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**CITY COUNCIL AGENDA  
WEDNESDAY, AUGUST 5, 2015  
250 NORTH 5<sup>TH</sup> STREET  
6:15 P.M. – ADMINISTRATION CONFERENCE ROOM  
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

*To become the most livable community west of the Rockies by 2025*

**Call to Order**  
(7:00 P.M.)

Pledge of Allegiance  
Moment of Silence

**Appointments**

To the Grand Junction Colorado State Leasing Authority, Inc.

**Certificates of Appointment**

To the Riverfront Commission

**Citizen Comments**

**Council Comments**

*Revised July 31, 2015*

*\*\* Indicates Changed Item*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

**\*\*\* CONSENT CALENDAR \*\*\***®**1. Minutes of Previous Meetings** [Attach 1](#)

*Action: Approve the Minutes of the June 25, 2015 Joint Persigo Meeting, the Minutes of the April 1, 2015, July 6, 2015 and the July 27, 2015 Special Meetings, the Summaries of the July 6, 2015 and the July 13, 2015 Workshops, and the Minutes of the July 15, 2015 Regular Meeting*

**2. Setting a Hearing on OneWest Outline Development Plan, Located Between 23 ¼ and 23 ¾ Roads, from G Road to Highway 6 and 50** [Attach 2](#)

The applicants request approval of an Outline Development Plan (ODP) for OneWest, a Planned Development (PD) zone district with default zones of BP (Business Park Mixed Use) and C-2 (General Commercial) for approximately 177 acres, located between 23 ¼ Road and 23 ¾ Road from G Road to Highway 6 and 50.

Proposed Ordinance to Zone the OneWest Development to a PD (Planned Development) Zone, by Approving an Outline Development Plan with Default Zones of BP (Business Park Mixed Use) and C-2 (General Commercial), Located at 2350 Highway 6 and 50, Between 23 ¼ and 23 ¾ Roads, from G Road to Highway 6 and 50

*Action: Introduce a Proposed Ordinance and Set a Public Hearing for August 19, 2015*

Staff presentation: Brian Rusche, Senior Planner

**3. River Trail Subdivision Filing One Drainage Easement Vacation, Located at D Road and Green River Drive** [Attach 3](#)

A request to vacate a public drainage easement covering Tracts G and H of River Trail Subdivision Filing One, located at D Road and Green River Drive, in order to proceed with the next phase of the subdivision.

Resolution No. 37-15 – A Resolution Vacating a Public Drainage Easement within River Trail Subdivision Filing One, Located at D Road and Green River Drive

®Action: *Adopt Resolution No. 37-15*

Staff presentation: Brian Rusche, Senior Planner

4. **Contract for the 2015 Sewer Line Replacement Phase II Project** [Attach 4](#)

This request is to award a construction contract for the Sewer Line Replacement Phase II project at various locations within the 201 Persigo boundaries to rehabilitate aging sewer or deteriorated sewer lines. The current sewer lines to be rehabilitated are composed of either reinforced concrete or vitrified clay pipe. As a result of the infrastructure’s age and damage caused by hydrogen sulfide gas, this maintenance is necessary to prolong the life of the existing sewer system.

Action: *Authorize the City Purchasing Division to Enter into a Contract with Insituform Technologies, LLC of Littleton, CO for the 2015 Sewer Line Replacement Phase II Project for the Bid Amount of \$620,875*

Staff presentation: Greg Lanning, Public Works Director  
Jay Valentine, Internal Services Manager

**\*\*\* END OF CONSENT CALENDAR \*\*\***

**\*\*\* ITEMS NEEDING INDIVIDUAL CONSIDERATION \*\*\***

5. **Public Hearing – Colorado Mesa University (CMU) Rights-of-Way Vacation, Located within the CMU Area** [Attach 5](#)

Colorado Mesa University (CMU) requests approval to vacate portions of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenues, and parts of alleys adjacent to CMU owned properties.

Ordinance No. 4673 – An Ordinance Vacating Portions of the Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenues, and Associated Alley Rights-of-Way and Retaining a Utility Easement, Located in the Colorado Mesa University Area

®Action: *Adopt Ordinance No. 4673 on Final Passage and Order Final Publication of the Ordinance in Pamphlet Form*

Staff presentation: Scott D. Peterson, Senior Planner

6. **Public Hearing – 2015 Third Supplemental Appropriation Ordinance – Colorado Mesa University** [Attach 6](#)

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 2015 budget amendment for contribution to the Colorado Mesa University (CMU) Campus Expansion Project.

Ordinance No. 4674 – An Ordinance Making Supplemental Appropriations to the 2015 Budget of the City of Grand Junction

*®Action: Adopt Ordinance No. 4674 on Final Passage and Order Final Publication of the Ordinance in Pamphlet Form*

Staff presentation: Jodi Romero, Financial Operations Manager

7. **Public Hearing – 2015 Second Supplemental Appropriation Ordinance** [Attach 7](#)

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 2015 budget amendment for the implementation of wage adjustments in accordance with the City's Class and Compensation Market Study.

Ordinance No. 4675 – An Ordinance Making Supplemental Appropriations to the 2015 Budget of the City of Grand Junction

*®Action: Adopt Ordinance No. 4675 on Final Passage and Order Final Publication of the Ordinance in Pamphlet Form*

Staff presentation: Jodi Romero, Financial Operations Manager

8. **Contract for Storage Area Network System Arrays** [Attach 8](#)

The Information Technology Division would like to enter into a contract with Sanity Solutions, Inc. for the purchase of three storage array systems, professional installation services, and related support and maintenance agreements for an amount of \$99,766. The new systems will replace two NexSan Storage arrays that have reached end of life with three new storage arrays with the specialized configurations needed to support three different computing environments.

*Action: Authorize the Purchasing Division to Enter into a Contract with Sanity Solutions, Inc. for the Purchase of Storage Arrays in the Amount of \$99,766*

Staff presentation: Jim Finlayson, Information Technology Director  
Jay Valentine, Internal Services Manager

9. **Non-Scheduled Citizens & Visitors**
10. **Other Business**
11. **Adjournment**

**GRAND JUNCTION CITY COUNCIL  
and  
BOARD OF COUNTY COMMISSIONERS FOR MESA COUNTY  
JOINT PERSIGO MEETING MINUTES**

**June 25, 2015**

The Grand Junction City Council and the Mesa County Commissioners Joint Persigo meeting was called to order by Commission Chair Rose Pugliese at 2:06 p.m. on June 25, 2015 in the City Auditorium, City Hall, 250 N. 5<sup>th</sup> Street.

City Councilmembers present were Councilmembers Martin Chazen, Chris Kennedy, Duncan McArthur, Rick Taggart, Barbara Traylor Smith, and Council President Phyllis Norris. Councilmember Bennett Boeschstein was absent. County Commissioners present were John Justman, Scott McInnis, and County Commission Chair Rose Pugliese.

Also present were City Staffers Interim City Manager Tim Moore, City Attorney John Shaver, Public Works Director Greg Lanning, Engineering Program Supervisor Bret Guillory, Wastewater Services Manager Dan Tonello, Principal Planner David Thornton, and City Clerk Stephanie Tuin.

County Staffers present were County Administrator Frank Whidden, County Attorney J. Patrick Coleman, Deputy Director of Operations Pete Baier, Planning Director Linda Dannenberger, Senior Engineer Julie Constan, and Clerk to the Board Lori Westermire and her Assistant Sundae Montgomery.

**Welcome and Introductions**

Public Works Director Greg Lanning introduced the meeting and outlined the items on the agenda. He introduced the City Staff in attendance.

**Purpose of Annual Joint Meeting of the Persigo Board**

Public Works Director Greg Lanning explained the purpose of the meeting. He referred to the Persigo Agreement that requires at least one annual joint board meeting; additional meetings have been held when boundary line adjustments were requested. He noted the importance of the relationship between the two governing bodies which

allows for the collection and treatment of wastewater in the Valley and encourages connection to the sewer system in order to eliminate septic systems.

Commission Chair Pugliese requested to move the Septic System Elimination Program Update to the first General Report on the agenda.

The City Council did not object.

### **201 Boundary Adjustments – Requested Exclusion from the Persigo 201 Service Area**

The owner of two properties at 979 23 Road and 995 23 Road has requested to have the properties be removed from the Persigo 201 Sewer Service Boundary. In addition, Staff is recommending the exclusion of ten other properties in that vicinity.

The public hearing was opened at 2:10 p.m.

Greg Lanning, Public Works Director, introduced City Principal Planner David Thornton for this item.

Mr. Thornton described the properties requesting exclusion and provided history of the area. In 2010 the City of Grand Junction Comprehensive Plan (CP) was adopted by both the City and County creating an urban development boundary (UDB) which was the specific intent of the two governing bodies. This boundary delineated the area north of the Highline Canal as rural and the area to the south as urban which created a discrepancy; some properties designated as rural were within the Persigo 201 Sewer Services Boundary (201). The owner of two of the properties has asked that they be removed from the 201. In 2012, five properties in that area were excluded. Staff looked at the remaining properties in that area and thought those too should be excluded. Notice regarding the option to be removed from the 201 was sent to the property owners; the City has not been contacted or received any comments. City Staff is supportive of the request to have the two properties excluded along with the other ten.

Commissioner Justman asked if the owners of the other ten properties have been notified of the possible removal from the 201. Mr. Thornton said a notice was mailed to all the property owners within this area and the wording was clear that their property would be removed from the 201; they were given 30 days to respond. Commissioner Justman asked why the property owner of two parcels has requested to be excluded. Mr. Thornton said the petitioner was present. Commissioner Justman said he is reluctant to remove properties from the 201 if he is unsure they are aware of their

options. Mr. Thornton stated all of the property owners were sent a notice, but none responded.

Commission Chair Pugliese asked what the exact wording of the notice was.

Engineering Program Supervisor Bret Guillory read the notice which said, “the purpose of this meeting is to discuss the exclusion of two specific properties, 979 23 Road and 995 23 Road, from the 201 Sewer Service Area. Staff recommendation is to exclude all properties north of the Grand Valley Irrigation Company Highline Canal from the 201 Service Area. The specific properties to be excluded are [the ten properties were listed]. For property owners with concerns or questions, please contact Bret Guillory the Utility Engineer for the City of Grand Junction [his phone number was listed]”. He said he had not received any phone calls in response.

Commission Chair Pugliese asked County Attorney J. Patrick Coleman if the mailing would be considered proper notice since it said the meeting was to “discuss” and not “vote” on the exclusion of these properties.

County Attorney Coleman reread the notice and said the actual language said “the City Council and Board of County Commissioners will conduct public discussion and may make decisions on the issue of amending the 201 Sewer Service Area boundaries” which gives them notice that a decision may be made at this meeting. In his opinion, they were given adequate notice.

Commissioner McInnis said the notice sounded adequate, but he wondered if the envelope would have given the owners an indication of its contents since the notices were not mailed as certified or registered. He was also concerned the owners might not understand the benefits of remaining within the 201. He recommended sending out a final notice to say the decision had been made to exclude the properties from the 201. He felt a need to be overly cautious and explain the situation to the property owners.

Commission Chair Pugliese asked County Attorney Coleman if an owner would have to petition the Board to come back into the district if they had been excluded.

City Attorney Shaver said they would; the inclusion and exclusion process are the same. He addressed Commissioner McInnis to explain the notice was not mailed in an envelope.

Commissioner McInnis was concerned that once properties are excluded, the owners may not want to come back into the 201.

Commissioner Justman recommended making direct contact with each property owner to ensure they are aware of the possible change and their option to stay within the 201. He is not comfortable with just having met the legal obligation.



Council President Norris asked if City Council had any comments.

Councilmember McArthur asked if any of the parcels have plans to be developed with a septic system. Mr. Thornton said there is a land use item that has been pending for over a year; he deferred to the County for additional details.

Councilmember McArthur then asked how this area receives water services. Mr. Thornton said water is provided through Ute Water. Councilmember McArthur asked if these properties are developed, will they need septic systems? He was concerned, if the 201 is reduced, that it will create an artificial land supply and land prices will sky rocket, but if development is allowed in areas like this, septic systems should be allowed but only until sewer services are available.

Councilmember Chazen asked why this area was included in the 201 boundary initially.

Mr. Thornton said about ten years ago, as part of the CP process, meetings were held for property owners regarding expanding the 201; the result was based on a vote from the property owners. Since a large group of owners wanted to be included in the 201, a geographic boundary was drawn around those properties. When the CP was completed, the UDB had been established with the geographic boundary being the Highline Canal. At that time, there was discussion to change the 201 to match the UDB, but it was decided to keep the boundaries separate and allow the property owners to request changes. Since then, some property owners have requested and been granted exclusion from the 201. Councilmember Chazen asked if, at the time of the 2012 requests, the Board considered excluding this entire area from the 201. Mr. Thornton said they did, but only a newspaper notice had been done, so it was not pursued.

Councilmember Chazen asked what the zoning is for this area.

Mr. Thornton deferred to the County as the area is outside the city limits.

County Planning Director Linda Dannenberger said these properties are zoned RSF-R (Residential-Single-Family Rural District), which was applied to properties within the 201. If removed from the 201 boundary the AFT (Agricultural, Forestry, Transitional District) zoning would be more appropriate.

Councilmember Chazen asked if there were any other areas where the 201 boundary crossed a canal. Mr. Thornton said yes.

Councilmember Chazen expressed concern that if these properties are excluded from the 201 it may hamper future development opportunities. He was reluctant to rule out this opportunity for property owners, especially for those not present, as it may have an impact on the value of their property. He felt there is not a compelling reason to

exclude the other ten properties. He then asked if development is planned for the two properties listed in this request. He did not know what advantages there would be for properties to be excluded.

County Planning Director Dannenberger said she would contact the property owners for this information.

Councilmember Kennedy asked what the development limits are for the properties on the north side of the canal.

County Planning Director Dannenberger said this area, which is bordered by the canal, 23 Road, 22 ½ Road, and J Road, is zoned RSF-R and limits the density to one unit per five acres.

Councilmember Traylor Smith referred to the area map and asked how big some of the parcels are. Mr. Thornton said parcels #1 and #2 combined are around 15 acres. Councilmember Traylor Smith agreed with the others in that there is no compelling reason to exclude the additional ten properties and noted these property owners voted at one time to be included in the 201. She then asked how many of the parcels are owned by the same people. Mr. Thornton said parcels #1 and #2, those on this request, have the same owner. He thinks most of the others are owned individually. Councilmember Traylor Smith asked for confirmation that the owners were only notified once by a mailing. Mr. Thornton said yes. Councilmember Traylor Smith reiterated she saw no rush to exclude the additional ten properties.

Councilmember Taggart said he was anxious to hear why the owner requested to be excluded.

Councilmember Chazen said there seemed to be a desire to adjust the 201 to meet the UDB; he asked if the UDB could be expanded to include this section of the 201. Mr. Thornton said the UDB was developed as part of the CP that was adopted in 2010 and has not been amended since then, but it could be considered in the future.

Council President Norris asked City Attorney Shaver if the Persigo Agreement would need to be amended if any of the suggested changes are to be made. City Attorney Shaver said this meeting is only to consider the exclusion of two properties; it would be improper if policy changes are made since no public notice was given for that consideration. Specifically, he did not think an amendment to the Agreement would be required to do as suggested; it would only be a policy change. However, he recommended the Board give notice before any policy changes are considered.

Commission Chair Pugliese asked if the Persigo Board had ever excluded properties without a specific request by the property owner. City Attorney Shaver said typically not; this area has been considered for exclusion before; part of the question was what

type of notice would be required and what the expectations of that notice would be. The notice for this meeting was mailed to the individual property owners; no other contact was made because they did not want to presuppose anything, just give them the opportunity to comment.

Commission Chair Pugliese asked the applicant if she would like to make any comments regarding the application.

Jane Clevenger, 995 and 979 23 Road, said the reason she requested to be removed from the 201 is to regain her property's agricultural status; the property's zoning was changed when it was included in the district. She applied for a building permit for a pole barn and was informed her property no longer qualified as agricultural and that type of structure was not allowed. Ms. Clevenger said her property is agricultural and she would like to restore that designation so she can maintain it as an agricultural producing property.

Commissioner Justman asked County Planning Director Dannenberger how Ms. Clevenger's property was taxed after being included in the 201. County Planning Director Dannenberger said to her knowledge it was taxed as agricultural; the Assessor uses a different classification other than zoning to determine how a property is taxed. Commissioner Justman asked if this property is in the County and if an agricultural building permit is available for properties within the 201. County Planning Director Dannenberger said this property is in the County and although she is not familiar with this issue, she understood those permits are not available for these properties. She pointed out that if these properties are removed from the 201, the zoning will revert to AFT which has slight density differences and the ability to subdivide.

Commissioner Justman asked Ms. Clevenger how big the parcels are. Ms. Clevenger said one is about six acres and the other is about 8 acres.

Commission Chair Pugliese asked County Planning Director Dannenberger if the reason for this request would stem from the zoning change.

County Planning Director Dannenberger said that could be part of the concern, but she did not understand why a building permit could not be issued for a pole barn. She said if someone in the County applied for an agricultural building permit, the use of the property is reviewed through the use of aerial photography and the Assessor's tax classification since it's use, rather than zoning, determines the assessed taxes.

Council President Norris asked if City Council had any questions for the applicant.

Councilmember McArthur asked if it would be possible to accommodate Ms. Clevenger's desire to revert her property to an agricultural status while remaining within the 201.

County Planning Director Dannenberger said some agricultural uses are allowed within the RSF-R zone; this should not be an issue.

Ms. Clevenger explained the County Building Department said since her property was zoned RSF-R, agricultural structures are not allowed. County Planning Director Dannenberger asked if she knew how her property was taxed. Ms. Clevenger said it is taxed as a residential prime building site.

County Public Works Director Pete Baier called the Building Department and determined the issue surrounding the building permit was based on needing a planning clearance, not zoning. Since the property is in the 201, to get a clearance, a connection to the sewer system would be needed or a variance obtained. He further explained when someone comes in for an action, a planning clearance is needed, which entails how the property will be serviced by sewer. The typical rule for properties within the 201 is to be connected or get a variance for septic.

Engineering Program Supervisor Bret Guillory said if a parcel is developed within the 201 and is more than 400 feet away from the sewer line, a variance is issued to allow a septic system. However, if the parcel is subdivided, sewer would need to be provided.

Commission Chair Pugliese asked if it would be more appropriate to consider a variance.

County Attorney Coleman said the issue remained of why she was denied and what would be required to remedy the denial. He agreed excluding the property may not be the best remedy, but didn't feel they could come to a conclusion without input from a building official.

County Public Works Director Baier said he only spoke to the Building Department about zoning, not about the specifics of this request; a building permit could be issued, but not before the planning clearance regarding the sewer service is resolved.

Councilmember Chazen said this should be settled administratively; it is unfortunate the applicant was caught up in this, but he didn't see how this request could be used as a trigger to remove the other parcels.

Councilmember Kennedy asked Ms. Clevenger when she started the permit process. Ms. Clevenger said the County worked with her so she was able to get a variance and have the "shop building" constructed, but since only one building per parcel is allowed she is not able to add another building.

Councilmember Traylor Smith agreed with Councilmember Chazen this should be handled administratively.

Councilmember Taggart concurred with Councilmembers Traylor Smith and Chazen; this request should not be a trigger regarding the other properties. They should be allowed to come forward individually regarding any changes.

Council President Norris agreed with the reasoning regarding the additional properties, but felt the applicant should be granted her request.

City Attorney Shaver requested permission to ask the applicant questions. He asked Ms. Clevenger if the parcel she put the new building on had any other structures. Ms. Clevenger said no. City Attorney Shaver said the Persigo Agreement had an acknowledgement called Principal Structure; since the new building is the only structure on this parcel, it is by default the principal structure. Her request should be reviewed with this in mind and this alone may solve the problem. City Attorney Shaver asked Ms. Clevenger if she had any intent of developing the property in a way that would require sewer services such as building a house on the property. Ms. Clevenger said she may, but not any time soon. City Attorney Shaver reminded her, if she was excluded and decided to develop the property in a way that required sewer services, depending on where the sewer line was at the time, she would need to add a septic system or extend to the line. Ms. Clevenger said she understood.

Commissioner Justman asked Ms. Clevenger if sewer services were needed for the new building or if it was strictly for agricultural use. Ms. Clevenger said the building is for agricultural use only and does not need sewer services. Commissioner Justman said he had no objection to her request for exclusion, but felt she could continue with her plans and also remain in the 201. Ms. Clevenger said she wanted to be out of the 201.

There were no public comments.

The public hearing was closed at 3:00 p.m.

Commissioner Justman said he would honor her request.

Commissioner McInnis said he was sorry the applicant went through all of this and then asked if agricultural buildings were required to have restrooms.

County Planning Director Dannenberger said they are not.

Commissioner McInnis wanted to make sure the applicant understood what the exclusion consequences are and that she had no intent of adding living or restroom facilities to the barn. Ms. Clevenger said only if she adds a home to the property, will living or restrooms facilities be added to the property; she understood her options.

Commission Chair Pugliese said the additional ten properties should not be included in this consideration. However, she is conflicted regarding this request because she felt the applicant would be able to accomplish what she would like without being excluded from the 201, but she will support the applicant if that is her true desire.

Commissioner Justman was worried even if the applicant maintained an agricultural property, she would want to be in the 201 in the future; it would be more difficult to get back into the district. He asked County Planning Director Dannenberger if agricultural uses can be maintained while staying in the 201. County Planning Director Dannenberger said they are allowed and one building on a lot without a house is also permitted; she is not sure of the circumstances of this request; it does not make sense.

Commission Chair Pugliese said two motions are required; the first regarding the removal of two properties, 979 23 Road and 995 23 Road, from the 201 Boundary. Commissioner McInnis moved to exclude. Commissioner Justman seconded. Motion carried.

Commission Chair Pugliese said the second motion required is whether to deny the ten other properties in the vicinity from the 201. Commissioner McInnis made a motion to deny the request. Commissioner Justman seconded. Motion carried.

Councilmember McArthur said if there is no apparent burden to the applicant, there is no compelling reason to exclude. He is not inclined to be in favor of exclusion.

Councilmember Chazen concurred with Councilmember McArthur and if the property is sold or transferred, it would be advantageous if it were within the boundary, especially if this can be solved administratively. He saw no reason to exclude this or any of the other properties and will take no action today.

Councilmember Kennedy agreed with Councilmembers McArthur and Chazen except for one thing. He felt the boundary is incorrect and the whole area should be excluded; the area is all agricultural. Five of the seventeen have already been excluded which geographically isolated the other properties in terms of the 201. He will side with the property owner, but was not in favor of excluding the rest of the properties.

Councilmember Traylor Smith recommended the applicant be given time to consider all the options that were discussed at the meeting.

Councilmember Taggart did not have a comment.

Councilmember McArthur said things like the Persigo Agreement and the CP look to the future, not at what exists today. This request also needs to be viewed with an eye to the future with the options kept open.

Council President Norris agreed with Councilmember Kennedy and felt the applicant has had sufficient time to think about this; she will honor her request.

Councilmember Chazen asked the applicant if she would like more time to think about her options. Ms. Clevenger said she had been thinking about this for a year while waiting for this meeting; she appreciated the Board taking her request to heart, but would like to be excluded. Councilmember Chazen then asked if she had thought through the potential impact on the value of the property. Ms. Clevenger said she has considered the possibilities and felt the future implications are negligible.

Councilmember Traylor Smith moved to remove 979 23 Road and 995 23 Road from the 201 Sewer Service Boundary. Councilmember Kennedy seconded the motion. Motion carried by voice vote with Councilmember McArthur voting NO.

Councilmember Traylor Smith moved to deny the request to remove the remaining ten parcels from the 201 Sewer Services Boundary. Councilmember Chazen seconded the motion. Motion carried unanimously by voice vote.

Commissioner Justman noted the boundary was laid out as it is due to the topography which has a natural flow down to the Persigo plant.

### **Dry Line Sewer and Septic Systems in Lieu of Sewer Extension for Development of Ken Scissors Property at 323 Little Park Road**

Dr. Ken Scissors was granted a variance to connect to sewer by the Joint Persigo Board in 2005, and approval of a preliminary/final plan, in February 2010, which allowed for the installation of a dry line sewer for future connection to the sewer system at the time it was available on Little Park Road. This approval lapsed along with the subdivision approval after two years (+/- 2012).

Greg Lanning, Public Works Director, introduced this item. The applicant would like to subdivide and obtain a reconfirmation of the variance granted in 2005. He described the location and explained the sewer line is over 2,000 feet away; the applicant is willing to install a dry sewer line but not connect and have an individual septic system for each of the lots with an agreement to connect to sewer in the future if needed. No conditions have changed since the last approval and Staff recommends re-approval.

The applicant was present.

Commissioner McInnis asked if this was a controversial item at the last request; that is, were there any red flags to make this other than routine?

Mr. Lanning said he was not aware of any red flags that surrounded the initial request and is not aware of any now.

Councilmember McArthur asked if the parcels could be subdivided to a higher density if sewer services became available. Mr. Lanning said the minimum lot requirement is one half acre for septic systems. Councilmember McArthur then asked if this request is for a main line or just for taps. Mr. Lanning said the dry sewer line would have taps to each lot. Councilmember McArthur said if the parcels were later subdivided there would not be enough taps on the line to accommodate that growth. He then asked when this approval expired. Mr. Lanning said it expired in 2012.

Councilmember Chazen asked if this is renewed how long will the variance be effective.

City Attorney Shaver said it would be up to the Board's discretion, but it is typically tied to the planning approval process.

City Principal Planner David Thornton said Dr. Scissors is in the process of obtaining a planning approval; a planning approval has a two year window.

Councilmember Kennedy asked if the surrounding area had sewer services or septic. Mr. Lanning said they have septic systems. Councilmember Kennedy said he assumed the development was put on hold due to economic factors, and the applicant would like to keep his options open regarding the development of these lots with the same plan as previously submitted. Dr. Scissors shook his head yes.

Councilmember Taggart asked if a conditional clause could be added as to when these lots would be required to connect to sewer services. Mr. Lanning said during the planning process any condition may be added.

City Attorney Shaver said an appropriate standard clause is if the line is within 400 feet or the septic is failing, they would need to connect.

Councilmember McArthur asked if there is a provision for administrative extensions. City Attorney Shaver said because this is part of the planning process it can be done, but the question would be, what authority does the Persigo Board have relative to the extension. The approval could have a longer time frame or it could be stated that in order to be consistent with any of the planning processes an administrative extension would be allowed to be consistent. Councilmember McArthur asked if this property is within City limits. City Attorney Shaver said it is.

Commission Chair Pugliese asked the applicant to address the application.



Dr. Ken Scissors, 323 Little Park Road, thanked the Board for taking his request. He said the Board had all the information and that he is taking his request back through the application process; the original time line was derailed due to the economy. He is starting fresh and working with City Senior Planner Scott Peterson; he hoped the process would be completed by the end of July. Many people are lined up to start work on the property by the end of summer and he hoped to have a spec home completed for the 2016 Parade of Homes; there is a lot of interest in the properties.

Commissioner Justman asked the applicant if the dry line would be a short stub or go out to the street. Dr. Scissors said they are required to extend the line the entire length of the street, from Little Park Road down to Redlands Road; the cost will be \$117,000. He would prefer to put the money in an escrow account and wait to see if extending services to the main line would be feasible in the future rather than spend money on something that may not come to fruition.

Councilmember Chazen asked who will pay for the final connection when the sewer line comes within the 400 foot limit. City Attorney Shaver said it would be up to individual lot owners; a notice would be recorded for each lot saying, if and when the sewer comes within the designated limit, the owners would be obligated to connect.

Councilmember Kennedy asked for clarification regarding the owner's obligation in the event of a septic failure, would the owner be obligated to connect to the main line even if it was not within 400 feet. City Attorney Shaver said it would be dependent on the Board's requirement; it could be distance or time; more practically it would be a distance requirement. Councilmember Kennedy said he would support the renewal without any type of variance.

Councilmember Chazen asked if the owner would know of this potential liability when they purchased the lot.

City Attorney Shaver said if the title work is read, the information would be there.

Dr. Scissors said he would ensure the owners were made fully aware of this potential. He would not put them or himself in that situation; he understands this is not a positive selling feature.

Council President Norris asked why a dry sewer line should be installed; this is a planning rule that needs to be reviewed internally as it may be a waste of money. She will support the approval.

Councilmember McArthur explained that it is more problematic to install a sewer line after the fact; it is much easier to have it installed before construction of the homes and it will provide an insurance policy for the homeowners.

Commission Chair Pugliese asked City Council to vote first if they would like to include specific conditions.

Councilmember Chazen said Councilmember Taggart suggested distance would be an appropriate trigger to connect to the main line; what would be a reasonable distance.

Mr. Lanning suggested using the default of 400 feet.

Interim City Manager Tim Moore agreed with the earlier suggestion to have this sewer approval tied to the land use and subdivision approvals so an administrative extension would be available.

City Attorney Shaver said extensions are subject to a process that can be extended.

There were no public comments.

Councilmember McArthur moved to approve a variance for the Scissors property at 323 Little Park Road for a standard two year term with an allowance for the applicant to apply for a two year extension at the discretion of the City Planning Director.

Councilmember Kennedy seconded the motion. Motion carried unanimously by voice vote.

Commission Chair Pugliese moved to approve a variance for the Scissors property at 323 Little Park Road with the condition for an additional two year extension at the discretion of the City Planning Director. Commissioner McInnis seconded the motion. Motion carried unanimously by voice vote.

## **General Reports**

Greg Lanning, Public Works Director, began the reports.

### **Septic System Elimination Program Update**

Mr. Lanning introduced this item and gave a brief history on the program.

Commissioner McInnis said this program, which included a subsidy, was created in 2001; the subsidy was put in place to encourage people to connect to the sewer line. He felt the subsidy was well placed and well-intended in 2001, but recommended it be eliminated or at least transitioned into a revolving loan fund since the original objective was achieved and only a few disparate properties remain on septic systems. He was concerned the subsidy would be an undue financial burden on the Board and loans may be difficult to secure if the owner already had a first lien on their property.

Commissioner Justman said he is not convinced eliminating the subsidy is the best option; some may only want to connect to the line once their septic system failed.

Commissioner McInnis said his proposal would have a future effective date since it would not be fair to withdraw the incentive of current applicants. He also expressed concern regarding the subsidy's fiscal liability.

Commissioner Justman asked how much had been spent on this program and had it been widely used.

Mr. Lanning said the subsidy was 30% of the cost to extend the sewer and it had been widely used. He explained some of the specifics of the program and suggested this policy be addressed at a future meeting.

Engineering Program Supervisor Bret Guillory said \$11 million had been spent from 2000 through 2014 with 22.7 miles of sewer main lines installed for 1,175 homes. He also provided the loan balance and the portion the property owner is responsible for.

Commissioner McInnis left the meeting at 3:50 p.m.

Commission Chair Pugliese said there would be no policy decision at this meeting; it would be deferred to a future agenda.

Councilmember McArthur noted about \$10,000 per unit had been spent. He then said conversion to a sewer line is first and foremost a health issue; every septic system is a potential health issue and the incentive needs to stay in place for people to be encouraged to utilize the sewer.

Councilmember Chazen asked how the program was financed. Mr. Lanning said it was financed through the Enterprise Fund Reserve accounts which are the collected Persigo fees.

Councilmember Chazen asked if a future liability calculation had been done. Mr. Guillory said 1,800 homes were initially identified; 1,175 homes have been serviced, leaving 625 unconnected. He provided a history of the program and said the majority of the project had been accomplished. He said about \$20,000 per year is put into the program to help cover miscellaneous expenses. Councilmember Chazen noted that a minimum \$6 million liability remains; he would like to ensure enough money be placed in the reserves to cover future needs.

Councilmember Kennedy agreed with Councilmember McArthur and said the more that can be done to encourage homeowners to convert to sewer the better, for both health issues and property values.

Councilmember Taggart said he would like to see a time limit established for the incentive.

Council President Norris agreed with Councilmember Taggart in that a deadline might provide homeowners with more of an incentive to get on board. Septic systems are a health issue and it is important to get as many people connected as possible.

Councilmember McArthur asked if the established sewer rates took the subsidy into consideration. Mr. Guillory said yes. Councilmember McArthur then asked how these fees affect the sewer rate. Mr. Guillory said it is pennies and they do not affect the General Fund. He added Persigo is on the eligibility list for the State Revolving Loan Fund so if larger projects come up they could be financed through this rather than through the reserve account.

Commission Chair Pugliese suggested this be a discussion item for the next Persigo meeting. She asked Mr. Lanning to quickly review the other reports.

Mr. Lanning suggested the reports be reviewed individually; he added the biogas and digester projects are going well.

There were no objections.

### **Other Business**

There was discussion about the need for an additional meeting this year. Mr. Lanning said last year it was suggested to hold the budget meeting as a joint board toward the end of the year; in the past these have been conducted separately by the City and County with Staff being available at both meetings. He suggested scheduling another joint meeting to discuss the budget and the Orchard Mesa Sanitation District which is subject to dissolution this fall, making the September 15<sup>th</sup> meeting unnecessary.

Councilmember Traylor Smith left the meeting at 4:05 p.m.

City Attorney Shaver reiterated that per the Agreement, there must be at least one meeting held annually, but after that the number is flexible. He said the Orchard Mesa Sanitation District is the only special sanitation district remaining, however, Council President Norris will sign a plan of dissolution after this meeting and the hearing is scheduled for July 28<sup>th</sup>. If the petition is acceptable, the election will be called for November 2015 and if approved, will go into effect July 15, 2016.

Commission Chair Pugliese said the intent of the annual meeting was to discuss the budget; she disagreed with Mr. Lanning in that the budget was historically discussed as a joint board and only recently was it discussed separately. She said she will not

approve another Persigo budget unless there is a joint briefing; there is no reason there can't be a combined Joint Persigo meeting.

Commissioner Justman was concerned about the cost of the digester; it was much more than anticipated. He asked if there were enough funds in the reserves to cover the cost.

Commission Chair Pugliese asked Commissioner Justman if he was in favor of having a joint meeting to discuss the budget. Commissioner Justman said yes.

Councilmember McArthur asked how long Ms. Clevenger waited to come before the Board. Mr. Lanning said she waited one year. Councilmember McArthur said he had no problem increasing the frequency of meetings, but he doesn't understand why the budget discussion should be a joint meeting.

Commission Chair Pugliese explained budget is the biggest policy discussion and most important decision Boards make. She felt it would be inappropriate to get budget information secondhand from Staff and it was not the intent of the Persigo Agreement to have separate budget meetings. It is also unfair to the constituents to be deprived of the robust discussions regarding the budget. She noted there were great discussions at this meeting.

City Attorney Shaver referred to paragraph 38 of the Agreement and read, "Policy decisions and guidance shall be provided at joint meetings which shall occur at least annually". He then cited from paragraph 3 that policy includes "the annual budget".

Councilmember Chazen agreed with Commission Chair Pugliese that the primary function was to review the annual budget; there was no reason not to sit down as a Board to discuss and share ideas. He supported scheduling another meeting.

Councilmember Kennedy said, in the past, the discussions he had on budget have been separate from other policy discussions; he recommended the budget meeting not be combined with other agenda items. He agreed the Persigo Board should meet more than once per year.

Councilmember Taggart said this is a valid request. In regard to customer service, he was embarrassed the applicant waited for a year to have her request heard. Meetings should be scheduled semiannually or quarterly and cancelled if there aren't any needs.

Council President Norris agreed with having a budget meeting, but said all meetings need to be planned and not scheduled at the last minute. She noted there is a provision in the Agreement that in case the budget is not agreed upon, the previous year's budget will continue. She suggested a separate approval process be considered

so citizens can be served quicker, the Agreement be reviewed and updated, and the budget meeting be scheduled soon.

Commissioner Justman agreed with the previous comments and then commented Persigo is a vital piece of economic development and needs to work well; the County and City need to work together toward the same end.

Council President Norris agreed with Commissioner Justman.

## **Adjournment**

There was no further business so the meeting was adjourned at 4:22 p.m.

Stephanie Tuin, MMC  
City Clerk

## **GRAND JUNCTION CITY COUNCIL**

### **SPECIAL SESSION MINUTES**

**APRIL 1, 2015**

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, April 1, 2015 at 4:00 p.m. in the Administration Conference Room, 2<sup>nd</sup> Floor, City Hall, 250 N. 5<sup>th</sup> Street. Those present were Councilmembers Marty Chazen, Jim Doody, Duncan McArthur, Sam Susuras, and President of the Council Phyllis Norris. Councilmember Barbara Traylor Smith joined the meeting at 4:18 p.m. Absent was Councilmember Bennett Boeschstein. Also present were City Manager Rich Englehart, City Attorney John Shaver, School District 51 Superintendent Steve Schultz, and School District 51 Chief Operations Officer Phil Onofrio.

Councilmember Chazen moved to go into Executive Session to discuss the Purchase, Acquisition, Lease, Transfer, or Sale of Real, Personal, or other Property Interest Under Section 402(4)(a) of the Open Meetings Law. Councilmember McArthur seconded the motion. Motion carried.

The City Council convened into executive session at 4:03 p.m.

Stephanie Tuin, MMC  
City Clerk



**GRAND JUNCTION CITY COUNCIL  
SPECIAL SESSION MINUTES**

**JULY 6, 2015**

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, July 6, 2015 at 3:00 p.m. in the City Hall Auditorium, 250 N. 5<sup>th</sup> Street. Those present were Councilmembers Marty Chazen, Chris Kennedy, Duncan McArthur, Rick Taggart, and Council President Phyllis Norris. Councilmembers Bennett Boeschstein and Barbara Traylor Smith were absent. Also present were Interim City Manager Tim Moore, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. The audience stood for the Pledge of Allegiance led by Councilmember Kennedy.

**Discussion of the Amendment of City Manager Rich Englehart's Employment Contract and Confirmation of Acceptance of the Resignation**

Council President Norris explained the purpose of the meeting. She said on July 1<sup>st</sup> the City Council scheduled this Special Meeting, not to recreate the Executive Session (ES) of June 20, 2015, but to explain why each City Councilmember elected to accept Mr. Englehart's resignation. She asked each Councilmember if they understood and agreed to the purpose of the meeting. Each Councilmember said yes to both questions.

Council President Norris stated the ES was held on June 20, 2015 and City Council accepted City Manager Englehart's resignation on June 24, 2015. During the ES, City Council was presented with four options: 1) amend the employment contract and accept the resignation terms as requested, 2) decline to amend the contract as requested and offer other terms and offer to accept the resignation on those terms, 3) decline to amend the contract and decline to accept the resignation, or 4) exercise remedies provided in paragraphs 9 and 10 of the contract. She reviewed the two items that pertained to Mr. Englehart's resignation; the termination clause and the severance provision. She then clarified that under the existing agreement, 12 months' salary and benefits would be paid to Mr. Englehart if he had been terminated during the six months after a newly seated Council and one of the provisions Mr. Englehart asked to amend was the thirty day notice for a voluntary resignation.

She then asked each member to state their reasons for accepting Mr. Englehart's resignation.

Councilmember Boeschstein, who was not in attendance, had submitted his comments in writing. Council President Norris asked City Attorney Shaver to read his statement.

"Memo

Date: July 3, 2015

From: Bennett Boeschstein

Grand Junction City Council member, District C

To: Grand Junction City Council; Tim Moore, Acting City Manager; John Shaver, City Attorney; Claudia Hazelhurst, Human Resource Director

Subject: Recap of statements made by me, Councilmember Boeschstein, during an Executive Session conference call with the remaining 6 city council members on June 20 to discuss personnel matters.

(I was in Boston, Mass. at the time to attend a memorial service for my mother-in-law.

In my 30 years of experience in local government, personnel matters are confidential)

First, I think it is important to recognize the many accomplishments of Rich Englehart as City Manager and Assistant City Manager while I have been on City Council from 2011-2015.

Accomplishments

Any accomplishments are the result of city councils (present and past), city managers and city staff working together, not just one individual acting alone. However, since the city manager is the chief executive of the city, much of the credit for these accomplishments is due to him.

City Councils, City Managers (Rich Englehart, Laurie Kadrich, and Tim Moore) and staff worked together to accomplish many goals during this period such as:

- Balanced budget and staff salary stabilization during the recovery from the Great Recession and the oil, gas, and coal slow down
- On the road to the city's economic recovery: reduced unemployment, slow growth, population increases
- Lincoln Park improvements: new Stadium/GJ Rockies
- New Police/Fire buildings on time and under budget (Certificates of Participation)
- Avalon theater remodel and expansion
- Street improvements/overlays
- North 7th Street gas explosion emergency management
- New Orchard Mesa fire station
- City funding of CMU expansion seven years in a row
- Participation in Horizon Drive Association and North Avenue Association; plans, grant applications and improvements
- Participation in the adopted Greater Downtown plan
- Purchase of White Hall and making it available to DDA for redevelopment
- Offer to airport to help with completion of new building
- Economic development and branding plans
- "Jump start" grant and participation

- Foreign Trade Zone (hired consultants and implementation)
- Bio gas pipeline construction and completion
- Funding and construction of “safe routes to school” projects
- Homeless/vagrancy task force
- Whitman Park plans
- Grand Valley Transit transfer stations & expansion
- New Mobility West Study and Plan of the Business I-70 corridor
- Events Center Plan and feasibility study and downtown parking study
- Awarded Bicycle Friendly City
- Managed city and valley-wide bicycle and running events and special events such as Juco Baseball tournament

#### Resignation

I reluctantly am willing to accept Rich’s resignation.

I originally was in favor of a 6 month severance agreement with Rich, but am willing to accept the majority wish to give him a full year severance.

#### Temporary City Manager

I made it clear that we need to have a temporary City Manager named on the day Rich leaves his position and suggested Tim Moore, the Assistant City Manager or Greg Lanning, the Public Works Director.

I suggest that we hire a temporary city manager from the pool of circuit rider city managers in Colorado (if one still exists).

I also suggest that the Community Development/Planning Department play a larger role in the on-going economic development planning process and on -going management of contracts with North Star and others. I suggest that Kathy Portner and/or Greg Moberg from our Community Development/Planning Department be named as lead staff members for economic development.

Bennett Boeschstein

1255 Ouray Ave.

Grand Junction, CO 81501”

Councilmember Chazen thanked Council President Norris and read his statement:

“Our purpose here today is to openly discuss the reasons for accepting the conditional resignation of Rich Englehart, our former City Manager and amending his contract to pay over \$127,000 in severance.

A little background is a good place to start.

Anyone who closely follows City affairs should know that Rich Englehart and I frequently disagreed on policy, operational and financial issues.

Sometimes the disagreements were discussed in private, as is appropriate between a member of Council and the City Manager, but I was not bashful about bringing issues into the public arena when appropriate.

The list is long, but here are a few examples:

- Not having written partnership agreements in place before embarking on major projects.
- Significant cost overruns or bad cost estimates on capital and maintenance expenditures.
- Not knowing that a major system at the Persigo plant was offline for 15 months.
- Paying more for vehicles because we failed to take advantage of State pricing.
- Not realizing that a simple redesign of new park restrooms would yield significant savings.
- Manipulating the budget process to avoid discussing operational efficiencies.
- Not immediately disclosing an arena feasibility study completed in 2003 that would have exposed the financial flaws of the project.
- Failing to deal with chronic losses at Two Rivers.
- Refusing to discuss outsourcing of services to private sector providers.
- Failing to provide complete and accurate financial projections for projects.
- Slashing funds for street overlay and deferring needed repairs.
- Looking to reserves as the go-to source of financing.

There is more.

And although we'll hear about some of Rich's achievements, the above items demonstrate to me that he was not as connected to operational issues as I would expect nor did he fully understand the financial consequences of his policies.

