation Located at 785 24 Road [File #GPA-2006-064]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Arbogast Annexation, located at 785 24 Road. The 18.05 acre Arbogast Annexation consists of 1 parcel and is a 2 part serial annexation.

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

David Thornton, Principal Planner, reviewed this item. He described the location and the reasons for the annexation being a serial annexation. He said Staff finds that the annexation meets all the statutory requirements for an annexation and recommends that the property be annexed.

Paul Johnson, 1692 Snow Eagle Court, Loma, representing the applicant, said that he will be making a presentation for the Growth Plan request and said he feels that the annexation is straight forward.

There were no public comments.

The public hearing was closed at 7:23 p.m.

a. Accepting Petition

Resolution No. 61-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Arbogast Annexation Located at 785 24 Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3900 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Arbogast Annexation #1, Approximately 4.40 Acres Located at 785 24 Road

Ordinance No. 3901 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Arbogast Annexation #2, Approximately 13.65 Acres Located at 785 24 Road

Councilmember Hill moved to adopt Resolution No. 61-06 and Ordinance Nos. 3900 and 3901 on Second Reading and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing – Mallard View (Arbogast Annexation) Growth Plan Amendment, Located at 785 24 Road [File #GPA-2006-064]

Hold a public hearing and consider passage of the Resolution to change the Growth Plan designation from “Estate” (2 acres per dwelling unit) to “Residential Medium Low” (2 to 4 dwelling units per acre) for one property located at 785 24 Road.

The public hearing was opened at 7:25 p.m.

Paul Johnson, 1692 Snow Eagle Court, Loma, representing the petitioner and owner, presented first. He noted the change in name of the subdivision and said the area is

located in the area of the North Central Valley Plan and also the Appleton area. He described the location more specifically on the north side of the interstate. Mr. Johnson said the request is to change the growth plan designation from an Estate to Residential Medium Low (RML) and said a neighborhood meeting was held in which 12 people showed up and 11 were opposed to the change. He said City Staff and the Planning Commission have also recommended denial of this request. Mr. Johnson said the petitioner still thinks the change is appropriate because of the need for affordable housing and said their specialty is to build houses at 2 to 4 units per acre. Mr. Johnson said they cannot find anymore land in the area that will allow for 2 to 4 units per acre and said zoning the property Estate is zoning for rich people. He displayed the City Growth Plan Map and showed that there is very little land that allows 2 to 4 units per acre in the north area. He advised that the present growth plan will create leapfrog development in the north and also development in the Fruita, Loma, and the Mack areas. Mr. Johnson then reviewed the seven criteria for the Growth Plan amendment and said he does not think they meet all seven criteria but hoped that Council could overrule that. Mr. Johnson addressed if the current zoning was an error. He said the petitioner feels that there was an error because the need for affordable housing was not foreseen for this area at the time of the zoning. He said circumstances have changed in that area and said the accelerated rate of growth has created the situation for the need of affordable housing. Mr. Johnson said the character of the area has changed with the new Fellowship Church and the commercial development along 24 Road. He said 2 to 4 units per acre is consistent with the needs of the community and the sewer capacity is available. Mr. Johnson said this is an efficient use of the 24 Road corridor with the increase of affordable housing.

David Thornton, Principal Planner, then made the Staff presentation. He said the property is less than ½ mile north of the interstate. He described the Future Land Use designation and the surrounding land use designations as well as the existing zoning. He said looking at a larger view, the area south of the interstate are higher densities but north of I-70 is Estate and Rural, as part of the North Central Valley Plan. He said, regarding the seven criteria, the neither City Staff or the Planning Commission feel that the criteria are being met. He said the Future Land Use Map is consistent with the North Central Valley Plan to retain the integrity of the neighborhood. Mr. Thornton said there have been no changes to invalidate the original premise and, regarding the character of the area, there has been no change in character. He said the request is not consistent with the goals and policies of the Growth Plan or Neighborhood Plan and said the facilities are in adequate to serve the request. Mr. Thornton noted that Tim Moore, Public Works Manager, can address the adequacy of the sewer and if the sewer capacity is only sufficient to serve the properties as currently zoned. He said there was a request for a Growth Plan amendment in 2003 to Residential Medium Low which was denied; that request was also based on inadequate supply of land in this category. Mr. Thornton said, in conclusion, the site is in the middle of an area designated Estate and in 2003 this parcel was included in an area of 150 acres that was being requested to change. Mr.

