

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

November 29, 2010

The City Council of the City of Grand Junction convened into regular session on the 29th day of November, 2010 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Bruce Hill, Gregg Palmer, Bill Pitts, Sam Susuras and Council President Teresa Coons. Councilmember Tom Kenyon was absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Coons called the meeting to order. Councilmember Hill led the Pledge of Allegiance followed by Invocation by Pastor Josh Boling, Lighthouse Foursquare Church.

Recognition/Presentation

Kathy Portner, Public Works and Planning, along with Duncan Brown from the Fire Department who helped coordinate the effort, described the work accomplished by the National Guard to clear tamarisk from the Las Colonias Park area. She recognized the representatives from Colorado National Guard for the Tamarisk Work: Staff Sergeant Chris Rowzee, Operations NCO for the 947th Engineer Company, Specialist Shannon Faulhaber, Equipment Operator for the 947th Engineer Company, and Mrs. Alice Faulhaber, Family Program Coordinator for the 947th Engineer Company were present along with Stacy Kolegas of the Tamarisk Coalition. The Tamarisk Coalition will now be able to revegetate the area.

Council President Coons expressed her appreciation for the partnership work done by the Colorado National Guard.

Stacy Kolegas, Director of the Tamarisk Coalition, expressed her appreciation for the work that was accomplished and said their time was worth about \$25,000 of in-kind service.

Duncan Brown, Fire Department, also expressed appreciation and complimented their exemplary work.

Sergeant Rowzee expressed gratitude in turn to the City representatives.

Council President Coons then read and presented a certificate of appreciation to the Colorado National Guard.

Council Comments

There were none.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Susuras moved to approve and then read the Consent Calendar Items #1 through # 8. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the November 17, 2010 Regular Meeting

2. Setting a Hearing on Granting a Franchise Agreement to Xcel Energy and Grand Valley Power

The current franchise agreements with Xcel Energy (Public Service Company of Colorado) and Grand Valley Power (Grand Valley Rural Power) were approved in 1992 and will expire in 2012. The proposed ordinance would establish a new, 20-year franchise agreement with each utility to be placed on the ballot at the April, 2011 Municipal Election.

Proposed People's Ordinance Granting a Franchise by the City of Grand Junction to Public Service Company of Colorado, D/B/A Xcel Energy, Its Successors and Assigns, the Right to Furnish, Sell and Distribute Gas and Electricity to the City and to all Persons, Businesses, and Industry Within the City and the Right to Acquire, Construct, Install, Locate, Maintain, Operate and Extend Into, Within and Through Said City All Facilities Reasonably Necessary to Furnish, Sell and Distribute Gas and Electricity Within the City and the Right to Make Reasonable Use of All Streets and Other Public Places and Public Easements as Herein Defined as May Be Necessary; and Fixing the Terms and Conditions Thereof AND Granting a Franchise by the City of Grand Junction to Grand Valley Rural Power Lines, Inc., Its Successors and Assigns, the Right to Furnish, Sell and Distribute Electricity to the City and to All Persons, Businesses, and Industry Within the City and the Right to Acquire, Construct, Install, Locate, Maintain, Operate and Extend Into, Within and Through Said City All Facilities Reasonably Necessary to Furnish, Sell and Distribute Electricity Within the City and the Right to Make Reasonable Use of All Streets and Other Public Places and Public Easements as Herein Defined as May Be Necessary; and Fixing the Terms and Conditions Thereof

Action: Introduction of a Proposed People's Ordinance and Set a Hearing for January 31, 2011

3. **Support for Funding for the League for Land and Water Conservation**

A resolution that outlines the City Council's support for the full funding of the Land and Water Conservation Fund (LWCF) as originally authorized in 1964. Senate Bill 2747, co-sponsored by Senators Udall and Bennet, calls for the funding of the LWCF at its full authorized level.

Resolution No. 45-10—A Resolution Concerning the Funding of the Land and Water Conservation Fund and Supporting SB2747

Action: Adopt Resolution No. 45-10

4. **Setting a Hearing on the 2010 Supplemental Appropriation Ordinance and the 2011 Budget Appropriation Ordinance**

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2010 amended and 2011 proposed budgets.