This is not to say Rich didn't have his talents, but based on his performance it was clear to me he lacked the full measure of skill and judgement the citizens of Grand Junction pay for and deserve.

With this background, it was not surprising to me that his management style eventually manifested itself in this current incident; what was surprising is that it didn't happen sooner.

In the June 20 executive session, the Council discussed, as is appropriate for this type of meeting, Rich's leadership skills and ability to effectively marshal City resources.

In my view, based on the discussions, his management style led to staff confusion and bickering on tasks related to important City initiatives; creating conflicts that Rich failed to resolve.

In my opinion, the executive session exposed the shortcomings of his management style and reinforced my belief that Rich lacked the management skill and judgement expected of a Chief Executive Officer that manages a \$145 million organization.

And the question became "is the City better off with or without Rich Englehart."

In the days between the executive session and the open meeting, I had the opportunity to reflect the best course of action; it was clear that Rich and the City needed to part ways in a cost-effective manner.

In the end, my decision was based on the cold calculus that the Council needed to remove an individual from a position of authority, quickly, to minimize the financial and operational impact on the organization.

With regard to the June 20 executive session, there was discussion about financial options and how they related to the employment contract between Rich Englehart and the City.

Understanding the terms of the contract is key:

If termination occurs within the first six months of seating one or more Council members, the City Manager is entitled to 12 months of salary and benefits.

If termination occurs after six months but before 12 months, the City Manager is entitled to 9 months of salary and benefits.

If termination occurs after 12 months, the City Manager is entitled to 6 months salary and benefits.

Let's think about that for a moment and consider that if a new council member is seated for any reason, the clock is reset.

Also, please recall the Council had five new and returning members seated in May 2015.

Based on my interpretation of the contract, reinforced by legal counsel, it was apparent I was dealing with a very one-sided agreement that favored the City Manager, where a termination would have resulted in a year of severance and benefits and delay his departure and offer possible legal exposure.

However, if Rich opted for a conditional resignation, the amount would have to be high enough to get him out the door.

In other words, it was obvious than anything less than nine months meant he could wait it out until next May.

In the executive meeting I was faced with no good alternatives.

Furthermore, I found myself in the awkward position of dealing with, in my opinion, a distraught employee that was vacillating between "Maybe I should resign" and "I'm going to fight for my job".

I left the executive meeting with few options, not knowing the financial details and not knowing what to expect; but I was hoping for a cash-only deal that would, at least, free the City from paying an expensive benefits package.

It was not until the open meeting on June 24, when I saw that the resignation letter Mayor Norris was reading was, in fact, a signed offer, that I realized I was in position to make a definitive decision.

After hearing the letter, reflecting on terms, and weighing the options, I felt this was as good as it was going to get and voted for the motion to accept the resignation and contract modifications.

Those who regularly watch our council meetings know that on the tough issues, I have a very good record of asking probing questions and explaining my position.

In retrospect, I probably should have said something at the June 24 meeting but then, as now, I have concerns that my comments will fuel speculation and disrupt an internal investigation. I hope that is not the case.

Throwing rocks at someone going out the door might make for interesting reading, but it won't change outcome nor make it any easier to find a new City Manager.

I am also cognizant of the impact this has had on the many, many dedicated, knowledgeable, hardworking City employees that deserve our support and respect.

I am truly sorry that this situation got as far as it did.

Those employees and the Citizens of Grand Junction deserve better than this.

It is important to know that there was no joy for me in making this decision, it was strictly business.

And I am fully aware that this settlement is viewed as squandering \$127,000 of hardearned taxpayer money and I understand the public ire that goes along with it.

Bottom line, this is upsetting on many levels and the City is left with a mess to clean up.

Thank you for hearing me out, I welcome any and all inquiries on this matter."

Councilmember Kennedy said he appreciated everyone at the meeting and their willingness to hear the Council's comments regarding the ES and why they accepted Mr. Englehart's resignation. He stated he disagreed with the decision not to accept public comments at this meeting and felt it was short sighted and should be revisited. He then said the first time he learned of these concerns was at the first ES where they discussed an open records request from The Daily Sentinel (DS) about organizational issues. At the second ES on June 20<sup>th</sup> it was clear those issues were varied and deep and as a result Mr. Englehart was no longer fit to lead the organization. The question became what would be the most expedient and cost effective way to effect a leadership change while moving the City forward. Mr. Englehart expressed his thoughts on the situation, his abilities, and some personal issues. Councilmember Kennedy came to the conclusion that Mr. Englehart would no longer be effective as City Manager (CM),

but saw Mr. Englehart wanted to fight for his job. Many options were discussed which left Council with a lot of information to consider over the ensuing 72 hours; Council hoped a formal resignation letter would be offered at the June 24<sup>th</sup> meeting, but had no details. For him it was a simple decision to accept the conditional resignation since it allowed for Mr. Englehart to leave immediately and only be paid nine months' severance; this was a better option in lieu of the termination provisions. Although Council voted quickly at the June 24<sup>th</sup> meeting, they had been thinking about the options since the ES. He then said he made a mistake not making a comment before he voted, but at the time he just wanted to start the process of replacing the CM and move the City forward. There are things that need to be fixed and that is what should be focused on now. He welcomed any questions.

Councilmember McArthur read his statement.

"This meeting has been called as a result of the failure to record the meeting of the City Council in Executive Session on June 20<sup>th</sup> and the need to establish a public record of what has transpired.

When the meeting of June 20<sup>th</sup> was called, I only knew that it was concerning an ongoing personnel matter but I did not know the specific subject matter that was to be discussed. That was not disclosed until just prior to the meeting being started.

The council had previously met over a personnel issue involving the city manager and a city employee that reported to him and the local newspaper's attempts to gain access to their personal communications. As a result of the previous meeting and subsequent discussion, I was of the mind that it was going to be very difficult for Mr. Engelhart to continue in his position as city manager because his ability to provide leadership to the organization had been seriously compromised.

At the June 20<sup>th</sup> meeting, Mr. Engelhart opened the discussion by reporting there had been further personnel developments; that the local newspaper was demanding access to his personal text messages; that he was opposing their demands and that he felt it was in the best interest of the organization if he offered to resign his position. His offer was contingent on council agreeing to pay severance in an amount equal to nine months' salary plus benefits. He also offered to stay on a few additional weeks to help with ongoing projects.

Since I was already of the mind that he could not continue and be effective, in my mind, I did not hesitate to believe that we should accept his resignation. To me, the question then became "How can we get out of this for the least amount of money possible?"

I had not previously read Mr. Engelhart's employment contract since it had been approved and signed by a previous council. As I reviewed the copy given to me at the

meeting, I read the termination provisions. It was there I read if there are more than one new council member and the contract is terminated within six months of the new council member(s) taking office, then the severance shall include an amount equal to twelve months salary and benefits.

There was a comment at the meeting about accepting his resignation and not paying severance but, since his offer was conditioned, it wasn't hard to see that if we rejected the conditional resignation, he would rescind his offer and leave us with the option of terminating his employment.

It was also apparent that if we didn't accept the resignation and agree to some severance, we would most likely be in the position of having to terminate the contract and pay twelve months salary plus benefits. After some discussion, it was proposed that the city pay nine months' severance but there would not be a continuation of benefits and that the separation would be immediate.

While there was some discussion of the possible alternatives, no vote was taken at the meeting. I did not know that the vote was finally decided or that the vote would be unanimous to proceed in this manner until the June 24<sup>th</sup> meeting especially since one council member had verbally indicated that they did not want to accept the resignation but felt the situation could be corrected and he could continue in office.

In regards to the recording the June 20<sup>th</sup> meeting, I was seated with the recording machine directly behind me. I recall the recorder being turned on as the meeting was about to start but I did not witness anyone touching the recorder prior to the meeting being adjourned.

When the meeting was adjourned, I noticed that John Shaver, who was seated on the other side of the room, was engaged in a conversation so I turned around and turned the recorder off. The instructions are taped to the top of the recorder which state "To stop recording, hold the black button down and press the 'Stop Recording' button". That is exactly what I did and took no further action including making no attempt to remove the recording disk. I wouldn't even know where to find it.

It has not been definitively determined why the meeting was not recorded but if anything I did in stopping the recording of the meeting caused the disk to be damaged or erased, I sincerely apologize to everyone involved. I had no reason to not record the meeting and I know of no reason anyone else would not want the meeting recorded. I also apologize if any of my actions with the recorder resulted in the unfounded accusations questioning the character and integrity of the other members of council and staff that were printed in the paper.



Again, we do not know what happened to the recording but I did not witness anyone intentionally stopping the recording of the meeting prior to the meeting being adjourned nor do I know of anyone that would have a reason to do so. While the instructions on the recorder seem simple enough, in the future, I will avoid trying to be helpful and will leave the operation of the equipment to staff.

In regards to the June 24<sup>th</sup> meeting, much has been made that the council voted unanimously to amend the city manager's contract agreeing to severance and waiving the thirty day notice provision without comment. I do not know why the other council members did not comment. My concern was saying something that could potentially hurt the city in the future.

Besides being concerned about encroaching on the privacy of individuals involved, this is all about a personnel issue and the resignation of the city manager was only one step in this process. There are still other people involved and resolution of all the issues is still in progress. While I am not aware of any legal action having actually been filed, I did not want to say something that somebody's attorney could take and use to help with some demand or claim being made against the city. I do not believe you can be too careful given the litigious nature of our society today.

My priority from the day I took office was to protect the interests of the city and its citizens as best I could while working to their benefit. When given the choice of protecting the city's and its citizens' interest versus helping some reporter write some gossipy privacy invading article under the guise of "the public's right to know", I'll choose protecting the city's and its citizens' interest every time. And that is what I meant I would not change about the June 24<sup>th</sup> meeting.

It is natural for most people to think the worse before they think the best about an issue where they do not have all the facts. This is true for almost everyone associated with these issues from a number of city personnel who may think someone got something more than they did to the reporters who are looking at all this through a key hole to members of the community that are reacting to a misconception they have been given by the newspaper. I recommend that everyone take a step back and reflect on whether they are being fair and the community certainly deserves better than the erroneous picture that has been painted for them."

Councilmember Taggart commented he would probably repeat some things. He said the previous weekend was tough, both professionally and personally. Over the weekend he met with several friends and community leaders and primarily listened; one scolded him late into the evening. Regarding the June 20<sup>th</sup> meeting, he said Council did not know what the topic would be prior to its start, but they learned very quickly that Mr. Englehart might extend his resignation. He said he was very new to the ES process

and therefore did not challenge holding an ES and hoped to be extremely fair to Mr. Englehart; he understood this would be a difficult resignation. In retrospect, he would probably have said the options should be discussed at a public meeting as the community should know what options Council was given to review. He did not want to be accused of doing something in secret; he has a reputation of being as transparent as possible. He reviewed the options Council was given and explained Sections 9 and 10, specifically how the different time frames would affect the amount of a termination pay out. He stressed that if Council had terminated Mr. Englehart within six months of a new Councilmember being seated, he would have been entitled to over a quarter of a million dollars in severance and benefits compared to the \$127,000 offer they accepted. A termination clause was added to Mr. Englehart's contract in 2011 which stated no severance would be due if the CM had been convicted or charged with a felony or Class 1 misdemeanor action; this was the only "for cause" exception in the contract. He agreed with Councilmember Chazen that in the future a "cause" provision should be included in the CM employment contract. He said at the beginning of the ES, Mr. Englehart stated he was not capable of leading this organization any further. Councilmember Taggart asked what the cost of ineffective leadership would be and noted that having someone in the role of CM that is not capable of leading is not a good option. Councilmember Taggart had the opportunity of listening to people who had worked with Mr. Englehart; there were a lot of positives regarding his accomplishments. In the three intervening days, he weighed all the options along with many derivatives; after hearing the resignation offer on June 24<sup>th</sup>, he knew it was the best option in a bad situation so he voted in favor of accepting it. He made no comment because the issue had been on his mind for three days and he didn't have anything to add.

Councilmember Traylor Smith, who was not in attendance, had also submitted comments in writing. Council President Norris asked City Attorney Shaver to read her statement into the record.

"Special Meeting – July 6, 2015

Barbara Traylor Smith, Grand Junction City Council, District B

Recollection of conversation during the June 20 Executive Session:

The purpose of the meeting was to discuss a personnel matter. When we arrived we were notified that the City Manager would like to discuss the possibility of his resignation. He offered some explanation as to why and a request of severance. After we discussed this information with him he left the room and we began a discussion about the options.

- 1) Did we want to accept his resignation? Were there other options based on current circumstances? Sabbatical until investigation was complete?

- 2) If he had not resigned would we have continued his employment based on current staff issues?
- 3) If we accepted the resignation, would his past efforts and successes be recognized? If so, what form would that take (severance, letters of recommendation, etc)

Rich Englehart has been a very good City Manager. Like all of us he has areas of strengths and areas he can improve. His administration skills have led this City to noteworthy accomplishments many of which have been identified specifically today. His appointment as Interim then permanent City Manager was a difficult transition considering the dramatically different management style of the previous manager. In my opinion this contributed to the current staff issue which I believe could have been solved with time, training and mentorship. It seems to me that the practice of terminating and replacing executive level employees when there is one bump in the road is wasteful and counterproductive. This practice is expensive and undermines future executives and creates a cycle that repeats itself. The alternative road is neither easy nor conventional however I believe necessary to establish continuity in these high level positions. However, Rich felt he was no longer effective and therefore offered his resignation.

After considering the discussion and options at the June 20<sup>th</sup> meeting, I voted with great reluctance to accept the resignation and agreed to reward his accomplishments with severance pay at the Special Meeting on June 24, 2015.”

Council President Norris read her comments.

“Over the last month I have seen the performance of Mr. Englehart decline. I felt he was no longer effective as a leader of the organization and I did not believe he would have been able to continue to move the city forward or develop a team that we need to achieve the goals of the city.

Mr. Englehart offered his resignation on the day of the special council meeting, June 24<sup>th</sup>

He ask council to allow him to resign without a 30 day notice and pay him 9 month severance plus his earned paid time off.

As stated earlier, I believed he was no longer an effective city manager and would not be able to continue to represent this Council and the organization. For the city to continue to move forward we would need to terminate Mr. Englehart. This would cost the city a full year pay for severance, plus benefits

Over the last 7 years, we have seen many good things happen in this city under Mr. Englehart's leadership. He should be recognized for these things. It is unfortunate that over the last few weeks results of his leadership have not been positive and I didn't see the possibility of this changing.

For these reasons I chose to accept Mr. Englehart's resignation without a 30 day notice and pay him a 9 month pay as severance with earned paid time off.

The Citizens of this community deserve to know how their city is being run and that the council is spending their money wisely. As Mayor and a council member, I recognize this and apologize for not giving you these thoughts earlier about the reasons for my accepting Mr. Englehart's resignation. However, I also have a responsibility of maintaining confidentiality of personnel issues. It is a fine line and I do my best to honor both.

I can only tell you I did not make a decision to accept Mr. Englehart's resignation until I read a signed copy on June 24th before the council meeting.

Council is permitted to have executive sessions to discuss personnel issues. However, a recording is to be made of these sessions and that did not happen in this case. As a council member I will do my best to make sure this doesn't happen again.

I believe we need to examine the structure of the city and have specific expectations for the new City Manager.

As a Council we will continue to move forward with the goals of the city and do a diligent search for our new City Manager. We will be discussing the process at our workshop later today."

Council President Norris asked if there were any other Council comments.

Councilmember McArthur clarified that personnel matters involve personal issues and as such, privacy issues are involved which is why this circumstance qualified for an ES.

Out of respect for the individuals, holding an ES would be appropriate; it would not be appropriate to discuss these types of issues in a public forum. Also, it was not for a lack of transparency that it was decided not to have a public comment period at this meeting; the reason for this meeting was to explain the facts that led to the decision that was already made. He hoped the information given at this meeting would help foster an understanding of the options Council had available. He appreciated everyone's interest and said he would be available to speak after the meeting.

Councilmember Chazen asked City Attorney Shaver to speak on the City's history of paying severance to previous CMs. He asked if their contracts had a severance clause when they separated from the City. City Attorney Shaver said generally speaking,

these contracts have been negotiated agreements between Council and the CM; often times the contracts have been based on an industry standard template from ICMA (International City/County Management Association). In the past, the City has adopted a lot of those terms. In regard to the specific question, Mr. Englehart's contract implemented a new concept that added specific provisions for severance so there would not be an opportunity for a new Council to run on a political platform of replacing the CM without there being a cost. He noted CMs are often subject to political influence and during the course of a campaign it could be an issue. During the negotiation of Mr. Englehart's contract, the termination incentive was thought to be a good idea and included. The previous CM, Laurie Kadrach, had a separation provision stating she would receive severance for either her termination or resignation. He commented CM positions are relatively short lived and typically in short supply, so there is an expectation that these types of provisions be included in the employment package. The same type of provision was reflected in the contracts for David Varley and Kelly Arnold, however, City Attorney Shaver was not involved in Mr. Arnold's contract negotiations.

Councilmember Kennedy reiterated Councilmember Taggart's comments regarding personal integrity; nothing cuts him to the core more than having his personal integrity questioned, either directly or indirectly. If the DS had not submitted an open records request this meeting would not have been held; it has given Council an opportunity to review the City's processes. He noted he and Councilmember Taggart are new to Council, but he disagreed with Councilmember Taggart regarding the necessity of the ES since it dealt with personnel issues. He finished by saying his work ethic centered on integrity, accessibility, and accountability and this process has personally hurt him because it has called the Council's integrity into question. He felt they dealt with this situation to the best of their ability with the information they had and in the time frame in which they had to work. He again said he would welcome public comments, either at the meeting or after.

Councilmember Taggart followed up on his previous comment regarding the ES; he clarified that he would not want to expose personnel issues. However, the discussion at the ES was about the CM's employment contract, Mr. Englehart's possible resignation, and the options to solve the situation. He suggested in the future, when Council is at the stage to discuss potential options, the meeting should be made public.

Council President Norris said she has not always agreed with Councilmember Chazen regarding the performance of Mr. Englehart; they have agreed to disagree. She felt Mr. Englehart did many good things and did a pretty good job throughout his tenure. She then thanked Councilmember McArthur for accepting responsibility for turning off the recording machine, but said it remained unclear as to why the disc was blank. Council President Norris said she agreed with Councilmember McArthur's comments regarding having an open meeting; the decision has already been made and public comments are

used in the decision making process. However, since Councilmember Kennedy said he would like to allow public comments, she asked each Councilmember if they would like to have an open comment period.

Councilmember McArthur said no.

Councilmember Chazen said if time allows and any members of the audience have something to say that is pertinent to this situation, he would like to hear them.

Councilmember Kennedy said he would like to hear what the public has to say on this topic.

Councilmember Taggart said after listening to leaders and Councilmembers Kennedy and Chazen, he felt public comments should be allowed with a couple of caveats; since the decision has been made, discussion about that should be moot and second, to understand that Mr. Englehart is a human being.

Councilmember McArthur asked City Attorney Shaver if the Councilmembers written statements should be submitted.

City Attorney Shaver said the recording of the meeting is sufficient for the record, but they may be submitted to the City Clerk.

City Clerk Tuin said it would be appreciated if the statements were submitted.

Council President Norris said public comments would be allowed and asked that comments be limited to two minutes after stating their names and addresses. She also asked the speakers to keep in mind what Councilmember Taggart said.

Vara Kusal, Manager of HDABID (Horizon Drive Association Business Improvement District), said she works for a public body and has worked with elected officials and City employees; she too has experienced recording equipment failures that were only discovered after a meeting concluded. She said it is ridiculous to think there was collusion regarding this series of events; she felt Council made the best decision under the circumstances. She hoped everyone would be able to move forward and make the City better.

Bob Ross, 633 27 ½ Road, appreciated that Council allowed public comments; it eased his mind and he felt Council would prefer to hear comments at the meeting rather than in the DS. He noted there were innuendos of sexual harassment or of an inappropriate relationship at issue. He asked if there was a clause in the employment contract that specifically forbade this type of behavior and if not, is that why severance was paid? He also asked if the employment contract was open ended, or was a time frame included to allow for renegotiation. He said most contracts included a time frame so

that, at the end of the specified time period, a new contract may or may not be renewed; this way severance would not have to be paid. He felt Council had learned from this experience.

Council President Norris said those were good points.

City Attorney Shaver addressed two points Mr. Ross brought up; the time of the contract and performance expectation. He said employment contracts are renewed annually, typically at the end of the calendar year; six months were left on Mr. Englehart's contract. Regarding the performance expectation, the contract does say that the CM must be willing and able to perform, but there were no specific details as to what determined ability or inability. He noted these points can be negotiated in future contracts.

Council President Norris said those were good points and are worth looking at.

Bob Erbisch, 928 19 ½ Road, affirmed Council's decision to hold an ES; if the matters to be discussed are only allegations, they shouldn't be spread all over the DS. He applauded Council's decision, but feels a "for cause" clause should be included in contracts to provide Council with some discretion.

Dennis Simpson, 2306 E. Piazza Way, complimented Councilmembers Kennedy and Taggart for recognizing the need to have public comment; he also appreciated how Councilmember Taggart explained things and hoped everyone viewed this situation in the same way, in that it was not done correctly. He hoped if anything like this were to happen again, after personal matters were discussed in an ES, a public meeting would be held to discuss available options. He didn't think this process would have been discussed if the ES had been recorded, so in that respect, he felt it was good that it did not get recorded. He then noted that four women reported to Mr. Englehart; three were not involved and are innocent. He had a copy of a letter from the City Attorney to the DS that disclosed the woman involved as Elizabeth Tice; he said this information should have been kept confidential not disclosed to the DS. However, he felt it is very unfair to attack the DS for doing its job. He was disappointed with Councilmembers Boeschstein and Traylor Smith's comments and felt there was a lack of understanding on their part as to how terrible of a situation this was. He agreed with Councilmember Chazen regarding his strong arguments as to why Mr. Englehart was not doing a good job.

City Attorney Shaver said Mr. Simpson is entitled to his comments, but advised there be no future discussion on the underlying personnel issues.

Council President Norris reiterated that Mr. Englehart turned in his resignation because he was not doing his job managing the City and she accepted it for the same reason.

Lynn Lickers, 378 ½ Soapweed Court, said she is rarely in the position of defending the DS anymore, but if it wasn't for their coverage, this meeting would not have been held. She appreciated the DS's coverage of this issue and Council for allowing public comment. She felt this meeting helped extinguish a lot of inaccuracies, gossip, and speculation. She then asked if it was normal to have the Chief of Police and two police officers at City Council meetings.

Council President Norris said all department heads were asked to attend the meeting; the Chief of Police is a department head. Also, on duty police officers are scheduled to attend all City Council meetings.

There were no other public comments or business to discuss.

### **Adjournment**

The meeting was adjourned at 4:15 p.m.

Stephanie Tuin, MMC  
City Clerk



## GRAND JUNCTION CITY COUNCIL

### SPECIAL SESSION MINUTES

JULY 27, 2015

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, July 27, 2015 at 5:00 p.m. in the Administration Conference Room, 2<sup>nd</sup> Floor, City Hall, 250 N. 5<sup>th</sup> Street. Those present were Councilmembers Bennett Boeschstein, Marty Chazen, Chris Kennedy, Duncan McArthur, Barbara Traylor Smith and President of the Council Phyllis Norris. Absent was Councilmember Rick Taggart. Present via conference phone was Special Counsel from CIRSA (Colorado Risk Sharing Agency) Marni Nathan Kloster. City Clerk Stephanie Tuin was present to record the minutes.

Councilmember Chazen moved to go into Executive Session for the Purpose(s) of Discussing Possible Litigation and/or Claims by an Employee against the City and/or Certain other Employees and/or Instructing the City's Special Counsel Relative to Negotiations of a Possible Resolution of the Possible Litigation and/or Claims Under C.R.S. 24-6-402(4)(b) and/or (e) of the Open Meetings Law - for Conferences with an Attorney and/or Developing Strategy for Negotiations/Instructing Negotiator(s) noting they will not be returning to open session.

Councilmember Kennedy asked that the option be left open for the Council to reconvene into open session. There was a brief discussion on how to best allow for that.

Councilmember McArthur moved to amend the motion to allow a return to open session. Councilmember Chazen amended his motion to reserve the option for returning to open session. Councilmember Boeschstein seconded the amended motion. Motion carried.

The City Council convened into executive session at 5:09 p.m. City Clerk Tuin left the meeting.

At 7:44 p.m., the Executive Session concluded and the City Council reconvened into open session. Council President Norris announced that all Council was present except for Councilmember Taggart. Interim City Manager Tim Moore and City Attorney John Shaver were also present. She stated they just came out of Executive Session and they gave their attorney (Special Counsel Kloster) direction for negotiating a contract and a settlement. She advised that the City Council will convene into a public special meeting on Wednesday, July 29, 2015 at 2:00 p.m. to discuss the matter if the agreement is signed and accepted.

Councilmember McArthur clarified that during the Executive Session the City Council had given the attorney (Special Counsel) authority to negotiate a settlement on a personnel matter.

There was no further business.

Councilmember Traylor Smith moved to adjourn. Councilmember Chazen seconded. Motion carried.

The meeting adjourned at approximately 7:50 p.m.

Stephanie Tuin, MMC  
City Clerk

**GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY**  
**July 6, 2015 - Noticed Agenda Attached**

Meeting Convened: 4:40 p.m. in the City Auditorium

Meeting Adjourned: 7:34 p.m.

City Council Members present: All except Boeschenstein and Traylor Smith

Staff present: Moore, Shaver, Camper, Schoeber, Watkins, Romero, Kovalik, Bowman, Lanning, Hazelhurst, Taylor, and Tuin

Also present: Diane Schwenke, Kristi Pollard, Amy Jordan, and Ben Johnson

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Interim City Manager Moore said he was switching items around on the agenda so the first topic will be Air Service Opportunity since they are present.

Agenda Topic 1. Air Service Opportunity

Diane Schwenke, Grand Junction Chamber of Commerce (COC), Kristi Pollard, Grand Junction Economic Partnership (GJEP), and Amy Jordan, Grand Junction Regional Airport Authority (GJRAA), were present to address this topic. Ms. Schwenke said a unique opportunity has come up to apply for a Department of Transportation grant but the application time frame is short. The grant may allow an expansion of air service to possibly Los Angeles (LA). Ms. Schwenke provided a brief background at how this came about and what has taken place so far. They are looking for a revenue guarantee to an airline, but there has not been an airline determined at this point. With the number of people flying to southern California on a daily basis, she believes the market is there. From the Economic Development (ED) report everyone heard last week, ED implications are there. She said they are hoping to get minimal match from several different entities. Ms. Schwenke said they are asking for a letter of support and a \$25,000 commitment from the City. They are hoping the grant award would be in the range of \$500,000 - \$750,000.

Ms. Jordan said she and Ben Johnson of the GJRAA recently went to a jump start air service conference and talked to current carriers and additional possible carriers. She outlined the top 7 markets and described passengers and the flights from Grand Junction. The target is an airline to carry business passengers.

Ms. Schwenke described from a business standpoint how this makes sense along with the ED statistics from the Chabin Concepts Competitive Analysis report.

Ms. Pollard of GJEP provided information regarding other business outreach to open new opportunities with an LA access. There are numerous students attending Colorado Mesa University (CMU) from California and Hawaii. She mentioned that Rick Wagner had explored Chicago as an opportunity but a larger plane would be needed to go east, so for now the best new route would be to go west.

Ms. Schwenke said they are making the same support request to Mesa County, the Town of Palisade, the City of Fruita, Associated Governments of Northwest Colorado (AGNC), and approaching other businesses. The COC and GJEP will both bring in-kind marketing to the table.

There was general discussion regarding the logistics of the possibility of being awarded the grant, the negotiating ahead, whether it would hurt other current carriers, the financial sustainability, the required one year commitment, the potential for ED, and the availability of funds in the Council's ED budget.

Mayor Norris asked Interim City Manager Moore how much is currently in the City's ED fund. Mr. Moore said there is \$457,497 available but there are possible commitments.

Mayor Norris directed the Interim City Manager to prepare a letter of support so that it can be brought forward for formal approval on July 15<sup>th</sup>. She would also like to know at that time who else has committed to this project.

## Agenda Topic 2. Avalon Theatre Foundation Board Update and Request for Naming Rights for the Avalon Theatre Mezzanine Lobby and Main Lobby

Interim City Manager Moore said this is an opportunity to hear from the Avalon Theatre Foundation Board for an update and a request for naming rights.

Debbie Kovalik, Convention and Visitor Services Director introduced Robbie Breaux and Bobbi Alpha, Co-chairs from the Avalon Theatre Foundation Board. Ms. Alpha reviewed the mission of the Avalon Theatre Foundation (ATF). Ms. Breaux provided a history of the Theatre and then Ms. Alpha reviewed the scope of the Phase I improvements and the facility usage over the last 9 months. There was a review of the ATF gifts and donations starting in 2012.

Ms. Kovalik reviewed the Resolution regarding naming rights that was passed along with the information in the staff report that was provided. Ms. Alpha reviewed the two very generous donors who would qualify for naming rights for the Mezzanine Lobby and Main Lobby as referenced in the Resolution. She said both of the donors qualify for the naming rights explaining how they qualify for the naming rights and how they came up with the name they want to give the Mezzanine Lobby. The next large donor for the Main Lobby is from a family trust (both individuals are deceased) and Ms. Alpha provided the background on them. Ms. Alpha is requesting approval from the City Council to proceed with allowing the naming rights for these donors. Ms. Kovalik said the amounts do meet the criteria of the donation amounts for the two areas but the ATF would like to keep the amounts private.

There was a lengthy discussion regarding whether or not the adoption of the Resolution for naming rights included donations received prior to its adoption.

Several Councilmembers said they need to have the audit of the donations completed before moving forward and it should be discussed at a future City Council workshop. It was agreed that there is a lot of work to be done with the report brought to Council at a workshop and then presented at a subsequent City Council meeting.

Ms. Breaux said they are working on Phase 2 and would like to meet with each Councilmember individually. Councilmember Taggart is the Council representative on the Avalon Theatre Committee.

### Agenda Topic 3. Discussion on Process to Replace the City Manager

Interim City Manager Tim Moore informed Council that, after careful consideration, he is not interested in the position of City Manager. He will serve in the capacity of Interim and assist Council in any way that he can.

Human Resources Director Claudia Hazelhurst outlined three things she hoped to get direction on: 1) the use of an interim manager, 2) whether recruitment should be handled internally, with an executive search firm, or a combination of both, and 3) designation of City Council contact(s) for recruitment or use of the full City Council. Ms. Hazelhurst explained the process, and that she has made inquiries. There are about 30 agencies that perform this type of Executive Search.

There was a general discussion regarding the responsibilities of a search firm and how the firm would work with City Council or Staff. The Charter was discussed to clarify the Council's role, the implementation role of the Interim City Manager, and his work load. Ms. Hazelhurst talked about the time frame from submitting a Request for Proposal (RFP) to the selection process. Several Councilmembers provided their ideas of what the structure should look like and what they would be looking for in a new City Manager, and their opinions on having an Interim other than Mr. Moore.

It was opened up to the Department Heads present along with Staff on what they thought and/or what their thoughts were on the process of the search for a new City Manager. Some of Staff's thoughts were that the City is in turmoil, the focus should be finding a new City Manager, business will be as usual in their departments, they have very competent employees, and they believe the City should not "settle" when seeking a new manager.

Numerous questions were taken from City Council regarding the next steps of the process and what the different ideas are for what they would be looking for in the interview process, the candidate, the contract, and being kept up to date.

Ms. Hazelhurst was directed to respond back to the Council on the time frame, provide a timeline, and then move forward. City Attorney Shaver said the hiring of the executive search firm is within the City Manager's spending authority.

Agenda Topic 4. Retiree Health Trust Fund Discussion. Removed from the Agenda and will be discussed during the budget process at a later date.

Agenda Topic 5. Other Business.

Councilmember Kennedy would like to get the broadband information on a workshop in about 2 weeks.

Councilmember Chazen said it was good that the Special Meeting earlier that day included public comment.

Councilmember McArthur talked about the drainage article that was in the paper and gave an update. He said there will be a Pool Board meeting coming up.

### **Adjourn**

With no other business, the meeting was adjourned.

**GRAND JUNCTION CITY COUNCIL  
MONDAY, JULY 6, 2015  
WORKSHOP  
15 MINUTES FOLLOWING THE CONCLUSION  
OF THE 3:00 P.M. SPECIAL MEETING  
(APPROXIMATELY 4:30 P.M.)  
CITY HALL AUDITORIUM  
250 N. 5<sup>TH</sup> STREET**

*To become the most livable community west of the Rockies by 2025*

- 1. Avalon Theatre Foundation Board Update and Request for Naming Rights for the Avalon Theatre Mezzanine Lobby and Main Lobby:** This is to consider a request for naming rights for the Avalon Theatre Mezzanine Lobby. In addition, the Avalon Theatre Foundation Board will provide an update on their fundraising efforts.
  
- 2. Air Service Opportunity:** Chamber Director Diane Schwenke and GJEP Director Kristi Pollard will brief the City Council on an opportunity to expand airline service at the Grand Junction Regional Airport.
  
- 3. Discussion on Process to Replace the City Manager**
  
- 4. Retiree Health Trust Fund Discussion**
  
- 5. Other Business**
  
- 6. Board Reports**

**GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY**  
**July 13, 2015 – Noticed Agenda Attached**

Meeting Convened: 5:01 p.m. in the City Auditorium.

Meeting Adjourned: 8:42 p.m.

City Council Members present: All except Councilmember Traylor Smith who conferenced in via speaker phone for the beginning of the workshop

Staff present: Moore, Shaver, Lanning, Kovalik, Watkins, Romero, Schoeber, Hazelhurst, Camper, Valentine, Evans, and Tuin

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Agenda Topic 1. 2014 Auditor Report

Lisa Hemann, Chadwick, Steinkirchner, and Davis, reviewed the history, staffing, and qualifications of their firm and explained the purpose of the audit is to provide assurance to the users that the financial information that what they are using is correct and in compliance with generally accepted accounting principles. She explained the steps they take to conduct the audit which includes looking at the footnotes in the financial statements very carefully. There were no significant deficiencies or material weaknesses with the internal controls of the City. Ms. Hemann stated that the audit firm and employees must be independent from the City and have to document that every year to include that there are no relationships with the City, financially or otherwise. Three reports are provided as a result of the audit; an opinion on the financial statements (Auditors Report) and two independent reports for the federal grant awards. She reviewed the roles of the City's management in regards to the operation of the City, having good policies and procedures in place, and putting together fairly represented financial statements. The role of the auditor is to give an opinion on the financial statements. City Council's role is to provide oversight to management, making sure competent staff is in place, ability to ask the right questions regarding the financial statements, ensuring a system of internal controls is in place, and a means to which individuals could report safely on anything such as ethical problems, abuse, fraud, etc. Ms. Hemann explained that the Persigo Wastewater Treatment Plant is listed in the footnotes, however, there are separate financial statements for Persigo Wastewater Treatment Plant.

Councilmember Chazen asked if the City has an internal audit function. Ms. Hemann said that there is not a formal one and she has not seen that within a municipality. Financial Operations Director Jodi Romero said that when Staff notices something that needs to be investigated, someone goes to that department and corrects internal controls.

There was discussion on the 0% investment earnings that were listed in the report, where the Avalon Theatre Project was in the report, and how often the efficiency of internal controls is looked at. An area of focus was keeping an eye on the modest increase in revenues.



City Council thanked Ms. Hemann for the review of the auditor report. Ms. Hemann lauded the work done by Finance Supervisor Sonya Evans in the preparation for the audit and being able to provide well organized documentation.

Agenda Topic 2. Budget Policy Discussion including Reserves

Moved on the agenda to follow the 2<sup>nd</sup> Quarter Financial Report.

Agenda Topic 3. 2<sup>nd</sup> Quarter Financial Report

Financial Operations Director Jodi Romero handed out the report to City Council and reviewed the report. She advised that the report compared the 2<sup>nd</sup> quarter of 2015 with the 2<sup>nd</sup> quarter of 2014 and briefly explained the differences. There was discussion on the 2015 Adopted Economic Development Budget and the General Fund revenues and expenditures which also included a request for an additional column on the report for remaining balances. Ms. Romero explained the contingency fund. She reviewed the utility funds revenues and expenses and the other enterprise funds revenue and expenses. There was discussion regarding the use of Visitor and Convention Bureau's fund balance for Two Rivers Convention Center and Avalon Theatre and looking at this closely for the 2016 budget process. Ms. Romero reviewed the Internal Service Funds revenues and expenditures and explained that these are internal funds that bill all the departments for services for information technology, insurance, fleet, facilities, and the communication center. The internal service funds support and puts a priority on supporting infrastructure already in place. Ms. Romero said that the facilities management fund was a new fund created for 2015. There was discussion regarding putting a footnote on the communication center fund regarding the transfer of surcharge revenue needed for the fund.

Agenda Topic 2. Budget Policy Discussion including Reserves (continued)

City Council was provided with a fund balance/reserves worksheet and Ms. Romero explained the worksheet. She advised that the purpose of the discussion is intended to create a policy to consider looking at reserves a different way than in the past. She provided a history on the fund balance for the reserves. Previous discussions included designating reserves for certain purposes and have the remaining reserves available for pending items. There was discussion regarding the purpose of reserves if they are not going to be used. Ms. Romero explained that reserves are usually accumulated for anticipated large capital projects; for example, the Riverside Parkway. Ms. Romero advised that the average that cities will keep in their reserves is from one to two months of general operating expense.

Councilmember Chazen questioned the analysis provided as he felt that the numbers should conform with the Comprehensive Annual Financial Report (CAFR) . Ms. Romero explained that the numbers in the CAFR are based on actual accounting numbers, whereas the numbers on the worksheet are based on the budgeted numbers. Ms. Romero said there will be more information and analysis coming forward and what she was seeking was discussion regarding policy for the reserves.

Finance Supervisor Sonya Evans explained the unfunded liability for retiree health insurance and stated that it is estimated based on a 30 year projection into the future. There is a blended premium rate that is paid to Rocky Mountain Health Plan for both employees and retirees. Governmental Accounting Standards Board (GASB) requires the City to value that blended premium rate and recognize the future liability without accounting for the assets being held.

Ms. Romero stated that the amount of the unfunded liability is not in the gross amount of reserves. A trust should be established for a better funding mechanism for the Retiree Health Fund.

City Attorney John Shaver advised that the City is prepared to create a trust, however, because of the Rocky Mountain Health Plan's experience rate, there was a significant benefit to the City and it was discussed previously that some of those monies could be used to help assist with the establishment of the trust.

There was further discussion regarding the reserves and whether or not capital projections should be taken out of the reserves and just keep one or two months of operating costs in reserves plus any other variables using a good scientific approach to reach a number.

The next item that was reviewed and discussed was some of the pending items which could be funded without going into the reserves including the Colorado Mesa University (CMU) campus expansion, the 2<sup>nd</sup> half of the salary market implementation (which Human Resources Claudia Hazelhurst provided explanation for), and the marquee for the Avalon Theatre. The pawn shop property purchase was discussed but to purchase it, it would require reserve funds and City Council decided they would look at that in October.

City Council was in favor of going forward with the expenses for (CMU) campus expansion, the 2<sup>nd</sup> half of the market adjustment, and the marquee for Avalon Theatre.

After further discussion and explanation of the Retiree Health Fund, the majority of City Council was also in favor of using the Health Plan's experience rate monies, along with current holdings, to establish a trust for the Retiree Health Fund.

Two supplemental appropriation ordinances will be brought forward for Council's approval for the items agreed on. CMU's allocation will be on separate supplemental appropriation ordinance because Councilmember Chazen and Taggart will both step down from voting because of a possible perception of a conflict of interest.

#### Agenda Item 4. Other Business

Councilmember Chazen advised that there is a Logistics seminar that came out of the Economic Seminar discussion and he does not see where it would benefit the City in spending the money and going to Salt Lake City for it. He also said that the Parks and Recreation Department has a focus group for the recreation center for Matchett Park. He expressed concern about this

because he did not remember the Council approving that. Interim City Manager Tim Moore said he will look into it.

Councilmember Taggart commented on the editorial that Robin Brown wrote in the Daily Sentinel which both the City and the County were mentioned in as not paying any attention to outdoor industry and stated that no one went to the outdoor summit. He asked that since she is Staff for the Downtown Development Authority (DDA), a letter should be written to her and inform her that if she is going to continue to write editorials, she should get her facts right because there was representation from the City at the Outdoor Summit. Councilmember Chazen said he will have a discussion with her at the next DDA meeting.

#### Agenda Item 5. Board Reports

Councilmember McArthur advised that he is going to a conference in Salt Lake City the following week. The first half is for the realtors and then he will tour all of the homeless facilities on behalf of the City. The only expense for the City will be mileage from Salt Lake City back to Grand Junction.

Councilmember Taggart said he attended the Airport Authority Workshop and reception for the two candidates for Airport Manager where they made presentations to the Authority. He believes a decision should be made the following week at their meeting.

Councilmember Kennedy attended the Parks and Recreation Advisory Board meeting where they had an engineer present for the project for the improvements for the golf course on the North Avenue side. He is looking forward for the TIGER grant piece to begin. He also met with Interim City Manager Tim Moore and Information Technology Director Jim Finlayson regarding broadband and will put something together for an upcoming workshop. He met with Charter and they are working on finding ways to improve communication with customers.

Councilmember Boeschstein attended the ribbon cutting for Las Colonias Park. He stated that the Incubator is getting involved in the Economic Development Plan. The Avalon Theatre Foundation's board meeting is the following week.

Councilmember McArthur mentioned the article in the newspaper regarding drainage and the County Commissioners called them and advised that the Drainage District is making it difficult for them to support it.

Councilmember Chazen thanked Interim City Manager Tim Moore for getting the rest of White Hall torn down.

Fire Chief Ken Watkins advised Council that the next day, the Fire Department is being awarded with the American Heart Association Award at St. Mary's Emergency Room at 10:00 a.m. and asked Council to let him know if any will be able to be there. He also advised that they will also be making a presentation on the award at the July 15, 2015 City Council Meeting.

## **Adjourn**

With no other business, the meeting was adjourned.

**GRAND JUNCTION CITY COUNCIL  
MONDAY, JULY 13, 2015**

**WORKSHOP, 5:00 P.M.  
CITY HALL AUDITORIUM  
250 N. 5<sup>TH</sup> STREET**

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1. **2014 Auditor Report:** Lisa Hemann from Chadwick, Steinkirchner, and Davis will review the 2014 Auditor Report.
2. **Budget Policy Discussion including Reserves**
3. **2<sup>nd</sup> Quarter Financial Report**
4. **Other Business**
5. **Board Reports**

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

**July 15, 2015**

The City Council of the City of Grand Junction convened into regular session on the 15<sup>th</sup> day of July, 2015 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Chris Kennedy, Rick Taggart, and Council President Phyllis Norris. Absent were Councilmembers Duncan McArthur and Barbara Traylor Smith. Also present were Interim City Manager Tim Moore, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. The audience stood for the Pledge of Allegiance led by Patrick Dempsey, a representative from Emergency Medical Services (EMS) Staff, followed by an invocation from Pastor Paul Watson, Downtown Vineyard Church.

**Presentations**

**June Yard of the Month**

City Forester Randy Coleman introduced his son and noted that the Yard of the Month recipients Earl and Floy Young, 2303 N. 1<sup>st</sup> Street, could not be present. He described their yard and presented their plaque and gift card for the June Yard of the Month. Mr. Coleman recognized the contributor of the gift card and City Council for their support.

**2015 Mission: Lifeline EMS Silver Recognition Award Presented by Fire Chief Ken Watkins**

Ken Watkins, Fire Chief, and John Hall, EMS Chief, displayed the award received by the EMS Staff. Chief Watkins described the national mission lifeline silver award and then he read the announcement from the American Heart Association which specifically addressed responses to heart attacks and saving lives. Nine Fire Departments in Colorado won the award; two were in Mesa County. He thanked the City Council for their support. He then had the EMS Staff that were present introduce themselves and be presented to the City Council.

