

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

**July 18, 2007**

The City Council of the City of Grand Junction convened into regular session on the 18<sup>th</sup> day of July 2007, at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, Linda Romer Todd, and Council President Pro Tem Bonnie Beckstein. Council President Jim Doody was absent. Also present were Acting City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pro Tem Beckstein called the meeting to order. Councilmember Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Michael Torphy, Religious Science Spiritual Center.

**Presentations**

Kids Day America Presentation

Dr. Wes Shader of Kids Day America presented a check for \$1,130.90 to Resource Officer Jason LaCount of the DARE Program.

**Certificates of Appointment**

To the Downtown Development Authority and Downtown Grand Junction Business Improvement District Board of Directors

Patti Hoff and Scott Holzschuh were present to receive their certificates of appointment to the Downtown Development Authority and Downtown Grand Junction Business Improvement District Board of Directors.

**Appointments**

To the Avalon Theatre Advisory Committee

Councilmember Hill moved to re-appoint Andre van Schafften and appoint Katherine Roy to the Avalon Theatre Advisory Committee for three year terms expiring June, 2010. Councilmember Todd seconded the motion. Motion carried.

To the Commission on Arts and Culture

Councilmember Coons moved to appoint Dr. Gisela Flanigan to the Commission on Arts and Culture for a partial term expiring February, 2009. Councilmember Hill seconded the motion. Motion carried.

Council President Pro tem Beckstein announced the appointment to the Walker Field Airport Authority is postponed.

### **Citizen Comments**

Fred Aldrich, representing the Grand Valley Irrigators, asked those included in the group to stand (about 20 stood). Mr. Aldrich stated that all water providers are dependent on each other and have made this valley a desert oasis having shared over 125 years of cooperation. However, various groups have concerns with the current planning and development policies.

One of the specific concerns were that there are no development requirements that irrigation water be provided to subdivisions which places the burden on the municipal providers, mostly Ute Water. Plats disregard the rights of irrigators. Properties are being platted on top of irrigators' rights-of-ways. Bridge and utility crossings are not coordinated with the irrigators. Trails are not regulated by public ordinance and the public is ill-informed as to restrictions on their use. Notice of violations are issued to citizens using the irrigation canals, but the citizens don't take them seriously. Public safety has yet to be addressed with regard to canal irrigation access and the previous multi-modal study does not address the issue so the hazards remain the same.

The friction is increasing, and cooperation has been sought with the City in City projects. Water comes from Green Mountain Reservoir, where other jurisdictions also receive and compete for water from these sources. The politics related to water resources may be changing creating additional challenges for the irrigators. There is a need for this Council to spend time face to face with irrigators to discuss the issues, and Mr. Aldrich extended an invitation for the Council to meet with the irrigator board to try and fix some of these issues.

### **CONSENT CALENDAR**

Councilmember Todd read the items on the Consent Calendar and then 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 #24.

#### **1. Minutes of Previous Meetings**

*Action: Approve the Minutes of the June 18, 2007 Special Session, the Summary of the June 18, 2007 Workshop, the Minutes of the June 20, 2007 Regular Meeting and the Minutes of the July 10, 2007 Special Session*

2. **Grand Junction Regional Communication Center Remodel**

This approval request is for the award of a construction contract, for the remodel of the Grand Junction Regional Communication Center (GJRCC).

*Action: Authorize the City Purchasing Division to Enter into a Contract, in the Amount of \$126,901 with PNCI Construction, Inc. for the Completion of the Remodel*

3. **Road Oil for Chip Seal Program**

Purchase of approximately 95,745 gallons of road oil for the annual Streets Division chip seal program.

*Action: Authorize the City Purchasing Division to Purchase 95,745 Gallons of Road Oil from Cobitco Inc., Denver, Colorado, in the Amount of \$180,000*

4. **Purchase of a 3,500 Gallon Street Flusher Unit**

This purchase is for a new 2008 Peterbilt 340 Cab and Chassis with an Anderson Tank Flusher Unit for the Streets Division. The vehicle is currently scheduled for replacement in 2007 as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Division to Purchase a New 2008 Peterbilt 340 Cab and Chassis with an Anderson KSF 35055 3,500 Gallon Flusher Body, from Grand Junction Peterbilt in the Amount of \$104,500.00*

5. **Purchase of a Truck Chassis Mounted Street Sweeper**

This purchase is for one new 2008 Eagle F Broom Street Sweeper with Sterling SC8000 chassis for the Public Works Street Cleaning Division. The 2002 Elgin Street Sweeper is currently scheduled for replacement in 2007 as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Division to Purchase an Eagle F Broom Street Sweeper with Dual Side Brooms and Belt Conveyor and Sterling SC8000 Chassis from Faris Machinery Company for the Amount of \$172,338*

6. **Indoor Water Slide at Orchard Mesa Swimming Pool**

Contract with Westwind Leisure Group Ltd., for the design and installation of the indoor waterslide for the Orchard Mesa Community Center Pool.

*Action: Authorize the Purchasing Division to Enter into a Contract with Westwind Leisure Ltd., for the Design and Construction of the Waterslide at Orchard Mesa Community Center Pool, in the Amount of \$94,950. As part of the Existing Intergovernmental Agreement with Mesa County for the Operation and Maintenance of the Pool, the County will be Reimbursing the City 50% (\$47,475) of the Cost of These Improvements*

7. **Setting a Hearing on the HDP Investment Group Annexation, Located at 841 21 ½ Road** [File #ANX-2007-176]

Request to annex 15.84 acres, located at 841 21 ½ Road, just west of Bond Street. This area is within the recently adopted H Road/Northwest Area Plan. The HDP Investment Group Annexation consists of three parcels.