Proposed Ordinance Making Supplemental Appropriations to the 2010 Budget of the City of Grand Junction

Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, and the Ridges Metropolitan District for the Year Beginning January 1, 2011 and Ending December 31, 2011

Action: Introduction of Proposed Ordinances and Set a Hearing for December 15, 2010

5. **Grant Award for Auto Theft Task Force**

For the second year in a row, the Grand Junction Police Department has been awarded a grant from the Colorado Department of Public Safety. This grant award in the amount of \$161,481 will support the continuation of a joint auto theft task force for the Grand Valley. Participating agencies include; the Grand Junction Police Department, the Mesa County Sheriff's Office, the Fruita Police Department, and the Colorado State Patrol. The award is for the purchase of equipment vital to the mission of the task force, as well as overtime for participants. If approved, the City of Grand Junction will serve as the fiscal agent for the grant.

Action: Authorize the City Manager to Accept this Award and Budget the Receipt and Expenditure of \$161,481 of Grant Funds in the Proposed 2011 Budget.

Setting a Hearing on the GJ Regional Airport Annexation, Located at 2828 Walker Field Drive [File #ANX-2010-290]

Request to annex 614.3 acres, located at 2828 Walker Field Drive. The GJ Regional Airport Annexation consists of seven (7) parcels. There is no public right-of-way contained within this annexation area.

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

Resolution No. 46-10—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, GJ Regional Airport Annexation, Located at 2828 Walker Field Drive

Action: Adopt Resolution No. 46-10

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, GJ Regional Airport Annexation, Approximately 614.3 Acres, Located at 2828 Walker Field Drive

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 17, 2011

7. **Marso Revocable Permit, Located within the 26 ¾ Road Right-of-Way** [File #RVP-2010-193]

Applicant is requesting approval of a revocable permit for an existing storage shed, irrigation pump and various landscaping improvements within the 26 ¾ Road right-of-way. The encroachment became apparent with the development of a new public pedestrian trail connecting Capra Way and Lakeside Court within the 26 ¾ Road alignment.

Resolution No. 47-10—A Resolution Concerning the Issuance of a Revocable Permit to Samuel and Audrey Marso

Action: Adopt Resolution No. 47-10

8. **Amendment #1 to the Contract between the City of Grand Junction and the Colorado Department of Transportation for the 23 Road and G Road Intersection Reconstruction Project**

Federal aid funds have been awarded to the City from the Federal Hazard Elimination Program for reconstruction of the intersection of 23 Road and G Road. The project consists of right-of-way acquisition and incidentals, design and construction of a roundabout and associated intersection improvements at 23 Road and G Road. As a result of the right-of-way acquisition cost estimate and the engineer's construction cost estimate, additional funds are expected to be needed to complete this Project. The City has estimated that an additional \$196,358.00 needs to be added to the Federal funds and City funds already approved for this Project.

Resolution No. 48-10—A Resolution Accepting Amendment #1 (11 Ha3 25394) to the Contract for Construction Work at the Intersection of 23 Road and G Road, Authorizing the City's Over-Matching Funds, and Authorizing the City Manager to Sign the Contract Amendment #1 Agreement with the Colorado Department of Transportation

Action: Adopt Resolution No. 48-10

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Contract for Downtown Uplift – Main Street Phase II Construction

This is the contract award for the complete reconstruction of three blocks of Main Street between 4th Street and 7th Street. This phase of the project will provide replacement of deteriorated sidewalks, waterlines, storm drains, and brick planters. In addition, amenities will be added for the beautification to include replacement of dying trees, installation of water features, play areas, shade shelters and drinking fountains. With the exception of the waterline replacement, the project is being funded by the Downtown Development Authority with design and project oversight provided by the City.

Councilmember Palmer read a statement into the record stating he may have a perceived conflict of interest due to being a Main Street business owner and thusly recused himself from the decision-making for this item. He then left the dais.

Tim Moore, Public Works and Planning Director, presented this item. He explained that the scope of work is very similar to the first phase and described the work to be done. The work does meet a number of the City's Comprehensive Plan goals. The project was bid last month and five qualified bidders bid on the project. The recommendation

is to award the bid to Sorter Construction. There is a built-in incentive for early completion as well as a penalty for days past the agreed upon completion date. The funding for the project will primarily come from the Downtown Development Authority (DDA). The City is paying for the waterline replacements.