Thornton advised that if Council feels there is a desire to make a change in this area in the long term, it should be looked at more comprehensively over a larger area.

Councilmember Hill asked for clarification on the 201 boundary as to where the line was originally and the subsequent inclusions. Mr. Thornton said the boundary did extend north of the interstate when the North Central Valley Plan was drafted. City Attorney Shaver agreed.

Councilmember Coons inquired if the impact fees noted by the applicant would be adequate to upgrade the sewer. Public Works Manager Tim Moore advised that the sewer extension was designed with Estate zoning in mind. Councilmember Coons asked if the Growth Plan amendment were to be approved, who would pay for the upgrade. Mr. Moore said the fund is an Enterprise Fund which would pay for the upgrade and reimbursement could occur as the taps are connected.

Councilmember Beckstein inquired about the existing lots in the Appleton area. Mr. Thornton responded and said there are some lots that are smaller than two acres that were created long before the modern day zoning. Councilmember Beckstein asked why it is a detriment if there are already some smaller lots. Mr. Thornton said he was part of the development of the North Central Valley Plan and said that a higher density would create a different character, even though there are some smaller lots, it is still a more rural feel.

Council President Doody asked where the sewer stub is in Canyon View Park. Mr. Moore advised that sewer line would not serve this basin.

Ron Gray, 2369 H Road, said that he has a one acre lot and noted there are affordable houses in the area. He said, regarding the smaller lots shown on map, they are two acre lots. He is opposed to the proposed subdivision. Mr. Gray said that he bought in the area relying on the Future Land Use Plan and agreed with a comprehensive view of the area.

Dick Pennington, 782 23 7/10 Road, representing four property owners comprising of 30 acres, wanted to clarify that it was his application three years ago and was turned down, and it was not a similar application. He addressed the ditch situation, the impact on the wildlife, and the impact on the character of the area. He is opposed to the proposed subdivision.

Marilyn Scott, also of 782 23 7/10 Road, is opposed to the project. She described the location of the original grocery store and said it was moved to the small lot (as the market). She said the increased density of the proposed subdivision will completely destroy the character of the neighborhood.

Dave Lacy, 2379 H Road, said that he lives on two acres and he is not opposed to development under the current zoning. He said the proposal, however, is completely out of character for the neighborhood and said other developments that are occurring in the neighborhood are at least two acre lots.

There were no other comments.

The public hearing was closed at 8:20 p.m.

Mr. Johnson said no one can afford lots in this area and said the sewer capacity study was done previously that went beyond the 201 Sewer Service boundaries, so it was inappropriate. He asked when a change to that area would be looked at.

Resolution No. 62-06 – A Resolution Amending the City of Grand Junction Growth Plan Future Land Use Map to Re-designate One Property Located at 785 24 Road, from “Estate One Du Per 2 Acres” to “Residential Medium Low 2-4 du/ac”

Councilmember Spehar said the Growth Plan has created the expectations as established. He agreed with Staff and the Planning Commission recommendations and said the City does not need to create all kinds of housing in all the areas throughout the City. He said to increase the density in this area is not appropriate.

Councilmember Coons agreed with Councilmember Spehar and said that she is also concerned with the adequacy of the sewer. She said the cost of an upgrade would impact the affordability and that although she advocates affordable housing and agrees there is a need, she is not sure if the proposal would provide work force housing.

Councilmember Thomason agreed with Councilmember Coons and said that he does not feel that the request meets the criteria. He noted the Planning Commission recommended denial and the neighborhood is very much opposed.

Councilmember Beckstein said being on the committee that studied the expanded Persigo area, there were concerns that the sewer availability does increase pressure for development. She agrees with the Planning Commission and supports their recommendation.

Councilmember Hill noted the importance of the Growth Plan and said this area also has a specific neighborhood plan that indicates how special the area is. He agrees with maximizing the existing facilities, however the seven criteria are not being met. He said there was no error in the zoning of Estate and said a great amount of time was spent to ensure this area was not to be changed. He said criterion has not been met and the goals of the Growth Plan would not be met by this change, specifically the specific neighborhood plan on top of the Growth Plan.

Council President Doody agreed with all of the statements made, but noted that Staff should have presented the sewer capacity reports.

