

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

August 16, 2006

The City Council of the City of Grand Junction convened into regular session on the 16th day of August 2006, at 7:06 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 Interim City Manager David Varley, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Beckstein led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Mark Quist, New Life Church.

Presentations of Certificates of Appointment

To the Riverfront Commission

Ken Henry, Tom Kenyon, and Lesley Kibel were present to receive their certificates for the Riverfront Commission.

To the Urban Trails Committee

Steve Bliss, John Borgen, and Joseph Moreng were present to receive their certificates for the Urban Trails Committee.

Appointment to the Building Code Board of Appeals

Councilmember Spehar moved to ratify the appointment of Norman Kinney to the Building Code Board of Appeals. Councilmember Palmer seconded the motion. Motion carried.

Citizen Comments

Lee Ann Hill, 434 Teller Avenue, advised that the Department of Energy (DOE) Uranium Leasing Program protest period ends in 1 ½ weeks and she is concerned about transportation routes to the mills as it impacts the roads and it is a hazardous transport. There are safety issues to consider and she feels that the City Council should be involved. There have been several public meetings held in other places and she thinks there needs to be one in Grand Junction and that there needs to be more time than 1 ½ weeks to assess the situation. There is an environmental assessment going on now but Ms. Hill said there needs to be a more in-depth study. She asked Council to ask the DOE to take it slowly.

Carol Chowen, 2342 Rattlesnake Court #B, submitted comments from 400 citizens regarding water quality. She expressed that the issue is important and they need to keep the water pure. She read several of the comment cards. Ms. Chowen thanked the City Council for their formal protest to the BLM regarding the leases in the watershed and asked that they make clean water a priority. She encouraged the City Council to ask their representatives to do everything in their power to protect the water and to continue to protest the drilling activity in the watershed.

Beverly Kolkman, 2502 Mt. Sopris Drive, said she was concerned about the leases on the Grand Mesa. She read a note from a man who works in the gas drilling industry, and had anecdotal comments from other people who work in the industry who voiced concerns over the impacts.

Janet Magoon, 2752 Cheyenne Drive, encouraged the City Council to continue the appeal to the BLM. She pointed out the shortage of enforcement and monitors of the activities and noted it only takes one spill to spoil the water. She said there is no amount of rules that can guarantee there will not be an accident.

Matt Sura, 405 25 Road, stated that accidents in an industrial zone are inevitable. He advised that just Friday there was a well blowout in Clark, Wyoming from a well site drilling at 8,000 feet. They had to evacuate entire neighborhood which now has to drink bottled water. He asked the City Council to do everything in their power to ensure drilling does not occur in the watershed.

CONSENT CALENDAR

Councilmember Hill moved that item #11, the appointment of the municipal judge, be moved to first on the individual consideration. Councilmember Beckstein seconded. The motion carried.

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

It was moved by Councilmember Hill, seconded by Councilmember Palmer and carried by roll call vote to approve Consent Calendar items #1 through #10.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the July 31, 2006 Annual Persigo Meeting and the Minutes of the August 2, 2006 Regular Meeting

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

Request to continue the Bookcliff Veterinary Hospital Annexation to the December 20, 2006 City Council Meeting. The request to continue is to allow

additional time to clarify land ownership issues adjacent to the Grand Valley Canal.

Action: Continue the Adoption of the Resolution Accepting the Petition for the Bookcliff Veterinary Hospital Annexation and Public Hearing to Consider Final Passage of the Annexation Ordinance to the December 20, 2006 City Council Meeting

3. **Setting a Hearing on Zoning the Central Grand Valley Sanitation District (CGVSD) Annexation, Located at 541 Hoover Drive** [File #ANX-2006-175]

Request to zone the 0.94 acre Central Grand Valley Sanitation District (CGVSD) Annexation, located at 541 Hoover Drive to C-1, (Light Commercial).

Proposed Ordinance Zoning the CGVSD Annexation to C-1, Located at 541 Hoover Drive

Action: Introduction of Proposed Ordinance and Set a Hearing for September 6, 2006

4. **Setting a Hearing on Zoning the Halliburton Annexation, Located at 3199 D Road** [File #ANX-2006-210]

Request to zone the 48.4 acre Halliburton Annexation, located at 3199 D Road to I-1 (Light Industrial).

Proposed Ordinance Zoning the Halliburton Annexation to I-1, located at 3199 D Road

Action: Introduction of Proposed Ordinance and Set a Hearing for September 6, 2006

5. **Setting a Hearing on the Colvin Annexation, Located at 2940 B ½ Road** [File #ANX-2006-204]

Request to annex 9.98 acres, located at 2940 B ½ Road. The Colvin 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. 102-06 – 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, Colvin Annexation, Located at 2940 B ½ Road and Including a Portion of the B ½ Road Right-of-Way

Action: Adopt Resolution No. 102-06

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Colvin Annexation #1, Approximately 0.36 Acres, Located at 2940 B ½ Road and Including a Portion of the B ½ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Colvin Annexation #2, Approximately 9.62 Acres, Located at 2940 B ½ Road

Action: Introduction of Proposed Ordinances and Set a Hearing for September 20, 2006

6. **Setting a Hearing on the Pine E Road Commercial Annexation, Located at 3046 & 3048 E Road** [File #ANX-2006-211]

Request to annex 3.48 acres, located at 3046 & 3048 E Road. The Pine E Road Commercial Annexation consists of 2 parcels.

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

Resolution No. 103-06 – 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, Pine E Road Commercial Annexation, Located at 3046 & 3048 E Road

Action: Adopt Resolution No. 103-06

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pine E Road Commercial Annexation, Approximately 3.48 Acres, Located at 3046 & 3048 E Road

Action: Introduction of Proposed Ordinance and Set a Hearing for September 20, 2006

7. **Setting a Hearing on Zoning the Burkey Park II Annexation, Located at 179 28 ½ Road** [File #ANX-2006-179]

Request to zone the 9.68 acre Burkey Park II Annexation, located at 179 28 ½ Road, to CSR (Community, Services and Recreation).

