

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

March 4, 2009

The City Council of the City of Grand Junction convened into regular session on the 4th day of March 2009 at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Linda Romer Todd, Doug Thomason, and Council President Gregg Palmer. 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 Thomason led in the Pledge of Allegiance.

Proclamations/Recognitions

Council President Gregg Palmer recognized AP Government Students from Grand Junction High School Kattia Arascue, Adrienne Price, Stephanie Kazoukas, Shandie Case, Steven Rickett, and Ariel Laurier.

Also in attendance was Scoutmaster Reece Brown along with Troop #303.

Proclaiming March 1 – 7, 2009 as “Women in Construction Week” in the City of Grand Junction

Certificate of Appointment

Jeanine Howe, Gisela Flanigan, Kat Rhein, and Lancer Livermont were present to receive their Certificates of Appointment to the Commission on Arts and Culture.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Hill read the items on the Consent Calendar and then moved to approve Consent Calendar items #1 through #3. Councilmember Todd seconded the motion. Motion carried by roll call vote.

1. **Construction Contract for the 2009 Concrete Repair for Street Overlays**

The 2009 Concrete Repair for Street Overlay project consists of replacing sections of hazardous or deteriorating curb and gutter, sidewalks and drainage pans on streets scheduled to be overlaid later this year.

Action: Authorize the City Manager to Sign a Construction Contract with Vista Paving Corporation, for the 2009 Concrete Repair for Street Overlay Project, in the Amount of \$209,985.66

2. **Construction Contract for the 2009 Water Line Replacements**

This project includes replacement of sixty year old cast iron lines that have an active break history and are located within streets planned for asphalt overlay in 2009.

Action: Authorize the City Manager to Sign a Construction Contract for the 2009 Water Line Replacement Project to Mendez, Inc., in the Amount of \$322,562.60 and Sign Change Order #1 in the Amount of \$25,000

3. **Construction Contract for the 2009 Interceptor Rehabilitations (Cured-In-Place Pipe)**

The project consists of lining the 3,475 lineal feet of the existing 15" concrete and vitrified clay tile sanitary sewer pipe with Cured-In-Place-Pipe. Approximately 3,100 feet is located along Patterson Road between 7th Street and 15th Street. The remaining 375 lineal feet is located south of 4th Avenue east of Highway 50 under a rail spur on VanGundy's property.

Action: Authorize the City Manager to Sign a Construction Contract for the 2009 Interceptor Rehabilitation (Cured-In-Place Pipe) to Insituform Technologies Inc., in the Amount of \$178,880.00

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing - Create Alley Improvement District ST-09, Phase B

A successful petition has been submitted requesting a Local Improvement District be created to reconstruct the following alley:

East/West Alley from 11th to 12th, between Hill Avenue and Teller Avenue

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

Tim Moore, Public Works and Planning Director, presented this item. This is the fourth and final alley improvement district for this year.

Council President Palmer asked if the program is usually out of money by March. Mr. Moore said that they usually try to get these projects bid out early in the year.

Jack Brophy, 811 N. 12th, said he appreciates the alley being paved but it is for the purpose of the church and the school. He is being assessed over \$2200. He would rather spend that money on installing a solar system at his home.

There were no other public comments.

The public hearing was closed at 7:17 p.m.

Councilmember Coons asked if the process allows individual property owners to opt out when a majority of property owners vote in favor of the improvements. Mr. Moore advised that is not how it has been handled in the past. The owner has the option of paying in full or the City will assess the property with interest.

Councilmember Coons asked why the City has an interest in paving the alleys. Mr. Moore advised that all the utilities are upgraded and the paving leaves the City with less maintenance. The City does pay 75% of the residential assessment.

Councilmember Hill asked if there are different rates for the type of uses. Mr. Moore said there is.

Council President Palmer pointed out that the church controlled the vote because of being a majority property owner along the alley. Mr. Moore said there have been such cases in the past, perhaps not quite as lopsided as in this case. Councilmember Hill pointed out that the church is also paying the most for the improvement on the owner's side.