Councilmember Kennedy commented that recognitions such as this have become a regular accomplishment for EMS. The EMS Staff should be proud and he congratulated the EMS Staff.

## **Lisa Hemann, Chadwick, Steinkirchner, and Davis, Presenting the 2014 Auditor Report**

Lisa Hemann, Chadwick, Steinkirchner, and Davis, presented the 2014 Auditor Report. She described the firm and their responsibility for the audit report. The management letter is included in the Comprehensive Annual Financial Report (CAFR) and this year the City received a clean report. There were no findings of concern in internal controls. During the audit, they reviewed the financial policies. The financial statements were put together by City Staff. The audit opinion clarified what they were providing an opinion on. They also looked at the retirement and benefit plans and reviewed their estimated liability. Those estimates were based on actuarial reports and they were reviewed. Any disagreements would have to be reported and there were no such difficulties this year. The financial statements were very clean and no adjusting journal entries were required. There were no additional findings. They also do single audits for the federal programs the City receives. There were no compliance issues. She commended Staff on their work, which made it a very efficient audit.

Council President Norris advised that the audit was reviewed and discussed during workshop, but opened it up for any Council comments.

Councilmember Chazen complimented Ms. Hemann and her firm and noted it was a good report and a good opinion. He also congratulated the City Finance Department on their work.

Councilmember Boeschstein also thanked Ms. Hemann and the City's Finance Staff. He noted the highlights that were included in the report, specifically on the cover of the report which was the Avalon Theatre. Sales tax and building permit revenues were increasing, foreclosure rates were down, and he believed the economy for the City is in an upswing. Ms. Hemann concurred.

Councilmember Kennedy echoed the comments made by Councilmembers Boeschstein and Chazen and stated that he appreciated the thoroughness of the report. He emphasized Council's appreciation to City Staff for all of their work that went into the report.

Council President Norris stated that all of Council feels the same way regarding the report.

## **Appointment**

Councilmember Boeschstein moved to ratify the reappointment of Steve Peterson to the Mesa County Building Code Board of Appeals to a term ending July 2018. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

## **Certificates of Appointments**

### **To the Downtown Development Authority/Downtown Grand Junction Business Improvement District**

Jason Farrington, Dan Meyer, and Duncan Rowley were present to receive their certificates of appointment to the Downtown Development Authority/Downtown Grand Junction Business Improvement District presented by Councilmember Chazen. Mr. Farrington thanked the City Council and said he appreciated the opportunity for continuing to work with the downtown community. Mr. Meyer thanked the Council for the opportunity and honor. Mr. Rowley thanked Council and said he too was honored.

### **To the Parks and Recreation Advisory Board**

Kristy Emerson was present to receive her certificate of reappointment and Steven "Nick" Adams was present to receive his certificate of appointment to the Parks and Recreation Advisory Board presented by Councilmember Kennedy. Mr. Adams thanked City Council and said he looked forward to serving. Ms. Emerson thanked City Council and said she also looked forward to continue serving on the board.

## **Citizens Comments**

Bruce Lohmiller, 337 Colorado Avenue, addressed the City Council and said the reason he has kept addressing Council is because of a certain lady's activities. He advised City Attorney Shaver that there were reports they need to talk about. He said District Attorney Hautzinger recently talked about stalking laws and then he mentioned night patrols at Whitman Park, due diligence, and the need for officer training because he felt officers have issued tickets they should not have.

Ed Kowalski, 2871 Orchard Avenue, addressed the City Council regarding excessive noise. He asked that Ordinance No. 3203 which was adopted in 1999 be enforced. He said he talked to quite a few people including Police Chief Camper and City Attorney Shaver who said it is not enforced. He also talked to patrol officers who said it will not be enforced until it is rectified and made to be enforced. He said, "responsibility demands responsibility; by example, we will teach. The moral arc of the universe bends slowly but it bends towards justice."



## **Council Comments**

Councilmember Taggart went to the Las Colonias groundbreaking on July 7<sup>th</sup> and said it was a terrific event. He also attended a C-SPAN event which C-SPAN filmed in Grand Junction and he is looking forward to that presentation. He went to a Visitor and Convention Bureau (VCB) Board meeting and it was reported in May that Grand Junction had the best number of “heads in beds” since 2008, and June looked even stronger, which is a good sign that tourism is picking up. The Airport Authority Board interviewed the final two candidates for the Airport Manager; on Tuesday, July 21<sup>st</sup> a selection will be made. The search committee brought two very different people with different skills sets and he is looking forward to that decision.

Councilmember Kennedy also attended the C-SPAN presentation and is looking forward to the program on September 5<sup>th</sup>. It will be a good history of the City with anecdotal information from citizens. It should help promote who Grand Junction is. He met with Charter Communications regarding broadband; they worked with City Staff to put an outline together. He also attended a Parks and Recreation Board meeting and the Las Colonias Park grand opening. He said the park will be a pearl on the river and a jewel in the City’s parks inventory. He has also attended ongoing citizens meetings regarding concerns that citizens have.

Councilmember Chazen said at the July 9<sup>th</sup> Downtown Development Authority (DDA) meeting Jason Farrington was elected as new chair and Kirk Granum was elected as vice chair for both the DDA and the Downtown Grand Junction Business Improvement District (GJBID) Boards. Robin Brown and Allison Blevins were appointed as co-directors for the Downtown GJBID, which should allow better organization to the GJBID. He noted that White Hall was almost gone. He attended the VCB meeting on July 14<sup>th</sup> and there was a follow up presentation by Epic Rides for their event. He attended an Associated Governments of Northwest Colorado (AGNC) meeting where there was a presentation by an Economic Development Representative from Rio Blanco County which has experienced issues similar to the City’s past issues, and it validated what the City is doing regarding Economic Development.

Councilmember Boeschstein said that on July 14<sup>th</sup> the Urban Trails Committee met talked about the successful Bike to Work Day. They are working on a Complete Streets Program for Grand Junction. He met with the Horizon Drive Association Business Improvement District (HDABID) and they said construction on the entry for the roundabout is close to starting which is what North Star Destination Strategies said the City needs.

Councilmember Norris said she attended most of the meetings that the other Councilmembers reported on. She went to the Airport candidate breakfast to meet all of the candidates and thought it was a good idea for the business people in the community

to meet them. She commented that there are two dynamic candidates for the Airport Manager position. She attended a Police Officers pinning ceremony where three new officers were pinned and some of the officers were recognized for their Years of Service.

That concluded Council Comments.

## **Consent Agenda**

Councilmember Kennedy read Consent Calendar items #1 through #5 and then moved to adopt the Consent Calendar. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

### 1. **Minutes of Previous Meetings**

*Action: Approve the Summaries of the June 15, 2015 and June 29, 2015 Workshops, the Minutes of the July 1, 2015 Regular Meeting, and the June 24, 2015 Special Meeting*

### 2. **Setting a Hearing on Colorado Mesa University (CMU) Rights-of-Way Vacation, Located within the CMU Area**

Colorado Mesa University (CMU) requests approval to vacate portions of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenues, and parts of alleys adjacent to CMU owned properties.

Proposed Ordinance Vacating Portions of the Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenues, and associated Alley Rights-of-Way and Retaining a Utility Easement, Located in the Colorado Mesa University Area

*Action: Introduce a Proposed Ordinance and Set a Public Hearing for August 5, 2015*

### 3. **Bypass Pumping Contract for the Persigo Wastewater Treatment Plant (WWTP) Aeration Basin Slide Gate and Trough Replacement Project**

This request is for the required bypass pumping of the wastewater flows at the Persigo WWTP for the Aeration Basin Slide Gate and Trough Replacement Project. This project includes removing two existing 32 year old aluminum slide gates that are corroded and one large overflow trough that is corroded and leaking, and installing two new stainless steel slide gates and a new stainless steel overflow trough. Bypass pumping of the plant's wastewater is required in order to complete this work.

*Action: Authorize the Purchasing Division to Execute a Bypass Pumping Contract with Sunbelt Rentals, Inc. for the Aeration Basin Slide Gate and Trough Replacement Project at the Persigo WWTP for an Estimated Amount of \$71,650*

4. **Setting a Hearing on the 2015 Second Supplemental 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 2015 budget amendments for establishment of an Employee Retiree Health Trust Fund and implementation of wage adjustments in accordance with the City's Class and Compensation Market Study.

Proposed Ordinance Making Supplemental Appropriations to the 2015 Budget of the City of Grand Junction

*Action: Introduce a Proposed Ordinance and Set a Public Hearing for August 5, 2015*

5. **Setting a Hearing on the 2015 Third Supplemental Appropriation Ordinance - Colorado Mesa University**

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 2015 amended budget for contribution to the Colorado Mesa University Campus (CMU) Expansion Project.

Proposed Ordinance Making Supplemental Appropriations to the 2015 Budget of the City of Grand Junction

*Action: Introduce a Proposed Ordinance and Set a Public Hearing for August 5, 2015*

**ITEMS FOR INDIVIDUAL CONSIDERATION**

**Public Hearing – Zoning the Rodgers Annexation, Located at 2075 South Broadway**

A request to zone 1.924 acres from County RSF-4 (Residential Single-Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

The public hearing was opened at 7:44 p.m.

Greg Moberg, Development Services Manager, presented this item and described the proposed zoning request. He advised that the property is presently accessible from South Broadway for one single-family residence. A neighborhood meeting was held on November 20, 2014. Access to Seasons Drive is precluded by the presence of a strip of land owned by The Master Subdivision of the Seasons at Tiara Rado Homeowners

Association (The Seasons HOA or HOA). The Applicants have assured Staff that they are negotiating with the HOA for mutually agreeable terms that would allow access to Seasons Drive by incorporating the strip into the future subdivision of the property. There is an email in the packet to substantiate that. The property is designated as Estate which allows the requested zoning as well as R-1, R-2, and R-5. There is a Blended Residential Map which allows for similar zoning to the surrounding and nearby areas. The request meets the goals of the Zoning and Development Code and the Comprehensive Plan. The Planning Commission recommended approval at their June 9, 2015 meeting.

Councilmember Boeschenstein asked about the access. Mr. Moberg said there currently is no access to Seasons Drive.

Councilmember Taggart said he is not inclined to grant zoning until the two parties have agreed. He didn't understand why it hasn't been brought to a conclusion. He is concerned that if the zoning is approved, it may give leverage to one party over the other. Mr. Moberg said there has been a lot of discussion regarding the situation and it is the Planning Department's opinion that it met most of the criteria and R-4 is an appropriate zone for that location. If the parties cannot reach an agreement, the ordinance would only allow one unit because only one unit has access off of South Broadway. The property could also be zoned to a lower zone district which would only allow one unit.

Tom Logue, 537 Fruitwood Drive, representing Richard and Melinda Tope, the applicants, who were present, as well as their legal counsel Tom Volkmann, said that Mr. Volkmann, the attorney for the HOA, was working to gain access to the property. Mr. and Mrs. Tope have spoken on numerous occasions to the HOA. They are in the preparation phase of the final plat and it is common to have technical issues. The only major challenge is crafting an agreement between this development and the Seasons HOA. Progress has been made toward the agreement. They anticipate that when the final plat is completed, the HOA agreement will be one of the documents on the checklist. There were six HOA's in the filings of the Seasons and they have blended those into a Master HOA. They hope to blend this development as the 7<sup>th</sup> filing into the Master HOA. The draft of the final plat will include the signature of the Seasons HOA and it should be ready in about a month. Mr. Logue said he, Mr. Volkmann, and Mr. and Mrs. Tope would address any questions Council may have.

Tom Volkmann, 225 N. 5<sup>th</sup> Street, attorney for the applicants, expressed some logistical matters. In order to work out the remainder of the compatibility issues relative to the Seasons, they need to know what density will be allowed. They anticipated the R-4 zoning which would allow six units, but if they are unable to get that zoning, it would change their situation and proposal. The logistics will depend on whether the HOA grants the easement or deeds the property to the applicant; they want to make sure the

property development is compatible with the situation. The requested zoning and proposed plat provides the springboard for negotiations.

Councilmember Taggart asked if zoning is the only issue the HOA has. Mr. Volkmann said he didn't want to characterize their concerns as being the zoning. The HOA owns the strip of property that separates the property requesting the zoning from Seasons Drive. There are also some architectural concerns but those have mostly been worked out.

Councilmember Chazen asked if they are currently negotiating with the HOA to incorporate the requested property into the existing HOA. Mr. Volkmann said that this is the HOA's desire and the applicants are not opposed to that.

Councilmember Kennedy requested clarification that the request is for R-4 but without the agreement with the HOA, only one unit would be allowed regardless. The zoning change has to be done under the Persigo Agreement and is really about being able to complete the development. Mr. Moberg confirmed that to be correct. Councilmember Kennedy said, in his perspective, the zoning should happen.

Council President Norris agreed with Councilmember Kennedy.

Councilmember Boeschstein said that they can make the decision subject to having access to Seasons Drive under the Colorado Subdivision Law which requires that the subdivision have access. City Attorney Shaver advised that is already reflected in the proposed ordinance and adopting the ordinance would be of record as well as the other development restrictions.

There were no other public comments.

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

Councilmember Chazen asked City Attorney Shaver if there are actually two issues, the zoning issue, for which approval has been recommended by the Planning Commission and the dispute between two private parties; he felt the issues need to be separated. He asked if the City has any role in the private party dispute. City Attorney Shaver said the City does not play a role in resolving the dispute. As long as the dispute is resolved, the applicant could move forward with the development in accordance with the zoning, however, if the dispute does not get resolved, only one unit would be allowed regardless of the zoning.

Councilmember Chazen felt that the applicant was well advised and saw no reason to deny the request.

Ordinance No. 4669 – An Ordinance Zoning the Rodgers Annexation to R-4 (Residential 4 duac), Located at 2075 South Broadway

Councilmember Chazen moved to adopt Ordinance No. 4669 on final passage and ordered it published in pamphlet form. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

**Public Hearing – Zoning the Hutto-Panorama Annexation, Located at Approximately 676 Peony Drive**

A request to zone approximately 7.921 acres from County RSF-4 (Residential Single-Family) to a City CSR (Community Services and Recreation) zone district.

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

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. He stated that this property was originally developed as the location of a sewer lagoon for the Panorama Improvement District. The City, for the benefit of the Persigo 201 Sewer System, took over the District in 2002, including ownership of this property. The requested zone is consistent with the goals and policies of the Comprehensive Plan and the review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met. The Planning Commission forwarded a recommendation of approval of the requested zoning at their regular meeting of June 9, 2015.

There were no public comments.

The public hearing was closed at 8:08 p.m.

Ordinance No. 4670 – An Ordinance Zoning the Hutto-Panorama Annexation to CSR (Community Services and Recreation), Located at Approximately 676 Peony Drive

Councilmember Chazen moved to adopt Ordinance No. 4670 on final passage and ordered it published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Public Hearing – 2015 First Supplemental 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 2015 amended budget for major capital projects and the subjects stated in the ordinance.

The public hearing was opened at 8:09 p.m.

Jodi Romero, Financial Operations Director, presented this item. She explained the reasons for the first supplemental appropriation is to provide the legal authority to

spend the funds. She described the purpose of supplemental appropriation. She highlighted a few of the projects including the carryforward of funds for projects.

Councilmember Kennedy noted the items have been discussed at length at workshops.

There were no public comments.

The public hearing was closed at 8:10 p.m.

Ordinance No. 4671 – An Ordinance Making Supplemental Appropriations to the 2015 Budget of the City of Grand Junction

Councilmember Kennedy moved to adopt Ordinance No. 4671 on final passage and ordered it published in pamphlet form. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

**Public Hearing – Amending the Zoning and Development Code Section 21.03.070(d), (e), (f), (g), (h) and 21.03.080 (a), (b) Concerning Side and Rear-Yard Setbacks and Eliminating Maximum Building Sizes in Certain Zone Districts**

Amendments to the Zoning and Development Code changing side and rear-yard setbacks in the CSR, MU, BP, I-O, and I-1 zone districts and eliminating building size restrictions (and correspondingly the requirement of a conditional use permit for buildings larger than the maximum) in the C-1, C-2, CSR, MU, BP, I-O, and I-1 zone districts.

The public hearing was opened at 8:12 p.m.

David Thornton, Principal Planner, presented this item. He described the request. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan. They have worked with the Code Update Committee as well as the Council Committee consisting of Councilmembers McArthur and Boeschenstein.

Mr. Thornton presented the background on the consideration of this amendment and noted that currently, in order to increase the size of buildings in certain zone districts, it requires an additional process: a conditional use permit process which is not even allowed in some zone districts. The amendment will streamline the process and remove barriers to development. By doing that, it fulfills the vision of the Economic Development Plan. The amendment will eliminate the maximum building size in some zone districts. There are other site requirements that prevent the "sky is the limit" in the community including requirements for landscaping, parking, buffering, drainage facilities, easements, and for retail there are big box standards (architectural articulation). It is Staff's opinion the Zoning and Development Code is sufficient to ensure the right size building fits on the requested property.



Another element of the proposed amendment are setback changes: a reduced setback except when abutting residential uses. As examples, Mr. Thornton used Community Hospital and the Medical Office Building which needed a variance for a zero setback to connect the two buildings. The variance criteria and process is strict but because the buildings were within the 24 Road Overlay, the setback was allowed without a variance. Requests like this probably won't happen a lot but the proposed changes provide for the flexibility. In total, there were 21 changes to setbacks and building size being proposed.

Mr. Thornton entered his staff report into the record noting the Planning Commission forwarded a recommendation for approval of the requested amendments at their regular meeting on June 9, 2015.

Councilmember Kennedy asked Mr. Thornton if it is a common occurrence for projects to require a variance because of the setbacks. Mr. Thornton said it is not common for setbacks; it is more common that a Conditional Use Permit (CUP) is requested for the building size. Mr. Thornton said he could not find any requests that were turned down. Councilmember Kennedy said it is important to guard against potential industrial blight; there should be an aesthetic value. He asked Mr. Thornton if he and Staff felt the residential requirement of vetting a building for the property, which included the landscape requirements, takes care of the building size in all instances. Mr. Thornton said yes, at least everything they could think of.

Councilmember Boeschstein said the purpose of setbacks is to allow for access for fire and emergency vehicles to get to the sides and back of buildings. He asked if this had been vetted through the Fire Department. Mr. Thornton stated that any building will have to meet fire standards and regulations, the Fire Department would have to sign off on the building permit, which could be another limiting factor. This process will handle those situations.

Councilmember Chazen said he noticed that there is a maximum of four story buildings and wondered if, in a situation where an external tank or tower is required, would there be a CUP process for that or is that under some other part of the Code. Mr. Thornton advised that there is a special permit process in the Code where City Council can approve increases in height and the number of stories on a case-by-case basis.

Diane Schwenke, 528 Greenbelt Court, representing the Grand Junction Chamber of Commerce and Industrial Developments, Inc., urged the Council to approve the amendments. She stated that for industrial parks, in addition to the City's planning process, Industrial Developments, Inc. has an approval process with protective covenants and architectural review committees that protects the development process.

There were no other public comments.

The public hearing was closed at 8:35 p.m.

Ordinance No. 4672 – An Ordinance Amending Sections 21.03.070(d), (e), (f), (g), (h) and 21.03.080(a), (b) of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Maximum Building Size and Setbacks

Councilmember Boeschstein moved to adopt Ordinance No. 4672 on final passage and ordered it published in pamphlet form. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

### **Small Community Air Service Development (SCASD) Grant**

The Grand Junction Chamber of Commerce, the Grand Junction Economic Partnership, the Grand Junction Visitor & Convention Bureau, and the Grand Junction Regional Airport are seeking a letter of commitment of \$25,000 from the City of Grand Junction toward the local match for a potential Small Community Air Service Development (SCASD) Grant. The application deadline for this grant is July 22, 2015.

Tim Moore, Interim City Manager, introduced this item. He introduced Diane Schwenke, President and Chief Executive Officer for the Grand Junction Chamber of Commerce, to make the presentation.

Ms. Schwenke explained the Air Service Development Grant is due July 22<sup>nd</sup>. The grant would provide the ability to negotiate for direct non-stop flights to the west coast, specifically to Los Angeles International Airport (LAX). If successful, the intention would be to enter into negotiations with current or new carriers to develop a one-year plan with a revenue guarantee based on profitability. The airline industry has changed; before, airlines were willing to take a risk. Now the airlines contract routes. The North Star study pointed out the need for affordable and accessible air service. An LAX flight would give international access to Pacific Rim markets. It is an Economic Development issue and a potential for tourism impacts and could have a growth impact on CMU as they already are recruiting students from California. They have firm commitments from Mesa County and CMU for \$25,000 each, a private investor in Mesa County for \$25,000, Palisade for \$1,000, and Grand Junction Economic Partnership (GJEP) for \$2,500; she is requesting the Chamber of Commerce Board approve \$5,000, another private company wants to contribute, and there is a request to Fruita for \$5,000. They are seeing some broad support for the concept. They have received nearly \$40,000 of in-kind marketing assurances and are expecting around \$15,000 to \$20,000 more. The airport will provide in-kind contributions in terms of reduced fees for about \$100,000 and West Star Aviation will put a proposal together for discounted fuel. All of the commitments make up a revenue guarantee and they are at a point where they can negotiate a good contract and get people in seats. They are looking to ask for

approximately \$700,000 to \$750,000 for the grant and their goal was a \$250,000 match which may be possible with assistance from City Council.

Councilmember Chazen told Ms. Schwenke that she made a very thorough presentation at the workshop. He asked who will do the negotiating for this. Ms. Schwenke said GJEP and the Chamber of Commerce put together an Air Service Task Force; they are thinking they will probably use some of the matching funds to engage a third party who understands the industry to negotiate with the airlines and then subsequently audit the result. She said that the revenue guarantee will be different because they think it will be a standalone, profitable venture that won't require an annual subsidy.

Councilmember Taggart stated that he is in favor of the request. As an international businessman, he always dreaded the last leg of travel back to Grand Junction because of delays.

Councilmember Kennedy asked Ms. Schwenke if they plan to keep the Air Service Task Force going. He said this is important to the diverse economic development for Grand Junction and Mesa County; other locations should be looked at, not just LAX. Ms. Schwenke stated that it is their intention to keep the Task Force together and expand it. The Task Force was formed even before the grant opportunity came up. The intention was always to look for opportunities that might be out there. They haven't yet worked out how to manage the various aspects of the program such as a miles reward program, providing business incentives, ongoing management of this process, and looking at other opportunities.

Councilmember Kennedy congratulated the Chamber of Commerce and GJEP for moving forward quickly on this and hoped they would continue in an aggressive manner.

Councilmember Boeschstein said it is a good opportunity. He asked if there is already direct air service to LAX on Allegiant and wondered if the proposal would compete with that or be an additional service. Ms. Schwenke said Allegiant has direct air service to LAX twice a week for only two months of the year. She said it would be an additional service and stated that Allegiant accommodates tourists and leisure travelers, not business travelers. Councilmember Boeschstein asked if Montrose subsidizes Allegiant flights to LAX. Ms. Schwenke said they do not.

Council President Norris said that it is great that they have gotten all of those partners to financially support this and work together to make it happen.

Councilmember Chazen asked Interim City Manager Tim Moore where the \$25,000 being requested would come from. Interim City Manager Moore said it would come from City Council's Economic Development budget.

Council President Norris asked if that would be a 2016 expense. Interim City Manager Moore replied affirmatively.

Councilmember Chazen moved to authorize the City Manager to issue a letter of commitment from the City for \$25,000 towards the funds required for a local match to receive a SCASD grant. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

### **Non-Scheduled Citizens & Visitors**

There were none.

### **Other Business**

Councilmember Chazen stated that at pre-meeting, Council briefly discussed the letter received regarding the interchange improvements for the I-70 ramp, Exit 31, at Horizon Drive which he had read and asked if the rest of Council had read it. Council replied that they had not.

City Attorney Shaver advised that he had read it and would answer questions.

Councilmember Chazen commented that originally the project was \$4 million; then it went to \$5.2 million. In May, the Colorado Department of Transportation (CDOT) said it went up to \$6.1 million, but the bids came in at \$6.6 million. They just received this letter today. The City is being asked to come up with more money and he asked when it is due.

Public Works Director Greg Lanning said the bids were opened last week and then there were discussions with CDOT. Through conversations with CDOT's Regional Manager for the district, Dave Ehlers, he would like an answer for the City's commitment tomorrow morning (June 16<sup>th</sup>) to take back to the transportation committee.

Councilmember Boeschstein said he went to the Horizon Drive Association Business Improvement District's meeting that morning and they are very much into the improvements and have invested their own money into them. The North Star Study recommended improvements to the entryways. He outlined what all of the improvements would be. The contractors are local contractors. It is an economic development project and if the City does not go through with the project, the Front Range communities will grab the State's money. He will vote in favor of this.

Councilmember Chazen asked if the City knew on May 20<sup>th</sup> that the price was going to go up again. Mr. Lanning said that the exercise on May 20<sup>th</sup> was an independent cost estimate (ICE) which was sent to CDOT headquarters; the cost estimate is supposed to be done so they don't have wild variances in the bids. At that time they knew the number was \$6,129,310.00. CDOT came back to the City and said some elements of the project would need to be cut. Despite the ICE review, the estimate still came in at \$550,000 over total budget costs.

Councilmember Chazen said that the letter states the City will guarantee \$496,300 extra for the project. He asked if the City was splitting the 20% match with the HDABID. Mr. Lanning said that is correct.

Councilmember Chazen asked if the City has an agreement in place with the HDABID regarding splitting of the original amount. City Attorney Shaver said he did not know, he had not been asked to review or draft an agreement. He believed the HDABID has paid a portion of their obligation.

Councilmember Chazen said that if they sign the letter, they are agreeing to pay 100% of the additional amount. He asked again if there is an agreement to split the additional amount. City Attorney Shaver replied that he has not seen an agreement but said he understands that there was a resolution passed by the HDABID.

Council President Norris asked Mr. Lanning if there was a letter from HDABID regarding the money. Mr. Lanning said they met with the HDABID executive committee and Vara Kusal, Manager of the HDABID, and they did adopt a resolution to participate in the additional amount that was the difference between the bid and the actual construction cost.

Councilmember Boeschstein asked Mr. Lanning if he had a copy of the resolution. Mr. Lanning said he did.

Councilmember Taggart asked Mr. Lanning if he had a copy of the original resolution for the project. Mr. Lanning said that predated his employment with the City but in looking at a spreadsheet that Engineering Manager Trent Prall provided, there was an Intergovernmental Agreement (IGA) for a total project cost of \$5,250,000 which was broken down to 80% CDOT and 10% each for the City and the HDABID.

Councilmember Taggart commented that it is really important to have good documentation and perhaps that breakdown should be in the letter. He referred to the last sentence in the first paragraph of the letter that stated the City agrees to cover 100% of the extra costs to complete the project. He stated that it is a very broad statement, especially if the cost of the project were to go up even further. City Attorney Shaver recommended to Council a modification to that sentence to say the City agrees to cover 100% of the extra costs to complete the project not to exceed \$500,000.

Councilmember Chazen referred to the next sentence in the letter and commented that CDOT is not picking up any of the additional costs. Mr. Lanning said that is correct; he explained that CDOT's Regional Manager stated that additional participation from CDOT should not be expected.

Councilmember Chazen asked if there is any chance this project will go over the \$6.6 million. Mr. Lanning said there is always a chance and there are no guarantees this is the final cost for the project. Councilmember Chazen asked if the HDABID had the cash to split the additional request of \$496,300 with the City. Mr. Lanning advised that the resolution that was passed stated that the HDABID will participate with payments over a seven year period back to the City. The City will have to front the money and it would not be considered a loan.

Council President Norris asked if elements of the project could be removed to reduce the costs. Mr. Lanning said he wondered the same, but when he asked CDOT, they explained that their rules do not allow taking line items out after it has been bid. They could take portions out that are value engineered, rebid the project, and try to meet the budgeted amount. However, the drawbacks would be that the contractors have already bid the project and the budget was disclosed so there probably would not be any discount, the delay might have inflationary cost increases, and the construction schedule would be delayed. It is hoped to have construction done by May of 2016, prior to next year's season. If delayed, it could take the entire summer. Another risk could be that the City could lose a grant to another project that CDOT sees as a higher priority.

Councilmember Kennedy asked how, prior to May 20<sup>th</sup>, did the City account for the increase of \$5.2 million to \$6.1 million? Mr. Lanning stated that looking at the spreadsheet, nearly \$500,000 is paid for entirely by Ute Water Conservancy District, CDOT's contribution increased from \$4.2 million to \$4.5 million, and the City's and HDABID's contributions increased from roughly \$525,000 to \$565,000.

Councilmember Kennedy said it is an essential project with safety issues and economic development potential; he would hate to lose the funding. It is important to find the additional funding to move forward with the project. He hoped that in the future, the City Council could be notified sooner of situations such as this.

Councilmember Chazen asked how much money and when would the City be required to pay it. Also, how much of that will be paid back over time by HDABID. Mr. Lanning said that the City's total cost would be \$857,151 which is also the HDABID's identical cost. The HDABID would pay back \$455,000 over time as mentioned in the resolution.

Councilmember Chazen clarified that the City needs \$857,000 for the City's portion and \$455,000 for the HDABID's portion for a total of \$1.3 million. Mr. Lanning said that is correct.

Councilmember Kennedy asked if the City had already committed \$565,000. Mr. Lanning said that is correct.

Councilmember Taggart asked what time the letter must be received on July 16<sup>th</sup>. Mr. Lanning said that CDOT asked for it by 8:00 a.m. Councilmember Taggart asked if the HDABID could provide a letter to the City by the end of the day on July 16<sup>th</sup> that spells out how much money they would contribute to the project now and how much they need from the City to pay back over the seven years. Mr. Lanning said the letter would mirror the resolution that the HDABID approved and the discussion that took place.

Councilmember Chazen said he agrees with Councilmembers Boeschstein and Kennedy in that he doesn't want to lose the \$4.1 million for the project, but he is concerned about the timeliness and completeness of the information and not having the written agreements in place with financial partners. He's concerned that the City could end up being responsible for the whole amount. It's not a good way to do business.

Council President Norris said, in the future, projects need to have value areas that could be taken out. Mr. Lanning said bids can be done like that on a local level, but he is not sure about CDOT's rules.

Council President Norris asked if the HDABID could borrow the money to pay the City back instead of the City carrying that amount. City Attorney Shaver said that borrowing with a favorable interest rate with the kind of cash flow that the HDABID has would be difficult and very unlikely.

Councilmember Taggart reiterated he would really like to see a letter from the HDABID that spells the two financial components. He would also like the letter for CDOT to spell out the contributions required from both the City and the HDABID and to copy the letter to the appropriate person at the HDABID. City Attorney Shaver said that he can do that however, an earlier comment to get the HDABID to commit beyond the resolution would be a good idea.

Councilmember Kennedy asked if the resolution could be added into the record. City Attorney Shaver advised that the resolution could put it into the record (attached) and also distributed to Council.

Councilmember Chazen asked if a vote is required for this. Mr. Lanning said they would expect to see an amendment to the IGA with CDOT to come before Council in August.

Councilmember Taggart asked if the letter is enough for CDOT. Mr. Lanning said that they can only assume this is what they need. Mr. Prall has been talking to the CDOT Manager.

Councilmember Boeschstein felt that the City should go ahead with the letter and include the conditions that Councilmember Taggart mentioned. The project is an economic development project and there is about \$400,000 in this year's Economic Development fund that could be used for next year's economic development budget. He said that he has seen CDOT do this before, but it is an important project and part of the North Star goals to improve the entryways. He is in favor of City Attorney Shaver drafting the letter to CDOT.

Councilmember Kennedy suggested having a meeting around 7:00 a.m. or 7:30 a.m. on July 16<sup>th</sup> to approve the letter and alleviate any concerns.

Councilmember Norris said that the amendment would not be approved until August and if they don't receive a letter of commitment from the HDABID, they can always look at not approving the amendment.

City Attorney Shaver responded to Councilmember Kennedy that Council can postpone the further consideration or delegate it to Staff. He said he took notes, particularly for the last sentence and proposed the following language to Council: "In order to maintain scope of the schedule, the City agrees to pay an amount not to exceed \$550,000 (the contribution of \_\_\_ dollars from the HDBID, Horizon Drive Business Improvement District, in terms determined by the City and the HDBID) and that the payment is subject to amendment of the IGA". He said the letter would include the amount from the HDABID to be expected and be subject to the amendment of the IGA.

Councilmember Kennedy asked if they would get verification from CDOT to make sure the language in the letter is sufficient. City Attorney Shaver said that Mr. Lanning or Mr. Prall would contact Mr. Ehlers with CDOT and give the City the opportunity to modify the letter.

Councilmember Chazen asked if it was necessary to include the language about the HDABID in the letter.

Councilmember Taggart said he wouldn't suggest it for the purposes of CDOT, he suggested it to put the HDABID on notice that the City is expecting from them.

City Attorney Shaver said that he will also include in the letter that a copy was sent to the HDABID.

That concluded the discussion.



## **Adjournment**

The meeting was adjourned at 9:31 p.m.

Stephanie Tuin, MMC  
City Clerk

RESOLUTION  
OF THE BOARD OF DIRECTORS  
OF  
HORIZON DRIVE BUSINESS IMPROVEMENT DISTRICT  
TO APPROVE PARTICIPATION IN THE  
RESPONSIBLE ACCELERATION OF  
MAINTENANCE AND PARTNERSHIPS PROJECT

WHEREAS, the Colorado Department of Transportation (CDOT) has committed Four Million, Six Hundred Fifty-Seven Thousand, Two Hundred and Seven Dollars (\$4,657,207) for a grant known as the Responsible Acceleration of Maintenance and Partnerships (RAMP), which involves the redesign and construction of the intersection of Horizon Drive and Interstate 70 in Grand Junction, Mesa County, Colorado, and which is referenced in this Resolution as the RAMP Project.

WHEREAS, the CDOT grant is contingent upon commitment of an additional One Million, Six Hundred Sixty Thousand, Six Hundred and Two Dollars (\$1,660,602) for the RAMP Project by local government entities.

WHEREAS, the Board understands that the City of Grand Junction shall commit Eight Hundred Thirty Thousand, Three Hundred and One Dollars (\$830,301) to the RAMP Project.

WHEREAS, the Board believes it is in the best interests of Horizon Drive Business Improvement District (the District) and its members that the RAMP Project proceed.

WHEREAS, the District presently has financial resources that it can commit to the RAMP Project with payment back to the City of Grand Junction over seven (7) years.

WHEREAS, the Board believes that the RAMP Project is an appropriate use of resources that advances the purposes of the District.

WHEREAS, it is anticipated that the City of Grand Junction will enter into a revised Intergovernmental Agreement with CDOT for the Project by August 5, 2015.

WHEREAS, the City requests a reaffirmation of the District's commitment to the Project.

BE IT RESOLVED that:-

1. The Board expresses its support for the RAMP Project.

2. The Board commits Eight Hundred Thirty Thousand, Three Hundred and One Dollars (\$830,301) to the RAMP Project, with Thirty Thousand, Six Hundred and Eight Dollars (\$30,608) paid as of this date and Seven Hundred Ninty-Nine Thousand, Six Hundred Ninety-Three Dollars (\$799,693) payable in 2015. The District intends to fund this amount by entering into an IGA with the City to borrow \$455,000 without interest, to be repaid over a period of seven (7) years, subject to City approval.

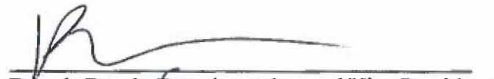
3. The President, Secretary, and any other necessary officer, identified below, are authorized to act on behalf of the Board and enter into appropriate agreements with CDOT to memorialize the District's participation in the RAMP Project.

4. The Board's decision to financially participate in the RAMP Project at a level equal to that of the City of Grand Junction applies exclusively to the RAMP Project and not to any future design or construction projects on Horizon Drive, nor to any other District project.

THIS RESOLUTION is unanimously adopted by the Board, effective July 15, 2015, as indicated by the Board member's signatures, below.


  
Charles E. Keller, Board member and President

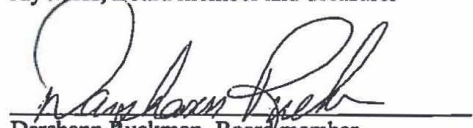
  
Jan Rohr, Board member and Secretary

  
Brenda Brock, Board member and Vice President

Clark Atkinson, Board member

  
Jay Moss, Board member and Treasurer

  
Bill Milius, Board member

  
Darshann Ruckman, Board member



Date: July 15, 2015

Author: Brian Rusche

Title/ Phone Ext: Senior Planner/4058

Proposed Schedule:

1<sup>st</sup> Reading: Wednesday, August 5, 2015

2<sup>nd</sup> Reading: Wednesday, August 19, 2015

File #: PLD-2014-385

## CITY COUNCIL AGENDA ITEM

**Subject:** OneWest Outline Development Plan, Located Between 23 ¼ and 23 ¾ Roads, from G Road to Highway 6 and 50

**Action Requested/Recommendation:** Introduce a Proposed PD (Planned Development) Zoning Ordinance and Set a Public Hearing for August 19, 2015

**Presenters Name & Title:** Brian Rusche, Senior Planner

### Executive Summary:

The applicants request approval of an Outline Development Plan (ODP) for OneWest, a Planned Development (PD) zone district with default zones of BP (Business Park Mixed Use) and C-2 (General Commercial) for approximately 177 acres, located between 23 ¼ Road and 23 ¾ Road from G Road to Highway 6 and 50.

### Background, Analysis and Options:

The subject property was annexed in 1995 as part of the Northwest Enclave. It has never been developed. The property has been owned by a consortium of persons for many decades. Approximately 40 acres of their holdings adjacent to 24 Road was subdivided and sold in 2008, with the current owners retaining approximately 177 acres.

This acreage is one of the largest contiguous land holdings in the city limits, larger than the Mesa Mall property. It has over one-half mile of frontage on Highway 6 and 50 and consequently is designated for future Commercial development by the Comprehensive Plan. On the north it borders G Road, with the new Community Hospital rising outside the property's northeast (NE) corner. The Grand Valley Circulation Plan bisects the property with proposed major roadways, including the F ½ Road Parkway (parallel to the Xcel high-voltage lines), 23 ½ Road as a principal arterial (extending north to I-70), and major collectors at ¼ mile intervals.

This Plan effectively creates four separate "pods" which the property owners would like to create via subdivision. Since the 24 Road portion of the property was subdivided in 2008, no additional subdivisions are permitted until 2018 without providing infrastructure to serve future development. The applicants would like to divide the property into more marketable parcels, acknowledging that infrastructure would be necessary to develop those parcels. Consequently, the applicants are currently negotiating a Development Agreement with the City that will address the responsibilities of each party relative to future infrastructure development. This agreement will be finalized prior to allowing any subdivision of the property. The property is currently split between the M-U (Mixed Use) and C-2 (General Commercial) zone districts. In order to set the stage for future development, the applicants have proposed an Outline Development Plan (ODP) which specifies potential uses for each of the four pods. The implementation of this plan will

be through Final Development Plans for each pod (or portion as appropriate) and future subdivisions, consistent with the ODP and Development Agreement.

A full analysis of the proposed ODP is included in the attached report.

**Neighborhood Meeting:**

The applicant held a Neighborhood Meeting on July 21, 2014 with 10 citizens attending the meeting along with City Staff, the applicant and applicant's representatives. Among the items discussed included the proximity of this project to Mobile City at 2322 Highway 6 and 50 and access to the property at 2380 Highway 6 and 50, along with anticipated future land uses and the future construction of F ½ Road.

**How this item relates to the Comprehensive Plan Goals and Policies:**

**Goal 3:** The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

**Policy A:** To create large and small "centers" throughout the community that provide services and commercial areas.

**Goal 12:** Being a regional provider of goods and services the City will sustain, develop and enhance a healthy, diverse economy.

**Policy B:** The City will provide appropriate commercial and industrial development opportunities.

The completion of Community Hospital will create a shift in the provision of medical services to the regional area. The applicant seeks to capitalize on this shift by establishing future land uses that are compatible with the hospital and surrounding properties and also seeks to subdivide the property into more manageable, marketable parcels. These goals are consistent with the above goals for the community articulated in the Comprehensive Plan.

**How this item relates to the Economic Development Plan:**

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. The proposed ODP is the first step toward eventual development of this property, which is larger than the Mesa Mall property and has over one-half mile of frontage on Highway 6 and 50.

**Board or Committee Recommendation:**

The Planning Commission forwarded a recommendation of approval of the Zoning Ordinance at their regular meeting of June 9, 2015.

**Financial Impact/Budget:**

Development of the property could provide significant financial benefit to the City in the form of taxable property and sales, but likewise could create significant impact to the City in the form of necessary transportation improvements and maintenance. The City is currently negotiating a Development Agreement that will address the responsibilities of each party relative to future infrastructure development.

**Legal issues:** The City Attorney's office has reviewed the request.

**Previously presented or discussed:**

This request has not been previously discussed.

**Attachments:**

1. Background Information
2. Staff Report
3. Site Location Map
4. Aerial Photo
5. Grand Valley Circulation Plan Map
6. Comprehensive Plan Future Land Use Map
7. Existing Zoning Map
8. Ordinance

<b>BACKGROUND INFORMATION</b>					
<b>Location:</b>		2350 Highway 6 and 50			
<b>Applicant:</b>		CFP Estate, Ltd. – Owner Gus R. and Chris R. Halandras – Owner Andy Peroulis – Owner George E. Pavlakis – Owner Tom Logue – Representative Joe Coleman - Counsel			
<b>Existing Land Use:</b>		Vacant land			
<b>Proposed Land Use:</b>		Mixed Use Planned Development			
<b>Surrounding Land Use:</b>	<b>North</b>	Industrial Community Hospital (under construction) Medical Office			
	<b>South</b>	Industrial, including Gravel Extraction			
	<b>East</b>	Vacant Mixed Commercial/Industrial			
	<b>West</b>	Gravel Extraction RV and Mobile Home Park			
<b>Existing Zoning:</b>		MU (Mixed Use) C-2 (General Commercial)			
<b>Proposed Zoning:</b>		PD (Planned Development)			
<b>Surrounding Zoning:</b>	<b>North</b>	I-2 (General Industrial) BP (Business Park Mixed Use)			
	<b>South</b>	I-1 (Light Industrial)			
	<b>East</b>	MU (Mixed Use) C-2 (General Commercial)			
	<b>West</b>	I-1 (Light Industrial)			
<b>Future Land Use Designation:</b>		Commercial/Industrial Commercial			
<b>Zoning within density/intensity range?</b>		X	<b>Yes</b>		<b>No</b>

**Uses:** The property will be developed into four distinct areas (Pods). Each of the pods includes a combination of uses that reflect the anticipated demand for each pod. A full table of allowed uses is included in the Ordinance. The primary uses for each pod are as follows:

- Pod 1: Default zone – BP; Medical Office/Clinic, Manufacturing and Production, Group Living
- Pod 2: Default zone – BP; Medical Office/Clinic, Group Living, Multi-Family Housing, Retail Sales and Services, Personal Care, General Offices
- Pod 3: Default zone – C-2; Hotel/Motel, General Offices, Contractor Shops w/ Outdoor Storage, Auto Service, Retail Sales and Services
- Pod 4: Default zone – C-2; Shopping Center (Big Box), Restaurants, Retail Sales and Services, Auto Service, General Offices

**Performance Standards:** The ODP states that Title 25 – 24 Road Corridor Design Standards shall apply. Additional performance standards are included which address loading docks, vibration, smoke, odor, noise, glare, wastes, fire hazards, and hazardous materials, along with outdoor storage. The full text of these standards is included in the Ordinance. Conformance with these standards will be evaluated with the Final Development Plan for each Pod (or portion thereof).