Proposed Ordinance Zoning the Burkey Park II Annexation to CSR, Located at 179 28 ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for September 6, 2006

8. **Setting a Hearing on Zoning the Baldwin Annexation, Located at 2102 and 2108 Highway 6 & 50** [File #ANX-2006-182]

Request to zone the 3.23 acre Baldwin Annexation, located at 2102 and 2108 Highway 6 & 50 to I-1 (Light Industrial).

Proposed Ordinance Zoning the Baldwin Annexation to I-1 (Light Industrial), Located at 2102 and 2108

Action: Introduction of Proposed Ordinance and Set a Hearing for September 6, 2006

9. **Setting a Hearing Accepting Improvements and Assessments Connected with Alley Improvement District No. ST-06**

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

- East/West Alley from 5th to 6th, between Teller Avenue and Belford Avenue
- East/West Alley from 10th to 11th, between Main Street and Rood Avenue
- East/West Alley from 11th to 12th, between Main Street and Rood Avenue
- North/South Alley from 23rd to 24th, between Grand Avenue and Ouray Avenue
- East/West Alley from 17th to 18th, between Hall Avenue and Orchard Avenue
- North/South Alley from 22nd to Linda Lane, between Orchard Avenue and Walnut Avenue
- North/South Alley from 21st to 22nd, between Walnut Avenue and Bookcliff Avenue

Resolution No. 104-06 – A Resolution Approving and Accepting the Improvements Connected with Alley Improvement District No. ST-06

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-06 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said Districts;

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

Action: Adopt Resolution No. 104-06, Introduction of Proposed Ordinance and Set a Hearing for September 20, 2006

10. **Sale of Remnant Property at 635 West White Avenue**

The remnant parcel of Lot 2, Block 1 WDD Subdivision located at 635 West White is recommended to be sold to the adjacent property owner, West White Avenue Partnership, LLP located at 747 West White for \$79,860.

Resolution No. 105-06 – A Resolution Authorizing the Sale of Lot 2, Block 1, WDD Subdivision to West White Avenue Partnership, LLP.

Action: Adopt Resolution No. 105-06

11. **Appointment of Municipal Judge - Moved to Individual Consideration**

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Appointment of Municipal Judge

In June of this year, long time Municipal Judge David Palmer succumbed to cancer. For many years prior to Judge Palmer's death Caré McInnis-Raaum served the Court as an Associate Judge. The Council having interviewed Judge Raaum and having received recommendations from Judge Palmer and City Attorney John Shaver has determined that Associate Judge McInnis-Raaum should be appointed as Municipal Court Judge beginning immediately.

Councilmember Hill explained his reason for pulling this item off the Consent Calendar was that this is an important appointment and to express how thrilled the Council is to have the honor of appointing Caré McInnis-Raaum as the Municipal Judge.

Councilmember Spehar lauded the service of Judge Palmer and agreed with Councilmember Hill about Ms. McInnis-Raaum.

Resolution No. 110-06 – A Resolution Appointing McInnis-Raaum as Municipal Court Judge

Councilmember Thomason moved to adopt Resolution 110-06. Councilmember Palmer seconded. Motion carried by roll call vote.

Airport Improvement Program Grant at Walker Field Airport for Expansion of Cargo Area and Ramp Construction

AIP-31 Schedule I is for the placement of sub-base and base material for the expansion of the air cargo area west of the Mesa Maintenance Hangar. The project will place 145,000 square yards of dirt for future ramp construction. Schedule II is for the purchase of a 5-yard wheel loader. The estimated grant amount is \$1,300,000.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

Rex A. Tippetts, Airport Manager, reviewed this item. This is the first of three grants; this one is for two projects. He described the projects and stated the amounts of the grants.

Councilmember Palmer, as Council's representative on the Walker Field Airport Authority board, commended the efforts of Mr. Tippetts as the new Airport Manager. This is one effort to improve the infrastructure of the airport.

Councilmember Palmer moved to authorize the Mayor to sign FAA AIP-31 grant for the capital improvements at Walker Field Airport. Councilmember Coons seconded the motion. Motion carried.

Airport Improvement Program Grant at Walker Field Airport for Layout Plan Update

AIP-32 is for an Airport Layout Plan Update. The project will look at a number of the Airport's more immediate projects to help us estimate the costs. The estimated grant amount is \$200,000.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

Rex A. Tippetts, Airport Manager, reviewed this item. He described the project as part of the Master Plan that was in the works prior to him coming on board. It is a \$200,000 planning grant.

Councilmember Palmer advised that there continues to be issues to address and this planning piece is a necessary step in addressing those issues.

Councilmember Palmer moved to authorize the Mayor to sign FAA AIP-32 grant for an Airport Layout Plan Update at Walker Field Airport. Councilmember Coons seconded the motion. Motion carried.

Councilmember Hill pointed out the need for motions to approve the signing of the co-sponsorship agreements.

Councilmember Hill moved to authorize the City Manager to sign the supplemental Co-Sponsorship Agreement for the FAA Grant AIP-31 for the capital improvements at Walker Field Airport. Councilmember Spehar seconded the motion. Motion carried.

Councilmember Hill moved to authorize the City Manager to sign the supplemental Co-Sponsorship Agreement for FAA Grant AIP-32 for an Airport Layout Plan Update at Walker Field Airport. Councilmember Coons seconded the motion. Motion carried.

Carter & Burgess Contract Amendment for the Riverside Parkway Project

This amendment is the fifth of five planned amendments to the existing contract with the engineering firm of Carter & Burgess. This scope of services covers the construction engineering and field inspection for the Riverside Parkway Phases 2 & 3 for the period beginning in August, 2006 through November, 2008.

Trent Prall, Engineering Manager, reviewed this item. He explained that this is the fifth amendment to the engineering contract. This will complete the project in that this covers Phases 2 and 3. The change is for about \$2 million to bring the total contract to over \$12 million.

Councilmember Palmer asked if this contract amount is the standard percentage for engineering for this type of project. Mr. Prall said generally 15% of construction contracts is for design of such a project, so this amount is well within that percentage.

