

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

February 6, 2008

The City Council of the City of Grand Junction convened into regular session on the 6th day of February 2008 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 Beckstein led in the Pledge of Allegiance.

Council President Doody recognized Jordan Potterton from Boy Scout Troop 328, and Max O'Rourke from Advanced Placement Government class at Grand Junction High School.

Citizen Comments

There were none.

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 Consent Items #1 through #10.

1. **Setting a Hearing on Amending the Code Regarding Industrial Pretreatment**

The Federal Government made changes to the Code of Federal Regulations (CFR) which became effective in 2006. Those changes deal with Industrial Pretreatment Regulations. The EPA requires that our City Ordinance be as restrictive as the Federal Regulations. The Grand Junction Ordinance is being revised to incorporate the exact language of these changes.

Proposed Ordinance Amending a Portion of Article II of Chapter 38 of the Grand Junction Code of Ordinances to Incorporate Changes Made to the Federal Code of Regulations Related to Industrial Pretreatment Regulations

Action: Introduction of Proposed Ordinance and Set a Hearing for April 2, 2008

2. **Setting a Hearing for the Vacation of the North/South Alley between S. 8th and S. 9th Streets, North of Winters Avenue** [File #VR-2007-050]

Request to vacate the north/south alley between S. 8th and S. 9th Streets, north of Winters Avenue. The applicant is requesting to vacate the alley in order to use the land with the properties located at 806 and 814 Winters Avenue for storage of construction and special event traffic control signs and equipment.

Proposed Ordinance Vacating North/South Right-of-Way for Alley Located Between South 8th and South 9th Streets, North of Winters Avenue

Action: Introduction of Proposed Ordinance and Set a Hearing for February 20, 2008

3. **Setting a Hearing Zoning the Pinson-Herigstad Annexation, Located at 644 ½ 29 ½ Road** [File #ANX-2007-352]

Request to zone the 3.02 acre Pinson-Herigstad Annexation, Located at 644 ½ 29 ½ Road, to R-4 (Residential 4 du/ac).

Proposed Ordinance Zoning the Pinson-Herigstad Annexation to R-4, Located at 644 ½ 29 ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for February 20, 2008

4. **Setting a Hearing on the Below-Senatore-Stone Annexation, Located at 209 ½ and 221 Red Mesa Heights Road** [File #ANX-2007-373]

Request to annex 2.95 acres, located at 209 ½ and 221 Red Mesa Heights Road. The Below-Senatore-Stone Annexation consists of 2 parcels, and includes portions of Hwy 340 (Broadway) and Red Mesa Heights Road rights-of-way, and is a 2 part serial annexation.

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

Resolution No. 17-08—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, Below-Senatore-Stone Annexations #1 and #2, Located at 209 ½ and 221 Red Mesa Heights

Road and Including Portions of Highway 340 and Red Mesa Heights Rights-of-Way

Action: Adopt Resolution No. 17-08

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Below-Senatore-Stone Annexation No. 1, Approximately 0.43 acres, Located at 209 ½ Red Mesa Heights Road and Including Portions of Highway 340 and Red Mesa Heights Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Below-Senatore-Stone Annexation No. 2, Approximately 2.52 acres, Located at 209 ½ and 221 Red Mesa Heights Road

Action: Introduction of Proposed Ordinances and Set a Hearing for March 19, 2008

5. Setting a Hearing on the Sage Hills Annexation, Located at 3115 ½ and 3117 D ½ Road and Two Unaddressed Parcels on D ½ Road [File #ANX-2007-363]

Request to annex 14.55 acres, located at 3115 ½ and 3117 D ½ Road and two unaddressed parcels on D ½ Road. The Sage Hills Annexation consists of 4 parcels and is a two part serial annexation.