Resolution No. 26-09—A Resolution Creating and Establishing Alley Improvement District No. ST-09, Phase B 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 Doody moved to adopt Resolution No. 26-09. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Kapushion/Northwest GJ Growth Plan Amendments, Located at 860 21 Road [File # ANX-2008-305]

Request approval of a Growth Plan Amendment to change the Future Land Use Designation from Rural (5 to 35 acres/du) to CI (Commercial Industrial) on 80 acres; and Residential Medium (Residential 4 to 8 du/ac) on 20 acres; totaling 100.73 acres.

The public hearing was opened at 7:23 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the request, the location and the site. The property was recently included in the 201 boundary. Properties to the west are in the cooperative planning area and those properties to the south have previously been annexed to the City and are zoned light industrial (I-1).

Land use jurisdiction for this property was recently obtained on January 7th. The annexation petition stipulates that the requested zonings of I-1(Light Industrial) and R-4 (Residential – 4 du/ac) need to be completed and approved by the owners or anytime after March 1, 2009 the applicants may withdraw their annexation petitions and the property will be de-annexed from the City.

She described the process that the properties have gone through in order to change the land use designation and development of the plan of development.

Ms. Bowers then reviewed the criteria for a Growth Plan Amendment:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for to which the applicant responded: the population growth in Mesa County has exceeded levels anticipated during the previous comprehensive planning effort. The growth from the oil and gas industries has created more jobs than anticipated in the previous planning effort. As such, the Persigo Board recently included additional lands into their service areas in an effort to accommodate the additional growth. Staff does not share the same opinion as the applicant on criterion “a”, as the Growth Plan was amended in 2000 and very recently the 201 Boundary change was made to reflect changing conditions in land use and development. The Comprehensive Plan is nearing completion and may or may not provide changes favorable to the applicant. The fact remains that it is not yet adopted.
- b. Subsequent events have invalidated the original premises and findings to which the applicant responded: as discussed above, the previous comprehensive planning effort did not anticipate the level of oil and gas development Mesa County is currently experiencing. Mesa County continues to be a strong growth area bringing in more people and businesses to the area. Very recently a

- boundary change to the 201 was made to reflect changing conditions of the northwest area of the County, adjacent to the City limits. The mix of future land uses is still appropriate in this area. Staff would urge the applicant to revisit this project after the Comprehensive Plan is adopted.
- c. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the Plan to which the applicant responded: the property has been included into the 201 service boundary and abuts existing industrial zoned property in Grand Junction. Industrial zoned property is needed to accommodate future growth in the community and it makes sense to expand the industrial areas where they already exist. The Public Works and Planning Department, along with review by Mesa County Staff, agree with the applicant's justification of criterion "c", because of the recent changes to the Persigo 201 Boundary.
 - d. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans to which the applicant responded: the City is currently in the process of revising their Comprehensive Plan to address large areas recently included into the 201 boundary. The changes requested by this application are consistent with the current plans being examined by the City. However, Staff contends in regards to criterion "d", until the draft of the Comprehensive Plan is adopted, it has no standing and the current adopted Future Land Use Map is applicable and appropriate.
 - e. Public and community facilities are adequate to serve the type and scope of the land use proposed to which the applicant responded: all utilities are currently available to service the land. The eastern two thirds of the property can easily access existing gravity sanitary sewer mains. The western portion of the property, along with other areas along 21 Road which have been included into the 201 Boundary, will require a sewer lift station. The City of Grand Junction is currently examining options for providing sanitary sewer service to the areas along 21 Road and the current thinking is the best option would be to install a sewer lift station in the vicinity of 21 Road and Highway 6 and 50. The applicant will continue to work with the City to determine the best options to sewer the western portion of the site. The Staff added that criterion "e" can be met because the services are available, but as mentioned earlier, considerable upgrades to all utilities will be required.
 - f. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use to which the applicant responded: the City of Grand Junction currently has a high demand for industrial zoned parcels. This property provides a great fit for this need because it abuts existing industrial zoned property and is located close to major interstate highway interchanges. Staff advised that on criterion "f", a location description does not, on its own,

justify nor satisfy the criteria asking if there is an inadequate supply of land. The Comprehensive Plan should help in understanding the need for additional land to accommodate the proposed land uses.

- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment to which the applicant responded: the City of Grand Junction is in the process of revising the land use for the areas recently included into the 201 boundary. The land uses proposed by this amendment are consistent with the direction City Staff has received from several neighborhood meetings. Staff's opinion for criterion "g", is that the adopted Growth Plan suggests low density residential for this area. As depicted, low density residential will provide benefits to the community consistent with the wishes and approval of the body that adopted the Growth Plan.

Councilmember Todd asked for clarification of the statement about de-annexation. Ms. Bowers advised that the applicant drafted their own annexation petition which included a caveat that if the requested zoning is not received they will be de-annexed.

Councilmember Coons asked about the Staff recommendation. Ms. Bowers said as a planner she supports the Growth Plan but the Comprehensive Plan is underway and the applicant has the right to request a Growth Plan Amendment.

Councilmember Hill felt the applicant placed a lot of weight on the Comprehensive Plan. He asked Ms. Bowers if her responses would be different if the Comprehensive Plan were not underway? Ms. Bowers said yes her comments would be different. Her recommendation would change but the Planning Commission recommendation would not. The fact is that properties in this area have been brought into the 201 without a plan.

Councilmember Hill asked about criteria #2, understanding there is a conflict not knowing if the Comprehensive Plan will pass or not.

Council President Palmer noted that if the property was not zoned as requested and it was subsequently de-annexed, it would still be in the 201 and could be enclaved and annexed later. Ms. Bowers said that is correct.

Mark Austin, Austin Civil Group, 336 Main Street, was representing the applicant. He pointed out that the properties in that area have consistently been designated as industrial even though historically it has been rural in nature. There will be a need for water and sewer line extensions. They are trying to locate the required sewer lift station, a location that will benefit other development along 21 ½ Road. They will speak again under rebuttal.

There were no public comments.

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

Councilmember Coons asked what will happen if the Comprehensive Plan is adopted with a different designation for this area. City Attorney Shaver advised that any approvals tonight will establish the uses for the property.

Dan Wilson, attorney for the applicant, stated they had anticipated public comment but they have two other elements to be presented.

Council President Palmer reopened the hearing.

City Attorney Shaver advised that since there was no testimony there is no rebuttal so reopening the hearing reopens it for all.

Dale Beede, 2059 Baseline Road, advised that about six years ago it was realized that the demand for industrial land was exceeding the supply. It raised the price and the demand astronomically. He stated the industrial land is needed. There are other undeveloped parcels zoned industrial. This parcel will be developed.

Councilmember Coons noted with the slowing economy, that could give the City time to fully develop and complete the Comprehensive Plan. Since adoption is planned for July, she asked what the difficulty is to delay this until the Comprehensive Plan is adopted. Mr. Beede said it would delay this development from fall to spring. He has parties ready to build on this land. He is ready to go now.

Dan Wilson, attorney for the applicant, addressed the concern raised by Councilmember Hill. There is a bind with the Growth Plan in effect and the Comprehensive Plan imminent. This application complies with both plans. The area has large lots and has been rural residential but there has been encroachment by industrial uses. The applicant is willing to impose upon its development covenants that will provide compatibility with those rural uses.

Mr. Wilson then reviewed the Growth Plan criteria noting that his clients are ready to go, their project is funded. The elements in the Comprehensive Plan that address sprawl and the need for industrial land apply to this request. The 201 boundary was changed one and a half years ago because the need of industrial land was recognized then. He believes an error is on the Growth Plan. Under criteria 2, subsequent events have invalidated the original premises and findings to which the applicant responded as discussed above, the previous comprehensive planning effort did not anticipate the level of oil and gas development Mesa County is currently experiencing. He disagreed with the Staff that they need to wait.