Councilmember Hill asked if this amendment will cover their services to the end of the project. Mr. Prall responded it does, it is through Phase 3 and that includes the interchange which is the last phase. The project is ahead of schedule. Phase 2 is currently under construction along River Road and through the Riverside neighborhood.

Council President Doody asked if there are incentives for the contractor SEMA to finish early. Mr. Prall said the City included incentives in all of the contracts.

Councilmember Coons moved to authorize the City Manager to amend the existing contract for construction engineering and field inspection for the Riverside Parkway with Carter & Burgess for a total fee of \$12,327,520. Councilmember Spehar seconded the motion. Motion carried.

Public Hearing – Request from New Hire Fire Pension Board

A Resolution authorizing an election by our sworn fire department personnel to change from the City's Defined Contribution Retirement Plan back to one of the Colorado Fire and Police Association (FPPA) sponsored Defined Benefit Plans.

The public hearing was opened at 7:51 p.m.

Ron Lappi, Administrative Services & Finance Director, reviewed this item. He highlighted the fact that the City Management team recommends against adopting the resolution. They feel a no vote is appropriate because for the past twenty years the City has been contributing about 33% more to the Fire and Police Defined Contribution Plan,

higher than what is required by State Statutes; it is a very rich plan and will result in a comfortable retirement for the employees. The request is to reenter a plan that was left years ago; it results in a defined benefit rather than an investment plan like the general employees. With a defined benefit plan, there is a risk of an unfunded liability for the City whereas there is no risk of that under the current plan. Changing the benefit of one group would leave the rest of the employees in the defined contribution plan; the current plans are local plans and totally under the control of the City Council. The defined benefit plan is more controlled by the State Legislature.

Councilmember Palmer asked if employees can take out loans on their current plan. Administrative Services Director Lappi replied they can; under the proposed plan, employees could still repay any loans but could not borrow against the plan.

Mr. Lappi continued that he is concerned about the markets going forward. The defined benefit plan assumes an 8% return, but economists feel that will be difficult to achieve. If the 8% is not achieved then it could create an unfunded liability similar to what PERA (Public Employees Retirement Association) is experiencing. Mr. Lappi said he does not blame the Fire Department for asking as it would guarantee their benefits but felt it is not fair to shift responsibility to the taxpayers.

Councilmember Coons inquired if other large employers have defined benefit plans. Mr. Lappi answered that the school district is in PERA and the State employees are in a defined benefit plan. St. Mary's is in a defined contribution plan and most private companies have 401Ks; many employers are moving away from defined benefit plans; even states are abandoning defined benefit plans because of the long term uncertainty.

Councilmember Coons asked if employers provide support to employees on how to invest their contributions for those in defined contribution plans. Mr. Lappi stated that in 1993/1994, the City moved to allow the employees more choices and since then have had educational meetings and one-on-one meetings with providers. John Williams, a fireman, has taught classes on investing contributions. The City has an ongoing effort to make more options available and the current provider has model portfolios which automatically adjusts investments as one approaches retirement. All the plans are managed by Wells Fargo currently.

Councilmember Beckstein asked if employee satisfaction has ever been assessed. Mr. Lappi answered they did on all three plans last year and that the cost is comparable to other plans. He noted that periodically the City will open it up for other providers to bid on.

Councilmember Palmer asked for an explanation of the old hire plan. Mr. Lappi gave the following overview. There are the Old Hire Police and Old Hire Fire Plans. There are only two employees who are still working who are under those plans, which are defined benefit plans. The Old Hire Police Plan is getting \$400,000 from the State every year and the City is putting that much in too annually because it is under funded. The City is also contributing \$334,000 annually to the Old Hire Fire Plan.

Councilmember Palmer asked if unfunded liabilities are a concern with the defined contribution plans that the Police and Fire are currently under. Mr. Lappi said it is not. Councilmember Hill confirmed that 8% return is assumed in order for the defined benefit plan to pay out the assumed benefits and if that return is not achieved or if the retirees live longer, the fund could be affected. Mr. Lappi answered that is correct along with other factors such as raises given through the plan.

Council President Doody inquired about the vesting date on the defined contribution plan. Mr. Lappi replied that after seven years, 100% of contributions made by the City belong to the employees. The vesting is a graduated amount up until the seven years of service.

John Williams, Battalion Chief and Chair of the New Hire Fire Pension Board, said he is an investments trainer yet his portfolio has lost 60%. What has been mentioned is the potential liability and the potential for employees to stay to age 60, which doesn't work for firefighters. The contribution from the City will be decreased with the change and will save the City money. Mr. Williams said by 2012, 38 firefighters will be eligible to retire. With nearly 100 fire employees, there will be additional savings as new hires come on. The change would affect the new hires coming on in October if approved.

Councilmember Spehar asked if it is fair to compare the old defined benefit plans to the current plans. Mr. Williams answered that there are safeguards in place to ward off the possibility of unfunded liabilities in the new plan. The old plans, which were State managed and locally funded initially, had problems from the beginning.

Councilmember Beckstein asked if he foresaw any difficulty achieving the assumed rate of the return. Mr. Williams answered the situation is looked at differently by different people.

Councilmember Hill voiced concern about forecasting the markets. He felt the proposal did put Grand Junction in a liability situation and asked if there is a way to take the risk away from the City of Grand Junction.

Jim Houlihan, Fire Department Captain and also on the retirement board, said there is lot of talk about unfunded liability, but it is a potential unfunded liability and not a reality. FPPA (Fire and Police Pension Association) is currently funded at 112%, and has averaged 115% since the start of FPPA. Mr. Houlihan then outlined the safeguards in place to prevent the development of an unfunded liability. Besides the reliability of FPPA, they are mandated by State Law to maintain funding for 30 years in advance. If they did not achieve the assumed rate of return, the first thing they would do is take away cost of living increases; then they would cut individual retirement plans, eliminate plan amendments, increase retirement age, and finally FPPA would pursue legislation to increase contribution levels.

Councilmember Palmer inquired when FPPA started. Mr. Houlihan answered the 1980's. Councilmember Palmer asked why the employees voted to go out of the plan then but Mr. Houlihan did not know.

