

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

December 19, 2007

The City Council of the City of Grand Junction convened into regular session on the 19th day of December 2007 at 7:03 p.m. in the City Auditorium. Those present were, Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, Linda Romer Todd, and Council President Jim Doody. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Thomason led in the Pledge of Allegiance.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Palmer read the items on the Consent Calendar noting that Item #5, Construction Impact Fees, has been postponed. Councilmember Hill moved to approve the Consent Calendar with the exception of #5. It was seconded by Councilmember Thomason and carried by roll call vote to approve the Consent Items #1 through #4 and Item #6.

1. **Setting a Hearing on the Meens Annexation, Located at 2475 Monument Road** [File #GPA-2007-262]

Request to annex 19.39 acres, located at 2475 Monument Road. The Meens Annexation consists of one parcel of land and associated right-of-way of Monument Road.

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

Resolution No. 184-07—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, Meens Annexation, Located at 2475 Monument Road Including Portions of the Monument Road Right-of-Way

Action: Adopt Resolution No. 184-07

b. Setting a Hearing of Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Meens Annexation, Approximately 19.39 acres, Located at 2475 Monument Road Including Portions of the Monument Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for February 6, 2008

2. Setting a Hearing Amending the Zoning for Weeminuche Estates Subdivision
[File #PP-2007-003]

A request for approval to amend the existing PD (Planned Development) zoning with a default zone of R-4 by approval of a Preliminary Development Plan (PDP) to develop 362 dwelling units on 151.38 acres as a Planned Development.

Proposed Ordinance Amending the Existing Planned Development Zone by Approving a Preliminary Development Plan with a Default R-4 (Residential-4) Zone for the Development of 362 Dwelling Units for the Weeminuche Estates Subdivision, Located North of H Road Between 26 Road and 26 ½ Road, West of the 26 ½ Road and Summer Hill Way Intersection

Action: Introduction of Proposed Ordinance and Set a Hearing for January 16, 2008

3. Designating Signatories for Banking and Financial Accounts and Transactions

Based on the appointment of a new City Manager earlier this year and because of changes in job titles and responsibilities of other employees of the City, it is necessary and proper to designate signature responsibility for banking and financial transactions.

Resolution No. 185-07—A Resolution Designating Signatories for Banking and Financial Accounts and Transactions for the City of Grand Junction, Colorado

Action: Adopt Resolution No. 185-07

4. **Contract for Highway 50 Access Control Plan**

Approval of a professional design services contract with PBS&J, Inc., for the City's share of the Highway 50 Access Control Plan. The project is managed by CDOT and is jointly funded by CDOT, Mesa County, and the City of Grand Junction.

Action: Authorize the City Manager to Sign a Contract with PBS&J for Professional Services, in an Amount not to Exceed \$70,000

5. **Construction Impact Fees for 2008** REMOVED AND POSTPONED

Based on discussions with the development community, the City Construction Inspection Fees are proposed to be flat rates for 2008. This is an effort to simplify the determination of construction inspection costs and allow the Developer to better plan for and predict inspection costs associated with their project. The proposed 2008 rates are based on an average of actual fees charged on development projects completed between 2003-2006 and would be charged to the Developer at time of plat recordation.

6. **Construction Contract for 2007 Sewer Line Replacement**

The 2007 Sewer Line Replacement project consists of replacement of deteriorating sewer lines within the Persigo sewer agreement boundaries. The areas that were selected this year are as follows: 7th Street and Orchard Avenue, between Bookcliff Avenue and Manor Avenue from 20th Street to 22nd Street and in the Redlands area on Granite Court, Dinosaur Court and Meadows Way.

Action: Authorize the City Manager to Sign a Construction Contract for the 2007 Sewer Line Replacement to Sorter Construction, Inc., in the Amount of \$409,971.00

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Transportation Impact Fees for 2008

The Grand Junction City Council has met previously and discussed increasing the valley wide Transportation Capacity Payment (TCP) for 2008. Council's from Fruita, Palisade and the Mesa County Commissioners have all had similar discussions. At the present time it does not appear that all of the area governments will adopt a similar fee schedule. At the December 19th meeting the City of Grand Junction will consider increasing the fee in 2008 to \$2,554 per single family unit with proportionate increases for commercial and industrial uses.