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

Resolution No. 99-07 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Settings a Hearing on Such Annexation, and Exercising Land Use Control, HDP Investment Group Annexation, Located at 841 21 ½ Road

*Action: Adopt Resolution No. 99-07*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, HDP Investment Group Annexation, Approximately 15.84 Acres, Located at 841 21 ½ Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 5, 2007*

8. **Setting a Hearing on Rezoning the Amorelli Property, Located at 2719 H Road** [File #RZ-2007-112]

Request to rezone 2719 H Road, comprised of 5.346 acres, from R-1 (Residential – 1 du/ac) to R-2 (Residential – 2 du/ac). The parcel is located on the south side of H Road and east of 27 ¼ Road adjacent to the Grand Valley Mainline Canal.

Proposed Ordinance Rezoning a Parcel of Land from Residential One Unit per Acre (R-1) to Residential Two Units Per Acre (R-2), Located at 2719 H Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 15, 2007*

9. **Setting a Hearing on Zoning the Mesa Ayr Subdivision Annexation, Located at 3139 D ½ Road** [File #PP-2006-214]

Request to zone the 5.03 acre Mesa Ayr Subdivision Annexation, located at 3139 D ½ Road, to R-5 (Residential 5 du/ac).

Proposed Ordinance Zoning Mesa Ayr Annexation to R-5, Located at 3139 D ½ Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 1, 2007*

10. **Setting a Hearing Zoning the Fletcher Annexation, Located ½ Mile West of Monument Road on South Camp Road** [File #ANX-2006-108]

Request to zone 139 acre Fletcher Annexation, on South Camp Road ½ mile west of Monument Road, Planned Development 1.12 dwelling units per acre.

Proposed Ordinance Zoning the Fletcher Annexation to Planned Development 1.12 (PD), Located Approximately ½ Mile West of Monument Road on the North Side of South Camp Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 1, 2007*

11. **Setting a Hearing on Changes in Traffic and Parking Regulations**

Adoption by reference of 2003 Model Traffic Code for Colorado and Enactment of Parking Code, including new Reverse Angle Parking provisions.

Proposed Ordinance Adopting by Reference the 2003 Model Traffic Code for Colorado (Except Part 12) and Repealing Articles X through XIV of the 1977 Model Traffic Code Adopted by Reference and Enacting a Parking Code for the City of Grand Junction

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 15, 2007*

12. **Rescinding the Street Annexation, Located at 623 29 ½ Road and a Portion of the 29 ½ Road Right-of-Way**

Staff request that City Council formally rescind the Street Annexation initially presented to City Council on May 16, 2007 and denied (as per request) at the June 18, 2007 meeting. The annexation involved the Street property located at 623 29 ½ Road and included portions of the 29 ½ Road right-of-way.

Resolution 100-07 – A Resolution Rescinding Resolution No. 74-07 Concerning a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Vacating the Second Reading of the Annexation Ordinance and Releasing Land Use Control, Street Annexation, Located at 623 29 ½ Road and Includes Portions of the 29 ½ Road Right-of-Way

*Action: Adopt Resolution No. 100-07*

13. **Sale of a Riverside Parkway Remnant, Located at 2741 D Road**

Approval of contract for the sale of a remnant property at 2741 D Road as more particularly described in the agreement.

Resolution No. 101-07 – A Resolution Authorizing the Sale Contract for a Portion of the Property Located at 2741 D Road, Grand Junction, Colorado

*Action: Adopt Resolution No. 101-07*

14. **Contract with Mesa County for Building Inspection Services**

Approval of contract for building inspection and contractor licensing services with Mesa County. The agreement has served both the City and County well in the past and the recommended action will provide for the continuation of those services. The contract term is for two years.

Resolution No. 102-07 – A Resolution Authorizing a Contract with Mesa County for Building Inspection and Contractor Licensing Services

*Action: Adopt Resolution No. 102-07*

15. **7<sup>th</sup> Street Corridor Project Phase II – Landscape and Irrigation**

City Council has approved the reconstruction of 7<sup>th</sup> Street from the south side of Grand Avenue to the north side of Ute Avenue and the reconstruction of Main

Street from 7<sup>th</sup> Street to 8<sup>th</sup> Street. Bids were opened on Tuesday, July 3, 2007 for the 7<sup>th</sup> Street Corridor Project, Phase II – Landscape and Irrigation.

*Action: Authorize the City Manager to Execute a Contract for the 7<sup>th</sup> Street Corridor Project Phase II with American Civil Constructors, Inc. in the Amount of \$255,800*

16. **Accept the Improvements and Set a Hearing on the Assessments Connected with El Poso Street Improvement District No. ST-06, Phase B**

Improvements in the El Poso Street Improvement District have been completed from Maldonado Street to Mulberry Street, between West Grand Avenue and West Chipeta Avenue.

Resolution No. 103-07 – A Resolution Approving and Accepting the Improvements Connected with El Poso Street Improvement District No. ST-06, Phase B

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for the El Poso Street Improvement District No. ST-06, Phase B in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11<sup>th</sup> Day of June, 1910, as Amended; Approving the Apportionment of said Cost to East 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. 103-07, Introduction of Proposed Ordinance and Set a Hearing for September 5, 2007*

17. **Award of Signal System Communications Contract**

Bids were opened on June 26, 2007 for the Signal Communications Phase 1D Project. The low bid was submitted by Dillie & Kuhn, Inc. in the amount of \$274,345.50.

*Action: Authorize the City Manager to Execute a Construction Contract for the Signal System Communications Phase 1D Project with Dillie & Kuhn, Inc. in the Amount of \$274,345.50*

18. **Conveyance of a Nonexclusive Easement to Union Pacific Railroad Company at West Independent Avenue and 25 Road**

Union Pacific Railroad Company (“UPRR”), is requesting an easement across City property adjacent to West Independent Avenue to memorialize an existing utility use.

Resolution No. 104-07 – A Resolution Concerning the Granting of a Non-Exclusive Utilities Easement to Union Pacific Railroad Company, a Delaware Corporation

*Action: Adopt Resolution No. 104-07*

19. **Conveyance of a Nonexclusive Easement to Public Service Company of Colorado a/k/a Xcel Energy at B <sup>3</sup>/<sub>4</sub> Road**

Xcel Energy (“Xcel”), is requesting an easement across City property adjacent to B <sup>3</sup>/<sub>4</sub> Road to memorialize an existing utility use.