Councilmember Thomason asked if the passage of the annexation has any affect. City Attorney Shaver said they are two independent actions.

Councilmember Hill moved to adopt Resolution No. 62-06. Councilmember Spehar seconded the motion. Motion failed unanimously by roll call vote.

Council President Doody called a recess at 8:31 p.m.

The meeting reconvened at 8:43 p.m.

Public Hearing – Charlesworth Annexation, Located at 248 28 Road [File #GPA-2006-062]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Charlesworth Annexation, located at 248 28 Road. The 10.85 acre Charlesworth Annexation consists of 2 parcels.

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

David Thornton, Principal Planner, reviewed this item. He described the site location. He said Staff has reviewed the request and feels the annexation does meet all statutory requirements for the annexation. He said the annexation will create an enclave around the rendering plant. Mr. Thornton said the Persigo Agreement does require all enclaves to be annexed within five years and a letter was sent to the property owner advising him of the situation.

Ted Ciavonne, Ciavonne, Roberts & Assoc. Inc., representing the applicant was present.

Councilmember Beckstein disclosed that Mr. Ciavonne and one of the petitioners is a client of her employer. City Attorney Shaver advised that Councilmember Beckstein confirmed with him that she has no conflict or information that would lead to any bias on her part.

Mr. Ciavonne said he does not have anything to present regarding the annexation.

There were no public comments.

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

a. Accepting Petition

Resolution No. 63-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Charlesworth Annexation, Located at 248 28 Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3902 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Charlesworth Annexation, Approximately 10.85 Acres, Located at 248 28 Road

Councilmember Hill moved to adopt Resolution No. 63-06 and Ordinance No. 3902 on Second Reading and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing – Charlesworth Growth Plan Amendment, Located at 248 28 Road
[File #GPA-2006-062]

Hold a public hearing and consider passage of the Resolution to change the Growth Plan designation from “Residential Medium Low” (2 to 4 dwelling units per acre) to “Residential Medium” (4 to 8 dwelling units per acre) for two properties located at 248 28 Road.

The public hearing was opened at 8:49 p.m.

David Thornton, Principal Planner, reviewed this item. He described the existing land use designation and zoning, the surrounding and the existing zoning of the site just annexed. He pointed out that in looking at the Future Land Use Map the site is out of place with the surrounding designations of Residential Medium. He said it is Staff’s contention that there was an error in the designation; regarding subsequent events, he said there were some changes in the area that has made the area out of place. Mr. Thornton said the character of the area has changed and the request is consistent with the goals and policies of the Growth Plan. Mr. Thornton pointed out which goals the request is consistent with and said there are public and community facilities that are adequate in the area. He said the request also meets the last two criteria and Staff recommends approval.

Ted Ciavonne, Ciavonne, Roberts & Assoc. Inc., commended Staff’s presentation. He noted the irregularity of the site makes it difficult to develop and said it is adjacent to a commercial/industrial area, so a transitional density is appropriate. He had nothing else to add.

There were no public comments.

The public hearing was closed at 8:58 p.m.

Resolution No. 64-06 – A Resolution Amending the City of Grand Junction Growth Plan Future Land Use Map to Re-designate Two Properties Located at 248 28 Road, from “Residential Medium Low 2-4 du/ac” to “Residential Medium 4-8 du/ac”

Councilmember Spehar moved to adopt Resolution No. 64-06. Councilmember Coons seconded the motion.

Councilmember Hill noted that Staff did a good job presenting and he believes that all the criteria were met.

Motion carried by roll call vote.

Public Hearing – Rezone Four Unplatted Parcels Located at 2809, 2811, 2813 & 2815 Elm Avenue [File # RZ-2006-080]

The petitioner, The Warren Living Trust, 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.

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

Scott D. Peterson, Senior Planner, reviewed this item. He described the location of the site, noting that the Planning Commission did recommend approval of the rezone. He described the Future Land Use designation and said the rezone request does meet the range allowed in that designation. He said the property will be a transition from Neighborhood Commercial to the RMF-8 to the north so Staff recommends approval.

The applicant was present but had nothing to add.

There were no public comments.

The public hearing was closed at 9:04 p.m.

Councilmember Spehar was supportive of the higher density and said it is needed in the City to maintain some affordability in housing.