Trent Prall, Interim Deputy City Manager, reviewed this item. He reviewed the history of the fee and the discussions that have taken place within the Transportation Impact Fee Committee. The different entities were not able to come to a consensus on raising the fee so each entity will be taking its own action on whether or not to increase the fee. This is not critical as there are a variety of other fees that vary from jurisdiction to jurisdiction. The fee being proposed by Grand Junction is an increase based on the Colorado Department of Transportation (CDOT) price increases.

Council President Doody asked for Mr. Prall to elaborate on the discussions of the study with the Mesa County Commissioners, the Palisade Town Board, and Fruita City Council. Interim Deputy City Manager Prall responded that the study in 2004 recommended a rate of about \$3,000. By inflating that rate to the CDOT construction cost index, the City would be looking at a current fee of \$4,800.

Councilmember Beckstein asked what percentage of the impact fees will actually cover the cost of the additional infrastructure. Interim Deputy City Manager Prall said only about 25% of the cost is generated by the fee while some of the impact is offset by the increased sales taxes.

Councilmember Palmer asked Interim Deputy City Manager Prall how the impacts were paid prior to 2004. Mr. Prall said the fee was \$500, but the developers were also required to install much of the improvements themselves, such as lights, turn lanes, curb, gutter, etc. In 2004 the City moved away from that method by charging a higher fee, but then the City was responsible for improvements to the collector roads.

Councilmember Palmer said he remembers the discussion that development should pay its own way and the reason for changing the method was to allow the developer to know ahead of time what it will cost them, and also that the funds could be combined to complete larger projects. He noted that the method does not seem to be working well, as the taxpayers are now footing much more of the bill.

Interim Deputy City Manager Prall agreed, but the resolution also restricted additional negotiation with the developer. A change might be made to allow for developer negotiation to allow the City to stretch the dollars to better meet the impact demands.

Councilmember Hill asked what the City did with the impact fee when the developer was doing their own improvements. Interim Deputy City Manager Prall said that the developer was credited back for the improvements that were done. Councilmember Hill continued that the real benefit was that the developers knew what their costs were going in, and there were no surprises partway into the development. He said that this is the first time he knew that the fee was being discounted by 49.2%, and it was his understanding that the increase to \$1,500 would bring the City up to par. Even raising the fee to \$2,554, a 60% increase, is not close to the amount the City needs to eliminate a taxpayer subsidy.

Councilmember Todd said she has concerns about comments that increased sales taxes are taking care of things, but when relating to the streets, the City is still delaying overlays because the dollars are already accounted for.

Councilmember Hill noted that this fee increase will increase the revenues by \$1 million. He asked how this will affect TABOR, and will it really offset costs of infrastructure, or will it go towards repayment of debt as excess revenue.

Interim Deputy City Manager Prall said although those funds would go directly to transportation impact projects, in reality the additional revenue will go towards the debt repayment. Councilmember Hill said it would then affect other projects. Interim Deputy City Manager Prall said it would affect reserves, but it would not affect service delivery or capital projects.

Councilmember Palmer agreed with Councilmember Hill and said as the City garners more income and goes over the TABOR limit, the City really isn't gaining enough to be able to catch up on the necessary cost of infrastructure. It is his understanding that the City is trying to have development pay its own way, but it appears that the taxpayer is actually taking on more of the burden. He asked Interim Deputy City Manager Prall if there is a way to calculate if taxpayers are picking up a lesser or greater amount of the necessary infrastructure.

Interim Deputy City Manager Prall said although one might argue that additional sales tax helps development pay its own way; the reality is that funds are just not there to get the work done.

Councilmember Coons noted that Grand Junction's transportation impact fees were lower than other comparable entities, and she asked how the other communities are addressing this fee.

Interim Deputy City Manager Prall agreed it does vary greatly and he pointed out the particular reasoning of each community, pointing out that some of the other communities already have their infrastructure in place, but because Grand Junction is still growing, new infrastructure is required.

Councilmember Coons questioned the differential between residential and commercial fees, and the return on benefit.

Interim Deputy City Manager Prall said if the community is not able to decentralize shopping then there will be millions of dollars of improvements to the road system to transport residents in Whitewater, Pear Park, and Clifton to the shopping areas. It would be ideal to charge the fees according to the impact of the particular development.

Councilmember Hill confirmed that the proposed increase is just for 2008 so perhaps these other options mentioned can be explored.

Councilmember Palmer said that the Council is always looking for options that are fair to all, and he asked for clarification on Mr. Prall's comment regarding project based fees prior to 2004.