Resolution No. 105-07 – A Resolution Concerning the Granting of a Non-Exclusive Utilities Easement to Public Service Company, a Colorado Corporation aka Xcel Energy

*Action: Adopt Resolution No. 105-07*

20. **Construction, Lighting and Landscaping Contract for West Main Street Parking Lot**

The West Main Street Parking Lot low bidder was Reyes Construction with a price of \$168,587.20. The project will be started on July 23, 2007 and be completed by August 17, 2007. The parking lot includes parking lot lights. The landscaping will be constructed after the asphalt paving is completed. The landscaping will be completed under a separate contract.

*Action: Authorize the City Manager to Execute a Construction Contract for the West Main Street Parking Lot for \$168,587.20 with Reyes Construction*

21. **Change Order #1, Riverside Parkway Phase 2**

Change Order #1 of the Riverside Parkway Phase 2 contract with SEMA Construction Company adds additional sanitary sewer work and the construction of a crash-wall at the 25 Road bridge crossing the Union Pacific Railroad for a total increase in the contract of \$312,883.74

*Action: Approve Change Order #1, Riverside Parkway Phase 2 with SEMA Construction in the Amount of \$312,883.74 for a Total Contract of \$31,868,438.85*



22. **Recycling Contract with CRI, Inc.**

The City of Grand Junction Solid Waste Department continues to provide curbside recycling to our customers, with a public-private cooperation contract with Curbside Recycling Indefinitely, Inc. (GJ CRI) The new contract covers residential collection, current drop-off site (city shops), future buy-back center, and an agreement for commercial collection of City trash customer.

*Action: Approve a Contract with Curbside Recycling Indefinitely, Inc. for Collection and Processing of Recycled Products in the Amount of \$486,345*

23. **Withdrawal of Appeal of a Planning Commission Decision to Deny the Pinnacle Ridge Preliminary Plan, Located Northeast of Monument Road and Mariposa Drive** [File #PP-2005-226] – Continued from April 4, 2007

Appeal of the Planning Commission denial of the Pinnacle Ridge Preliminary Plan, consisting of 72 single family lots on 45.33 acres in a RSF-2 (Residential Single Family, 2 du/ac) zone district. The applicant has withdrawn the appeal.

*Action: Rescind the Appeal of the Planning Commission Denial of the Pinnacle Ridge Preliminary Plan*

24. **Authorize the Human Resources Manager to Terminate Retirement Plans**

The City has selected a new retirement plan provider. The resolution allows the Human Resources Manager to sign any documents needed to terminate the relationship with the old provider.

Resolution No. 109-07 – A Resolution Authorizing the Human Resources Manager to Terminate the City Retirement Plan Provider and Trustee, to Designate a Successor Plan Provider and Trustee and to Take Any and All Other Necessary or Required Action Related Thereto

*Action: Adopt Resolution No. 109-07*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Appointment of City Manager**

The City Council discussed appointment of a City Manager at the July 16, 2007 Workshop and directed Staff to bring a resolution forward for consideration naming Acting City Manager Laurie M. Kadrich as the new City Manager.

John Shaver, City Attorney, reviewed this item. He reviewed the resolution being brought forward, particularly the authority of the City Council to appoint Ms. Kadrich and that Ms. Kadrich has the experience to perform the duties of City Manager. The resolution does make note that a contract is yet to be negotiated.

Councilmember Hill stated there was good discussion on Monday night and the previous City Manger did a great service to the community by hiring another finalist as the Deputy City Manager. Now that Council has seen Ms. Kadrich's performance, he is satisfied that the City has a top-notch person.

Councilmember Coons stated she has received unsolicited comments from Staff and Department Heads on how they work with Ms. Kadrich and how supportive they are of her.

Councilmember Todd stated that she had just come onto City Council when Ms. Kadrich became interim City Manager and found that she had the candor and ability to work well with groups and with Staff.

Councilmember Thomason gave his support on how Ms. Kadrich made a smooth transition and acclimated to the community, stated his support of appointing Ms. Kadrich.

Councilmember Palmer stated that Ms. Kadrich has good support and has been willing to step in and be part of the community, and he is glad to have her on board.

Council President Pro Tem Beckstein stated that looking back during the first round, this lady did her homework, came early, checked out the community, has enthusiasm, and is part of the major changes and the momentum.

Resolution No. 110-07 – A Resolution Appointing Laurie M. Kadrich as City Manager

Councilmember Palmer moved to adopt Resolution No. 110-07. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

City Manager Laurie Kadrich said she is honored to be considered and she does accept this appointment in the most serious way to allow her to serve with Council in meeting the needs of the community. She stated she fell in love with the community last fall. She has invited the community and community groups to call her, and is happy to speak with community and neighborhood groups to let folks see that she is that kind of Manager today and will be in the future.

She thanked the employees, whom she found to be dedicated individuals, and stated that their hearts are in the right place. Ms. Kadrich thanked David Varley and his wife Grace for welcoming her to the community and all he shared with her. She stated that she will continue in the direction initiated by the previous City Manager.

Ms. Kadrich received a standing ovation.

### **Increase Application Fees for Liquor Licensing**

The Colorado Legislature authorized an increase in the application fees allowed to be charged by local jurisdictions in this last legislative session. The local application fees have not been increased since 1997 however the cost of processing and administering liquor licenses has increased significantly. The law enacted allows for a stepped increase through 2010. The new law also established an application fee for the processing of Special Events Permits.

Stephanie Tuin, City Clerk, reviewed this item. The proposal is to increase liquor license fees. She reviewed State liquor laws and explained how an application is processed through the liquor licensing process. License fees are set by State law and the maximum application fee is established by the State. The City of Grand Junction can keep all the application fees. Fees are used to offset the processing fees, however, the current fees do not offset the costs, thus the request for an increase.