He addressed the caveat that allowed for de-annexation. He stated that the applicant will not ask for de-annexation; the City is the only game in town.

Councilmember Hill questioned the covenant proposal. City Attorney Shaver advised it is Mr. Wilson's attempt to make the development compatible with surrounding uses. Councilmember Hill was concerned that they would not stay intact if ownership changed. City Attorney Shaver stated the covenants would be recorded and run with the land but it would be his advice that the City not be involved in enforcement.

Councilmember Hill noted that the Council is considering the Growth Plan amendment and cannot consider the zoning at this point. Mr. Wilson argued that, although not required, the developer is offering additional conditions to prove compatibility of the Growth Plan Amendment request. Mr. Wilson reviewed the proposed zoning conditions. These standards address noise and buffers to mitigate impact to the surrounding properties.

Attorney Wilson pointed out that neighbors are not here to object tonight because of the efforts of the developer Mark Austin and the covenants ensuring compatibility.

Councilmember Hill asked how the covenants run with the land. City Attorney Shaver said they are recorded and run with the land.

Councilmember Coons asked Tim Moore, Public Works and Planning Director, to confirm that this land was not part of the North Central Valley Plan but is part of the Comprehensive Plan discussions. It was part of a special study area and the residents have been engaged in discussions. Mr. Moore concurred.

Council President Palmer asked if the movement of the 201 was couched as for residential uses or industrial uses. Mr. Moore said uses were not part of the discussion, it was an effort to expand City boundaries. Council President Palmer asked if there was an area in the north identified as industrial. Mr. Moore said those discussions did take place including feathering from industrial to higher residential and then lower residential.

Councilmember Hill recalled that at those previous meetings, areas were identified for inclusions into the boundary but they let the uses be determined by the market. Mr. Moore described it as he recalled. Councilmember Hill agreed the request met the criteria.

Councilmember Todd agreed the request meets the criteria and approved of making changes such as these when times are slow to be prepared.

Councilmember Doody agreed with Councilmember Todd.

Councilmember Coons said she is somewhat concerned about going forward prior to the completion of the Comprehensive Plan and whether development will go forward. She agrees the property won't stay rural. However, knowing this area was part of a special study area for the Comprehensive Plan, she knows it was reviewed carefully. She commended Mr. Austin for his work that resulted in the neighbors not expressing disapproval so she is more amenable to approving the request.

Councilmember Thomason recalled the discussion when the property was brought into the 201 that they should let the market guide the development and this is what is happening.

Councilmember Beckstein agreed industrial property is needed and part of the elements of the Comprehensive Plan is to ensure industrial land is not diminished so she agreed this is a good fit and will support the change.

Council President Palmer felt more compelled to look at the current Growth Plan with H ½ Road being the delineation between industrial and residential so it is a struggle for him to go further north with industrial. He is against conditional annexations. He appreciates the conditional zoning. He is surprised there are no neighbors objecting.

The public hearing was closed at 8:30 p.m.

Resolution No. 27-09—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate 35.12 Acres, Located at 860 21 Road , Known as the Kapushion Growth Plan Amendment, from Residential Rural (5 to 35 Ac/DU) to Commercial Industrial on 35.12 Acres

Resolution No. 28-09—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate 64.97 Acres, Located East of 860 21 Road, Along 21 1/2 Road Known as the Northwest GJ Growth Plan Amendment, from Residential Rural (5 to 35 Ac/DU) to Commercial Industrial on 44.88 Acres; and to Residential Medium on 20.09 Acres

Councilmember Hill moved to adopt Resolutions Nos. 27-09 and 28-09. Councilmember Todd seconded the motion.

Councilmember Hill noted that they have made an effort not to push back anything because the Comprehensive Plan is in process even though it would be easier to defer. He feels the Council should take action on this item.

Councilmember Coons noted that the joint bodies moved the 201 boundary and it has been agreed that the development should be to urban densities, not that it will stay rural.

Motion carried by roll call vote with Council President Palmer voting NO.