Interim Deputy City Manager Prall said that with the impact fees where they are now, and if the City had the flexibility to negotiate infrastructure construction with the developers then he believes they would be closer to having the resources needed to meet the goals without raising the transportation impact fees at this point.

Councilmember Palmer asked if an increase in the fees will shift development to Fruita and the unincorporated areas.

City Attorney Shaver suggested that the City be divided into certain study areas (much like basins used in sewer service) where the fees would be determined for those localized areas. The fees could also be drafted in order to encourage development in certain areas.

Councilmember Beckstein explained that in the committee meetings each entity had different goals and different reasoning, and thus the lack of consensus. She thought the fee could be used as a tool, and it does not have to be uniform across the County, but it does need to be enough to meet the cost of construction.

Councilmember Coons pointed out that using the fee to incentivize growth might not, in reality, cover the cost.

Councilmember Hill asked if there is a compromise where the developers are responsible for the improvements, thereby eliminating some of the TABOR issues, and yet enough of a fee to help the City with its road improvements. Also, is there a method that can be used so the developer is not caught by surprise.

Councilmember Todd said that taking the element of surprise out is very important so she would like to see this discussed in more detail. She suggested that the focus be on this year, and then discuss the issue in more detail later.

Council President Doody was disappointed at the number of studies that are done, and then the recommendations are not followed.

Councilmember Beckstein noted that the fee being considered should be only for 2008 and 2009, until such time as the Comprehensive Plan is complete.

Council President Doody asked how Fruita intends to proceed.

City Manager Kadrach said Fruita is going with a higher rate than what is proposed for Grand Junction for residential fees, but plans to keep the commercial rate the same. Palisade is doing the same.

City Manager Kadrach addressed the previous study. It did show the fee should have been higher, but that study is now outdated.

Councilmember Hill noted it is the 2002 study which he did not know they were adopting a fee at a discounted price, but he agreed a new study may be in order.

Councilmember Palmer asked if there is an ending date on the fee. City Attorney Shaver said the resolution is written to continue until another fee is adopted. Councilmember Palmer didn't want that question to delay a decision now. City Attorney Shaver offered to amend the resolution to affect his concern.

Diane Schwenke, 528 Greenbelt Court, a representative from the Chamber of Commerce, strongly urged the Council to look at other options and she suggested that the new fees would mean tens of thousands of dollars for new projects in 2008 that have been supported and approved. She suggested the fee stay the same on the commercial. The Chamber does not have a position on residential, but they do feel the same regarding office and industrial. The Chamber is willing to be at the table for additional discussion.

Rebecca Zeck, Zeck Homes, 1950 Highway 6 & 50, Fruita, said in looking ahead at 2008 she supported Ms. Schwenke's comments. She would also support a fee increase deferral on residential, particularly in light of the timing, and the lack of time to react.

Councilmember Thomason noted that with Plant Investment Fees (PIF) the increase did not affect development currently in the pipeline.

Don Pettygrove, 8 Moselle Court, was on the 2004 Task Force, and said the \$500 charged did not cover the improvements at that time, and there were also half-road improvements that were done resulting in no continuity or development coordination. The developer who was "first in" had to pay for the bulk of the improvements. They realized at the time that costs were increasing, but the study identified certain areas that needed improvements. The County has excess capacity on their road system which is why they want to hold the fee down. The application of those fees needs to be in those concentrated areas. The business development is what has the impact, but they also create revenue via sales tax. Mr. Pettygrove cautioned that the housing prices are already high, and any fee increment affects housing prices.

Councilmember Todd said that they should address the timing of when new impact fees are put into place as there are a lot of developments that are pre-sold with construction

pricing, and are still 8 to 9 months out on construction. She said the Council needs to be aware that any change to the impact fee should be at least a six month lead time to allow for adjustment.

Jana Gerow, Development Consulting Services, 2350 G Road, suggested planning the fee for two or three years to provide some predictability for the future. Putting the role of building the improvements in the City's hand was a good move, and the City has done a good job with that.

Ted Munkres, 121 Chipeta, said he understands that this is a difficult task. He suggested that all the elements that home builders use need to be studied. Residential development does pay its own way, in addition to the contributions to the sales tax base made by the homebuyer for decorative items after the purchase. Mr. Munkres also spoke to affordable housing stating that fees really do affect the ability for affordable house building. He agreed that more study, and perhaps a task force be considered.

Councilmember Coons clarified with Mr. Munkres that he believes that impact fees should not be raised at this time. Mr. Munkres said yes, he would like the Council to take some time to evaluate and get more feedback from the community to see what the fee level needs should be for planning ahead.