Ordinance No. 3903 – An Ordinance Rezoning the Property Known as the Capstone Village Rezone Located at 2809, 2811, 2813 & 2815 Elm Avenue from RMF-8 to RMF-12

Councilmember Thomason moved to adopt Ordinance No. 3903 on Second Reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing – Amending the 24 Road Corridor Guidelines [File #GPA-2005-148]

A request to amend the 24 Road Corridor Subarea Plan and the Mixed Use Zoning to implement the recommendations of the Planning Commission, based upon the recommendations from the 24 Road Steering Committee.

The public hearing was opened at 9:05 p.m.

Lori V. Bowers, Senior Planner, reviewed this item. She reviewed the process that started last September and then reviewed the recommendations. Ms. Bowers said Public Works Manager Tim Moore will present the traffic findings. She said the 24 Road Subarea Committee Chair Jeff Over will present the Committee's findings. Ms. Bowers gave the history of the project and the formation of the Committee and their work. She said the traffic modeling came up later and was then taken back to the Committee, but said it did not change the Committee's recommendations.

Councilmember Spehar questioned the requirements within the first ¼ mile of the 24 Road corridor and south of I-70. Ms. Bowers said the maximum commercial size would be eliminated in that ¼ mile area and be capped at 50,000 square feet in the remainder of the study area. She said the Planning Commission recommended that the retention of the residential requirement be within the remainder of the 24 Road Subarea whereas the steering committee recommends that it be deleted.

Tim Moore, Public Works Manager, explained the traffic modeling. He said looking at the worst case scenario, if developed completely as retail; the retail development generates 4 times more traffic than office developments and said office developments generates 1.5 times more than residential development. He displayed a forecast of the congestion if the area is developed as retail. In conclusion, he said the transportation changes would be manageable but some solutions would need to be addressed. Mr. Moore said the reason it would still be manageable is that millions of dollars in capital are being spent now on transportation systems in that area.

Councilmember Hill asked about improvements on G Road in the next ten years. Mr. Moore said there are improvements dialed into the Capital Plan within the next fifteen years west of 24 Road.

Jeff Over, Chair of the Steering Committee, thanked the Staff for their assistance. The Committee was comprised of a cross section of the community and said their recommendation did not change when they were provided with the traffic modeling

because they do not believe the worst case scenario will happen. He said the difference between the Committee and the Planning Commission's recommendation was the residential component and said the Planning Commission wanted to keep the requirement.

Councilmember Coons questioned if the developers and realtors were the ones that thought the worst case scenario would not happen. Mr. Over said they were adamant about that.

Councilmember Spehar asked what they expect besides retail. Mr. Over said office and some residential.

Councilmember Coons questioned that the removal of requirements resulted in the assurance that residential will happen. Mr. Over said it was the requirements being applied to each parcel that was the difficulty.

Warren Jacobsen, 702 Golfmore, said that in 1965 he bought 80 acres located at the southwest corner of 24 Road and I-70. He said that he bought the property because it was zoned commercial. Mr. Jacobsen said that he received a bill from Mesa County for \$65,000 for a sewer line which he still does not have and said the zoning was changed 4 different times before it was brought into the City limits. He said this all happened within 15 years and said it was done without his advice or permission. He said that he has had many inquiries from realtors, but he does not know what the zoning is today.

Larry Beckner, 653 Larkspur, representing WDM Corporation who has property in the area, but not in the corridor, he asked for more clarification on the residential requirements. Ms. Bowers said the proposal still requires 20% residential in the non-hatched area, outside the ¼ mile corridor from 24 Road.

Mr. Beckner asked if there is no maximum size relative to non-retail development. Ms. Bowers confirmed that to be correct.

There were no further comments.

The public hearing was closed at 9:30 p.m.

Councilmember Hill moved to change the 24 Road Subarea Corridor Plan to change minimum density of 12 units per acre to 8 units per acre, remove the 20% requirement for a residential component and remove the size restriction of 30,000 sq ft. for retail development. Councilmember Beckstein seconded the motion.

Councilmember Hill stated with this change there would be no ¼ mile corridor and no 50,000 sq. ft. maximum requirement. He said he excluded these two recommendations

in that ¼ mile piece because it was not proposed at the public meeting and the new requirement would force residential up against industrial. He said that he would like to keep the quality of standards for development in the area. He said with the traffic modeling it is good to be prepared, but there is a strong consensus that it won't max out. He said transportation is manageable per Staff and the Committee did not change their recommendations based on traffic concerns.