The Council President called a recess at 8:33 p.m.

The meeting reconvened at 8:43 p.m.

Public Hearing - Kapushion Annexation and Zoning, Located at 860 21 Road [File #ANX-2008-305]

Request to annex and zone 35.12 acres, located at 860 21 Road, to I-1 (Light Industrial). The Kapushion Annexation consists of one (1) parcel.

The public hearing was opened at 8:44 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the request, the site and the location. She asked that the Staff Report and attachments be entered into the record. She advised that the criteria from the Zoning and Development Code were met and Planning Commission recommended approval. The applicant was present.

Dan Wilson, attorney for the applicant, asked that their (his and Mr. Beede's) comments from the prior hearing be incorporated into the record.

John Linko, 520 Colorado, objected to this annexation and all future annexations being done under the Persigo Agreement. The expansion of City boundaries has created a patchwork of boundaries and has placed an undue burden on public safety services. With the economic downturn and the subsequent budget cuts, the Council should concentrate on providing service to the existing residents.

There were no other public comments.

The public hearing was closed at 8:47 p.m.

Councilmember Doody asked City Manager Kadrach to address the issue of inadequate service that was brought up. She said it is sometimes confusing on who the proper responders should be but the system used is very sophisticated and response occurs in overlapping areas to ensure service is provided. She however, agreed that as the City continues to grow and revenues decline it will become more difficult.

a. Accepting Petition

Resolution No. 29-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that the Property Known as the Kapushion Annexation No. 1, 2, and 3, Located at 860 21 Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4328—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kapushion Annexation No. 1, Approximately 0.89 Acres, Located at 860 21 Road

Ordinance No. 4329—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kapushion Annexation No. 2, Approximately 16.67 Acres, Located at 860 21 Road

Ordinance No. 4330—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Kapushion Annexation No. 3, Approximately 17.56 Acres, Located at 860 21 Road

c. Zoning Ordinance

Ordinance No. 4331—An Ordinance Zoning the Kapushion Annexations No. 1, 2, and 3 to I-1 (Light Industrial), Located at 860 21 Road

Councilmember Todd moved to adopt Resolution No. 29-09 and, Ordinance Nos. 4328, 4329, 4330, and 4331 and ordered them published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Councilmember Hill asked about the covenants brought forward by the applicant not being required in the motion. City Attorney Shaver agreed and did not recommend that Council require them due to the enforcement issue. However, the applicant can record them independently. Councilmember Hill agreed noting that it is in the record that the applicant agreed to record those.

Public Hearing - Northwest GJ Annexation and Zoning, Located East of 860 21 Road [File # ANX-2008-305]

Request to annex and zone 65.61 acres, located east of 860 21 Road, along 21 ½ Road, to R-4 on the northern 20 acres and I-1 on the remaining 45 acres. The Northwest GJ Annexation consists of two parcels including 6,200.87 square feet of 21 ½ Road Right-of-Way.

The public hearing was opened at 8:52 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the request, the site and the location. She asked that the Staff Report and attachments be entered into the record.

Attorney Dan Wilson, asked that their (his and Mr. Beede's) comments from the prior two hearings be incorporated into the record.

John Linko, 420 Teller Avenue, incorporated his prior comments from the prior hearing to this hearing and provided a copy of his comments to the Clerk (attached).

There were no other public comments.

The public hearing was closed at 8:55 p.m.

Council President Palmer asked about her comment in the report under compatibility. Ms. Bowers stated that was prior to the discussion regarding the covenants.

a. Accepting Petition

Resolution No. 30-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Northwest GJ Annexations No. 1 and 2, Located East 860 21 Road, along 21 ½ Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4332—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Northwest GJ Annexation No. 1, Approximately 45.52 Acres, Located East of 860 21 Road, Along 21 ½ Road

Ordinance No. 4333—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Northwest GJ Annexation No. 2, Approximately 20.09 Acres, Located East of 860 21 Road, Along 21 ½ Road

c. Zoning Ordinances

Ordinance No. 4334—An Ordinance Zoning the Northwest GJ Annexation No. 1 to I-1 (Light Industrial), Located East of 860 21 Road along 21 ½ Road