**Density:** The density range for Pods 1 and 2 is a minimum of 8 du/ac and a maximum of 24 du/ac, which is consistent with the default zone of BP (Business Park Mixed Use). No detached single-family is allowed. Pods 3 and 4 do not include residential uses.

**Access and Circulation:** The Grand Valley Circulation Plan bisects the property with proposed major roadways, including the F ½ Road Parkway (parallel to the Xcel high-voltage lines), 23 ½ Road as a principal arterial (extending north to I-70), and major collectors at ¼ mile intervals. The imposition of this roadway grid onto the property creates the Pods. The City is currently negotiating a Development Agreement that will address the responsibilities of each party relative to future infrastructure development, including the construction of these roadways.

Internal circulation, including access to neighboring properties as applicable, will be evaluated with the Final Development Plan for each Pod (or portion thereof) and will conform to Transportation Engineering and Design Standards (TEDS).

**Open Space:** No open space or parkland is included in the proposed ODP. However, the Applicant has incorporated a landscape buffer along the west side of Pod 3, which is adjacent to the Mobile City RV and Home Park. In addition, stormwater management ponds that will be designed to accept regional drainage currently flowing into this area will be located at the highway entrance to the development serving as entry features and open space. Open space and park dedication requirements, including fees in-lieu of, will be evaluated with the Final Development Plan for each Pod (or portion thereof).

**Lot Layout:** The goal of the proposed ODP and forthcoming Development Agreement is to facilitate the division of the property into smaller, more marketable parcels. The layout of these parcels, beyond the four pods created by the Grand Valley Circulation Plan, will be evaluated with the Final Development Plan for each Pod or portion thereof. The minimum lot size in Pods 1 and 2 is 1 acre and is ½ acre in Pod 3, with no minimum for Pod 4. While no subdivision has been submitted at this time, a condition has been placed on approval of the ODP that a final development plan and plat must be approved within six (6) years.

**Landscaping:** Each new building within the pods will be required to adhere to the landscaping standards found in GJMC Section 21.06.040. The ODP includes a buffer along the west side of Pod 3 adjacent to the Mobile City RV and Home Park. In addition, stormwater management ponds at the highway entrance to the development will serve as entry features and are required by the landscaping code to be visual amenities.



**Signage:** Signage within the development shall meet the standards of GJMC Section 21.06.070, with the following exceptions:

One (1) freestanding project identification monument sign shall be allowed at no more than two intersecting corners along all roadways within the development.

A sign package will be required as part of each Final Development Plan and/or Site Plan.

The existing billboards located within Pod Four may remain as nonconforming uses until such time as site development activity begins on Pod Four. New billboards within the PD will not be permitted.

**Phasing:** Pursuant to the Code, a final development plan and/or the subdivision plat are necessary to ensure consistency with the approved outline development plan. The City is currently negotiating a Development Agreement that will address the responsibilities of each party relative to future infrastructure development, including phasing of said infrastructure. This agreement will be finalized prior to allowing any subdivision of the property. The applicants indicate that ultimate build-out will occur over a 20 year period. Given the size of the property and historical absorption rate of development within the Grand Valley, with the market ultimately determining how the pods develop, a long term phasing plan would be inappropriate for this development.

A condition has been placed on approval of the ODP that a final development plan and plat must be approved within six (6) years. If a final development plan and plat is not approved within 6 years, the ODP would expire and the zoning would revert back to the original MU and C-2. All subsequent final development plans and/or plats after the first must be reviewed under the code in effect at the time of submittal, including the standards of this ODP and any subsequent amendments.

**Long-Term Community Benefit:** The intent and purpose of the PD zone is to provide flexibility not available through strict application and interpretation of the standards established in Section 21.03.040 of the Zoning and Development Code. The Zoning and Development Code also states that PD (Planned Development) zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Long-term benefits include, but are not limited to:

1. More effective infrastructure;
2. Reduced traffic demands;
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;
5. Needed housing types and/or mix;
6. Innovative designs;
7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or Public art.

The long-term community benefit of the proposed PD is the provision of more effective infrastructure, including but not limited to the street network (both major roads and local streets), sanitary sewer and other utilities, and regional storm water management.

The property is bisected by major roadways that will need to be constructed to address future traffic and circulation needs. By creating pods out of the property, using these roadways as boundaries, allows for incremental construction of the necessary infrastructure, not just the roads but also sewer, water, etc. This incremental construction does benefit the developer, in terms of reduced upfront costs, but also the City in terms of avoiding future maintenance costs on underutilized infrastructure. The City is currently negotiating a Development Agreement that will address the responsibilities of each party relative to future infrastructure development. There is an opportunity to collaborate on mutually beneficial designs for storm water management within the PD, specifically the creation of ponds that will be designed to accept regional drainage currently flowing into this area, located at the highway entrance to the development. The area(s) required as determined by the City for the regional drainage facilities shall be dedicated to the City at the time the first plat is recorded for any land included within the ODP.

#### **Default Zones and Deviations:**

The default zone for Pod 1 and 2 is BP (Business Park Mixed Use). The dimensional standards are as follows, with deviations noted in *italics*.

Density: Minimum 8 units/acre. Maximum 24 units/acre.

Minimum lot area/width: 1 acre / 100 feet

Front yard setback (Principal/Accessory): 15'/25'.

Side and Rear yard setbacks: *0'*

Maximum building height: 65' (Pod 1), *40' (Pod 2)*.

Maximum building size: *No maximum*

The default zone for Pod 3 and 4 is C-2 (General Commercial). The dimensional standards are as follows, with deviations noted in *italics*.

Minimum lot area/width: *0.5 acres* / 50 feet (Pod 3); *Pod 4 – N/A*

Front yard setback (Principal/Accessory): 15'/25'.

Side and Rear yard setbacks: *0' except identified Buffer Area is 15'*

Maximum building height: 40'

Maximum building size: *No maximum*

#### **Section 21.02.150 of the Grand Junction Zoning and Development Code:**

An Outline Development Plan (ODP) application shall demonstrate conformance with all of the following:

- i. The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;

The proposed Outline Development Plan complies with Comprehensive Plan, Grand Valley Circulation Plan and other applicable adopted plans and policies, as described throughout this report.

- ii. The rezoning criteria provided in Section 21.02.140 of the Grand Junction Zoning and Development Code;

(1) Subsequent events have invalidated the original premises and findings; and/or

The current zoning of the property is M-U and C-2, which bisects the entire property in a way that is roughly parallel to the highway. The Grand Valley Circulation Plan bisects the property with proposed major roadways, which effectively creates four separate “pods”. The ODP would set specific uses for each pod, uses which would be compatible with the new Community Hospital and other surrounding land uses.

This criterion has been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The construction of Community Hospital is already creating a shift in the provision of medical services to the regional area. The applicant seeks to capitalize on this shift by establishing land uses compatible with the hospital and other surrounding uses. Staff has reviewed and incorporated modifications to the proposed uses that will be more compatible with the hospital while allowing for market conditions to determine the ultimate land use mix.

This criterion has been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Adequate public facilities and services (water, sewer, utilities, etc.) are currently available or will be made available concurrent with the development and commiserate with the impacts of the development.

This criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

The subject property one of the largest contiguous, undeveloped land holdings in the city limits. While the property is already zoned for commercial and mixed uses, the ODP provides more specific land uses compatible with the new

Community Hospital and other surrounding uses. This type of specificity, along with the ability to amend the PD over time as conditions warrant, is more suitable for such a large land holding than piecemeal development using conventional zoning, in that it will be clear to future owners, neighbors, and City officials what types of uses may come to fruition within the PD.

This criterion has been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The long-term community benefit of the proposed PD is the provision of more effective infrastructure, including but not limited to the street network (both major roads and local streets), sanitary sewer and other utilities, and regional storm water management.

The property is bisected by major roadways that will need to be constructed to address future traffic and circulation needs. By creating pods out of the property, using these roadways as boundaries, allows for incremental construction of the necessary infrastructure, not just the roads but also sewer, water, etc. This incremental construction does benefit the developer, in terms of reduced upfront costs, but also the City in terms of avoiding future maintenance costs on underutilized infrastructure. The City is currently negotiating a Development Agreement that will address the responsibilities of each party relative to future infrastructure development. There is an opportunity to collaborate on mutually beneficial designs for storm water management within the PD, specifically the creation of ponds that will be designed to accept regional drainage currently flowing into this area, located at the highway entrance to the development.

This criterion has been met.

iii. The planned development requirements of Chapter 21.05;

The proposed ODP is in conformance with the Planned Development requirements of Chapter 21.05 of the Zoning and Development Code.

iv. The applicable corridor guidelines and other overlay districts in Chapter 21.07;

A floodplain, caused by overtopping sheet flow from Leach Creek, includes 100 and 500 year flooding and covers all of Pod 2 and large areas of Pods 3 and 4. Each individual structure in this floodplain must meet floodplain requirements in Section 21.07.010 and be documented with a Flood Elevation Certificate.

The ODP states that Title 25 – 24 Road Corridor Design Standards shall apply. Conformance with these standards will be evaluated with the Final Development Plan for each Pod or portion thereof.

v. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;

Adequate public facilities and services (water, sewer, utilities, etc.) are currently available or will be made available concurrent with the development and commiserate with the impacts of the development.

- vi. Adequate circulation and access shall be provided to serve all development pods/areas to be developed;

The Grand Valley Circulation Plan bisects the property with proposed major roadways, including the F ½ Road Parkway (parallel to the Xcel high-voltage lines), 23 ½ Road as a principal arterial (extending north to I-70), and major collectors at ¼ mile intervals. The Pods are created by the imposition of this roadway grid onto the property. The City is currently negotiating a Development Agreement that will address the responsibilities of each party relative to future infrastructure development, including the construction of these roadways.

Internal circulation will be evaluated with the Final Development Plan for each Pod or portion thereof and will conform to Transportation Engineering and Design Standards (TEDS).

- vii. Appropriate screening and buffering of adjacent property and uses shall be provided;

The ODP includes a buffer along the west side of Pod 3 adjacent to the Mobile City RV and Home Park.

- viii. An appropriate range of density for the entire property or for each development pod/area to be developed;

The proposed density range for Pods 1 and 2 is a minimum of 8 du/ac and a maximum of 24 du/ac. No detached single-family is allowed. Pods 3 and 4 do not include residential uses.

- ix. An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed;

The default land use zones are as follows:

Pods One and Two: BP (Business Park Mixed Use) with deviations contained within the Ordinance.

Pods Three and Four: C-2 (General Commercial) with deviations contained within the Ordinance.

- x. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

Pursuant to the Code, a final development plan and/or the subdivision plat are necessary to ensure consistency with the approved outline development plan. The City is currently negotiating a Development Agreement that will address the responsibilities of each party relative to future infrastructure development, including phasing of said infrastructure. This agreement will be finalized prior to allowing any subdivision of the property. The applicants indicate that ultimate build-out will occur over a 20 year period. Given the size of the property and historical absorption rate of development within the Grand Valley, with the market ultimately determining how the pods develop, a long term phasing plan would be inappropriate for this development.

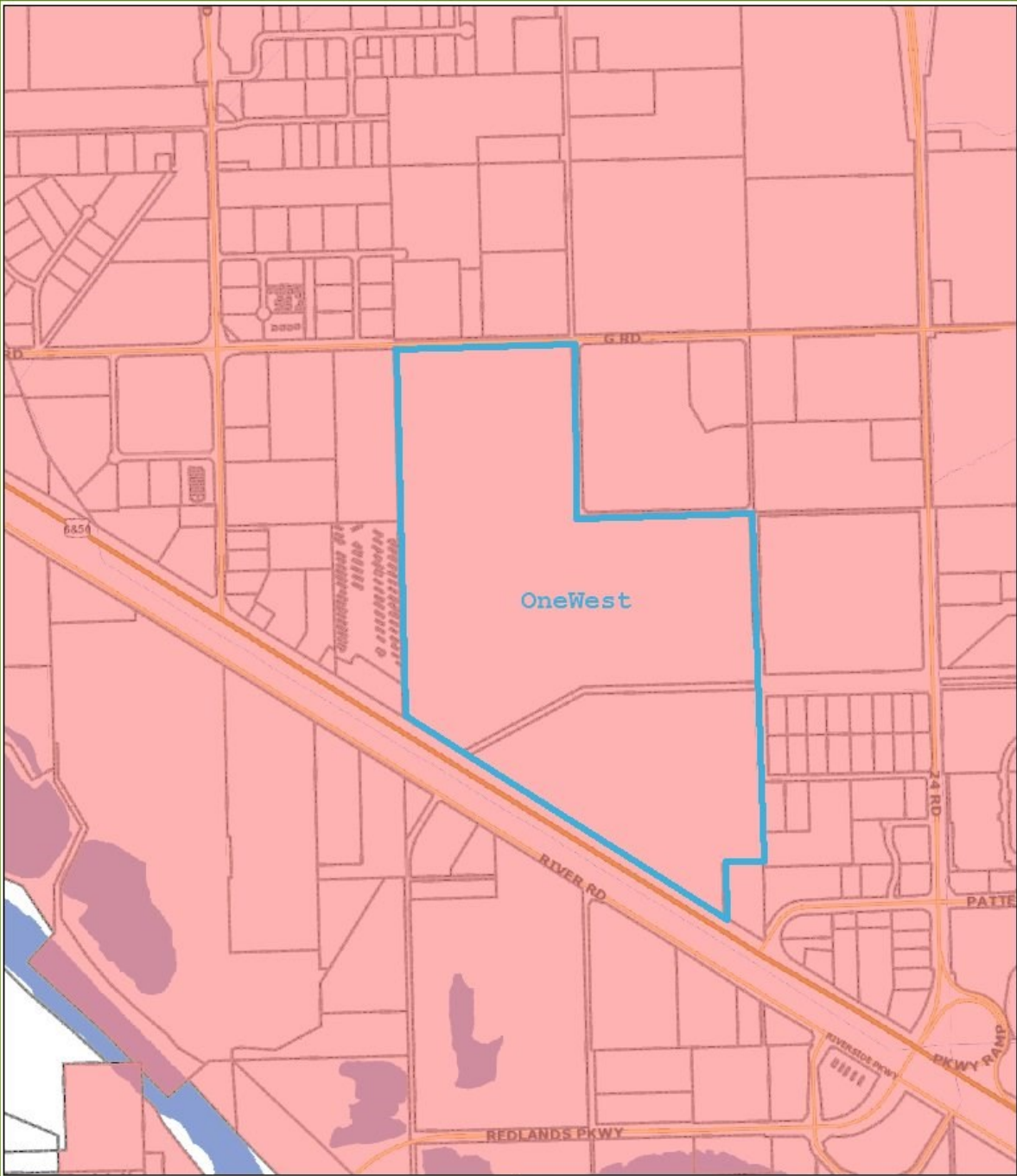
A condition has been placed on approval of the ODP that a final development plan and plat must be approved within six (6) years. If a final development plan and plat is not approved within 6 years, the ODP would expire and the zoning would revert back to the original MU and C-2. All subsequent final development plans and/or plats after the first must be reviewed under the code in effect at the time of submittal, including the standards of this ODP and any subsequent amendments.

#### **PLANNING COMMISSION RECOMMENDATION:**

After reviewing the OneWest application, PLD-2014-385, a request for approval of an Outline Development Plan (ODP) and Planned Development Ordinance, the following findings of fact/conclusions and conditions of approval were determined:

1. The requested Planned Development - Outline Development Plan is consistent with the goals and polices of the Comprehensive Plan, specifically, Goals 3 and 12.
2. The review criteria in Section 21.02.150 of the Grand Junction Zoning and Development Code have all been met or addressed.
3. A Final Development Plan and plat must be approved within 6 years of the PD Ordinance. If a Final Development Plan and plat is not approved within 6 years, the ODP will expire and the zoning will revert back to the original MU and C-2.
4. The area(s) required as determined by the City for the regional drainage facilities shall be dedicated to the City at the time the first plat is recorded for any land included within the ODP.
5. All subsequent plans and/or plats must be reviewed under the code in effect at the time of submittal, including the standards of this ODP and the PD Ordinance and/or any subsequent amendments thereto.

# Location Map



0 0.275 0.55 Miles

Printed: 6/1/2015

1 inch = 943 feet



# Aerial Photo (2014)



0 0.275 0.55 Miles

Printed: 6/1/2015

1 inch = 943 feet





# Grand Valley Circulation Plan



0 0.275 0.55 Miles

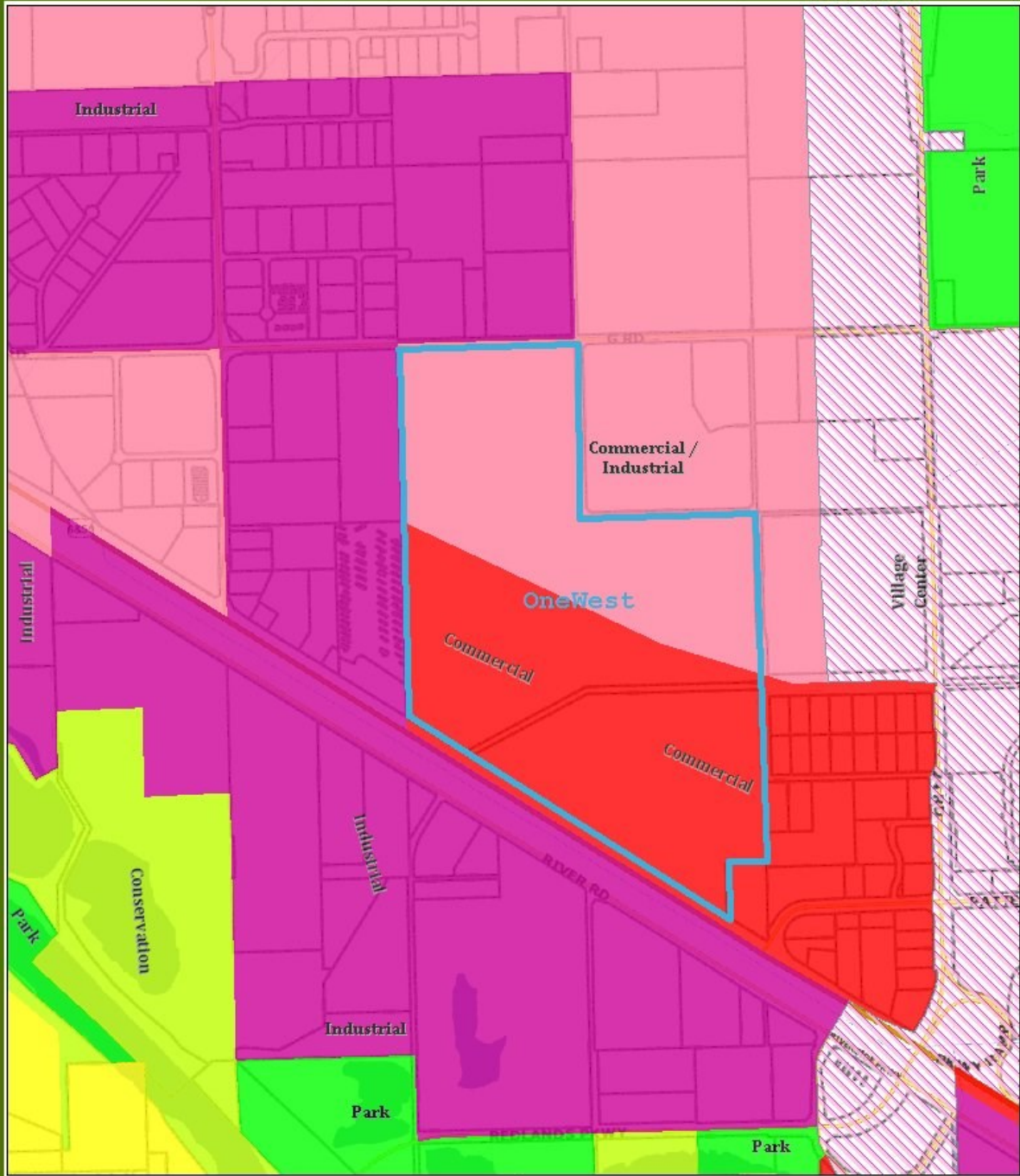
Printed: 6/4/2015

1 inch = 943 feet

**CITY OF**  
**Grand Junction**  
COLORADO

Grand Junction, Colorado

# Comprehensive Plan - Future Land Use Map

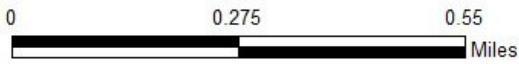
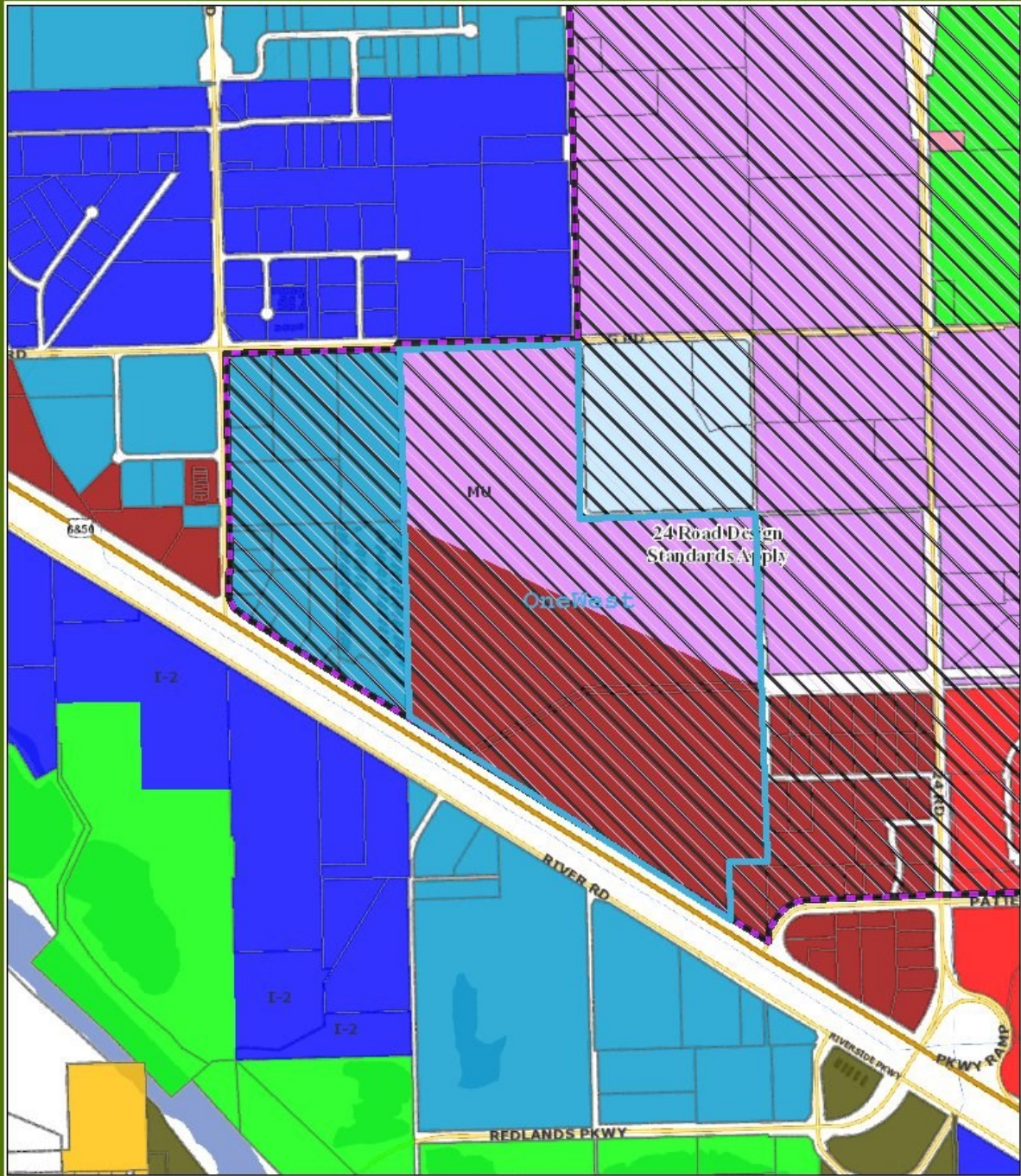


Printed: 6/1/2015

1 inch = 943 feet



# Existing City Zoning



Printed: 6/1/2015

1 inch = 943 feet



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE TO ZONE THE ONEWEST DEVELOPMENT  
TO A PD (PLANNED DEVELOPMENT) ZONE,  
BY APPROVING AN OUTLINE DEVELOPMENT PLAN WITH DEFAULT ZONES OF  
BP (BUSINESS PARK MIXED USE) AND C-2 (GENERAL COMMERCIAL)**

**LOCATED AT 2350 HIGHWAY 6 AND 50  
BETWEEN 23 ¼ AND 23 ¾ ROADS, FROM G ROAD TO HIGHWAY 6 AND 50**

Recitals:

A request to zone approximately 177 acres to PD (Planned Development) by approval of an Outline Development Plan (Plan) with default zones of BP (Business Park Mixed Use) and C-2 (General Commercial) has been submitted in accordance with the Zoning and Development Code (Code).

This Planned Development zoning ordinance will establish the standards, default zoning, and adopt the Outline Development Plan for the OneWest Development. If this approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards specified herein.

In public hearings, the Planning Commission and City Council reviewed the request for Outline Development Plan approval and determined that the Plan satisfied the criteria of the Code and is consistent with the purpose and intent of the Comprehensive Plan. Furthermore, it was determined that the proposed Plan has achieved “long-term community benefits” through the provision of more effective infrastructure.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS ZONED TO PLANNED DEVELOPMENT WITH THE FOLLOWING DEFAULT ZONE AND STANDARDS:

- A. ALL of Lot 2, Centennial Commercial Center, City of Grand Junction, Mesa County, Colorado.
- B. OneWest Outline Development Plan is approved with the Findings of Fact/Conclusions, and Conditions listed in the Staff Report including attachments and Exhibits.
- C. Purpose

The proposed Planned Development will provide for a mix of manufacturing, office park employment centers, health care facilities, retail services and multifamily residential uses with appropriate screening, buffering and open space, enhancement of natural features and other amenities such as shared drainage facilities and common landscape and streetscape character.

#### D. Unified Development

The project will be developed over time in a phased fashion, but in a unified manner with similar architectural styles and themes throughout. Detached sidewalks along the arterial frontages are intended to provide for safe multi-modal transportation haven and provide access to uses within the development. These detached sidewalks will also provide connectivity from the development to other existing and future points of interest adjacent to the subject property.

#### E. Default Zones

The default land use zones are as follows:

Pods One and Two: BP (Business Park Mixed Use) with deviations contained within this Ordinance.

Pods Three and Four: C-2 (General Commercial) with deviations contained within this Ordinance.

#### F. Pod Character

The property will be developed into four distinct areas (Pods) within the development that have a character similar to the following primary uses as more particularly detailed in the Pod Use Table:

Pod 1: Default zone – BP; Medical Office/Clinic, Manufacturing and Production, Group Living

Pod 2: Default zone – BP; Medical Office/Clinic, Group Living, Multi-Family Housing, Retail Sales and Services, Personal Care, General Offices

Pod 3: Default zone – C-2; Hotel/Motel, General Offices, Contractor Shops w/ Outdoor Storage, Auto Service, Retail Sales and Services

Pod 4: Default zone – C-2; Shopping Center (Big Box), Restaurants, Retail Sales and Services, Auto Service, General Offices

#### G. Authorized Uses

1. The list of authorized uses allowed within the BP and C-2 zone is hereby amended to include only the following, which are allowed without the need for approval of a conditional use permit.

##### a) POD 1 – BP Default Zone

- 1) Multifamily
- 2) Unlimited Group Living
- 3) Colleges and Universities
- 4) Vocational, Technical and Trade Schools
- 5) Community Activity Building
- 6) All other Community Service
- 7) Museums, Art Galleries, Opera Houses, Libraries

- 8) General Day Care
- 9) Medical and Dental Clinics
- 10) Physical and Mental Rehabilitation (Resident)
- 11) All other Health Care
- 12) Religious Assembly
- 13) Funeral Homes, Mortuaries, Crematories
- 14) Hotels and Motels
- 15) General Offices
- 16) Health Club
- 17) Drive Through Restaurants
- 18) Drive Through Retail
- 19) Food Service, Catering
- 20) Food Service, Restaurant (including Alcohol Sales)
- 21) General Retail Sales, Indoor Operations, Display and Storage
- 22) General Retail Sales, Outdoor Operations, Display or Storage
- 23) Personal Services
- 24) All other Retail Sales and Services
- 25) Manufacturing and Production - Indoor Operations and Storage
- 26) Manufacturing and Production – Indoor Operations with Outdoor Storage
- 27) Bus/Commuter Stops

b) POD 2 – BP Default Zone

- 1) Multifamily
- 2) Unlimited Group Living
- 3) Colleges and Universities
- 4) Vocational, Technical and Trade Schools
- 5) Community Activity Building
- 6) All other Community Service
- 7) Museums, Art Galleries, Opera Houses, Libraries
- 8) General Day Care
- 9) Medical and Dental Clinics
- 10) Physical and Mental Rehabilitation (Resident)
- 11) All other Health Care
- 12) Religious Assembly
- 13) Funeral Homes, Mortuaries, Crematories
- 14) Hotels and Motels
- 15) General Offices
- 16) Health Club
- 17) Drive Through Restaurants
- 18) Drive Through Retail
- 19) Food Service, Catering
- 20) Food Service, Restaurant (including Alcohol Sales)
- 21) General Retail Sales, Indoor Operations, Display and Storage
- 22) General Retail Sales, Outdoor Operations, Display or Storage
- 23) Personal Services
- 24) All other Retail Sales and Services
- 25) Manufacturing and Production - Indoor Operations and Storage

- 26) Manufacturing and Production – Indoor Operations with Outdoor Storage
- 27) Bus/Commuter Stops

c) POD 3 – C-2 Default Zone

- 1) Colleges and Universities
- 2) Vocational, Technical and Trade Schools
- 3) Community Activity Building
- 4) All other Community Service
- 5) Museums, Art Galleries, Opera Houses, Libraries
- 6) General Day Care
- 7) Medical and Dental Clinics
- 8) Physical and Mental Rehabilitation (Resident)
- 9) All other Health Care
- 10) Religious Assembly
- 11) Funeral Homes, Mortuaries, Crematories
- 12) Public Safety and Emergency Response Services
- 13) Hotels and Motels
- 14) General Offices
- 15) Health Club
- 16) Alcohol Sales, Retail
- 17) Bar/Nightclub
- 18) Drive Through Restaurants
- 19) Drive Through Retail
- 20) Food Service, Catering
- 21) Food Service, Restaurant (including Alcohol Sales)
- 22) Fuel Sales, Automotive/Appliance
- 23) General Retail Sales, Indoor Operations, Display and Storage
- 24) General Retail Sales, Outdoor Operations, Display or Storage
- 25) Repair, Small Appliance
- 26) Personal Services
- 27) All other Retail Sales and Services
- 28) Mini-Warehouse
- 29) Auto and Light Truck Mechanical Repair
- 30) Car Wash, Gasoline Service Station, Quick Lube
- 31) Manufacturing and Production - Indoor Operations and Storage
- 32) Manufacturing and Production – Indoor Operations with Outdoor Storage
- 33) Manufacturing and Production – Outdoor Operations and Storage
- 34) Industrial Services, Contractors and Trade Shops, Oil and Gas Support Operations without Hazardous Materials (Indoor and/or Outdoor Operations and Storage)
- 35) Warehouse and Freight Movement – Indoor Operations, Storage and Loading with Outdoor Loading Docks
- 36) Wholesale Business (No Highly Flammable Materials/Liquids)
- 37) Bus/Commuter Stops

d) POD 4 – C-2 Default Zone

- 1) General Day Care
- 2) Medical and Dental Clinics
- 3) Physical and Mental Rehabilitation (Resident)
- 4) All other Health Care
- 5) Religious Assembly
- 6) Funeral Homes, Mortuaries, Crematories
- 7) Public Safety and Emergency Response Services
- 8) Hotels and Motels
- 9) General Offices
- 10) Health Club
- 11) Alcohol Sales, Retail
- 12) Bar/Nightclub
- 13) Drive Through Restaurants
- 14) Drive Through Retail
- 15) Food Service, Catering
- 16) Food Service, Restaurant (including Alcohol Sales)
- 17) Fuel Sales, Automotive/Appliance
- 18) General Retail Sales, Indoor Operations, Display and Storage
- 19) General Retail Sales, Outdoor Operations, Display or Storage
- 20) Repair, Small Appliance
- 21) Personal Services
- 22) All other Retail Sales and Services
- 23) Auto and Light Truck Mechanical Repair
- 24) Car Wash, Gasoline Service Station, Quick Lube
- 25) Wholesale Business (No Highly Flammable Materials/Liquids)
- 26) Bus/Commuter Stops

e) Uses Not Allowed

- 1) To change uses from those specified above, the developer must request that the City Council consider an amendment to allow a use which is not currently an allowed use for a particular pod.

H. Performance Standards

1. Title 25, 24 Road Corridor Standards in the current Zoning and Development Code (Code) shall apply, unless otherwise amended by the City.
2. Loading docks and trash areas or other service areas shall be located only in the side or rear yards and must be screened from adjacent right-of-ways with either a wall or landscaping.
3. Vibration, Smoke, Odor Noise, Glare, Wastes, Fire Hazards and Hazardous Materials. No person shall occupy, maintain or allow any use without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials.
  - a. Vibration: Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.



- b. Noise: The owner and occupant shall regulate uses and activities on the property so that sound never exceeds sixty-five decibels (65 dB) at any point along the property line.
- c. Glare: Lights, spotlights, high temperatures processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
- d. Solid and Liquid Waste: All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
- e. Hazardous Materials: Information and materials to be used or located on the site, whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including the site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director
- f. Outdoor Storage and Display: Outdoor storage shall only be located in the rear half of the lot. Permanent display areas may be located beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted as provided in GJMC 21.04.040(h).

I. Dimensional and Intensity Standards

<b>Minimum Lot Area</b>	
Pod 1 and 2	1 acre
Pod 3	0.5 acre
Pod 4	No minimum

<b>Minimum Lot Width</b>	
Pod 1 and 2	100 feet
Pod 3	50 feet
Pod 4	No minimum

<b>Minimum Street Frontage</b>	
Pod 1, 2, 3, and 4	No minimum

<b>Minimum Setbacks</b>	<b>Principle Structure / Accessory Structure</b>
<b>Pod 1, 2, 3 and 4</b>	
Street (see footnote 1)	15' / 25'
Side / Rear yard	0' except identified Buffer Area is 15'

<b>Density (Minimum/Maximum)</b>	
Pod 1 and 2	8 du/ac min. / 24 du/ac max.
Pods 3 and 4	N/A

<b>Maximum Height</b>	
Pod 1	65 feet
Pod 2, 3, and 4	40 feet

Footnotes:

1. Non-Residential buildings shall be setback a minimum of 30 feet from "Arterial" designated right-of-ways.

J. Development Schedule

A Final Development Plan and plat must be approved within six (6) years of the PD Ordinance. If a Final Development Plan and plat is not approved within six (6) years, the ODP will expire and the zoning will revert back to the original MU and C-2. The area(s) required as determined by the City for the regional drainage facilities shall be dedicated to the City at the time the first plat is recorded for any land included within the ODP.

All subsequent plans and/or plats must be reviewed under the code in effect at the time of submittal, including the standards of this ODP and the PD Ordinance and/or any subsequent amendments thereto.

K. Other Regulations

Development regulations and standards contained within Section 21.06 of the GJMC apply to all Pods, except the following:

One (1) freestanding project identification monument sign shall be allowed at no more than two intersecting corners along all roadways within the development.

A sign package will be required as part of each Final Development Plan and/or Site Plan.

The existing billboards located within Pod Four may remain as nonconforming uses until such time as site development activity begins on Pod Four. New billboards within the PD will not be permitted.

Hours of Operation – All Pods - unrestricted

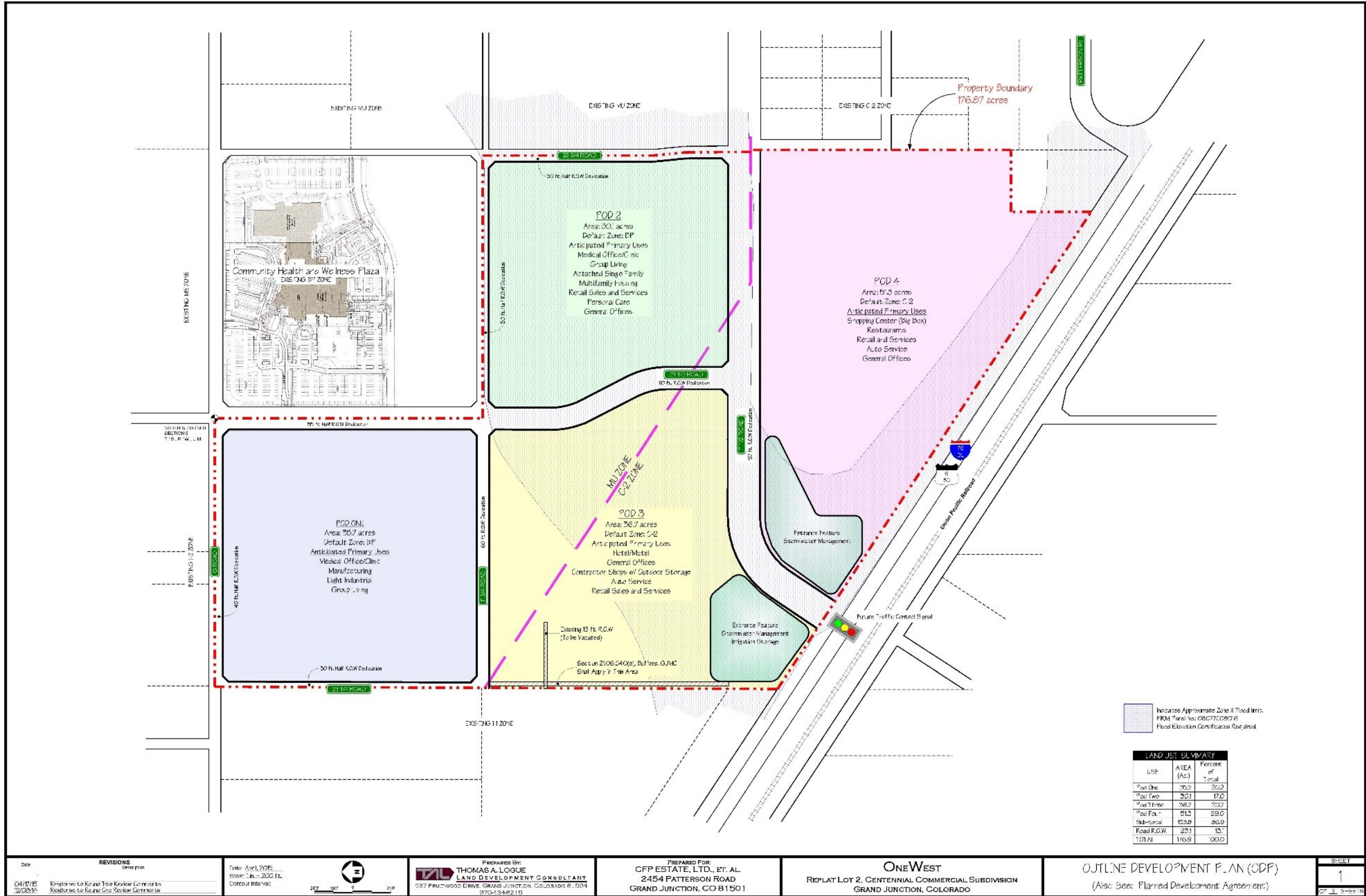
Introduced for first reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2015 and ordered published in pamphlet form.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk



Date: 3/4/15

**REVISIONS**

Revision	Description
04/17/15	Response to Board Title Review Comments
02/03/16	Response to Board Title Review Comments

Date: April 2015  
 Scale: 1" = 200 ft.  
 Contour Interval: 2' 0"

Prepared By:  
**THOMAS A. LOGUE**  
 LAND DEVELOPMENT CONSULTANT  
 537 FRUITWOOD DRIVE, GRAND JUNCTION, COLORADO 81504  
 970.234.8215

Prepared For:  
**CFF ESTATE, LTD., ET AL**  
 2454 PATTERSON ROAD  
 GRAND JUNCTION, CO 81501

**OneWest**  
 REPLAT LOT 2, CENTENNIAL COMMERCIAL SUBDIVISION  
 GRAND JUNCTION, COLORADO

**OUTLINE DEVELOPMENT PLAN (ODP)**  
 (Also See: Planned Development Agreement)

SHEET  
**1**  
 OF 2 SHEETS



Date: July 8, 2015  
 Author: Brian Rusche  
 Title/ Phone Ext: Senior Planner / x4058  
 Proposed Schedule:  
Planning Commission – July 14, 2015  
City Council – August 5, 2015  
 2nd Reading (if applicable): N/A  
 File # (if applicable): VAC-2015-277

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> River Trail Subdivision Filing One Drainage Easement Vacation, Located at D Road and Green River Drive
<b>Action Requested/Recommendation:</b> Adopt a Resolution Vacating a Public Drainage Easement within River Trail Subdivision Filing One.
<b>Presenter(s) Name &amp; Title:</b> Brian Rusche, Senior Planner

**Executive Summary:**

A request to vacate a public drainage easement covering Tracts G and H of River Trail Subdivision Filing One, located at D Road and Green River Drive, in order to proceed with the next phase of the subdivision.

**Background, Analysis and Options:**

River Trail Subdivision Filing One was platted on December 10, 2012. The plat included Tracts G and H for future development and dedicated a perpetual drainage easement encompassing both tracts to the City of Grand Junction, since the first filing was developed to discharge storm water across these two tracts to the detention pond (Tracts C and I). The developer is working on the next phase of the subdivision, which is designed to convey storm water through new infrastructure installed within new public right-of-way (ROW) and/or new easements. However, the language of the original dedication encumbers the location of future lots. Therefore, the developer is requesting a vacation of the easement. This vacation will be conditioned upon dedication of ROW and/or new easements to the City on subsequent plats to ensure continued public access to the overall storm water management system within the subdivision.

**How this item relates to the Comprehensive Plan Goals and Policies:**

The request is consistent with the goals and policies of the Comprehensive Plan. The request does not conflict with the Comprehensive Plan because new easements granted will be sufficient.

**How this item relates to the Economic Development Plan:**

The Economic Development Plan specifically identifies as a Goal to provide infrastructure that enables and supports private investment. (Goal 1.4 – Page 7). Vacation of the easement and subsequent rededication will benefit the City by ensuring continued public access to the storm water management system and the private developer by releasing the encumbrance on future lots.

**Board or Committee Recommendation:**

The Planning Commission forwarded a recommendation of approval from their July 14, 2015 regular meeting.

**Financial Impact/Budget:**

There is no financial impact.

**Legal issues:**

The City Attorney has reviewed and approved the form of the Resolution.

**Other issues:**

No other issues have been identified.

**Previously presented or discussed:**

Item has not been previously discussed.