Council President Coons said that she will not be taking public comment on this item but the City Council has received a number of letters, emails and petitions from citizens and these have assisted them in their decision-making.

Councilmember Hill asked Mr. Moore to describe what the City does when accepting and awarding a contract. Mr. Moore said there are three components: a clear and accurate design, the same communication team in place that was in Phase I, and the construction work. The Public Works Department is just as comfortable with the recommended contractor, Sorter Construction, for this phase as they were for Phase 1. The City has worked with Sorter Construction many times in the past including some very difficult projects.

Councilmember Hill summarized that looking at ten projects the City has worked with Sorter, they have been on time and within budget. Mr. Moore concurred.

Councilmember Beckstein said that in the last phase, communication between the contractor and the City was through the Downtown Development Authority (DDA). Mr. Moore agreed. Kathy Dirks of the DDA, will be working on this project like she did for Phase I. Councilmember Beckstein asked for assurances that the same amount of communication will occur with the merchants as what happened in Phase I. Mr. Moore said yes and then some. Councilmember Beckstein asked if Sorter Construction is planning on doing the construction one block at a time to reduce the impact. Mr. Moore said that is being discussed but has not yet been decided. Councilmember Beckstein asked about communicating to customers on parking. Mr. Moore said the DDA has a plan to utilize the parking garage and communicate this to customers.

Council President Coons asked about a rumor that awarding the contract to a different contractor will cause a one year delay. Mr. Moore disputed that; the start day is in January, 2011. He also talked about the incentive to complete the project early as well as the penalty for late completion. Council President Coons asked Mr. Moore to review why the project was broken into two phases. Mr. Moore responded that one reason was to give more opportunity to the contracting community, another was to reduce the disruption.

Councilmember Susuras said many DDA members sent notes to Council asking that FCI Construction be awarded the project. He noted the difference to award the project to FCI would be around \$71,000 but the funds would have to come from DDA funds. Mr. Moore agreed.

Councilmember Hill asked how the warranty works with two different contractors. Mr. Moore said the two phases are very distinct and it is outlined in the documents who did what.

Councilmember Beckstein asked if saving that amount is worth the cost of possibly not getting the quality of work obtained in the first phase. Downtown merchants want the same comfort level and want it to look like it was done by one contractor. Mr. Moore said the same design team and same consultants are being used for both phases so the continuity won't be lost; it will flow like it was one project. Communication is the same; the same team for communications is being used for Phase II.

Councilmember Beckstein repeated the summary of Sorter's work history and how Sorter even came forward when the work came in less to reduce the contract amount, thus demonstrating their work ethic.

Mr. Moore agreed adding that both contractors, FCI and Sorter, have shown integrity and responsibility with their work performed.

Councilmember Hill moved to authorize the Purchasing Division to enter into a contract with Sorter Construction, Inc. for the Downtown Uplift-Main Street Phase II Project in the amount of \$2,888,562.10. Councilmember Beckstein seconded the motion.

Councilmember Hill noted there is nothing easy about this process when it will impact the storefronts so starting the process isn't easy. He recalled the uneasiness for Phase I when they awarded the contract to FCI. He congratulated them on a job well done. However, the City has an outstanding team on staff that will be managing the project. He is extremely confident with the low bidder but there are no guarantees when a project includes work underground.

Councilmember Susuras agreed that it is a tough decision and Councilmember Hill gives a compelling argument for Sorter. However, since the majority of the merchants would like to award the bid to FCI and the difference in funds will come from DDA funds, he will vote no on the motion.

Councilmember Pitts expressed his concerns about changing horses midstream but after hearing Mr. Moore's description of working with Sorter Construction, he feels assured so he will support the motion.

Councilmember Beckstein said the Council's policy is to guarantee the quality of work at the best price; it is all tax dollars whether it comes from the DDA or the City. She hears the concerns of the merchants but it is \$71,000 that could be used elsewhere. She fears setting a precedent. She will support the motion.

Council President Coons said it is very telling that the conversation is taking place. What it says is that this community is fortunate to have more than one qualified contractor. She is sure that Sorter is listening to all the Council's concerns and she would be surprised if they weren't taking them all to heart. She thanked FCI for making the standard so high. She has concerns about not following the process that has been set up. There are some circumstances where it might make sense. She will support the motion and wishes them and the downtown merchants all the best.

