

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

April 18, 2007

The City Council of the City of Grand Junction convened into regular session on the 18th day of April 2007, at 7:12 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Jim Doody. Also present were City Manager David Varley, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Coons led in the pledge of allegiance. The audience remained standing for the invocation by David Eisner, Ohr Shalom Congregation.

Presentation

Presentation to Council of the Ellis and Associates 2006 Platinum Award for Aquatic Excellence - Larry Manchester, Recreation Supervisor and Tina Ross, Aquatics Coordinator

Proclamations

Proclaiming April 21, 2007 as "Build Colorado Day" in the City of Grand Junction

Certificates of Appointment

To the Commission on Arts and Culture

Lora Quesenberry, Donald Meyers, and Jeanne Killgore were present to receive their Certificates of Appointment to the Commission on Arts and Culture.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Thomason read the items on the Consent Calendar.

Councilmember Thomason moved to approve the Consent Calendar. It was seconded by Councilmember Hill and carried by roll call vote to approve the Consent Items #1 through #7.

1. **Minutes of Previous Meetings**

Action: Summary of the April 2, 2007 Workshop and the Minutes of the April 4, 2007 Regular Meeting

2. **Setting a Hearing on the Younger Annexation, Located at 2172 and 2176 H Road** [File #GPA-2007-054]

Request to annex 44.87 acres, located at 2172 and 2176 H Road. The Younger Annexation consists of 2 parcels and includes a portion of the H Road right-of-way. The annexation request is in anticipation of future development of the property.

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

Resolution No. 49-07 – 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, Younger Annexation, Located at 2172 and 2176 H Road Including a Portion of the H Road Right-of-Way

Action: Adopt Resolution No. 49-07

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Younger Annexation, Approximately 44.87 Acres, Located at 2172 and 2176 H Road Including a Portion of the H Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for June 6, 2007

3. **Setting a Hearing on the Walker Field Airport Master Plan Amendment** [File #PLN-2007-032]

Introduction of a proposed ordinance approving an Amendment to the Walker Field Airport Master Plan to allow infrastructure improvements and expansion.

Proposed Ordinance Approving an Amendment to the Walker Field Airport Master Plan

Action: Introduction of Proposed Ordinance and Set a Hearing for May 2, 2007

4. **Setting a Hearing on Zoning the River Bend Annexation, Located South of Dry Fork Way, Crystal Drive, and Sunnyside Circle** [File #ANX-2007-045]

Request to zone the 6.47 acre River Bend Annexation, located south of Dry Fork Way, Crystal Drive and Sunnyside Circle, to R-8 (Residential 8 du/ac).

Proposed Ordinance Zoning the River Bend Annexation to R-8, Located at south of Dry Fork Way, Crystal Drive and Sunnyside Circle

Action: Introduction of Proposed Ordinance and Set a Hearing for May 2, 2007

5. **Setting a Hearing on the Page Annexation, Located at 2074 Broadway and 2076 Ferree Drive** [File #GPA-2007-061]

Request to annex 19.7 acres, located at 2074 Broadway and 2076 Ferree Drive. The Page Annexation consists of 2 parcels and is a 4 part serial annexation.

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

Resolution No. 53-07 – 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, Page Annexation, Located at 2074 Broadway and 2076 Ferree Drive Including Portions of the 20 ½ Road, Broadway and Frree Drive Rights-of-Way

Action: Adopt Resolution No. 53-07

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Page Annexation No. 1, Approximately 0.21 Acres, Located at 2074 Broadway and 2076 Ferree Drive Including Portions of the 20 ½ Road, Broadway and Ferree Drive Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Page Annexation No. 2, Approximately 0.58 Acres, Located at 2074 Broadway and 2076 Ferree Drive Including Portions of the 20 ½ Road, Broadway and Ferree Drive Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Page Annexation No. 3, Approximately 1.39 Acres, Located at 2074 Broadway and 2076 Ferree Drive Including Portions of the 20 ½ Road, Broadway and Ferree Drive Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Page Annexation No. 4, Approximately 17.52 Acres, Located at 2074 Broadway and 2076 Ferree Drive Including Portions of the 20 ½ Road, Broadway and Ferree Drive Rights-of-Way

Action: Introduction of Proposed Ordinances and Set a Hearing for June 6, 2007

6. **Setting a Hearing on Zoning the Brady Trucking Annexation, Located at 356 27 ½ Road** [File # ANX-2007-035]

Request to zone the 4.22 acre Brady Trucking Annexation, located at 356 27 ½ Road to Light Industrial (I-1).