**Attachments:**

Location Map  
Aerial Photo Map  
Comprehensive Plan Future Land Use Map  
Existing City Zoning Map

BACKGROUND INFORMATION					
Location:		River Trail Subdivision Filing One (D Road and Green River Drive)			
Applicants:		River Trail Investments – Kevin Reimer			
Existing Land Use:		Vacant			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Vacant			
	East	Vacant			
	West	Residential / Vacant			
Existing Zoning:		R-8 (Residential 8 du/ac)			
Proposed Zoning:		R-8 (Residential 8 du/ac)			
Surrounding Zoning:	North	County RSF-R (Residential Single Family) R-8 (Residential 8 du/ac)			
	South	County AFT (Agricultural Forestry Transitional)			
	East	R-8 (Residential 8 du/ac)			
	West	R-8 (Residential 8 du/ac)			
Future Land Use Designation:		Residential Medium			
Zoning within density range?		X	Yes		No

Section 21.02.100 of the Grand Junction Municipal Code

The vacation of the easement shall conform to the following:

- a. *The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City;*

The layout of the River Trail Subdivision, including the location of access and public infrastructure within public ROW and/or public easements is consistent with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City. The vacation of this easement is conditioned upon the dedication of additional right-of-way and/or drainage easements to the City to further implement the above plans.

This criterion has been met.

- b. *No parcel shall be landlocked as a result of the vacation;*

The existing stormwater management pond is landlocked and only accessible via the drainage easement. This vacation will be conditioned upon dedication of ROW and/or new easements to the City on subsequent plats to ensure continued public access to the overall storm water management system within the subdivision.

This criterion will be met with the dedication of ROW and/or new easement.

- c. *Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;*

The existing drainage easement encumbers the location of future lots within the subdivision. The vacation of the drainage easement and its replacement with dedicated ROW and/or new easements will remove an economically prohibitive restriction within the subdivision and provide better access to the overall storm water management system within the subdivision.

This criterion has been met.

- d. *There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services);*

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the proposed drainage easement vacation. This vacation will be conditioned upon dedication of ROW and/or new easements to the City on subsequent plats to ensure continued public access to the overall storm water management system, thereby improving the quality of facilities within the subdivision.

This criterion will be met with the dedication of the ROW and/or new easement.

- e. *The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code; and*

The provision of adequate public facilities and services will not be inhibited as a result of the proposed drainage easement vacation as this vacation will be conditioned upon dedication of ROW and/or new easements to the City on subsequent plats to ensure continued public access to the overall storm water management system.

This criterion will be met with the dedication of the ROW and/or new easement.

- f. *The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.*



Maintenance requirements for the City will not change as a result of the proposed drainage easement vacation.

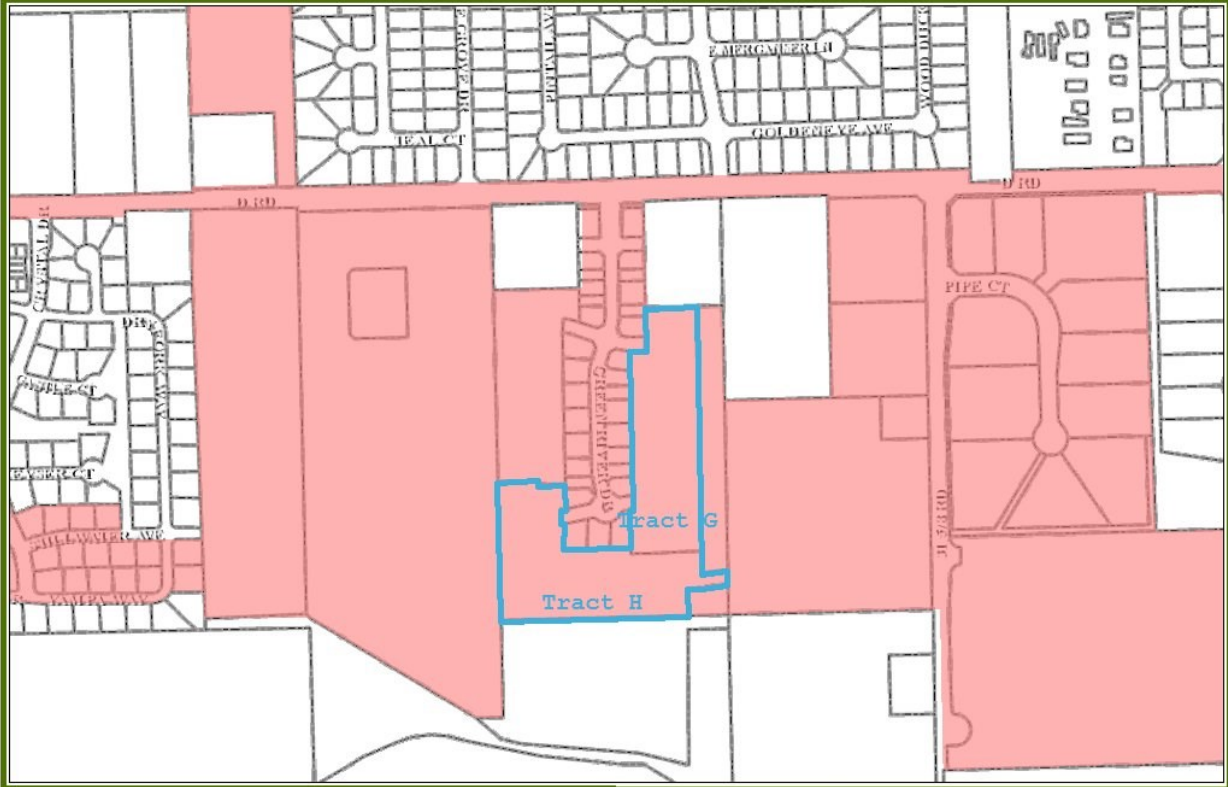
This criterion has been met.

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing the River Trail Subdivision Filing One Drainage Easement Vacation application, VAC-2015-277 for the vacation of a public drainage easement, the Planning Commission made the following findings of fact, conclusions and condition:

6. The requested easement vacation is consistent with the Comprehensive Plan.
7. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.
8. The vacation of the easement is conditioned upon the dedication of additional right-of-way and/or drainage easements to the City for continued access to the storm water management system within the subdivision.

# Location Map



Printed: 6/25/2015

1 inch = 358 feet



Aerial Photo (2015)

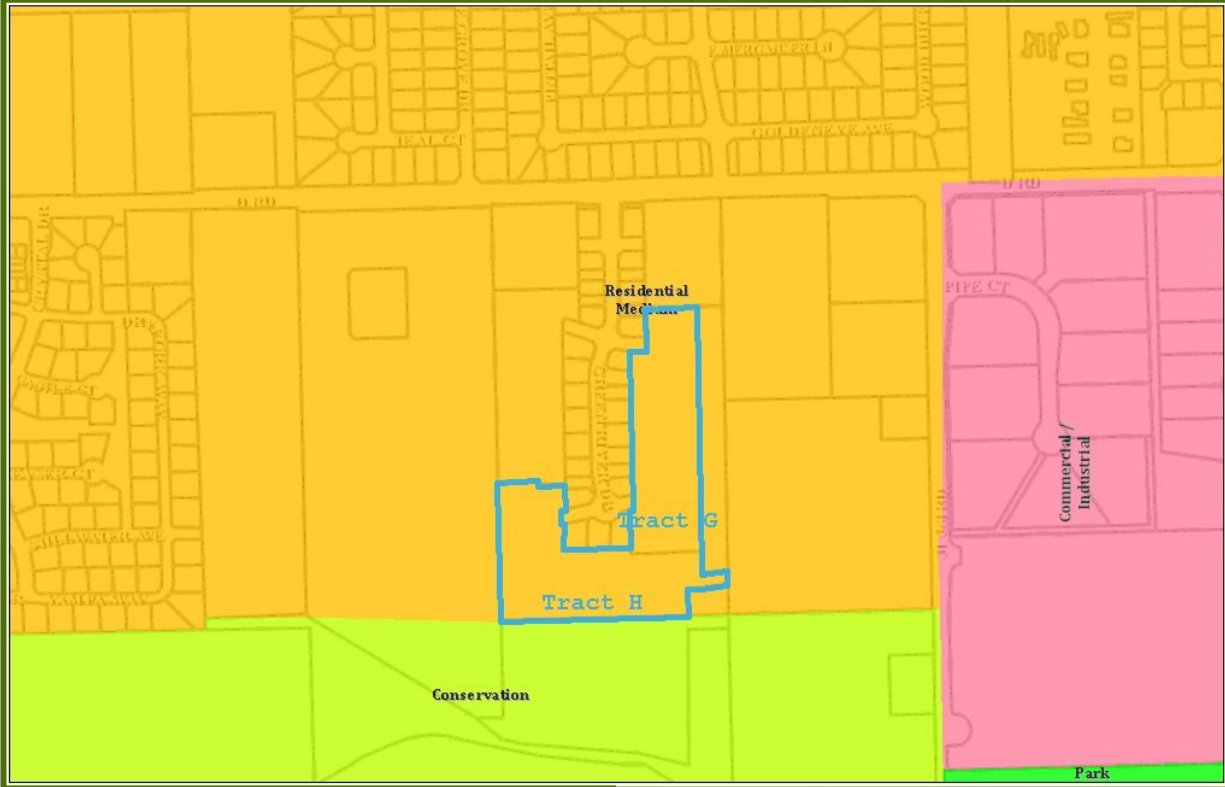


Printed: 6/25/2015

1 inch = 358 feet



# Comprehensive Plan - Future Land Use Map



Printed: 6/25/2015

1 inch = 358 feet



# City Zoning Map



Printed: 6/25/2015

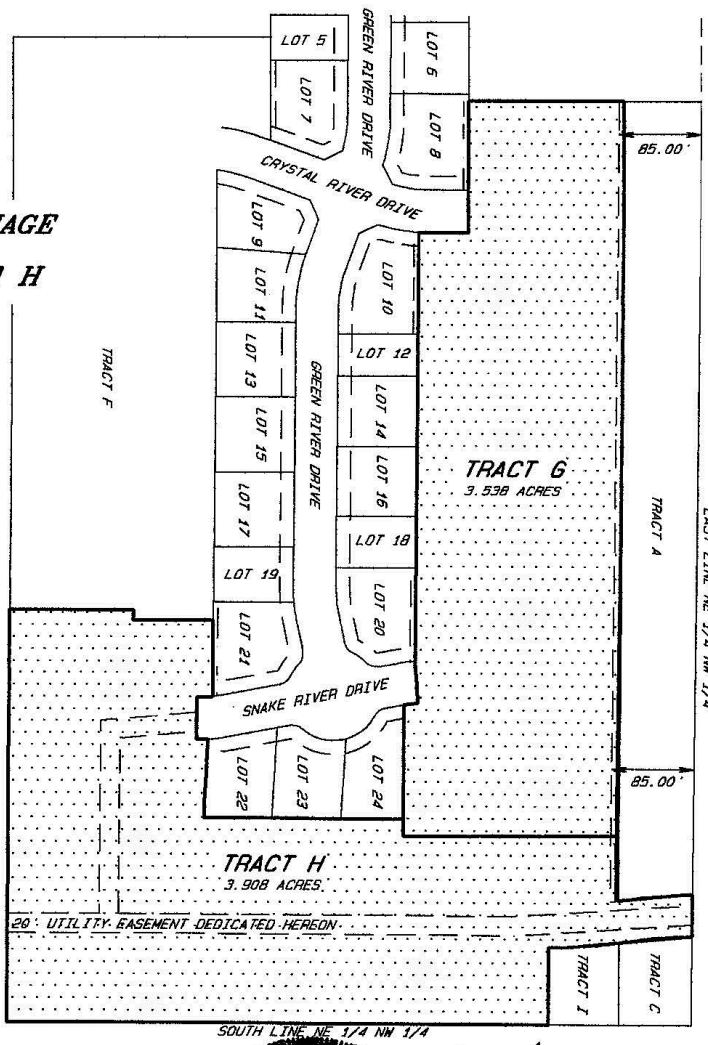
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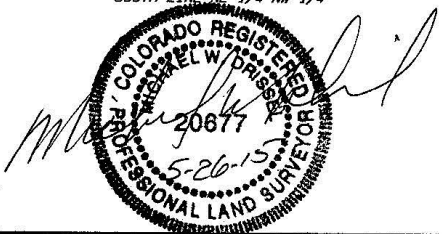
# EXHIBIT A

River Trail Subdivision, Filing One, recorded at Reception #2636361

VACATED DRAINAGE  
EASEMENT  
TRACTS G and H



NOT TO SCALE  
LINEAR UNITS = U.S. SURVEY FEET



D H SURVEYS, INC.  
970-245-8749  
JOB #1418-14-01

**CITY OF GRAND JUNCTION**

**RESOLUTION NO.**

**A RESOLUTION VACATING A PUBLIC DRAINAGE EASEMENT  
WITHIN RIVER TRAIL SUBDIVISION FILING ONE,  
LOCATED AT D ROAD AND GREEN RIVER DRIVE**

RECITALS:

A vacation of a Drainage Easement dedicated within all of Tracts G and H, River Trail Subdivision Filing One has been requested by the property owner.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 (c) of the Grand Junction Municipal Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described easement, shown on "Exhibit A", is hereby vacated subject to the following conditions:

1. The vacation of the easement is conditioned upon the dedication of additional right-of-way and/or drainage easements to the City for continued access to the storm water management system within the subdivision.
2. Applicant shall pay all recording/documentary fees related to this vacation.

The following easement is shown on "Exhibit A" made part of this vacation.

Dedicated easement to be vacated:

Two tracts of land to be vacated of a dedicated Drainage Easement, situate in the NE 1/4 NW 1/4 of Section 22, Township 1 South, Range 1 East of the Ute Meridian and in River Trail Subdivision, Filing One as recorded at Reception No. 2636361, City of Grand Junction, Mesa County, Colorado, being described as follows:

Tract G and Tract H.

Conditioned upon the dedication of additional right-of-way and/or drainage easements to the City for continued access to the storm water management system within the subdivision.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
President of City Council

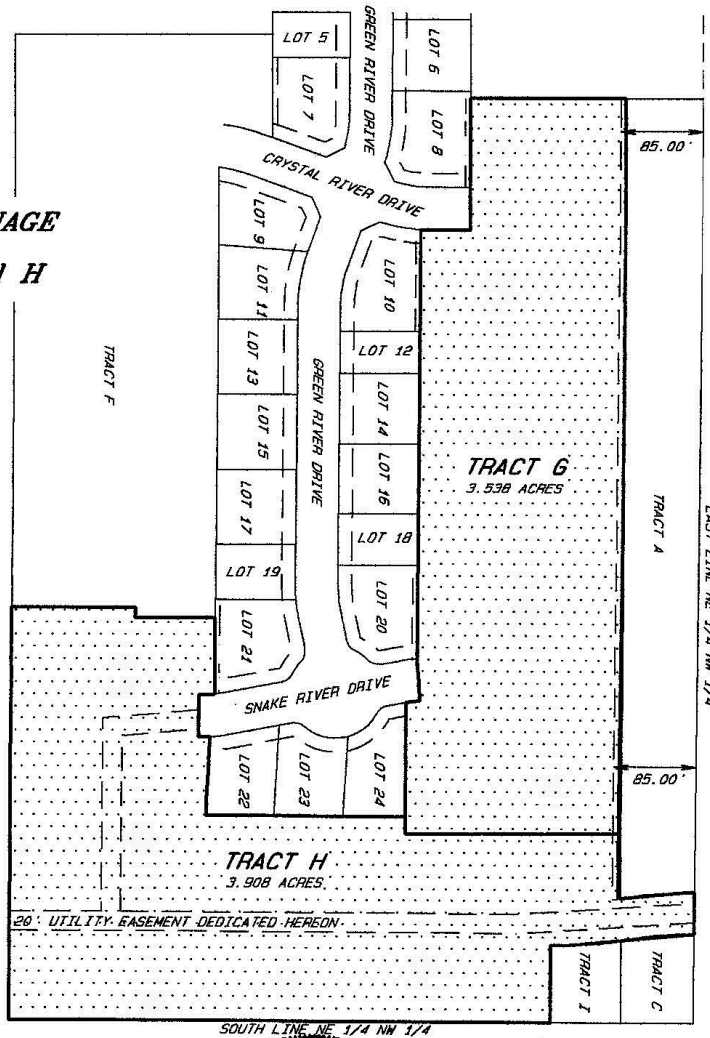
\_\_\_\_\_  
City Clerk



# EXHIBIT A

River Trail Subdivision, Filing One, recorded at Reception #2636361

VACATED DRAINAGE  
EASEMENT  
TRACTS G and H



NOT TO SCALE  
LINEAR UNITS = U.S. SURVEY FEET



D H SURVEYS, INC.  
970-245-8749  
JOB #1418-14-01



Date: July 15, 2015  
Author: Jerod Timothy  
Title/ Phone Ext: Project Manager,  
ext. 1565  
Proposed Schedule: August 5, 2015  
2nd Reading (if applicable): N/A  
File # (if applicable): N/A

## CITY COUNCIL AGENDA ITEM

<b>Subject:</b> Contract for the 2015 Sewer Line Replacement Phase II Project
<b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Enter into a Contract with Insituform Technologies, LLC of Littleton, CO for the 2015 Sewer Line Replacement Phase II Project for the Bid Amount of \$620,875
<b>Presenter(s) Name &amp; Title:</b> Greg Lanning, Public Works Director Jay Valentine, Internal Services Manager

### Executive Summary:

This request is to award a construction contract for the Sewer Line Replacement Phase II project at various locations within the 201 Persigo boundaries to rehabilitate aging sewer or deteriorated sewer lines. The current sewer lines to be rehabilitated are composed of either reinforced concrete or vitrified clay pipe. As a result of the infrastructure's age and damage caused by hydrogen sulfide gas, this maintenance is necessary to prolong the life of the existing sewer system.

### Background, Analysis and Options:

The majority of this project consists of the rehabilitation of approximately 13,640 lineal feet (2.58 miles) of sanitary sewer lines located throughout the City. The average age of the sewer lines being rehabilitated on this project is 54-years old and they have met or exceeded the design service life.

This rehabilitation effort will include Cured-In Place Pipe (CIPP) lining of the sewer lines which is a trenchless rehabilitation method utilizing the existing sewer line. The finish product is a jointless, seamless pipe within a pipe with a 50 plus year design service life. The rehabilitation of the infrastructure can be completed for approximately sixty percent of the cost of conventional dig and replace construction.

This project is scheduled to begin in mid-September and be completed by the end of December 2015.

A formal Invitation for Bid was issued via BidNet (an on-line site for government agencies to post solicitations), advertised in The Daily Sentinel, and sent to the Western Colorado Contractors Association (WCCA) and the Grand Junction Chamber of Commerce. One company submitted a formal bid in the following amount:

<b>Bid Schedule A</b>		
<b>Firm</b>	<b>Location</b>	<b>Amount</b>
Insituform Technologies, LLC	Littleton, CO	\$547,525.00

<b>*Bid Schedule B(Bid Alternate)</b>		
<b>Firm</b>	<b>Location</b>	<b>Amount</b>
Insituform Technologies, LCC	Littleton, CO	\$620,875.00

\* Bid Schedule B (Bid Alternate) includes approximately 3,650 lineal feet of sewer line rehabilitation within the Patterson Road corridor.

**How this item relates to the Comprehensive Plan Goals and Policies:**

**Goal 12:** Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

This repair and maintenance will guard against failure and ensure longevity for the wastewater collection system.

**How this item relates to the Economic Development Plan:**

**Policy 1.4 Providing Infrastructure that Enables and Supports Private Investment**

This project relates to the Economic Development Plan by maintaining and improving collection system infrastructure. The replacement of the existing infrastructure allows for improved conveyance of sewage to the waste water treatment plant. Maintenance of the sewer collection system is crucial to all future economic development within the 201 Sewer Boundary. By completing this project, the City is ensuring that the collection system infrastructure will have adequate capacity to accommodate a growing economy and population.

**Board or Committee Recommendation:**

There is no board or committee recommendation.

**Financial Impact/Budget:**

The 2015 Sewer Line Replacement Phase II Project includes funding from Fund 902, Sewer Line Replacement in Collection System.

**Sources**

Fund 902 Budget	
\$2,180,655.00	
2014 Budget Carry-Forward	200,000.00
Sales Tax CIP Street Overlay Budget	424,928.00
<b>Total Project Sources</b>	<b><u>\$2,805,583.00</u></b>

**Expenditures**

<b><i>Construction Contract Insituform</i></b>	<b>\$ 620,875.00</b>
Project Design	5,000.00
Project Administration/Inspection (est.)	8,000.00
Previously Awarded Contract & Design	<u>1,770,330.25</u>
<b>Total Project Expenditures</b>	<b>\$2,404,205.25</b>
<b>Remaining 902 Fund Budget</b>	<b>\$ 401,377.75</b>

**Legal issues:**

If approved, the contract for the construction will be reviewed and approved by the City Attorney prior to execution.

**Other issues:**

No other issues have been identified.

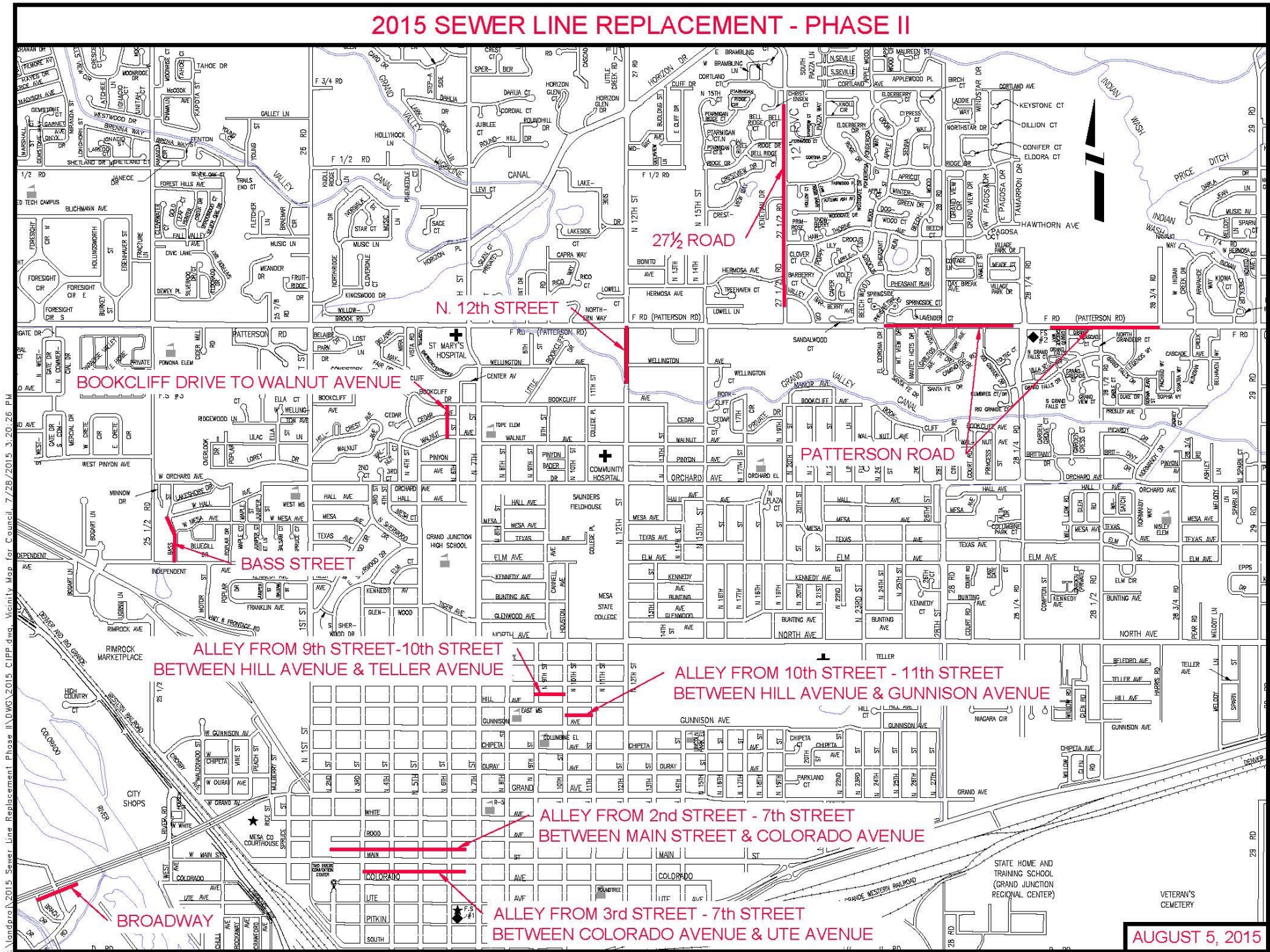
**Previously presented or discussed:**

This was presented during budget review.

**Attachments:**

See attached sewer line rehabilitation location map.

# 2015 SEWER LINE REPLACEMENT - PHASE II



BOOKCLIFF DRIVE TO WALNUT AVENUE

27½ ROAD

N. 12th STREET

PATTERSON ROAD

BASS STREET

ALLEY FROM 9th STREET-10th STREET  
BETWEEN HILL AVENUE & TELLER AVENUE

ALLEY FROM 10th STREET - 11th STREET  
BETWEEN HILL AVENUE & GUNNISON AVENUE

ALLEY FROM 2nd STREET - 7th STREET  
BETWEEN MAIN STREET & COLORADO AVENUE

BROADWAY

ALLEY FROM 3rd STREET - 7th STREET  
BETWEEN COLORADO AVENUE & UTE AVENUE

AUGUST 5, 2015

N:\Mandpro\2015 Sewer Line Replacement Phase II\DWG\2015 CIPP.dwg, Vicinity Map for Council, 7/28/2015 3:20:26 PM



Date: July 24, 2015

Author: Scott D. Peterson

Title/ Phone Ext: Senior Planner/1447

Proposed Schedule: 1<sup>st</sup> Reading: July 15, 2015

2<sup>nd</sup> Reading: August 5, 2015

File #: VAC-2015-182

## CITY COUNCIL AGENDA ITEM

<b>Subject:</b> Colorado Mesa University Rights-of-Way Vacation, Located within the CMU Area
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<b>Action Requested/Recommendation:</b> Adopt Ordinance on Final Passage and Order Final Publication of the Ordinance in Pamphlet Form
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<b>Presenters Name &amp; Title:</b> Scott D. Peterson, Senior Planner
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### Executive Summary:

Colorado Mesa University (CMU) requests approval to vacate portions of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenues, and parts of alleys adjacent to CMU owned properties.

### Background, Analysis and Options:

Colorado Mesa University ("CMU"), wishes to vacate portions of street and alley rights-of-way in order to facilitate the continued westward expansion efforts planned for the campus, specifically in the future to develop new residence halls, classroom buildings, parking lots and campus improvements.

The properties abutting the sections of right-of-way for which vacation is sought are owned or controlled by Colorado Mesa University. As a condition of approval, CMU will need to maintain a minimum 20' wide circulation drive (fire access lane) at the terminations of all vacated Avenue's (which the public could be able to utilize). Staff has discussed the options with CMU and CMU has agreed to pave the fire access lanes when the parking lots are developed. It is CMU's opinion that asphalt paving will help mitigate and control dust for the neighborhood and residents still living in the area better than magnesium chloride applied to recycled asphalt. CMU is not proposing to dedicate an access easement nor right-of-way or construct a sidewalk within the vacated areas, but the driving surface will be constructed/developed to meet City standards for fire access. These north/south, east/west connections may be closed or modified in the future, however CMU has agreed that new fire access lanes will be provided, constructed and asphalt paved to City standards if the existing connections are modified. CMU is also proposing to asphalt a new parking lot located north of Bunting Avenue and south of Kennedy Avenue as part of this phase of rights-of-way vacation. Access and maneuverability of fire and other emergency equipment will be accommodated utilizing the extensive network of emergency lanes currently existing on the main campus of CMU.

With the vacations, the City of Grand Junction (“City”) will retain a utility easement for the existing electric, gas, water, sewer and storm drain lines that are located within the existing rights-of-way and associated alleys.

Based on the conditions recommended by the Fire Department and CMU’s intention to develop and construct paved emergency access, it is Staff’s assessment that the proposed vacations would not impede traffic, pedestrian movement or access to private property or obstruct emergency access.

The Planning Commission held two public hearings on this application. The first review was on June 23, 2015 however, the application was remanded back to CMU and City Staff for further review to address various issues raised during the public hearing. Issues of concern included lack of dust control, lack of on-going maintenance, lack of cooperation in dealing with Fire Department requirements in a timely manner and failure to update Planning Commission on the University’s plans for future development. After CMU had addressed these concerns by the proposal to asphalt pave fire lanes, the applicant came back to the Planning Commission July 14, 2015 where the Commission recommended conditional approval of the application (see attached meeting minutes).

#### **Neighborhood Meeting:**

CMU held a Neighborhood Meeting on March 3, 2015. Twenty-eight (28) area residents attended the meeting with CMU providing a powerpoint presentation with an update on various activities going on across campus and information regarding the most recent iteration of the ongoing right-of-way vacation process. However, after the Neighborhood Meeting, when the formal request for vacations were received by the City of Grand Junction for review, several area residents submitted letters/emails/phone messages voicing concerns regarding the existing conditions in the area from the previous vacation request and how the proposed new vacation requests will impact the area (see attached correspondence).

#### **How this item relates to the Comprehensive Plan Goals and Policies:**

The Grand Junction Comprehensive Plan states: “Due to the inefficiencies of low density sprawl, a significant amount of projected future growth is focused inward on vacant and underutilized land throughout the community. This takes advantage of land that already has roads, utilities and public services. Infill and redevelopment is especially focused in the City Center (includes Downtown, North Avenue, Colorado Mesa University (formerly Mesa State College) area, and the area around St. Mary’s Hospital). Reinvestment and revitalization of these areas, and maintaining and expanding a ‘strong downtown’, is a high priority of the Comprehensive Plan and essential for the area’s regional economy. (Guiding Principle 1: Centers - Downtown)”

Vacating these rights-of-way supports the University in their facilities and building expansion development, enhances a healthy, diverse economy and supports a vibrant City Center, therefore, the proposed rights-of-way vacation implements and meets the following goals and policies from the Comprehensive Plan.

**Goal 1:** To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Policy C: The City and Mesa County will make land use and infrastructure decisions consistent with the goals of supporting and encouraging the development of centers.

**Goal 12:** Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Policy A: Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.

**Economic Development Plan:**

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. Though the proposed rights-of-way vacation request specifically does not further the goals of the Economic Development Plan, it does allow the CMU campus to continue its westward expansion efforts in order to grow the campus for the benefit of students, community, higher educational opportunities and provides a vibrant and growing economy. Higher education is a key component of Grand Junction's status as a regional center.

**Board or Committee Recommendation:**

The Planning Commission recommended conditional approval of the rights-of-way vacations at their July 14, 2015 meeting.

**Financial Impact/Budget:**

Council directed Staff to evaluate on a case by case basis the value of selling ROW's at the time of a vacation request. Based on previous information and the purchase price of ROW recently acquired by the City, staff recommends a value of \$1.00 per square foot. At \$1.00 per square foot, the value of ROW requested through this vacation would be approximately \$126,487.00.

**Legal issues:**

The proposed vacation request has been reviewed by the Legal Division.

**Previously presented or discussed:**

First Reading consideration of the Vacation Ordinance was on July 15, 2015.

**Attachments:**

- Staff Report/Background Information
- Location Map
- Aerial Photo Map / Comprehensive Plan Future Land Use Map



Existing Zoning Map

Correspondence received

Site Plan Sketch of Fire Access Lane and Parking Lot Layout

Minutes of June 23, 2015 Planning Commission Meeting

DRAFT Minutes of July 14, 2015 Planning Commission Meeting

Ordinance

<b>BACKGROUND INFORMATION</b>			
<b>Location:</b>		Portions of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenues and parts of alleys	
<b>Applicant:</b>		Colorado Mesa University	
<b>Existing Land Use:</b>		City street and alley rights-of-way	
<b>Proposed Land Use:</b>		Colorado Mesa University land use development	
<b>Surrounding Land Use:</b>	<b>North</b>	Colorado Mesa University properties	
	<b>South</b>	Colorado Mesa University properties	
	<b>East</b>	Colorado Mesa University properties	
	<b>West</b>	Colorado Mesa University properties	
<b>Existing Zoning:</b>		R-8 (Residential – 8 du/ac)	
<b>Proposed Zoning:</b>		N/A	
<b>Surrounding Zoning:</b>	<b>North</b>	R-8 (Residential – 8 du/ac)	
	<b>South</b>	R-8 (Residential – 8 du/ac)	
	<b>East</b>	R-8 (Residential – 8 du/ac) and CSR (Community Services & Recreation)	
	<b>West</b>	R-8 (Residential – 8 du/ac)	
<b>Future Land Use Designation:</b>		Residential Medium High (8 – 16 du/ac), Residential Medium (4 – 8 du/ac) and Business Park Mixed Use	
<b>Zoning within density range?</b>	X	<b>Yes</b>	<b>No</b>

**City Fire Department Review of Rights-of-Way Vacation Request:**

The Grand Junction Fire Department does not object to the University’s request to vacate certain public right-of-ways in an effort to implement their future master plan. However, it should be noted that such right of way vacations and the subsequent loss of the city street grid system in the area of the University has in the past, and could in the future, present challenges in emergency response capabilities.

Multiple problems resulted from the previous vacation of Cannell Avenue in 2014 to include, but not limited to a reduction in apparatus turning radius, parking obstructions, and the demolition of the Cannell/Elm intersection without proper notification to the fire department. These issues have been corrected by the University and the Fire Department and the University met recently to discuss better coordination and communication of these issues for the future.

In an effort to avoid future complications, the Fire Department proposes the following conditions:

1. All fire apparatus roads shall be constructed in accordance with the locally adopted 2012 International Fire Code and Appendices as well as any local City of Grand Junction ordinances (i.e. Ordinance No. 4500) that pertain specifically to the Fire Department and their operations.
2. Construction drawings regarding fire apparatus roads and water supplies shall be submitted to the Fire Department for review and acceptance prior to any construction activities to include the demolition of existing street networks or the construction of new University buildings.
3. Any deficiencies or violations noted during an inspection of such fire apparatus roads and/or water supply items shall be promptly corrected by the University to the satisfaction of the Fire Department.
4. The University shall coordinate with the Fire Department the planning of fire department apparatus roads throughout the campus so as to diminish challenges resulting from the loss of the city street grid system. As vacated areas are developed, additional north/south and east/west primary fire lane corridors similar in appearance and functionality (i.e. minimum 20' width of concrete) to the existing fire lanes on campus will be required. All required fire apparatus roads, also known as fire lanes, are subject to review and acceptance by the Grand Junction Fire Department.

**Sections 21.02.100 of the Grand Junction Zoning and Development Code:**

The vacation of a portion of the existing rights-of-way shall conform to the following:

*(1) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City,*

Granting the request to vacate portions of the existing rights-of-way does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City. CMU will construct an internal circulation drive for its own use (which the public, emergency services and trash collection would be allowed to use) that provides continued circulation between North Avenue and Orchard Avenue. A utility easement will be retained for existing utilities as a condition of approval. CMU will also be required to construct access roads in accordance with the 2012 International Fire Code etc., and keep all drive aisles free of obstructions. CMU has agreed that these fire access lanes will be asphalt paved and maintained to help mitigate and control dust for the neighborhood and residents still living in the area.

Therefore, this criterion has been met.

*(2) No parcel shall be landlocked as a result of the vacation.*

No privately held parcels will be landlocked as a result of these vacation requests. All properties abutting the proposed vacations are under the control of CMU. Furthermore, it is the intention of CMU to develop and maintain circulation drives that will continue to allow north/south and east/west vehicle and pedestrian connections.

Therefore, this criterion has been met.

*(3) Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;*

Access will not be restricted to any privately held parcel. All properties abutting the proposed vacations are under the control of CMU.

Therefore, this criterion has been met.

*(4) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services);*

CMU has agreed to construct and pave new access roads in accordance with the 2012 International Fire Code etc., and keep all drive aisles free of obstructions for emergency vehicle access and maneuverability of fire equipment and garbage trucks.

The Fire Department has continued discussions with the University and is comfortable with the designation of Mr. Fox as the University contact to address future problems that arise concerning access. Fire Department would prefer to continue in good faith cooperation efforts with the University.

CMU has agreed that the fire access lanes be asphalt paved and maintained to help mitigate and control dust for the neighborhood and residents still living in the area. Concerning the maintenance of the recycled asphalt/materials parking lot areas, magnesium chloride (MC) should be applied as needed to keep the dust suppressed. CMU also agreed to add a 5' asphalt apron where vehicles enter City right-of-way.

The circulation drive could in theory be used by the trash trucks, and the public but CMU is unwilling to grant a license or easement for that purpose at this time. CMU has represented that the circulation drives would be made available to property owners in the area. Without a formal license or easement, however, there is no way for the City to ensure such access, or to represent that access would not be denied, or if granted, discontinued at any time without notice. No other adverse impacts on the health, safety and/or welfare of the general community are anticipated. The area is part of the larger existing CMU campus with future changes or modifications to access, right-of-way and utility location changes anticipated. However, with the current and future expansion of the University campus, additional educational services and opportunities will be available to the community.

Therefore, this criterion can be met, if CMU keeps the circulation drives open for public use.

*(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Zoning and Development Code; and*

No adverse comments concerning the proposed rights-of-way vacation were received from the utility review agencies during the staff review process. As a condition of approval, a utility easement will be retained for existing utilities located within the vacated rights-of-way. There are privately owned residential properties in the area of the proposed ROW vacations whose trash collection and/or fire and ambulance services may be impacted (see discussion above).

The University shall provide continued access for the Fire Department, trash trucks and the public as otherwise described within this Staff Report, so that public facilities and services shall not be inhibited to any property.

Concerning existing public facilities, this criterion will be met with the retention of a utility easement. Concerning public services, this criterion can be met, if CMU is willing to keep the circulation drives open for public use.

*(6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.*

Maintenance requirements for the City will not significantly change as a result of the proposed partial rights-of-way vacation. CMU's agreement to construct 5' aprons will reduce City maintenance by keeping the City right's-of-way clean. A utility easement will be retained to allow for the continuation and access of existing utilities. The benefit to the City is the expansion of CMU and its mission to educate and by enhancing and preserving Grand Junction as a regional center. The proposed rights-of-way vacation is needed by CMU as part of their continued campus expansion to the west.

Therefore, this criterion has been met.

## **FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:**

After reviewing the Colorado Mesa University application, VAC-2015-182 to vacate portions of public rights-of-way, the following findings of fact, conclusions and conditions have been determined:

1. The requested right-of-way vacation is consistent with the goals and polices of the Comprehensive Plan, specifically, Goals 1 and 12.
2. The review criteria, items 1 through 6 in Section 21.02.100 of the Grand Junction Zoning and Development Code have been met or addressed.
3. As a condition of vacation, the City shall retain a utility easement over all of the right-of-way areas to be vacated for maintenance, operation and repair of existing utility infrastructure.
4. With the vacation specific to this application, CMU has agreed to construct minimum 20' wide asphalt paved fire access lanes, with adequate turning radius and allow usage of the circulation drives by the public, trash collection trucks and emergency service vehicles and meet all requirements

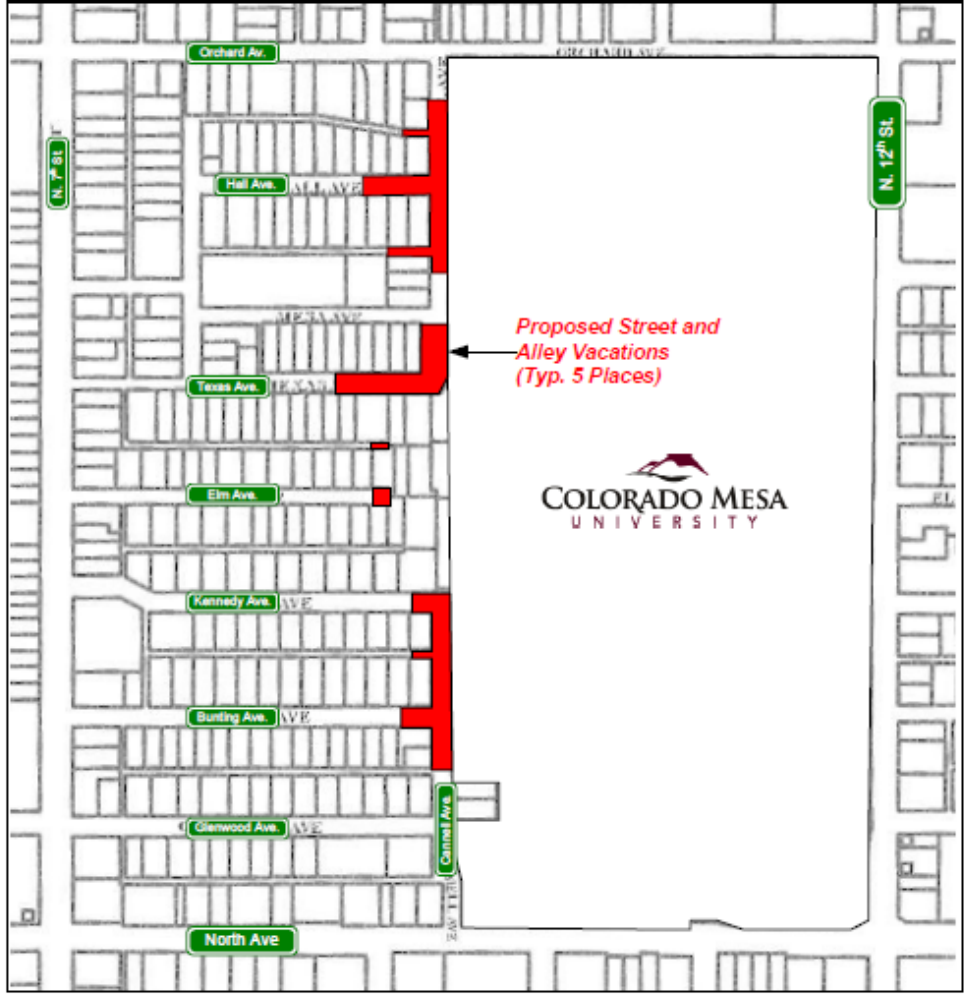
associated with the review and finalization of all outstanding items associated with the Right-of-Way vacation as identified with City file number VAC-2015-182.

5. CMU has agreed to meet all Grand Junction Fire Department requirements as identified within this application.

6. CMU has agreed to maintain the proposed parking lots to reduce dust. If constructed with anything other than asphalt paving, then magnesium chloride shall be applied as needed.

7. CMU agreed that all entrance/exit ways of parking lots onto City right-of-way shall have a minimum 5' deep asphalt paved hard surface apron.

# LOCATION MAP



# Aerial Photo Map





# Comprehensive Plan Future Land Use Map



# Existing Zoning Map



**From:** "bell222ut@gmail.com" <bell222ut@gmail.com>  
**To:** <Scottp@gjcity.org>  
**Date:** 5/18/2015 6:58 AM  
**Subject:** University expansion

Dear Mr. Peterson,

During the night I realized that with being forced to move eventually due to the expansion of the University, I will lose the Senior citizen Property discount should it ever be reinstated.

Most people do not understand what is involved in moving at the age of seventy one. I feel that should be considered, somehow in your dealings with Tim Foster and Cannell Ave.

Also with the taking over of the proposed ally's and Cannell Ave. Bunting Kennedy Ave, Elm and Texas, how eventually are we who live in the area supposed to get to our property?

Who want's to live like the guy fenced in on Cannell Ave? And Mr. Foster say's he is Not driving people out of their homes, as I see it He has no concern for me or others as he pushes to take over the area around the University. His empire, Legacy. I'll not forget him hanging up on me when I struck a nerve!!

Do I not have some Rights here as a potential victim?