Motion carried by roll call vote with Councilmember Susuras voting NO. (Councilmember Palmer had recused).

Council President Coons called a recess at 7:55 p.m.

The meeting reconvened at 8:10 p.m.

Councilmember Palmer returned to the dais.

Downtown Development Authority and Grand Junction Symphony Orchestra Partnership to Maximize Use of The Avalon Theatre

In January 2009, the Grand Junction Symphony Orchestra (GJSO) and the Downtown Development Authority (DDA) jointly funded a feasibility study to determine the building improvements needed for the GJSO to become the primary, but non-exclusive, tenant of The Avalon Theatre. The findings of the study suggest that the GJSO would be an appropriate tenant for The Avalon as long as building improvements were made. The renovations suggested by the study would meet the diverse needs of all the current and potential users of the Theatre.

Debbie Kovalik, Economic, Convention & Visitor Services Department Director, presented this item. She first reviewed the history of the building and then spoke to the current use of the facility. Ms. Kovalik identified the minor upgrades that have taken place including seats and concessions. The building deficiencies were then listed including items that are not up to Code. Because of this and the interest of the community, there have been studies conducted to determine how the building could be improved to meet the needs of potential and current users. The Westlake Reed Leskosky (WSL) study suggested a phased improvement plan. Ms. Kovalik detailed the first phase which would include expanding the stage, improving acoustics, new seating, and an orchestra pit. These improvements would be accomplished in partnership with the DDA and the Grand Junction Symphony Orchestra.

Heidi Hoffman Ham, Downtown Development Authority Executive Director, presented DDA's perception of the new plan. The plan has served as a reality check to keep the group focused. The theatre is clearly in need of improvements. A long term lease with

the Grand Junction Symphony will ensure the stability of the facility. The DDA desires to dedicate \$3 million to the project. The DDA believes the team understands the needs and desires of the community relative to the facility.

Michael Schwerin, Grand Junction Symphony Orchestra (GJSO) Executive Director, reviewed how the Symphony has been involved with finding a home for the Grand Junction Symphony.

Kurt Gustafson, music director and Symphony board member, who also represents other arts organizations, reviewed the Symphony's goal when looking for a new facility in which to perform. Acoustical quality was one of the primary objectives. They hired Kirkegaard Associates to evaluate their current facility at Grand Junction High School. It was determined that the recommended adjustments could not be supported by the roof structure. They began to search for another location. Design criteria were developed for evaluating facilities. Westlake Reed Leskosky took those criteria and rolled them into their Master Plan. In conclusion, they identified the Avalon as the most viable option for the GJSO.

Michael Schwerin, GJSO Director, then shared the reasons they chose the Avalon. It meets all their needs and is the best option and the renovation costs are more reasonable than building a brand new building which would not be downtown which is where they want to be. Research showed that the model being proposed has been successful in other communities similar in size to Grand Junction. The agreement with the Symphony will double the number of patrons in the theatre and will benefit the City and the downtown without expending taxpayer dollars. Mr. Schwerin then spoke to the economic impact of arts on the community. Art organizations had a \$26 million impact to the community. There are over 500,000 people who attended art events in 2006, of which 100,000 were from outside Mesa County. About half of the art events are free, making them accessible to all residents.

Mr. Schwerin detailed the renovations being planned. Phase I is complete renovation of the performance space as well as a new HVAC System. This will result in a revenue boost for the City as the owners and operators. The remaining phases will correct other deficiencies, add more restrooms, add dressing rooms, storage space, and a multipurpose room.

Karen Hildebrandt, President of the Symphony board, spoke to the capital campaign planned. They have talked to others who have had successful capital campaigns. The long term lease ensures the donors that the Symphony will have a home in the long term. The Avalon will be a home not only for the Symphony but for other performing arts organizations. The time frame is two to three years but Ms. Hildebrandt is confident it will be sooner. They are eager to take this on as construction costs are down and there are no other community capital campaigns going on. Excitement is building for

the project. Philanthropic contributions for the arts are still ongoing. The Symphony is ready to commit and asks for the City Council's support.

Council President Coons noted the number of letters and emails received by the City Council, both pro and con, on the proposal. She will not be taking public comment but wanted to assure listeners that Council has considered all the correspondence received.