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

Resolution No. 18-08—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, Sage Hills Annexation No. 1 and No. 2, Located at 3115 ½ and 3117 D ½ Road and Two Parcels with No Address on D ½ Road

Action: Adopt Resolution No. 18-08

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sage Hills Annexation No. 1, Approximately 4.92 acres, Located at 3115 ½ and 3117 D ½ Road and Two Parcels with No Address on D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sage Hills Annexation No. 2, Approximately 9.63 acres, Located at 3115 ½ and 3117 D ½ Road and Two Parcels with No Address on D ½ Road

Action: Introduction of Proposed Ordinances and Set a Hearing for March 19, 2008

6. **Setting a Hearing Zoning the Sura Annexation, Located at 405 25 Road** [File #ANX-2007-276]

Request to zone the 1.45 acre Sura Annexation, located at 405 25 Road, to R-4 (Residential, 4 du per acre).

Proposed Ordinance Zoning the Sura Annexation to R-4 (Residential -4 du/ac), Located at 405 25 Road

Action: Introduction of Proposed Ordinance and Set a Hearing for February 20, 2008

7. **Setting a Hearing Zoning the Reigan/Patterson/TEK/Morario Annexation, Located at 2202, 2202 ½, 2204 H Road and 824 22 Road** [File #ANX-2007-279]

Request to zone the 26.732 acre Reigan/Patterson/TEK/Morario Annexation, located at 2202, 2202 ½, 2204 H Road and 824 22 Road to City Mixed Use (MU).

Proposed Ordinance Zoning the Reigan/Patterson/TEK/Morario Annexation to Mixed Use Located at 2202, 2202 ½, 2204 H Road, and 824 22 Road

Action: Introduction of Proposed Ordinance and Set a Hearing for February 20, 2008

8. **Setting a Hearing on the Lusk Annexation, Located at 2105 South Broadway** [File #ANX-2007-368]

Request to annex 8.53 acres, located at 2105 South Broadway. The Lusk Annexation consists of one parcel.

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

Resolution No. 19-08—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, Lusk Annexation, Located at 2105 South Broadway

Action: Adopt Resolution No. 19-08

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Lusk Annexation, Approximately 8.53 acres, Located at 2105 South Broadway

Action: Introduction of Proposed Ordinance and Set a Hearing for March 19, 2008

9. **Setting a Hearing on the Three Sisters Area Planned Development Outline Development Plan (ODP), Located at 2431 and 2475 Monument Road** [File #GPA-2007-262]

Request for approval of an Outline Development Plan (ODP) to develop 148.3 acres as a Planned Development for properties located at 2431 and 2475 Monument Road in the Redlands and designating the R-2 Residential – 2 units/acre Zoning District as the default zone district.

Proposed Ordinance Zoning Approximately 148.3 Acres to PD, Planned Development, with R-2, Residential – 2 Units/Acre as the Default Zone District for the Three Sisters Planned Development Located at 2431 and 2475 Monument Road

Action: Introduction of Proposed Ordinances and Set a Hearing for February 20, 2008

10. **Revocable Permit for the Fairway Villas Subdivision, Located at 2065 S. Broadway** [File #FP-2007-157]

Request to allow construction of a landscaping berm for drainage purposes to be located on City owned property adjacent to the 10th fairway of the Tiara Rado Golf Course.

Resolution No. 20-08—A Resolution Concerning the Issuance of a Revocable Permit to Redlands Investment Properties, LLC

Action: Adopt Resolution No. 20-08

ITEMS NEEDING INDIVIDUAL CONSIDERATION**Public Hearing – Amendment to the Action Plan for 2001 and 2002 Community Development Block Grant (CDBG) Program Years and Subrecipient Contract for Project within the 2007 CDBG Program Year** [File #CDBG 2007-08 and 2007-10]

Amend the City's Action Plans for the Community Development Block Grant (CDBG) Program Years 2001 and 2002 to reallocate unspent funds from previous years to a previously approved project within the 2007 CDBG Program Year. These amendments were anticipated and the funds from the previous projects included when the City approved the 2007 CDBG allocations. The Subrecipient Contract formalizes the City's award of \$110,000 to Rocky Mountain SER Head Start as allocated from the City's 2007 CDBG Program as previously approved by Council.

The public hearing was opened at 7:10 p.m.

Kathy Portner, Neighborhood Services Manager, reviewed this item. The items relate to allocations which were made in 2007. The Action Plans must be amended in order for the items to move forward. The funds are being applied to the Hale Avenue Sidewalk Improvements.