City Manager Kadrach pointed out that no one has said the City's fees are too high. The fee increase being requested is only an inflationary adjustment. Large fee increases are difficult to plan for and by not approving a fee now, and then studying for another year the City will be placed further behind inflation. An option is to make a smaller increase now, and then develop a step plan for the future.

Councilmember Todd said that she could not recall the actual amount the fee should have been that was never reached over the years.

Ms. Kadrach replied that the fee from the study in 2002 that should have been \$4,200 was implemented instead at a lower rate of \$1,500. The request tonight is CDOT's inflationary costs related to construction materials from \$1,500 to today's market costs. Applying inflation to that number, she deferred to Interim Deputy City Manager Prall who said the number calculated to \$6,000. Applying the CDOT inflation to the \$3,000 fee today's number would be \$4,800 with the difference being the sales tax impact.

Councilmember Thomason expressed frustration that with each fee increase the City is still constantly playing catch-up. There should be a predicable number that can be plugged into a formula so that the City isn't so far behind the curve.

Councilmember Todd agreed that some fee increase is needed as long as those projects already in process get some consideration, but she is not sure where she stands on the commercial fees.

City Attorney Shaver advised there is flexibility as to how Council would like to proceed.

Councilmember Coons explained that she sits on affordable housing committees, but if the costs are shifted it still affects the cost of living in Grand Junction. She agreed that the residential fee needs to be increased and was supportive of special consideration for those in the pipeline. She supports leaving the commercial fee at the current level for at least a year and then work on other options such as project based impact fees.

Resolution No. 187-07–A Resolution Amending the Development Fee Schedule
Modifying the Transportation Capacity Payment Schedule

Councilmember Hill moved to increase the residential Transportation Impact Fee to approximately \$2,554 without raising or affecting commercial or industrial fees with a July 1, 2008 implementation date. Councilmember Coons seconded.

Councilmember Palmer said he thinks the commercial fees also need to be increased, but the whole thing needs to be studied by Staff and stakeholders immediately to get a better handle on the numbers than what they currently have, and that is the reason he would vote no.

Councilmember Todd agreed with Councilmember Palmer that the City would have to look at commercial fees also.

Councilmember Beckstein asked who worked on the committee and recommendation with the Grand Valley Regional Transit Committee (GJRTC). Interim Deputy City Manager Prall said it was mostly the GVRTC and Regional Transportation Planning Office (RTPO) Staff. The CDOT inflation amount was brought to the table as being more realistic.

Councilmember Beckstein supported the Staff recommendation.

Councilmember Hill clarified the reason for his motion, looking at a 2002 rate was never increased to the recommended amount, and the TABOR implications have not been taken into account. The motion was an attempt to move forward, but he would like to add another motion that in one year the rate goes to \$3,300, and a year from July 2008 the commercial rate moves too.

City Attorney Shaver proposed procedural changes to the resolution based on Councilmember Hill's motion if passed, by amending the far right hand column identified as a 2008 fee based on CDOT construction be amended to say 2008 fee, and the far

right column relative to residential remain as written, but the current fee of 2007 would be shifted over to the 2008 column.

The roll was called on amended Resolution No. 187-07. Motion carried with Councilmember Palmer, Councilmember Todd, and Council President Doody voting NO.

Councilmember Hill moved to increase commercial and industrial rates at the same proportional rate of the increase proposed for July 1, 2008 implemented January 1, 2009. Motion carried by roll call vote.

Councilmember Beckstein reviewed that the intent of the motion is to strongly encourage Council to look at these fees, and have a discussion prior to the implementation of the Resolution.

Council President Doody called a recess at 8:52 p.m.

The meeting reconvened at 9:09 p.m.

Contract Extension for Colorado Avenue Reconstruction

The City and the Downtown Development Authority plan to reconstruct Colorado Avenue in 2008 between 2nd Street and 7th Street. Mays Concrete was the low bidder for the 7th Street/Main Street Reconstruction Project earlier this year. Mays Concrete has proposed to complete the Colorado Avenue improvements, which are very similar to 7th Street/Main Street, for the same unit costs. Council will consider execution of a contract extension for the 7th Street/Main Street contract with Mays Concrete for the reconstruction of Colorado Avenue.

Councilmember Hill recused himself saying he has intentionally not attended any of the meetings related to this project as his business is located on Colorado Avenue. He then left the meeting.