Sincerely,

Spencer Bergner  
1613 N. 8th Street  
Grand Jct., Co. 81501  
970-245-5138

**From:** JC Rorex <callmejanets@yahoo.com>  
**To:** Scott Peterson <scottp@ci.grandjct.co.us>  
**CC:** Randall Pearce <hppc1@qwestoffice.net>, Phil Rorex <philrorex@yahoo.com>  
**Date:** 5/13/2015 4:36 PM  
**Subject:** Re: CMU Mailing Notice  
**Attachments:** Notice cards.docx

Hi Scott,

Thank you for emailing this. Needless to say, finding out this information by phone from my tenant today and being told that I had to respond by tomorrow was very unsettling.

We have owned this property for many years and it has been in the family even longer than that. Since in our possession, we completely remodeled it from the 1930s house it was to a modern structure. In that time, have seen this neighborhood go from a quiet, lovely family oriented enclave, to a rundown, teenage party hangout due to the city's interventions. The past several years has been particularly disturbing.

The actions that the city has taken has already devalued this property and hindered our ability to find suitable tenants when it was needed. The gravel from the school's parking lot has cracked windows and there is a constant problem of speeding, noise, trash and beer cans left on and surrounding what used to be a quaint, solid family house. Clearly, we take very seriously any continued actions that would further degrade our property. I have contacted my attorney and we will respond to this proposal formally on Wednesday May 20, 2015 to your email address and to your postal mailing address as well.

For future reference, the Florida address is a mail service. It takes about 10 days to get mail to me in California, after they receive it. I would appreciate it if the city would take that into consideration when sending notices and setting future response requirements.

Thank you.

Sincerely,

Janet C. Sandoval  
661 799 1433

**From:** Camille Chancellor <directorlllc@yahoo.com>  
**To:** "scottp@gjcity.org" <scottp@gjcity.org>  
**Date:** 5/14/2015 1:44 PM  
**Subject:** VAC-2015-182 CMU Cannell Ave and alley vacations

Scott Peterson,

This is in regards to the proposal VAC-2015-182 - CMU Cannell Avenue area street and alley vacations. We have both a child care center and a K-8 school located on Mesa Avenue between Cannel Avenue and 8th street. We have a few concerns that we would like addressed. First, if this proposal is carried out our families routes into and out of our schools will become congested and hard to navigate leading to safety issues for our students. The majority of our families enter Mesa Avenue by way of Cannell and exit by way of 8th street. If Cannell was to be closed and there was only 8th street to enter and exit there would be major traffic congestion for both our schools during main drop off and pick up times creating safety issues for our students. Second, we have both dumpsters and large entry gates located along the alley way behind Mesa Avenue. If this alley is closed we would not have a place for our dumpsters and trash pick-up as well as no large truck entry way for our playgrounds which we need for maintenance.

Please consider our concerns and respond to us in a timely manner addressing the above issues.

Sincerely,

Camille Chancellor, Director, Little Lambs Learning Center  
Casey Prindle, Principal, Intermountain Adventist Academy  
Bob Nicolay, Board Chairman, Little Lambs Learning Center

860 Kennedy Ave  
Grand Junction CO 81501  
April 6, 2015

Dear Council Member ..., (Email copy to Scott Peterson, Senior Planner)

We write this letter to bring public safety and health issues to your attention. The issues involve the vacated portion of Cannell Ave. from Kennedy Ave to Texas Ave. This letter describes the problems and urges the paving of the Cannell road way to mitigate the problems.

The city vacated this portion of Cannell Avenue in April of last year. The new plans are described in the April 1, 2014 notes by Scott Peterson, Senior Planner, File # VAC-2014-40. More detailed plans are presented in the CMU April 14, 2014 "Plans for Construction of Cannell Avenue Vacation." The vacated land would be used as a rugby field and parking lots for commuter students and dorm residents. An access road was planned to allow vehicle traffic from Kennedy to Texas. The road would allow access to all the lots, to the alleys that accessed the lots, and to enable emergency and service vehicles to get from Texas to Kennedy.

This roadway was a key part of the CMU presentation, and it was prominently featured in the newspaper account as CMU's "emergency access road." The roadway was not listed in CMU's detailed drawings of April 14, 2014, but it took the form of an aisle running down the middle of the parking lot.

CMU decided to use crushed asphalt for the parking lot and the aisle. They explained in public meetings that crushed asphalt is often used for parking lots on campus. In this case, however, the vacated portion of Cannell is essentially a roadway, one that is heavily used by people traveling back and forth from Kennedy to Texas. We live next to the new parking lot, so we are in a good position to see conditions first-hand. This is what we have observed:

- The passage through the parking lot is used as a road way as well as access to parking. During the rush hours, we observe that more than 50% of the cars that enter Kennedy do not park. Rather, they go all the way through to Texas, perhaps on their way to Orchard. We sometimes use the Cannell road way in this manner. And we notice that the road way is used by mail trucks, FedEx trucks, pizza delivery cars etc. When defined by use, the vacated portion of Cannell is a road way as well as an aisle in a parking lot.
- The asphalt surface is not suitable for a roadway. There is a huge amount of dust stirred up by the through traffic. The dust blankets our house and the cars in the dorm parking lots. It clings to everything and is difficult to remove, possibly because of the residual coal tar.

- The public health issue involves the dispersal of crystalline silica, the key hazardous ingredient in recycled asphalt. Crystalline silica has been classified as a human lung carcinogen, and breathing silica dust can cause silicosis.
- A public safety issue involves reckless driving, often during out-of-school hours and mostly at night. Reckless drivers often speed into the lot at Kennedy, turn donuts in the lot before exiting to Elm or Texas at high speed. We often hear gravel either hitting our fence or sometimes hitting the house. We have informed the police coordinator at CMU, so he is aware of the problem.
- Another safety issue involves cars exiting the parking lot onto Kennedy. The dirt and rock accumulate on the cement apron at the exit. As the cars accelerate on that surface, the wheels spin, throwing dust and rock onto the parked cars as well as into the air. In some cases, the cars are accelerating quickly from the lot since visibility of Kennedy traffic from the right is obscured when cars park immediately to the right of the exit. CMU runs heavy equipment to smooth the lot during vacations and to remove the dirt and rock from the apron. The accumulated dirt and rock usually returns in a week or two. The accumulated dirt often goes into the gutters along Kennedy, perhaps adding to sediment load in the run-off system.
- The final safety issue involves vehicles on the alley behind Kennedy turning onto the Cannell roadway. This alley is the only access to the parking lot behind our house. The alley is 12 feet wide, narrower than the 16-foot alleys in the rest of the neighborhood. Cars parked in the Cannell lot are often immediately next to the alley, so there is no way to see cross traffic on the Cannell road way. Additionally, the alley is so narrow that cars cannot get past one another once they are on the alley. This means that someone has to back up and with the limited visibility, causing a safety problem. An easy response to these problems is to limit parking on either side of the alley intersection by installing diagonal bumpers on either side. Indeed, the diagonal bumpers were shown in the CMU April 14, 2014 drawings (sheet C-4), and they were placed into position when the parking lot was first constructed. However, for some reason, they were removed within the first month of use and have not been returned.

We explained the health and safety issues at the CMU March 3, 2014 neighborhood meeting. We suggested that CMU return the diagonal bumpers at the alley intersection to improve the turning radius and the visibility. This suggestion was greeted with silence, and the bumpers are still missing.

The CMU president showed plans for future vacation requests on Cannell, and he explained that the university was considering a wide variety of changes, including paving the asphalt lots closer to North Avenue. We asked if he and his staff had discussed paving the Cannell road way to alleviate the health and safety concerns. He responded that they had never considered it, and he made no comments on whether CMU would consider paving the road way in the future.

It has been a year since the City vacated Cannell Ave between Kennedy and Texas. We feel that neither CMU nor the city accurately anticipated the problems that would emerge on the vacated portion of Cannell. Paving the Cannell Avenue road way is the normal way to eliminate the health and safety issues that have become evident over the past 12 months.

However, some CMU spokespersons have explained that crushed asphalt parking lots are an economizing measure. There is an alternative solution if CMU lacks the funds to pave the Cannell road way. In this case, the lots could be partitioned in such a way to allow individual access from Kennedy, Elm, or Texas, but are not connected by a straight-through passage way. This change would allow permit holders to park, and it would discourage pass-through traffic. In other words, the vacated portion of Cannell would actually be an aisle in a parking lot, not a road way for through traffic. This change would lower the health and safety issues that have emerged over the past year.

If you have questions, we would be pleased to talk by phone (628-4393) or Email, and we also would welcome a discussion at our home.

Sincerely,

Amy Ford                      and  
[amy.ford71@gmail.com](mailto:amy.ford71@gmail.com)

Andy Ford  
[FordA@wsu.edu](mailto:FordA@wsu.edu)



**From:** "Ford, Andy" <forda@wsu.edu>  
**To:** "scottp@gjcity.org" <scottp@gjcity.org>  
**Date:** 5/14/2015 3:40 PM  
**Subject:** Materials for VAC-2015-182  
**Attachments:** Dirt on parking lot apron.jpg; Letter Copy to Scott Peterson.pdf; OSHA Fact Sheet on Silica 2002.pdf

May 14, 2015.

Scott Peterson, Senior Planner,  
City of Grand Junction

Dear Scott,

I wish to submit the attached documents and this Email to the file on request VAC-2015-182, the university's request to vacate various streets and alleys in my neighborhood. (I live at 860 Kennedy, designated as 2945-114-14-029 in the Site Plan submitted by CMU). The main document is our letter to members of the City Council. This Email provides an update to the letter, along with a recent photo and the OSHA Fact Sheet on silica.

The letter from April 6 focused on the dust creation and safety issues that have arisen since the city vacated control of Cannell Avenue from Kennedy to Texas. The Planning Commission meeting of March 25, 2014 ended with expressions of pride for the CMU/City partnership and as good-faith partners, anticipated a trusting spirit to deal with problems that might arise.

Unanticipated problems have arisen due to the surfacing of the parking lots in crushed asphalt. The aisle in the interconnected parking lots that stretch from Kennedy to Texas was described as emergency access and for service trucks like garbage trucks to use. As used, however, the aisle is a de facto roadway used by vehicles traveling between Kennedy and Texas Avenues.

Normally, a parking lot surfaced in crushed asphalt would not create much of a dust problem. People enter slowly, looking for spaces to park. However, when the parking lot becomes a roadway, which by its usage this one is in fact, the traffic pattern changes completely. The through traffic leads to ongoing dust production, often from vehicles spinning their tires (sometimes accidental, sometimes just for the fun of it). This creates clouds of dust high into the air. The nearby houses are blanketed, as are the student cars parked by the dorms. Loose material accumulates on the apron and the street in front of it, and cars often spin on those surfaces as well (see photo). The solution to the problem would be to pave the access aisle with regular asphalt from Kennedy to Texas. Since it is used as a roadway, it should be treated as one. As explained to me, however, CMU uses a 5-year payback interval for the permanent pavement decision. Uncertainty over when the lot would be converted to a different permanent use would make the use of a temporary surface like crushed asphalt

understandable. But for a roadway, an ongoing 5-year delay in dealing with the dust problem is not appropriate, either for the City or for the university.

## OSHA FACT SHEET

Recycled asphalt contains crystalline silica. The OSHA attachment describes the health issues from dispersal of crystalline silica in the fine dust that coats the cars and the neighborhood. CMU students and staff, along with neighborhood residents, are exposed when they inhale the fine dust. Crystalline silica has been classified as a human lung carcinogen. Additionally, breathing crystalline silica dust can cause silicosis, which in severe cases can be disabling, or even fatal.

CMU was informed of this hazard by my comments at President Foster's public meeting on March 3, 2015. CMU staff reported back that they were not aware of these risks, and they are looking into the matter.

The Mesa County Health Department deals with air pollution and dust problems, making use of particulate monitors installed by the State of Colorado. The nearest monitor is on 7th street, so it is not in a position to monitor the dust created in our neighborhood.

So, at this stage, the extent of the silica hazard is unknown. What is clearly known, however, is that paving roadways with regular asphalt is a common measure to lower dust creation from vehicle traffic.

## CONCLUSION

The Grand Junction Municipal Code (8.20.010) calls for control of dust-producing areas. I encourage the City and CMU to consider paving the Cannel Avenue de facto-roadway with regular asphalt to comply with the Municipal Code. And I encourage the City and CMU to avoid a new dust creation problems if the streets and alleys in VAC-2015-182 are vacated.

With Respect,

Frederick Andrew Ford  
860 Kennedy Avenue  
Grand Junction, CO 81501  
Phone: 970 628 4393





# OSHA **FACT** Sheet

## Crystalline Silica Exposure Health Hazard Information

### What is crystalline silica?

Crystalline silica is a basic component of soil, sand, granite, and many other minerals. Quartz is the most common form of crystalline silica. Cristobalite and tridymite are two other forms of crystalline silica. All three forms may become respirable size particles when workers chip, cut, drill, or grind objects that contain crystalline silica.

### What are the hazards of crystalline silica?

Silica exposure remains a serious threat to nearly 2 million U.S. workers, including more than 100,000 workers in high risk jobs such as abrasive blasting, foundry work, stonecutting, rock drilling, quarry work and tunneling. The seriousness of the health hazards associated with silica exposure is demonstrated by the fatalities and disabling illnesses that continue to occur in sandblasters and rockdrillers. Crystalline silica has been classified as a human lung carcinogen. Additionally, breathing crystalline silica dust can cause **silicosis**, which in severe cases can be disabling, or even fatal. The respirable silica dust enters the lungs and causes the formation of scar tissue, thus reducing the lungs' ability to take in oxygen. There is no cure for silicosis. Since silicosis affects lung function, it makes one more susceptible to lung infections like **tuberculosis**. In addition, smoking causes lung damage and adds to the damage caused by breathing silica dust.

### What are the symptoms of silicosis?

Silicosis is classified into three types: chronic/classic, accelerated, and acute.

**Chronic/classic silicosis**, the most common, occurs after 15–20 years of moderate to low exposures to respirable crystalline silica. Symptoms associated with chronic silicosis may or may not be obvious; therefore, workers need to have a chest x-ray to determine if there is lung damage. As the disease progresses, the worker may experience shortness of breath upon exercising and have clinical signs of poor oxygen/carbon dioxide exchange. In the later stages, the worker may experience fatigue, extreme shortness of breath, chest pain, or respiratory failure.

**Accelerated silicosis** can occur after 5–10 years of high exposures to respirable crystalline silica. Symptoms include severe shortness of breath, weakness, and weight loss. The onset of symptoms takes longer than in acute silicosis.

**Acute silicosis** occurs after a few months or as long as 2 years following exposures to extremely high concentrations of respirable crystalline silica. Symptoms of acute silicosis include severe disabling shortness of breath, weakness, and weight loss, which often leads to death.

### Where are construction workers exposed to crystalline silica?

Exposure occurs during many different construction activities. The most severe exposures generally occur during abrasive blasting with sand to remove paint and rust from bridges, tanks, concrete structures, and other surfaces. Other construction activities that may result in severe exposure include: jack hammering, rock/well drilling, concrete mixing, concrete drilling, brick and concrete block cutting and sawing, tuck pointing, tunneling operations.

### Where are general industry employees exposed to crystalline silica dust?

The most severe exposures to crystalline silica result from abrasive blasting, which is done to clean and smooth irregularities from molds, jewelry, and foundry castings, finish tombstones, etch or frost glass, or remove paint, oils, rust, or dirt from objects needing to be repainted or treated. Other exposures to silica dust occur in cement and brick manufacturing, asphalt pavement manufacturing, china and ceramic manufacturing and the tool and die, steel and foundry industries. Crystalline silica is used in manufacturing, household abrasives, adhesives, paints, soaps, and glass. Additionally, crystalline silica exposures occur in the maintenance, repair and replacement of refractory brick furnace linings.

In the maritime industry, shipyard employees are exposed to silica primarily in abrasive blasting operations to remove paint and clean and prepare steel hulls, bulkheads, decks, and tanks for paints and coatings.

### How is OSHA addressing exposure to crystalline silica?

OSHA has an established Permissible Exposure Limit, or PEL, which is the maximum amount of crystalline silica to which workers may be exposed during an 8-hour work shift (29 *CFR* 1926.55, 1910.1000). OSHA also requires hazard

communication training for workers exposed to crystalline silica, and requires a respirator protection program until engineering controls are implemented. Additionally, OSHA has a National Emphasis Program (NEP) for Crystalline Silica exposure to identify, reduce, and eliminate health hazards associated with occupational exposures.

### What can employers/employees do to protect against exposures to crystalline silica?

- Replace crystalline silica materials with safer substitutes, whenever possible.
- Provide engineering or administrative controls, where feasible, such as local exhaust ventilation, and blasting cabinets. Where necessary to reduce exposures below the PEL, use protective equipment or other protective measures.
- Use all available work practices to control dust exposures, such as water sprays.
- Wear only a N95 NIOSH certified respirator, if respirator protection is required. Do not alter the respirator. Do not wear a tight-fitting respirator with a beard or mustache that prevents a good seal between the respirator and the face.
- Wear only a Type CE abrasive-blast supplied-air respirator for abrasive blasting.
- Wear disposable or washable work clothes and shower if facilities are available. Vacuum the dust from your clothes or change into clean clothing before leaving the work site.
- Participate in training, exposure monitoring, and health screening and surveillance programs to monitor any adverse health effects caused by crystalline silica exposures.
- Be aware of the operations and job tasks creating crystalline silica exposures in your workplace environment and know how to protect yourself.
- Be aware of the health hazards related to exposures to crystalline silica. Smoking adds to the lung damage caused by silica exposures.
- Do not eat, drink, smoke, or apply cosmetics in areas where crystalline silica dust is present. Wash your hands and face outside of dusty areas before performing any of these activities.
- Remember: If it's silica, it's not just dust.

### How can I get more information on safety and health?

OSHA has various publications, standards, technical assistance, and compliance tools to help you, and offers extensive assistance through workplace consultation, voluntary protection programs, strategic partnerships, alliances, state plans, grants, training, and education. OSHA's *Safety and Health Program Management Guidelines* (*Federal Register* 54:3904-3916, January 26, 1989) detail elements critical to the development of a successful safety and health management system. This and other information are available on OSHA's website.

- For one free copy of OSHA publications, send a self-addressed mailing label to OSHA Publications Office, 200 Constitution Avenue N.W., N-3101, Washington, DC 20210; or send a request to our fax at (202) 693-2498, or call us toll-free at (800) 321-OSHA.
- To order OSHA publications online at [www.osha.gov](http://www.osha.gov), go to **Publications** and follow the instructions for ordering.
- To file a complaint by phone, report an emergency, or get OSHA advice, assistance, or products, contact your nearest OSHA office under the U.S. Department of Labor listing in your phone book, or call toll-free at **(800) 321-OSHA (6742)**. The teletypewriter (TTY) number is (877) 889-5627.
- To file a complaint online or obtain more information on OSHA federal and state programs, visit OSHA's website.

This is one in a series of informational fact sheets highlighting OSHA programs, policies, or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to *Title 29 of the Code of Federal Regulations*. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999. See also OSHA's website at [www.osha.gov](http://www.osha.gov).

This is one in a series of informational fact sheets highlighting OSHA programs, policies, or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to *Title 29 of the Code of Federal Regulations*. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999. See also OSHA's website at [www.osha.gov](http://www.osha.gov).

**From:** <jonpesta@aol.com>  
**To:** <scottp@gjcity.org>  
**Date:** 5/15/2015 4:39 PM  
**Subject:** Cannell Ave vacation

May 15th, 2015

To whom it may concern;

This email is to provide my written support to the comments provided by Amy and Andy Ford regarding the safety and health issues around the misuse of the "access road" within the CMU parking lots off Cannell Ave.

Their letter/email communication thoroughly outlined the concerns of the residents who continue to live in the 'growth zone' near CMU campus between Cannell and 7th street. The amount of noise, traffic, dust and lack of compliance with parking and traffic laws has dramatically escalated in the 12 months since Cannell Ave was vacated.

In effect, Cannell Ave was not vacated but merely moved West 50 feet to accommodate the rugby field. The same amount of traffic that previously used Cannell Ave as a thoroughfare between North and Orchard Ave flows through the much smaller and improperly built "access road". The minimum action that should be required of CMU is to pave the "access road" to reduce some of the serious issues. It would not reduce the traffic but would at least reduce the dust and noise from cars spinning out at all hours of the day and night.

Since most of the recently demolished home sites that are now parking lots in this neighborhood are mostly empty, the few spaces next to the Ford's home could easily be removed and allow for a reduction in traffic through this area and improve the visibility for cars entering and exiting this area. It is a serious hazard to be pulling out of your driveway with the multiple entry/exit points in such a confined area. For pedestrians the safety issue is much higher as cars cannot adequately view the sidewalks due to the congestion.

I would welcome representatives from the city or from CMU to facilitate further discussion regarding this matter and to complete a traffic study during peak campus times as well as weekend nights to gain a more realistic perspective of how the "access road" is being utilized and the dangers it has imposed in this area.

Sincerely,

Jon Pesta  
865 Kennedy Ave  
970-623-3099  
[jonpesta@aol.com](mailto:jonpesta@aol.com)

**From:** Susie Cunningham <susie.cunninghamgj@gmail.com>  
**To:** <scottp@gjcity.org>  
**Date:** 5/14/2015 7:16 PM  
**Subject:** Notice of Application regarding CMU/Kennedy Ave

Mr. Peterson,

I reside at 850 Kennedy Ave in Grand Junction. As a home owner, I would like to say that I am dissatisfied with the development plans that have occurred and continue to take place by CMU.

The plans for the vacated portion of Cannell Ave from Kennedy Ave to Texas Ave which were presented last year has turned out to be ridicules for the home owners in the area.

The proposed "emergency access road" is a unpaved roadway for the public as well as the CMU students used as a shortcut from Kennedy Ave to Orchard Ave. Sometimes it is a drag strip for some folks. Not to mention the dust that is stirred up from the traffic. The surface on the roadway spills out into the street making our block dirty and dusty. The City Street Cleaner can not keep up in keeping the area clean.

The parking lot next to my house is used for CMU Students to gather for smoking and who knows what.

As a resident of Grand Junction, a Tax payer, and Voter, all I am asking is for are alternative solutions to eliminate problems for the existing home owners as well as the CMU Students. Surely, CMU can have all the growth they need without pushing us out of our homes.

Thank you for taking the time to read my comments.

Susie Cunningham  
850 Kennedy Ave  
Grand Junction, CO 81501

**From:** JC Rorex <callmejanets@yahoo.com>  
**To:** "scottp@gjcity.org" <scottp@gjcity.org>  
**CC:** Randall Pearce <hppc1@qwestoffice.net>, Phil Rorex <philrorex@yahoo.com>  
**Date:** 5/20/2015 5:15 PM  
**Subject:** Property of 842 Texas Avenue

May 19, 2015

Grand Junction Planning Department.  
Attn: Scott Peterson [scottp@gjcity.org](mailto:scottp@gjcity.org) 250 N. 5th Street  
Grand Junction, CO 81501

Re: Property of 842 Texas Avenue

Dear Mr. Peterson:

I am an owner of 842 Texas Avenue, Grand Junction, Colorado. The property is adjacent to a parking lot owned by the Colorado Mesa University. As per our conversation last week, I formally forward our objections to the proposed changes.

I have the following concerns regarding the plan to vacate a portion of Texas Avenue and Cannell Avenue:

- If Texas Avenue and Canal Avenue are vacated and through traffic is no longer allowed, my property at 842 Texas Avenue will not have adequate access for emergency vehicles.
- If Texas Avenue is blocked off to the East of my property there is not room to allow vehicles reaching the end of Texas Avenue to turn around. That would cause vehicles to use the driveway of my property as a turnaround to head west on Texas Avenue.
- The gravel and dirt parking lot has caused problems for my tenants and damage to my property because the university has not constructed a fence or barrier to separate my property from the parking lot. As a result, gravel and trash is thrown onto my property and cars leaving the parking lot cut across the driveway of my property. Further, the noise from students partying in the parking lot at night is not being controlled and is a nuisance to my tenants.
- The prior changes that have occurred have already damaged to our physical property and to the value of our property. I do not want any further damages or loss to occur.

In summary, I do object to the proposal because vacating Texas Avenue would create inadequate access to my property, my property would be burdened by an inadequate turnaround if Texas Avenue is blocked, and the continuing impact on the tenants and



value of the property due to the gravel parking lot, including dust, trash and noise, on my property.

Yours truly, Janet Sandoval

July 8,

Scott Peterson  
Senior Planner  
Planning Division  
City of Grand Junction

REF: VAC-2015-182 – Conditions for CMU Vacations Request

Dear Scott:

I appreciate the reminder of the July 14, 2015 planning commission meeting to revisit the CMU request for vacating street and alley segments in the vicinity of my house at 860 Kennedy Avenue. Unfortunately, I will be on travel, and I will not be able to attend.

Therefore, I wish to submit this Email to express my favorable opinion of the City staff recommendation that CMU pave the fire access lanes with regular asphalt. This action will reduce the dust production from the recycled asphalt/rubble surface that I described in my June 23, 2015 remarks before the Planning Commission.

I will be back from family travel and academic travel in time to attend the August 5, 2015 meeting of the City Council to discuss the CMU vacation request.

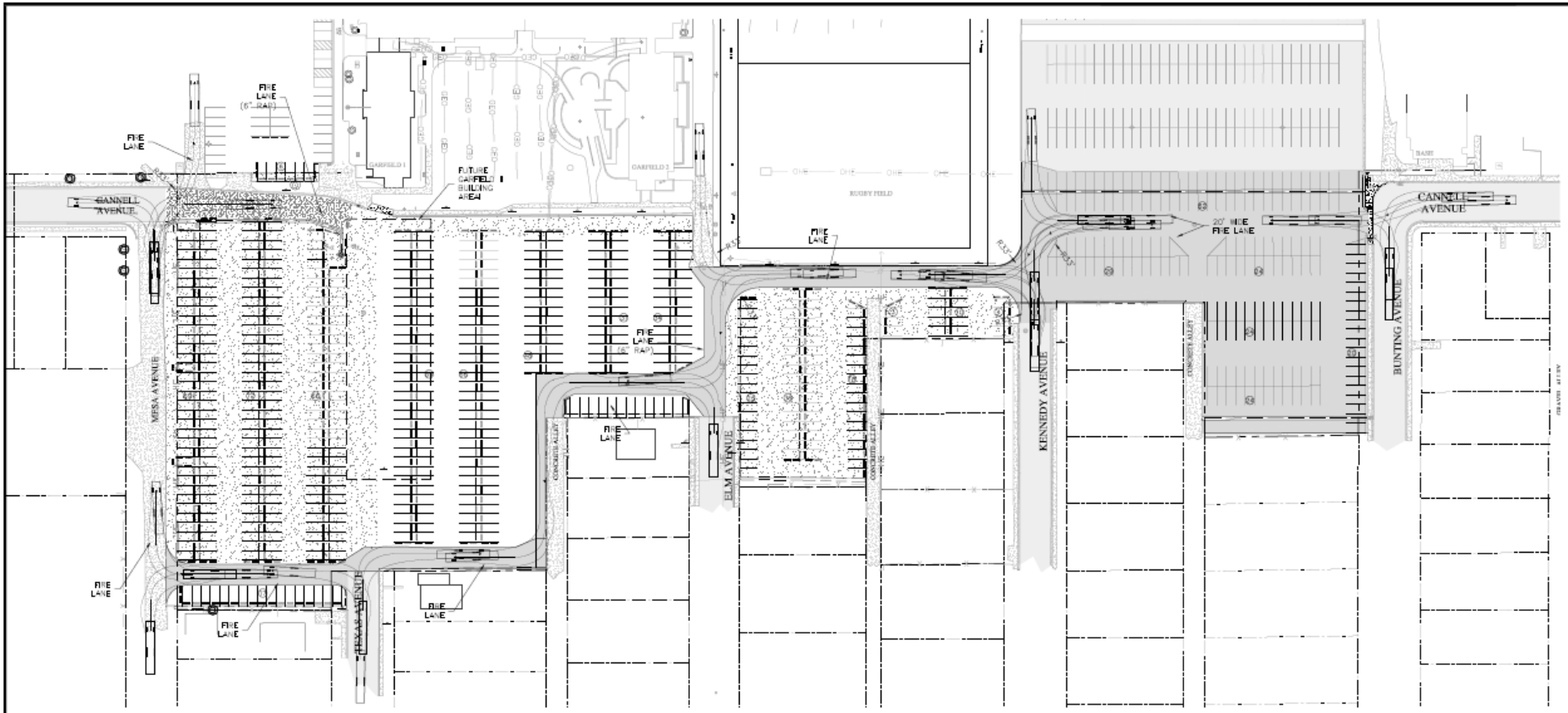
Sincerely,

Andy Ford  
860 Kennedy Avenue  
Grand Junction, CO 81501  
[970 628 4393](tel:9706284393)  
[FordA@wsu.edu](mailto:FordA@wsu.edu)

**From:** Ken Harris <upkengineer@yahoo.com>  
**To:** "scottp@gjcity.org" <scottp@gjcity.org>  
**Date:** 7/13/2015 8:18 PM  
**Subject:** re: vac-2015-182

The public rights-of-ways which are proposed to be vacated are used everyday and need to remain open. These streets and alleys are adjacent to citizens and taxpayers homes, churches, and businesses and need easy and lawful access. Consider the following: 1) Little Lambs Learning Center at 880 Mesa Avenue has parents dropping off upwards of 50 students every weekday. Cannell Avenue is a major traffic artery for this business. 2) Residences at 1707 and 1717 Cannell use this street daily for ordinary activities such as trips to work, shopping, restaurants, and appointments. 3) Church members use Cannell Avenue to attend services on Saturdays and Sundays. Cannell Avenue gives direct access for city utility vehicles ,Public Service trucks as well as phone and cable trucks. Routes for emergency services cannot be impeded. 4) Connecting Avenues such as Hall, Mesa, and Texas are so narrow that making them dead end would create circulation bottlenecks. 5) CMU does not need this proposed vacated property for expansion at this time. So called shovel ready projects such as Garfield Hall may not happen for years. As stated in the planning commission meeting on June 23, 2015, CMU is putting pressure on its neighbors to the west to force these property owners out. Stand up for property rights and common decency and deny this land grab.

Sincerely, Kenneth L. Harris

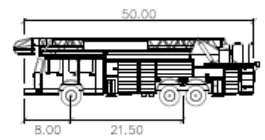


NO.	DATE	BY	REVISION
1	06/15/15	JK	ISSUED FOR PERMIT
2	06/15/15	JK	REVISED PER CITY ENGINEERING
3	06/15/15	JK	REVISED PER CITY ENGINEERING
4	06/15/15	JK	REVISED PER CITY ENGINEERING
5	06/15/15	JK	REVISED PER CITY ENGINEERING
6	06/15/15	JK	REVISED PER CITY ENGINEERING
7	06/15/15	JK	REVISED PER CITY ENGINEERING
8	06/15/15	JK	REVISED PER CITY ENGINEERING
9	06/15/15	JK	REVISED PER CITY ENGINEERING
10	06/15/15	JK	REVISED PER CITY ENGINEERING

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 133 North 15th Street, Suite 300 • Grand Junction, Colorado 81501  
 970.243.2500

LEGEND	
---	PROPERTY LINE
---	ADJACENT PROPERTY LINE
---	EXISTING EASEMENT
---	PROPOSED EASEMENT
---	EXISTING BUILDING
---	PROPOSED BUILDING
---	EXISTING CURB/GUTTER
---	PROPOSED CURB/GUTTER
---	EXISTING SLOTTED CURB/GUTTER
---	PROPOSED SLOTTED CURB/GUTTER
---	EXISTING RETAINING WALL
---	PROPOSED RETAINING WALL
---	EXISTING 1'-0" CONTOUR
---	PROPOSED 1'-0" CONTOUR
---	EXISTING 5'-0" CONTOUR
---	PROPOSED 5'-0" CONTOUR
---	EXISTING ASPHALT
---	PROPOSED ASPHALT
---	EXISTING CONCRETE
---	PROPOSED CONCRETE
---	PROPOSED 6" OF RECYCLED ASPHALT
---	PROPOSED 4" OF RECYCLED ASPHALT
---	EXISTING 8" WATER MAIN
---	PROPOSED 8" WATER MAIN
---	EXISTING 3" DOMESTIC SERVICE
---	PROPOSED 3" DOMESTIC SERVICE
---	EXISTING 4" SPRINKLER LINE
---	PROPOSED 4" SPRINKLER LINE
---	EXISTING FIRE HYDRANT
---	PROPOSED FIRE HYDRANT
---	EXISTING WATER METER
---	PROPOSED WATER METER
---	TOW
---	TOP OF WALK
---	TOP OF CURB
---	BACK OF CURB
---	PROPOSED IRRIGATION MANHOLE
---	PROPOSED METER/SLOWFLOW VAULT
---	PROPOSED FENCE
---	EXISTING FENCE
---	EXISTING SEWER MAIN
---	PROPOSED SEWER
---	EXISTING SEWER MANHOLE
---	PROPOSED SEWER MANHOLE
---	PROPOSED TRAFFIC FLOW
---	EXISTING STORM SEWER
---	PROPOSED STORM SEWER
---	GRADE BREAK LINE
---	EXISTING STORM SEWER INLET
---	PROPOSED STORM SEWER INLET
---	EXISTING STORM MANHOLE
---	PROPOSED STORM MANHOLE
---	TOP OF CURB
---	EDGE OF PAVEMENT
---	TOP OF CONCRETE
---	TOP OF WALL
---	BOTTOM OF WALL
---	ROOF DRAIN (RD)
---	RECREATION LIGHT POLE
---	FIRE DEPARTMENT CONNECTION
---	12" X 12" INLINE DRAIN
---	PROPOSED PARKING LOT LIGHT
---	PROPOSED BUILDING LIGHT
---	LANDSCAPE AREA
---	GRADEBREAK

UTILITIES AND AGENCIES		
CITY OF GRAND JUNCTION SANITARY ENGINEER	UTILITIES	244-1579
THE WATER	4420	242-1901
GRAND VALLEY IRRIGATION	PHIL BURWARD	242-2752
CITY OF GRAND JUNCTION PUBLIC WORKS	UTILITIES	244-1579
WELLS ENERGY	JOHN SALAZAR	244-2781
COGENT	BOB SMITH	244-4333
RELIANT COMMUNICATIONS	GLEN YANGL	244-8700



GJ FIRE TRUCK feet  
 Width : 8.17  
 Track : 8.00  
 Lock to Lock Time : 6.0  
 Steering Angle : 38.1



CITY OF GRAND JUNCTION COMMUNITY DEVELOPMENT	
BY: _____	DATE: _____
CITY OF GRAND JUNCTION ENGINEERING	
APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE	
BY: _____	DATE: _____
ACCEPTED AS CONTRIBUTED	
BY: _____	DATE: _____

"I, the undersigned, construction inspector, and hereby shall certify to the City of Grand Junction Standard Contract Documents for Capital Improvements Construction. Contractor shall have a copy of the accepted plans and ensure City of Grand Junction Standard Documents for Capital Improvements Construction on site and available at all times."

**CMU PARKING LOTS**  
 PROJECT: **FIRE ENTRY TURN EXHIBIT**  
 COUNTY: **Colorado**  
 UNIVERSITY: **Mesa University**

ISSUED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 1162.0009  
 DATE: 06/15/15  
 SCALE: 1"=50'  
 SHEET: **FD-1**

**GRAND JUNCTION PLANNING COMMISSION**  
**June 23, 2015 MINUTES**  
**6:00 p.m. to 8:11 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Reece. The public hearing was held in the City Hall Auditorium located at 250 N. 5<sup>th</sup> Street, Grand Junction, Colorado.

In attendance representing the City Planning Commission were Christian Reece (Chairman), Ebe Eslami (Vice-Chairman), Kathy Deppe, Keith Ehlers, George Gatseos, Steve Tolle, and Bill Wade.

In attendance, representing the City's Administration Department - Community Development, were Greg Moberg, (Development Services Manager), and Scott Peterson (Senior Planner).

Also present were Jamie Beard (Assistant City Attorney), Steve Kollar (Grand Junction Fire Prevention Officer) and Chuck Mathis (Grand Junction Fire Marshall).

Lydia Reynolds was present to record the minutes.

There were 13 citizens in attendance during the hearing.

**Announcements, Presentations And/or Visitors**

There were no announcements, presentations and/or visitors.

**Consent Agenda**

None

**\*\*\*ITEMS NEEDING INDIVIDUAL CONSIDERATION\*\*\***

**Colorado Mesa University Rights-of-Way Vacation** [File # VAC-2015-182]

Request to vacate portions of public right-of-way (adjacent to CMU owned properties) of Cannell, Hall, Texas, Elm, Kennedy, Bunting Avenue's and associated alleys as part of Colorado Mesa University expansion projects.

*Action: Recommendation to City Council*

Applicant: Colorado Mesa University  
Location: Portions of Cannell, Bunting, Kennedy, Elm, Texas, Hall  
Avenues and parts of alleys  
Staff presentation: Scott Peterson, Senior Planner

Staff Presentation

Scott Peterson, Senior Planner, introduced the application and stated that the applicant held a Neighborhood Meeting in March. Twenty-eight (28) area residents attended the meeting with the applicant providing a PowerPoint presentation with an update on various activities going on across campus and information regarding the most recent iteration of the ongoing right-of-way vacation process. Mr. Peterson noted that after the Neighborhood Meeting, when the formal request for vacations were received by the City for review, several area residents submitted letters/emails/phone messages stating concerns regarding the existing conditions in the area from the previous vacation request and how the proposed new vacation requests will impact the area. Mr. Peterson stated that that correspondence was included in the staff report.

Mr. Peterson displayed a site location map and noted that the vacations are located along the Cannell Ave. corridor, in five separate locations, adjacent to the CMU campus. Mr. Peterson noted that this area located north of North Ave. and south of Orchard.

Colorado Mesa University (CMU), wishes to vacate portions of street and alley rights-of-way in order to facilitate the continued westward expansion efforts planned for the campus, specifically in the future to develop new residence halls, classroom buildings, parking lots and campus improvements. The properties abutting the sections of right-of-way for which vacations are sought are owned or controlled by Colorado Mesa University.

Mr. Peterson explained that with the vacations, the City of Grand Junction (City) will retain utility easements for the existing electric, gas, water, sewer and storm drain lines that are located within the existing rights-of-way and associated alleys.

Based on the conditions recommended by the Fire Department and CMU's intention to develop and construct emergency access, it is Staff's assessment that the proposed vacations would not impede traffic, pedestrian movement or access to private property or obstruct emergency access.

Mr. Peterson stated that access and maneuverability of fire and other emergency equipment will be accommodated utilizing the extensive network of emergency lanes currently existing on the main campus of CMU.

Mr. Peterson displayed a slide depicting the Comprehensive Plan Future Land Use Map and the existing zoning map.

Mr. Peterson showed exhibits of the requested areas. The first area is the corresponding alley of Cannell and Hall Ave. Mr. Peterson noted that as a condition of approval, CMU will need to maintain a minimum 20' wide circulation drive (fire access lane) at the terminations of all vacated Avenue's (which the public could be able to utilize). Mr. Peterson explained that CMU is not proposing to dedicate an access

easement nor right-of-way or construct a sidewalk within the vacated areas, but the driving surface will be constructed/developed to meet City standards for fire access. The driving surface treatment proposed would be either recycled asphalt or left in its current state. However, as proposed by the applicant, it will be at CMU's discretion on when these north/south, east/west connections would be closed or modified in the future, conditioned that all new fire access lanes are provided and constructed.

Mr. Peterson showed a slide of the proposed area near Cannell and Texas. All the areas requested to be vacated, CMU will construct an internal circulation drive for its own use, which the public could utilize that provides continued circulation between North Ave. and Orchard Ave. Mr. Peterson stated that a utility easement will be retained for all utilities, as a condition of approval. The applicant will also be required to construct access roads in accordance with the 2012 International Fire Code and keep all drive aisles free of obstructions.

Mr. Peterson showed a third slide of the alley proposed to be vacated north of Elm Ave., and a fourth slide of the small portion of Elm Ave. that is requested to be vacated. The next slide was of the Cannell, Bunting and Kennedy Avenues proposed vacation areas. Mr. Peterson stated that CMU is proposing to asphalt a new parking lot located north of Bunting Ave. and south of Kennedy Ave. as part of this phase of the rights-of-way vacations.

**Findings of Fact/Conclusions**

After reviewing the Colorado Mesa University application, VAC-2015-182 to vacate portions of public rights-of-way, Mr. Peterson presented the following findings of fact, conclusions and conditions that have been determined:

1. The requested right-of-way vacation is consistent with the goals and policies of the Comprehensive Plan, specifically, Goals 1 and 12.
2. The review criteria, items 1 through 6 in Section 21.02.100 of the Grand Junction Zoning and Development Code have been met or addressed.
3. As a condition of vacation, the City shall retain a utility easement over all of the right-of-way areas to be vacated for maintenance, operation and repair of existing utility infrastructure.
4. With the vacation, CMU shall construct a minimum 20' wide north/south, east/west circulation drives, with adequate turning radius and allow usage of the circulation drives by the public, trash collection trucks and fire/ambulance vehicles.
5. With the vacation, applicant will need to meet all Grand Junction Fire Department requirements as identified within the Staff Report.

**Questions for Staff**

Mr. Peterson noted that Steve Kollar, with the Grand Junction Fire Department was in attendance to answer questions as well.

Commissioner Wade asked Mr. Kollar how often he has observed the area of the previous vacation that was done in March of 2014. Mr. Kollar stated that he is there weekly on various duties. Commissioner Wade asked if he was familiar with the potholes and general conditions that exist and if the condition of the road is a concern if a fire truck needed to go through there. Mr. Kollar noted that the surface is built to the 2012 International Fire Code standards to support fire apparatus and that they are wide enough. Mr. Kollar noted that he did not notice large numbers of potholes until a few months ago. Potholes are a new phenomenon.

Commissioner Eslami recalled a workshop discussion where the fire department had contacted CMU to do some work there and asked if they had done it. Mr. Kollar stated that those corrections had been made. He stated that the initial contact began in Sept. of 2014 after the drive aisle and parking lot was initially installed. Mr. Kollar stated that on Sept. 11, 2014, he accompanied Truck 1 and its crew, and drove all routes in the area and found that in nearly all of the intersections, the turn radius was hindered.

Mr. Kollar clarified that by hindered, he meant that they were able to navigate the turn, however, timeliness is important in their response. Mr. Kollar notified CMU on Sept. 15, 2014 of his concerns in hopes of getting the corrections as a condition of approval. Informally they began to fix the problem with discussions through the rest of the fall and significant discussions occurred in February as the new semester began. At that time it appeared that the corrections were being addressed, as one intersection was corrected with "No Parking" signage. Soon after the progress ceased and a Notice of Violation (NOV) was issued regarding the turn radius. Mr. Kollar noted that he had a new contact at CMU facilities, and within one week in the month of May, the corrections had been made.

Chairman Reece asked if Mr. Kollar felt that these vacations represent a potential threat to public health and safety for the homes located next to the campus. Mr. Kollar stated that if designed properly, these vacations, from a fire department standpoint can function adequately. Chairman Reece asked if they anticipated any additional increase to response times. Mr. Kollar explained that they would not expect an increase in response times if built to fire code standards. If a road should degrade to a point of concern, the fire code officials would need to determine if it is an issue and then contact CMU and request correction.

Commissioner Wade questioned that the maintenance of the surface was not an issue for the Fire Department until it deteriorates to the point that CMU must be contacted. Mr. Kollar explained that the recycled asphalt can sustain and support the truck much like the concrete and the grass areas on campus. The pot holes have become a problem in the last week or so. They will have to be dealt with in time.

Commissioner Gatseos asked what Mr. Kollar meant when he stated that the radius was hindered. Mr. Kollar stated that parking was the issue that caused the problem. It could have been addressed by removing parking in certain areas and placing curbs and/or signage. All three intersections slowed down Truck 1 in a manner that was not acceptable for emergency response.