Ordinance No. 4335—An Ordinance Zoning the Northwest GJ Annexation No. 2 to R-4 (Residential 4 DU/ac), Located East of 860 21 Road, along 21 ½ Road

Councilmember Thomason moved to adopt Resolution No. 30-09 and Ordinance Nos. 4332, 4333, 4334, and 4335 and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing - Vacating a Portion of the 50' Road Petition (St. Mary's Rose Hill Hospitality House), and an Ingress/Egress/Utility Easement, Located at 605 and 609 26 ½ Road [File #RZ-2008-227]

A request to vacate a portion of the 50' Road Petition that was filed in Book 4336, Page 854 and also the request to vacate an existing Ingress, Egress and Utility Easement for the benefit of the proposed St. Mary's Rose Hill Hospitality House building expansion. The proposed right-of-way and easement vacation requests are located at 605 and 609 26 ½ Road.

Councilmember Coons recused herself from the hearing due to her continued relationship with St. Mary's. She left the dais and the meeting.

The public hearing was opened at 8:58 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the request, the location and the site. He asked that the Staff Report and the attachments be entered into the record. The Planning Commission recommended approval. The applicant was not present.

There were no public comments.

The public hearing was closed at 8:59 p.m.

Ordinance No. 4336—An Ordinance Vacating a Portion of the 50' Wide Road Petition Running Along the Centerline of 7th Street and Recorded in Book 4336, Page 854, Located at 609 26 ½ Road (St. Mary's Rose Hill Hospitality House)

Resolution No. 31-09—A Resolution Vacating and Ingress, Egress and Utility Easement, Located at 605 26 ½ Road (St. Mary's Rose Hill Hospitality House)

Councilmember Beckstein moved to approve Ordinance No. 4336 and ordered it published and adopt Resolution No. 31-09. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Councilmember Coons returned to the dais.

Public Hearing - Vacating a Public Right-of-Way, along F ¼ Road Right-of-Way, North of 3032 N. 15th Street [File #VR-2008-202]

Request by the City of Grand Junction to vacate the 14.5 feet wide and 627 feet long right-of-way along F ¼ Road undeveloped right-of-way, north of 3032 N. 15th Street which is unnecessary for future roadway circulation and will allow the adjacent property owner to maintain landscaping.

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

Judith Rice, Associate Planner, presented this item. She described the request and noted the vacation would be to the benefit of Nellie Bechtel Gardens. A letter was received asking that the area to be vacated be designated as a pedestrian easement. Since that time Ms. Rice had a conversation with the author of the letter who had misunderstood which piece of property was being vacated. She asked that the Staff Report and attachments be entered into the record. Both she and the Planning Commission recommended approval.

There were no public comments.

The public hearing was closed at 9:03 p.m.

Councilmember Hill was supportive of the request and he appreciated Ms. Rice following up on the letter.

Ordinance No. 4337—An Ordinance Vacating a Portion of F ¼ Right Right-of-Way Adjacent to 3032 N. 15th Street

Councilmember Doody moved to adopt Ordinance No. 4337 and ordered it published. Councilmember Todd seconded the motion. Motion carried by roll call vote.

Public Hearing - Vacating the Hoesch Street Right-of-Way, Located Adjacent to 742 W. White Avenue [File #VR-2008-312]

A request to vacate a portion of the excess public right-of-way known as Hoesch Street, adjacent to 742 W. White Avenue, for expansion of the existing business and employee parking area.

The public hearing was opened at 9:05 p.m.

Ronnie Edwards, Associate Planner, presented this item. She described the request and noted that the City will retain a portion for an easement. She asked that the Staff

Report and attachments be entered into the record. Both she and the Planning Commission recommended approval. The applicant's representative was present but did not wish to speak.

There were no public comments.

The public hearing was closed at 9:06 p.m.