Tim Moore, Public Works and Planning Director, reviewed this item. He explained that bids were accepted for the 7th Street improvement projects. Mays Concrete was the low bid and has finished the 7th Street Project. Mays Concrete offered to extend their unit prices to the Colorado Avenue project. A contract extension would then allow the Colorado Avenue project to come in under budget. The time frame was planned to begin in January 2008. Mr. Moore listed the benefits to extending the existing Mays Concrete contract. Due to the increase in cost for asphalt, 7th Street was constructed in concrete as will be done with Colorado Avenue, so it really is a concrete contractor job.

Mr. Moore said he has met with other contractors and contractors' associations regarding the City's intent. There may be those in attendance that wish to speak.

Councilmember Coons asked why Mays Concrete is able to keep their prices the same. Mr. Moore said that they were able to finish 7th Street and meet their profit margins successfully plus this is a major project for them to do in January 2008.

Councilmember Thomason asked about the City's policy on extending such contracts.

Jay Valentine, Assistant Financial Operations Manager, said the policy says the City can consider awarding without competition when certain findings are made, and those have been made. Mays Concrete was the low bidder, and he did not think the City would get lower bids.

Mr. Moore said the landscaping bid will be bid separately, there will be electric costs with Xcel Energy, and that will come back to City Council. Mays Concrete will just be doing the hardscape.

Councilmember Todd asked if in the conversations with the two associations did Mr. Moore get the impression that no one else wanted to bid on this project. Mr. Moore said not necessarily; there even may be contractors from out of the area that would want to bid. However, they might have to partner with a contractor here. United Companies did express some concern that would not want the City to move away from the competitive bid process.

Councilmember Todd said she has concerns the City is moving away from the bid process.

Councilmember Coons said this is somewhat unique as the City is acting as an agent for the Downtown Development Authority (DDA), and asked what happens if the project is bid out and no one is within the budget.

Mr. Moore agreed there is a finite amount of resources, and if the bids were too high there would be discussions on how to fund the additional amount. The DDA was supportive of extending the contract with Mays Concrete. He also pointed out that these two projects are side by side and so similar in nature.

Councilmember Palmer pointed out that they had also considered extending the contract for Phase II of the Ranchman's Ditch project, but didn't, and the new bids received were better for the City. He thinks it is better to bid overall.

David Meyers, Associated Builders and Contractors (ABC), 2501 Blichmann Avenue, feels that competitive bidding is always the best way to go, but in this case it is the best fiscal decision to go with the change order. He identified the various reasons. The bottom line is the City would probably save over \$600,000.

Councilmember Coons asked if it was his organization's opinion exclusively. Mr. Meyers said that the members were polled and the consensus was that the members were supportive.

Councilmember Palmer said he understands the reason for Staff to ask to extend the contract, and hears there may be monetary savings, but there are no guarantees. He still prefers to bid it out.

Councilmember Thomason thought this project is different from the Ranchman's Ditch project so he favors the extension and the savings.

Councilmember Coons said she respects policies and agrees that bidding is usually best. The Council needs to do what is in the best interest for the taxpayers and the City. The budget was set by DDA, and the Council needs to honor that and the public process of what needs to go into that corridor. If the City can stay within the budget, and the building community agrees with that discussion, she supports the contract extension.

Councilmember Beckstein said she was comforted that policy does address this option and she appreciated ABC's letter. The DDA's funds are more restricted. The City taxpayers will benefit from the cost savings, and the City Council is in charge of getting the best bang for the buck. This is a unique situation, and the City Council should be able to address unique situations where the taxpayers benefit, so she is in support.

Councilmember Todd disagrees as there is no guarantee that there is a proven cost savings. She opposed the extension, and believes that the process of bidding out should be followed, especially with a project in upwards of the million dollar range.

Council President Doody said he does not want to take a chance on a large bid amount when they have the opportunity, and the support of the industry, to extend this contract.

Councilmember Coons moved to authorize the City Manager to negotiate and execute a contract extension to the 7th Street Corridor Project – Schedule B with Mays Concrete for the reconstruction of Colorado Avenue between 2nd Street and 7th Street.

Councilmember Beckstein seconded. Motion carried with Councilmembers Palmer and Todd voting NO.

Councilmember Hill returned to the dais.