Chairman Reece asked how much response time was lost due to those issues. Mr. Kollar stated that to the average vehicle it would be inconsequential, however, to emergency vehicles to have to stop and back up before completing the turn it made a bigger difference.

Commissioner Ehlers asked if delay time was based on a poor design, or the lack of maintenance or implementation of the approved design. Mr. Kollar stated that it was how the existing conditions played out after the design. The design team provided us an overlay in a diagram. This showed how the truck would theoretically navigate through the area. He stated that sometimes this does not translate from paper to either how it was installed or how parking was laid out. Mr. Kollar stated that this is where the disconnect can happen which is why they do a run through with the truck with the university.

Commissioner Ehlers asked if there is something the Planning Commission can do to help guide the end result that can help provide for a better maintenance mechanism to insure that the intent of the design is employed throughout or do we need to look at the design up front? Can it be handled in the engineering side of it with improved designs, or can the Commission seek better cooperation with CMU to implement the maintenance of the access. Mr. Kollar stated that a more proactive approach with signage along with approved surfaces by the fire code with a maintenance agreement would help. Mr. Kollar stated that the main concern for the fire department would be the loss of street network in that area. Mr. Kollar stated that they would like to collaboratively work with CMU for another north/south corridor, much like the redeveloped College Place as part of the Master Plan for the area which includes a 20' wide concrete drive aisle.

Commissioner Gatseos asked for parking recommendation for that area. Mr. Kollar stated that he has asked that anywhere the turning radius is even questionable for the Fire Truck, that CMU eliminate the parking in these areas and enforce no parking on that corner. Signage, curbing and maintaining fire lanes are key.

Chairman Reece stated that one of the letters received addressed concerns over the dust and recycled materials. She inquired if he had knowledge of the health impacts of inhaling the dust consistently. Mr. Kollar stated that public works would be more familiar with those issues. Commissioner Eslami pointed out that OSHA information was included in the staff report addressing the issue.



Commissioner Wade questioned if it was more difficult to set up a parking zone that lasts when the proposed surface could not be painted on. Mr. Kollar explained that signage is actually better it is more visual and has more impact.

Commissioner Wade then questioned Mr. Peterson on recommending an approval without a parking plan. Mr. Peterson stated that they are in round 2 of the site plan review process and the condition of approval for the Vacation request is expected to deal with the parking plan with having to meet the turn radius for the fire truck and the solid waste department.

Commissioner Eslami asked if the parking design should be done before they make their decision. He suggested tabling the decision until all matters have been worked out. Mr. Peterson stated that the issue is addressed in number 4 of the conditions of approval. Commissioner Eslami expressed concern over the fact that there were problems with the previous vacation.

Chairman Reece inquired if there were more questions or comments for staff, but no further questions were stated.

Chairman Reece then took the opportunity to explain that anyone wishing to appeal an action taken by the Planning Commission to contact the Planning division or to inquire about City Council scheduling.

#### Applicants Presentation

(A short break was taken to remedy technical difficulties.)

Kent Marsh, Director of Facility Services at CMU, stated that Derek Wagner, Vice President for Inter-Governmental Affairs at CMU is also present as well as Tom Logue, a local design consultant for CMU. Mr. Marsh gave an overview of the growth at CMU. With the expansion of the campus and the need for more student housing, it is anticipated that they will need to break ground on a new student housing project this fall. Mr. Marsh displayed a slide that showed the area of the proposed vacations and the nearby proposed location of the new dorm.

Mr. Marsh stated that he dropped the ball in addressing Mr. Kollar's concern by not following up on it. Mr. Marsh explained that he has appointed Rick Fox (CMU Facilities Services) to work directly with Steve Kollar to address the emergency management issues. Mr. Marsh stated that he intends to have Mr. Fox assist the fire department with hands on review of the emergency access to make sure it is designed as to not impede response times.

As an engineer, Mr. Marsh stated that the recycled asphalt pavement will absolutely support the fire trucks.

Mr. Marsh went on to explain that recycled materials are one-third the cost of laying down asphalt. The maintenance is more. If it is expected to leave the parking lot down for more than five years, then asphalt makes more sense. If the university takes a parking lot up after only a few months, then it is much less expensive to go with the recycled material.

Once an emergency access is constructed, Mr. Marsh guaranteed that the university will fix any concerns that the Fire Department may have after a drive through.

No interest in impeding the neighbors or the Fire Department.

Questions for Applicant

Chairman Reece asked Mr. Marsh why they were looking at a vacation now, when they intend to build a new dorm in the fall. Chairman Reece felt it would alleviate some of the concerns of the neighbors if they could put that off until the fall, when the project is shovel ready. Mr. Marsh stated that the project is shovel ready and vacating right-of-way actually leverages their ability to construct a building. Without vacating this right-of-way it would be impossible to locate the dorm as it shows in the CMU master plan. Mr. Marsh stated that the university has no interest in developing the campus on the existing city street grid system. The master plan calls to maintain certain site plans while changing patterns when it makes sense.

Chairman Reece noted that her concern is not in the why of vacating, but in the timing of it. Mr. Marsh answered that it is very difficult to do construction while school is in session. He stated the prime time for construction is the second week of May through the first week of August.

Commissioner Wade clarified in questioning Mr. Marsh that it is parking lot construction that is best done between May and August, but other construction can go on during the school year.

Commissioner Wade then confirmed with Mr. Marsh that the construction plan is to start this September and have the dorm ready to occupy by Sept. 2016. Commissioner Wade recapped that the two concerns are for the Commission is the access for the fire department, and if the surface can support the weight of the largest truck. The second concern is if the turning radius will allow the truck to get to where it needs to go. Commissioner Wade felt those concerns have been addressed. Commissioner Wade stated that he is concerned about what has happened since the last vacation in 2014. The issue of the turning radius has been fixed, however, the potholes and other concerns of neighbors have not been fixed.

Mr. Marsh responded that they do ongoing maintenance (road) over the summer and Christmas break. Mr. Marsh stated that this past spring was one of the wettest springs in memory which is hard on any road surface. He has had new material laid on a Friday afternoon and after rain over the weekend potholes have already begun again.

Commissioner Gasteos explained his background where he previously worked as a professor and is sympathetic to the needs of higher education. He also observed difficulties for the city when the school relocated. He would hate to see that happen here.

Commissioner Gasteos asked if paving a north-south route has been considered. Mr. Marsh stated that the area between Bunting Ave. and Kennedy will be paved because they don't anticipate that a new building can be constructed in that area. Areas north of that are still being considered for future school buildings or student housing. The economics of paving has to be considered. Commissioner Gasteos inquired as to the cost for just the access. According to Mr. Marsh, the areas in blue dashes, approximately a little more than an acre, would take around \$90,000 to \$100,000. The next question was how much would then be tore up. Mr. Marsh said half of it would be tore up. The area between Kennedy and Texas.

Commissioner Gasteos indicated that his concerns are for the citizens. He asked if CMU has attempted to meet with nearby homeowners, other than a public meeting. Mr. Marsh stated that they have community meetings 2 to 3 times a year as well as one-on-one with citizens who contact his office. Commissioner Gasteos suggested that a forum of emails, or something like, that may improve communications with the neighbors. It is up to the university to go the people rather than the people to come to them. He ended by saying that he does support the university.

Commissioner Deppe noted that during the last vacation hearing, the Planning Commission was under the impression that CMU would come to them and fill them in on future plans. Commissioner Deppe stated that until now, she had not heard about the new dorm and hoped that CMU could better inform the Commission, so that they can be ready to address citizens' concerns. Where do we go from here? Why can we not have the background?

Commissioner Wade asked if there was a particular reason why CMU did not come back to the Commission since the last vacations. Mr. Wagner stated that he had talked with the previous Planning Manager about coming to a workshop, and for whatever reasons, it just never happened. Mr. Wagner stated that he would come to a Commission workshop or give a campus tour to the Commissioners in the future to improve communications. Commissioner Wade suggested to plan on updates twice a year. Chairman Reece added that based on the rate of development, quarterly may be better for Commissioners to keep abreast of what is happening.

Commissioner Ehlers stated that his experience as an applicant, the process that is laid out is that the staff is the point of contact. He suggested that the Commission will need to meet with staff to become more involved with this process as this applicant is unique. Commissioner Ehlers stated that CMU has been working with staff on this progression which is typically the way it works.

Commissioner Ehlers confirmed with Mr. Marsh that the dorm is shovel ready as far as finance is concerned, and acquiring this right-of-way is a step in that direction. Commissioner Ehlers explained that due to the timing of getting approval, delaying the right-of-way could have impacts for the timing of the project. Currently, the site plan for the right-of-way Vacation is presently being reviewed. Mr. Peterson clarified that the site plan being reviewed in the second round of comments is for the circulation plan. Since CMU is a state agency, the City would not be formally reviewing the dorm site plans for things like building setbacks, parking etc.

Commissioner Ehlers inquired if the parking and circulation plan takes into account the proposed development for housing. Mr. Marsh indicated that it does and doing the parking lot over the summer is a necessity.

Commissioner Tolle suggested partnering with the city's bus system (GVT) to enhance services to students as well as citizens. Situation is not improving from the last vacation. Communication is not good. A bus system connection with the university could remedy many of the problems while taking care of all of our customers, citizens and students alike.

Commissioner Eslami inquired about a picture that was in the staff report regarding the access to a parking lot. The picture showed scattered gravel across the sidewalk. Mr. Marsh explained the University takes responsibility for maintenance and this issue will be addressed in the same manner that the city deals with the problem.

Commissioner Ehlers stated that the undercurrent seems to be about the ongoing maintenance. Mr. Marsh stated that he would be fine with a condition placed on the right-of-way approval that the fire department would come out to the area and any issues would be addressed immediately.

Commissioner Wade questioned the university addressing the maintenance of the parking lots with gravel on the sidewalks with the neighbors and Mr. Marsh said again that it will be treated as the city treats in installing an additional five feet of paving before the sidewalk to keep the gravel from the sidewalk.

Commissioner Gatseos asked if Mr. Marsh was aware of how many times cars are towed from a fire lane. Mr. Marsh said they often flag off areas for events, and he is not aware of any towing of cars parked in the fire lane. Mr. Marsh stated that they removed a parking space in the design of the intersections. Commissioner Gatseos suggested to enforce towing in areas where it may hinder emergency vehicles. Enforcement is the way to stop students from parking where you do not want them to park.

Questions/Comments from Public

Andy Ford, 860 Kennedy Ave., wished to speak in opposition to the right-of-way request. Mr. Ford stated that he had written a letter regarding his concerns from the previous vacation and he has met with CMU and city staff. Mr. Ford stated that based

on his experience, what is unique about the parking lot is the aisle ways. Mr. Ford stated that the student parking is not the issue, but cars and trucks that pass through the area create a dust problem. Mr. Ford stated that he is concerned with particles of a carcinogen called crystalline silica which can cause or aggravate some medical conditions. Mr. Ford stated that he brought this up with a meeting with CMU and they said they would look into that. Mr. Ford stated that the standard practice to alleviate dust is to pave the road. Routine dust control is needed for the roadways. If university cannot afford to do it right, then slow down growth until it can be done right. He stated that the temporary road treatments are not effective and Cannell is used as a roadway and should be paved like a roadway.

Kenneth Harris, 1707 Cannell Ave., has lived there for 27 years. Mr. Harris stated that the 2011 plan called for the area's parking lots to be green, so that if it is not being used, it would be a green surface. Mr. Harris stated that the big canvas tent is stained with dust and that is after power washing. Mr. Harris expressed concern over CMU developing too fast. Mr. Harris noted that the master plan depicts 80 acres from Cannell to 7<sup>th</sup>, and North to Orchard. With that plan, Mr. Harris felt they lost any chance of saving their neighborhood and stated that they need to be compensated for their loss. Mr. Harris stated various concerns about weeds, water quality, trash trucks and that street sweeper no longer runs up his side of Cannell. Mr. Harris expressed frustration that when he calls the city, he is told that CMU is a state agency and not in the City's jurisdiction to enforce code violations. He stated that CMU did comply with radon issues with two houses that were being demolished only because it was a federal mandate. Mr. Harris stated that there is only one north-south street in the half mile from 7<sup>th</sup> street to 12<sup>th</sup> street and that is an issue.

#### Questions for Staff

Commissioner Tolle asked staff to research and provide information to respond to citizens' concerns about the dust chemicals and other issues brought up by the neighbors.

Commissioner Wade mentioned that in the staff report Mr. Peterson stated that CMU agreed to create a 20 foot access lane, and did not want to agree to an access easement but was in favor of a utility easement. Mr. Peterson clarified that as long as the fire lane access is in place, citizens would have access to their homes. Additionally, CMU cannot vacate right-of-way in front of properties they do not own.

Chairman Reece expressed concern that the citizens with alley access would lose the ability to utilize parking in the rear of their lots. Mr. Peterson reiterated that CMU cannot vacate right-of-way in front of properties they do not own.

Chairman Reece closed the public portion of the meeting and asked if any additional discussion from Commissioners is requested.

#### Discussion

Commissioner Ehlers stated that the right-of-way request is not a recent plan, but that of a larger CMU Master Plan that not everyone is going to agree with. Commissioner Ehlers noted that the undercurrent of discussion seems to be focused on the dust issue and hopes the concerns can be addressed.

Commissioner Wade stated that he cannot support the request moving forward to the City Council without some conditions in the vacation to ensure maintenance is done correctly and some concerns be addressed before they move forward with any new vacations.

Commissioner Eslami noted that he agrees with Commissioner Wade on those accounts.

Commissioner Gatseos stated that he is absolutely supportive of CMU, however, based on his experience with other city councils and public forums, he is surprised at the communication between CMU with the neighbors and the City. Commissioner Gatseos stated that based on discussion with his colleagues and noting the sub-par management of the previous vacation, he cannot support the request at this time.

Commissioner Tolle stated that he does not have confidence in the coordination of the different agencies and noted issues with safety, health, rights of citizens and all customers. Commissioner Tolle would like to see better communication with everyone involved and cannot support the request.

Commissioner Deppe stated while she is in support of CMU in general, she has lost faith in the execution of the last vacation. For that reason, Commissioner Deppe stated that she cannot move forward with this request at this point in time.

Chairman Reece stated that health and safety, especially response time of emergency vehicles, is her primary concern. Chairman Reece stated that although she recognizes the value of CMU in the community, she cannot support the request at this time.

Commissioner Ehlers summarized the concerns of the Commission as ensuring emergency access, dust suppression, potholes, and the overburden that drags onto the roads. Commissioner Ehlers addressed the other Commissioners and asked if they are suggesting that the Commission move forward with the motion adding conditions, or do they want to vote on the request as it is, without conditions.

Chairman Reece stated that the suggested motion in the staff report calls for some conditions, however, if the Commission chose to add other conditions, they would need to go back and work with staff to add additional considerations. Chairman Reece asked for clarification of that process assuming they could not add the conditions at this time.

Jamie Beard (Assistant City Attorney) stated that technically, the Commission could add conditions at this time, however hearing the discussions and concerns, she suggested

that the Commission may want to remand the request back to staff, to be clear on what those conditions would be.

**MOTION:** (Commissioner Tolle) "Madam Chairman, on item VAC-2015-182, I move we forward and remand the study to the staff of the City of Grand Junction, and include the issues that have arisen tonight and most of all, the coordination and support of our citizens."

Commissioner Wade seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-1 with Commissioner Ehlers voting against.

Nonscheduled Citizens and/or Visitors

None

General Discussion/Other Business

None

Adjournment

The Planning Commission meeting was adjourned at 8:11 p.m.

**GRAND JUNCTION PLANNING COMMISSION**  
**July 14, 2015 MINUTES**  
**6:00 p.m. to 8:20 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Vice-Chairman Ebe Eslami. The public hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

In attendance representing the City Planning Commission were Ebe Eslami (Vice-Chairman), Jon Buschhorn, Kathy Deppe, Keith Ehlers, George Gatseos, Steve Tolle, and Bill Wade.

In attendance, representing the City's Administration Department - Community Development, were Greg Moberg, (Development Services Supervisor), Brian Rusche (Senior Planner) and Scott Peterson (Senior Planner).

Also present were Jamie Beard (Assistant City Attorney), and Ken Watkins (Grand Junction Fire Chief).

Lydia Reynolds was present to record the minutes.

There were 11 citizens in attendance during the hearing.

**Announcements, Presentations And/or Visitors**

There were no announcements, presentations and/or visitors.

**Consent Agenda**

**1. Minutes of Previous Meetings**

*Action: Approve the minutes from the June 9, 2015 and June 23, 2015 Planning Commission Meetings.*

**2. River Trail Subdivision Filing One Drainage Easement Vacation [VAC-2015-277]**

Request to vacate a public drainage easement within River Trail Subdivision Filing One.

*Action: Recommendation to City Council*

Applicant: River Trail Investments – Kevin Reimer

Location: D Road and Green River Drive

Staff presentation: Brian Rusche, Senior Planner

Vice-Chairman Eslami briefly explained the Consent Agenda and invited the public, Planning Commissioners and staff to speak if they wanted an item pulled for a full hearing.



**MOTION:** (Commissioner Wade) “Mister Chairman, on item PLD-2014-385, I move that the Planning Commission forward a recommendation of conditional approval to the City Council on the requested Outline Development Plan as a Planned Development Ordinance for OneWest with the findings of fact, conclusions, and conditions identified in the staff report with the following two exceptions:

1. Condition number three to be omitted and,
2. The term in condition number four to be changed to six years.”

Commissioner Ehlers seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

#### **4. Colorado Mesa University Rights-of-Way Vacation [VAC-2015-182]**

Request to vacate portions of public rights-of-way (adjacent to CMU owned properties) of Cannell, Hall, Texas, Elm, Kennedy, Bunting Avenues and associated alleys as part of Colorado Mesa University expansion projects.

*Action: Recommendation to City Council*

Applicant: Colorado Mesa University

Location: Portions of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenues and part of alleys

Staff presentation: Scott Peterson, Senior Planner

#### **STAFF PRESENTATION**

Scott Peterson, Senior Planner explained that Colorado Mesa University (CMU), requests approval to vacate portions of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenues and parts of alleys adjacent to CMU owned properties. This application was remanded back to City Staff and CMU for further review on June 23, 2015 to address various issues raised during the public hearing. Issues of concern brought up by the public and Commissioners included lack of dust control, lack of on-going maintenance, lack of cooperation in dealing with Fire Department requirements in a timely manner and failure to update Planning Commission on the University’s plans for future development.

Mr. Peterson showed a slide of the site location map that illustrated the five locations where CMU has requested to vacate the rights-of-way. Mr. Peterson explained that the properties abutting the sections of right-of-way for which vacation is sought are owned or controlled by Colorado Mesa University. The next slide Mr. Peterson presented showed the latest proposal for the fire access lanes and the proposed parking lot areas between Bunting and Mesa Avenue. Mr. Peterson pointed out that the location of a future dorm is identified as a result of discussions at the last meeting.

Mr. Peterson stated that CMU has agreed that the new fire access lanes will be provided and constructed to be a minimum of 20 feet wide, including asphalt paved to City standards which will hopefully address the Planning Commissioners and the neighborhood concerns expressed regarding dust control and maintenance at the last meeting. Mr. Peterson pointed out the fire access lane and noted that it runs to the west of the CMU controlled properties. Mr. Peterson said the traveling public could technically drive from North Avenue to Orchard Avenue in a serpentine manner through the proposed parking lots via the fire access lane. A fire access lane will be constructed at the end of each vacated street and alley right-of-way and will provide adequate turning radiuses for fire, emergency and City trash trucks.

CMU is also proposing to asphalt a new parking lot located north of Bunting Avenue and south of Kennedy Avenue as part of this phase of rights-of-way vacation. To the east is an existing parking lot that is paved. CMU has agreed to maintain the proposed parking lots to reduce dust. If constructed with anything other than asphalt paving, then magnesium chloride shall be applied as needed to the proposed recycled asphalt parking lots.

#### **FINDINGS OF FACT/CONCLUSIONS**

After reviewing the Colorado Mesa University ROW Vacations, VAC-2015-182 a request to vacate portions of public rights-of-way, Mr. Peterson presented the following findings of fact, conclusions and conditions that have been determined:

1. The requested right-of-way vacation is consistent with the goals and polices of the Comprehensive Plan specifically, Goals 1 and 12.
2. The review criteria in Section 21.02.100 of the Grand Junction Zoning and Development Code have been met or addressed.
3. As a condition of vacation, the City shall retain a utility easement over all of the right-of-way areas to be vacated for maintenance, operation and repair of existing utility infrastructure.
4. With the vacation, CMU has agreed to construct a minimum 20' wide asphalt paved fire access lanes with adequate turning radius and allow usage of the circulation drives by the public, trash collection trucks and emergency service vehicles.
5. CMU has agreed to meet all Grand Junction Fire Department requirements as identified within this application.
6. CMU has tentatively scheduled to come to speak to the Planning Commission at the September 17th workshop.
7. CMU has agreed to maintain the proposed parking lots to reduce dust. If constructed with anything other than asphalt paving, then magnesium chloride shall be applied as needed.

8. CMU agreed that all entrance/exit ways of parking lots onto City right-of-way shall have a minimum 5' deep hard surface apron.

Mr. Peterson stated that he wished to amend the staff report as part of the Fire Department's review of the conditions. Item number two, currently states "final engineered construction drawings shall be provided to the Fire Department" and Mr. Peterson requested that the words "final engineered" be struck from the statement. Mr. Peterson stated that this revision is acceptable to both CMU and the City Fire Department.

Mr. Peterson noted that he received two letters after the last Planning Commission meeting, and has handed them to Commissioners prior to the beginning of the meeting. Mr. Peterson stated one letter is from Mr. Ford, 860 Kennedy Ave., who spoke at the last meeting. Mr. Ford's main concern expressed at that meeting was dust control. Mr. Ford, who was unable to make this meeting, has reviewed the proposed plan and has found that the proposed minimum 20' asphalt fire access lane is acceptable to him. The second letter received was from Mr. Harris who spoke at the last meeting as well.

#### QUESTIONS FOR STAFF

Commissioner Gaseos asked Mr. Peterson if he feels that all the concerns the Planning Commissioners had brought up at the last meeting have been addressed satisfactory. Mr. Peterson stated that CMU has been working with staff to address the issues that were expressed by Commissioners and neighbors at the last meeting. CMU has also held meetings with the City Fire Department and now will provide a paved access way that both CMU and the public can utilize.

Commissioner Deppe asked if the condition that entrance/exit ways of parking lots onto City right-of-way shall have a minimum 5' deep hard surface apron applied to existing CMU parking lots. Mr. Peterson stated that this condition would apply from this point forward. In addition, these conditions would be brought forward to any future parking lots created as part of future right-of-way vacations.

Commissioner Wade stated that although CMU has agreed to the fire access lane, he does not see the requirement for the access to be paved in the staff report. Mr. Peterson responded that it is condition number four. Commissioner Wade stated that the wording does not include asphalt paving. Mr. Peterson stated that it must have been an oversight and the words "asphalt paving" should be in condition four and he will need to amend the staff report to include that wording.

Vice-Chair Eslami asked to hear from the City Fire Department. Ken Watkins, Grand Junction Fire Chief stated that they have been in negotiations with CMU regarding the items specific to the Fire Department and have come to an agreement with the items as far as the Fire Department was concerned.

### APPLICANTS PRESENTATION

Derek Wagner, CMU Vice President for Intergovernmental and Community Affairs, stated that he had a few slides he could walk through or he could wait until a future meeting in the fall. Mr. Wagner stated that CMU had heard the concerns from the last meeting and they have been working hard with staff to address the concerns. Mr. Wagner offered to answer any questions the Commission may have.

### QUESTIONS FOR APPLICANT

Commissioner Deppe asked Mr. Wagner what CMU's plans are for the existing parking lots regarding the maintenance concerns surrounding the 5 foot aprons. Commissioner Deppe stated that she has driven that area several times and she can see where the mud, water and rocks have been drug out to the streets and sidewalks.

Mr. Wagner stated that CMU would be happy to look at that. Mr. Wagner explained that all their efforts have been focused on the right-of-way application and how to make the conditions workable. Mr. Wagner stated that as of today, CMU is in the process of applying recycled asphalt pavement to all the parking lots across the campus. Mr. Wagner added that depending on the parking lots, there are a lot of different access points. CMU Facilities and Parking Department is working on trying to control the access for certain parking lots in some areas because there are existing curb cuts where homes were that have to be addressed on a parking lot by parking lot basis.

Commissioner Tolle stated that his primary concern has been safety and the rights and privileges of all concerned. Commissioner Tolle stated that he sees almost all his concerns have been addressed, but one issue that is important to him is the current problem that he sees as ongoing, which is the relationship with the residents and to make sure they are not imposed upon. He has heard from CMU in the past that they will work with them, however, he is not hearing that anymore. Commissioner Tolle asked Mr. Wagner if CMU has any new programs or meetings that may improve the current situation and prevent ill will in the future with the residents.

Mr. Wagner responded that in addition to the at least two meetings that CMU has with the residents each year, they also have a meeting when a particular project is scheduled. Mr. Wagner stated that when issues come to CMU, whether through the Facilities Department or the President's Office etc. they work quickly to try and address them. Mr. Wagner stated the plan is to continue having the regular meetings, not because they are required to do so, but that they do it proactively. Mr. Wagner pointed to Mr. Ford's example where CMU heard his concerns about dust on his property and they changed the plan to address it. As problems and concerns come to their attention, their plan is to take them seriously and address them as quickly as they can on a proactive basis.

### QUESTIONS FOR STAFF

Commissioner Tolle noted that he had a question for staff. Commissioner Tolle stated that he feels staff does a great job, but one of the documents staff provided was not an area where he had

walked and observed, and now there seems to be some new concerns. Commissioner Tolle wanted to know if staff, CMU, the Commissioners and the public are aware of the concerns and are communicating among each other.

Mr. Peterson explained that if a call/concern comes to him or the development engineer, he will follow up to see what the issue is and how it can be addressed. Commissioner Tolle asked if we are addressing the citizen's concerns and not just one side of the issues. Mr. Peterson stated that through the Commissioners actions and review this last month for this application, CMU is aware that they will be coming back to the Planning Commission periodically as they request more right-of-way vacations. CMU has indicated that they plan to keep the Commission informed as to their future plans for expansion. Mr. Peterson reiterated that CMU will be coming to the Planning Commission in the near and distant future with proposals. Commissioner Tolle stated that he has no doubt CMU will be coming before the Commission, but he wants to make sure the current system of communication is adequate. Commissioner Tolle wants to make sure the Commission and staff, who work for the citizens, are at a minimum, expediting the communication lines across the board.

Commissioner Ehlers stated that regarding the right-of-way vacations in the past and that of those proposed, the approval indicates maintenance will be done by CMU. Commissioner Ehlers asked who enforces that, now that it is no longer a public right-of-way. Mr. Peterson stated that the vacation makes the right-of-way become private property and reverts back to the owner, which in this case is CMU. Mr. Peterson added that the City Fire Inspector, Mr. Kollar is on the campus at least once a week to make sure fire lanes are maintained. In addition, the City Engineering/Public Works department will be making sure that they are maintained.

Commissioner Gaseos stated that he welcomes CMU to sit down with the Planning Commissioners on a regular basis, over the next years of expansion. Commissioner Gaseos requested of Mr. Peterson that before they meet with CMU in September, he would like to see what has happened with enforcement regarding maintenance issues.

After reading the document from Mr. Harris, Commissioner Wade asked Mr. Peterson if Mr. Harris was aware of CMU's offer to pave the access. Mr. Peterson responded that Mr. Harris had come to the Planning office last week and was shown the improvements drawing proposed and he is aware of the paving that will be done.

#### PUBLIC COMMENT

Vice-Chair Eslami opened the meeting for the public comment portion and asked anyone in favor of the project to line up at the podium.

(A short break was taken at the request of a citizen wishing to speak.)

Vice-Chair Eslami declared the meeting back in session and stated that Mr. Watkins, City Fire Chief would like to make a comment. Mr. Watkins stated that he was referring to a question that Mr. Tolle had asked regarding future communications with CMU. Mr. Watkins stated that better communications with CMU is a goal that they are currently moving toward. As more vacations

are anticipated to happen in the future, Mr. Watkins stated that they are working with CMU on creating a process to address some of the Fire Departments concerns rather than on an individual basis only, as the concerns are the same throughout the expansions.

Vice-Chair Eslami asked for public comment.

Mr. Clark Carroll, 1240 Cannell Ave. stated that he was a CMU alumni and resident of the community for 53 years. Mr. Carroll noted that his education is in the area of social and behavioral science. Mr. Carroll added that his family has been on Cannell Ave. for over 60 years. Mr. Carroll stated that being raised on campus, he has experienced many changes that the campus has gone through during its expansion, both good and bad. Mr. Carroll explained that his motivation is for the most part, to protect public process, health safety and welfare. Mr. Carroll stated that he would like to speak to a partial list of issues and the impact surrounding street vacations requested by CMU. After reading an extensive list of concerns in a variety of areas, Mr. Carroll stated that two things were most important to him. One was his respect for Mr. Harris to speak out on the proposal and the other concern was fire issues.

Mr. Carroll continued to speak, addressing issues unrelated to the right-of-way vacation request. Vice-Chair Eslami asked for clarity, if Mr. Carroll is for or against the proposal. Mr. Carroll stated that he was in favor of the vacation and had no problem with it. Mr. Carroll stated that he was trying to tie in his concerns with other safety issues. Vice-Chair Eslami stated that he was out of order in doing so, and asked Mr. Carroll again if he was for or against the vacation proposal. Mr. Carroll said he was in favor and asked if he should continue. Vice-Chair Eslami stated no, that he was done. Commissioner Ehlers added that the intent is to keep the comments focused toward the right-of-way vacation request. Commissioner Ehlers stated that Mr. Carroll's comments are appreciated and it's not that the Commission does not want to hear public comments, however, they need to stay focused on the right-of-way vacation that is proposed.

Vice-Chair Eslami asked if anyone else would like to speak at this time.

John Martin stated that he was against the proposal. Mr. Martin owns a property at 845 Orchard. Mr. Martin stated that he was on vacation for the previous public hearing in June when he had received notification in the mail of the proposed right-of-way vacation. Mr. Martin referred to the location map and noted that on Cannell, between Hall and Orchard, they want to take out a section of the alley. Mr. Martin stated that before the approval of the expansion of CMU, he developed his property on Orchard. As part of his development, Mr. Martin was granted access from the alley and not Orchard Ave. and as a result, he has to approach his property through CMU property. Mr. Martin stated that the alternate route, which would be from 7th street, is a considerable ways away. Mr. Martin expressed disappointment that by converting the public property to CMU ownership, he would lose access resulting in an inconvenience as well as decreased property value. Mr. Martin acknowledged that the expansion in general is a double edged sword in that he rents his property to students. Mr. Martin pointed out that the other properties nearby on Orchard Ave. all have access off of Orchard and he is the only one that has the alley access which was encouraged by the city when he developed his property.

Commissioner Gaseos told Mr. Martin that he appreciates his comments and wanted to make sure he understood that Mr. Martin does have access off of Orchard. Mr. Martin clarified that he does not have access off of Orchard. He stated that Orchard is a very busy street and access seemed dangerous.

Commissioner Ehlers asked Mr. Martin how long ago he developed the property. Mr. Martin replied it was about seven years ago. Commissioner Ehlers asked Mr. Peterson if it was determined that since Orchard Avenue is classified as a collector, it was deemed more appropriate to have the access off of the alley. Mr. Peterson explained that this property was developed with three multi-family homes. Mr. Peterson confirmed that Mr. Martin's required parking spaces are in the rear of the property and that is where his access is as well. Commissioner Ehlers asked Mr. Martin if he has a solution that he thought would work for him given the fact that he would like to see both CMU grow and need the alley access for his property. Mr. Martin questioned why the City needs to give up the right-of-way which is owned by the public, to CMU. Mr. Martin suggested that maybe they could drop the right-of-way vacation request to the area south, allowing his access, as a possible solution. Commissioner Ehlers stated that he would like to address a representative from CMU regarding this issue. Commissioner Ehlers stated that he was not aware of this issue before.

Kent Marsh, Facilities Services Director, CMU, stated that when CMU plans for future development, they try to leverage the amount of real estate available to them to build on. One of the ways they accomplish that is when they acquire the real estate on both sides of the right-of-way, and it makes sense for them to vacate the right-of-way for future building opportunities. Mr. Marsh does not feel this situation is unique in that although the property could access the alley from both the east and west presently, the west access is still available and for that matter he could still access it from the east. Commissioner Wade acknowledged that he could still access from the east on the vacated property that will be asphalt, but based on the staff report, CMU could eventually restrict access when they get ready to build. Mr. Marsh stated that when that happens they can reroute a property. One example is a similar case in the south campus where a homeowner has the opposite issue where he does have an access to the main street, but does not have access to his property from the alley. CMU is presently working with that property owner to grant an easement to get to the back of his property.

Commissioner Wade asked Mr. Peterson if Mr. Martin's property is the only one that does not have access off of Orchard Ave. Mr. Peterson could not verify from the photo. Commissioner Wade then asked Mr. Martin the same question and Mr. Martin stated to his knowledge, the answer is yes.

Commissioner Wade addressed Mr. Marsh and stated that this situation is unique in that this is Mr. Martin's only access to his property. Mr. Marsh confirmed that it does appear that way. Mr. Marsh stated that it is his understanding that when a subdivision is done in the City, or development of a property, that the requirement is that there is an access and not necessarily multiple accesses. Mr. Marsh indicated that as they expand, they understand that they are required to maintain an access for properties, but not necessarily multiple access points. Mr. Marsh asked for confirmation from Mr. Peterson. Mr. Peterson stated that there were two right-of-ways abutting Mr. Martin's parcel, Orchard Ave. to the north and the alley access to the south.

When Mr. Martin designed the multifamily property, he chose to access off the alley and that met acceptable city standards to also meet his parking requirements. Commissioner Wade noted that the fact that he abuts Orchard Avenue doesn't give him any access to it. Mr. Peterson agreed with the statement.

Commissioner Deppe asked Mr. Peterson what would prohibit CMU from granting Mr. Martin perpetual access to his property such as a deeded or recorded driveway agreement. Mr. Peterson explained that what is before the Commission is the vacation of Cannell Ave. which will become a fire access lane. The public can utilize the fire access lane, therefore, the property can technically be accessed from the east. Mr. Peterson explained that Mr. Martin feels this is unacceptable and he wants full City right-of-way coming from the east and the west. Mr. Peterson stated that Mr. Martin has indicated that he doesn't feel that the vacation, and that CMU will control that portion of the alley, as acceptable under the conditions proposed.

Commissioner Buschhorn asked Mr. Martin if the trash collection for the property was in the alley or on Orchard Ave. Mr. Martin responded it was in the alley. Commissioner Buschhorn asked if the other neighbors trash cans are also collection in the alley. Mr. Martin replied yes. Commissioner Buschhorn then pointed out that if everyone has their trash collection in the alley, then they would have access as well, given that the trash trucks have to have access. Commissioner Buschhorn stated that he understands that Mr. Martin may want the right-of-way to stay with the City, but he does not see how that could happen and CMU be able to expand. Commissioner Buschhorn asked a representative from CMU for confirmation about the trash truck access. Mr. Marsh responded that even if they did build a building there, they would provide plans for the individual to get around the building. Mr. Marsh elaborated that this is why they decided to obtain access to the west as they look ahead to future access. Mr. Marsh stated that there are no plans currently for a building there, but they are always preparing for future building sites.

Commissioner Buschhorn noted that CMU owns 901 and 905 Orchard Ave. which is directly east of Mr. Martin's property, and asked Mr. Marsh if they plan to leave those buildings standing after they obtain the right-of-way. Mr. Marsh stated that one of the buildings will come down due to the state of disrepair it is in. Commissioner Buschhorn pointed out that Mr. Marsh was referring to 1825 Cannell. Mr. Wagner stated that 901 and 905 Orchard Ave. are owned by CMU and are currently being maintained as rental properties and there are no plans to tear those down at this time.

Vice-Chair Eslami asked Mr. Peterson if the vacation will allow the public to still have access. Mr. Peterson stated that public access as well as access for emergency and trash trucks, is part of the conditions of approval for this vacation.

Mr. Martin asked who is going to maintain that access. Vice-Chair Eslami said CMU as the owner of the property, would maintain it. Mr. Martin questioned if CMU will properly maintain the alley since they own 925 Orchard Ave., and weeds are a problem there. Vice-Chair Eslami responded that CMU has indicated that they are going to try and cooperate more with the neighborhood.



Commissioner Wade informed Mr. Martin that as a result of concerns brought up at the previous Planning Commission meeting, the Commission sent the proposal back to staff to work with CMU. As a result, it was agreed that CMU would asphalt the entire vacation and maintain the access. Mr. Martin asked if that included the weeds. Commissioner Wade stated that this proposal is regarding the right-of-way and paving with asphalt.

Ms. Beard advised Vice-Chair Eslami that if Mr. Martin (who at this time was sitting back in the audience) wishes to speak, he should go to the podium to make sure comments can be included into the record.

Mr. Martin asked how we can make sure things are going to be maintained correctly. Vice-Chair Eslami explained that maintenance is part of the agreement. Vice-Chair Eslami also noted that CMU will be returning to the Commission for approval of future vacations. Mr. Martin stated that for the most part, they do a good job.

Commissioner Gaseos added that the Planning Commission was responsible to the citizens when they remanded the original proposal back to the staff. Commissioner Gaseos indicated that CMU has made positive efforts to remedy the situation. Commissioner Gaseos noted that CMU plans to meet with the Commissioners in September, and if Mr. Martin still had concerns, he should let staff know.

Mr. Martin wished to clarify that it is his understanding, that if CMU decides to develop next to his property, that they will access to his property through their development. Vice-Chair Eslami explained that the proposal being considered doesn't involve future promises between Mr. Martin and CMU of that nature.

Commissioner Ehlers stated that based on CMUs requirement to provide trash truck and emergency access, if they were to develop the property nearby Mr. Martin's in such a fashion where he could not physically get his vehicle to the property, they would be required to provide an alternative access to Orchard Ave. or they would have to provide a turn-around for large emergency vehicles and trash trucks. Commissioner Ehlers noted that although it appears the loop access will remain for the time being, the Development Code does not guarantee that. What the Code does provide, is that there will be access to his property. Mr. Martin stated that his concern is that his parking lot will become the turn-around for other vehicles if the alley dead-ends there. Mr. Martin stated that he is not in favor of this part of the right-of-way vacation because he feels it effects his property value. Mr. Martin noted that when he bought the property and invested in improvements, it was based on the fact they had access to the east. Mr. Martin indicated that he did not feel it was reasonable to access his property from 7th street.

Commissioner Wade commented that he and other commissioners have spent a lot of time the past month driving up and down the alleys there, because of the issues raised at the last meeting. Commissioner Wade noted that CMU has agreed to pave the alley and allow him access. Commissioner Wade commented that at some point, they have to acknowledge that CMU has committed to the arrangement and that's where it stands. Mr. Martin questioned why one comment from the Commissioners is that his access is not guaranteed and another one states it is.

Commissioner Ehlers commented that the role of the Planning Commission is not enforcement or punitive. Commissioner Ehlers noted that many of the comments brought up by Mr. Martin and others were valid concerns about maintenance and CMU has appeared to have addressed them. Commissioner Ehlers stated that issues such as weeds and Mr. Martin's concern that his parking lot will become a turn-around, are enforcement issues. Commissioner Ehlers stated that the right-of-way vacation proposal review is very different from enforcement issues. There are laws and regulations already on the books to address those issues. Commissioner Ehlers stated that as a Planning Commissioner, he listens to citizens' concerns and works with staff on how enforcement can be better in the future. Commissioner Ehlers stated that the Commissions decisions are not based on promises and trust, but on an agreement where there are conditions such as maintenance.

Mr. Martin asked at what point does the alley property becomes CMUs property. Commissioner Wade stated that it will become CMUs property when the alley is vacated. Vice-Chair Eslami stated that the City will keep the utility easement as well as require a 20 foot emergency access lane. Vice-Chair Eslami explained to Mr. Martin that he will keep his access and if CMU decides to develop the nearby property, Mr. Martin will have an alternative access or some kind of accommodation. Mr. Martin said based on that, he is ok with the proposal. Commissioner Ehlers stated, for clarification, enforcement is done via the Zoning and Development Code regulations.

Vice-Chair Eslami asked if there was anyone else from the public who wishes to speak. With no responses, Vice-Chair Eslami closed the Public Comment portion of the hearing for this item.

#### COMMISSIONERS DISCUSSION

Commissioner Wade commented that at the last meeting, he felt CMU had not taken care of their responsibilities. He now feels that CMU has come forward and offered a solution that will satisfy the vast majority of the concerns. In addition, CMU has offered to increase communications with the Planning Commission and the nearby neighbors. For these reasons, Commissioner Wade stated that he is now in favor of the vacation request.

Commissioner Deppe stated that she is still not convinced that CMU is going to be the good neighbor that they say they are. Commissioner Deppe stated that she believes it is too early for this vacation. Commissioner Deppe commented that she would like to have CMU come to the Planning Commission with more information regarding what they are planning to do and answer questions. For these reasons, Commissioner Deppe is not in favor of the vacation request at this time.

Commissioner Tolle stated that he did not hear CMU mention any new efforts for communications with the citizens in the area and it appears everything is the same and for this reason, he cannot support the request. Commission Tolle commented that the fire chief had told the Commissioners that he had had conversations at great length with CMU, however, there was no new information brought up about it. Commissioner Tolle stated he basis his decision on the rights of the citizens, and he does not feel they have been appropriately addressed.

Commissioner Gaseos stated that he agreed with Commissioner Wade's comments. He too, had concerns about the maintenance issue surrounding last year's right-of-way vacations. Commissioner Gaseos commented that in his opinion, CMU has made a great effort with this proposal. Commissioner Gaseos stated that he too, is primarily concerned with the needs of the citizens, but recognizes that CMU needs to grow. Commissioner Gaseos noted that CMU has a pretty substantial investment to do things right, from a monetary standpoint, and hopes they continue to communicate with the citizens. Therefore, he is in favor of the vacation with the conditions that were presented by staff and the changes that were made since the last meeting.

Commissioner Ehlers stated that he feels it is important to define the Commissioners' role and make sure the planning standards are set as well as the conditions in which they are done. Commissioner Ehlers stated that basing a decision on trust and being good neighbors etc. would not be applied to a retail development and it is not correct to deny a request based on speculation that they would do something different than what they present. Commissioner Ehlers stated that when the Commission approves a right-of-way vacation request with a maintenance agreement, the enforcement of that agreement belongs to other entities within City government. Commissioner Ehlers stated that he is cautious of being punitive or leveraging approval based on something that they don't have the power to enforce and therefore feels that doing so, would not be appropriate in his role as a Planning Commissioner. Commissioner Ehlers noted that with this proposal everyone maintains access although there are inconveniences and CMU is trying to mitigate as they create an infill development and don't add to urban sprawl.

Commissioner Buschhorn thanked CMU for addressing the issues so quickly. Based on a vacation request from last year where it took almost a year to address Fire Department concerns, to see a turn-around in a month was impressive. Commissioner Buschhorn stated that he feels this is a step in the right direction and a step that needs to be taken. He stated he was in favor of the vacation request with the caveat that they will be observing how the agreement is honored and it could have an effect on how smoothly future vacation requests go.

Vice-Chair Eslami noted that staff and CMU had done a great job in creating a better understanding. Vice-Chair Eslami stated that the fact that the alleys have to remain open to the public as a condition of approval was why he was in favor of the vacation request.

Vice-Chair Eslami asked for a motion.