Ordinance No. 4338—An Ordinance Vacating Right-of-Way for a Portion of Hoesch Street, Located Adjacent to 742 W. White Avenue

Councilmember Coons moved to adopt Ordinance No. 4338 and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Vacating Rights-of-Way for GCK, LLC, Relative to Development at 104 W. Colorado Avenue [File #VR-2008-375]

Request to vacate the portion of West Colorado Avenue between North 1st Street and the railroad tracks; the north/south alley between West Main Street and West Colorado Avenue, west of North 1st Street; and a diagonal piece of unimproved right-of-way on the western end of the site. These rights-of-way are either undeveloped or unnecessary for area circulation and will be used for future redevelopment of the property as a whole.

The public hearing was opened at 9:07 p.m.

Senta L. Costello, Senior Planner, presented this item. She described the request and the locations of the various rights-of way. She asked that the Staff Report and attachments be entered into the record. Both she and the Planning Commission recommended approval.

Council President Palmer asked if the vacation will close the alleyway. Ms. Costello said not at this time. There is currently a development plan but the City will retain the alley rights-of-way access until a plan is laid out and then the access will be addressed either by rerouting or retaining it. The applicant was not present.

There were no public comments.

The public hearing was closed at 9:10 p.m.

Ordinance No. 4339—An Ordinance Vacating Rights-of-Way for Portions of West Colorado/North-South Right-of-Way for Alley Located between North 1st Street and

Spruce Street, South of Main Street/A Portion of a Diagonal Unimproved Un-named Road Right-of-Way Located South and West of North 1st Street and West Main Street

Councilmember Doody moved to adopt Ordinance No. 4339 and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing - Vacating the Public Right-of-Way for Rimrock Business Park, Located along the West Side of 25 ½ Road [File #FP-2008-356]

A request to vacate three feet of right-of-way and an existing slope easement along the west side of 25½ Road. The requested vacations will help facilitate the development of Rimrock Business Park subdivision.

The public hearing was opened at 9:11 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the request, the location, and the reason for the vacation. She asked that the Staff Report and attachments be entered into the record. The request meets the criteria and the Planning Commission recommended approval. The applicant's representative was present.

Kent Shaffer, Rolland Engineering, representing the applicant, Harbert Investment Company, agreed with the Staff presentation.

There were no public comments.

The public hearing was closed at 9:14 p.m.

Ordinance No. 4340—An Ordinance Vacating Right-of-Way for Rimrock Business Park; a Portion of the West Side of 25 ½ Road

Resolution No. 32-09—A Resolution Vacating a Slope Easement on Lot 1, Rimrock Business Park Subdivision, Located along 25 ½ Road, South of Walmart

Councilmember Thomason moved to adopt Ordinance No. 4340 and ordered it published and adopt Resolution No. 32-09. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 9:15 p.m.

Stephanie Tuin, MMC
City Clerk

Good Evening. My name is JOHN LINNICO, and I reside at
420 TELLER AVE.

As a current city resident, I wish to state my objection to this annexation, and any future annexations under the Persigo Agreement of 1998 in its' current form.

It is my belief that the manner in which annexations have occurred under this agreement have created a confusing and unwieldy patchwork of jurisdictions. This has resulted in critical municipal services being spread too thin across too wide of a geographic area, as well as complicating the already difficult job of our public safety personnel.

I strongly encourage Council to forego any further expansion of the city's boundaries until the agreement that drives this expansion, and the internal processes that have created these conditions, can be carefully evaluated, re-negotiated, and modified.

These process modifications must be approached with the same level of urgency as any proposed expansion of service delivery infrastructure, which is already overdue and contributing to the dilution of resource coverage in relationship to city boundaries that continue to expand in the aforementioned unacceptable manner.

The current economic crisis should be looked upon as an opportunity to evaluate and re-negotiate the Persigo agreement with Mesa County. Given the forecast of revenue shortfalls and requisite budget reductions, Council's focus on the future growth of the city must include, at a much greater level, the needs of those who are already citizens of Grand Junction.

Thank you for time and consideration.