Resolution No. 95-07 – A Resolution Amending Resolution No. 51-97 to Amend Liquor License Application Fees and Establish an Application Fee for Special Events Permits in the City of Grand Junction, Colorado

Councilmember Thomason moved to adopt Resolution No. 51-97. Councilmember Coons seconded the motion. Motion carried by roll call vote.

### **Public Hearing – Rezoning Property Located at 675 23 Road** [File #FP-2007-133]

Request to rezone a portion of Lot 2 of the Taurus Subdivision from C-2 (General Commercial) to I-1 (Light Industrial).

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

Ken Kovalchik, Senior Planner, reviewed this item. He described the site, the location, and the existing zoning of the surrounding properties. He reviewed the history of the Preliminary Plan review. He stated that Staff discourages dual land use on the same parcel. A requirement of the Final Plan is that the applicant ask for a rezone to one zone, I-1. Staff recommends approval with the condition that the rezone be final upon

recording of the Final Plat. He recommends changing the C-2 portion of Lot 1, Block 2 to I-2.

Mark Austin, representing the applicant, was present to answer questions. There were none.

There were no public comments.

The public hearing was closed at 7:53 p.m.

Councilmember Hill supported the request.

Ordinance No. 4100 – An Ordinance Rezoning a Portion of Lot 2 of the Taurus Subdivision from C-2 to I-1, Located at 675 23 Road

Councilmember Hill moved to adopt Ordinance No. 4100 and ordered it published. Councilmember Coons seconded the motion. The motion carried by roll call vote.

Council President Pro Tem Beckstein called a recess at 7:55 p.m.

The meeting reconvened at 8:06 p.m.

**Public Hearing – Brady South Annexation Growth Plan Amendment** [File #GPA-2007-051]

The applicant is proposing to develop a 12.62 acre site comprised of 3 parcels for commercial/industrial use. The westerly parcel (347 27 ½ Road) is already shown as Industrial on the Growth Plan Future Land Use Map but the two easterly parcels (348 27 ½ Road and 2757 C ½ Road) are shown residential. Thus, in order to develop the 3 parcels as one commercial/industrial project, a Growth Plan Amendment is requested to change the Growth Plan Future Land Use Map from Residential Estate 2-5 acre lots to Commercial Industrial (CI).

The public hearing was opened at 8:07 p.m.

Kristen Ashbeck, Senior Planner, reviewed this item. She described the site and the location, and stated that there are three parcels totaling 12.5 acres. The development application will proceed following the Growth Plan Amendment. The rendering plant on the property has been demolished. One structure still exists on the site.

She described the current zoning and the surrounding zoning. The Future Land Use Plan shows the property as residential with large lots. The request is to change the two easterly parcels from residential to industrial. The Riverside Parkway has created easy access to the parcels. This parcel has the potential to expand commercial/industrial uses

in the South Downtown Plan. Buffer and green space can make the use compatible with the adjacent recreational uses. Ms. Ashbeck reviewed the Growth Plan Amendment criteria and pointed out which criteria were being met including that the change will provide benefit to the community.

Councilmember Palmer asked what uses can be on a commercial/industrial land use category. Ms. Ashbeck replied that there are three zone districts I-1, I-O or C-2, none of the zones allow heavy industry.

Councilmember Palmer asked about fuel storage, stockyards, and auto salvage. Ms. Ashbeck said any of these uses will need a Conditional Use Permit. The zoning will be another process.

Councilmember Coons asked if there is a likelihood that any of the property would be zoned I-2. Ms. Ashbeck stated that it can't be under the proposed new land use designation. The existing County zoning is I-2, the existing Land Use Designation is residential.

Robert Jones, II, with Vortex Engineering, representing the applicant, was in agreement with the Staff report and Planning Commission recommendation. He reviewed the history of the parcel, it has a long history of industrial use. The Riverside Parkway has provided better access and there is a need in the community for additional industrial property. No conflicts have been identified with the Las Colonias Master Plan or the South Downtown Plan, the property is in an Enterprise Zone which encourages commercial and industrial development, not residential. It meets the criteria for a Growth Plan Amendment and he asked for approval.

Janet Magoon, 2752 Cheyenne Drive, wanted to clarify the surrounding properties, across the river is residential and Eagle Rim Park. She had pictures of the area, foliage is the only thing that blocks the view from her house of this subject property.

The property is adjacent to the property for Las Colonias Park. She is concerned that sound will be amplified from the subject parcel and the wind usually blows up from the parcel to her neighborhood.

Aspen Drilling is now conducting business on the property without the proper permits. Noise from the trucks can be heard on her side of the river. She urged Council to deny the request and wait until Las Colonias Park is developed and then see what happens on the industrially zoned property. She feels the only acceptable zoning is Light Commercial or a Planned Development.

Penny Heuscher, 330 Mountain View Court, stated she and many others have signed petitions that oppose the change that would allow industrial use. She provided the signed

petitions. The citizens have made their view clear that they do not want industrial uses on the rivers. The Planning Commission was split on the decision. Residential is on the east and was there first. Three species of endangered fish live in this section of the river. The property is in a flood plain. A Planned Development zone would be a better fit, or a Light Commercial zone. There are alternatives. There were approximately 20 citizens who stood agreeing with Ms. Heuscher.

Enno Heuscher, 2525 8<sup>th</sup> Street, Suite 104, handed out information including a two page review of the Colorado Riverfront Commission's plans and stated the proposal and Growth Plan for this area are inconsistent with FEMA regulations. The Riverfront Commission recommended a Commercial zone which does not involve incompatible uses.

Paul Didier, 2808 Laddie Way, Audobon Society representative, stated that he sent a letter objecting to the Growth Plan Amendment. Many cities spend millions to undo what this resolution proposes. This river provides water to users downstream. He thought trucking should be next to I-70, not by the river. The property on the north side of I-70 is less harmful to the residential areas.

