

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

July 14, 2008

The City Council of the City of Grand Junction convened into regular session on the 14th day of July 2008 at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Linda Romer Todd, and Council President Gregg Palmer. Absent was Councilmember Doug Thomason. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Hill led in the Pledge of Allegiance. The audience remained standing for the invocation by Michael Rossman, Valley Bible Church.

Presentations

Annual Buffer Program Update: Margie Latta of Mesa Land Trust will present their Annual Update

Margie Latta, Mesa Land Trust, was present, along with Director Rob Bleiberg, and gave Council an update on the annual buffer program.

Currently they hold 139 conservation easements in Mesa County affecting just over 50,000 acres. This includes ranches anywhere from 6 acres to 11,000 acres. They are in their 8th year of the program and it has been very successful thus far. The program has four partners, City of Grand Junction, Mesa County, Fruita, and Palisade.

She reports quarterly to the Purchase of Development Rights Committee (PDR) with representatives from each entity. She does continuous outreach to land owners about the buffer program.

In 2008, the Land Trust has acquired twenty-eight easements total in the buffer areas; seven in Fruita which consists of 490 acres, and twenty-one easements in Palisade, consisting of 639 acres. They plan to complete two more easements by the end of 2008.

Councilmember Hill thanked Ms. Latta for her presentation and commented on the success in the I-70 corridor area and the Colorado River area, but feels success is lacking in the Highway 6 and 50 corridor area, between Fruita and Palisade. Ms. Latta agreed with Councilmember Hill and said that it is the land owners that go to them requesting inclusion in the program, and unfortunately a lot of Highway 6 and 50 is commercial.

Rob Bleiberg, Director of Mesa Land Trust, pointed out one area on Highway 6 and 50 that is included in the buffer program. He then explained how easements are

approached and transacted. He thanked City Council for being a supporter of this program and they are excited about the development of the Comprehensive Plan and how it will work with the buffer program.

Council Comments

There were none.

Citizen Comments

There was none.

City Manager Update

City Manager Laurie Kadrich advised she has an update to the Kannah Creek fire and how it does or does not affect the City's water supply. She explained that although a lightning started this fire, the City had money budgeted to perform a controlled burn for this area. An uncontrolled burn could damage the water supply. This fire is actually good. The fire is burning the way it was planned. Crews are managing the fire at this time.

Terry Franklin, Deputy Utilities and Streets System Director, said the controlled burn could burn until September. BLM is not actively fighting the fire but they are controlling it. They have controlled boundaries along the west ridge to prevent it from going into the North Fork Valley. The Forest Service will have some speakers to address the citizens' concerns at a "shirt tail" meeting on Tuesday, July 15, 2008. Taste tests will continue to make sure the water does not have any smoke in it. The reason for a controlled burn is to prevent silt from going into the water system in the event of an uncontrolled burn.

CONSENT CALENDAR

Councilmember Todd read the Consent Calendar and then moved to approve the Consent Calendar items #1 through #9. Councilmember Hill seconded. Motion carried by roll call vote.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the June 30, 2008 and the July 2, 2008, Regular Meetings

2. **Contract for Construction of Canyon View Park, Phase III**

The Canyon View Park Phase III construction project includes six additional tennis courts and a restroom shade/picnic shelter to service the east side of the park.

Action: Authorize the Purchasing Division to Enter into a Contract with W.D. Yards, Inc. to Complete the Construction of Canyon View Park, Phase III in the Negotiated Amount of \$915,785

3. **Contract for Pipe for Waterline Replacement at Purdy Mesa Reservoir**

The Water/Pipeline Maintenance Division will be replacing an existing section of raw water flow line from Hwy 50 to Whitewater that was originally installed in the early 50's. This raw water supply line feeds directly to the City's Water Plant from Purdy Mesa/Juniata Reservoir.

Action: Authorize the Purchasing Division to Enter into a Contract with the Recommended Responsive and Responsible Low Bidder to Provide 17,700' of 20" PVC Piping

4. **Contracts for Technical Energy Audit**

The technical energy audit will determine the feasibility and cost of implementing energy and water saving measures for Persigo WWTF and the City Facilities.

Action: Authorize the City Purchasing Division to Enter into Contracts with Johnson Controls, Inc. (JCI) in the Amount of \$26,600 for the Completion of the City Facilities Technical Energy Audit and Project Proposal, and \$90,000 for the Persigo Wastewater Treatment Facility Technical Energy Audit and Project Proposal

5. **Purchase Street Sweeper**

This purchase approval request is for a Street Sweeper for the City of Grand Junction Streets Maintenance Division.

Action: Authorize the City Purchasing Division to Purchase one 2008 Tymco Regenerative Air Street Sweeper with a 2008 Navistar Conventional Cab from Intermountain Sweeper Company, Denver, CO in the Amount of \$199,935

6. **Hillcrest Offices Sign Revocable Permit, Located at 132 Walnut** [File # RVP-2008-143]

Request for a Revocable Permit to allow an existing sign to remain in a 100 square foot area of dedicated right-of-way in 1st Street.