Proposed Ordinance Zoning the Brady Trucking Annexation to I-1 (Light Industrial), Located at 356 27 ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for May 2, 2007

7. **Assistance to Firefighters Grant Program**

The Fire Department is requesting City Council authorization to apply for a federal assistance to firefighters grant. If successful, the department would use this grant funding to purchase a ladder truck similar to the truck currently housed at fire station #1.

Action: Authorize the Fire Department to Apply and if Successful, Receive a Federal Assistance to Firefighters Grant

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Authorize Improvement Loan for Riverview Technology Corporation (RTC)

The Riverview Technology Corporation has requested authorization to use their property as collateral for a loan for building improvements, as required by their bylaws.

John Shaver, City Attorney, presented this item. The resolution is pertaining specifically to grant RTC authorization to use the property for collateral for a loan. The City and the County acquired the property and the RTC was formed to hold

the property and the bylaws for RTC require such authorization from both the County and the City.

Councilmember Hill asked about the proposed lease only being for five years, with a five year option, yet the financing is for ten years. If the option is not exercised, what is the worst case scenario for the City. Mr. Shaver said he can only speculate as he has not seen the loan documents, but with the property as collateral, if the loan were to go into default, the property would be at risk.

Councilmember Coons pointed out that the improvements would make the buildings more lease-able, so the risk is if there is no lessee at all. City Attorney Shaver agreed.

Councilmember Spehar added that upgrading the facility will protect the investment and in the case that RTC could not make a payment, the City could make the payment to avoid default. City Attorney Shaver concurred.

Councilmember Hill just wanted the rest of Council to be aware of the risk.

Resolution No. 62-07 – A Resolution Authorizing Riverview Technology Corporation to Use Its Property as Collateral to Obtain a Loan for Improvements at 2591 B $\frac{3}{4}$ Road and Authorizing the Completion of the Improvements

It was moved by Councilmember Spehar and seconded by Councilmember Hill to adopt Resolution No. 62-07. Motion carried by roll call vote.

Amending the Development Fee Schedule to Add a New Fee for a Sign Package Permit [File # TAC-2007-006]

The City recently amended the Zoning and Development Code to create a new Sign Package Permit. In order to implement the new permit, it is necessary to establish an appropriate fee. Staff recommends that the Development Fee Schedule be amended to add a new fee of \$50 to be assessed for development applications that request approval of a Sign Package Permit.

Lisa Cox, Planning Manager, presented this item. She noted that on March 7, 2007 the City Council approved an amendment to the Zoning and Development Code that allowed for the application for a sign package permit. In order to implement that change, a fee is necessary and the resolution institutes that fee.

Resolution No. 54-07 – A Resolution Amending the Development Fee Schedule to Add a New Fee for Sign Package Permit

It was moved by Councilmember Palmer and seconded by Councilmember Coons to adopt Resolution No. 54-07. Motion carried by roll call vote.

Purchase of Nine Police Patrol Vehicles

This purchase is for the replacement of one 1999, four 2001, and two 2003 Police Patrol vehicles for the Police Department. The purchase also includes the addition to the fleet of two new patrol cars for the Police Department. Seven of these vehicles are currently scheduled for replacement in 2007 as identified by the annual review of the Fleet Replacement Committee.

Jay Valentine, Purchasing Manager, presented this item. He noted that this went out to bid earlier and the bids had to be rejected because the TAC NET system in the police cars was only compatible with Fords. The TAC NET company was then sold and the new ownership designed it to be compatible with other vehicles. The bid then went back out.

Councilmember Palmer asked if the Dodge Charger is a smaller vehicle. Bill Gardner, Chief of Police, said they are smaller; that is why station wagons are being requested for supervisors that carry more equipment. Police Chief Gardner said he is not a fan of mixed fleets but because the Crown Victoria will no longer be made in the near future, there will have to be a change.