Susan Cypher, 316 27 3/8 Road, stated that she has lived in Orchard Mesa for 28 years and lived with the smells of the rendering plant for a long time. Ms. Cypher talked about living with the trucking experience when there were loud beeps, it was loud and messy, and accidents happened. She thought when the rendering plant went away the City was going in the right direction. She said she can see what Eagle Rim Park with wildlife could be like and that will be lost if that area is industrialized. She asked the Council to listen to the opposition because truckers will pollute and the river is not a buffer.

Laura Anino, Grand Valley Recreation Resources, 3667 Martello Drive, questioned the impact the truckers will have on traffic if a recreation center goes in Las Colonias. She respects the need for trucking, but this may not be the best place.

Russ Justice, with Brady Trucking, stated that he tried to find a piece of property out by I-70, but couldn't find it. He stated that after looking for a year, he purchased and cleaned up the subject property and eliminated the drug problem.

He intends to put in a nice looking industrial park. He wants to be a good neighbor and feels that the project can be compatible with the river. He said that Haliburton is on the river. He understands there will be noise and pointed out that trains can be heard banging there now. He stated that there is Industrial behind them and beside them, and said that it won't go away. He said he would be glad to trade with anyone who has property on I-70.

Enno Heuscher, stated that Haliburton is next to Corn Lake, not on the river.

John Wieser, moved here from Cleveland in 1979. Mr. Wieser noted that the river experience back east was the brunt of jokes when the river caught fire and they cleaned up the areas along the river and stated that "industrial park" is an oxymoron. As a canoer, he loves the river and this request just doesn't seem to make sense.

Carole Chowen, 2342 Rattlesnake Court, #B said she recently floated the river and called it a magical experience, seeing the many great blue herons. She would like to have the City Council help Brady Trucking find an appropriate location along I-70.

Robert Jones II, Vortex Engineering, representing the applicant, addressed some concerns. He showed that there wasn't a buffer between the properties and doubted that anyone would construct a home on the property. The applicant is working with Staff on continuing the trail through the property. There are areas on the property that are outside the flood plain and the entrance is adjacent to an industrial park.

There were no other public comments.

The public hearing was closed at 9:01 p.m.

Councilmember Todd stated she is very familiar with property and doesn't see how the residential land use designation can stand on this property. If the previous owners were allowed to have input into the Growth Plan she suspects they would not have supported residential development.

Councilmember Thomason questioned City Attorney John Shaver on the Aspen Drilling operation currently operating in the area and whether or not they were in violation.

City Attorney Shaver questioned the relevance of Councilmember Thomason's question and expressed his concern that by discussing the possible enforcement, it may tend to influence the discussion away from the criteria.

Councilmember Coons asked Staff why Planned Development is not possible on that property. City Attorney Shaver cited significant criteria, relative to the Growth Plan Amendment to Council.

Councilmember Coons clarified her understanding that once the Amendment is in place, then Planned Development would be possible as an application. City Attorney Shaver explained they do not use Planned Development as a Growth Plan designation, unless it is already zoned Planned Development. One can't convey expectations of use under a Planned Development, which is unlike straight zoning that has specific requirements in the Code.

Councilmember Todd asked how the enterprise zone is relevant. City Attorney Shaver replied that it isn't because it is relative to financing, and is not geared toward land use decisions.

Council President Pro Tem Beckstein said she is trying to understand the Growth Plan Amendment and what to look for, what suits the area or surrounding properties, or what the applicant wants. Ms. Ashbeck answered some of both, what suits the area and what the applicant wants. Initially the Brady Trucking proposal requested Industrial, but through discussions and through neighborhood meeting input, the applicant decided that I-2 is not appropriate, so Commercial/Industrial was determined more appropriate for both parcels.

Council President Pro Tem Beckstein asked about the vision for Las Colonias Park and asked if it would fit in with the area or impact the Growth Plan Amendment in fitting the area to the west. Ms. Ashbeck stated that the Park is not directly adjacent, and the adjacent piece is already Industrial. A recreation center and civic center is not necessarily in conflict with light industrial uses and a trail easement is required of the developer.

Councilmember Coons asked about the consideration of such a riparian area and the impacts. Ms. Ashbeck stated the difficulty and that the protection of habitat considerations must be included in the review process.

Councilmember Coons stated that she appreciates the clean-up efforts after a long history of industrial use. She said her biggest concern is the effort and time invested in the future vision of areas along the river, light commercial, and businesses and retail, and if these uses could fit with what is called a jewel of a river. Ms. Coons wonders what people's reaction would be to travel through the industrial area to get to a recreational area even with increased access to the river. She believes Council needs to take a long view at this situation and taking the first step is not easy. They should find other places for industrial, therefore she cannot support the Growth Plan Amendment.

Councilmember Palmer stated that he appreciates the efforts made by the Brady Trucking owner, but there is a need for a comprehensive plan to identify where such areas should be and creating a vision for South Downtown does not include industrial along the river or next to residential. He agrees with the Riverfront Commission's vision, will not support a Growth Plan Amendment.

Councilmember Hill stated that when the rendering plant property was on the market and the Riverfront Commission looked to purchase it, the City was asked to help, but didn't. It is a heavy industrial property, but there are beautiful properties hidden up the road and strides have been made along the river, but it is not the question tonight, as it is not the City's property. If it is compatible to downzone to a less Industrial zone with two County



heavily industrially zoned properties surrounding it, he can support C-1 which will downzone the property.

Councilmember Thomason stated it was hard to ignore the history of the site, but with the Conditional Use process in effect, he is confident it will be improved. He did underscore the lack of industrially zoned property and can support the Growth Plan Amendment. He sees no reason to overturn the Planning Commission decision.

Councilmember Todd stated that there was an argument at the time of the Growth Plan process when they tried to get the City to look at individual properties when establishing designations. The battle was lost as there was no support and she doesn't think anyone would build a house on this property.