Councilmember Thomason asked Councilmember Hill to restate his motion and questioned if the motion included taking out the ¼ mile area. Councilmember Hill said that is correct; his motion is to remove the ¼ mile area and to change the minimum density from 12 units per acre to 8 units per acre, remove the 20% requirement for residential and remove the restriction of the 30,000 sq. ft. for retail development.

Councilmember Spehar asked Councilmember Hill that if under the motion that is proposed, there is no commercial maximum size and no housing requirements. Councilmember Hill said that is correct.

Council President Doody questioned Sheryl Trent, Interim Community Development Director, about a developer that went to Community Development inquiring about a high rise development.

Councilmember Spehar asked City Attorney John Shaver if it is appropriate for Council to speculate. City Attorney Shaver said that it depends on where the question is leading.

Council President Doody questioned if the developers are also looking at developing residential along with a high rise development.

Sheryl Trent, Interim Community Development Director, said that Community Development has had contact from a developer since before the discussions regarding the change and the developers have inquired about the exchange of development rights.

Councilmember Spehar stated that it is unfortunate that the motion was made as it was. He said with this motion, this area could be built with no housing. He said the City could end up in this area with no housing and when the City started with this, it could have had up to 1,920 residential units in that area with access to shopping, transportation, and the parks. He said it is unfortunate that the Planning Commission's recommendation was not taken into consideration as they spent a lot of time on this. He said now this has the potential to strip out this area and will maximize the imbalance of the area. He said the role of planning is to anticipate the needs of the community and not just react to today and not tomorrow.

Councilmember Coons agreed with Councilmember Spehar and that she agrees there is a need to make some change. She said it is a good compromise to reduce the 12 units

per acre density to 8 and said she has heard about the need for higher density housing in this area. She is concerned that the property will be seen more valuable as commercial. She appreciates the traffic plan, all of Staff's work, but the traffic worse case scenario will be bad for the valley. She feels there will be an imbalance for the City to have all commercial at one end and residential at the other. She agrees there must be a plan for the future and applauds the work of the Committee. She agrees with changing the size of the commercial/retail development but is concerned with the housing requirement being lifted.

Councilmember Thomason said that he supports the motion as it stands.

Council President Doody said that he supports the motion and said that he believes that there will be housing in this area. He said the 29 Road corridor will be opening up to the east and said this is different than the Jarvis property because the City owns the Jarvis property, but what Council needs to do, as a City, is to set a vision for this area. He clarified the motion to reduce from 12 to 8 units per acre, no ¼ mile corridor, remove the 20% requirement and no 30,000 square foot buildings limitation.

Motion carried by roll call vote with Spehar and Coons voting NO.

Council President Doody called a recess at 9:57 p.m.

The meeting reconvened at 10:08 p.m.

Public Hearing – 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.

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

Lori V. Bowers, Senior Planner, reviewed this item. She described the request and noted that the area is within The Ridges development. She said the applicant is asking for an exception of the setback from 20 feet to 18.5 feet under a Planned Development for patio homes. The Planning Commission recommended approval and said the applicant is present for questions.

Council President Doody asked for ramification of the setback reduction. Ms. Bowers said this is considered a double frontage lot so there is still a distance from Ridges Blvd.

Paul Shukas, 1575 Boulder Street, Suite F, Denver CO 80211, he said this is a great infill development project and is very proud to be part of it. He said the underlying zoning is RMF-8; he then described the surrounding zoning. Mr. Shukas said there will probably be around 32 units and to the east there is City open space. He said the current zoning is for 62 units and they are proposing 32. He said there will be both two story and ranch homes that have a European style. He said there will be courtyard spaces and the exterior will all be common space. Mr. Shukas said the site is challenging and said there is a high point where there will be 75 feet of vertical change. He said there is an open space area with natural vegetation that is going to be preserved and they will improve the existing bike path and dedicate that part of the subject property to the City. He said they are also going to provide a pedestrian connection through the open space. Mr. Shukas said the site plan will be clustered with two stories that have interior court yards and the ranches will have an exterior court yards. He said there will be 24 foot interior roads which will be wide enough for fire trucks with lots of off street parking. He said the setback deviation request is to allow for the pedestrian trail connection.