Construction Contract for Ranchmen's Ditch Flood Control Project Phase II

Phase II of the Ranchmen's Ditch Flood Control Project (Big Pipe) will construct stormwater improvements along Patterson Road between 25 ½ Road and 26 Road. The work will consist of additional stormwater pipe as well as lining the existing pipe at 1st Street and Patterson. Also included in this contract are a few large concrete junction boxes and utility relocations that will help accelerate Phase III construction in late 2008-2009.

Tim Moore, Public Works and Planning Director, reviewed this item. He identified the low bidder, and explained the scope of the project. He noted the timing constraints due to the ditch water supply in the spring.

Councilmember Beckstein asked about the scope of Phase III. Mr. Moore said that it will start fall 2008, and finish over next winter.

Councilmember Palmer moved to authorize the City Manager to sign a construction contract for Ranchmen's Ditch Flood Control Project Phase II with Mendez, Inc., in the amount of \$2,449,231.25. Councilmember Hill seconded. Motion carried.

Pinnacle Ridge Subdivision [File #PP-2005-226]

The City Planning Commission approved the Pinnacle Ridge Subdivision Preliminary Plan on November 13, 2007. As part of that approval there are certain approvals needed for the Preliminary Plan that under City codes and regulations require City Council action.

David Thornton, Principal Planner, reviewed this item. He noted that the Planning Commission approved the Preliminary Plan on November 13, 2007, and as part of the approval the following items need City Council action.

1. Proposed private streets;
2. Vehicular routes traversing greater than 30% slopes;
3. The acquisition of City property for necessary right-of-way for access to Mariposa Drive; and
4. The granting of a sewer easement across property owned by the Ridges Metropolitan District.

There are a couple of private streets that come off the public streets. Private streets under City regulations require Council approval. The proposal is for pedestrian sidewalk access on one side of the private drives, and there is an additional pedestrian path that winds throughout the interior of the project that provides additional access as well as being a nice amenity.

The next section deals with vehicular routes traversing greater than 30% slopes. There is a fairly steep street on the west side of the development that has places greater than 30% slope which will require Council approval. In addition, there is a road section that is at 13% grade, but has been approved by the TEDS committee. Additional criteria deals with engineering measures, stormwater, and hillside impacts which the applicant will address in the final design.

The acquisition of City property for necessary right-of-way for access to Mariposa Drive is needed. An appraisal was performed on the small piece of property and the value was calculated at \$224.86.

The granting of a sewer easement across property owned by the Ridges Metropolitan District (RMD) is also being requested. The property will remain in the ownership of the City in the Ridges Metropolitan District name, but will allow the subdivision to hook onto the Persigo Wastewater Treatment Plant.

Councilmember Palmer asked about the size difference between a private street and a standard City street. Mr. Thornton said the pavement for a private street would only be 25 feet rather than the City standard requirement of 28 feet. The Fire Department has approved the narrower street noting that fire access will need to be maintained even if on-street parking is allowed.

Councilmember Coons asked about safety on the 13% grade. Mr. Thornton said it is only a short section so the engineers do not see a problem.

Council President Doody asked who maintains private streets. Mr. Thornton said the HOA would be responsible, and that would be set forth in an agreement.

Councilmember Palmer asked about erosion factors. Mr. Thornton said that will be looked at for Final Plat, and the engineers will review that.

Council President Doody asked why the City Council acts as the Ridges Metropolitan District Board. City Attorney Shaver said when the annexation occurred all assets were transferred to the City and as long as there is outstanding debt the City Council will continue to act as the Ridges Metropolitan District Board.

Robert Jones II, Vortex Engineering, 255 Vista Drive in Fruita, stated that Staff did a good job presenting. The total size for the slopes greater than 30% is 1.2 acres, a small percentage. The requests are consistent with the intent of the Zoning and Development Code.

Councilmember Hill asked for confirmation that the City sells the developer the right-of-way, but once the road is built it becomes a City-owned right-of-way. City Attorney Shaver responded affirmatively.

Resolution No. 188-07—A Resolution Approving Designation of City Owned Land in the Ridges as Right-of-Way

Resolution No. 189-07—A Resolution of The Ridges Metropolitan District Authorizing the Conveyance of a Sewer Easement to the City of Grand Junction

Councilmember Todd moved to approve the proposed private streets and vehicular routes traversing greater than 30% slopes, and adopt Resolution Nos. 188-07 and 189-07. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing—Sura Growth Plan Amendment [File #GPA-2007-276]

A request to amend the Growth Plan, changing the Future Land Use designation from "Residential Low" (Residential, 0.5 to 2 acres per lot) to "Residential Medium Low" (Residential, 2 to 4 units per acre) for 1.032 acres, located at 405 25 Road.