Council President Pro Tem Beckstein said the community knows the Council has a concern, and in the north part of town, where they have Estate zoning no one wants more industrial there. Before them is a Growth Plan Amendment and the City has an experienced Staff. There will be a public hearing for the next steps. There are ways of getting this done with proper communication, and they will not choose heavy industrial. She has faith in the Planning Division and a Comprehensive Plan is still two years away. It is not fair to ask developers to wait. It is not an easy decision, as they do value the river that supplies beauty and tourism and with the water situation there is so much more that has to be considered. That is why through the process she will support the amendment.

Resolution No. 106-07 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 5 Acres Located at 348 27 ½ Road and 2757 C ½ Road from Residential Estate to Commercial Industrial

Councilmember Hill moved to adopt Resolution No. 106-07. Councilmember Todd seconded the motion. The motion carried by roll call vote 4 to 2 with Councilmembers Coons and Palmer voting NO.

**Public Hearing – Sutton Annexation and Zoning, Located at 413 South Camp Road**  
[File #ANX-2007-057]

Request to annex and zone 53.69 acres, located at 413 South Camp Road, to R-2 (Residential, 2 units per acre). The Sutton Annexation consists of two parcels and is located on the west side of South Camp Road, north of the Canyon View Subdivision in the Redlands.

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

Faye Hall, Associate Planner, reviewed this item. She described the location, the site,

and the existing County zoning. She reviewed the criteria for rezoning: the proposed zone is compatible with the neighborhood, it conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations. There are adequate public facilities and services available or will be supplied at the time of further development of the property.

She concluded that the request meets the annexation and rezoning requirements.

The applicants were present and they did not wish to speak

There were no public comments.

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

**a. Acceptance Petition**

Resolution No. 107-07 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Sutton Annexation, Located at 413 South Camp Road and Including the Redlands Water and Power Company Canal Property is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4101 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sutton Annexation, Approximately 53.69 Acres, Located at 413 South Camp Road and Including the Redlands Water and Power Company Canal Property

**c. Zoning Ordinance**

Ordinance No. 4105 – An Ordinance Zoning the Sutton Annexation to R-2, (Residential, 2 units per acre) Located at 413 South Camp Road and the Redlands Water and Power Company Canal Property

Councilmember Palmer moved to adopt Resolution No. 107-07 and adopt Ordinance Nos. 4101 and 4105 and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Public Hearing – Growth Plan Amendment Located at 2076 Ferree Drive [File #GPA2007-061]**

The petitioners, The R. Kenton Page Trust, requests adoption of a resolution to amend the Growth Plan Future Land Use Map from Estate (2-5 Ac./DU) to Residential Medium

Low (2-4 DU/Ac.) for the property located at 2076 Ferree Drive in the Redlands. The Planning Commission recommended approval of the proposed Growth Plan Amendment request at their May 22, 2007 meeting.

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

Scott D. Peterson, Senior Planner, reviewed this item. He described the request. The Planning Commission did review the request and recommend approval. He then described site and the location. The two properties were recently annexed into the City. The request is in anticipation of future residential development. The request is a designation from Estate to Residential Medium Low. It was originally designated as Estate in the Growth Plan due to its size and the surrounding property was designated Residential Medium Low due to the parcel size. Since the adoption of the Growth Plan a lot of development has occurred in the area. Mr. Peterson went through the other criteria. He said it is reasonable to request additional density to take advantage of the existing infrastructure and facilities. He noted the applicant is present and can answer questions.

Robert Jones II, Vortex Engineering, 255 Vista Valley Drive, Fruita was representing the applicant. He concurred with the Staff presentation and again reviewed the Growth Plan Amendment criteria and stated it will be a quality infill development. He asked for approval.

Cynthia Krikava, 2063 Ferree Drive, is not opposed to development but is concerned about safety in the neighborhood. She was told the County will maintain Ferree Drive and the problem is the area at the corner of the two bends in Highway 340 is not suitable, and she would like to see a roadway study. Properties are zoned 2 to 4 units per acre but that is not what is built. It is impossible to build at that zoning and it is an intrusion onto the canal. She would be happy to show anyone who visits the site.

Robert Jones II, Vortex Engineering, appreciated the comments and understands the situation of the intersection with Broadway. An opportunity to improve the situation was addressed in the Preliminary Plan. There were no public comments. Regarding the existing lots, they are larger because there was no sewer available when they were built, but now there is. Mr. Jones read from the Redlands Neighborhood Plan where the policy section regarding sewer states the density is encouraged near the Tiara Rado interceptor. This property touches that interceptor.

Councilmember Palmer asked if the developer has proposed infrastructure changes. Mr. Jones replied that there were discussions at the Planning Commission meeting but doesn't have those plans at this time.

Councilmember Palmer asked how the intersection questions will be addressed. City Attorney Shaver responded that Council will not be directly involved but there will be significant engineering involved and CDOT will be involved. If Council does feel that criteria can be met, then vote no. He read the section and advised that through engineering and planning, it may be that only the low end of the density can be supported on this site.

Councilmember Coons asked if a traffic study is likely to be part of the review. City Attorney Shaver replied yes and all the other criteria relative to traffic.

There were no other public comments.

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

Councilmember Todd commented that when they look at proposals to look at the availability of the infrastructure and the need for building sites, when there are opportunities to develop where there is infrastructure in place, the City can support them.

Councilmember Thomason stated that he trusts the process and when it is compatible he will support it.

Councilmember Coons said she had questions on traffic at that corner but understands that it is part of the review process, and it will be a paramount issue for the developer. Since the infrastructure is there she would support the Growth Plan Amendment.

Councilmember Palmer stated that his reason to raise a question is so that it is on the record. He doesn't disagree with Councilmember Thomason. He hears a lot about housing shortages, and is encouraged by the building community maximizing densities and he is supportive if density fits.