Councilmember Coons stated that her parents are retired school teachers and their retirement program considered joining PERA for safety, but didn't. Now PERA has had serious problems even though it too had many of the same safeguards mentioned to avoid those situations for employees yet they are still in an unfunded situation.

Mr. Houlihan said the first thing FPPA would do is take away cost of living adjustments (COLA). Councilmember Coons pointed out that those still working would then be at risk of losing their COLA and their benefits and current employees might be asked to contribute more.

Mr. Houlihan answered that is the last safeguard they have in place as well as employers. FPPA is being held out as the ultimate model.

Councilmember Coons noted that current employers would also have to contribute more.

Mr. Houlihan said it is not fair to compare with corporate America, because private enterprise wants to make a profit. Looking at other government entities, many are reentering defined benefit plans. One example is the State of Nebraska.

Councilmember Spehar asked about other Colorado cities. Mr. Houlihan said there are 12 organizations in Colorado that have gone back into FPPA (he named Brighton, Carbondale, Lafayette, Lake City, Dillon, Trinidad, Westminster, and Colorado Springs). He said seven of the ten cities Grand Junction is compared to for benefits are in defined benefit plans. He noted that the Fire Department is already treated differently as they do not have social security. Plus it is a dangerous occupation; their lives are at risk daily; all positions are sworn positions plus there are fit for duty requirements and different work schedules.

Council President Doody asked if there are other Staff members wishing to speak.

Mike Gadzak, Fire Training Officer who has been with the City 26 ½ years, knows the history regarding the decision to drop the defined benefit plan as he was present when the change occurred. He described his recollection of what happened for the change. Since it is not good to have 60 year old firefighters, FPPA improved the plan and shortened the age; however, if you work until 60 there are additional benefits. He then reiterated the differences between sworn fire fighters and general employees.

Administrative Services Director Ron Lappi pointed out that workers compensation rate sheet rates the level of risk for all City employees, and although the Fire Department is very appreciated for their work, fire fighters are rated #6, with employees from both public works and parks rated as riskier, with street workers as the highest. Mr. Houlihan is correct that the City is a not-for-profit organization but they still must account for unfunded

liability in the City's financial statements, and any shortfall in resources going forward would be shared with both employees and the employer.

Council President Doody asked about the statement that the plan is required to be stable for 30 years. Mr. Lappi noted that the FPPA board makes investments decisions and they have been profitable decisions but they are referring to projections if the 8% return is achieved.

Councilmember Beckstein inquired about the worst case scenario and where does the money come from to fund liabilities. Mr. Lappi replied that both police and fire are part of the General Fund. He added that decisions on what changes would be made to the Plan would be made by the State Legislature. Councilmember Beckstein asked how an injured worker that has to stop working is paid now. Mr. Lappi answered if the injury was on the job it would fall under workers compensation. If the injury is off the job, the City provides both short and long term disability insurance.

More questions were directed to Mr. Lappi, who also serves on the FPPA board, about investments, maintaining an 8% return actuary goal, changing assumptions, lowering the projection, the ups and downs, the years the fund did not hit 7½%, whether PERA's problems were a result of market fluctuations or poor decisions. Mr. Lappi replied that FPPA did not provide the COLA and has made other short term kinds of adjustments during the economic downturn. According to the current FPPA board chair it is going to be difficult to achieve the 8%. Mr. Lappi said FPPA lost \$100 of millions in the economic downturn. As far as PERA, the problems arose from multiple reasons. As with all boards, as the board members change so does the expertise.

Police Chief Bill Gardner, who sits on the Police Pension Board, applauded his fellow public safety officers but recommend against this measure. He noted his command personnel disagree with him but he believes it would be a flawed decision to return to defined benefit plans. However, if the measure does pass, he will support the police officers to make the same change. Chief Gardner believes the City has an outstanding benefit plan and as he sees the need for additional resources over the next ten years to provide police protection and because he advocates the wisest use of tax dollars, he opposes the change. It would send a bad message to the taxpayers and would create an entitlement class of the public safety employees.

Council President Doody asked how the retirement plan affects hiring. Chief Gardner agreed that a defined benefit plan might add to the hiring process at face value, but he thinks the City already has an outstanding benefit package.

Councilmember Beckstein asked Fireman Houlihan what information he used to base his assumptions. Mr. Houlihan pointed out that FPPA, in 26 years, has never had an unfunded liability and has averaged an 11% return. He introduced Ruth Ryerson, current FPPA Chief Executive Officer (CEO) and noted other FPPA board members in the audience.

Ruth Ryerson, CEO of FPPA, agreed with Mr. Lappi's statements but noted that FPPA is looking at other investments as achieving 8% won't be easy. A portable office strategy has added 2-3% returns. The current CFO will be the new CEO. Ms. Ryerson contrasted FPPA and PERA, pointing out the differences: for COLA, PERA is mandated to pay 3½%, while FPPA has a 3% COLA and it is not mandatory. PERA allowed buy-ins for years of service, FPPA has SRAs, where FPPA gives money to members but keeps it in their fund so that is a safety valve. She said she is not present to sell the program but here to provide information.

Administration Services Director Lappi added that the diversification the board has been working on may be more risky investments, with more volatility.

Council President Doody called a recess at 9:24 p.m.

The meeting reconvened at 9:42 p.m.

President of the Council Jim Doody asked for public comments.

Darren Starr, a City employee, Public Works Superintendent, spoke on behalf of the view of the general employees. He sat on the General Employees Retirement Board for around nine years. He disagreed with contention that general employees can work longer than fireman as their jobs are less hazardous; he has had a lot of experience with employees in his department getting hurt on the job. In the 22 years he has been with the City, he had two workers that left the job and never made it to retirement. As for someone like him, 47 years old, before he can access social security, he has to be 66 years, 10 months. He cannot depend on social security. He puts money not only in the 401K but also into ICMA (457). When he was on the board, they did look at other providers and he agreed that it is probably time again to look at other providers. Most employees would probably be willing to pay a higher management fee if there was a greater return. He personally has taken advantage of some of the model portfolios. He agreed self-directed investing is difficult.