The second item for consideration is the subrecipient contract with Rocky Mountain Head Start Program. Judy Lopez from Head Start was present for any questions.

Councilmember Coons voiced concerns about the bids for the Duck Pond Park project improvements that the funds were originally allocated for and asked if the project is still a possibility. Ms. Portner said the project is still eligible, and they will look at allocating appropriate funds. There will also be additional funds that are not being used for administration due to the City's reorganization.

Judy Lopez, Rocky Mountain Head Start, thanked the Council for the allocation.

There were no public comments.

The public hearing was closed at 7:15 p.m.

Councilmember Hill reviewed the recent history of the CDBG funding at the federal level and how he was part of an effort to keep those funds intact. Recent discussions have centered around the effect the onerous amount of paperwork has on the distribution of funds, and in that funds are used for a paperwork shuffle amounting to \$800 million. The City has increased efficiencies to reduce its administrative costs.

Councilmember Coons moved to approve the Amendments to the City's CDBG Consolidated Plan 2001 and 2002 Action Plans to reflect reallocation of the unspent funds to the 2007 program year, specifically project 2007-10, Hale Avenue sidewalk improvements; and 2) authorize the City Manager to sign the Subrecipient Agreement with Rocky Mountain SER Head Start for the City's 2007 program year, CDBG Program. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing – Meens Annexation, Located at 2475 Monument Road [File #GPA-2007-262]

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

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

Scott D. Peterson, Senior Planner, reviewed this item. He described the site, the location, the proximity to the current City limits and the area of annexation. The property is currently vacant, and this annexation will be in conjunction with the Three Sisters development. This annexation is 19 acres, 17 acres are the actual site. The Future Land Use is Residential Low, which is ½ to 2 acres per dwelling unit. A Growth Plan Amendment will be considered along with the Outline Development Plan at the next meeting. Mr. Peterson stated his findings that the request meets the criteria and he recommended approval. He read an email received late this afternoon regarding the request asking that the public hearing be postponed (attached).

Councilmember Hill asked the City Attorney the relevancy of the email to this action being considered. City Attorney Shaver advised that the owner must consent to the annexation in order for this item to come forward so the implication that the owner was not aware is inaccurate.

Councilmember Todd clarified that the owner must sign the annexation petition. City Attorney Shaver confirmed that to be so.

Planner Peterson stated the City has the owner's signature on the annexation petition and a Power of Attorney allowing Mr. Caldwell to apply for a Growth Plan Amendment on the property.

There were no public comments.

The public hearing was closed at 7:26 p.m.

Councilmember Todd thanked Staff for the clarifications for the audience so there was no misunderstanding.

a. Acceptance Petition

Resolution No. 21-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Meens Annexation, Located at 2475 Monument Road Including Portions of the Monument Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4179—An 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

Councilmember Thomason moved to adopt Resolution No. 21-08, and adopt Ordinance No. 4179, and ordered it published. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 7:28 p.m.

Stephanie Tuin, MMC

From: Randy Stouder
To: Scott Peterson
Date: 2/6/08
Subject: Fwd: Public Hearing--Means Annexation

>>> "redlandsrealty" <redlandsrealty@bresnan.net> 2/6/2008 5:12 PM >>>

Dear Scott:

Please read the following to the Town Council at the end of your presentation on the above mentioned item and make this email a part of the public record.

"Dear Council, with all due respect I feel that the public hearing on the Meens Annexation should be postponed for one week so that it can be heard and acted upon concurrent with the Three Sister Area Annexation request and Planned Development ODP. I make this request because the applicant is proposing one project that encompasses both of properties and because Mr. Caldwell does not own the Meens property at this time. This last point is important because if the ODP is rejected next week as I hope it will be, then Mr. Caldwell may not be willing to go through with the purchase of the Meens property and thus you would be annexing a property/owner that may not wish to annex and develop at the current time. Are the current owners aware that if they annex and Mr. Caldwell Does not purchase their property that they will face an increased tax burden?"

Respectfully,

Randy Stouder
303 East Dakota Drive
Grand Junction, CO 81503
260-0800