Councilmember Hill clarified the action for the City Council asking if it is direction to the City Staff to negotiate that agreement.

City Manager Kadrich advised that the Staff is asking for authorization of a fifty year lease with the Symphony, to authorize the capital campaign and ensure the Symphony of the lease and support of the improvements proposed. The Council is also being asked to authorize the City Manager to negotiate an operating agreement. Ms. Kadrich said it would be two different agreements as it would be unfair to ask the Symphony to ask donors for contributions for improvements to a building to which they may not have a leasehold agreement.

Councilmember Hill was very excited about the proposal but asked about the \$3 million from the DDA as that is taxpayers' money. He asked how that \$3 million will be proportioned throughout the phases. City Manager Kadrich said the DDA will commit one dollar for every three dollars raised by the Symphony capital campaign.

Councilmember Palmer asked when the Symphony will become the primary user. Ms. Kadrich said the Symphony will not be able to move in until Phase I is completed. Getting Phase I completed will attract more groups to the Theatre. The Symphony plans to use the facility 70 days of the year.

Councilmember Palmer asked about the required subsidy for the facility. Ms. Kadrich said there will be an increase in expenses if there are more users but there will be more revenue. The City currently staffs and operates the facilities and those expenses would continue, even during construction when there are no revenues. Councilmember Palmer questioned the wisdom of the City owning and running a theatre. Ms. Kadrich said it is a community decision. Some communities have facilities such as these and more. Some have no such facilities. The City made a commitment over twenty years ago to having a facility that has events, i.e. Two Rivers Convention Center. So it matches what the City is already doing.

Councilmember Pitts asked why the City doesn't just sell the building to the Symphony. Ms. Kadrich replied that it is much more expensive for a non-profit to buy and run real estate. The City on the other hand has the infrastructure to operate the facility, the

same staff as it uses at Two Rivers Convention Center. The City also handles the liability and legal matters which add to any non-profit's operating costs.

Councilmember Palmer asked what is the cost to the taxpayers for operating the facility? Ms. Kovalik said they are within \$1,700 of breaking even in 2010. The average subsidy over the years has been \$20,000 to \$40,000 with no capital investment.

Councilmember Susuras asked about the cost to maintain the building during the construction. Ms. Kovalik said the Staff would only be scheduled during construction at Two Rivers, however there may be some utility costs during construction.

Council President Coons asked if the current activities can be accommodated in other facilities. Ms. Kovalik said VCB staff will be working toward that goal but there will be some limitations.

Councilmember Palmer asked if the City were to sell the building, is it possible a private entity would step up? Ms. Kovalik said that would be a difficult question to answer. The successful performing arts centers are owned and operated by their city.

Councilmember Palmer asked about the priorities for the funds available to the DDA. What projects will not be accomplished by this partnership? Ms. Ham said the Avalon Theatre has been a priority and this partnership is a better option than the DDA running the Theatre. It is also a better option than a dark theatre. It benefits not only the restaurants but also the retailers. No other projects are being tabled; Main Street is their primary commitment and the Avalon is their second priority. They have had discussions with the Symphony as to the timeline for their fundraising and the encumbrance of the DDA funds.

Councilmember Palmer spoke to previous Councilmembers who were serving when the Avalon Theatre was purchased. Although they did not intend for the City to run it, it was always intended to be a historical building. He asked if the renovations will harm the historical value and the access to historical funding. Ms. Ham said the historical grant was only for the façade and the intention is to leave it as is. The only exterior work will be to the back and the east side. The intent is to maintain and respect the façade work.

Councilmember Susuras moved to authorize the Grand Junction Symphony Orchestra to enter into an agreement with the City to be the primary, but non-exclusive tenant of the Avalon Theatre, with a long-term lease agreement of 50 years, so that the GJSO can initiate a capital campaign to fund improvements as described in Westlake Reed Leskosky's Avalon Theatre Master Plan Study, and further authorize the City Manager to negotiate the necessary operating agreement. Councilmember Pitts seconded the motion.

Councilmember Hill complimented the Staff on the presentation and their response to questions. He felt it is the government's role to facilitate things the private sector cannot do for the benefit of the public. He complimented the Staff on the operation of the facility this year. He will support the motion.

Councilmember Susuras thanked the presenters and all who will participate in this project.