Irene Carlow, a City employee and a taxpayer, did not want to condemn the Fire Department in their desire for a defined benefit program, everyone would want that. However, it transfers the risk to the taxpayer. She did not feel it is appropriate. Under the current plan, everyone assumes their own risk.

Mike Kelly, a City resident and a Captain in the Fire Department, pointed out that the money in the current retirement accounts would be transferred into the new fund so the Fire Department personnel are also taking a risk. He thought the risk for an unfunded liability is miniscule with all the safeguards in place. The employees could transfer their money into a secured account. He disagreed that Public Works is a riskier job just because they are getting hurt more. He said the real argument is that firemen have a shortened career life.

There were no additional public comments.

The public hearing was closed at 9:58 p.m.

Councilmember Coons said it is a difficult issue and won't be taken lightly. The issue affects people's lives and is respected. She said she is pleased to hear that FPPA is being managed so well, however at one time PERA was a model of how retirement plans should be managed. Even with the best management things can happen. There is no guarantee and there is a risk in any case. Under FPPA, it should be noted that to get full pay out, one has to work until age 50. She pointed out that the average person in the U.S. does not stay in one career in their lifetime so dependent on one's health, someone at age 50 can start a new career. She agreed that everyone would like to have a defined benefit plan but she is worried about such a plan.

Councilmember Beckstein said the City offers a plan which takes into consideration the risk factors for fire fighters and paramedics and she would believe it is in the best interest of the taxpayers to ensure the firefighters are guaranteed the best training, equipment and manpower, the best workers compensation, and the best retirement plan, but ultimately the Council is responsible to the taxpayers. As much as the City Council would like to offer it to all employees, it should not be offered to one sector. It would not be a sound business practice for the City to take this on at this time.

Councilmember Spehar said it is more than just a business decision. He is concerned with setting up one sector of the employees as a separate class however the public has higher expectations of the public safety employees. He doesn't dispute the points of Darren Starr or the figures provided by Mr. Lappi, he said you can't automate fire fighting. He is familiar with the PERA system and doesn't feel the two systems (FPPA and PERA) can be compared. He is persuaded that seven out of ten cities in Colorado to which Grand Junction uses for market studies are on defined benefit plans. The average FPPA return of 11% is also compelling. There is an intuitive difference between those that fight fires or carry a gun, and age is also a factor. He felt the City asks for a lot of risk from the public safety employees and so he thought the risk regarding their retirements should be shared. The proposal will save some money and the arguments are speculations. Therefore he supports the request.

Councilmember Thomason agreed it is not an easy decision, however he thought a vote against the proposal is most prudent. It still leaves the Fire Department with a good retirement system. A vote in favor puts the taxpayer at risk. So he will not support the request. It would also not be good to separate the Fire Department from the rest of the employees; it would not be good for team unity.

Councilmember Palmer expressed sincere appreciation for the firefighters and the police officers. To him, it was not the numbers but rather it was the guarantee; the proposal asks for the risk to be shifted to the taxpayers. The current retirement plan is very fair. Therefore he will not support the request.

Councilmember Hill pointed out that regardless of the safeguards, the risk could not be eliminated. The current program is an outstanding program. He said his role is to balance accountability to the taxpayers while still providing a good benefit package. In comparison to the private sector, the contribution is almost double, plus the City has better wages. The City recognizes the quality of its employees. The savings benefit to be gained by the switch is an amount he would rather pay in order to ensure there is no risk to the taxpayer while still providing a quality retirement program to all City employees.

President of the Council Doody outlined his experiences with various retirement packages including self-directed contribution plans. He recognized the higher standards for the firefighters, the quality of the employees and also the quality of the benefits plans provided. He said he will vote no on the proposal.

Councilmember Coons added the separation of fire and police from the other employees is something she has seen being considered in other situations and she disagrees with that division, using nurses at St. Mary's as an example.

Resolution No. 106-06 – A Resolution Requesting Coverage Under the System Administered by the Fire and Police Pension Association (FPPA) for Members Currently Covered by the New Hire Money Purchase Defined Contribution Plan

Councilmember Hill moved to adopt Resolution No. 106-06. Councilmember Palmer seconded the motion. Motion failed by roll call vote with Councilmember Spehar voting YES.

Initiative Petition Regarding a Watershed Protection Ordinance

Initiative petitions for the adoption of a Watershed Protection Ordinance were received by the City Clerk's Office on August 1, 2006. 186 petitions sections containing 4,270 signatures were submitted. The City Clerk's Office verified 2,635 of those signatures as valid, qualified electors. This is a sufficient number to require that the City Council either adopts the ordinance as presented or refer the matter to an election.

Stephanie Tuin, City Clerk, reviewed this item. She reported that her office reviewed the petitions received and found that sufficient signatures were submitted. The required number, based on ten percent of the number of City voters who voted in the last election for governor, is 1,580. With a sufficient ten percent petition, the City Council can either send the measure to the ballot on the November 7th general election or adopt the ordinance as submitted. The general election on November 7th is a polling place election using vote centers; it is not a mail ballot.

Ms. Tuin has had discussions with Mesa County Elections on including the measure on the November 7th ballot and the estimated cost will be around \$40,000.

The proposed ordinance was included in the materials submitted to City Council as well as a proposed intergovernmental agreement (IGA) with the County to include the

measure on the ballot. City Clerk Tuin recommended that the City Council authorize her to sign the intergovernmental agreement even if they decide to set the ordinance for public hearing so that the option is still open to be on the ballot. There is an opt-out provision in the IGA if the Council does adopt the ordinance and placement on the ballot is not necessary.

Councilmember Palmer inquired if the City Council also has the option to refer their own measure to the ballot. City Clerk Tuin said that is correct but the initiated measure would also have to be on the ballot. Whichever measure received the highest number of votes would then prevail.

Councilmember Spehar asked about the costs if the IGA were to be signed and then the Council adopted the ordinance. Ms. Tuin advised that very little cost would be incurred, only the temporary help already used and the voter registration data base cost has been incurred so far.