Councilmember Thomason thanked Mr. Shukas for his thoroughness of the presentation and said he did a good job.

There were no public comments.

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

Councilmember Spehar questioned City Attorney John Shaver regarding the City maintenance policy of private streets.

City Attorney Shaver said the requirement is an agreement with the homeowners association and said if it is not maintained the City will enter the project to maintain the area.

Councilmember Spehar said that he is impressed with the design solutions for this difficult infill project.

Councilmember Coons agreed and said the design is very creative.

Ordinance No. 3905 – An Ordinance Zoning Lot 1 and Lot 2, Block Twenty-One, The Ridges Filing No. Four Known as Redland Vista in The Ridges

Councilmember Coons moved to adopt Ordinance No. 3905 on Second Reading and ordered it published. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Public Hearing – Zoning the CR Nevada Annexation, Located at 22 ½ Road and South Broadway [File #ANX-2006-030]

Hold a public hearing and consider final passage of the ordinance to zone the CR Nevada Annexation RSF-E, located at 22 ½ Road and South Broadway. The CR Nevada Annexation consists of 1 parcel on 19.73 acres.

The public hearing was opened at 10:31 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the location and said currently the parcel is vacant. She said the development plan has not been submitted and the request is for zoning of RSF-E. She described the surrounding zoning and said the original request was RSF-1. Ms. Costello said the Planning Commission recommended RSF-E and the applicant has now changed their request to RSF-E.

There were no public comments.

The public hearing was closed at 10:35 p.m.

Ordinance No. 3906 – An Ordinance Zoning the CR Nevada Annexation to RSF-E, Located at 22 ½ Road and South Broadway

Councilmember Spehar moved to adopt Ordinance No. 3906 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – GPD Global/Woomer Annexation Located at 2322 and 2328 I-70 Frontage Road [File #GPA-2006-065]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the GPD Global/Woomer Annexation, located at 2322/2328 I-70 Frontage Road. The 37.57 acre GPD Global/Woomer Annexation consists of 3 parcels.

The public hearing was opened at 10:35 p.m.

Sheryl Trent, Interim Director of Community Development, reviewed this item. She noted the request is for annexation and the zoning will be reviewed at the next meeting. She said the Growth Plan amendment that was approved earlier at this meeting changed the Future Land Use Designation to Commercial/Industrial.

There were no public comments.

The public hearing was closed at 10:37 p.m.

a. Accepting Petition

Resolution No. 66-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the GPD Global/Woomer Annexation, Located at 2322 and 2328 I-70 Frontage Road including a Portion of I-70 and 23 Road Rights-of-way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3907 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, GPD Global/Woomer Annexation, Approximately 37.57 Acres Located at 2322 and 2328 I-70 Frontage Road Including a Portion of I-70 and 23 Road Rights-of-Way

Councilmember Hill moved to adopt Resolution No. 66-06 and Ordinance No. 3907 on Second Reading and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing – Thunder Hog Estates Annexation and Zoning Located at 3079 F ½ Road and 3088 Shadowbrook Court [File #ANX-2006-072]

Acceptance of a petition to annex and consider the annexation and zoning for the Thunder Hog Estates Annexation. The Thunder Hog Estates Annexation is located at 3079 F ½ Road / 3088 Shadowbrook Court and consists of 2 parcels on 13.76 acres. The zoning being requested is RSF-4.

The public hearing was opened at 10:38 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the location and the two parcels. She described the current use as vacant north of F ¼ and said there is one single family home on the parcel just to the south. Ms. Costello said the existing zoning is RSF-4 to the north and the south parcel is a Planned Development. Ms. Costello said there are two applicants and both are present.

Councilmember Hill questioned where the 201 boundary is. Ms. Costello said it is to the east.

Ted Ciavonne, Ciavonne, Roberts & Assoc, Inc., was present to represent the northern parcel. He said the other parcel is dovetailing on their annexation and there is an adjacent school site which lends this site to higher density. Mr. Ciavonne said it will probably develop out at three units per acre.

Billy Dodd, owner of 3088 Shadowbrook Court, is asking for the annexation and said that he wants to be in the City.

There were no public comments.