Councilmember Palmer moved to authorize the City Purchasing Division to purchase Six 2007 Dodge Chargers LXDH48 29A Package and Three 2007 Dodge Magnums LXDH49 29A Package from Ken Garff West Valley Chrysler, Located in West Valley City, UT, for the amount of \$196,221. Councilmember Coons seconded the motion. Motion carried.

Supporting Stormwater Regulation

Consideration of a resolution supporting the Colorado Water Quality Commission's regulation of stormwater discharges that affect one acre or more.

Eileen List, Environmental Services Manager, presented this item. She reviewed the previous discussion on this issue. She then gave an overview of the Colorado Water Quality Control Commission's considerations. The resolution has been revised in accordance with the City Council's comments at the previous meeting. Councilmember Hill appreciated the revision, as did Councilmember Coons and Spehar, noting the revised resolution applies consistency.

Resolution No. 55-07 – A Resolution to Provide Continuing Support for the Colorado Water Quality Control Commission's Stormwater Regulations

It was moved by Councilmember Thomason and seconded by Councilmember Beckstein to adopt Resolution No. 55-07. Motion carried by roll call vote.

Public Hearing – Morning View Annexation and Zoning, Located at 2961, 2967, and 2973 D Road [File #ANX-2007-018]

Request to annex and zone 34.37 acres, located at 2961, 2967, and 2973 D Road, to R-8 (Residential 8 du/ac). The Morning View Annexation consists of three parcels.

The public hearing was opened at 7:44 p.m.

Adam Olsen, Associate Planner, reviewed this item. He described the request and the site. Then he pointed out the surrounding uses and Land Use Designations, as well as the zone districts on the surrounding parcels. The Planning Commission recommended approval finding the request meets the Zoning and Development Code criteria.

Mike Marcus, Development Construction Services, 2973 D Road, was present representing the applicant. He supported the presentation and was available for questions. There were none.

There were no public comments.

The public hearing was closed at 7:46 p.m.

Councilmember Palmer praised this development for requesting a zone at the higher density which will allow for more affordable housing units.

Councilmember Spehar agreed noting it also prevents sprawl.

a. Accepting Petition

Resolution No. 56-07 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Morning View Annexation Located at 2961, 2967, and 2973 D Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4061 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Morning View Annexation, Approximately 34.37 Acres, Located at 2961, 2967, and 2973 D Road

c. Zoning Ordinance

Ordinance No. 4062 – An Ordinance Zoning the Morning View Annexation to R-8 Located at 2961, 2967, and 2973 D Road

Councilmember Palmer moved to adopt Resolution No. 56-07 and adopt Ordinance Nos. 4061 and 4062 and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Knight and Durmas Annexation and Zoning, Located at 842 21 ½ Road [File #ANX-2007-023]

Request to annex and zone 2.84 acres, located at 842 21 ½ Road, to I-1 (Light Industrial). The Knight and Durmas Annexation consists of one parcel and is a two part serial annexation.

The public hearing was opened at 7:50 p.m.

Adam Olsen, Associate Planner, reviewed this item. He described the request and the site. Then he pointed out the surrounding uses and Land Use Designations, as well as the zone districts on the surrounding parcels. The Planning Commission recommended approval finding the request meets the Zoning and Development Code criteria.

There were no public comments.

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

a. Accepting Petition

Resolution No. 57-07 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Knight and Durmas Annexation, Located at 842 21 ½ Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4063 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Knight and Durmas Annexation No. 1, Approximately 1.42 Acres, Located at 842 21 ½ Road

Ordinance No. 4064 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Knight and Durmas Annexation No. 2, Approximately 1.42 Acres, Located at 842 21 ½ Road

c. Zoning Ordinance

Ordinance No. 4065 – An Ordinance Zoning the Knight and Durmas Annexation to I-1 Located at 842 21 ½ Road

Councilmember Spehar moved to adopt Resolution No. 57-07 and adopt Ordinance Nos. 4063, 4064, and 4065 and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing – H Road/Northwest Plan Policies and Performance Standards [File #GPA-2007-025]

Request adoption of the H Road/Northwest Area Plan which includes the following elements:

Amend the City's Growth Plan Future Land Use Map from "Rural" to Commercial/Industrial (C/I) for all properties located within the Plan area that are currently designated as "Rural". Amend the Grand Valley Circulation Plan to include the Plan area and establish an appropriate street network that will accommodate future growth in the area. Adopt Policies and Performance Standards that will help mitigate impacts to the adjacent residential neighborhood outside of the Plan area by amending the Zoning and Development Code.