The public hearing opened at 10:02 p.m.

David Thornton, Principal Planner, reviewed this item. He explained the request is to further subdivide the property for two to three lots. The surrounding parcels are less than ½ acre in size. Mr. Thornton stated that he feels that Criteria A, an error in designation, for the Growth Plan Amendment has been met.

Matt Sura, 405 25 Road, the applicant, stated the process has given him a new perspective and that the process was a positive experience. He lauded Staff's assistance.

There were no public comments.

The public hearing was closed at 10:09 p.m.

Councilmember Palmer asked about the neighborhood opposition. Mr. Thornton clarified that there were some concerns that other adjacent lots would go through the same process, and that would mean additional density.

Councilmember Hill stated that Mr. Thornton did an excellent job showing that the designation was in error, and the transition makes sense. He agreed Criteria A was met.

Resolution No. 190-07—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 1.032 Acres Located at 405 25 Road, from

“Residential Low“ to “Residential Medium Low” (Sura)

Councilmember Thomason moved to adopt Resolution No. 190-07. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing—Reigan Growth Plan Amendment [File #GPA-2007-279]

A request to amend the Growth Plan, changing the Future Land Use designation from "Rural" (one unit per 5 to 35 acres) to "Mixed Use" for 26.443 acres, located at 2202, 2202 ½, 2204 H Road, and 824 22 Road.

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

David Thornton, Principal Planner, reviewed this item. He described the location and reminded the City Council that this area was recently added to the Persigo 201 boundary area. He described the current uses and that the established industrial uses to the south and the areas to the west have recently been redesignated on the Growth Plan as Commercial/Industrial.

The proposal is to go from rural use to a mixed use. Looking at the Future Land Use Map and the need to protect the existing residential homes, and through discussions with the owners, it was believed that mixed use zoning for industrial and commercial to the west and south was the best transition to residential to the north.

Mr. Thornton then reviewed the criteria:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for.

Mr. Thornton said obviously there was no error.

- b. Subsequent events have invalidated the original premises and findings.

With the decision to add this area to the Persigo 201 boundary on August 2, 2007 the City Council and Mesa County Board of Commissioners have in effect established this area for some type of urban intensity land use.

- c. The character and/or condition of the area have changed enough that the amendment is acceptable.

The character of this neighborhood has been and continues to be developing with urban land uses; specifically industrial uses that bring with them noise

and traffic. The interface with these industrial uses and the existing residential uses has become an ongoing problem for area residents. The need for a transitional area between these two contrasting land uses is desirable and being requested with this Growth Plan Amendment request to Mixed Use. Mixed Use will become that transition.

- d. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans.

The amendment is consistent with the goals and policies of the Growth Plan. It is important to ensure that the Future Land Use Map designates sufficient land in appropriate locations to accommodate anticipated demand for each residential land use category in particular for this neighborhood to help accommodate the transition from industrial impacts to single family residential impacts.

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed.

Adequate public facilities are currently available or can be made available and can address the impacts of any development consistent with a Mixed Use designation.

- f. An inadequate supply of suitably designated land is available in the proposed land use.

There are areas in the Grand Junction City limits that have a large supply of available Mixed Use lands, however in this area the desire to create a transition between industrial and residential is very important and establishing a Mixed Use area can accomplish that.

- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The community as a whole will benefit by allowing for a transition from the industrial to the residential areas by establishing a Mixed Use area. If the Growth Plan is not changed to reflect a Mixed Use designation, the area requesting the Mixed Use will continue to experience the high impacts from the industrial land uses, which will only increase as additional industrial is planned and developed to the west and south. Such impacts will continue to be heavy on the residents residing at this 22 Road and H Road location.

Mr. Thornton therefore recommended approval as it meets the criteria, b through g.

Robert and Marie Reigan, 2204 H Road, two of the applicants, said Mr. Thornton presented the application well. They added that the noise is a huge factor and the mixed use will act as buffer to the residential to the north and allow for uses or compatibility with the activity in the area.

Glenn Morrison, 2202 ½ H Road, said he bought the property originally to build a house, but changed his mind with all the traffic and noise. He favors the change.

There were no other public comments.

The public hearing was closed at 10:25 p.m.

Councilmember Hill said Mr. Thornton did a good job going through the criteria.