The public hearing was closed at 10:44 p.m.

a. Accepting Petition

Resolution No. 67-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Thunder Hog Estates Annexation, Located at 3079 F ½ Road and 3088 Shadowbrook Court Including a Portion of the F ½ Road Right-of-Way is Eligible for Annexation

Action: Adopt Resolution No. 67-06

b. Annexation Ordinances

Ordinance No. 3908 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Thunder Hog Estates Annexation #1, Approximately 0.09 Acres Located Within the F ½ Road Right-of-Way

Ordinance No. 3909 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Thunder Hog Estates Annexation #2, Approximately 13.67 Acres Located at 3079 F ½ Road and 3088 Shadowbrook Court Including a Portion of the F ½ Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 3910 – An Ordinance Zoning the Thunder Hog Estates Annexation to RSF-4, Located at 3079 F ½ Road and 3088 Shadowbrook Court

Councilmember Spehar moved to adopt Resolution No. 67-06 and Ordinance Nos. 3908, 3909, and 3910 on Second Reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing – Kresin Annexation and Zoning, Located at 530 South Broadway
[File #ANX-2006-084]

Acceptance of a petition to annex and consider the annexation and zoning for the Kresin Annexation. The Kresin Annexation is located at 530 South Broadway and consists of 2 parcels on 8.20 acres. The zoning being requested is RSF-2.

The public hearing was opened at 10:45 p.m.

Lori V. Bowers, Senior Planner, reviewed this item. She described the location and described the surrounding area. She said the original zoning request was for RSF-4. Ms. Bowers said the Planning Commission recommended RSF-2 and the applicant subsequently changed their request for zoning to RSF-2.

The applicant was not present.

There were no public comments.

The public hearing was closed at 10:46 p.m.

a. Accepting Petition

Resolution No. 68-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Kresin Annexation, Located at 530 South Broadway is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3911 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kresin Annexation, Approximately 8.20 Acres Located at 530 South Broadway

c. Zoning Ordinance

Ordinance No. 3912 – An Ordinance Zoning the Kresin Annexation to RSF-2, Located at 530 South Broadway

Councilmember Coons moved to adopt Resolution No. 68-06 and Ordinance Nos. 3911 and 3912 on Second Reading and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing – Fox Annexation Located at 3000 F Road [File #GPA-2006-087]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Fox Annexation, located at 3000 F Road. The 1.92 acre Fox Annexation consists of 1 parcel.

The public hearing was opened at 10:48 p.m.

Sheryl Trent, Interim Director of Community Development, reviewed this item. She described the location and the site. The zoning will come before the City Council at the next meeting. The applicant is present.

There were no public comments.

The public hearing was closed at 10:50 p.m.

a. Accepting Petition

Resolution No. 69-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Fox Annexation, Located at 3000 F Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3913 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fox Annexation, Approximately 1.92 Acres Located at 3000 F Road Including a Portion of the 30 Road Right-of-Way

Councilmember Hill moved to adopt Resolution No. 69-06 and Ordinance No. 3913 on Second Reading and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing – 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 Air 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 Air Act. The public hearing was opened at 10:51 p.m.

John Shaver, City Attorney, reviewed this item. He highlighted the changes that enact the newly enacted Colorado Law with the current City provisions. He said the Colorado legislature enacted a much stricter law and detailed the main differences. He said the City's ordinance allowed an exception for bars regarding smoking and, in reconciling with the States version, that exception will no longer exist as well as the process for the exception. Additionally, bingo halls were allowed under certain conditions and with the

new law, smoking will not be allowed in bingo halls. Private clubs will also be restricted. Lastly, smoking is prohibited within fifteen feet of the main doorway. In general the City ordinance adopts the more restrictive provisions of the State law and retain the more restrictive provisions of the City's existing ordinance.

Councilmember Hill confirmed that the City did not reduce the standards that were higher than the State. City Attorney Shaver said that is correct.

There were no public comments.

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

Ordinance No. 3914 – An Ordinance Amending Chapter 16, Article VI, Section 16-127, of the Code of Ordinances (Smoking)

Councilmember Coons moved to adopt Ordinance No. 3914 on Second Reading and ordered it published. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Council President Doody recognized the representative from the League of Women's Voters still in attendance.

Other Business

There was none.

Adjournment

The meeting adjourned at 11:00 p.m.

Stephanie Tuin, MMC
City Clerk