The H Road/Northwest Area Plan was approved jointly by the City of Grand Junction Planning Commission and the Mesa County Planning Commission on March 27, 2007. The Plan boundary comprises an area bounded by H Road to H ½ Road, from approximately 21 ¼ Road to 22 Road and also includes five properties located on the Southeast corner of H Road and 22 Road west of Persigo Wash.

The public hearing was opened at 7:52 p.m.

David Thornton, Principal Planner, reviewed this item. He explained that this was considered at a joint City/County Planning Commissions meeting on March 27, 2007. He reviewed the study that has taken place on this site for the last six months. The study area is about 250 acres. The area is north of H Road between 22 Road and 21 Road. The request before Council is three parts: to amend the Growth Plan Designation for the area, adopt policies that would apply to development in that area, and to amend the Grand Valley Circulation Plan for the area.

In regards to the amendment to the Growth Plan, Mr. Thornton reviewed a number of changes that have occurred in the surrounding area. There has been one open house and two newsletters to inform the surrounding property owners. The study area was included in the Persigo 201 boundary. Comments received at the open house were divided between the three options. Three focus groups were held – one for economic development needs, one for transportation needs, and one for the residents.

Mr. Thornton explained the need for the change to the Circulation Plan and the traffic concerns in that area. CDOT will be involved in those solutions due to the

Highway 6 and 50 involvement. There will be further studies on the traffic in the area and perhaps additional changes to the Plan. The traffic study does show that traffic would increase more if the area is both Commercial/Industrial and Residential, than if it is developed just as Commercial/Industrial.

The Economic Development Focus Group brought out the lack of Commercial/Industrial property to be developed in the Grand Junction area. Mr. Thornton reviewed the current inventory which is a very low percentage, even outside the City limits in the Grand Junction vicinity. He then reviewed all available parcels of any size.

Mr. Thornton then displayed an aerial view of the area and pointed out the current uses.

The recommendations from the study are to designate the parcels not already so designated Commercial/Industrial. The staff from the City and the County wanted to make sure that the concerns of the residents of the area were addressed, thus the reason for the additional Policies and Performance standards. Some of those regulations would prohibit billboards, limit truck traffic to 21 ½ Road, and some policies addressing aesthetics such as screening and landscaping. Also the location of loading docks, outside storage, architectural elements of the building, signage, both size and lighting are also addressed.

Councilmember Coons asked how all truck traffic using 21 ½ Road will be enforced. Mr. Thornton said they cannot keep all trucks off 22 Road but at the design stage, the Planning Department can make sure the site is designed to force trucks to use 21 ½ Road.

Councilmember Palmer referred to the additional study of the intersection and asked about the time frame so that development does not get ahead of any needed improvements. Mr. Thornton said he hopes the CDOT study will provide solutions in a timely manner.

Scott Claussen, 856 21 ½ Road, asked how the City plans to build a road alongside his house. There was a petition from 50 residents that asked for additional study and there was no response from the City.

Larry Cleaver, 2822 Ridge Drive, is the manager of Ute Water. Ute Water has a contract on one of the parcels. They have been looking for 20 acres to relocate to for some time. It will be 2 ½ years before they build. They have 48 acres under contract. They will have their trucks use 21 ½ Road.

Mandy Rush, 2176 and 2272 Beech Road, stated that the property belongs to her parents. Ms. Rush's family farmed and ranched the property for many years. Her father sold his property in twelve days. As a realtor, she knows that commercial

/industrial land availability is limited. The Highway 6 & 50/I-70 corridor is an issue relative to traffic.

Robert Jones, Vortex Engineering, 255 Vista Valley Drive, Fruita, represents one of the property owners in the area. He said there is a true need for industrial property in the Grand Junction area.