Councilmember Hill stated when he sees the larger view, the Estate zoning seems odd. If the Residential Medium Low is consistent with what is there, yes, he would support it.

Council President Pro Tem Beckstein stated that the Growth Plan Amendment is to determine what fits the area and the criteria and she trusts the Staff to follow through with the necessary steps and the review process.

Resolution No. 108-07 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 13.4 Acres, Located at 2076 Ferree Drive from Estate (2-5 AC/DU) to Residential Medium Low (2-4 DU/AC)

Councilmember Todd moved to adopt Resolution No. 108-07. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Council President Pro Tem Beckstein called a recess at 10:02 p.m.

The meeting reconvened at 10:14 p.m.

**Public Hearing – Vacating Portions of Texas Avenue, College Place and Alley Rights-of-Way Adjacent to Mesa State College Properties – 1020 Through 1040 Texas Avenue** [File #VR-2007-052]

Mesa State College is requesting to vacate portions of Texas Avenue, College Place and alley rights-of-way located adjacent to their properties in anticipation of creating a simple subdivision plat to merge six properties into one to develop the area as a parking lot for the campus. The Planning Commission recommended approval of the proposed right-of-way vacations at their May 22, 2007 meeting.

The public hearing was opened at 10:14 p.m.

Scott D. Peterson, Senior Planner, reviewed this item. The Planning Commission did review and recommended approval of this item.

Mr. Peterson described the site and the location. If approved, the College intends to demolish the existing homes and use the property for a parking lot. The request meets the Growth Plan Amendment criteria.

Councilmember Palmer asked if the houses to the north will lose any access. Mr. Peterson stated that Mesa State College owns those houses too and they will retain an easement for access.

Tom Logue, representing Mesa State College, stated he concurred with the Staff presentation and was available for questions.

There were no public comments.

The public hearing was closed at 10:19 p.m.

Ordinance No. 4106 – An Ordinance Vacating Portions of Texas Avenue, College Place and Alley Rights-of-Way Adjacent to Mesa State College Properties, Located at 1020 Through 1040 Texas Avenue

Councilmember Thomason moved to adopt Ordinance No. 4106 and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Infill/Redevelopment Request for The Plaza, Located at 28 ¾ Road**

A request for infill/redevelopment incentives for street improvements along the east side of 28 ¾ Road adjacent to a proposed development called The Plaza. The review committee is supporting the cost of curb and gutter along the east side of 28 ¾ Road from the corner of North Avenue north to the end of the property, where Grand Mesa Little League Park property begins.

Ivy Williams, Development Services Supervisor, reviewed this item. The funds for infill/redevelopment comes from the Economic Development Fund. She said Mr. Logue is here representing the applicant. The property is within the infill boundary. The site is also in the redevelopment boundary. She described the location and the site. The site meets the two acre requirement for redevelopment. It is zoned C-1. The request is for curb, gutter and sidewalk improvements on the east side of 28 ¾ Road. She described the Review Committee's considerations. She advised that with limited funds the Committee rated the curbs and gutter as the highest priority.

Council President Pro Tem Beckstein asked who the owners of the property are. Ms. Williams named two entities. Council President Pro Tem Beckstein asked about the members of the LLC. City Attorney Shaver stated that because the entities are not clients, he does not see any conflict.

Councilmember Palmer said his wife is involved in Grand Mesa Little League, with no financial benefit.

Councilmember Coons asked how much the fund balance is. Ms. Williams stated that they have previously allocated \$167,942, the rest of the \$250,000 is being recommended for this project.

Councilmember Palmer stated that it is the largest fund request so far. Ms. Williams stated that there was a larger request in 2005.

Tom Logue representing Scotty Investment and In and Out LLC, stated that members are present and are long time residents. They have done other projects but this one is the largest. The members have a strong commitment to the community. He spoke on how the project meets the infill/redevelopment goals, although it does not provide affordable housing since it is a commercial development, it does provide employment, and reduces sprawl.

The drainage along North Avenue is extremely poor, and requires creativity in the development of the property to deal with the drainage problem. The plan will have a pond that will pump into the existing drainageway in North Avenue which will be expensive.

Because of the dual jurisdictions, they will have to deal with both the City and CDOT for the road improvements. Existing structures need to be demolished and the streets are substandard in the area. There are also hazardous material concerns such as asbestos, and fuel storage clean up. In addition, the water and sewer mains are backfilled with mill tailings, and they may have to excavate concrete from an old highway requiring a lot of extraordinary expenses. The roadway improvement details are important due to the nearby activities generated by the little league park and the school which draw a lot of youth activities. In addition Wal-Mart generates a lot of pedestrian traffic.

The property is under six acres and they are proposing four new buildings for light retail and personal services uses, and restaurant pads. Primary access will be from 28 <sup>3</sup>/<sub>4</sub> Road and they will be asking for vacation of Pear Street. Mr. Logue indicated that about \$98,000 will still remain unfunded even if the request is approved. Mr. Logue went through a number of justifications for approval. He asked for Council's consideration of \$120,000 of funding, partially from the TCP, and another \$50,000 next year.

William Shuman, 815 25 Road, LLC member, stated that all members are local and own the property free and clear. He said they have committed tenants and although they have a lot of additional expenses to deal with, they are only asking for help with the improvements on the public property. He explained the safety improvements and that the members want to encourage people to come back to North Avenue. With the completion of that intersection it will start the ball rolling on the North Avenue Corridor improvements.

Councilmember Hill said they had just previously reviewed the North Avenue Corridor presentation and it is important to know when the right time is to leverage dollars to accomplish these improvements. The significant investment in 29 Road is timely. He suggest that the Council take \$100,000 out of TCP fund to do this now to jumpstart the North Avenue Corridor improvements.

Councilmember Coons stated that it was very serendipitous that this is before Council tonight. She encourages commercial at the east end of the valley to jumpstart renewal on North Avenue. She is concerned about encumbering next year's funding, and is also concerned about using up all the funds, but still supports the infill request and would like to find another way to fund the other piece.