**MOTION:** (Commissioner Wade) "Mr. Chairman, on item VAC-2015-182, I move we forward a recommendation of conditional approval to the City Council on the request to vacate portions of rights-of-way of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenues and parts of adjacent alley rights-of-way with the findings, facts and conclusions and the amended conditions as stated in the staff report."

Commissioner Buschhorn seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-2 with Commissioners Tolle and Deppe voting against.

#### **General Discussion/Other Business**

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE VACATING PORTIONS OF THE CANNELL, BUNTING, KENNEDY,  
ELM, TEXAS, HALL AVENUES, AND ASSOCIATED ALLEY RIGHTS-OF-WAY AND  
RETAINING A UTILITY EASEMENT**

**LOCATED IN THE COLORADO MESA UNIVERSITY AREA**

**RECITALS:**

Colorado Mesa University has requested to vacate portions of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenue's and adjacent alley rights-of-way in order to enable the continued westward expansion efforts planned for the campus, specifically in the future to develop new residence halls, classroom buildings, parking lots and campus improvements.

The properties abutting the sections of right-of-way for which vacation is sought are owned by Colorado Mesa University. City staff does not expect that the proposed vacations would impede traffic, pedestrian movement or access to private property, however, driving lanes will be reduced. As a condition of approval, CMU will need to maintain a minimum 20' wide circulation drive (fire access lane) at the terminations of all vacated Avenue's (which the public could be able to utilize). CMU is not proposing to dedicate an Access Easement nor right-of-way or construct a sidewalk within the vacated areas, but the driving surface will be constructed/developed to meet City standards for fire access. The driving surface treatment proposed would be either recycled asphalt or left in its current state. However, as proposed by CMU, it will be at CMU's discretion on when these north/south, east/west connections would be closed or modified in the future, provided that all new fire access lanes are provided and constructed. Access and maneuverability of fire and other emergency equipment will be accommodated utilizing the extensive network of emergency lanes currently existing on the main campus of CMU.

With the vacations, the City of Grand Junction ("City") will retain a utility easement for the existing electric, gas, water, sewer and storm drain lines that are located within the existing rights-of-way of Cannell, Bunting, Kennedy, Elm, Texas, Hall Avenue's and associated alleys

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning and Development Code with the reservation of the utility easement as described within

this ordinance and the construction of a new 20' wide north/south, east/west circulation drive with retention of a utility easement over all of the rights-of-way being vacated for the existing utilities. Applicant is also required to meet all Grand Junction Fire Department requirements as identified within the City Staff Report.

The Planning Commission, having heard and considered the request at two public hearings, found the criteria of the Code to have been met, and recommends that the vacations be approved with the retention of a utility easement over all of the rights-of-way being vacated for the existing utilities and the construction of a minimum of a 20' wide north/south east/west circulation drives, that CMU meet all Grand Junction Fire Department requirements as identified within the Staff Report, and.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described dedicated rights-of-way is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. The reservation of utility easements are granted as Temporary Utility Easements as it is understood that the easements are needed for the utilities presently in the rights-of-way. It is expected that some utilities will be relocated or removed with the changes and improvements being made to the Colorado Mesa University campus. Colorado Mesa University will work with the City and the appropriate public utility agencies to determine the final location of the utilities and the relocation of the utilities. Once the utilities have been relocated or it is determined that the utility infrastructure need not be moved to the satisfaction of the City Manager or the City Manager's designee, Colorado Mesa University shall grant new permanent utility easements for the new locations as required by the City Manager. Upon the City's acceptance of a utility easement, the City Manager shall release all interests in the Temporary Utility Easements pursuant to Section 21.02.100 (d) (3) of the Grand Junction Zoning and Development Code that is no longer needed due to the grant of the new permanent utility easement.
3. With the vacation specific to this application, CMU has agreed to construct minimum 20' wide asphalt paved circulation drives (fire access lane), with adequate turning radius and allow usage of the circulation drives by the public, trash collection trucks and fire/ambulance vehicles and meet all requirements associated with the review and finalization of all outstanding items associated with the Right-of-Way vacation as identified with City file number VAC-2015-182.
4. With the vacation, CMU has agreed to meet all Grand Junction Fire Department requirements as identified within this application.

5. CMU has agreed to maintain the proposed parking lots to reduce dust. If constructed with anything other than asphalt paving, then magnesium chloride shall be applied as needed.

6. CMU has agreed that all entrance/exist ways of parking lots onto City right-of-way shall have a minimum 5' deep asphalt paved hard surface apron.

The following rights-of-way are shown on "Exhibits A, B, C D and E" as part of this vacation description.

Dedicated rights-of-way to be vacated:

### **VACATION AREA 1**

A Portion of Hall Avenue and Cannell Avenue Right-of-Way and associated Alleys as dedicated on the plat Mesa Subdivision as recorded at Reception Number 449854 of the Mesa County Records, situated in the Southeast Quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows: All of Cannell Avenue lying south of the north line of the south 91.00 feet of Lot 11, Block 2, Mesa Subdivision and north of the south line of the north 50.00 feet of Lot 13, Block 3, Mesa Subdivision. Also all of Hall Avenue lying east of the west line of the east 22.61 feet of Lot 14, Block 2, Mesa Subdivision and adjoining to the westerly Right-of-Way line of Cannell Avenue. Also all of an Alley Right-of-Way lying east of the west line of the south 91.00 feet of Lot 11, Block 2, Mesa Subdivision and adjoining to the westerly Right-of-Way line of Cannell Avenue. Also all of an Alley Right-of-Way lying east of the west line of Lot 10, Block 3, Mesa Subdivision and adjoining to the westerly Right-of-Way line of Cannell Avenue. Containing an area of 45,192 square feet (1.037 acres) more or less, as described herein and depicted on "EXHIBIT A."

Said vacated Rights-of-Way to be retained as a Utility Easement.

### **VACATION AREA 2**

A Portion of Cannell Avenue and Texas Avenue Road Right-of-Ways as dedicated on the plat Nelms Subdivision as recorded in Plat Book 6 Page 9 of the Mesa County Records, situated in the Southeast Quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows: All of Cannell Avenue lying north of previously vacated Right-of-Way recorded in the Mesa County records at Book 5596 Page 612 and south of the south Right-of-Way line of Mesa Avenue. Also all of Texas Avenue lying east of the west line of Lot 16 Nelms Subdivision and adjoining the west Right-of-Way line of Cannell Avenue. Containing an area of 35,250 square feet (.809 acres) more or less, as described herein and depicted on "EXHIBIT B."

Said vacated Rights-of-Way to be retained as a Utility Easement.

### **VACATION AREA 3**

A Portion of Alley Right-of-Way as dedicated on the plat Nelms Subdivision as recorded in Plat Book 6 Page 9 of the Mesa County Records, situated in the Southeast Quarter of section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows: All of an Alley lying east of the west line of the east 65.00 feet of Lot 12, Elm Avenue Subdivision as recorded in Plat Book 6 Page 1 of the Mesa County records and adjoining the west line of a previously vacated Right-of-Way recorded in the Mesa County records at Book 5596 Page 612.

Containing an area of 961 square feet (.022 acres) more or less, as described herein and depicted on "EXHIBIT C."

Said vacated Rights-of-Way to be retained as a Utility Easement.

### **VACATION AREA 4**

A Portion of Elm Avenue Right-of-Way as dedicated on the plat Elm Avenue Subdivision as recorded in Plat Book 6 Page 1 of the Mesa County Records, situated in the Southeast Quarter of section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows: All of Elm Avenue lying east of the west line of the east 65.00 feet of Lot 12, Elm Avenue Subdivision as recorded in Plat Book 6 Page 1 of the Mesa County records and adjoining the west line of a previously vacated Right-of-Way recorded in the Mesa County records at Book 5596 Page 612.

Containing an area of 2,306 square feet (.053 acres) more or less, as described herein and depicted on "EXHIBIT D."

Said vacated Rights-of-Way to be retained as a Utility Easement.

### **VACATION AREA 5**

A Portion of Kennedy Avenue, Cannell Avenue, Bunting Avenue and Alley Right-of-Ways as dedicated on the plat Rose Park Subdivision as recorded in Plat Book 7 Page 23 of the Mesa County Records, situated in the Southeast Quarter of section 11, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; being more particularly described as follows: All of Cannell Avenue lying south of previously vacated Right-of-Way recorded in the Mesa County records at Book 5596 Page 612 and north of the south line of Lot 9, Block 3, of the Rose Park Subdivision. Also all of Kennedy Avenue lying east of the west line of Lot 17, Block 2, of the Rose Park Subdivision and west of the west Right-of-Way line of Cannell Avenue.

Also all of an Alley lying east of the west line of Lot 17, Block 2, of the Rose Park Subdivision and west of the west Right-of-Way line of Cannell Avenue. Also all of



Bunting Avenue lying east of the west line of the east 32.00 feet of Lot 8, Block 3, of the Rose Park Subdivision and west of the west Right-of-Way line of Cannell Avenue. Containing an area of 42,778 square feet (.982 acres) more or less, as described herein and depicted on "EXHIBIT E."

Said vacated Rights-of-Way to be retained as a Utility Easement.

Introduced for first reading on this 15<sup>th</sup> day of July, 2015 and ordered published in pamphlet form.

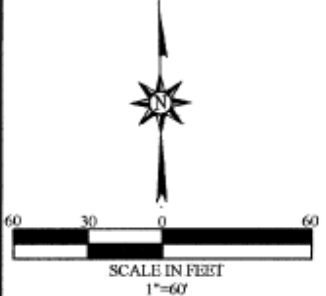
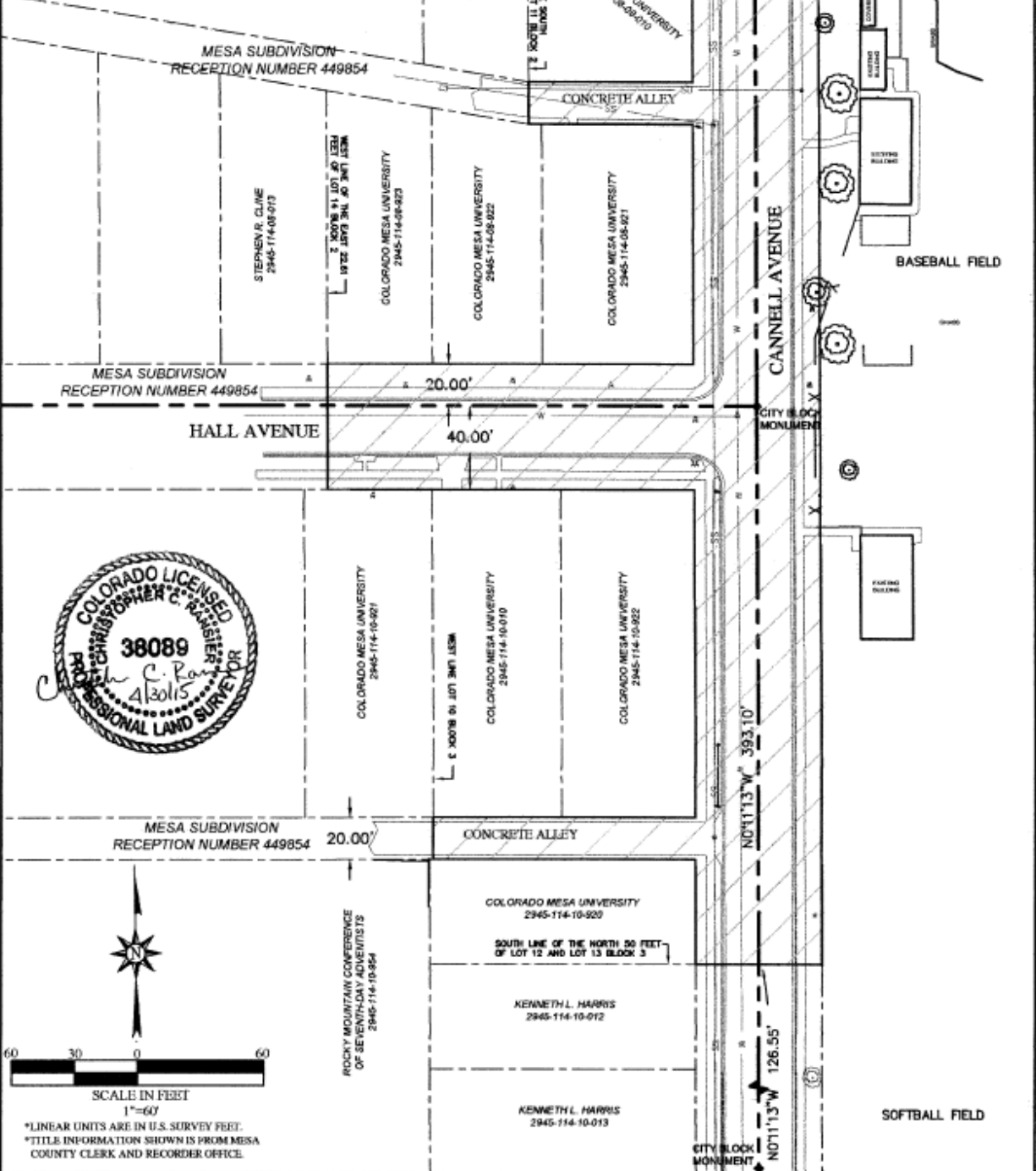
PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
President of City Council

\_\_\_\_\_  
City Clerk

EXHIBIT "A"  
 SOUTHEAST 1/4 OF SECTION 11,  
 T1S, R1W, UTE MERIDIAN,  
 IN THE CITY OF GRAND JUNCTION,  
 COUNTY OF MESA, STATE OF COLORADO

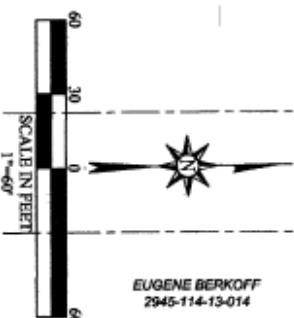
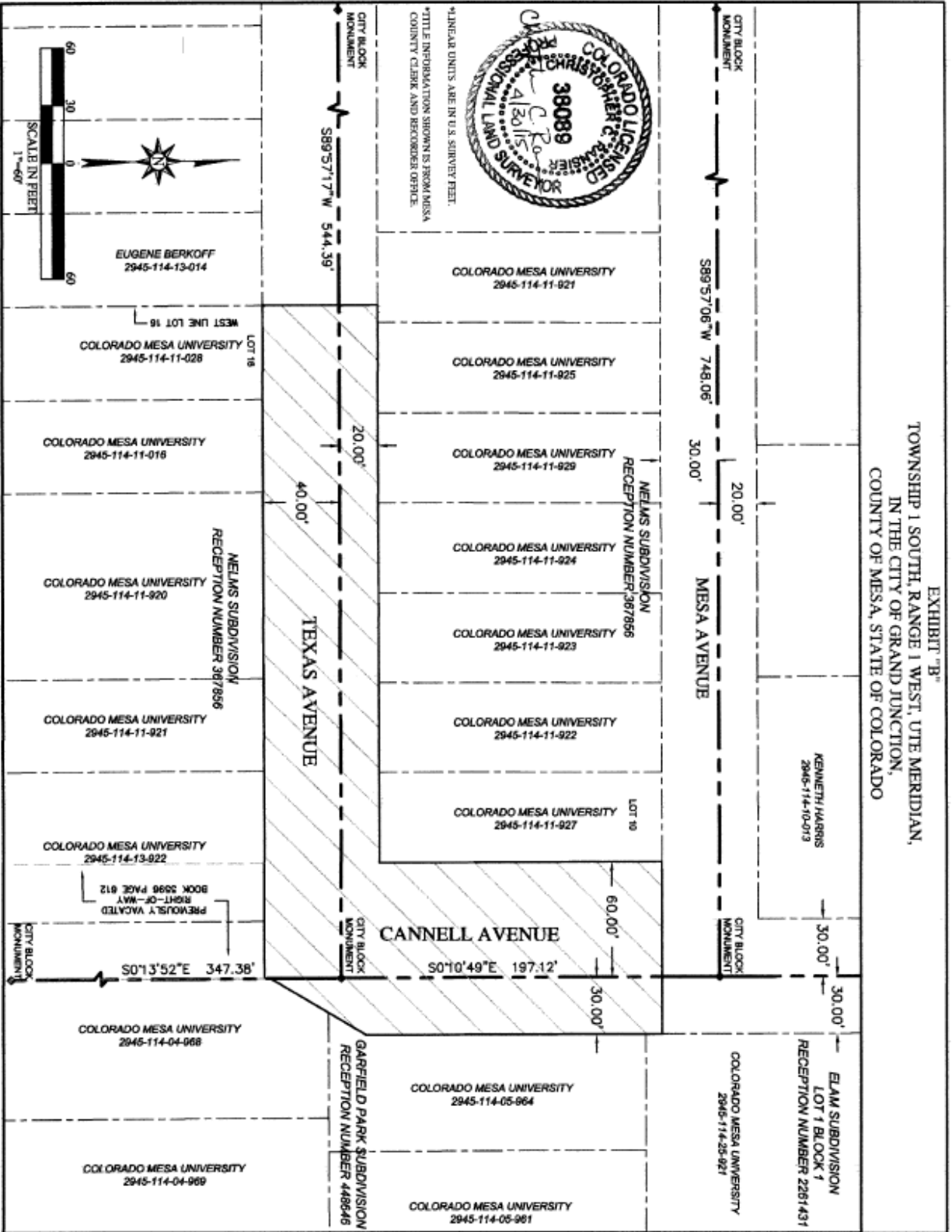


\*LINEAR UNITS ARE IN U.S. SURVEY FEET.  
 \*TITLE INFORMATION SHOWN IS FROM MESA COUNTY CLERK AND RECORDER OFFICE.

EXHIBIT "B"  
 TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,  
 IN THE CITY OF GRAND JUNCTION,  
 COUNTY OF MESA, STATE OF COLORADO



\*LINEAR UNITS ARE IN U.S. SURVEY FEET.  
 \*TITLE INFORMATION SHOWN IS FROM MESA COUNTY CLERK AND RECORDER OFFICE.



EUGENE BERKOFF  
 2945-114-13-014

LOT 18  
 WEST LINE LOT 18 33M  
 COLORADO MESA UNIVERSITY  
 2945-114-11-028

COLORADO MESA UNIVERSITY  
 2945-114-11-018

COLORADO MESA UNIVERSITY  
 2945-114-11-920

COLORADO MESA UNIVERSITY  
 2945-114-11-921

COLORADO MESA UNIVERSITY  
 2945-114-13-922

COLORADO MESA UNIVERSITY  
 2945-114-04-968

COLORADO MESA UNIVERSITY  
 2945-114-04-969

COLORADO MESA UNIVERSITY  
 2945-114-11-921

COLORADO MESA UNIVERSITY  
 2945-114-11-925

COLORADO MESA UNIVERSITY  
 2945-114-11-929

COLORADO MESA UNIVERSITY  
 2945-114-11-924

COLORADO MESA UNIVERSITY  
 2945-114-11-923

COLORADO MESA UNIVERSITY  
 2945-114-11-922

COLORADO MESA UNIVERSITY  
 2945-114-11-927

COLORADO MESA UNIVERSITY  
 2945-114-05-964

COLORADO MESA UNIVERSITY  
 2945-114-05-981

KENNETH HARRIS  
 2945-114-10-013

ELAM SUBDIVISION  
 LOT 1 BLOCK 1  
 RECEPTION NUMBER 2281431

COLORADO MESA UNIVERSITY  
 2945-114-25-921

TEXAS AVENUE

CANNEL AVENUE

MESA AVENUE

GARFIELD PARK SUBDIVISION  
 RECEPTION NUMBER 448646

NELMS SUBDIVISION  
 RECEPTION NUMBER 387856

CITY BLOCK MONUMENT  
 S89°57'17"W 544.39'

CITY BLOCK MONUMENT

CITY BLOCK MONUMENT  
 S89°57'06"W 748.06'

CITY BLOCK MONUMENT

20.00'

40.00'

60.00'

30.00'

20.00'

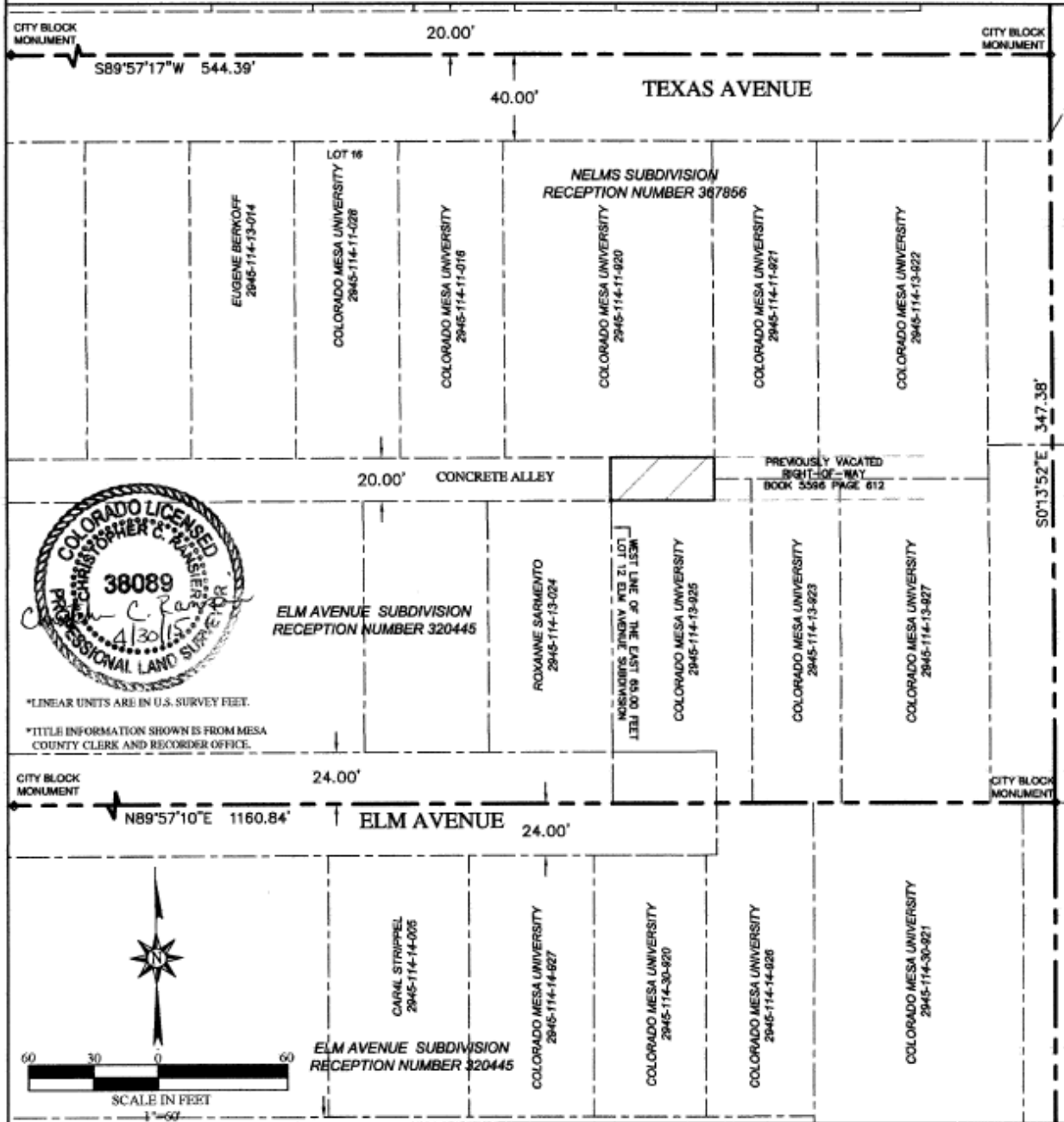
30.00'

30.00'

S0°13'52"E 347.38'

S0°10'49"E 197.12'

EXHIBIT "C"  
 TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,  
 IN THE CITY OF GRAND JUNCTION,  
 COUNTY OF MESA, STATE OF COLORADO



CITY BLOCK MONUMENT

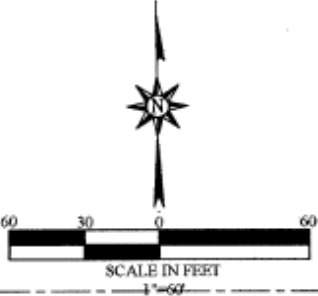
CITY BLOCK MONUMENT

CITY BLOCK MONUMENT

CITY BLOCK MONUMENT



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 \*TITLE INFORMATION SHOWN IS FROM MESA COUNTY CLERK AND RECORDER OFFICE.



S89°57'17"W 544.39'

20.00'

40.00'

TEXAS AVENUE

LOT 16

EUGENE BERKOFF  
2945-114-13-014

COLORADO MESA UNIVERSITY  
2945-114-11-028

COLORADO MESA UNIVERSITY  
2945-114-11-016

NELMS SUBDIVISION  
RECEPTION NUMBER 367856

COLORADO MESA UNIVERSITY  
2945-114-11-020

COLORADO MESA UNIVERSITY  
2945-114-11-021

COLORADO MESA UNIVERSITY  
2945-114-13-022

20.00'

CONCRETE ALLEY

PREVIOUSLY VACATED  
RIGHT-OF-WAY  
BOOK 5596 PAGE 612

ELM AVENUE SUBDIVISION  
RECEPTION NUMBER 320445

ROXANNE SARMIENTO  
2945-114-13-024

NO SHADOWS FROM NW 21 LOT  
13E1 00 59 15W 31E 40 31N L133M

COLORADO MESA UNIVERSITY  
2945-114-13-025

COLORADO MESA UNIVERSITY  
2945-114-13-023

COLORADO MESA UNIVERSITY  
2945-114-13-027

347.38'  
S01°3'52"E

24.00'

N89°57'10"E 1160.84'

ELM AVENUE

24.00'

CAROL STRIPPEL  
2945-114-14-005

COLORADO MESA UNIVERSITY  
2945-114-14-027

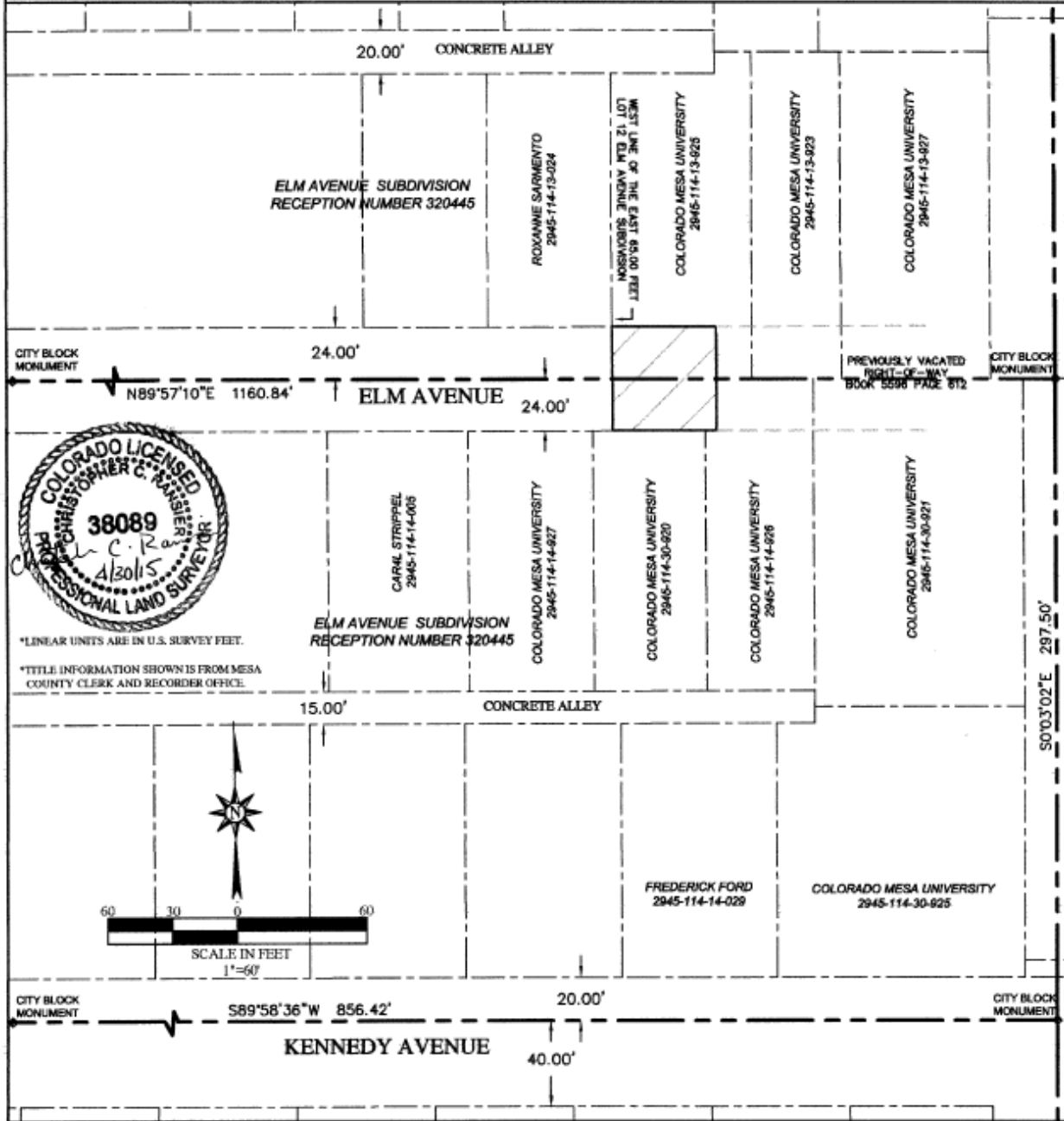
COLORADO MESA UNIVERSITY  
2945-114-30-020

COLORADO MESA UNIVERSITY  
2945-114-14-026

COLORADO MESA UNIVERSITY  
2945-114-30-021

ELM AVENUE SUBDIVISION  
RECEPTION NUMBER 320445

**EXHIBIT "D"**  
**TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,**  
**IN THE CITY OF GRAND JUNCTION,**  
**COUNTY OF MESA, STATE OF COLORADO**



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 \*TITLE INFORMATION SHOWN IS FROM MESA COUNTY CLERK AND RECORDER OFFICE.

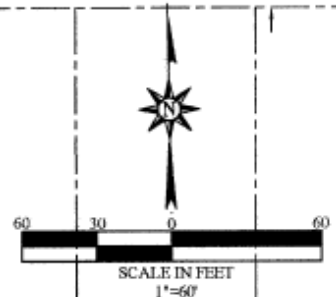
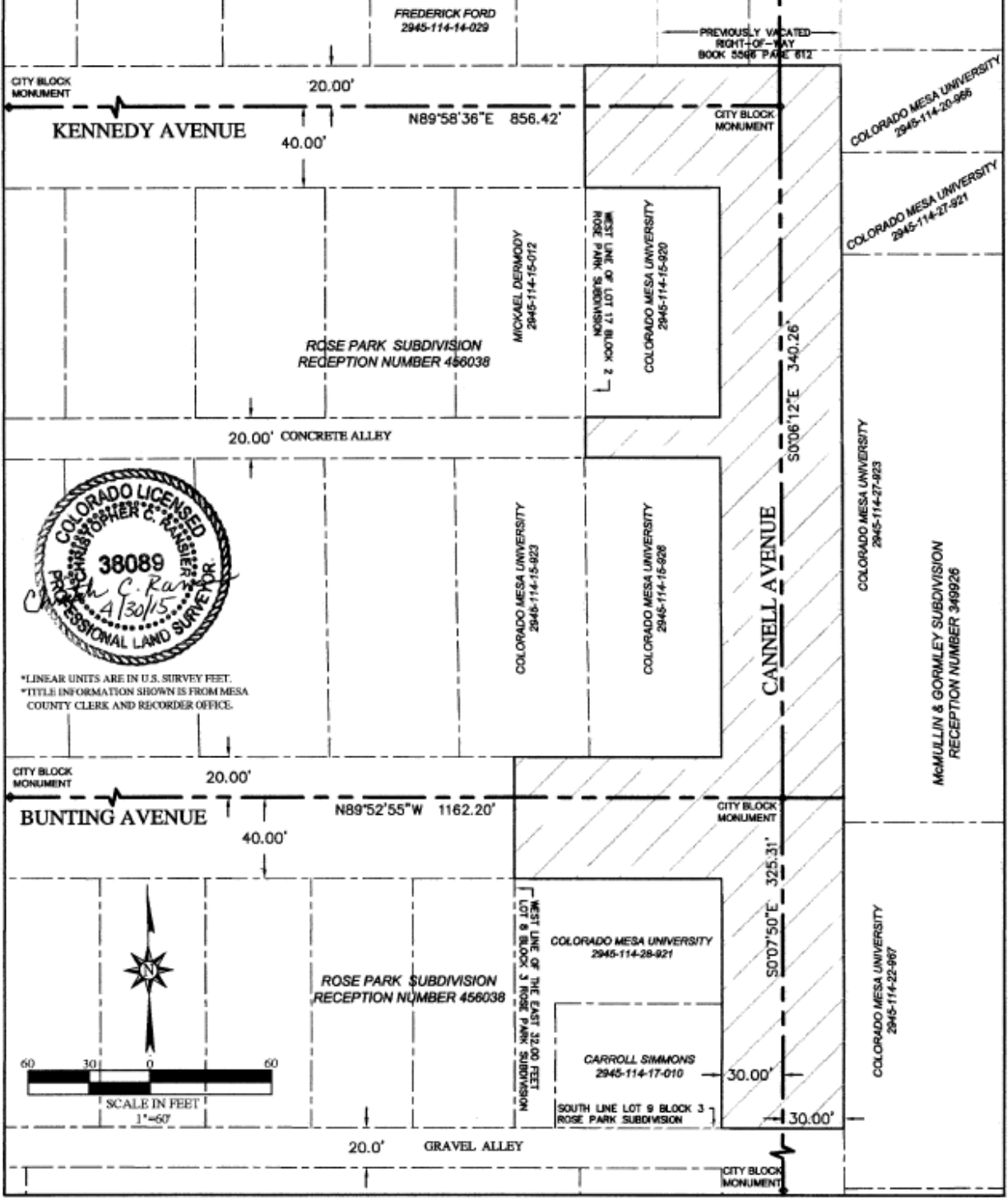
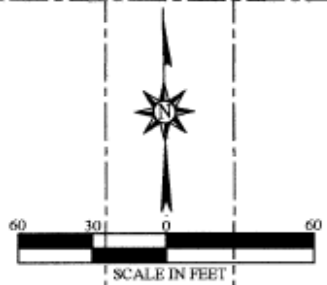


EXHIBIT "E"  
 TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN,  
 IN THE CITY OF GRAND JUNCTION,  
 COUNTY OF MESA, STATE OF COLORADO



\*LINEAR UNITS ARE IN U.S. SURVEY FEET.  
 \*TITLE INFORMATION SHOWN IS FROM MESA COUNTY CLERK AND RECORDER OFFICE.





Date: 7/14/15  
 Author: Jodi Romero  
 Title/ Phone Ext: Financial Operations  
Director  
 Proposed Schedule: July 15th, 2015  
 2nd Reading  
 (if applicable): August 5th, 2015

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> 2015 Third Supplemental Appropriation Ordinance-Colorado Mesa University
<b>Action Requested/Recommendation:</b> Adopt Ordinance on Final Passage and Order Final Publication of the Ordinance in Pamphlet Form
<b>Presenter(s) Name &amp; Title:</b> Jodi Romero, Financial Operations Director

**Executive Summary:**

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 2015 budget amendment for contribution to the Colorado Mesa University (CMU) Campus Expansion Project.

**Background, Analysis and Options:**

Supplemental appropriations are required to ensure adequate appropriations by fund. Capital projects that are budgeted and appropriated in a prior year but are not completed in that year, require the funds be re-appropriated in the next year in order to complete the project. Also if a new project or change of project scope is authorized by City Council a supplemental appropriation is also required for the legal authority to spend the funds.

This 2015 supplemental appropriation provides, upon passage of the ordinance, for the contribution of \$500,000 out of the General Fund to the CMU Campus Expansion Project.

**How this item relates to the Comprehensive Plan Goals and Policies:**

This action is needed to meet the Plan goals and policies.

**How this item relates to the Economic Development Plan:**

The appropriation ordinances provide the legal authority for the spending budget of the City. The budget supports and implements the City Council’s economic vision and in particular the roles of “providing infrastructure that fosters and supports private investment” as well as “investing in and developing public amenities.”

**Board or Committee Recommendation:**

None.

**Financial Impact/Budget:**

The supplemental appropriation ordinance is presented in order to ensure sufficient appropriation by fund to defray the necessary expenses of the City.

**Legal issues:**

The ordinance has been drawn, noticed, and reviewed in accordance with the Charter.

**Other issues:**

None known at this time.

**Previously presented or discussed:**

The CMU Campus Expansion contribution was discussed at the July 13<sup>th</sup>, 2015 City Council budget workshop at which time City Council directed staff to bring forward as an amendment to the 2015 Adopted Budget.

**Attachments:**

Proposed Supplemental Appropriation Ordinance for 2015 Budget



**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2015  
BUDGET OF THE CITY OF GRAND JUNCTION**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the following sums of money be appropriated from unappropriated fund balance and additional revenues to the funds indicated for the year ending December 31, 2015, to be expended from such funds as follows:

	<b>Fund Name</b>	<b>Fund #</b>	<b>Appropriation</b>
<b>General</b>		<b>100</b>	<b>\$ 500,000</b>

**INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM** this 15<sup>th</sup> day of July, 2015.

**TO BE PASSED AND ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM** this \_\_\_\_ day of \_\_\_\_\_, 2015.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk



Date: 7/14/15  
 Author: Jodi Romero  
 Title/ Phone Ext: Financial Operations  
Director  
 Proposed Schedule: July 15th, 2015  
 2nd Reading  
 (if applicable): August 5th, 2015

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> 2015 Second Supplemental Appropriation Ordinance
<b>Action Requested/Recommendation:</b> Adopt Ordinance on Final Passage and Order Final Publication of the Ordinance in Pamphlet Form
<b>Presenter(s) Name &amp; Title:</b> Jodi Romero, Financial Operations Director

**Executive Summary:**

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 2015 budget amendment for the implementation of wage adjustments in accordance with the City’s Class and Compensation Market Study.

**Background, Analysis and Options:**

Supplemental appropriations are required to ensure adequate appropriations by fund. Capital projects that are budgeted and appropriated in a prior year but are not completed in that year, require the funds be re-appropriated in the next year in order to complete the project. Also if a new project or change of project scope is authorized by City Council a supplemental appropriation is also required for the legal authority to spend the funds.

This 2015 supplemental appropriation provides, upon passage of the ordinance, for the General Fund 100 in the amount of \$416,000.

**How this item relates to the Comprehensive Plan Goals and Policies:**

This action is needed to meet the Plan goals and policies.

**How this item relates to the Economic Development Plan:**

The appropriation ordinances provide the legal authority for the spending budget of the City. The budget supports and implements the City Council’s economic vision and in particular the roles of “providing infrastructure that fosters and supports private investment” as well as “investing in and developing public amenities.”

**Board or Committee Recommendation:**

None.

**Financial Impact/Budget:**

The supplemental appropriation ordinance is presented in order to ensure sufficient appropriation by fund to defray the necessary expenses of the City.

**Legal issues:**

The ordinance has been drawn, noticed, and reviewed in accordance with the Charter.

**Other issues:**

None known at this time.

**Previously presented or discussed:**

The wage adjustments were discussed at the July 13<sup>th</sup>, 2015 City Council budget workshop at which time City Council directed staff to bring forward an amendment to the 2015 Adopted Budget.

**Attachments:**

Proposed Second Supplemental Appropriation Ordinance for 2015 Budget

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2015  
BUDGET OF THE CITY OF GRAND JUNCTION**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the following sums of money be appropriated from unappropriated fund balance and additional revenues to the funds indicated for the year ending December 31, 2015, to be expended from such funds as follows:

	<b>Fund Name</b>	<b>Fund #</b>	<b>Appropriation</b>
<b>General</b>		<b>100</b>	<b>\$ 416,000</b>

**INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM** this 15<sup>th</sup> day of July, 2015.

**TO BE PASSED AND ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM** this \_\_\_\_ day of \_\_\_\_\_, 2015.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk



Date: July 22, 2015  
 Author: Jim Finlayson  
 Title/ Phone Ext: Information Technology Director/1525  
 Proposed Schedule: August 5, 2015  
 Bid # (if applicable): RFP-4060-15-NJ

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Contract for Storage Area Network System Arrays
<b>Action Requested/Recommendation:</b> Authorize the Purchasing Division to Enter into a Contract with Sanity Solutions, Inc. for the Purchase of Storage Arrays in the Amount of \$99,766
<b>Presenter(s) Name &amp; Title:</b> Jim Finlayson, Information Technology Director Jay Valentine, Internal Services Manager

**Executive Summary:**

The Information Technology Division would like to enter into a contract with Sanity Solutions, Inc. for the purchase of three storage array systems, professional installation services, and related support and maintenance agreements for an amount of \$99,766. The new systems will replace two NexSan Storage arrays that have reached end of life with three new storage arrays with the specialized configurations needed to support three different computing environments.

**Background, Analysis and Options:**

Network Storage is a critical component of the City’s computer infrastructure. Because of the volume of data stored, the City uses a variety of enterprise class storage area network systems (SANS) with technology and speeds appropriate for the type of data stored. The two storage arrays being replaced through this procurement were purchased in 2009 and 2010 and have reached the end of their reliable and supported life cycles. Storing 40 Terabytes (40 TB) of data, the two systems provide storage for the City’s non-volatile production, test, forensic, and virtual desktop interface (VDI) environments.

The replacement systems will provide 95 Terabytes (95 TB) worth of data storage with expansion capabilities that should last for at least five years. As part of the purchase, the storage arrays will be reconfigured to better handle the needs of the environments they will support and provide better protection and reliability for each environment.

A formal Request for Proposal was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City’s Purchasing website, and advertised in The Daily Sentinel. Seven companies submitted formal proposals, which were found to be responsive and responsible. Those companies were:

<b>FIRM</b>	<b>LOCATION</b>
Davenport Group	St. Paul, MN
Glasshouse Systems	Monument, CO
Venture Technology	Englewood, CO
PEI Inc,	Boulder, CO
Sanity Solutions	Denver, CO
Advanced System Group	Thornton, CO
CDW Government LLC	Vernan Hills, IL

After careful evaluation of the proposals received, Sanity Solutions Inc. was selected as the preferred proposer. The selected proposal has a proven track record, met all of the storage requirements, was within budget, and was less expensive from a total cost, cost per TB, and ongoing costs than the other finalists.

**How this item relates to the Comprehensive Plan Goals and Policies:**

**Goal 11:** Public facilities and services for our citizens will be a priority in planning for growth.

Policy A: The City will plan for the locations and construct new public facilities to serve the public health, safety and welfare, and to meet the needs of existing and future growth.

The proper storage and management of the data stored on the new systems is critical to the operations of the City.

**How this item relates to the Economic Development Plan:**

**Goal:** Support and facilitate access and expansion of important technological infrastructure in the City.

The data stored on the SANS storage arrays includes aerial photos and other data used for the City’s Geographical Information System (GIS). GIS provides critical infrastructure information for all of the City’s operations and key information used to support the Economic Development Plan.

**Board or Committee Recommendation:**

Information Technology equipment replacement purchases are reviewed as part of the annual budget development process.

**Financial Impact/Budget:**

Funds for this project are budgeted for 2015 in the Information Technology Equipment Replacement budget.

**Legal issues:**

If approved, the form of the agreement will be reviewed and approved by the City Attorney.

**Other issues:**

No other issues have been identified at this time.

**Previously presented or discussed:**

None.

**Attachments:**

None.