Councilmember Hill asked for clarification on the two measure option. City Clerk Tuin clarified that the assumption is that if both passed, then the highest number prevails. If the one or both measures fail, then they fail.

Councilmember Spehar noted if the measure is passed by the voters, then amendments can only be made by taking amendments back to the voters. On the other hand if the City Council adopts the measure, then amendments can be made as necessary in the future by the current City Council. City Clerk Tuin affirmed that to be true.

Councilmember Coons asked if at the public hearing, the City Council were to decide to send a different measure to the ballot, they could. City Attorney Shaver advised that they could but then this measure would also have to go to the ballot; City Council must adopt this measure as presented or refer it to the ballot.

Councilmember Palmer noted that it would be confusing if the City Council placed a second measure on the ballot.

Councilmember Spehar expressed the City Council is in a better position to adopt the ordinance as presented rather than send it to the ballot as it appears the measure would pass at the ballot box. Then as provisions in the ordinance become outdated or need updating, the requirement to send such changes to the ballot would delay that action.

Councilmember Hill expressed his concerns about a watershed ordinance and how it was not good enough to protect the water; so it is too small of a tool to do the job. However, if the legislature changes the law that would allow changes to the watershed ordinance, it would be beneficial not to have to wait for an election to make changes to the ordinance. He was concerned that the ordinance would only be protecting the watershed that supplies the City water system which does not cover all the water being

provided in the Grand Valley; it is actually just a small part of that supply. He favored adding another tool to the toolbox, even though the tool may be too small.

Councilmember Palmer was in favor of the MOUs (Memorandums of Agreement) that were approved in lieu of adoption of a watershed ordinance in 2003. However, the people by virtue of the petition have said they want more. He was concerned that people in the community may think that the ordinance will stop drilling, which it will not. He thought Councilmember Spehar's point was well taken; if they adopt it then they have the ability to make adjustments in the ordinance. Therefore, he favors setting the hearing and considering adoption at the public hearing.

Councilmember Spehar clarified that all of the Council favored adoption of the MOUs; the differing opinions were on adoption of the watershed protection ordinance that came before them in 2003. He continues to favor the adoption of a watershed ordinance as it gives the City truly decision-making capability with some limited impact.

Councilmember Coons stated she is in favor of considering adoption of the ordinance because the citizens, through this petition process, have expressed their desire and the Council should listen. It is up to the Council to balance the two issues; make sure there is access to enough energy resources but make sure they do what they can so not to damage other resources.

Councilmember Thomason asked if there is a downside to adopting the proposed ordinance. City Attorney Shaver replied that from a legal perspective, he does not see a downside. Any relationship issues that arise can be resolved.

Council President Doody asked if the ordinance will affect permits on the Grand Mesa. City Attorney Shaver advised that the Forest Service has said that if the ordinance is enacted the Forest Service may require some additional permitting from the City. The reason for that is the Forest Service wants to understand how the ordinance will fit into their regulatory structure. The Forest Service has primacy and the City does not want to interfere with that primacy as it relates to forest operations. The City however may at times regulate the impacts of those permittees as far as requiring best management practices, not prohibiting them rather in regards to the impacts that are occasioned by those activities. It creates another layer of regulatory structure. Federal law prohibits the City from interfering with forest operations. Those kinds of questions will have to be worked through.

Councilmember Coons noted that dual permitting has occurred with other entities. City Attorney Shaver agreed.

Councilmember Hill referred to a letter from the Forest Service that addressed adoption of watershed ordinance and gave directives to Forest Service staff on how to handle it. Mr. Shaver said he interprets the letter as telling the regional supervisors not to condition their permits on the municipal permit but rather advise the permittee that these other rules exist.

Councilmember Palmer asked if there is protection in the ordinance for the inevitable mishap and the restoration of lands, etc. Mr. Shaver said it depends, he cannot say that there is no circumstance in which there would be damage. A lot is left up to the City's discretion. The ordinance allows for the City Manager to make the determination as to the degree of protection that needs to be in place for a particular activity and such determination will be made in an educated process.

Councilmember Palmer had concerns that with the number of wells being drilled, the likelihood of a mishap is something to be considered. Mr. Shaver pointed out that with the federal partners the City's ordinance is not the only remedy.

Councilmember Coons countered that the ordinance allows an additional level of protection. Councilmember Hill said in his opinion it does not but it is really the relationships and the ordinance should not be considered a club or a weapon but rather another protection being asked for by the citizens. If not used wisely, it could damage the relationships that have been developed.

Councilmember Spehar agreed saying he valued the relationships too. He pointed out that the City has three issues: the short-term issue which is the adoption of the watershed ordinance and the expectations it creates; the one year issue in working with Genesis to determine best managements practices regarding their leases and make sure working with BLM, the Forest Service, and Palisade is all it can be; and then long term what happens next as there will likely be more leases in the future.

City Attorney Shaver said that the City will be looking to the federal partners for their expertise; in fact the practices already in place with the federal government may be sufficient and no additional provisions will be necessary.

Council President Doody inquired if additional staff will be needed to administer the ordinance. City Manager Varley said initially contact would be made with Genesis and existing staff would be used; additional expertise would probably need to be acquired. Councilmember Spehar pointed out that the ordinance also allows for the expense of that expertise to be assessed to the permittee. Council President Doody questioned if the City's legal staff was sufficient to handle the additional workload. City Manager Varley said it depends on how things go; it will have to be evaluated as time goes on and as things develop.

Councilmember Coons suggested the decision on setting the hearing or referring the measure to the ballot should be made and the debate of the ordinance itself should take place at a hearing if that is scheduled.

Proposed Ordinance Establishing Watershed and Water Supply Standards;
Establishing Requirements for Watershed Permits in Connection with Various Activities within said Watersheds; Prohibiting and Person from Polluting said Watersheds; and Requiring the City Council to Adopt Implementing Ordinances or Resolutions

Councilmember Spehar moved to authorize the City Clerk to enter into an Intergovernmental Agreement with Mesa County Clerk and Recorder and also set a hearing on the Watershed Ordinance for September 6, 2006. Councilmember Coons seconded the motion.