Councilmember Spehar wanted further clarification on the roads to be built.

Public Works and Planning Director Tim Moore said right-of-way acquisition will take place in concert with development and other things such as drainage would be addressed.

Councilmember Spehar asked why the decision was made for further study on the road, especially in light of the situation as it is now. Principal Planner Thornton said the City wants to work closely with CDOT and installation of traffic signals on State Highways require certain warrants under CDOT rules. That may change as development occurs. The type of traffic will change; there will be more trucks which need more turning time. Councilmember Spehar said it has been a problem for some time so he supports being proactive rather than reactive if something happens.

Councilmember Coons, referring to the petition asking for more study, asked what questions still need to be explored. Mr. Thornton said the concern of the residents signing the petition continues to be the traffic and other impacts to their residential neighborhood. The residents do not feel like they were heard since their preference to zone the study area to Estate was not recommended. However, many of the additional policies and performance standards were developed from the focus groups with those residents to attempt to mitigate their concerns.

Councilmember Hill wanted to be able to compare the new proposed policies with what already exists in the City's standards. He was concerned the additional regulations put too high of a standard on the area.

Councilmember Coons asked if there were any potential buyers for the industrial property included in the focus groups. Mr. Thornton said they were invited as well. Councilmember Coons asked if there was any feedback on the standards. Mr. Thornton cited one example, but thought the situation had gone away.

Councilmember Hill asked for clarification on the proposal, could they continue the proposed ordinance adopting the standards. City Attorney Shaver said they can but it takes 30 days for the ordinance to become effective. Mr. Hill asked if there are already performance standards in the Code. Mr. Shaver said there are but the transition from residential to Commercial/Industrial would be more dramatic without these additional standards designed to make the transition softer.

Councilmember Spehar favored going forward with the ordinance and adjust it as necessary later.

Councilmember Coons added by not adopting the ordinance it would negate the public input process, as it was the residents that came up with this creative solution.

Councilmember Beckstein said the impression is that the residents do not feel like their petition concerns have been addressed. City Manager David Varley said that although the City goes above and beyond in the notification process, some people may not have received notification. The other side is that since the decision was not what they wanted, the residents don't feel like they were heard.

Principal Planner Thornton noted that a number of residents from Lyn Street came to the Joint City/County lunch where this was discussed. Their petition asked for a traffic study but they didn't realize that traffic was looked at as mentioned tonight. The issue was the request to inventory available industrial land. As detailed tonight, that was done.

Councilmember Beckstein referred to an email that said they had not received a response and asked if the resident had been given an answer.

Councilmember Palmer said he was invited to a neighborhood meeting, but upon the advice of the City Attorney, he declined. Citizens don't always understand why a Councilmember should not attend. The comments provided were read and heard.

The public hearing was closed at 9:17 p.m.

Council President Doody thanked all those who made comments and stated that the City Manager's door is always open.

Councilmember Palmer expressed his preference is for Option 2, residential adjacent to industrial will create a buffering nightmare.

Resolution No. 58-07 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 162 Acres Located within the H Road/Northwest Area Plan, from “Rural” to “Commercial/Industrial”

Resolution No. 59-07 – A Resolution Amending the Grand Valley Circulation Plan Through a District Map Amendment as Part of the H Road/Northwest Area Plan Located in an Area Generally Bounded by 22 Road on the East, Hwy 6 on the South, 21 Road on the West and H ½ Road on the North

Ordinance No. 4066 – An Ordinance Amending the Zoning and Development Code to Add Section 7.6 H Road/Northwest Area Plan Policies and Performance Standards

Councilmember Coons moved to adopt Resolution No. 58-07. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Councilmember Coons moved to adopt Resolution No. 59-07. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Councilmember Coons moved to adopt Ordinance No. 4066 and ordered it published. Councilmember Spehar seconded the motion. Motion carried by roll call vote with Councilmembers Beckstein and Hill voting NO.

Council President Doody called a recess at 9:25 p.m.

The meeting reconvened at 9:35 p.m.

Public Hearing – Brady Trucking Annexation Located at 356 27 ½ Road [File #ANX-2007-035]

Request to annex 4.22 acres, located at 356 27-1/2 Road. The Brady Trucking Annexation consists of one parcel.