Councilmember Todd agreed with Councilmember Hill's suggestion, and supports the project.

Councilmember Thomason asked what else is pending. Ms. Williams stated that there is a proposed 72 unit housing project from the Housing Authority.

Councilmember Todd asked the status of the Transportation Capacity Payment fund (TCP). Tim Moore, Public Works and Planning Director stated that the fund balance is on

target plus some carryover from last year. They have a few projects coming forward this year or next, but they do have some flexibility with the fund balance.

Councilmember Coons stated it would be her desire to have Staff to find the money.

Councilmember Thomason stated that given the time value of money he thinks Council should get the best bang for the buck, and would be in favor of adding to the \$70,000 with a cap at \$100,000.

Councilmember Palmer stated that the issue is the infill request and the Council should have Staff look at other possibilities, as there are certain risks when a project is taken on. It is not really Council's issue with possible cost overruns, however, there is a lot to like about this project and he knows it will improve the area. There is a need to have a starting place and he supports the Staff recommendation, but encourages Staff to look at other options for the rest of the request.

Councilmember Hill moved to approve an incentive reimbursement for curb and gutter for \$169,247 of which \$70,582 would come from the infill incentive program and the balance to be determined and reported back from Staff for The Plaza. Councilmember Coons seconded the motion. Motion carried 5 to 1 with Councilmember Palmer voting NO.

### **Development of City-Owned Property Adjacent to Tiara Rado**

Inclusion of 80 acres of City-owned property adjacent to Tiara Rado in a development application was discussed at the July 16, 2007 Workshop. City Council directed Staff to bring a resolution forward for consideration.

John Shaver, City Attorney, reviewed this item. It is being brought forward from the workshop on Monday. The resolution was amended based on Monday's discussion. The resolution is narrow in scope and allows for inclusion of the City-owned property in a Growth Plan Amendment application.

Councilmember Hill stated this was not a public hearing but discussing the comments from Monday night. There will be a process and Council will listen to the evidence, but this action does forge a private-public partnership. He urged an outreach to the community to create informed consent, a consistent City approach but expressed urgency because the timeframe for Growth Plan Amendments. He discussed changing the "rule" due to the dynamic community development. It is going to create immediate conflict to create this partnership. He is supportive of the public-private partnership but is concerned it will make for a contentious issue.

Councilmember Coons stated it was time to figure out a public-private partnership and she agrees with doing Growth Plan Amendments more frequently, but that change is



not currently in place. She feels it would be best to have a thorough discussion and then make a decision at that point. She stated that approving the Growth Plan Amendment does not assume or promise any development.

Councilmember Todd said the resolution and making the growth plan designation change will allow the time for more review. She stated this is the appropriate time to make the discussion available.

Councilmember Thomason stated that this application does not commit the City, it triggers the process. He supports the resolution.

Councilmember Palmer said that he agrees with changing the timeframe for Growth Plan Amendments. This resolution has nothing to do with the golf course, it is the density of the housing that is the issue and he doesn't think the Council needs to initiate the process to initiate discussion. Encouraging discussion will allow the process to go smoother, and fix the concerns up front. He stated that he would prefer not to initiate this process until there is more discussion between the parties involved.

Council President Pro Tem Beckstein thanked those present for staying, and stated that the Council should have addressed this conversation a year ago but believes the concerns will be addressed through the Growth Plan Amendment process where everyone can express their opinion.

Resolution No. 111-07 – A Resolution Authorizing the Filing of an Application to Amend the Growth Plan Designation for the City Property Located at 2064 S. Broadway in the City of Grand Junction, Colorado

Councilmember Coons moved to adopt Resolution No. 111-07. Councilmember Todd seconded the motion. Motion carried by roll call vote 4 to 2 with Councilmember Hill and Councilmember Palmer voting NO.

### **Non-Scheduled Citizens & Visitors**

There was a question on clarification from the audience. Mr. Shaver said the resolution allows a review of the City property and it could be alone or could be done in conjunction with the other property. It allows the City to file a Growth Plan Amendment application.

Paul Brown, 2067 E ½ Road, whose property abuts the property, asked why would the City expend its money and time to go through this process without the developers.

Councilmember Hill stated that Council gave direction to the City Manager to decide.

Council President Pro Tem Beckstein said any application will go through the City Planning Process.

City Attorney Shaver said ultimately it will be a request for a Growth Plan Amendment and then a request for zoning. The two can be considered together or the City Manager could decide another request/utilization for the property.

Carol Kissinger, 449 High Tiara Court, president of the HOA at Seasons, said she is here because she heard about it on the news and the news suggested there would be public outreach. She suggested that it should have been made clear that no public comment would be taken. This property is zoned "park". City Attorney Shaver said no, as it is zoned CSR. Ms. Kissinger said if there was not anticipation of doing the golf course then why not sell it. Councilmember Hill responded that the Charter requires a vote of the people to sell City property and such a question probably wouldn't pass.

Ms. Kissinger stated that assuming the partnership happens and the developer does not go through with his part of the partnership, the City should require some good guarantees in order to assure that the developer completes the project.

Steve Voytilla, 2099 Desert Hills Road, thinks the City is courting the developer and he will fight against the high density.

Councilmember Hill said his fellow Councilmembers are doing this so they can step back and be separate from the process.

Mike Anton, 2111 Desert Hills Road, expressed the same sentiments, if there is no timeline in place, then perhaps the City should step back and take some time. He hopes the City being the applicant doesn't influence the Planning Department and Commission when they are processing the application.

City Attorney John Shaver replied that this resolution does not compel the City Manager to file an application, it allows her to do it.

Council President Pro Tem Beckstein invited all comments via phone and email.

### **Other Business**

There was none.

### **Adjournment**

The meeting adjourned at 11:46 p.m.

Stephanie Tuin, MMC  
City Clerk