It was clarified that the motion really postponed the decision. By setting a hearing, both sides of the issue will be heard. City Attorney Shaver noted that the motion also preserves the option through the IGA of having the ballot content set on September 6th.

Motion carried.

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

Request to zone the 18.05 acre Arbogast Annexation, located at 785 24 Road, to RSF-E (Residential Single Family Estate with a maximum of one unit per two acres) zone district.

The public hearing was opened at 11:14 p.m.

David Thornton, Principal Planner, reviewed this item. He advised that the City Council previously approved the annexation and denied the request for a Growth Plan Amendment. The Growth Plan designation has remained as Estate. The request is to zone the site as RSF-E; there are two zone classifications that would be applicable in the designation, RSF-E or RSF-R. The RSF-E zone district does conform to the area and the designation.

Mr. Thornton advised that the use on the property is being operated under a Condition Use Permit issued by the County and the City inherited that permit when it annexed the property which makes the current use a legal non-conforming use.

There were no public comments.

The public hearing was closed at 11:16 p.m.

Ordinance No. 3949 – An Ordinance Zoning the Arbogast Annexation to RSF-E (Residential Single Family – Estate, 1 Unit per Two Acres), Located at 785 24 Road

Councilmember Hill moved to adopt Ordinance No. 3949 on Second Reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing – Clymer Annexation, Zoning and Vacation of Right-of-Way, Located at 182 27 Road [File #VR-2006-153]

Request to annex and zone 4.58 acres, located at 182 27 Road, to RSF-2 (Residential Single Family, 2du/ac). The Clymer Annexation consists of two parcels and is a two part serial annexation. Request to vacate a portion of the 27 Road Right-of-Way.

The public hearing was opened at 11:17 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the request which includes annexation, zoning and the vacation of a right-of-way. Ms. Edwards described the location, the site, and the reason it is being annexed. The vacation will allow for an extension into the Spyglass Subdivision and create an additional access. Surrounding the property is property in the County zoned RSF-4. The request is to lower the existing zoning to RSF-2, which will be compatible to the Spyglass Subdivision nearby. The request is consistent with the Growth Plan. The Planning Commission did recommend approval. The vacation does not conflict with the Growth Plan and does not land lock any parcels. The benefit to the City is the second access into Spyglass subdivision.

The applicant was not present.

There were no public comments.

The public hearing was closed at 11:19 p.m.

a. Accepting Petition

Resolution No. 107-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Clymer Annexation No. 1 and Clymer Annexation No. 2, Located at 182 27 Road Including a Portion of the 27 Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3950 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Clymer Annexation No. 1, Approximately .13 Acres, Located at 182 27 Road Including a Portion of the 27 Road Right-of-Way

Ordinance No. 3951 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Clymer Annexation No. 2, Approximately 4.45 Acres, Located at 182 27 Road Including a Portion of the 27 Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 3952 – An Ordinance Zoning the Clymer Annexation to RSF-2, Residential Single Family with a Density not to Exceed Two Units per Acre, Located at 182 27 Road

d. Right-of-Way Vacation Ordinance

Ordinance No. 3953 – An Ordinance Vacating a Portion of the 27 Road Right-of-Way, Located Adjacent to 182 27 Road

Councilmember Spehar moved to adopt Resolution No. 107-06 and Ordinance Nos. 3950, 3951, 3952, and 3953 on Second Reading and ordered them published. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing – Schroeder Annexation and Zoning, Located at 527 Reed Mesa Drive [File #ANX-2006-139]

Request to annex and zone 0.81 acres, located at 527 Reed Mesa Drive, RSF-4 (Residential Single Family 4 du/ac). The Schroeder Annexation consists of 1 parcel.

The public hearing was opened at 11:20 p.m.

Senta Costello, Associate Planner, reviewed this item. She described the location of the property and the site. She outlined the request and the reason that triggered annexation. The Growth Plan designation is residential medium low, while to the east is a residential half acre to two acres per dwelling unit designation, surrounded mostly by the residential medium low designation. The applicant is requesting an RSF-4 zone district. It is surrounded by County zoning of RSF-4. Staff finds that the request meets the requirements of the Growth Plan and the Zoning and Development Code and recommends approval. Planning Commission reviewed the request on July 11th and recommended the RSF-4 zoning.

There were no public comments.

The public hearing was closed at 11:22 p.m.

a. Accepting Petition

Resolution No. 108-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Schroeder Annexation, Located at 527 Reed Mesa Drive Including Portions of the Broadway (Hwy 340) and Reed Mesa Drive Rights-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3954 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Schroeder Annexation, Approximately 0.81 Acres, Located at 527 Reed Mesa Drive Including Portions of the Broadway (Hwy 340) and Reed Mesa Drive Rights-of-Way

c. Zoning Ordinance

Ordinance No. 3955 – An Ordinance Zoning the Schroeder Annexation to RSF-4, Located at 527 Reed Mesa Drive

Councilmember Palmer moved to adopt Resolution No. 108-06 and Ordinance Nos. 3954 and 3955 on Second Reading and ordered them published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing – Zoning and Development Code Amendments Concerning Downtown Residential Density [File #TAC-2006-190]

A request to amend the Zoning and Development Code to implement the recently-approved Growth Plan Amendment that eliminated the maximum residential density requirement for downtown properties/developments.

The public hearing was opened at 11:23 p.m.

Kristen Ashbeck, Senior Planner, reviewed this item. She explained that in June the City Council approved a Growth Plan Amendment to delete the maximum density in residential in the downtown area on properties zoned B-2. It was recognized then that the maximum density was an impediment to housing development in the downtown. There are no other areas in the City zoned B-2. She displayed a map that showed the areas zoned B-2. The proposed amendments are in Chapter 3 which outlines the standards to the B-2 zone district. There are some amendments to other portions of the Code that are appropriate in order to make projects in the downtown more urban in character. Provisions such as landscaping promote more of a suburban character. The Code already contemplated such differences by allowing the Community Development Director to waive certain requirements in the B-2 zone district. The proposal also adds a new section in the B-2 zone district regarding open space which changes those provisions that are more applicable to a suburban development. It eliminates any dedication of land and only requires the parks impact fee of \$225 per unit plus the 10% of the value of the raw land be paid. There is a change to the table that allows for the reduction of the setback by the Community Development Director in the B-2 zone district. Planning Commission recommended approval and found the proposal consistent with the Growth Plan.