Resolution No. 191-07—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate 26.443 Acres, Located at 2202, 2202 ½, 2204 H Road, and 824 22 Road, from “Rural” to “Mixed Use” (Reigan)

Councilmember Palmer moved to adopt Resolution No. 191-07. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Belford Triplex Growth Plan Amendment [File #GPA-2007-264]

A request to amend the Growth Plan, changing the Future Land Use Designation from "Residential Medium (4-8 du/acre) to "Residential High" (12+du/acre) for 0.432 acres, located at 1005, 1011, 1013, and 1015 Belford Avenue.

The public hearing was opened at 10:26 p.m.

David Thornton, Principal Planner, reviewed this item. He described the site and the location. He described the surrounding uses and Growth Plan designations. The Growth Plan designations on the same block are Residential Medium High (RMH), and Residential High (RH) and the zoning is R-24.

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for.

There was no error at the time of the adoption of the Growth Plan in 1996. The land use category at that time reflected existing land use on the properties. These three parcels on Belford Avenue were zoned Residential, 24 du/ac in 2000 (R-24), and would be brought into conformance with the Growth Plan with the proposed change to Residential High.

- b. Subsequent events have invalidated the original premises and findings.

With the conscious decision to rezone these three properties to R-24 in 2000, it contradicted the original premise that Residential Medium (RM) was the appropriate land use category for this area on the Future Land Use Map. In 2000 it was anticipated that the land use category would be amended to reflect the R-24 zone district.

- c. The character and/or condition of the area have changed enough that the amendment is acceptable.

The character of this neighborhood has been and continues to be developing as higher density residential with numerous apartments and multi-family dwellings that afford many college students at Mesa State College and other residents of the community housing. With a change in the Future Land Use Map for these three parcels, additional multi-family housing will be possible. It will also allow the property owners to bring their properties into conformance with zoning and to developer their property to the intended intensity of the current zoning.

- d. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans.

The amendment is consistent with the goals and policies of the Growth Plan. Zoning for this site was established as R-24 to allow for high density development near Mesa State College and to reflect existing conditions in the neighborhood.

It is important to ensure that the Future Land Use Map designates sufficient land in appropriate locations to accommodate anticipated demand for each residential land use category in particular for this neighborhood to help accommodate the anticipated growth of students at Mesa State College in the years to come. In addition, development of additional units on these properties will further promote infill in a neighborhood that has opportunities for redevelopment.

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed.

Adequate public facilities are currently available and can address the impacts of any development consistent with a RH designation.

- f. An inadequate supply of suitably designated land is available in the proposed land use.

There is a limited supply of R-24 zoned land within the community and in this case these three parcels are unable to develop at R-24 densities due to the conflict with the adopted land use category designation. This current nonconformity actually limits development on these three parcels to existing nonconforming uses (densities much lower than allowed under the current R-24 zoning). A change to the RH land use category will allow for better infill development opportunity in this area.

- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The community as a whole will benefit by allowing for increased housing density in an area that has been planned for and zoned accordingly in 2000. If the Growth Plan is not changed to reflect a RH designation, the R-24 zone district will continue to be nonconforming and not allow for infill residential high density development to occur on these three parcels.

Caleb Boutilier, 921 Catalpa, Fruita, the applicant, commended Staff and stated his reason for the request.

There were no public comments.

The public hearing was closed at 10:33 p.m.

Councilmember Hill commended Mr. Thornton on his presentation.

Resolution No. 192-07—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate 0.432 Acres, Located at 1005, 1011, 1013, and 1015 Belford Avenue, from “Residential Medium” to “Residential High” (Belford Triplex)

Councilmember Coons moved to adopt Resolution No. 192-07. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing—Create Alley Improvement District 2008

Successful petitions have been submitted requesting an Alley Improvement District be created to reconstruct three alleys.

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

Tim Moore, Public Works and Planning Director, reviewed this item. Petitions were received for three alleys. There is \$200,000 in the 2008 budget. The property owners are paying about 13% of the cost. Those percentages will be reviewed in the next few months.

There were no public comments.

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

Resolution No. 193-07—A Resolution Creating and Establishing Alley Improvement District No. ST-08 Within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for the Payment Thereof

Councilmember Hill moved to adopt Resolution No. 193-07. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

The City Council wished everyone Happy Holidays, Merry Christmas, and Happy New Year.

Adjournment

The meeting adjourned at 10:38 p.m.

Stephanie Tuin, MMC
City Clerk