Councilmember Palmer said he will support this but he has reservations. He is not sure the City should have this role. However, the Theatre definitely needs upgrades, it's a big part of downtown, and the Symphony is a good partner but he is still uneasy.

Councilmember Pitts had no further comments except to echo Councilmember Palmer's concerns. He is sold on the project.

Councilmember Beckstein shares the others' concerns and the taxpayers have voted down measures supporting things like this. The Symphony downtown would be good for the community and it seems to be a good fit. It is a positive thing for this historic building but there will be others that disagree especially in these economic times.

Council President Coons referred to the City's vision to be the "Most Livable Community West of the Rockies" and she believes the arts are part of that. She said it is difficult for non-profits to continue to operate as operating funds are hard to come by. Contributors like to see facilities and tangible things. A historical building not being used does not honor the intent of the builders. She thanked the Symphony board.

Motion carried by roll call vote.

Council President Coons called a recess at 9:25 p.m.

The meeting reconvened at 9:32 p.m.

Public Hearing—Assessments for Alley Improvement District ST-10

Improvements to the following alley have been completed as petitioned by a majority of the property owners to be assessed:

- East/West Alley from 11th to 12th, between Belford Avenue and North Avenue

The public hearing was opened at 9:32 p.m.

Tim Moore, Public Works and Planning Director, presented this item. He said this is the last step of an alley improvement district; the improvements have been completed and this approves the assessments.

Councilmember Susuras asked if the property owners will be paying about half the cost. Mr. Moore responded affirmatively.

Councilmember Beckstein noted that this particular alley really needed to be improved. She asked if this was in the original budget. Mr. Moore said it was.

There were no public comments.

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

Councilmember Palmer stated that he is opposed to alley improvements in the current economic condition. He would rather see the current infrastructure maintained.

Councilmember Hill said he loves this program because it brings neighbors together, it improves air quality and lessens the impact on the City's vehicles. He likes neighbors investing in improvements in their neighborhood.

Ordinance No. 4444—An Ordinance Approving the Assessable Cost of the Improvements Made In and for Alley Improvement District No. ST-10 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Councilmember Hill moved to adopt Ordinance No. 4444 and ordered it published. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

Public Hearing—Amendment to the Zoning and Development Code to Allow Duplexes in the B-1 Zone District [File #RZN-2010-260]

A proposed amendment to the Grand Junction Municipal Code to allow Two Family Dwellings (duplexes), upon approval of a Conditional Use Permit, in the B-1 (Neighborhood Business) zone district in anticipation of future residential development.

The public hearing was opened at 9:39 p.m.

Greg Moberg, Planning Supervisor, presented this item. He described the request and the reason for the request. He presented a brief history. The use was allowed in the previous Code but was removed in the newly codified Code. The thought was that two family dwelling units are difficult to convert to a business use but it was later determined that they do make a good buffer between business and residential development.

Councilmember Palmer asked about the statement in the report that it is for future residential development. Mr. Moberg said the placement in the Code is to allow for future residential development. It will allow either business or residential in a B-1 district.

Councilmember Hill asked why a Conditional Use Permit will be required; that adds to the process.

Mr. Moberg said they wanted any residential use allowed to be a component of the commercial.

Councilmember Hill said he wants to encourage mixed use. To not allow, one would have to make an argument that it doesn't fit. Mr. Moberg said it is up to the Council; it is a policy decision.

Councilmember Pitts asked why not a mixed use. Mr. Moberg said the Mixed Use Form District is usually vertical.

Council President Coons asked what is the downside of making it a use by right?

City Attorney Shaver said the Conditional Use Permit allows a look to see if the use is adequately commercial but it could be changed to a use by right if that is what the Council prefers.

There were no public comments.

The public hearing was closed at 9:48 p.m.

Councilmember Hill agreed that it does allow a closer look at putting residential in a B-1 Zone District so he will support it.

Ordinance No. 4445—An Ordinance Amending Section 21.04.010 Use Table, to Allow Two Family Dwellings, with Approval of a Conditional Use Permit, in the B-1 Zone District

Councilmember Beckstein moved to adopt Ordinance No. 4445 and ordered it published. Councilmember Pitts seconded the motion. Motion carried by roll call vote with Councilmember Palmer voting NO.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 9:52 p.m.

Stephanie Tuin, MMC
City Clerk