Councilmember Hill clarified that the Code Amendments make the changes to the Code that correspond to Council's decision earlier regarding the Growth Plan text amendments. Ms. Ashbeck advised that as they implement the changes, other provisions may need to be adjusted. The City might also consider looking at the B-1 zone district for these types of changes.

Councilmember Spehar said he is anxious to see these changes implemented and the changes make a lot of sense.

There were no public comments.

The public hearing was closed at 11:29 p.m.

Ordinance No. 3956 – An Ordinance Amending Sections 3.2 and 3.4.C. of the Zoning and Development Code Regarding Downtown Residential Density

Councilmember Hill moved to adopt Ordinance No. 3956 on Second Reading and order it published. Councilmember Coons seconded the motion. Motion carried by roll call vote with Councilmember Beckstein voting NO.

Public Hearing – Coop/Myers Annexation and Zoning, Located at 2997 D Road [File #ANX-2006-137]

Request to annex and zone 5.48 acres, located at 2997 D Road, to RMF-8 (Residential Multifamily, 8 du/ac). The Coop/Myers Annexation consists of 2 parcels.

The public hearing was opened at 11:30 p.m.

Adam Olsen, Associate Planner, reviewed this item. He described the location and the site. The current uses are residential and agricultural; the surrounding uses were described. The Future Land Use Map designates the site as a Residential Medium, 4 to 8 units per acre; the allowed zonings are RSF-4, RMF-5 and RMF-8. Staff finds that it meets the criteria of the Zoning and Development Code and the Growth Plan. The Planning Commission also recommended approval.

Robert Jones, II, Vortex Engineering, was representing the applicant and in agreement with staff. He said he was available for questions.

James Powell, who lives at 1261 Chipeta and owns a two-acre parcel near the site, is against the high density. He was not opposed to the annexation but asked for a lesser density due to the traffic on 30 Road. He thought the proposal for RMF-8 is too high; he would rather see RSF-4.

There were no other public comments.

The public hearing was closed at 11:34 p.m.

Councilmember Hill noted that the County PD (Planned Development) at 6.3 units per acre looks like higher density than that. Mr. Olsen said that is over the whole site including park areas. He agreed it looks more dense. Councilmember Hill recalled the discussion Monday night about more developments not being able to realize full density when zoned RSF-4; he asked if the same is true for RMF-8.

Mr. Olsen said from what he has seen, that is also true with RMF-8; with utilities and infrastructure it is hard to realize the full density.

Councilmember Palmer asked if the site south of there is multi-family or single family. Mr. Olsen said it is all manufactured housing. Mr. Palmer asked why the property is not being zoned as it is in the County, that is, RSF-R. Mr. Olsen said the Growth Plan Map designates the area four to eight units per acre, not rural as it was in the County.

Council President Doody inquired if there have been any traffic studies yet. Mr. Olsen said no plan has been submitted yet so no traffic studies have been required.

Councilmember Spehar confirmed that at that point a better idea will be had as to the layout and the roads. Mr. Olsen said that is correct. Councilmember Spehar said although it is confusing to the public, the Council knows the area won't end up being developed out at eight units per acre.

a. Accepting Petition

Resolution No. 109-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Coop/Myers Annexation, Located at 2997 D Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3957 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Coop/Myers Annexation, Approximately 5.48 Acres, Located at 2997 D Road

c. Zoning Ordinance

Ordinance No. 3958 – An Ordinance Zoning the Coop/Myers Annexation to RMF-8, Located at 2997 D Road

Councilmember Hill moved to adopt Resolution No. 109-06 and Ordinance Nos. 3957 and 3958 on Second Reading and ordered them published. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Public Hearing – Rezoning Property Located at 510 Pear Street [File #RZ-2006-172]

Request to rezone 0.49 acres, located at 510 Pear Street from RMF-8 (Residential Multi-Family – 8 units/acre) to C-1 (Light Commercial).

Councilmember Palmer disclosed that his wife is on the Grand Mesa Little League board which has parking agreements with these owners. After discussions with the City Attorney, it was determined there was not a conflict. The Council had no objections to his participation.

The public hearing was opened at 11:35 p.m.

Scott D. Peterson, Senior Planner, reviewed this item. He described the location and that the site had a single family home on it that has been removed. The Future Land Use Map shows this site as commercial and the request is to change it to commercial, with C-1 zoning. There were no objections at the Planning Commission meeting. Staff finds that the request is consistent and meets the requirements of the Zoning and Development Code. The applicant and representatives were in the audience.

Tom Logue, representing the applicant, agreed with Staff's presentation and had nothing to add.

There were no public comments.

The public hearing was closed at 11:40 p.m.

Ordinance No. 3959 – An Ordinance Rezoning the Property Known as the Pear Street Rezone to C-1, Light Commercial, Located at 510 Pear Street

Councilmember Coons moved to adopt Ordinance No. 3959 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Vacating the Alley at Mesa County Corrections and Treatment Facility, Located at 636 South Avenue [File #VR-2006-076]

Request to amend and correct Ordinance No. 3898, 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.

The public hearing was opened at 11:41 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the request and the site location. This item was before the City Council on May 17th and approved. It is back because a portion of the alley vacated does need to be retained for a utility easement. The facility expansion is under construction. The site is designated as Public and the zoning is split between C-1 and C-2. She indicated the area to be retained as an easement on the map.

There were no public comments.

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

Ordinance No. 3960 – An Ordinance Amending and Correcting Ordinance No. 3898 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, Mesa County Correction and Treatment Facility – 636 South Avenue

Councilmember Thomason moved to adopt Ordinance No. 3960 on Second Reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 11:46 p.m.

Stephanie Tuin, MMC
City Clerk