The public hearing was opened at 9:35 p.m.

Kristen Ashbeck, Senior Planner, reviewed this item. She described the location, the current use, and the proposal for expansion which triggered the annexation. Staff finds that the annexation petition does meet the statutory requirements for annexation. The zoning will come forward at a later time.

Councilmember Palmer asked if the annexation creates an enclave. Ms. Ashbeck says it does and those property owners affected were notified. No comments were received from those property owners.

Robert Jones, Vortex Engineering, 255 Vista Valley Drive, Fruita, representing the applicant, was available for questions.

There were no public comments.

The public hearing was closed at 9:38 p.m.

a. Accepting Petition

Resolution No. 60-07 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Brady Trucking Annexation, Located at 356 27 ½ Road, is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4067 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, the Brady Trucking Annexation, Approximately 4.22 Acres, Located at 356 27 ½ Road

Councilmember Palmer moved to adopt Resolution No. 60-07 and adopt Ordinance No. 4067 and ordered it published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing – Promontory Annexation and Zoning, Located at the End of Sierra Vista Road [File #ANX-2006-280]

Request to annex and zone 5.88 acres, located at the end of Sierra Vista Road, to R-4 (Residential, 4 du/ac). The Promontory Annexation consists of one parcel and is a serial annexation consisting of the Promontory Annexation No. 1, the Promontory Annexation No. 2, the Promontory Annexation No. 3, and the Promontory Annexation No. 4 and includes a portion of B Road, Clymer Drive and Sierra Vista Road rights-of-way.

The public hearing was opened at 9:40 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the location, the surrounding uses, the Future Land Use Designation, and zoning. She outlined the request.

Tracy Moore, River City Consultants, was present representing the applicants. The biggest issue was sewer and they have worked out an agreement with the adjacent property owner so that sewer can be provided.

There were no public comments.

The public hearing was closed at 9:42 p.m.

a. Accepting Petition

Resolution No. 61-07 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Promontory Annexation, Located at the East End of Sierra Vista Road, Including a Portion of B Road, Clymer Drive and Sierra Vista Road Rights-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4068 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, the Promontory Annexation No. 1, Approximately .01 Acres, a Portion of B Road Right-of-Way

Ordinance No. 4069 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, the Promontory Annexation No. 2, Approximately .12 Acres, a Portion of B Road and Clymer Drive Rights-of-Way

Ordinance No. 4070 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, the Promontory Annexation No. 3, Approximately .31 Acres, a Portion of B Road, Clymer Drive and Sierra Vista Road Rights-of-Way

Ordinance No. 4071 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, the Promontory Annexation No. 4, Approximately 5.44 Acres, Located at the East End of Sierra Vista Road, Including a Portion of B Road, Clymer Drive and Sierra Vista Road Rights-of-Way

c. Zoning Ordinance

Ordinance No. 4072 – An Ordinance Zoning the Promontory Annexation to R-4 (Residential, 4 Du/Ac) Located at the End of Sierra Vista Road

Councilmember Spehar moved to adopt Resolution No. 61-07 and adopt Ordinance Nos. 4068, 4069, 4070, and 4071 and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

The Redlands Mesa Golf Course Water Agreement Amended and Restated, Convey Water Rights to Red Junction, LLC for Redlands Mesa Golf Course and Assignment of Water Rights and Assignment of Interest and Obligation in the Water Agreement Amended and Restated from Red Junction, LLC

The City has been providing water to the Golf Course at Redlands Mesa (“Golf Course”) through prior agreements. One agreement was with Redlands Mesa, LLC (“Redlands Mesa”) in 1997 and another agreement was with Red Junction, LLC (“Red Junction”) in 2004. In anticipation of the sale of the Golf Course, Red Junction has requested the contracts be amended and restated.

In 1997, the City agreed to convey 3 c.f.s. water rights by quitclaim deed to Redlands Mesa, LLC (“Redlands Mesa”) for public golf course irrigation for the land where the Golf Course at Redlands Mesa (“Golf Course”) now exists. There is no record of the conveyance being recorded with the Mesa County Clerk and Recorder. Redlands Mesa has requested that the City convey the water rights to Red Junction, LLC as its successor.