Resolution No. 98-08—A Resolution Concerning the Issuance of a Revocable Permit to Hillcrest Professional Group Located at 132 Walnut Avenue

Action: Adopt Resolution No. 98-08

7. **Setting a Hearing for Zoning the Level III Annexation, Located at 2922 B ½ Road** [File # ANX-2008-147]

Request to zone the 19.68 acre Level III Annexation, located at 2922 B 1/2 Road, to R-4 (Residential 4 du/ac).

Proposed Ordinance Zoning the Level III Annexation to R-4 (Residential 4 du/ac), Located at 2922 B ½ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 4, 2008

8. **Setting a Hearing on Rezoning the Grand View Care Lodge, Located at 815 26 ½ Road** [File # SPR-2008-144]

Request to rezone 1.9 acres from an R-1 (Residential 1 du/ac) to R-2 (Residential 2 du/ac) zone district in order to construct an assisted living facility for 8 residents for property located at 815 26 1/2 Road.

Proposed Ordinance Rezoning the Grand View Care Lodge from R-1 (Residential 1 du/ac) to R-2 (Residential 2 du/ac), Located at 815 26 ½ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 4, 2008

9. **Setting a Hearing on the Shady Acre Annexation, Located at 528 29 Road** [File # ANX-2008-159]

Request to annex 1.25 acres, located at 528 29 Road. The Shady Acre Annexation consists of one parcel and includes a portion of the 29 Road right-of-way.

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

Resolution No. 99-08—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, Shady Acre Annexation, Located at 528 29 Road Including a Portion of the 29 Road Right-of-Way

Action: *Adopt Resolution No. 99-08*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Shady Acre Annexation, Approximately 1.25 Acres, Located at 528 29 Road and a Portion of the 29 Road Right-of-Way

Action: *Introduction of Proposed Ordinance and Set a Hearing for August 18, 2008*

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Petition for Exclusion of Property Located at 751 Horizon Court from the Horizon Drive Association Business Improvement District

The Horizon Drive Association Business Improvement District was formed by Ordinance No. 3621 on April 21, 2004. A resolution adopting a five mill levy for the district was subsequently approved by the City Council at that same meeting. On July 3, 2008, the City received a petition from Robert and Yvonne Armantrout asking for exclusion from the District for property they own at 751 Horizon Court.

Stephanie Tuin, City Clerk, presented this item. She advised a petition was received from Yvonne and Robert Armantrout asking for exclusion for the property they own at 751 Horizon Court. She identified the location of the property and displayed a map of the Horizon Drive Association Business Improvement District. Mr. Armantrout appeared at the formation hearing in 2004 and asked for exclusion at that time. Such request was not granted.

Councilmember Todd recused herself as her firm has a business relationship with Mr. Armantrout. She left the dais and the room.

City Attorney John Shaver explained the history of the District and Mr. Armantrout's previous request. The request tonight is to refer the request to the Horizon Drive Association Business Improvement District to allow them to develop a record of their

consideration of the request. That record will then come back to the City Council for review. If the recommendation is to exclude the property, then an ordinance will be drafted to be brought before the City Council.

Council President Palmer asked if an ordinance for exclusion comes back to the City Council, can that ordinance be denied? Mr. Shaver said it can be. The State Statute says the governing body will have a hearing but does not specify whether it is an evidentiary hearing or a review hearing.

Councilmember Hill stated the request feels more like an appeal as the Council heard this initially and made the decision to deny or not to consider. It was the same request. If the request now needs to go the Horizon Drive Association Business Improvement District, it is their business to consider now.

Councilmember Coons moved to refer the request for exclusion to the Horizon Drive Association Business Improvement District Board of Directors and directed the City Clerk to act as their clerk in order to provide notice as required by State law. Councilmember Hill seconded the motion. Motion carried.

Councilmember Todd returned to the dais at 7:45 p.m.

Public Hearing—The Houghton Annexation and Zoning, Located at 2964 D Road
[File #ANX-2008-120]

Request to annex and zone 4.02 acres, located at 2964 D Road, to R-8 (Residential 8 du/ac). The Houghton Annexation consists of one parcel.

The public hearing was opened at 7:45 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location and asked that the Staff Report and attachments be entered into the record. The annexation and zoning is consistent with the Growth Plan and meets the criteria of the Code.

Jeffrey Fleming, a planner for the developer and representing the applicant, said it is the one lone property in that area still in the County.

There were no public comments.

The public hearing was closed at 7:47 p.m.

a. Accepting Petition

Resolution No. 100-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Houghton Annexation, Located at 2964 D Road, is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4262—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Houghton Annexation, Approximately 4.02 Acres, Located at 2964 D Road

c. Zoning Ordinance

Ordinance No. 4263—An Ordinance Zoning the Houghton Annexation to R-8 (Residential 8 du/ac), Located at 2964 D Road

Councilmember Todd moved to adopt Resolution No. 100-08 and Ordinance Nos. 4262 and 4263 and ordered them published. Councilmember Coons seconded the motion. The motion carried by roll call vote.

Public Hearing—The Phillips-Ford Annexation and Zoning, Located at 2894 Orchard Avenue [File #ANX-2008-117]

Request to annex and zone 0.53 acres, located at 2894 Orchard Avenue, to R-8 (Residential 8 du/ac). The Phillips-Ford Annexation consists of one parcel and a portion of adjacent Orchard Avenue right-of-way.

The public hearing was open at 7:49 p.m.

Brian Rusche, Senior Planner, presented this item. He described the location and the site. He asked that his Staff Report and attachments be entered into the record. The property is surrounded by a variety of residential uses. The request is to divide off one lot of the existing parcel. The requested zoning is consistent with the surrounding properties. The recommendation is for approval. The request is consistent with the Growth Plan and meets the criteria.

Council President Palmer asked if the intent is to develop it at that density. Mr. Rusche said that the property is only one half acre so with R-8 zoning, it would be developed up to four units.

Council President Palmer asked if the applicant was present. The applicant was present but did not wish to speak.

There were no public comments.

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

a. Accepting Petition

Resolution No. 101-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Phillips-Ford Annexation, Located at 2894 Orchard Avenue, is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4264—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Phillips-Ford Annexation, Approximately 0.53 Acres, Located at 2894 Orchard Avenue, Including a Portion of Orchard Avenue Right-of-Way

c. Zoning Ordinance

Ordinance No. 4265—An Ordinance Zoning the Phillips-Ford Annexation to R-8 (Residential 8 du/ac), Located at 2894 Orchard Avenue

Councilmember Hill moved to adopt Resolution No. 101-08 and Ordinance Nos. 4264 and 4265 and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezone the Palmer Park Subdivision, Located at 2675 Highway 50
[File #PP-2007-317]

A request to rezone the subject property from 6.06 acres of C-1 (Light Commercial) and 9.04 acres of R-4 (Residential 4 du/ac) to 6.14 acres of C-1 (Light Commercial) and 8.96 acres of R-4 (Residential 4 du/ac).

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

Brian Rusche, Senior Planner, presented this item. The request is for rezoning only. The property is currently undeveloped. The proposal is for five commercial lots and the rest residential. The property is parallel to Highway 50. The existing zoning is C-1 for a portion of the property and the other portion is R-4. The request reapportions those zonings. Mr. Rusche described the street configurations proposed. The current zoning line encroaches into the proposed platted areas for both residential and commercial lots. The Planning Commission recommends approval for the rezoning. The Planning Commission has also approved the Preliminary Plan conditioned on the approval of the rezone.

John Potter, Blythe Group, representing the applicant was accompanied by Norm Franke, Alpine Bank, the applicant. He said the request is just a matter of geometry. Mr. Franke stated they are really not developers but they are a part of this development as they are placing a bank branch there. They look forward to a quality development in Orchard Mesa.

There were no public comments.

The public hearing was closed at 7:58 p.m.

Councilmember Hill stated that the way the Future Land Use Map is used, is to make any changes very systematically. He asked if a change such as this is violating the intent of the Future Land Use Map. City Attorney Shaver said the net change between the zoning exchange is so close it is insubstantial, so this is in conformance relative to the Growth Plan.

Councilmember Hill noted this site has been assembled and has been many years in the making. There are so many good things about this plan. He was wondering if there is some way to give Staff the ability to move proposals like this through the system without City Council.

Council President Palmer lauded this proposal as an infill development.

Ordinance No. 4266—An Ordinance Rezoning the Property Known as the Palmer Park Subdivision to C-1 (Light Commercial) and R-4 (Residential 4 du/ac), Located at 2675 Highway 50

Councilmember Todd moved to adopt Ordinance No. 4266 and ordered it published. Councilmember Coons seconded the motion. The motion carried by roll call vote.

Public Hearing—The Pioneer Meadows Annexation and Zoning, Located at 3126 and 3134 E Road [File #ANX-2008-078]

Request to annex and zone 9.24 acres, located at 3126 and 3134 E Road, to R-8 (Residential 8-du/ac). The Pioneer Meadows Annexation consists of two parcels and a portion of the E Road Right-of-way.

The public hearing was opened at 8:02 p.m.

Ronnie Edwards, Associate Planner, presented this item. She described the location and the request. She described the site and asked that the Staff Report and the attachments be entered into the record. The Planning Commission did recommend approval. The applicant was present.

Keith Ehlers, Ciavonne, Roberts, and Associates, representing the applicant, said that the next two parcels to the west will also become a part of this development and will be annexed in the future.

There were no public comments.

The public hearing was closed at 8:05 p.m.

a. Accepting Petition

Resolution No. 102-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Pioneer Annexation, Located at 3126 and 3134 E Road Including a Portion of the E Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4267—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pioneer Meadows Annexation, Approximately 9.24 Acres, Located at 3126 and 3134 E Road Including a Portion of the E Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4268—An Ordinance Zoning the Pioneer Meadows Annexation to R-8 (Residential 8 du/ac), Located at 3126 and 3134 E Road

Councilmember Coons moved to adopt Resolution No. 102-08 and Ordinance Nos. 4267 and 4268 and ordered them published. Councilmember Doody seconded the motion. The motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:06 p.m.

Stephanie Tuin, MMC
City Clerk