City Council has before it a request to authorize the City Manager to execute a Water Agreement Amended and Restated with Red Junction, LLC (“Red Junction”) and a request to authorize the City Manager to execute a quitclaim deed for 3 c.f.s. water rights to Red Junction. Both requests are made in anticipation of the sale of the Golf Course at Redlands Mesa. Red Junction intends to assign its rights under the quitclaim deed and the Water Agreement Amended and Restated. The 1997 agreement between the City and Redlands Mesa, LLC (“Redlands Mesa”), wherein the City agreed to convey the water rights to Redlands Mesa, includes a term requiring consent from the City before any assignment of the water rights. The Water Agreement Amended and Restated also includes a requirement that consent from the City must be obtained before any assignment of Red Junction’s rights and obligations under the agreement.

City Attorney, John Shaver, reviewed these items together. He advised that the reason for the quitclaim deed is that the original conveyance was not recorded. There will be a new owner which requires an assignment of the deed. This will formalize the relationship. The golf course has requested the City convey the water rights to Red Junction, LLC as its successor due to the anticipation of the sale of the Golf Course at Redlands Mesa.

Councilmember Palmer asked when the City originally conveyed the water rights, were they a gift or sold to Redlands Mesa, LLC? City Attorney Shaver said they were sold for a nominal fee as it was a win-win situation. The City had water that it needed to sell and Redlands Mesa, LLC had a proper use of this water. There is one additional item, the installation of some additional pump facilities which will be a cooperative addition that will benefit all in use of the irrigation system.

Councilmember Hill moved to authorize the City Manager to Execute the Water Agreement Amended and Restated. Councilmember Palmer seconded the motion. Motion carried.

Councilmember Hill moved to authorize the City Manager to Execute a Quitclaim Deed to Red Junction, LLC for the Water Rights. Councilmember Thomason seconded the motion. Motion carried.

Councilmember Hill moved to authorize the City Manager to Consent to the Assignment of the Quitclaim Deed by Red Junction LLC to a buyer found acceptable by the City Manager and to authorize the City Manager to Consent to the Assignment by Red Junction, LLC to the rights and obligations of the Water Agreement Amended and Restated to a buyer found acceptable by the City Manager. Councilmember Coons seconded the motion. Motion carried.

Oil and Gas Resolution

Council President Jim Doody is bringing forward a Resolution on State Wide Regulation of Oil and Gas Development.

Council President Doody reviewed the information he provided Monday night on how the resolution is being brought forward and named the municipalities in the Grand Valley and Roaring Fork Valley that have already adopted it. He asked for comments.

Councilmember Coons supported the resolution encouraging comprehensive planning.

Councilmember Spehar reviewed each of the points in the resolution, expressing arguments in favor and supported the adoption.

Council President Doody says he believes with the crisis in the Middle East that energy fuels need to come from our own market. As Elected Officials, they need to protect the community, it is a balance.

Councilmember Hill said he supports some of the points but the resolution takes a big brush view; there are other solutions that are not suggested in the resolution. He is not supportive of the resolution. He would rather look at each point individually.

Resolution No. 63-07 – A Resolution of the City of Grand Junction in Support of a Comprehensive Statewide Energy Plan and Mitigation of the Impacts of Oil and Gas Development

It was moved by Councilmember Spehar and seconded by Councilmember Palmer to adopt Resolution No. 63-07. Motion carried by roll call vote with Councilmembers Beckstein and Hill voting NO.

Non-Scheduled Citizens & Visitors

The representative from Redlands Mesa Golf Course praised working with the legal staff on their water issues.

Other Business

Councilmember Palmer heard from two groups regarding the election, the Chamber and the Homebuilders, and they would like to have more regular dialogue with the Council, perhaps an annual luncheon.

Councilmember Hill said that is a good idea. He suggested that City Council be more proactive with those groups. He would also like to do something more formal for the Chamber for their work on the TABOR question.

Councilmember Coons said the Council also needs to understand the mission of these other groups better.

Councilmember Beckstein agreed.

Adjournment

The meeting adjourned at 10:05 p.m.

Stephanie Tuin, MMC
City Clerk